

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting
April 26, 2012**

Board members present at commencement: Gary Franklin, Jack Goodman, Craig Smith and Bob Larsen. Mary Stone arrived at 6:44 p.m. Staff present: Kirk Holland, Brian Smith, Dana Wilson, Robin Gary and Tammy Raymond. 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.

Mr. Franklin, presiding until Ms. Stone's arrival, called the meeting to order at 6:03 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 from the Board's April 12, 2012, Regular Meeting.

Mr. Smith moved approval of the consent agenda as presented.

Mr. Goodman seconded the motion and it passed with a vote of 4 to 0.

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 on them in this meeting, unless the topic is specifically listed elsewhere in this as-posted agenda.

1. Standing Topics

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

Mr. Holland updated the Board on the Standing Topics.

- 2. Discussion related to current staff work areas and specific activities of staff teams and directors. 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 discussions concerning preparing a “white paper” on development of alternative water supplies within the District.**
 - iii. Update on discussions with new property owner concerning the well on property formerly controlled by non-compliant permittee Don’s Grass**

Mr. Holland and staff updated the Board and answered directors’ questions on the teams’ activities concerning the items listed above.

3. Routine Business.

c. Directors’ Reports. Note: Board Member comments in this part of the agenda cannot address any aspect of an agenda item posted elsewhere on this agenda, and no substantive discussion among the Board Members or action by the Board on these comments will be allowed in this meeting.

Individual Board Members may, on a voluntary basis, make a brief report to the entire Board on their personal involvement in activities and dialogue that are of likely interest to the rest of 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, other stakeholders, and private citizens;**
- Kudos and recognition of people doing good things for groundwater management in the District;**
- Concerns about specific issues or problems for groundwater management in the District.**

Bob Larsen, Gary Franklin, and Craig Smith gave reports.

4. Regular Business: Board Discussion and Possible Actions.

4c. Discussion and possible action related to approving negotiated master services (task-order) contracts between the District and the following contractors: Laura Raun dba Laura Raun Public Relations; Victor Raymond dba Victory Maintenance; AMEC; Alan Plummer Associates, Inc.; Hicks & Company, Inc.; Raymond M Slade, PH; Mustafa Saribudak, Environmental Geophysics Associates; and Southwest Engineers, Inc.

After discussion, Dr. Larsen moved to approve the master services contracts with the following: Laura Raun dba Laura Ran Public Relations; Victor Raymond dba Victory Maintenance; AMEC; Alan Plummer Associates, Inc.; Hicks & Company, Inc.; Raymond M Slade, PH; Mustafa Saribudak, Environmental Geophysics Associates; and Southwest Engineers, Inc.

Mr. Smith seconded the motion and it passed with a vote of 4 to 0.

4d. Discussion and possible action related to enforcement action against Aqua Texas for prior UDCP non-compliance.

Mr. Holland stated that the staff recommendation is to terminate the District's authorized pre-enforcement pursuit of prior UDCP violations by Aqua Texas that the Board had previously directed, including following-up on Aqua Texas's prior commitments that have meaning or can be assessed only during drought. Further, staff recommends that the District adopt a policy that applies this instruction more generally.

After discussion, Dr. Larsen moved to adopt a policy that unless otherwise directed by the Board, upon emergence from declared drought staff will not continue to pursue authorized and/or usual regulatory enforcement-related actions or Permittee commitments made in response to drought-time UDCP violations, provided that the Board has not yet issued a Notice of Alleged Violation or taken other formal enforcement action in the matter, in which latter circumstance the disposition of the non-compliance resides with the Board.

Mr. Smith seconded the motion and it passed with a vote of 4 to 0.

Ms. Stone arrived at 6:44 p.m. and presided over the remainder of the meeting.

4a. Discussion and possible action related to selecting the winners of the Kent S Butler Memorial college scholarship essay contest and summer aquifer-camp scholarships.

The Board drew ballots to select 9 winners of scholarships to the 5-day summer aquatic sciences camp, and 11 winners to the 2-day summer aquatic sciences camp.

Mr. Smith moved to award the camp scholarships as selected by the Board.

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

Mr. Franklin moved to award the Kent S Butler Memorial College Scholarship to Ms. Sara Wofford for her essay titled "Adapting Groundwater Management Policies," and that the Board ask Dr. Butler's family to join with the with the Board in presenting this award in the next Board meeting.

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

4b. Discussion and possible action on directing staff to prepare a conceptual plan for rulemaking in response to the work session on strategies to close the gap between the District's EDWL and applicable MAG.

After discussion, Mr. Smith moved to direct staff to notify the Stakeholder Advisory Committee of the two week period for additional, written comments, and then to finalize its recommendations for closing the gap between our EDWL and the MAG in a form suitable for initiating rulemaking, to be reported for possible action by the Board in a subsequent Board meeting.

Mr. Franklin seconded the motion and it passed with a vote of 5 to 0.

Mr. Smith moved to direct staff to assess the efficacy of additional actions the District can make to develop alternative water supplies in the area and to develop a possible stakeholder process for further consideration of such actions, for deliberation and possible action by the Board in a future Board meeting.

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

4d. Presentation, discussion and possible action related to prospective enforcement actions concerning the drilling and use of an unauthorized Middle Trinity well within the District's jurisdiction by the Golf Club at Circle C.

Mr. Holland stated that staff recommended that additional fact-finding be done concerning the circumstances of how the Trinity well within the District for the Golf Club at Circle C was installed, where it was and how it was installed, before director involvement in pre-enforcement or enforcement discussions, if and as warranted.

The Board agreed with the staff's recommendation, but took no formal action.

4f. Discussion and possible action related to setting the District's legislative agenda for the 83rd Regular Session of the Texas Legislature and establishing liaisons with legislative contacts on behalf of the District.

The Board set a Work Session to discuss legislative initiatives on Monday, May 14, 2012, beginning at 6:30 p.m. at the District office..

5. Adjournment.

Without objection, Ms. Stone adjourned the meeting at 7:35 p.m.

Approved by the Board on May 10, 2012:

By: Mary Stone
Mary Stone, President

Attest: Craig Smith
Craig Smith, Secretary