

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting
May 10, 2012**

Board members present at commencement: Mary Stone, Gary Franklin, Jack Goodman, and Bob Larsen. Craig Smith arrived at 6:06 p.m. Staff present: Kirk Holland, John Dupnik, Brian Smith, Brian Hunt, Robin Gary and Tammy Raymond. Bill Dugat of Bickerstaff 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 6:05 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.

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 April 26, 2012, Regular Meeting.
3. Discussion and possible action related to approving negotiated master services (task-order) contracts between the District and the following contractors: NRS Engineers, Inc; FORM Strategic Consulting; Geoprojects International, Inc.; Don Rauschuber & Associates, Inc.; INTERA, Incorporated; Sandra Salgado; and LBG-Guyton Associates.

After brief discussion, Mr. Goodman moved approval of consent agenda items 3a. 1 through 3 as presented.

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

4. Presentation of the Kent S Butler Memorial College Scholarship

The Board and the family of Dr. Kent Butler will award the inaugural Kent S Butler Memorial College Scholarship to the winner of the District's Groundwater Essay Contest, Ms. Sara Wofford of AISD's Anderson High School. Note: Following the award ceremony, the Board will briefly recess for visiting with the Ms. Wofford and her family, and for photographs.

The Board congratulated Ms. Sara Wofford for her winning essay and presented her with an award certificate. Kent Butler's wife Christy Moore addressed Sara and the Board, noting how much this would mean to Kent and how it was in keeping with his educational persona; at the end Christy challenged Sara to carry on Kent's pursuit of academic uniqueness and freedom. The meeting recessed for about 20 minutes while all attendees visited and shared congratulatory cake.

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 activities of staff teams and directors.**
- ii. Update on permitting and non-drought regulatory activities.**
- iii. Update on GMA 9 and GMA 10 activities.**

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

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.

Gary Franklin, Mary Stone, and Craig Smith gave reports.

5. Regular Business: Board Discussion and Possible Actions.

5a. Discussion and possible action on prospective permitting of the existing Trinity well installed and being used within the District by the Golf Club at Circle C, and related enforcement actions.

Mr. Dupnik explained that after a site visit he learned that there was a well drilled in 2008 without any notice to the District and adjacent properties or authorization by the District, and it is apparently being pumped without a permit. He showed the location of the well on a map. He said that in 2002 the District was notified that they were going to drill a well but did so right outside of the District. He stated that he has contacted Greyrock, the current owner of the unpermitted well located within the District boundary, and requested additional information at least two different times but has heard nothing from them.

Mr. Holland stated that the staff recommends that the Board direct staff to gather all information, and prepare a report of investigation for Board review in its next meeting, and that would be the basis for a Notice of Alleged Violation (NOAV) at a subsequent Board Meeting.

The Board expressed concern that Greyrock was not being responsive to the District's requests for information about the unpermitted well in the District that they have been using for 4 years, and it wanted to proceed with all due speed in getting this matter resolved.

After discussion, Mr. Smith moved to direct the staff to prepare a report of investigation preparatory to a NOAV as the next step, and to direct the District's general counsel to notify the Golf Club at Circle C in writing that it appears that they are producing groundwater from an unpermitted well inside of our District boundary, and to formally request the information previously requested by staff to assist in the assessment of the situation.

Mr. Goodman seconded the motion.

Dr. Larsen offered a friendly amendment to invite a Greyrock representative to a future Board meeting to give an explanation.

Mr. Smith accepted the friendly amendment as part of his motion.

Mr. Goodman seconded the friendly amendment.

The motion passed with a vote of 5 to 0.

5b. Discussion and possible action related to enforcement action against Associated Drilling, Inc. and/or well owners Andy and Linda Hastings for completing a Non-exempt Domestic Use well at 16006 Oak Arbor Trail, Buda, Texas, in an unauthorized manner.

Mr. Dupnik explained that James Benoit of Associated Drilling drilled a well to 380' and completed it in a manner that is in violation of our Well Construction Standards rules. At that depth staff was also concerned with commingling of water from different aquifers, but after water testing it was determined that water is clearly mixing or blending, but no substantive commingling has occurred. Mr. Dupnik stated that staff recommended a NOAV of our WCS rules.

After discussion, Mr. Smith moved to adopt the staff recommendation to issue a NOAV to the well driller, James Benoit of Associated Drilling, with the recommended penalty of \$1125, and to offer an early resolution incentive of \$562, but most importantly to back plug the well from 380' to 300' based on a plugging plan as described in the written staff recommendation.

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

6. Adjournment.

Without objection, Ms. Stone adjourned the meeting at 7:54 p.m.

Approved by the Board on May 24, 2012:

By: Mary Stone
Mary Stone, President

Attest: Craig Smith
Craig Smith, Secretary