

**Barton Springs/Edwards Aquifer Conservation District  
Board of Directors Meeting Minutes  
Regular Meeting  
February 9, 2012**

Board members present at commencement: Mary Stone, Gary Franklin, Bob Larsen, Jack Goodman, and Craig Smith. Staff present: Kirk Holland, John Dupnik, Brian Smith, Kendall Bell-Enders and Tammy Raymond. Bill Dugat of Bickerstaff 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.**

Ms. Stone called the meeting to order at 6:02 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 Board's January 26, 2012, Regular Meeting.

Mr. Smith moved approval of consent agenda items 3.a. 1 and 2.

Mr. Franklin seconded the motion and it passed unanimously with a vote of 5 to 0.

- 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. Standing Topics**

**i. Personnel matters and utilization;**

- ii. **Upcoming public events of possible interest;**
- iii. **Aquifer conditions and status of drought indicators.**

Mr. Holland updated the Board on the Standing Topics.

- 2. **Special Topics. 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. **Update on recent team and director activities.**
  - ii. **Update on recent permitting and non-drought regulatory activities.**
  - iii. **Update on the status of the planning for the Kent Butler Summit on Future of the Barton Springs Zone, May 3, 2012.**
  - iv. **Update on the status and District participation in the TAGD-initiated Texas Groundwater Summit in August 2012.**

Mr. Holland and staff updated the Board and answered directors' questions on the teams' activities concerning the items listed above.

#### **4. Regular Business: Board Discussion and Possible Actions.**

##### **4b. Discussion and possible action related to a possible Notice of Alleged Violations to Aqua Texas for non-compliance with the User Drought Contingency Plan for its Bliss-Spillar system.**

Mr. Brent Reeh, representing Aqua Texas, explained that this was the first year that the Bliss-Spillar system was split into two permits, the Trinity and the Edwards. He said that they were trying to get their UDCP adjusted correctly to prevent overpumpage in the future.

After considerable discussion about the longevity and reasons of the non-compliance by Aqua Texas concerning their UDCP, about the prior and future commitments by Aqua Texas, and about the various courses of action available to the District, the Board took no action, providing Aqua Texas more time, as requested, to control their end-users demand and to demonstrate substantial progress.

#### **3. Routine Business.**

- c. **Directors' Reports.** Note: Board Member comments in this part of the agenda cannot address any aspect of an agenda item posted elsewhere on this agenda, and no substantive discussion among the Board Members or action by the Board on these comments will be allowed in this meeting.

**Individual Board Members may, on a voluntary basis, make a brief report to the entire Board on their personal involvement in activities and dialogue that are of**

likely interest to the rest of the Board, in one or more of the following topical areas:

- Meetings and conferences attended or that will be attended;
- Conversations with public officials, permittees, other stakeholders, and private citizens;
- Kudos and recognition of people doing good things for groundwater management in the District;
- Concerns about specific issues or problems for groundwater management in the District.

The Directors reported on the items listed above.

**4a. Discussion and possible action related to the compliance by District permittees with their User Drought Contingency Plans and compliance of all groundwater users with District Rules, including the status and initiation of enforcement actions, as warranted.**

Mr. Dupnik reported that monthly meter readings reported by Hays County Youth Athletic Association, Onion Creek Country Club, and St. Andrews School indicate unusual amounts of overpumpage that require further investigation. **Note: Refer to the minutes of the February 23<sup>rd</sup> Board Meeting for additional information and clarification regarding the status of Onion Creek Country Club.**

After discussion, the Board took no formal action, but directed staff to contact the permittees first by phone, and then possibly by a follow-up first pre-enforcement meeting for explanation. Bob Larsen requested to be kept apprised of any communications with Onion Creek Country Club.

**4d. Discussion and possible action related to the preclearance by Department of Justice of the District's redistricting plan and establishing a schedule for subsequent activities and Board actions.**

Mr. Dugat updated the Board on the proposed timeline for the General Election on November 6, 2012.

The Board took no formal action.

**4e. Discussion and possible action related to responding to SH 45 SW funding and construction options.**

After considerable discussion of the status of SH 45 SW and of the various courses of action for the District to take now with TxDOT, with Hays Co. and with Travis Co., the Board decided that no Board action was currently warranted or advisable, and that the issue needed to ripen more before the District could decide what is needed to ensure protection of the groundwater supply.

**4f. Discussion and possible action related to the approach, costs, financial arrangements, participants, and schedule of the initial well in the Saline Edwards management zone for purposes of characterizing and monitoring the saline Edwards and deep Trinity Aquifers.**

Mr. Holland explained that the initially proposed well was a multi-port well in the Saline Edwards and Trinity Aquifers, in the area of Texas Disposal Systems. But that such a well probably will exceed the funding that can be made available from all interested parties, and that a more realistic monitoring well would be a multi-port well only in the Saline Edwards and possibly upper Glen Rose.

Dr. Larsen moved to authorize the re-programming of \$35,000 within the existing budget to saline-zone investigations as part of the required funding of \$185,000 to install a multi-port monitoring well in the Saline Edwards Aquifer near TDS, and authorized such installation if the funding was completed, but if other funding sources for the balance of the \$185,000 were not confirmed in the next 30 days, that the well installation would not proceed and the matter would be returned for further Board consideration.

Mr. Smith seconded the motion and it passed unanimously with a vote of 5 to 0.

**4g. Discussion and possible action related to establishing a policy concerning communications between legislators or other elected officials and directors representing the District.**

Dr. Larsen requested that if a Director is meeting with a legislator, that an invitation should be extended to other Directors, so that more than one face of the District is presented to the legislator.

Ms. Stone stated that as an elected official she felt like she could meet with legislators without being required to extend an invitation to other Directors.

After discussion, Dr. Larsen moved to adopt a policy wherein if a Director is meeting with a legislator as a representative of the District in a formal meeting set up by either that individual or the general manager, that an invitation be extended to one other Board Member to meet with those two at that particular meeting.

Mr. Smith seconded the motion and it passed with a vote of 4 to 1. Ms. Stone opposed.

**4c. Discussion and possible action related to enforcing the Final Order to permittee Don's Grass, including approval of litigation.**

The Board adjourned into executive session at 8:26 p.m. under Texas Government Code 551.071 Consultation with Attorney. Ms. Stone stated that no decisions or actions would be made while in Executive Session.

The Board reconvened at 8:41 p.m. Ms. Stone stated that no decisions were made or actions taken while in Executive Session.

Mr. Smith moved to direct a member of the staff, and a Director, to go in person to talk with Don or Jessie Farmer and explain their options under the final order, and if they do not comply, then the next step will be taken.

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

**5. Adjournment.**

Without objection, Ms. Stone adjourned the meeting at 8:42 p.m.

Approved by the Board:

By: Mary Stone  
Mary Stone, President

Attest: Craig Smith  
Craig Smith, Secretary