

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting
August 22 2013**

Board members present at commencement: Mary Stone, Craig Smith, Bob Larsen, Blake Dorsett and Gary Franklin. Staff present: John Dupnik, Kirk Holland, Dana Wilson, Brian Smith, Vanessa Escobar and Tammy Raymond. Bill Dugat of Bickerstaff, Heath, Delgado, and Acosta 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 6:00 p.m., noting that a quorum of the Board was present.

2. Citizen Communications (Public Comments).

There were no 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 of the Board's August 8, 2013, Regular Meeting.**
3. **Approval of the new telecommuting policy to be incorporated as an amendment to the Employee Policy Manual.**
4. **Approval of amendments to the District's Purchasing Policy.**
5. **Approval of staff's draft comments on the TxDOT draft coordination plan for the EIS to be conducted for the SH45 southwest road project and submittal of those comments to TxDOT as Board-approved input.**
6. **Approval and scheduling of a work session of the Board to discuss establishing: 1) the FY 2014 District goals and the FY 2014 Goals and**

Objectives for the General Manager, and 2) a method for tracking progress towards satisfying the District's Management Plan objectives.

7. Approval of changes in Board meeting dates to have one regular Board meeting in each of November and December 2013, on November 14 and December 12.

Mr. Dupnik explained that item 4, Amendments to the District's Purchasing Policy, needed additional work and would be put on a future agenda. He also gave a brief explanation of the remaining consent agenda items and requested the Board to set a work session on item 6, Objectives for FY 14 and Management Plan tracking.

Mr. Franklin moved approval of the consent agenda items 3a. 1, 2, 3, 5, 6, and 7, noting an invoice from Geoprojects in the amount of \$5760 and a work session set for Tuesday, September 17th at 6:00 p.m. on 1) setting FY 2014 goals and objectives and 2) assessing progress towards the Management Plan objectives.

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

3b. 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.**

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 Status Update Report – at directors' discretion;**
- ii. Update on GMA and regional water planning activities**

Mr. Dupnik, Mr. Holland, and staff, updated the Board and answered directors' questions on the items listed above.

3c. 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. (Note: Communications reported under this item may be used to support Performance Standard 4-1 of the District's Management Plan related to demonstration of effective communication with District constituents.)

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.**

Mr. Smith reported the following:

- 1) Attended a Webinar on Legislation regarding water at the last session
- 2) Met with Susan Reef, the Executive Director of the Wildflower Center, regarding a well that needs to be rehabbed or plugged
- 3) Attended a lecture by Michael Weber at UT on the Energy/Water Nexus
- 4) Attended a land committee meeting of the Hill Country Conservancy

Dr. Larsen reported the following:

- 1) Met with the President of the Onion Creek Homeowner's Association

Ms. Stone reported the following:

- 1) Met with Eileen Altmiller regarding Centex

Mr. Dorsett reported the following:

- 1) Met with Creedmoor landowners
- 2) Met with the Mayor of Creedmoor regarding the Ski Quest well application
- 3) Met with John Dupnik
- 4) Trained Cub Scouts on Water Districts

Mr. Franklin reported the following:

- 1) Attended a meeting/luncheon of the Lone Star Chapter of the Sierra Club
- 2) Attended a City of Sunset Valley Council Meeting regarding their water situation

4. Discussion and Possible Action

4d. Discussion and possible action related to establishing a subcommittee for Groundwater Stewardship and setting a subcommittee meeting date.

Ms. Gary stated that September 17th is the last day for the submission of nominations. She said that the subcommittee could meet via conference call here at the District on the 23rd, 24th, or 25th. The categories are Water Conservation Education and Water Quality.

After discussion, Ms. Stone appointed Mr. Franklin and herself as the subcommittee for the Groundwater Stewardship awards this year.

4a. Discussion and possible action related to the performance and compliance of District permittees with their User Drought Contingency Plan curtailments.

