

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting
February 26, 2015**

Board members present at commencement: Mary Stone, Craig Smith, Blayne Stansberry, Bob Larsen and Blake Dorsett. Staff present: John Dupnik, Brian Smith, Vanessa Escobar 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.

Ms. Stone called the meeting to order at 6:00 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 of the Board's January 29, 2015 Regular Meeting.**
3. **Approval of action to postpone a public hearing to consider adjusting the water use fees for Conditional Production Permits until a future Board meeting.**

Mr. Smith moved approval of the consent agenda items 1-3, noting an invoice from Bickerstaff in the amount of \$22,108.54.

Ms. Stansberry seconded the motion and it passed with a vote of 5 to 0.

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 unless the topic is specifically listed elsewhere in this agenda.)*

1. Standing Topics.

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

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

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. **Review of Status Update Report – at directors' discretion**
- ii. **Update on activities related to GMA and regional water planning**
- iii. **Update on efforts to characterize the saline zone of the Edwards Aquifer**
- iv. **Update on activities related to area wastewater projects**
- v. **Update on the status of the City of Kyle's remanded permit application**

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

4. Discussion and Possible Action.

4a. Discussion and possible action related to approval of an agreement with TxDOT in connection with proposed State Highway 45 Southwest and the Consent Decree and Partial Final Judgment in the matter of Save Barton Creek Association v. Federal Highway Administration (W.D. Tex. 1990).

Mr. Dupnik informed the Board that per their direction a letter was sent to CTRMA requesting that they become a party to the agreement. He also stated that staff met with Mr. Dugat to go over all of the comments that were received. Changes were made based on the comments and given to the subcommittee for approval before sending them to TxDOT. The response from TxDOT to the subcommittee edits had only been received the previous day.

Mr. Dugat stated that CTRMA had received the letter, but the item did not get on their agenda for Board approval on February 25th.

Ms. Stone called the following members of the public who signed up to speak on this item.

Sharon Werner – Citizen –donated her time to D.J. Cardamone
D.J. Cardamone - Citizen

Ms. Stone stated that the Board would adjourn into executive session as authorized by the Texas Government Code Section 551.071 Consultation with Attorney at 6:25 p.m. Ms. Stone stated that no actions or decisions would be made while in Executive Session.

The Board re-convened into open session at 7:20 p.m. Ms. Stone stated that no actions or decisions were made while in Executive Session.

Mr. Dupnik stated that the next step would be to speak with TxDOT and CTRMA and recommended returning the item to the next agenda.

The Board agreed and took no formal action.

4b. Discussion and possible action related to a request for an Attorney General opinion on regulatory authority of the District.

Mr. Dugat reported that the Attorney General's office sent a letter to Representative Flynn requesting confirmation that he wanted to continue with the request that Representative Callegari submitted. He said that the time to respond had elapsed; therefore, he was informed that the file was closed and that they would not issue an opinion.

No Board action was taken.

4c. Discussion and possible action related to the Electro Purification Trinity well field located just outside of the District's boundaries including options for inclusion of the area in a Groundwater Conservation District.

Dr. Brian Smith gave an update on the ongoing technical evaluation of the EP well field and other wells nearby. He stated that EP is willing to conduct a pump test and allow the District to monitor the flow. He went on to say that landowners were also willing to let the District monitor flow in their wells.

Mr. Dupnik then gave some statistics on the District's level of effort put into this item. He also informed the Board of TESP, a group formed to pursue legal action against the EP project. John indicated that the group may be targeting the EAA which could affect the EAA's cooperation in the technical evaluation of the area.

No Board action was taken.

4e. Discussion and possible action related to considering options to allow permit transfers.

Mr. Dupnik reported that staff met with the City of Buda to discuss permit transfers that could allow the City of Kyle to transfer permitted water to cover their projected temporary water supply shortage. He said that the District is on standby to allow the City of Buda and the City of Kyle to sort out certain details that are needed to inform the potential rule concepts.

Ms. Stone stated that she has had several meetings to try to find solutions on this issue, including talking with David Loftis of Centex.

No Board action was taken

4f. Discussion and possible action related to implementation of District rule 3-6.1 encouraging conservation-oriented rate structures.

Ms. Escobar reported that District Rule 3-6.1 was adopted by the Board in October of 2012 and applies to all Public Water Suppliers (PWS) who are permitted for groundwater production within the District. She said that the rule encourages but does not compel the use of conservation-oriented rate structures, and states that all permitted PWSs are required to provide information about their water rate structures to the District for a qualitative evaluation.

Dr. Larsen stated that he does not agree with this rule, and that the District has no place in the PWSs rate business.

Mr. Dorsett agreed with Dr. Larsen.

After discussion, Mr. Smith moved to proceed with the implementation of the District rule 3-6.1.

Ms. Stone called for a second. There was no second; therefore the motion died.

Dr. Larsen then made a motion to table this item and revisit it when the rules are re-opened in June.

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

4d. Discussion and possible action related to pursuit of the District's legislative agenda.

Mr. Dupnik gave an update on possible annexation.

Ms. Stone stated that the Board would adjourn into executive session as authorized by the Texas Government Code Section 551.071 Consultation with Attorney at 7:56 p.m. Ms. Stone stated that no actions or decisions would be made while in Executive Session.

The Board re-convened into open session at 9:20 p.m. Ms. Stone stated that no actions or decisions were made while in Executive Session.

No action was taken.

4g. Discussion and possible action related to providing direction to the General Manager on scheduling and participation of Directors in District meetings.

Mr. Dupnik asked for direction on how he should handle the schedule of outside meetings with the Directors.

Ms. Stone suggested that the Directors let Mr. Dupnik know what issues they were most interested in, and would like to be invited to meetings on that topic.

No formal action was taken.

3. Routine Business.

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;
- Conversations with public officials, permittees, stakeholders, and other constituents;
- Recognition of people doing good things for groundwater management in the District; and
- Issues or problems of concern.

Mr. Dorsett reported the following:

Attended two Creedmoor Maha meetings
Attended the Town Hall meeting on EP
Spoke to Mario with Goforth on their contract with EP

Dr. Larsen reported the following:

Attended the Hays County meeting on EP
Attended the Wimberely meeting on EP
Addressed a Dinner meeting of military personnel and their wives on water issues
Met with Tommy Matthews at a meeting in Houston
Attended a Sub-Committee meeting regarding SH45
Met with Onion Creek Club on flood control

Contacted TDS to set up a meeting regarding a saline well
Ms. Stansberry reported the following:

Attended the Hays County Public Meeting
Met with Representative Jason Isaac
Attended the Hays County Town Hall Meeting
Attended a Water Supply meeting
Met with the Shady Hollow HOA

Mr. Smith reported the following:

Attended the Commissioners Court meeting on Energy and Water Conservation
Will attend the RWQPP meeting the following day

Ms. Stone reported the following:

Attended numerous meetings in regard to EP, Annexation, and SH45

5. Adjournment.

Without objection, Ms. Stone adjourned the meeting at 9:31 p.m.

Approved by the Board on March 12, 2015:

By: Mary Stone
Mary Stone, President

Attest: Blayne Stansberry
Blayne Stansberry, Secretary