Barton Springs/Edwards Aquifer Conservation District Board of Directors Meeting Minutes Regular Meeting & Public Hearing July 22, 2010

Board members present at commencement: Bob Larsen, Gary Franklin, Jack Goodman, and Craig Smith. Mary Stone was out of town. Staff present: Kirk Holland, Brian Smith, John Dupnik, Dana Wilson, Robin Gary and Tammy Raymond. Bill Dugat 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.

Dr. Larsen called the meeting to order at 6:03 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. Public Hearing

The Board of Directors will hold a public hearing on the District's draft fiscal year 2011

Annual Budget and the 2011 draft District Fee Schedule. At the conclusion of this
Public Hearing the Board may approve the fiscal year 2011 Fee Schedule by Resolution
and the fiscal year 2011 budget.

Dr. Larsen opened the Public Hearing at 6:04 p.m.

Mr. Holland and Ms. Wilson briefed the Board on the draft fiscal year 2011 budget and Fee Schedule, including a number of requested changes to both the water use fee revenue and various expense categories to reduce use of reserves in balancing the annual budget.

After an open discussion, and no Public Comments, Dr. Larsen closed the Public Hearing at 6:33 p.m.

6. Regular Meeting: New Business.

<u>6a. Discussion and possible action on approving the fiscal year 2011 District Fee Schedule.</u>

Mr. Smith moved to postpone action on the fiscal year 2011 Annual Budget and Fee Schedule until after a second Public Hearing on August 12, 2010.

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

6b. Discussion and possible action on approving the fiscal year 2011 Annual Budget.

Motion made in item 6a. to postpone action until the August 12th Board Meeting.

5. Briefing

The Board will be briefed by and hold discussions with its general counsel concerning the re-districting of the District's director precincts following receipt of results of the decennial census in early 2011.

Mr. Dugat briefed the Board on the upcoming redistricting process, and discussed the timing and sequence of events and their relation to potential legislation that would change how the director precincts are delineated.

6. Regular Meeting: New Business.

<u>6c.</u> Discussion and possible action related to consideration of draft language for the prospective bill delineating our urban-area precinct boundaries and authorize submitting it to Legislative Council.

Mr. Smith moved to adopt the draft legislation presented on page 25 of the Board agenda packet as the preferred language in the upcoming legislative session.

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

<u>6d. Discussion and possible action on establishing a Board-level Finance and Audit Committee.</u>

After discussion, Mr. Goodman moved to establish a Board-level Finance and Audit Committee, with committee members to be named by President Larsen in the next Board meeting.

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

7. Regular Meeting: Continued Business.

7a. Discussion and possible action related to DFCs applicable to aquifers in the District and that are being considered by GMA 9 and GMA 10 Committees.

Mr. Holland updated the Board on the status of DFCs in GMA 9 and GMA 10.

Mr. Smith moved in support of Resolution 2010-07 for the adoption of the desired future condition of the undifferentiated Trinity Aquifer in Groundwater Management Area 10.

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

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 July 8, 2010 Regular Meeting.

Mr. Goodman moved approval of the consent agenda, noting an invoice from USGS in the amount of \$6325.00.

Mr. Franklin 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 asposted 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. Discussion of items in the Monthly Status Update Report at Board's discretion.
 - ii. Report on the participant evaluations of the Groundwater to Gulf teacher-training course.
 - iii. Update on status of the contested case for the Jeremiah Venture land application permit.
 - iv. Update on recent discussions with Magellan Partners concerning Longhorn Pipeline.

v. Update on recent regulatory activities and discussions.

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

6. Regular Meeting: New Business.

6e. 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 8:17 p.m. under Texas Government Code 551.071, Consultation with Attorney. Dr. Larsen stated that no action would be taken while in Executive Session.

The Board reconvened at 9:03 p.m. Dr. Larsen stated that no action was taken while in Executive Session.

Mr. Goodman moved to authorize the General Manager and Bill Dugat to take all actions required to vigorously defend the District in the lawsuit.

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

8. Adjournment.

Dr. Larsen adjourned the meeting at 9:06 p.m.

Approved by the Board:

Robert Larsen, President

Attesf: Gary Franklin, Secretary