Ms. Escobar reported that tier 2 and 3 permittees were doing a good job with meeting their curtailments and that she had no violations to report. She also said that staff would continue to watch the tier 1 permittees that overpumped for various reasons.

No Board action was taken.

4b. Discussion and possible action related to the elements of a cooperative agreement with Texas Disposal Systems for hydrologic investigations of brackish groundwater development in the saline zone of the Edwards Aquifer.

Mr. Holland reported that TDS took the cooperative agreement from a couple of years ago and modified it before sending it to us. He said that the Board had a copy of the changes that the staff made to their modification of the agreement. He went on to say that it would be brought back to the Board when a response from them is received.

Dr. Larsen questioned the phrase 99 years or life, saying that the life of a well is usually 20 or 30 years.

Mr. Smith asked what the District's financial commitment is.

Mr. Holland answered that there would be \$25,000 of in-kind labor, \$20,000 to hire a Hydrogeologist consultant, and \$155,000 as part of the current budget for the design and installation of the well.

Mr. Dupnik commented that we may be able to purchase some equipment in this year's budget for approval in the September meeting.

Mr. Dorsett asked about the availability of a driller.

Dr. Smith stated that the driller says that he will likely be available at the beginning of September, but that they will jump on a job that becomes available when they are.

Mr. Holland said that the Board could approve the agreement with the condition that TDS makes no other changes. He also said that an access agreement would have to be signed before work would begin.

Ms. Stone stated that if the timing calls for a special called meeting then she is agreeable with that.

Dr. Larsen moved that the Board authorize to conditionally approve the agreement with TDS subject to their agreement having no substantive changes, and incorporating a mutually acceptable access agreement.

Mr. Franklin seconded the motion.

Ms. Stone called for a vote and it passed with a vote of 5 to 0.

4c. Discussion and possible action related to establishing the scope and desired documentation and setting a public hearing for the Review Draft HCP in late October or November 2013.

Mr. Holland went through the preliminary timeline and near-term milestones for the District HCP through August of 2014. He asked the Board if and where they would like to hold a scoping meeting, if and when they would like Kevin Connally of FWS to discuss the differences in the focus of HCP and NEPA, and if they would want to have a public hearing/meeting to review and receive public input on the HCP other than the scoping meeting.

The Board decided that a scoping meeting would be beneficial, and set the date of November 7th at the Manchaca Fire Hall, subject to availability. They also requested that Kevin Connally give a presentation at the October 10th Board Meeting.

No formal Board action was taken.

4e. Discussion and possible action related to the SOAH Hearing on the Hill Country PGMA including but not limited to progress towards developing a position statement by the prescribed deadline.

4f. Discussion and possible action on *SOS Alliance v. City of Kyle, Goodman et al., and the Barton Springs/Edwards Aquifer Conservation District*, pending in the Austin Court of Appeals including but not limited to responding to SOS Alliance's settlement offer.

Ms. Stone opened items 4e. and 4f.

The Board adjourned into Executive Session under section 551.071 Consultation with Attorney at 7:24. Ms. Stone stated that no final actions or decisions would be made while in Executive Session.

The Board re-convened into Open Session at 7:55 pm. Ms. Stone stated that no final actions or decisions were made while in Executive Session.

Item 4e.

Mr. Smith moved to have the District's attorney revise the proposed position statement based on the discussions earlier and send it back to the Board via email.

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

Item 4f.

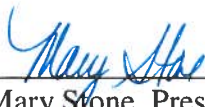
Dr. Larsen moved that the Board does not agree with the Bill Bunch correspondence of Term No.1 as it relates to the Board of Directors agreeing as follows, and that we would agree to Term No. 2 if the City of Kyle is in agreement in addition to us for a limit of 2 years, and if in addition to dismissing the appeal that they would not appeal the remand of the District Court's decision back to us.

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

5. Adjournment.

Without objection, Ms. Stone adjourned the meeting at 7:59 p.m.

Approved by the Board on September 12, 2013:

By:  _____
Mary Stone, President

Attest:  _____
Craig Smith, Secretary