

**Barton Springs/Edwards Aquifer Conservation District  
Board of Directors Meeting Minutes  
Regular Meeting & Public Hearing  
August 12, 2010**

Board members present at commencement: Bob Larsen, Gary Franklin, Jack Goodman, and Mary Stone. Craig Smith was absent. Staff present: Kirk Holland, Brian Smith, John Dupnik, Dana Wilson, 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 6:20 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.

**6. Regular Meeting: New Business.**

**6a. Discussion and possible action related to election of Board officers for the next year.**

The Board postponed electing new officers until a full Board is present.

**4. Public Hearing**

**The Board of Directors will hold a second Public Hearing concerning the District's draft fiscal year 2011 Annual Budget, and the 2011 draft District Fee Schedule, including prospective new changes to the water use fees applicable to most Conditional Permit holders and to various expense categories. 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 6:22 p.m.

Mr. Holland stated that the draft budget before the Board had not changed from the previous Public Hearing.

After discussion, and no Public Comments, Dr. Larsen closed the Public Hearing at 6:26 p.m.

**6. Regular Meeting: New Business.**

**6a. Discussion and possible action on approving the fiscal year 2011 District Fee Schedule.**

Mr. Goodman moved approval of the fiscal year 2011 District Fee Schedule by Resolution #081210-01.

Ms. Stone 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.**

Mr. Goodman moved approval of the draft fiscal year 2011 Annual Budget presented to the Board.

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

**5. Briefing**

**The Board will be briefed by a Policy Advisory Committee representative on the discussions and conclusions/recommendations of the PAC concerning the next round of rule changes.**

Dr. Kent Butler briefed the Board on the recommendations of the PAC.

Mr. Goodman stepped off the dais.

**6. Regular Meeting: New Business.**

**6f. Discussion and possible action on the recommendations of the PAC concerning the next round of rule changes and authorization of rule markup.**

After discussion, Ms. Stone moved to use the recommendations of the PAC to utilize the input to come up with a mark-up of the rules, and to initiate a public process for rule making.

Mr. Franklin seconded the motion.

After further discussion, Dr. Larsen called for a vote. The motion passed unanimously with a vote of 3 to 0.

**6d. Discussion and possible action on the status of permittees' compliance with District Rules, including updates to their UDCPs.**

Mr. Dupnik reported that all permittees were in compliance with the exception of the following five that have not updated their UDCP's, and one permittee that has not paid their last quarterly fees.

Iglesia de Marantha Church  
The Inn Above Onion Creek  
Lockaway Self Storage  
Onion Creek Kennels  
Keith Whittington  
J.D. Malone

**6e. Discussion and possible action on renewal of production permits for those permittees in compliance and notice of pending non-renewal to others.**

Mr. Dupnik recommended withholding approval of the above permittees renewal permits until they have updated their UDCPs or paid overdue balances in compliance with District Rules. Mr. Dupnik suggested that these permittees that continued to be noncompliant as of September 1<sup>st</sup> would be in violation of District Rules for any pumpage that occurred in Fiscal Year 2011 and would be subject to enforcement actions. The Board directed the staff to continue to seek a positive response from the non-compliant permittees so their permits would not be suspended on September 1, 2010

Mr. Goodman moved approval of the renewal of production permits with the exception of the permittees listed above.

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

**6g. Discussion and possible action on approving a follow-on contract to provide administrative support services to the Texas Alliance of Groundwater Districts.**

Mr. Holland recommended approval of the contract to continue to provide administrative support services to the Texas Alliance of Groundwater Districts.

Ms. Stone moved approval of the contract to provide administrative support services to the Texas Alliance of Groundwater Districts for the next year.

Mr. Goodman 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 considering possible additional changes to Desired Future Conditions in GMA 9 and 10.**

Mr. Holland reported no change in the DFC's for GMA 9, and that GMA 10 did not adopt all DFC's for all of the aquifers.

**7c. Update, discussion and possible action on the Ridgewood Village Water System's attempt to be annexed by Water District 10 and authorizing an amendment to the Agreed Order to extend the deadline for such annexation and closure of their Edwards water supply well.**

After discussion, Ms. Stone moved to authorize an amendment to the current Agreed Order of Ridgewood Village Water System for annexation, and closure of their Edwards water supply well, to December 31, 2010.

Mr. Goodman 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 22, 2010 Regular Meeting and Public Hearing.**

Mr. Goodman moved approval of items 3a. 1 and 2 of the consent agenda, noting the following invoices.

Muniz Concrete \$8000.00  
Integritek \$5755.99  
Proforma \$9500.00  
Bickerstaff Heath \$9674.31  
Schlumberger Water Service \$17,554.00

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

Mr. Franklin moved to appoint Mary Stone along with Bob Larsen as the Board level Finance and Audit Committee.

Mr. Goodman 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. Update on operational team activities.
  - ii. Update on status and progress on grant projects.
  - iii. Update on progress in advancing the District's 2011 legislative agenda.
  - iv. Update on providing invited testimony to House Select Committee on Special Districts concerning overlapping jurisdictions and public transparency.
  - v. Update on KBDJ plans for use of Trinity Aquifer wells at the Ruby Ranch quarry site.

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, 22<sup>nd</sup> District Court, Hays County, Texas.**

The Board adjourned into Executive Session at 8:15 p.m. under Texas Government Code 551.071, Consultation with Attorney. Dr. Larsen stated that no final decisions or actions would be taken while in Executive Session.

The Board reconvened at 8:47 p.m. Dr. Larsen stated that no final decisions or actions were taken while in Executive Session.

No action was taken by the Board.

**8. Adjournment.**

Dr. Larsen adjourned the meeting at 8:48 p.m.

Approved by the Board:

By: 

Attest: 

Robert Larsen, President

Gary Franklin, Secretary