

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

Board members present at commencement: Mary Stone, Craig Smith, Blayne Stansberry, and Blake Dorsett. Bob Larsen was absent. Staff present: John Dupnik, Brian Smith, Kendall Bell-Enders 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 March 5, 2015 Special-called Meeting and the March 12, 2015 Regular Meeting.**

Ms. Stansberry moved approval of consent agenda items 1 and 2, with one correction to the March 12, 2015 minutes.

Mr. Smith seconded the motion and it passed with a vote of 4 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 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

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. Update on Team activities and highlights
- ii. Update on regulatory and enforcement activities

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

c. 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 the TRWA meeting
Attended a Creedmoor Maha Board meeting
Attended a Water Planning meeting in Creedmoor

Ms. Stone reported the following:

Attended many meetings dealing with EP
Attended Hays Count Court
Attended meeting at the Capital

Ms. Stansberry reported the following:

Attended a meeting in Hays County regarding alternative water supplies

Mr. Smith reported the following:

The Travis County Commissioner Court adopted a Resolution establishing a Property Assessed Clean Energy (PACE) program, which is a finance mechanism to enable property owners to borrow money to finance water conservation improvements that will be secured by the county.

4. Discussion and Possible Action.

4a. Discussion and possible action related to approval of an agreement with TxDOT and Central Texas Mobility Authority 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 reported that we received a letter from TxDOT this afternoon and it seems that negotiations with them have come to an end.

Mr. Dugat stated that the letter does not say much about the consent decree, does not say anything about access, CTRMA, access to monitor wells, or the joint funded follow-up report. That is five things that are more than they were going to do originally and the consent decree is still in place.

Mr. Dupnik said that negotiations did get them to change some language in the EIS, which initially was trying to make a distinction between projects, and would have arguably been a way to say that the consent decree did not apply.

Mr. Smith stated that it seems that they have an institutional resistance to agree with anyone that would allow looking over their shoulder.

Ms. Stone stated that she is frustrated that so much time was spent on this, but feels like it was a good process and that each entity understands each other a little more. She recognizes that it is a complicated issue that could not be contained in a few pages, and if something comes up then we will go to court. She ended with saying that they made this decision and she is okay with it, and in many ways supports it.

Mr. Smith said that he believes that if they do what they say they will, then the project will be better than if we had not gone through this process.

Ms. Stone said that we will not spend any more time on this.

Mr. Dugat asked about follow-up with CTRMA.

Mr. Smith said that they are going to build the road so we need a relationship with them, and that a meeting has been scheduled on April 3rd.

No Board action was taken.

4b. Discussion and possible action related to an update on activities related to the Electro Purification Trinity well field located just outside of the District's boundaries.

Dr. Smith gave a report on a monitoring plan of EP wells. He said that EP is committing to helping with funding and coordinating with four GCDs on conducting an aquifer test. He said that with the collection of good data and analyses, we should be able to come up with some predictions on impacts to the area. He spoke about the report given by LBG Guyton at the Hays County Commissioners court.

Mr. Dupnik stated that in the testimony it was suggested that the EP report was based on actual field work, and the Guyton report was calculated and theoretical. The truth is that they were both based on the exact same dataset that was collected during the pumping tests. He went on to say that Commissioner Jones requested that Dr. Smith review the EP report and give a presentation to the court.

After Board discussion, Ms. Stansberry moved to direct staff to review the Wet Rock report and to give a presentation to the Hays County Commissioners court.

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

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

Mr. Dupnik explained that the Board discussed coordination of Directors' attendance in the number of meetings related to certain high-priority topics affecting the District. where participation would generally need to be limited to less than a quorum or to two directors. He said that he created a table with the issues and assigned criteria to determine Primary and Alternate contacts to help with scheduling of meetings. Mary suggested that Blayne replace her as the primary representative for SH45 matters going forward. Mr. Dupnik noted the suggested change.

No Board action was required.

4d. Discussion and possible action related to pursuit of the District's legislative agenda including proposed legislation to expand the District's territory.

Mr. Dupnik gave an overview of specific bills that are considered high priority. He asked for direction on HB 898 by Representative Ashby related to the confidentiality of certain well reports. This bill would allow a permittee to file paperwork that would designate all of their meter readings as confidential, making it difficult to report an overpumpage case to the Board. He said that this bill came from the Pan Handle where they have agricultural irrigator permittees, where vendors are taking advantage of their data.

Mr. Dupnik went on to say that said he would like to testify on how this might cause problems for the District, and to offer a committee substitute that would give each individual Board the discretion to allow their permittees to have their reports confidential.

Ms. Stansberry moved approval of offering testimony and substitute language that would give each individual Board the discretion to allow their permittees to have their reports deemed confidential.

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

At that time, 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 7:30 p.m. Ms. Stone stated that no final actions or decisions would be made while in Executive Session.

The Board re-convened into open session at 8:00 p.m. Ms. Stone stated that no final actions or decisions were made while in Executive Session.

5. Adjournment.

Without objection, Ms. Stone adjourned the meeting at 8:00 p.m.

Approved by the Board on April 9, 2015:

By: Mary Stone
Mary Stone, President

Attest: Blayne Stansberry
Blayne Stansberry, Secretary