

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting
March 22, 2012**

Board members present at commencement: Gary Franklin, Jack Goodman, and Craig Smith. Mary Stone arrived at 6:20 p.m., and Bob Larsen was absent. Staff present: Kirk Holland, John Dupnik, Brian Smith, Dana Wilson, Robin Gary and Tammy Raymond. Bill Dugat of Bickerstaff, Heath 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.

Mr. Franklin, presiding until Ms. Stone's arrival, called the meeting to order at 6:05 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.

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. 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 recent permitting and non-drought regulatory activities.**
- iii. Update on the status of and outlook for jointly funded saline-zone investigations.**

- iv. **Update on the proposed TCEQ water rights permit for the Golf Club at Circle C and a possible contested case concerning its potential impacts on downstream riparian owners and reduced recharge to the Edwards Aquifer.**

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

Ms. Stone arrived at 6:20 and took over the gavel from Mr. Franklin.

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 March 8, 2012, Regular Meeting.
 3. Approval of Financial Performance Reports for first half of FY 2012.
 4. Nomination and approval of judges for the 2012 Kent Butler Memorial College Scholarship Essay Contest.

Following a brief review of the financial reports by Ms. Wilson and a discussion of the essay contest judge requirements by Board members and staff, Mr. Goodman moved approval of consent agenda items 3a. 1 through 4, noting that Gary Franklin agreed to be on the judging panel for the Kent Butler Memorial College Scholarship Essay Contest.

Mr. Franklin seconded the motion and it passed with a vote of 4 to 0.

4. Regular Business: Board Discussion and Possible Actions.

4e. Discussion and possible action related to approval of Revision 2 of the FY 2012 Annual Budget to accommodate approved new initiatives and other priorities.

Ms. Wilson and Mr. Holland went over the proposed changes in the annual budget and answered questions by the Board.

After discussion, Mr. Franklin moved approval of Revision 2 of the FY 2012 Annual Budget as presented.

Mr. Goodman seconded the motion and it passed with a vote of 4 to 0.

4a. Discussion and possible action related to a declaration of No Groundwater Drought conditions within the District's jurisdictional area.

Dr. Smith provided graphical evidence of the aquifer's continuously improving condition and showed the two monitor wells were above drought status.

Mr. Holland stated that staff recommended moving out of drought now.

Mr. Goodman moved to declare a No Groundwater Drought condition effective immediately.

Mr. Franklin seconded the motion and it passed with a vote of 4 to 0.

In celebration of this long-anticipated event, cake was enjoyed by all!

4b. Discussion and possible action related to a Report of Investigations, Notice of Alleged Violations, and Draft Agreed Order for initiating and resolving enforcement proceedings concerning alleged overpumpage of the Edwards Aquifer and alleged waste of Trinity groundwater by the Oak Forest WSC.

After discussion, Mr. Smith moved to accept the staff recommendation to take no enforcement action on the reported over pumpage, and to interpret the discharge of water from the Oak Forest well to be uncontaminated water associated with well rehabilitation, with the stipulations on the Permittee spelled out on page 41 of the agenda packet.

Mr. Franklin seconded the motion.

Mr. Larue of Oak Forest Subdivision, who is serving as a technical consultant to Oak Forest WSC, stated that they are currently not pumping the Trinity well, but if they must, they have plans to use the water while they solve the iron problem.

Ms. Stone called for a vote, and the motion passed 4 to 0.

4c. 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 updated the Board on the compliance of the District permittees, and stated that he was happy to report that not only were there no new pre-enforcement actions needed but also that this item will not be on future agenda's due to the No Drought status.

No action was needed.

4d. Presentation, discussion and possible action related to reviewing the draft report on staff-recommended strategies to close the gap between the Barton Springs Aquifer's Modeled Available Groundwater during extreme drought and the District's Extreme Drought Withdrawal Limitation, and scheduling a joint work session with the Stakeholders Advisory Committee to solicit and receive additional inputs.

The Board discussed participating in the follow-up discussions with the Stakeholders Advisory Committee, and set Tuesday, April 17 as their preferred date and April 24 as a back-up alternate date, for a joint work session to discuss the Draft Report containing staff recommendations on how we close the gap between our EDWL and MAG.

4f. Discussion and possible action related to approving a master (task-order) services contractual form and entering into negotiations using that task-order contracting vehicle with staff-selected indefinite-delivery/indefinite-quantity (IDD/IDQ) contractors in specified service areas.

After discussion, Mr. Smith moved to adopt the draft masters services contract form as revised by Mr. Dugat.

Mr. Goodman seconded the motion and it passed with a vote of 4 to 0.

Mr. Smith also moved to authorize staff to negotiate with the potential contractors designated in the backup folders using the master services contract, as warranted.

Mr. Goodman seconded the motion and it passed with a vote of 4 to 0.

4g. Discussion and possible action related to the disposition of the production permit issued to non-compliant permittee Don's Grass.

There was nothing new to report on this item; no Board action was warranted.

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.**

Ms. Stone was the only Director to give a report.

5. Adjournment.

Without objection, Ms. Stone adjourned the meeting at 7:39 p.m.

Approved by the Board on April 12, 2012:

By: Mary Stone
Mary Stone, President

Attest: Craig Smith
Craig Smith, Secretary