

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting and Public Hearing
January 12, 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, Brian Smith, and Tammy Raymond. Bill Dugat of Bickerstaff 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.

Vice-President Franklin, presiding in Ms. Stone's absence, called the meeting to order at 6:00 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.

4. Briefing (6:05 pm).

Representatives of the Clean Water Fund will brief the Board on the results of the door-to-door canvassing project conducted in August and September 2011, and on recommendations for further canvassing.

Mr. Dave Foster of Clean Water Fund briefed the Board on the door to door canvass in August and September of last year for raising awareness of the importance of water conservation practices. He noted it was a very successful campaign in that they exceeded the goals of number of households visited (1322 vs. 1000), contacts made (743 vs. 700), signatures (521 vs. 400), flyers distributed (1141 vs. 1000), and email addresses added to the Friends of the Aquifers list (451 vs 375). He also mentioned that SBCA had contracted with them separately to extend the campaign to other houses in the targeted neighborhoods and others, both in and outside the District, roughly doubling the achieved results.

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 December 15, 2011, Regular Meeting and Work Session.

Mr. Goodman moved approval of the consent agenda, noting an invoice from Bickerstaff in the amount of \$10,476.14.

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

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 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. **Special Topics.** 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. **Update on recent team and director activities.**
- ii. **Update on recent permitting and non-drought regulatory activities.**
- iii. **Update on the activities of GMA 9 and 10, and on the proposed changes in the boundaries between them.**
- iv. **Update on the upcoming Stakeholder Advisory Committee meeting and work session with the Board, scheduled for late January 2012.**

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

5. Public Hearing (6:30 pm).

The Board will hold a hearing in which representative(s) of permittee Don Farmer, d/b/a Don's Grass, will show cause why it should not be subject to enforcement proceedings under District rules for failure to timely install a water meter on the

permitted well and failure to report monthly water withdrawals from that well in the Middle Trinity Aquifer, located at 6240 West Hwy 290, Austin, Texas.

Mr. Smith moved that the Board had no objection to Mr. Franklin presiding over the show-cause Public Hearing in Ms. Stone's absence.

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

Mr. Franklin opened the show-cause Public Hearing at 6:47 p.m.

Staff informed the Board that no one from Don's Grass would be able to attend the hearing.

The staff introduced 9 exhibits documenting the violations by Don's Grass and the lack of substantive response with the permittee. The staff summarized a revised timeline of relevant events, statements, and actions by the respondent permittee, which was based, in part, on new information provided that same afternoon, and discussed the range of responses and optional recommendations for the Board's consideration.

After discussion, Mr. Franklin accepted the exhibits and closed the show-cause Public Hearing at 7:38 p.m.

6. Regular Business: Board Discussion and Possible Actions.

6a. Discussion and possible action related to authorizing enforcement actions against permittee Don Farmer d/b/a Don's Grass, for continued non-compliance with District Rules related to installing a water meter and reporting monthly water use from a Middle Trinity Aquifer well located at 6240 West Hwy 290, Austin, TX.

After a lengthy discussion, Mr. Smith moved to adopt a final Enforcement Order against Don Farmer DBA Don's Grass, to order compliance with four staff-recommended requirements for continued use of the well and to impose a fine of \$12,150 for corroborated violations of District Rules, or, in lieu of that cash-based fine, provide the District with an easement for permanent access and use of the well for monitoring purposes. They would be able to use the well, after the current drought ends, if they are in compliance with all of the District rules.

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

6b. Discussion and possible action related to revising the standard Routine Business Agenda in future Board meetings to incorporate, at individual director's behest and discretion, Board Member Reports for general information transfer in certain prescribed topical areas and not for Board action.

After discussion, Mr. Goodman moved to approve modifying the District's standard Routine Business Agenda in future meetings to include Directors' Reports, as stipulated in the model language shown in the backup.

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

6c. Discussion and possible action related to the compliance by District permittees with their User Drought Contingency Plans and compliance of all groundwater users with District Rules, including the status and initiation of enforcement actions, as warranted.

Mr. Dupnik updated the Board on the compliance of the District permittees.

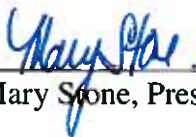
Mr. Smith moved to direct staff to contact Aqua Texas for a second enforcement meeting and to hold that meeting within one month, but to also prepare a Notice of Alleged Violation in the event such a second enforcement meeting was not timely held.

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

7. Adjournment.

Without objection, Mr. Franklin adjourned the meeting at 8:15 p.m.

Approved by the Board:

By: 
Mary Stone, President

Attest: 
Craig Smith, Secretary