

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting & Public Hearing
February 21, 2013**

Board members present at commencement: Mary Stone, Gary Franklin, Craig Smith, Bob Larsen and Blake Dorsett. Staff present: Kirk Holland, John Dupnik, Brian Smith, Dana Wilson, Robin Gary, 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 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 February 7, 2013, Regular Meeting.**
3. **Approval of a change in two of the funds and fund types available in our staff retirement plan.**

Following a brief explanation by Mr. Holland of item 3, Mr. Smith moved approval of the consent agenda as stated above, noting there were no invoices over \$5000.

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

4. Public Hearing. (6:05 PM)

The Board will hold a public hearing on the proposed amendments to the FY 2013 Budget and Fee Schedule. At the conclusion of the public hearing, the Board may take action to approve the proposed FY 2013 Budget amendments and to approve by resolution the proposed amendments to the FY 2013 Fee Schedule.

Ms. Stone opened the Public Hearing at 6:07 p.m.

Mr. Holland gave a brief explanation of the proposed amendments.

There were no public comments.

Ms. Stone closed the Public Hearing at 6:10 p.m.

6. Board Discussion and Possible Action.

6a. Discussion and possible action related to approving the FY 2013 Budget amendment.

Mr. Smith moved to approve the amendments to the FY 2013 Budget as stated on page 34 of the agenda backup packet.

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

6b. Discussion and possible action related to approving Resolution #012113-01 amending the FY 2013 Fee Schedule.

After discussion, Dr. Larsen moved to approve Resolution #012112-01 as stated in the backup packet on page 36, and the fee schedule as amended and provided by Ms. Wilson at the meeting.

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

5. Presentation.

Presentation of a student report on wastewater spills in the Edwards Aquifer region.

Texas State students, Katie Tritsch and Katie Steele, presented a school project that involved the use of ArcGIS to geocode spill locations, and produce maps illustrating where they occurred within Hays, Travis, and Williamson counties along with their volume amount. Ms. Gary described some ways that these results could be used in dealing with accidental spills and releases in the contributing and recharge zones.

6c. Discussion and possible action related to the performance and compliance of District permittees with their User Drought Contingency Plan curtailments.

Ms. Kendall Bell-Enders presented the monthly drought compliance report to the Board, and called notice to one report of egregious overpumpage by a Tier 1 irrigation permittee, which is a recreational property run by a volunteer organization which has rather frequent turnover and accompanying loss of knowledge concerning obligations and requirements. She recommended that that staff contact the permittee informally in lieu of scheduling a formal pre-enforcement meeting, to which there was no objection by the Board. Kendall also updated the Board on the outcome of previous pre-enforcement meetings held with St. Andrew's School and Onion Creek Club.

No action was needed.

6e. Discussion and possible action related to consideration of certain Phase II measures to conform to the District's adopted MAG for the northern subdivision of the Edwards Aquifer, including possible initiation of a process to allow transferable permits under certain conditions.

Mr. Dupnik informed the Board of a request by the City of Buda to consider rulemaking that would relax the current restrictions in the rules that prohibit permit transfers. A permit transfer from Kyle would allow Buda to make up for a supply shortfall until alternative water supplies are available. The Board took no formal action, but asked staff to inform Buda that permit transfers were identified in Phase II of the District's plan, and that the District was open to the idea. However, since the District has just recently completed an extensive rulemaking effort, there is some reluctance to rush into another round of rulemaking. The Board also suggested that staff participate in the process.

No formal action was taken.

6f. Discussion and possible action related to *City of Kyle v. Goodman et al.*, and the *Barton Springs/Edwards Aquifer Conservation District Cause No. 10-1267*, 22nd District Court, Hays County, Texas.

Mr. Dugat updated the Board regarding the law suit with the City of Kyle, noting that Kyle had approved the form of the Order but that the District Court would not likely be able to take up the case and issue the Order until late March..

3. Routine Business.

3.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.

Ms. Stone, Dr. Larsen and Mr. Smith gave reports.

6d. Update, discussion and possible action related to the pursuit of the District’s legislative agenda in this legislative session, including the consideration of specific bills and bill language to be advanced, and a briefing on other introduced bills of particular interest to the District.

Mr. Holland briefed the Board on legislation pertaining to the District and answered questions from the Board. The directors expressed general concurrence with the approach being taken, but no formal Board action was required.

3b. 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.

- a. Personnel matters and utilization;
- b. Upcoming public events of possible interest;
- c. Aquifer conditions and status of drought indicators.

2. 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. Review of Status Update Report – at directors’ discretion.
- ii. Update on GMA and regional water planning activities.
- iii. Update on the progress of a joint project with Texas Disposal Systems, GBRA, and others and with PCCD and others, to develop the brackish groundwater from the saline zone of the Edwards Aquifer and/or from the Trinity Aquifer;
- iv. Update on the Barton Springs Pool Master Plan.
- v. Update on initial meeting of the Alternative Water Supplies Stakeholder Advisory Committee.

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

7. Adjournment.

Without objection, Ms. Stone adjourned the meeting at 8:36 p.m.

Approved by the Board on February 21, 2013:

By: Mary Stone
Mary Stone, President

Attest: Craig Smith
Craig Smith, Secretary