

Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting
September 12, 2024

Board members present at commencement: Blayne Stansberry, Dan Pickens, Vanessa Puig-Williams, Lily Lucas, and Christy Williams who arrived at 5:15pm. Staff present included: Tim Loftus, Erin Swanson, Jacob Newton, Jeff Watson, Shay Hlavaty, Bri Moore, 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. Director Lucas arrived during the Call to Order.

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 August 8, 2024, Regular Meeting and Public Hearing.**

President Stansberry asked if the LRE Water invoices were a part of the FY 2024 Budget or if they would be allocated to the FY 2025 Budget. Dr. Loftus answered that they are a part of what was budgeted for FY 2024.

No questions or concerns on item 3b.

Vice President Pickens moved to approve the financial reports, the invoices over \$5,000, and the previous minutes. Director Lucas seconded. The motion passed 4-0.

Before moving to the next item President Stansberry mentioned that our new Board member, who will begin after the election at the December Board Meeting, Jon Cradit was in attendance. President Stansberry also took this time to thank Vice President Pickens for his years of service to the District.

Director Puig-Williams mentioned that she really enjoys looking at the Budget and the financial documents in the Board Back-up.

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

Topics

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

i. **Staff News**

Dr. Loftus updated that a new Staff member started at the District, Bri Moore – Water Resource Data Analyst. Additionally, in August the yearly Staff Evaluations took place and Jacob Newton and Jeff Watson received promotions at that time.

ii. **Administrative Program Update**

Dr. Loftus updated that the Chart of Accounts is being updated for FY 2025 and that it should be finished and have reports ready for the October Board Meeting. The team submitted all new FY 2025 invoices through QuickBooks Online. Additionally, we are in the process of reviewing our benefits package.

iii. **Staff/Board Workshop**

Dr. Loftus stated that this workshop is slated to happen on Monday, September 16, 2024.

iv. **Interviews with Candidates for New General Counsel in 2025**

Dr. Loftus stated that there are four (4) candidates that are going to be interviewed in the coming weeks. Dr. Loftus is working with the hiring committee to put together a prompt for the interviews.

v. **Trinity Sustainable Yield Committee**

Dr. Loftus updated that after receiving the quote for LRE Water the cost will be more than anticipated. October 1, 2024 is the next Trinity Sustainable Yield committee meeting and they will largely be discussing the LRE Water well analysis for a new Groundwater Management Zone (GMZ) that would be comprised mostly in Precinct 1 and would add tiers in the aquifer test requirements.

b. **Aquifer status update.**

Jeff Watson gave the drought update. Discussed the rainfall we received in August was below average. Lovelady Monitor Well levels are still declining and could be in Stage III Drought by early October if the trend persists. Barton Springs is close to Stage III Drought and could cross that threshold in a week or so. The Trinity has also seen a decline in levels.

Secretary Williams came in at 5:15pm during the Aquifer Status Update.

c. Upcoming events of possible interest

Dr. Loftus called attention to the Hill Country Alliance Leadership Summit on September 26, 2024; Dr. Loftus, President Stansberry, Erin Swanson, and Shay Hlavaty are attending. Director Puig-Williams brought up the Rainmaker Awards and that event may interest Staff.

5. 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 proposed changes to the District's drought enforcement plan.

Dr. Loftus presented on proposed changes to the District's drought enforcement plan. The purpose of the proposed changes is to improve consistency and simplify the process. Recommendations include moving from four (4) different grace periods to one month for all tiers, two (2) months of noncompliance within a six (6) month period for enforcement to occur, charge a Drought Management Fee (DMF) to all permittees after the one-month grace period, and that the enforcement threshold would change to 5% for Tier 1s and Tier 2s and 2.5% for Tier 3s.

President Stansberry asked if there was a motion to approve the changes to the District's drought enforcement plan but also suggested that the Board would like to see a redline version of these changes in the rules. Director Lucas wanted to make sure that Staff had time to produce a redline version of these changes. A recess was requested so Dr. Loftus could confer with Staff.

Recess began at 6:07pm.

Recess ended at 6:12pm.

Dr. Loftus confirmed that Staff would have a redline version of the rules and enforcement plan ready for the November Board Meeting.

