

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting & Public Hearing
March 24, 2016**

Board members present at commencement: Blayne Stansberry, Craig Smith, Bob Larsen, Mary Stone and Blake Dorsett. Staff present: John Dupnik, Vanessa Escobar, Dana Wilson, Robin Gary, Brian Smith, Brian Hunt, Kendall Bell Enders, Justin Camp, Stephen Davis and Tammy Raymond. Bill Dugat of Bickerstaff, Heath, Delgado, Acosta also participated in the meeting. Also present were those on the attached sign-in sheet. These minutes represent a summarized version of the meeting; the complete discussion of the following items is recorded digitally.

1. Call to Order.

Ms. Stansberry called the meeting to order at 6:01 p.m., noting that a quorum of the Board was present.

2. Citizen Communications (Public Comments).

There were no public comments of a general nature.

3. Routine Business.

- a. **Consent Agenda** Note: These items may be considered and approved as one motion. Directors or citizens may request any consent item be removed from the consent agenda, for consideration and possible approval as an item of Regular Business.

1. **Approval of Financial Reports under the Public Funds Investment Act, Directors' Compensation Claims, and Specified Expenditures greater than \$5,000.**
2. **Approval of minutes of the Board's February 25, 2016 Regular Meeting and March 1, 2016 Work Session and Special-called Meeting.**
3. **Approval of the effectiveness of Directors' communications with stakeholders and constituents for the 2nd Quarter FY 2016 (December - February) per the collective judgment of the Board, as required by the District's Management Plan.**

Mr. Smith moved approval of Items 3a. 1 through 3, noting an invoice from Bickerstaff in the amount of \$10,356.45.

Dr. Larsen seconded the motion and it passed with a vote of 4 to 0. Mr. Dorsett abstained.

3. Routine Business.

- b. **General Manager's Report.** *(Note: Topics discussed in the General Manager's Report are intended for general administrative and operational information-transfer purposes. The Directors will not take any action unless the topic is specifically listed elsewhere in this agenda.)*

1. Standing Topics.

- i. Personnel matters and utilization
- ii. Upcoming public events of possible interest
- iii. Aquifer conditions and status of drought indicators

2. **Special Topics.** *(Note: Individual topics listed below may be discussed by the Board in this meeting, but no action will be taken unless a topic is specifically posted elsewhere in this agenda as an item for possible action. A Director may request an individual topic that is presented only under this agenda item be placed on the posted agenda of some future meeting for Board discussion and possible action.)*

- i. **Review of Status Update Report – at directors' discretion**
- ii. **Update on activities related to GMA and regional water planning**
- iii. **Update on regulatory and enforcement activities**
- iv. **Update on current Aquifer Science Team projects**
- v. **Update on ongoing District grant projects**
- vi. **Update on the activities related to the SH 45 SW roadway project**
- vii. **Update on activities related to the HCP and the associated draft EIS**

Mr. Dupnik and staff updated the Board and answered Director's questions on the items listed above.

4. Public Hearing (6:15)

The Board will hold a Public Hearing on proposed revisions to the District Rules and Bylaws related generally to: the definitions, permit process and applications, HB 3405 process for Temporary and Regular Permits for existing wells in the Shared Territory, action on permits, permit amendments, permit conditions and requirements, modification of permits, conservation-oriented rates structure, notice and hearing process, well construction standards, notice requirements, transport, well monitoring, mitigation, aquifer testing, test wells, unreasonable impacts, and other general administrative clarifications and corrections.

Ms. Stansberry opened the Public Hearing at 6:15 p.m.

Mr. Dupnik gave a brief overview of the proposed rule revisions.

Ms. Stansberry called the following citizens who signed up to speak:

Eddie McCarthy – Representing EP
Bart Fletcher - Representing EP
Kelly Davis – Representing Save our Springs Alliance
Vanessa Puig-Williams – Representing TESP
Mike Rutherford – Representing himself and his family

Dr. Larsen stated that he was extremely uncomfortable with rendering a decision on the proposed rules at this meeting. He explained that he has not had time to absorb all of the written comments that were received. He said that since we received comments both for and against the rules, that we need to find common ground between the two extremes.

Ms. Stansberry closed the Public Hearing at 6:52 p.m.

5. Discussion and Possible Action.

5a. Discussion and possible action related to approving some or all of the proposed revisions to the District Rules and Bylaws presented in the public hearing.

Dr. Larsen asked what kind of calendar we have on this.

Mr. Dupnik answered that the objective was to have rules in place before the Board took action on the Temporary Permits that are being converted to regular permits. He went on to say that most of the permits would not be affected by the revisions because they are small.

