

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting
October 25, 2012**

Board members present at commencement: Gary Franklin, Jack Goodman, and Craig Smith. Mary Stone and Bob Larsen were absent. Staff present: Kirk Holland, John Dupnik, Dana Wilson, Brian Smith, Brian Hunt, Kendall Bell-Enders, 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 in Ms. Stone's absence, 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 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 up to \$7500 in capital expenditures for interior office renovations.**
3. **Approval of minutes from the Board's October 11, 2012, Regular Meeting and Public Hearing.**
4. **Approval of the staff selection for the recipient of the annual Permittee of the Year Award.**
5. **Approval to extend the times of office closing over the holidays.**
6. **Approval of the staff's individual incentive compensation projects for FY 2013.**

7. Validation of rule language reflecting the final set of Board-requested changes before the Rule Amendments were adopted on October 11, 2012.

After explanation of several of the items on the Consent Agenda by Mr. Holland, Mr. Smith moved approval of the consent agenda as stated, noting an invoice from Bickerstaff in the amount of \$6470.54, up to \$6000 in capital expenditures for interior office renovations, Village of San Leanna as Permittee of the Year, closing the office on December 27th and 28th, and validating the language reflecting the Board-required changes to the Rules that were part of the prior adoption.

Mr. Goodman seconded the motion and it passed with a vote of 3 to 0.

3.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.**

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 GMA 9 and GMA 10 activities.**
- iii. Update on the Austin Court of Appeals decision in *SOS Alliance v. City of Kyle, Goodman et al., and the Barton Springs/Edwards Aquifer Conservation District.***

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

3.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.**

Mr. Franklin gave a report.

4. Board Discussion and Possible Action.

4a. Discussion and possible action on assessing the status of drought triggers and declaring a Stage II-Alarm Drought.

Mr. Holland stated that the monitor wells continue to decline but that aquifer conditions are still above their drought trigger levels. He said that Stage II Alarm drought would likely be able to be declared by the Board in the November 15th Board meeting.

No action was taken.

4b. Discussion and possible action related to applications submitted by Noel Kelly for two new Edwards NDU wells proposed to serve as shared multi-user wells providing for domestic use on four lots in Kellywood Estates, including whether they should be considered an NDU well or wells requiring a production permit.

Mr. Dupnik explained that an application was previously filed and Board-approved as an NDU well in the Middle Trinity Aquifer but the permit application expired before the well was drilled. The applicants have filed a new application for two Edwards wells serving two lots each. Staff would like Board direction on whether the request should be authorized under the NDU permit-by-rule or permitted under an individual permit which would be subject to public notice, possibly a public hearing, and possibly Board action for approval. He went on to say that since this item was posted on our agenda, the staff have received phone calls and emails with innuendos about the property. He said that staff recommends postponing the item until the next Board meeting until hearsay is sorted out.

After discussion, Mr. Smith moved to postpone action because the applicant was not present to respond to questions from the Board.

Mr. Goodman seconded the motion and it passed with a vote of 3 to 0.

4c. Update, discussion and possible action related to pursuit of the District's legislative agenda and to other legislative initiatives that potentially could affect the District.

Mr. Holland updated the Board on legislative initiatives taken for the upcoming legislative session.

No action was taken.

4d. Discussion and possible action related to the proposed TWC Ch. 356 rules of the Texas Water Development Board and providing District comments on those proposed rules if warranted.

Mr. Holland informed the Board that after staff analysis, the TWDB's proposed Ch. 356 rules did not appear to warrant further official comment by BSEACD as part of the rulemaking; therefore, no Board approval of written comments was required.

No action was taken.

4e. Discussion and possible action related to the November 6, 2012, director elections including: approval of joint election agreements and election services contracts with Hays, Caldwell and Travis Counties; approval of election day polling places; approval of locations, dates and times of early voting; ratification of Board President's actions on election matters, adopting orders or amendments to prior Board orders in connection with the election; and, any other action necessary for the November 6, 2012, director elections.


Mr. Holland stated that notices of polling places were published in Travis, Hays, and Caldwell county papers, and that no Board action was needed.


No action was taken.

5. Adjournment.

Without objection, Mr. Franklin adjourned the meeting at 7:05 p.m.

Approved by the Board on November 15, 2012:

By: 
Mary Stone, President

Attest: 
Craig Smith, Secretary