

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes**

Regular Meeting

January 26, 2017

Board members present at commencement: Blayne Stansberry, Craig Smith, Mary Stone and Blake Dorsett. Bob Larsen was absent. Staff present: John Dupnik, Brian Smith, Vanessa Escobar, Kendall Bell-Enders and Tammy Raymond. Bill Dugat of Bickerstaff, Heath, Delgado, Acosta also participated in the meeting. 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.

President Stansberry called the meeting to order at 6:00 p.m., noting that a quorum of the Board was present.

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

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 of the Board's January 12, 2017 Regular Meeting.**

Director Smith moved approval of consent agenda items 1 and 2.

Director Stone seconded the motion and it passed unanimously with a vote of 3 to 0. Mr. Dorsett abstained.

4. Discussion and Possible Action

4a. Discussion and possible action relating to procedural matters on the permit application for conversion of a Temporary Production Permit to a Regular Historical Production Permit (Application) of Needmore Water LLC to authorize withdrawal of an annual permitted volume of approximately 289,080,000 gallons per year of

groundwater from the Trinity Aquifer for agricultural use. The Board will consider the following:

- i. Requests that contested case hearing be conducted by and referral to the State Office of Administrative Hearings (SOAH);**
- ii. Deposit for and approval of contract with SOAH to conduct hearings;**
- iii. Matters to be included in any referral to SOAH, including hearing location and cost allocations;**
- iv. Alternatives to SOAH hearing;**
- v. Date, time, location and who will conduct the preliminary hearing;**
- vi. Designation of presiding officer;**
- vii. Selection of special counsel; and,**
- viii. Other matters necessary to conduct future hearings(s) in connection with the Application.**

Note: At this meeting, the Board of Directors will not conduct a hearing, determine party status, nor decide whether to grant or deny, in whole or part, the Application. The Board will consider the procedural steps identified above that relate to how, when and where the future hearings will be conducted. Adequate notice of the future hearings will be provided.

Ms. Vanessa Puig-Williams representing TESPAs, stated that they are a non-profit group consisting of homeowners and that the cost of a five-day hearing would be a hardship on them. She then requested a three-day hearing and asked if it would be possible for the District to share in the cost. She said that she had a check for \$10,000 as a down payment.

Mr. Ed McCarthy representing Needmore Water LLC, stated that he is opposed to the request of a three-day hearing due to cost, and stated that it would not give enough time for testimony. He also stated that the District sharing in the cost would not be appropriate, and would set precedence for all other contested case hearings.

President Stansberry stated that the Board would meet in Executive Session as authorized by the Texas Government Code Section 551.071 (Consultation with Attorney) at 6:18 p.m. President Stansberry stated that no final actions or decisions would be made while in Executive Session.

The Board reconvened into open session at 7:01 p.m. President Stansberry stated that no final actions or decisions were made while in Executive Session.

Director Smith moved that the Board President enter into a contract with SOAH for a four-day Administrative Hearing on the contested case, and to secure a \$10,000 deposit from TESPAs by January 26th for that hearing. Also to secure the balance of the estimated cost of the four-day hearing from TESPAs within 30 days after the ruling on party status, as announced by the Administrative Law Judge.

Director Stone seconded the motion and it passed unanimously with a vote of 4 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 unless the topic is specifically listed elsewhere in this agenda.)*

1. Standing Topics.

- i. Personnel matters and utilization**
- ii. Upcoming public events of possible interest**
- iii. Aquifer conditions and status of drought indicators**

2. Special Topics. *(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. Update on Team highlights**
- ii. Update on activities related to area roadway projects**
- iii. Update on the Dripping Springs TPDES permit application**
- iv. Update on the HCP/ITP application and the associated draft EIS**
- v. Update on Board Committee activity**

Mr. Dupnik and staff updated the Board and answered Director's questions on the items listed above.

5b. Discussion and possible action related to activities in the 85th Legislative session of interest to the District.

Mr. Dupnik gave a report on prospective legislation that could affect the District.

5c. Discussion and possible action related to approval of a water pipeline easement from the District to the Hays Caldwell Public Utility Agency.

Dr. Smith gave an update on the possible agreement for an easement to the HCPUA.

President Stansberry stated that this item would be returned to a future agenda.

6. Directors' Reports. *(Note: Directors' comments under this item cannot address an agenda item posted elsewhere on this agenda and no substantive discussion among the Board Members or action will be allowed in this meeting. Communications reported under this item may be used to support Performance Standard 4-1 of the District's Management Plan related to demonstration of effective communication with District constituents.)*

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;
- Committee formation and updates;
- Conversations with public officials, permittees, stakeholders, and other constituents;
- Commendations; and
- Issues or problems of concern.

Ms. Stansberry stated that this item would be returned to the next agenda.

Director Smith reported the following:

Attended a presentation by the City of Austin on the Daylighting Project
Attended a presentation by Annalisa Peace of the Austin Greater Alliance
Attended a Legislative committee meeting
Attended the RWQPP meeting

Director Stone reported the following:

Attended a meeting with TCEQ regarding Industrial Asphalt violations

President Stansberry reported the following:

Attended a Budget committee meeting

6. Adjournment.

Without objection, President Stansberry adjourned the meeting at 7:38 p.m.

Approved by the Board on February 9, 2017

By: Blayne Stansberry Attest: Blake Dorsett
Blayne Stansberry, President Blake Dorsett, Board Secretary