

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting
February 10, 2010**

Board members present at commencement: Gary Franklin, Bob Larsen, and Craig Smith. Jack Goodman arrived at 6:07 p.m. and Mary Stone was absent. Staff present: Kirk Holland, John Dupnik, Brian Smith, 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.

Mr. 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.

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 January 27, 2011, Regular Meeting and Public Hearing.**

Dr. Larsen moved approval of items 3.a.1 and 2 of the consent agenda.

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. **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. Review of Status Report Update Report – at Directors’ discretion.
 - ii. Update on permitting and regulatory activities.
 - iii. Update on developments concerning the SOAH hearing on TCEQ’s Hill Country PGMA Report and Recommendations
 - iv. Update on developments concerning Jeremiah Venture contested-case.

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

4. Briefing (6:15 pm)

Mike Figer & Company representatives will present the results of its financial audit of the District for FY 2010, including review of both the financial statements and the Management Discussion and Analysis.

Mr. Ed Hattrup and Ms. Kim McDonald of Mike Figer & Company briefed the Board on the results of the 2010 financial audit, also making some suggestions for facilitating future audits. They reported a “clean” audit.

5a. Discussion and possible action related to approving the financial audit report and authorizing its distribution to the oversight agencies and the public.

Mr. Smith moved to approve the financial audit report, as presented by the auditor, and authorize its use for all appropriate purposes.

Mr. Goodman seconded the motion and it passed unanimously with a vote of 4 to 0.

5f. Discussion and possible action on progress with Centex in defining requirements for alternative water supplies and their relation to curtailments of industrial and non-agricultural irrigation permits during an Emergency Response Period. Note: Any actions taken by the Board under this item in this meeting will not involve rulemaking.

After discussion, Dr. Larsen moved to continue dialogue with Centex and City of Buda to gauge impact of proposed rulemaking on its operations, and present recommended specification/conditions for increasing alternative water supply use to Board for approval in an upcoming meeting.

Mr. Smith seconded the motion and it passed unanimously with a vote of 4 to 0.

5b. Update, discussion, and possible action related to developments concerning the District's legislative agenda and with other relevant legislative initiatives that potentially affect the District.

Mr. Holland and Ms. Russell updated the Board on legislation concerning the District.

No action was needed.

5c. Discussion and possible action on MAG estimates for the District by the TWDB and their implications for groundwater management in the District.

Mr. Holland stated that MAG estimates have not been provided yet by the TWDB and recommended that this item return to a future agenda.

5d. Discussion and possible action related to approving a contract with Bickerstaff, Heath for providing legal and geographic information systems services related to re-districting required by the 2010 decennial census.

After discussion, Dr. Larsen moved to approve the draft contract with Bickerstaff, Heath for legal and related services associated with decennial re-districting, and the commitment of the budgeted amount of up to \$30,000 for such services.

Mr. Smith seconded the motion and it passed unanimously with a vote of 4 to 0.

5e. Discussion and possible action related to the TCEQ approval of the KBDJ WPAP modifications.

Mr. Dupnik stated that staff recommends taking no further official action and not to request re-consideration, but rather to work with KBDJ on a voluntary basis to assure that groundwater was protected.

No Board action was taken.

5g. 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.

Mr. Dugat updated the Board on the status of the case.

No action was needed.

6. Adjournment.

Without objection, Mr. Franklin adjourned the meeting at 7:45 p.m.

Approved by the Board:

By: 

Mary Stone, President

Attest: 

Craig Smith, Secretary