

**Barton Springs/Edwards Aquifer Conservation District  
Board of Directors Meeting Minutes  
Regular Meeting and Public Hearing  
September 27, 2012**

Board members present at commencement: Mary Stone, Jack Goodman, Craig Smith, Bob Larsen, and Gary Franklin. Staff present: Kirk Holland, John Dupnik, Dana Wilson, Brian Smith, Kendall Bell-Enders, 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.**

Ms. Stone called the meeting to order at 6:04 p.m., noting that a quorum of the Board was present.

**2. Citizen Communications (Public Comments).**

There were no comments of a general nature.

**4. Public Hearing.**

**The Board will hold a public hearing on proposed revisions to the District Rules and Bylaws related generally to: definitions, permit application requirements, considerations for actions on permits, provisions related to adjusting permitted volumes, multi-user well requirements, nonexempt domestic use wells, temporary transfer permits, designation and retirement of historic-use status, Desired Future Conditions (DFCs) and Modeled Available Groundwater (MAG) estimates for District aquifers, permit and drought requirements for conditional permits, conservation-oriented rate structures for public water systems, drought stage triggers, drought contingency plans, curtailment of historical permits in Emergency Response Periods (ERP), alternate curtailment schedules for historical permits, enforcement of drought rules, officer election dates, hearing and protest procedures, well construction standards, and other general administrative clarifications and corrections. (6:05 p.m.)**

Ms. Stone opened the Public Hearing at 6:05 p.m.

Mr. Dupnik went through the Summary of Substantive Proposed Rule Changes by a Power Point presentation.

The following citizens made oral comments.

Jennifer Walker – Lone Star Chapter of the Sierra Club  
Charles Laws – Creedmoor Maha WSC

Bill Bunch – Save our Springs Alliance  
Chuck Rice – Creekside Villas, LTD

Sarah Faust, President of Save Barton Creek Association, submitted written comments by email before the meeting.

Mr. Holland stated that the staff's recommendation was to keep the Public Hearing open for an additional 10 days to allow written comments.

Ms. Stone then opened item 5.a. for discussion of the Board's preferences in this regard.

## **5. Board Discussion and Possible Action.**

**5a. Discussion and possible action related to approving the proposed revisions to the District Rules and Bylaws related generally to: definitions, permit application requirements, considerations for actions on permits, provisions related to adjusting permitted volumes, multi-user well requirements, nonexempt domestic use wells, temporary transfer permits, designation and retirement of historic-use status, Desired Future Conditions (DFCs) and Modeled Available Groundwater (MAG) estimates for District aquifers, permit and drought requirements for conditional permits, conservation-oriented rate structures for public water systems, drought stage triggers, drought contingency plans, curtailment of historical permits in Emergency Response Periods (ERP), alternate curtailment schedules for historical permits, enforcement of drought rules, officer election dates, hearing and protest procedures, well construction standards, and other general administrative clarifications and corrections.**

Mr. Smith stated that he agreed with the General Manager's suggestion to leave the Public Hearing open.

Ms. Stone stated that this process started in January and hoped to pass the Rules changes as soon as possible.

Dr. Larsen spoke of a white paper that has not been written on alternative sources of water, and agreed to keeping the Public Hearing open.

After further discussion, Mr. Smith moved to recess the Public Hearing, take written comments for an additional 10 days, and reconvene the Public Hearing at the next meeting on October 11<sup>th</sup> giving citizens another chance to give oral comments.

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

**3b. Discussion and possible action related to approving minor revisions made to the proposed Management Plan in response to comments provided by the TWDB, and then adoption of the proposed District Management Plan and direction to the general manager to transmit the adopted plan to GMA 9 and 10 GCDs for acknowledgement and then to the TWDB for approval.**

Mr. Holland explained that a Public Hearing was held on the new revised Management Plan to support the statutory requirements with respect to the DFC and MAG. Very few comments written or oral were received. A copy of the draft Management plan was sent to the TWDB for their pre-review before a formal submittal of the plan. We have received a revised set of tables from TWDB and have incorporated the needed changes, and the staff believes the Management Plan as revised is ready for adoption and further coordination with planning entities.

After discussion, Mr. Smith moved to approve Resolution #092712-01 authorizing adoption the Management Plan.

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

**5c. 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 since September 13, 2012 Board meeting, 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. Dugat explained that at the last meeting the Board adopted a comprehensive Order approving the election services agreement with the three counties, but at the time Travis County had not provided us a joint election agreement. We have now received the agreement with Travis County with changes to polling places; therefore, the Board is required to ratify and approve the changes to the Order.

After discussion, Mr. Smith moved adoption of the Order approving and ratifying the Board President's execution of the joint election agreement with Travis County and other participating entities, and including changes in times and locations for early voting by personal appearance, and election day polling places in Travis County.

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

**5d. Discussion and possible action related to 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. Dugat explained that there were no new developments to report.

### **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 September 13, 2012, Regular Meeting.**
3. **Approval of issuing the earned Conservation Credits to permittees for FY 2012.**
4. **Review and approval of FY 2012 financial performance reports: Actual Receipts and Expenses vs. Budgeted Amounts, and EoY Balance Sheet.**
5. **Approval of amendments to the District's Purchasing Policy related to authorizations by the new Assistant General Manager position.**
6. **Re-designation of Brian Hunt as the District Representative on the GMA 9 Joint Planning Committee, and the designation of John Dupnik as the District Representative on the GMA 10 Joint Planning Committee, replacing the GM on that Committee.**
7. **Approval of the date, time, and place for the District's Holiday Party.**
8. **Approval of a task order to Dave Anderson d/b/a FormYourPlanet, for stakeholder engagement and coordination consulting services in support of the District HCP process, using budgeted funds.**

After discussion by Mr. Holland and among the directors, Mr. Smith moved approval of the consent agenda items 1 through 8, noting the inclusion of: an invoice from Bickerstaff in the amount of \$9524.15, the designation of John Dupnik as the new District Representative on the GMA 10 Joint Planning Committee and the continuation of Brian Hunt as the District Representative to GMA 9, a Holiday Party on December 7<sup>th</sup> at 6:00 p.m. at Craig Smith's residence, and a consulting services task order with Dave Anderson d/b/a FormYourPlanet for an amount up to \$6500.

Mr. Smith seconded the motion and it passed with a vote of 5 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.**

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 recent activities of staff and teams.**
- ii. Update on recent permitting and non-drought regulatory activities.**

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:**

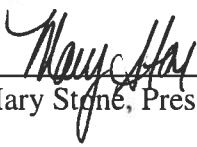
- Meetings and conferences attended or that will be attended;**
- Conversations with public officials, permittees, other stakeholders, and private citizens;**
- Kudos and recognition of people doing good things for groundwater management in the District;**
- Concerns about specific issues or problems for groundwater management in the District.**


Dr. Larsen, Mr. Goodman, and Gary Franklin gave reports.

## **6. Adjournment.**

Without objection, Ms. Stone adjourned the meeting at 8:30 p.m.

Approved by the Board on October 11, 2012:

By:  \_\_\_\_\_  
Mary Stone, President

Attest:  \_\_\_\_\_  
Craig Smith, Secretary