

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting
October 28, 2010**

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

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 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 October 14, 2010, Regular Meeting.**
3. **Approval of closing the District office for the intra-Holidays week, Dec 27-31, 2010.**

Mr. Goodman moved approval of items 3a. 1, 2 and 3 of the consent agenda, noting invoices from Schlumberger in the amount of \$16,052.40 and CT Development in the amount of \$6075.00

Dr. Larsen seconded the motion, and it passed unanimously with a vote of 5 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. Review of Status Update Report – at Directors’ discretion.**
 - ii. 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.

4. Regular Meeting: New Business.

4a. Discussion and possible action related to reviewing a markup of the Rules as previously authorized, and initiating a rulemaking process.

Mr. Dupnik gave a presentation outlining the rule changes included in the Board backup.

After discussion, Mr. Smith moved to use the draft to initiate rule making on the Well Construction Standards and to set a Public Hearing at the regular meeting on December 16th. He also directed staff to send a copy of the proposed draft to all known well drillers in the area for comments.

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

The Board elected to return all other proposed rule changes for deliberation in the December 16th Board Meeting, to give Board members additional time to absorb them.

4b. Discussion and possible action related to responding to testimony and assertions provided by various stakeholders and recent actions by Travis County Commissioners concerning a temporary suspension of new subdivisions relying on Trinity Aquifer water in southwestern Travis County.

Mr. Dupnik and Mr. Holland briefed the Board on the Travis County Commissioners’ action to impose a moratorium on platting of new subdivisions depending on individual Trinity wells as a water supply in southwestern Travis County until a GCD is established there or October 11, 2011, whichever is earlier, and, in a related matter, also on the preliminary

hearing by SOAH on the TCEQ Report recommending the establishment of GCDs in unprotected parts of the Hill Country PGMA, including southwestern Travis Co.

No additional Board action was needed.

4c. Discussion and possible action related to a requested resolution of the Board concerning groundwater ownership and rights.

The Board discussed the requested resolution but took no action, but authorized the General Manager to inform the District's local legislative delegation as to the rationale involved..

5. Regular Meeting: Continued Business.

5a. 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.

Mr. Dugat gave an update on the City of Kyle lawsuit.

No action was needed.

5b. Update, discussion, and possible action on progress concerning our legislative agenda.

Mr. Holland gave an update on the status of our legislative initiatives, including details on one type of potential restriction to be specified in the direct-discharge restriction bill.

No action was needed.

6. Adjournment.

Without objection, Ms. Stone adjourned the meeting at 8:10 p.m.

Approved by the Board:

By: Mary Stone
Mary Stone, President

Attest: Craig Smith
Craig Smith, Secretary