

Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting and Public Hearing
August 8, 2024

Board members present at commencement: Blayne Stansberry, Dan Pickens, and Lily Lucas. Staff present included: Tim Loftus, Erin Swanson, Jacob Newton, Jeff Watson, Justin Camp, Shay Hlavaty and Hannah Riggs. These minutes represent a summarized version of the meeting; the complete discussion of the following items is recorded digitally.

Note: The Board of Directors of the Barton Springs/Edwards Aquifer Conservation District reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on this agenda, as authorized by the Texas Government Code Sections §551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551.087 (Economic Development) 418.183 (Homeland Security). No final action or decision will be made in Executive Session.

1. Call to Order.

President Stansberry called the meeting to order at 5:01pm.

2. Citizen Communications (Public Comments of a General Nature).

There were no public comments at this time.

3. 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 a separate item of Regular Business on this agenda.)*

a. **Approval of Financial Reports under the Public Funds Investment Act, Directors' Compensation Claims, and Specified Expenditures greater than \$5,000.**

b. **Approval of minutes of the Board's June 13, 2024, Regular Meeting.**

President Stansberry asked for an update on how the QuickBooks clean-up was going. Dr. Loftus stated that we are making progress and that although some numbers are still off, we know why. Tina Cooper from Austin Alliance Group spoke about the payroll transition to Gusto and how some numbers were counted twice; and that we changed the way taxes are budgeted in the FY 2024 Budget.

No questions or concerns on item 3b.

Director Lucas moved to approve the financial reports, the invoices over \$5,000, and the previous minutes. Vice President Pickens seconded. The motion passed 3-0.

4. **General Manager’s Report. Discussion and possible action.**

Topics

a. **Review of key team activities/projects.**

i. **Trinity Sustainable Yield Study**

Dr. Loftus updated that we issued an RFP to Intera and LRE Water for a study on the Lower Trinity Aquifer and plan on talking with LRE Water about delineating a new Groundwater Management Zone (GMZ).

ii. **Administrative Program Update**

Dr. Loftus updated that there will be a budget amendment in the next Board Meeting in September.

iii. **Status of Legal Services RFQ**

Dr. Loftus updated that the RFQ resulted in five (5) statements of interest and that the hiring committee would meet to discuss next steps on August 11th.

iv. **District groundwater-dependent population**

Dr. Loftus indicated that the District has been using a groundwater-dependent population number for a number of years and that it needs to be updated. Working the GIS staff at Bickerstaff et al., a new analysis estimates the District’s groundwater-dependent population to be 93,000 people; a number that is approximately 55 percent greater than the previous population estimate of 60,000 people.

v. **TX Public Information Act (PIA) requests**

Dr. Loftus shared that there were two requests made by the same organization under the Texas Public Information Act. The requests pertained to FY 23 financial transactions and staff salaries. After consulting with general counsel and another attorney at Bickerstaff et al. specializing in such requests, Tim worked with Tina Cooper to satisfy both requests in a timely manner.

vi. **Hays Trinity GCD news**

Dr. Loftus attended a Hays Trinity GCD Board Meeting on August 1 to listen to the discussion and learn more about a rule amendment that was being proposed to delineate a new groundwater management zone (GMZ). The amended rule to adopt a new GMZ was approved and will allow for new wells to be developed in the Lower Trinity Aquifer (or lower strata) only. The new GMZ is in their district's southwestern corner.

vii. **Permit renewals**

Dr. Loftus updated that permit renewals will be brought before the Board in September and that all will be renewed.

b. **Aquifer status update.**

Justin Camp gave the drought update. Discussed the rainfall we received in July was above average. Lovelady Monitor Well levels are still declining and could be in Stage III Drought by October if the trend persists. Barton Springs stabilized in July but was currently declining and could be in Stage III Drought as early as September.

c. **Upcoming events of possible interest**

Dr. Loftus called attention to the TAGD Summit that will take place later in August and the entire District staff and a couple of Board members will be attending. President Stansberry asked about Barton Springs University and Shay Hlavaty stated that she will be there along with Justin Camp.

5. **Public Hearing**

President Stansberry began the Public Hearing at 5:29pm.