Shay Hlavaty presented on a proposed change to the District's drought chart. Proposed changes include moving from "Stage I: No Drought" to year-round "Conservation Period", shifting drought stages down a level so Alarm Drought is Stage I, and adding orange and dark red to the color gradient to make stages more noticeable and different from each other. Board members did have some questions around the drought stage names and colors. Shay will make some other options so they can be discussed further at a future meeting.

c. Discussion and possible action related to a Well Drilling Authorization during District-declared drought for Anthem 918 LLC and future water quality treatment wet basins (2) that will treat stormwater runoff. The proposed well will be situated at a total well depth of 1,200' – Middle Trinity Aquifer – in Hays County at coordinates 30° 02' 36.6" N, 97° 54' 30.6" W. A future production permit application is anticipated to be for 5.4 million gallons.

Erin Swanson presented on the well drilling authorization application (WDA) that has been submitted by 918 Anthem, LLC. Staff's recommendation is to approve the WDA. The well will be used as water quality treatment for stormwater runoff and is an option required by TCEQ. Taylor Major from LandSea Homes was in attendance to answer any questions the Board may have.

Taylor reviewed the alternative options considered by the development, including the possibility of a dry pond. He indicated that this option was not feasible due to the significant amount of materials required. Additionally, he noted that the use of reclaimed water was not permissible, as TCEQ regulations prohibit its application over the recharge zone. President Stansberry acknowledged the public comments received by the District and emphasized that the Board's approval of the WDA does not guarantee the approval of a production permit.

Director Puig-Williams moved to approve the Well Drilling Authorization. Secretary Williams seconded the motion. The motion passed 3-2 with Director Lucas and Vice President Pickens voting nay.

d. Discussion and possible action related to cost-share, fixture-replacement program partnership with Ruby Ranch Water Supply Corporation.

Dr. Loftus reviewed the discussion topics related to the fixture-replacement program partnership with Ruby Ranch Water Supply Corporation, as addressed in the previous Board meeting.

Director Lucas moved to approve the fixture-replacement program partnership with Ruby Ranch Water Supply Corporation. Vice President Pickens seconded the motion. The motion passed 5-0.

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

Dr. Loftus reviewed the discussion topics concerning the Agreed Order related to Ruby Ranch Water Supply Corporation. Secretary Williams inquired whether the change constituted a 100% deferment. Dr. Loftus clarified that while deferment would go through July, penalties would begin to accrue in August, albeit at a reduced rate.

Director Lucas moved to approve the Agreed Order with Ruby Ranch Water Supply Corporation. Vice President Pickens seconded the motion. The motion passed 5-0.

f. Discussion and possible action on a FY 24 budget amendment.

Dr. Loftus presented the proposed budget amendment suggestions.

Vice President Pickens moved to approve the proposed budget amendment for FY 2024. Director Lucas seconded the motion. The motion passed 5-0.

g. Discussion and possible action on selecting a Certified Public Accountant for conducting the FY 24 audit.

Dr. Loftus reviewed the Audit Engagement Letter for P. Andrew Hall, LLC, noting that the firm has specialized in working with local governments for 25 years and exclusively focuses on audits. He indicated that this would be an annual engagement.

Director Puig-Williams moved to approve the Audit Engagement Letter for P. Andrew Hall, LLC. Vice President Pickens seconded the motion. The motion passed 5-0.

h. Discussion and possible action on a Task Order under an existing Master Service Agreement with Austin Alliance Group.

Vice President Pickens moved to approve the Master Service Agreement with Austin Alliance Group. Director Lucas seconded the motion. The motion passed 5-0.

i. Discussion and possible action related to November 2024 elections for Directors including but not limited to adopting an order canceling elections for precincts 1, 3 and 4 and declaring unopposed candidates elected.

Vice President Pickens moved to approve the order canceling the 2024 election. Director Lucas seconded the motion. The motion passed 5-0.

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.

Director Puig-Williams expressed her appreciation for the attendance of all staff at the TAGD Summit. She also mentioned her recent trip to Stockholm for World Water Week, where she had the opportunity to moderate a panel discussion.

Director Lucas had nothing to report.

President Stansberry also expressed her appreciation for the attendance of all staff at the TAGD Summit.

Secretary Williams mentioned an EPA drinking water initiative that provides preliminary engineering reports at no cost, encouraging anyone to identify communities that could benefit from this service.

Vice President Pickens highlighted that his community continues to be very interested in the well being constructed by Aqua Texas in their neighborhood.

7. **Adjournment.**

With no objection, President Stansberry adjourned the meeting at 8:08pm.

Approved by the Board on October 10, 2024.

By: _____
Blayne Stansberry, Board President

Attest: _____
Christy Williams, Board Secretary