

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Special Called Meeting and Work Session
September 29, 2011**

Board members present at commencement: Mary Stone, Gary Franklin, Jack Goodman, and Bob Larsen. Craig Smith arrived at 6:12 p.m. Staff present: Kirk Holland, John Dupnik, Brian Smith, Dana Wilson, Robin Gary and Tammy Raymond. Bill Dugat of Bickerstaff 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 6:02 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 Board's September 8, 2011, Regular Meeting, and September 17, 2011, Work Session, Public Hearing, and Special Called Meeting.
 3. Review and approval of FY 2011 financial performance reports: Actual Receipts and Expenses vs. Budgeted Amounts, and EoY Balance Sheet.
 4. Approval of setting the Holiday Party on December 2nd at Mary's residence.
 5. Approval of making a cash contribution and providing in-kind services to partner with the Camp Fire USA-Balcones Council's Absolutely Incredible Kids[®] water conservation education program as a primary youth outreach program for the District.

6. Approval of submitting a certification form to the Texas Comptroller of Public Accounts to preserve the District's authority to assert eminent domain, per recently passed legislation (SB 18).
7. Approval of paying the Conservation Credits earned by Permittees in FY 2011.

Following explanations of Items 3.a.3 through 7 by Mr. Holland, Mr. Franklin moved approval of items 3.a.1, 2, 4, 5, 6, & 7 of the Consent Agenda, noting an invoice from Bickerstaff Heath for \$7883.09, Conservation Credits in the amount of \$19,904.63 net of annual overpumpage fees, and a cash contribution of \$2500 to Camp Fire Kids.

Dr. Larsen seconded the motion, and it passed unanimously with a vote of 5 to 0.

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. Standing Topics.

- a. Personnel matters and utilization;
- b. Upcoming public events of possible interest;
- c. 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 recent permitting and non-drought regulatory activities.
- iii. Update on status of DOJ pre-clearance associated with change in election dates
- iv. Update on the activities of GMA 10.
- v. Update on progress of the end-user canvassing project.

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

5e. Discussion and possible action related to forming an *ad hoc* Board committee to evaluate and recommend Groundwater Stewardship Award winners and developing a schedule for its activities.

After discussion, Ms. Stone appointed Bob Larsen and Craig Smith as the directors on a Board committee to work with Kirk Holland and Robin Gary in evaluating nominations and recommending the Groundwater Stewardship Award winners, to be approved by the Board in the next meeting.

No formal action was needed.

5b. Discussion and possible action related to establishing the FY 2012 District goals.

After discussion, Dr. Larsen moved approval of the FY 2012 District goals as slightly revised for clarity in this meeting.

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

5c. Discussion and possible action related to the compliance by District permittees with their User Drought Contingency Plans and compliance of all groundwater users with District Rules, including the initiation of enforcement actions, as warranted.

Mr. Dupnik updated the Board on the compliance of the permittees with their UDCPs. He stated that staff recommends pre-enforcement discussions be held with Ruby Ranch WSC regarding their August overpumpage of Edwards Aquifer water, and that the initial enforcement meeting with Aqua Texas be expanded from focusing on just the Shady Hollow system, as previously authorized, to include the Bliss Spillar system as well.

Dr. Larsen moved that the Board approves holding initial enforcement discussions per our Enforcement Policy with Aqua Texas for both Bliss Spillar system as well as the Shady Hollow system, and also pre-enforcement discussions with Ruby Ranch WSC concerning their August non-compliance.

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

5d. Discussion and possible action related to alleged rule and well construction violations associated with unmetered pumpage from a Nonexempt Trinity well permitted to Don Farmer.

Mr. Dupnik stated that staff recommends issuing a Notice of Alleged Violation to permittee Don Farmer for being grossly out of compliance with District Rules concerning not having a meter on his well and not reporting monthly water use.

Mr. Goodman moved to direct staff to issue a Notice of Alleged Violation to Don Farmer for violating applicable District Rules for an extended period of time.

Dr. Larsen seconded the motion and it passed unanimously with a vote of 5 to 0.

4. Work Session.

The Board will hold a work session to review, revise, and discuss options for one or more draft redistricting plans that will serve as Illustrative Plan(s) to be proposed for public consideration and comment and to consider a schedule for one or more public hearings to receive comments on designated redistricting Illustrative Plan(s) from members of the public.

Ms. Stone opened the Work Session at 7:32 p.m.

After the Board discussed nine options for draft redistricting plans, Ms. Stone closed the Work Session at 8:42 p.m.

5a. Discussion and possible action related to designating one or more draft redistricting plans as Illustrative Plan(s) to be proposed for public consideration and comment including scheduling one or more public hearings at which to receive comments on designated redistricting Illustrative Plan(s) from members of the public.

Mr. Franklin moved to adopt Illustrative Plans A, C-r, and D, re-named as Illustrative Plans 1, 2, and 3, respectively, and to hold one Public Hearing to receive public input on these plans in the vicinity of the District office..

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

5f. Discussion and possible action related to developments concerning the District response to the results of the mediation of the Jeremiah Ventures TLAP contested case.

The Board adjourned into Executive Session at 8:45 p.m. under Texas Government Code Section 554.071, Consultation with Attorney. Ms. Stone stated that no actions or decisions would be made in Executive Session.

The Board re-convened into open session at 9:04 p.m. Ms. Stone stated that no actions or decisions were made while in Executive Session.

Dr. Larsen moved that the Board empower the Board President and General Manager to finalize the settlement agreement on the Board's behalf, provided comments received from the TCEQ Executive Director did not alter the fundamental agreed approach. The final settlement agreement would be approved by the Board in a future Board meeting.

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

6. Adjournment.

Without objection, Ms. Stone adjourned the meeting at 9:04 p.m.

Approved by the Board:

By: Mary Stone
Mary Stone, President

Attest: Craig Smith
Craig Smith, Secretary