Dr. Loftus discussed the new Fee Schedule. He stated that many fees had not been adjusted in several years. The new Fee Schedule considered inflation and Staff effort.

There were no additional questions or comments on the FY 2025 Proposed Budget.

President Stansberry ended the Public Hearing at 5:34pm.

6. **Discussion and possible action.**

a. Discussion and possible action related to the approval of the FY 2025 Fee schedule by Resolution #080824-01.

Director Lucas moved to approve the FY 2025 Fee Schedule. Vice President Pickens seconded. The motion passed 3-0.

b. Discussion and possible action related to the approval of the FY 2025 Proposed Budget.

Director Lucas moved to approve the FY 2025 Proposed Budget. Vice President Pickens seconded. The motion passed 3-0.

c. Discussion and possible action related to an Agreed Order for initiation and resolving enforcement proceeding concerning Ruby Ranch Water Supply Corporation for failure to reduce pumping during District declared drought.

Thomas Doebner, Board Treasurer from Ruby Ranch Water Supply Corporation spoke about some of their efforts since they last spoke with the Board relating to the Agreed Order terms. They have raised their water rates and created a rate schedule that increases in drought, sent out regular newsletters,

had a company come in to assess leak prevention, and have plans to add Smart Meters for all homes. Ruby Ranch asked that in light of all of these efforts that the Board match \$5,000 for a WaterSense fixture/appliance program as well as decrease the penalty so that they can afford to continue with their plan to acquire Advanced Meter Infrastructure (AMI; aka smart meters).

Executive Session began 6:03pm.

Executive Session ended 6:53pm.

After the Board came back from Executive Session, they had questions for Ruby Ranch representatives about their commitment to educating their end users on the smart meters. Mr. Doebner stated that they are looking for someone to install the meters that does have an education component. The Board also asked what their timeline looked like for installing the smart meters. Mr. Doebner stated that they anticipate it being completed by the 1st of the new year.

Director Lucas motioned to defer penalties from March 2024 to July 2024 and that future penalties will be assessed at 50% of the original penalty amount. These decreases in penalties will go towards installing smart meters. Ruby Ranch will need to come back to the Board in 60 days with a more detailed plan on installation. The District plans to provide a cost-sharing match the rebate program and will formally discuss the matter at the September meeting.

No motion was made and all was deferred for a future meeting since the rebate program will be tied to the amended Agreed Order.

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

Jacob Newton went through the UDCP.

e. Staff presentation on Trinity Sustainable Yield project: Phase 2 Trinity Aquifer Sustainability model development and policy implications.

Jeff Watson and Dr. Loftus presented on the Trinity Sustainable Yield progress and engaged the Board in useful discussion.

f. Discussion and possible action selecting a Certified Public Accountant for the FY 24 audit.

President Stansberry stated that in the interviews with these firms we should ask the auditors about the level of detail they focus on and that we would like recommendations on how to improve our accounting policies going forward.

Dr. Loftus stated that he will provide an update at next month's meeting after he has had conversations with the firms.

g. Discussion and possible action related to adopting an Order Calling the November 5, 2024 Election; approving Joint Election and Election Services Agreements with Travis, Hays, and Caldwell counties; and ordering other matters incident and related to such election.

Director Lucas moved to approve the Order Calling the November 5, 2024 Election. Vice President Pickens seconded. The motion passed 3-0.

h. Discussion and possible action related to Legal Services Agreement Regarding Legislative Matters, with SledgeLaw Group PLLC.

Vice President Pickens moved to approve the new two (2) year service agreement with SledgeLaw Group PLLC. Director Lucas seconded. The motion passed 3-0.

6. Director Reports.

Directors may report on their involvement in activities and dialogue that are of likely interest to the Board, in one or more of the following topical areas:

- Meetings and conferences attended or that will be attended;
- Board committee updates;
- Conversations with public officials, permittees, stakeholders, and other constituents;
- Commendations; and
- Issues or problems of concern.

Without objection President Stansberry skipped the Director Reports.

7. Adjournment.

With no objection, President Stansberry adjourned the meeting at 8:11pm.

Approved by the Board on September 12, 2024.

By: _____
Blayne Stansberry, Board President

Attest: _____
Christy Williams, Board Secretary