Mr. Smith agreed that it would be appropriate to defer action until the next meeting and to consult with our attorney.

Dr. Larsen stated that there were good points on both sides and feels like a Work Session and meetings with stakeholders is needed. He also suggested that our lobbyist might shed some light on the bill as written.

Mr. Dupnik stated that comments were received just before close of business the day before, and that staff has not fully vetted the comments with our attorney, therefore; we recommend that the Board return this item to the next agenda. He said that by the next meeting on April 14th staff will have fully vetted the comments, and will provide recommendations and any suggested revisions as merited.

Mr. Smith moved to return this item to the agenda of our next Board meeting on April 14th.

Ms. Stone seconded the motion.

Dr. Larsen asked for a friendly amendment to have staff meet with the stakeholders to get further clarification. Mr. Dupnik offered that staff and the District's attorney could further vet the comments to focus in on any specific comments of merit and then meet with individual commenters as necessary. Ms. Stansberry suggested that staff meet with stakeholders individually or collectively as necessary.

Mr. Smith and Ms. Stone agreed to the friendly amendment.

Ms Stansberry called for a vote, and the motion passed unanimously with a vote of 5 to 0.

5b. Discussion and possible action related to approval of revisions to the District's guidance document, *Guidelines for Hydrogeologic Reports and Aquifer Testing*.

Mr. Dupnik explained that the rules and the guidelines are presented as a package, the rules refer to the guidelines and the guidelines incorporate some of the same language as the rules. He stated that staff recommends returning this item to the next agenda.

Mr. Smith moved to return this item to the next agenda.

Ms. Stone seconded the motion and it passed unanimously with a vote of 5 to 0.

5c. Presentation, discussion, and possible action related to receipt and approval of the FY 2015 Annual Financial Audit report by the District's financial auditor.

Mr. Montemayor of Britton Bender PC gave an overview of the audit performed by his company. He stated that there were no deficiencies found and had no difficulties performing the audit. He stated that a clean opinion was given on the financial statements, and that we were in the top 10% of his clients in regard to responsiveness. He thanked Ms. Wilson and Mr. Dupnik.

After discussion, Mr. Smith moved to accept the audit report as presented.

Dr. Larsen seconded the motion and it passed unanimously with a vote of 5 to 0.

5d. Discussion and possible action related to setting a policy for open and concealed carry of handguns on District property.

Ms. Stansberry stated that she felt like open carry was obnoxious and intimidating and would like to see that prohibited.

Mr. Dorset made a motion that during our Board meetings to adopt a 30.07 rule, which states that you cannot openly carry a firearm during our Board meetings, but to continue to allow concealed carry of a firearm.

Mr. Smith seconded the motion.

Ms. Stansberry asked for discussion.

Dr. Larsen stated that he was against any weapons in a Board room at any time whether concealed or open.

Mr. Smith explained that he seconded the motion because we would not be aware if someone was carrying a concealed weapon.

Ms. Stansberry called for a vote on the motion to prohibit open carry at Board meetings but to allow concealed carry.

The motion passed with a vote of 4 to 1. Dr. Larsen voted nay.

6. Directors' Reports. *(Note: Directors' comments under this item cannot address an agenda item posted elsewhere on this agenda and no substantive discussion among the Board Members or action will be allowed in this meeting. Communications reported under this item may be used to support Performance Standard 4-1 of the District's Management Plan related to demonstration of effective communication with District constituents.)*

Directors may report on their involvement in activities and dialogue that are of likely interest to the Board, in one or more of the following topical areas:

- Meetings and conferences attended or that will be attended;
- Conversations with public officials, permittees, stakeholders, and other constituents;
- Commendations; and
- Issues or problems of concern.

Mr. Dorsett reported the following:

Attended Creedmoor Maha meetings on the SWIFT project
Met with FEMA on the flood issue

Mr. Smith reported the following:

Attended the RWQPP meeting
Attended the Groundwater Stewardship Awards Luncheon

Ms. Stansberry reported the following:

Attended the Groundwater Stewardship Awards Luncheon
Attended a meeting on redistricting

Dr. Larsen reported the following:

Met with John Dupnik, representatives of the HOA, and the City of Austin Task Force on flood

Ms. Stone reported the following:

Attended the Groundwater Stewardship Awards Luncheon
Attended the Ruby Ranch WSC meeting on Dripping Springs wastewater

7. Adjournment.

Without objection, Ms. Stansberry adjourned the meeting at 8:22 p.m.

Approved by the Board on April 14, 2016:

By: Blayne Stansberry
Blayne Stansberry, President

Attest: Blake Dorsett
Blake Dorsett, Secretary