

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

Board members present at commencement: Mary Stone, Gary Franklin, Bob Larsen, and Jack Goodman; Craig Smith arrived a few minutes later. Staff present: Kirk Holland, John Dupnik, Brian Smith, Dana Wilson 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.

Ms. Stone 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.

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 January 12, 2012, Regular Meeting and Public Hearing.
 3. Approval of use of up to \$5000 of the Capital Fund for office space improvements, primarily related to providing a separate suitable conference and Board caucus room.
 4. Approval of including reimbursement of Medicare premiums in addition to Blue Cross/Blue Shield health insurance coverage, as one staff member recently became eligible for Medicare coverage.
 5. Approval of accompanying YTD Financial Reports and directing staff to prepare a revised FY 2012 Budget.

Mr. Smith arrived at 6:04 p.m.

Mr. Holland recommended returning item 3.a.5 to a March Board meeting, to consider the results of the first half of FY2012 and to incorporate auditor adjustments, which have not yet been received.

Mr. Goodman moved approval of consent agenda items 3.a. 1 through 4 noting an invoice from Hicks & Company in the amount of \$5,507.50

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

Briefing (6:05 PM.)

A representative of the Texas Department of Transportation will brief the Board on the current options under consideration for SH 45 SW and implications for their compliance with the provisions of the Consent Decree between the District and TxDOT.

Mr. Don Nyland, South Travis Area Engineer for TxDOT's Austin District, supported by Mr. Richard O'Connor of TxDOT's General Counsel office, gave the Board a brief summary of developments concerning SH 45 SW, TxDOT's continuing work, and their interfaces with Travis and Hays Counties and the possibility of a two-lane county road rather than a six-lane, divided state highway.

The Board and General Manager asked a number of questions, elucidating that if the counties take over, the District and TxDOT will likely have to amend the federal Consent Decree, and the Consent Decree protections will have to be established by separate legal instruments between the District and the two counties. It also seemed clear that the counties would be deciding what BMP controls were needed and that they would be in charge of the design, construction, and maintenance of the BMPs if it were built as a county road.

Mr. Andrew Hawkins, attorney representing Save Our Springs Alliance, expressed concerns about TxDOT's and the counties' commitment to using the provisions of the consent decree and ensuring the environmental concerns were recognized and addressed.

5. Regular Business: Board Discussion and Possible Actions.

5a. 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 reported that confirmation of the certified letter sent to Aqua Texas has been received but they have not responded. He said that he would call them to see if he could schedule a meeting soon.

6b. Discussion and possible action related to the findings and recommendations of the work session with the Board and Stakeholder Advisory Committee.

Mr. Holland reported that the SAC has been given a 10-day period to submit additional written comments. The staff recommended that, without objection, staff would summarize the work session and written comments and suggest potential areas to be included in the next

rulemaking in a preliminary draft report. After cycling through the SAC, a draft report with recommendations would be written for Board consideration to initiate additional rulemaking, to be authorized by the Board probably in an April meeting.

The Board expressed support for the staff recommendation, but took no formal action.

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.**

The Directors reported on the items listed above.

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. Review of Status Report Update – at directors’ discretion.
- ii. Update on recent permitting and non-drought regulatory activities.
- iii. Update on the status and activities associated with the outcome of the TWDB hearing on the DFC Unreasonableness petitions to GMA 10.

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

6. Adjournment.

Without objection, Ms. Stone adjourned the meeting at 7:18 p.m.

Approved by the Board:

By: Mary Stone
Mary Stone, President

Attest: Craig Smith
Craig Smith, Secretary