

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting
March 23, 2017**

Board members present at commencement: Blayne Stansberry, Craig Smith, Bob Larsen, and Blake Dorsett. Mary Stone arrived at 6:07 p.m. Staff present: John Dupnik, Brian Smith, Dana Wilson, Robin Gary, Vanessa Escobar, Kendall Bell-Enders, Zach Garza 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 6:02 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 March 9, 2017 Regular Meeting.**
3. **Approval of a Resolution to provide check-signing authority for Dana Wilson, Blayne Stansberry, and Blake Dorsett; and removal of authority for any former Directors and former staff members.**
4. **Approval to issue a Request for Qualifications/Proposals for solicitation of technical services related to development of an integrated groundwater data management and reporting system.**

President Stansberry stated that item 3a.4 would be pulled from the consent agenda for discussion.

Director Smith moved approval of consent agenda items 1 through 3, noting two invoices from Westbay in the amounts of \$25,838.76 and \$18,127.88, and an invoice from Carollo in the amount of \$5,485.00.

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

3a.4 Approval to issue a Request for Qualifications/Proposals for solicitation of technical services related to development of an integrated groundwater data management and reporting system.

Director Stone arrived at 6:07 p.m.

Mr. Dupnik explained that staff was seeking Board approval to send out a Request for Qualifications (RFQ), for technical services for the development of a new data base system for the District. He stated that the current data base is out of date and does not function properly and that the work was anticipated and funded in the current FY budget.

Director Smith asked if we are looking for an off the shelf system or a system designed especially for us.

Mr. Dupnik stated that we are looking for companies that have developed systems that meet the needs of groundwater conservation districts but that some customization would be needed to meet the District's specific needs.

After discussion, Director Smith moved approval of the issuance of the RFQ as recommended by staff.

Director Larsen seconded the motion and it passed unanimously with a vote of 5 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.)*

Topics:

1. Personnel matters and utilization
2. Upcoming public events of possible interest
3. Aquifer conditions and status of drought indicators
4. Noteworthy team activities

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

4. Presentation.

Selection of the recipients of the Aquatic Science Adventure Camp scholarships.

Ms. Gary explained that camp scholarships are largely funded by our permittees that give back by donating their conservations credits. This allows us to send children to the Aquatic Science Adventure Camp at Texas State. This year Centex Materials, Creedmoor WSC, Texas LeHigh Cement Company, Goforth WSC, and Oak Forest WSC donated all or part of their conservation credits to a total of \$4073.00. This year we had 18 kids apply from different school districts. We would love to send all of the kids to camp, but we have enough to send 10 kids to the 5-day camp and 3 kids to the 2-day camp.

The Board randomly picked the following names.

Kaitlyn Wendt
Megan LaRochelle
Jasmine Morgan
Matthew Pasemann
Sofia Diorio
Hunter Halenza
Kyler Halenza
Mia Abigail Smith
Stephen Gatej
Jake Seale
Kennon Alvarado
Casey Alvarado
Lakota Patterson

Ms. Gary stated that she would notify the lucky winners.

5. Discussion and Possible Action.

5a. Discussion and possible action related to Public Information Act requests received by the District and approval of a Resolution and policy for costs and inspection of public documents

Mr. Dugat explained that under the Public Information Act the District's ability to recover costs for responding to a request are limited. He said that you can recover the cost of paper copies, but the cost of labor is not recoverable unless the number of copies exceeds 50 pages. If you have a situation where you receive a request from the same person for different things but they are always under 50 pages, then you can never recover the cost of labor for that. The Act provides relief by saying that if you receive more than one request from the same person in a 12 month period, then you can count the number of hours of labor that the staff put in to respond to that request, and once the hours reach over 36 then you can start charging for labor. He said that you have to keep a running total and anytime the requestor makes a request you have to give them the hours for that one, and when it exceeds 36 you can ask for payment before you turn over the documents. He also said that there are exemptions from this policy such as press, newspapers, television stations, magazines, 501(a) tax exempt organizations, and elected officials of the U.S. and State or political subdivisions. He said that last week we received requests for information that were abundant and noticed that we did not have a policy in place.

