

Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting
October 10, 2024

Board members present at commencement: Blayne Stansberry, Lily Lucas, and Christy Williams. Staff present included: Tim Loftus, Erin Swanson, Jacob Newton, 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 5:00pm.

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, Specified Expenditures greater than \$5,000 including emergency purchase authorizations, a new task order under an existing MSA with William R. Hutchison, Ph.D., P.E., P.G., and moving the regular November Board meeting date from the 14th to the 7th.**

b. **Approval of minutes of the Board's September 12, 2024, Regular Meeting and September 16, 2024, Special Called-Meeting.**

Dr. Loftus began by indicating that, to expedite meetings, items that do not require discussion will be included in the Consent Agenda moving forward.

No questions or concerns on items 3a or 3b.

Director Lucas moved to approve the financial reports, the invoices over \$5,000, the Task Order with William Hutchison, moving the next Board Meeting to November 7, 2024, and the previous minutes. Secretary Williams 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**

Dr. Loftus mentioned that the Trinity Sustainable Yield Committee met the previous week to discuss the potential for a new Groundwater Management Zone and the Lower Trinity Aquifer study.

ii. **Administrative Program Update**

Dr. Loftus updated that the Chart of Accounts has been updated for FY 2025 by Tina Cooper and Kim Jones from the Austin Alliance Group and those changes are reflected on the Financial Reports in this Board Backup.

iii. **Drought declaration/communications**

Dr. Loftus stated that the District declared Stage III – Critical Drought on October 3, 2024 and that will take effect November 1, 2024

b. **Aquifer status update.**

Justin Camp provided the drought update, noting that the area is currently 3 inches below the monthly average rainfall. He reported that the Lovelady Monitor Well levels are approximately 1 foot below Stage III Drought conditions. Additionally, Barton Springs is also in Stage III Drought, and the District will continue to conduct biweekly manual measurements. The Middle Trinity has experienced a drop of 3 feet in the past month, and Jacob’s Well continues to show no flow.

c. **Upcoming events of possible interest**

6. **Discussion and possible action.**

a. 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.

b. Discussion and possible action related to production volume that exceeds annual authorized volume, per Rule 3-8.5 and Rule 3-8.8, by District permittees: 1) Aqua Texas Bliss Spillar, and 2) Tindol Restaurant Group, LLC.

Tamara Tindol from Tindol Restaurant Group, LLC attended to address the issue of overpumping. She reported that the company has installed a new meter, while the older meter was tested and found to be malfunctioning. Ms. Tindol provided photographs of the old meter along with documentation

indicating that, despite increased water usage, their sales had not risen, supporting the claim that the overpumping was attributable to the faulty meter. Secretary Williams recommended deferring the decision on any penalties until January, when additional data on the new meter's performance will be available.

Lauren Savior, Barton Cripps, and Barry Dobbs from Aqua Texas were in attendance to address their company's overpumpage. Ms. Savior updated that they have hired new operational staff in this area that will address their operational triggers.

Director Lucas moved to approve the full penalty amount for Aqua Texas. Secretary Williams seconded. The motion passed 3-0.

5. Human Resources (HR) quarterly report. Discussion and possible action.

Tina Cooper from Austin Alliance Group was in attendance to present in Executive Session.

Executive Session began 5:42pm.

Executive Session ended 6:11pm.

6. Discussion and possible action.

f. Discussion and possible action related to the selection of General Counsel.

President Stansberry announced that the hiring committee recommends the District engage Sledge Law Firm as the new General Counsel following Bill Dugat's retirement in December. Brian Sledge was in attendance to answer any questions from other Board members if needed.

Secretary Williams moved to select Sledge Law and move forward with an engagement letter. Director Lucas seconded. The motion passed 3-0.

c. Discussion and possible action related to amendments to the District's drought chart and enforcement plan.

d. Discussion and possible action related to amending the District's Fee Schedule FY25.

President Stansberry opened items 6c and 6d simultaneously, as they are directly related.

Shay Hlavaty presented the proposed changes to the Drought Chart, and the Board expressed agreement with these adjustments. The changes will take effect either when the District is no longer in drought or at the beginning of fiscal year 2026. Once either condition is met, this item will be brought before the Board for a vote.

Dr. Loftus reviewed the revised changes to the enforcement plan and the District's Fee Schedule, which were discussed during the Board meeting on September 12, 2024.

The proposed changes cannot be voted on until the rule associated with the Fee Schedule changes is amended.

e. Discussion and possible action on amending Rule 3-7.8 – Imposition of Regulatory Fees, including setting a public hearing for consideration and adoption of amendments to the rule

A public hearing must be scheduled for the Board to vote on the proposed rule changes outlined in items 6c and 6d.

Secretary Williams moved to set a Public Hearing for November 7, 2024 to discuss the potential rule change for Rule 3-7.8. Director Lucas seconded. The motion passed 3-0.

7. 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.

Director Lucas has been working with the San Marcos River Rangers.

President Stansberry has been busy with the General Counsel interviews.

Secretary Williams met with the Austin Alliance Group about the 5 Behaviors since she was not able to attend the Special-Call Meeting on September 16, 2024.

8. Adjournment.

With no objection, President Stansberry adjourned the meeting at 6:51pm.

Approved by the Board on November 7, 2024.

By: _____
Blayne Stansberry, Board President

Attest: _____
Christy Williams, Board Secretary