

**Barton Springs/Edwards Aquifer Conservation District  
Board of Directors Meeting Minutes  
Regular Meeting  
April 12, 2012**

Board members present at commencement: Gary Franklin, Jack Goodman, Craig Smith and Bob Larsen. Mary Stone was absent. Staff present: Kirk Holland, John Dupnik, Brian Smith, Dana Wilson, Kendall Bell-Enders and Shannon DeLong. 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 in Ms. Stone's absence, called the meeting to order at 6:01 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 from the Board's March 22, 2012, Regular Meeting.

Mr. Goodman moved approval of the consent agenda as presented.

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 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. Update on recent permitting and non-drought regulatory activities.**
  - ii. Update on the status of and outlook for jointly funded saline-zone investigations.**
  - iii. Update on the draft TCEQ water-use permit and associated contested-case for the Golf Club at Circle C.**
  - iv. Update on compliance efforts of Oak Forest WSC associated with its iron control program.**

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

**4. Regular Business: Board Discussion and Possible Actions.**

**4a. Discussion and possible action related to an Order of Appointment of Records Custodian and Agent for the November 2012 Election.**

Mr. Goodman moved approval of the Order for appointment of Dana Wilson as the Records Custodian and as Agent for the November 2012 Election.

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

**4c. Discussion and possible action related to approving several negotiated contracts, including a website maintenance and electronic publishing support contract with Jennee Galland, and the first set of master services (task-order) contracts between the District and: Joe Vickers dba the Wellspec Company; AMEC; LBG-Guyton; Donald G Rauschuber & Associates; Zara Environmental; James W Sansom; Martha Cotera dba Information Systems Development; Liz Carmack Communications; and Alan Plummer Associates.**

After discussion, Mr. Smith moved approval of a negotiated website maintenance and electronic publishing support contract with Jennee Galland, and the first set of negotiated master services (task-order) contracts with: Joe Vickers dba the Wellspec Company; AMEC; Zara Environmental; James W Sansom; Martha Cotera dba Information Systems Development; and Liz Carmack Communications.

Dr. Larsen seconded the motion and it passed with a vote of 4 to 0.

**4b. Discussion and possible action on initiation of enforcement against Associated Drilling for alleged well construction violations on a well drilled for Linda and Andy Hastings located at 16006 Oak Arbor Trail in Hays Country Oaks II, Buda, Texas.**

Mr. Dupnik summarized the Report of Investigation concerning the apparent violations of well construction standards by Associated Drilling on a hybrid Edwards-Trinity well in the western part of the District.

Mr. Byron Benoit, the previous owner of Associated Drilling, defended the actions of the company to the Board and staff.

Mr. Dupnik stated that the staff's recommendation was to refer the driller to the TDLR for possible enforcement, and to clarify that our Rule 5 is enforceable against the licensed driller rather than the well owner.

After further discussion, the Board postponed action until additional water quality analyses are available to allow an assessment of the extent of commingling and impairment of waters from various strata.

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

Mr. Dupnik reported that the new land and well owner for the property formerly belonging to Don's Grass still had not contacted him, despite his continued attempts.

**4d. Presentation, discussion and possible action related to the draft report on staff-recommended strategies to close the gap between the applicable Edwards extreme-drought Modeled Available Groundwater (MAG) and the District's current Extreme Drought Withdrawal Limitation (EDWL.) Note: This is only a briefing to the Board before the Board-Stakeholder Advisory Committee's joint work session; no rulemaking will be initiated in this Regular Meeting.**

Staff summarized the recommendations contained in the Draft Report for making changes required to demonstrate that the gap between our EDWL and the Drought Edwards MAG will be closed immediately.

Dr. Larsen suggested that staff should develop an "Increased Supply" white paper to go along with the previous white paper oriented toward "Demand Reduction".

No formal action was taken by the Board.

**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:**

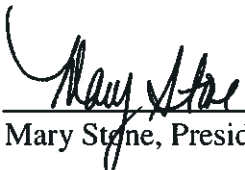
- **Meetings and conferences attended or that will be attended;**
- **Conversations with public officials, permittees, other stakeholders, and private citizens;**
- **Kudos and recognition of people doing good things for groundwater management in the District;**
- **Concerns about specific issues or problems for groundwater management in the District.**

There were no reports from individual directors.

**5. Adjournment.**

Without objection, Mr. Franklin adjourned the meeting at 8:45 p.m.

Approved by the Board on April \_\_\_\_, 2012:

By:   
Mary Stone, President

Attest:   
Craig Smith, Secretary