Director Stone asked about labor costs for our attorney.

Mr. Dugat said that the labor is for staff only and is set at \$15 per hour per the Administrative Rule.

After discussion, Director Smith moved approval of Resolution 032317-02.

President Stansberry asked about removing the fax and pointed out some typos in the Resolution.

Mr. Dugat said that the fax has to remain due to the statute, but the bad grammar could be changed.

Director Stone seconded the policy Resolution as amended and it passed unanimously with a vote of 5 to 0.

President Stansberry stated that this item would remain open for discussion of the Public Information Act in Executive Session.

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

Mr. Dupnik explained that the last time this was discussed we had a few items that we wanted added, namely some property improvements. He said that the PUA met yesterday and considered our requests and agreed to add the dollar amount needed to complete the work into the total compensation and to lay the native seed mix. He said that the PUA also authorized Graham Moore to execute and finalize the agreement. He stated that staff's recommendation is to direct Bill Dugat to modify the pertinent documents, provide them to the PUA, and authorize himself as the general manager to execute the agreement.

Director Stone moved approval of finalizing the agreement and giving the general manager the authority to execute it.

Director Larsen asked about the estimate on the base material as written.

Mr. Smith stated that very limited gravel is needed at the site.

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

5c. Discussion and possible action related to approval of edits to the draft Habitat Conservation Plan in response to comments from the U.S. Fish and Wildlife Service, Regional Office.

Mr. Holland said that this has been an evergreen topic on the agenda for about 13 years, but that there is light at the end of the tunnel. He said that the last action that the Board took was on January 26th when they approved the staff's response to the regional offices questions, and was re-submitted for final approval. The regional office turned around and asked one more question/demand and said that we need to move the research measures out of the conservation measures and into support for the management plan. He said that Mr. Dupnik and himself did that and restored the time and scheduling commitments as requested. He went on to say that the change was shared with the Board Subcommittee and after a meeting, the subcommittee reviewed and discussed and did not object to the revisions. The subcommittee further recommended submitting the responses and edits to the regional office. In the meantime, the regional office was reviewing the draft Environmental Impact Statement for the HCP and an issue came up with the definition of some of the measures that we had proposed. They went back in and voluntarily clarified some phraseology with respect as allowed by law. Mr. Holland then recommended that the Board approve the aggregate changes for submission as the final HCP.

Director Larsen commended Mr. Holland for a job well done.

Director Smith moved to authorize the latest and final set of response to comments as set out in the summary that was provided and direct that they be submitted to the USF&W Service.

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

Mr. Holland gave a brief review of the next steps in the process.

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

President Stansberry stated that the Board would meet in Executive Session as authorized by the Texas Government Code Section 551.071 (Consultation with Attorney) on items 5a. and 5d. at 7:10 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 8:10 p.m. President Stansberry stated that no final actions or decisions were made while in Executive Session.

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.**

Director Dorsett reported the following:

Attended Creedmoor Maha Board meetings
Attended a water utility meeting

Director Larsen reported the following:

HCP Subcommittee meeting
Attended a South Austin Neighborhood Association meeting

Director Stansberry reported the following:

30th Anniversary Subcommittee meeting

Director Stone reported the following:

30th Anniversary Subcommittee meeting
Hays County Commissioners meeting

Director Smith reported the following:

Attended the Groundwater Awareness Event at Barton Springs Pool
Attended a citizens public meeting
HCP Subcommittee meeting
Management Plan Subcommittee meeting

7. Adjournment.

Without objection, President Stansberry adjourned the meeting at 8:12 p.m.

Approved by the Board on April 13, 2017

By: Blayne Stansberry
Blayne Stansberry, President

Attest: Jimmy Raymond
Blake Dorsett, Board Secretary
Deputy