

Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting
October 22, 2009

Board members present at commencement: Robert Larsen, Gary Franklin, Jack Goodman, and Mary Stone. Craig Smith was absent. Staff present: Kirk Holland, John Dupnik, Brian Smith 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 6:04 p.m., noting that a quorum of the Board was present.

2. Citizen Communications (Public Comments).

Mr. Doug Wierman, new President of the Board of Directors of the Hays-Trinity Groundwater Conservation District, introduced himself and thanked the Board and staff for the support of their district.

4. Regular Meeting: New Business.

4a. Discussion and possible action related to declaring a possible change to the District's drought stage, from Critical Stage to Alarm Stage.

Mr. Holland stated that staff recommended discontinuing the Critical Stage Drought and declaring an Alarm Stage Drought due to the 10 day average discharge at Barton Springs and the projected likely performance of the drought triggers in the near future.

After discussion, Mr. Goodman moved that in view of the recent rains to change from the current Critical Stage Drought to an Alarm Stage Drought.

Dr. Larsen seconded the motion.

Ms. Stone stated that she would rather wait until the November 19th meeting to see how we stand instead of possibly going in and out of drought stages.

Mr. Holland stated that if the Board elected to go to the Alarm Stage the permittees would still have to follow a 20% reduction.

Dr. Smith stated that we are seeing sustained flow in Onion and Barton creeks and that the trend will continue for awhile.

Mr. Franklin said that he would like to follow a conservative path with respect to drought measures.

After further discussion, the motion passed unanimously with a vote of 4 to 0.

4c. Discussion and possible action related to the TCEQ Executive Director's report and recommendations concerning the provision of GCD protection to areas in the Hill Country Priority Groundwater Management Area that are currently outside GCD jurisdictions, including southwestern Travis County.

The Board reviewed the staff-developed draft letters responding to the TCEQ Hill Country PGMA recommendations, and heard from Doug Wierman and Andrew Backus about HTGCD's stance on the TCEQ report and their situation.

Mr. Holland read a note from Director Smith offering the Board his perspective on what should be included in the District's response.

After discussion, Mr. Goodman moved to approve the "blue-lined" version of the letter that was provided in the Board backup package and send it to TCEQ.

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

5. Regular Meeting: Continued Business

5b. Discussion and possible action on staff recommendations concerning the District's evaluation and conclusions concerning use of treated municipal wastewater as an alternate water supply for Centex and Texas Lehigh.

Mr. Dupnik updated the Board on meetings with City of Buda, Centex, and Texas Lehigh, emphasizing the options of water handling, how runoff behaves in the transition zone, and the modified topography of the site, and Centex's sensitivity to costly modifications of the processing area.

The Board elected to return the item to the next agenda for more clarification.

5a. Discussion and possible action related to the District's comments submitted to TCEQ on its proposed watershed rules for direct-discharging of treated effluent to the Barton and Onion Creek watersheds, including the Contributing and Recharge Zones of the Edwards Aquifer, and additional follow-up activities.

The Board discussed the TCEQ proposed watershed rules on direct discharges to Onion and Barton Creeks, and the various letter responses that had been offered by governmental stakeholders.

5d. Discussion and possible action related to status and progress on the contested-case SOAH proceedings associated with the TCEQ preliminary decision on the TLAP for Jeremiah Venture, L.P.

Mr. Dugat briefed the Board on the status of the Jeremiah Venture TLAP contested case and the progress concerning settlement.

After discussion, Ms. Stone moved approval of necessary legal action, and to direct staff and our attorney to prepare pre-filed testimony in the event that a settlement falls through.

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

5c. Discussion and possible action related to the Critical Stage Drought management program of the District, including 1) compliance by District permittees with their User Drought Contingency Plans, and 2) developments concerning ongoing enforcement actions for non-compliant permittees and possible initiation of additional enforcement actions as warranted.

Mr. Dupnik updated the Board on the status of permittees concerning their User Drought Contingency Plans, reporting no enforcement meetings were needed.

Mr. Holland stated that Ridgewood Village Water Systems was unable to give their annexation proposal to Water District #10, due to the lack of a quorum at the water district's October meeting.

4. Regular Meeting: New Business.

4b. Discussion and possible action on approving the extension of the drought-information canvassing program into additional targeted neighborhoods.

The Board elected to return this item to the next agenda for a possible staff presentation.

4d. Discussion and possible action related to the District's strategic and tactical objectives and the individual objectives for the staff and GM in FY 2010.

The Board discussed the need for a work session in the near future on the strategic and tactical objectives for staff and the General Manager.

4e. Discussion and possible action related to holding a Holiday gathering for District stakeholders.

Dr. Larsen volunteered to host a Holiday gathering at his home on December 11th from 6:30 to 9:30 p.m.

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 October 8, 2009 Regular meeting.**
3. **Approval of closing the office the week of December 21-25 for the Christmas holiday.**

Mr. Goodman moved approval of the consent agenda as stated above.

Mr. Franklin seconded the motion and it passed unanimously with a vote of 4 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 deliberate or 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.
 - a) **Review of Status Update Report, at Board's discretion**
 - b) **Update on GMA-9 and GMA-10 progress in establishing DFCs.**
 - c) **Update on desalination facility feasibility study.**
 - d) **Update on inter-agency drought response coordination.**

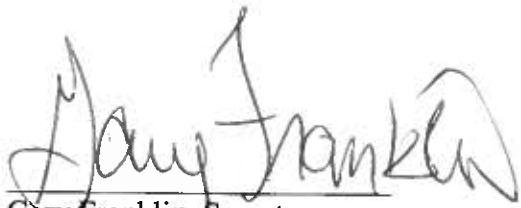
Mr. Holland and staff updated the Board on the teams' activities concerning the items listed above. None of these topics were requested to be moved to the agenda of a future regular meeting for possible action, as no action was required.

6. Adjournment.

Dr. Larsen adjourned the meeting at 8:10 p.m.

Approved by the Board:

By: 
Dr. Robert Larsen, President

Attest: 
Gary Franklin, Secretary