

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting
January 13, 2010**

Board members present at commencement: Gary Franklin, Bob Larsen, Jack Goodman, and Craig Smith. Mary Stone was absent. Staff present: Kirk Holland, John Dupnik, Dana Wilson, and Tammy Raymond. Bill Dugat and Claudia Russell of Bickerstaff, Heath also participated. 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 Gary Franklin presiding in Ms. Stone's absence called the meeting to order at 6:03 p.m., noting that a quorum of the Board was present.

2. Citizen Communications (Public Comments).

Mr. Josh Kelly spoke of a potential well drilling application on family land adjacent to his own property, noting that a letter from the District detailing application and permitting requirements was being erroneously put forth by a relative as approval of the well with other governmental bodies..

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 December 16, 2010, Regular Meeting and Public Hearing.**
 - 3. Approval of out-of-State travel for Brian Smith to attend the Multidisciplinary Conference on Sinkholes and the Engineering and Environmental Impacts of Karst in St. Louis, MO, January 10-14, 2011.**
 - 4. Approval of District support of the City of Kyle's application to TWDB for a Water and Wastewater Facility Planning Grant.**

After explanatory comments by Mr. Holland concerning items 3.a.3 and 4, Mr. Goodman moved approval of items 3.a.1, 2, 3 and 4 of the consent agenda, noting an invoice from Bickerstaff Heath in the amount of \$5107.80

Mr. Smith seconded the motion, and it passed unanimously with a vote of 4 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. Personnel matters and utilization;**
- 2. Upcoming public events of possible interest;**
- 3. Aquifer conditions and status of drought indicators.**
- 4. 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. Highlights of recent operational team activities.**
 - ii. Update on grant projects and proposals.**

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

4. Regular Meeting: New Business.

4a. Discussion and possible action related to the format, content, and style of future Board meetings, backup documentation, and agendas.

Mr. Franklin stated that this item would return to the next agenda when a full Board would be present.

4b. Discussion and possible action related to progress on preparing the District's Annual Report and especially its Appendix B, the basis for the Board's Assessment of Progress on objectives in the Management Plan.

Mr. Holland and staff reviewed the upcoming schedule for reviewing and approving the District's Annual Report to TCEQ.

4c. Discussion and possible action related to initiating enforcement actions against permittees J D Malone Water System and Manchaca Optimist Youth Sports Complex for failure to pay water use fees.

Ms. Wilson stated that the permittees listed above have been chronically late with payment of their water use fees despite several attempts to bring them into compliance. She requested that JD Malone Water System and Manchaca Optimist Youth Sports Complex pay water use fees in advance.

After discussion, Mr. Smith moved to issue Notices of Alleged Violation of District rules to permittees J D Malone Water System and Manchaca Optimist Youth Sports Complex, concerning their failure to pay water use fees.

Dr. Larsen seconded the motion and it passed unanimously with a vote of 4 to 0.

5. Regular Meeting: Continued Business.

6b. Update, discussion, and possible action on progress concerning the District's legislative agenda and on other relevant legislative initiatives that potentially affect the District.

Ms. Claudia Russell briefed the Board on the progress on the specific bills that are part of our legislative agenda.

No Board action was needed.

5c. Discussion and possible action related to the change in TCEQ's recommended approach to providing GCD protection in unprotected areas of the Hill Country PGMA.

Mr. Holland and Mr. Dugat briefed the Board on the recent developments with the TCEQ hearing process on the Hill Country PGMA.

No Board action was needed.

5d. Discussion and possible action related to the Jeremiah Venture TLAP contested case.

Mr. Dugat briefed the Board on the Jeremiah Venture contested case and settlement discussions, reporting on joint activities with the protestants and discussions with the applicant, but without any real resolution so far.

No Board action was needed.

5a. Discussion and possible action relating to *City of Kyle vs. Goodman et al.* and the *Barton Springs Edwards Aquifer Conservation District, Cause No. 10-1267, 22nd District Court, Hays County, Texas.*

The Board adjourned into Executive Session at 7:32 p.m. under Texas Government Code Section §551.071 (Consultation with Attorney). Mr. Franklin stated that no decisions or actions would be taken while in Executive Session.

The Board reconvened in Open Session at 7:50 p.m. Mr. Franklin stated that no decisions or actions were made while in Executive Session. No Board action was taken in Open Session.

6. Adjournment.

Without objection, Mr. Franklin adjourned the meeting at 7:51 p.m.

Approved by the Board:

By: Mary Stone
Mary Stone, President

Attest: Craig Smith
Craig Smith, Secretary