

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting
June 12, 2014**

Board members present at commencement: Bob Larsen, Craig Smith, Mary Stone and Blake Dorsett. Staff present: John Dupnik, Brian Smith, Kendall Bell-Enders and Tammy Raymond. Bill Dugat of Bickerstaff, Heath, Delgado, Acosta and Kirk Holland of Holland Groundwater Consultants, 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.

Dr. Larsen 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 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 May 22, 2014, Regular Meeting.**
3. **Review and approval of District's quarterly financial performance reports.**
4. **Approval of the effectiveness of Directors' communications with stakeholders and constituents for the 3rd Quarter FY 2014 per the collective judgment of the Board, as required by the District's Management Plan.**

Mr. Dupnik briefed the Board on the consent agenda items above.

Mr. Smith moved approval of consent agenda items 3a. 1 through 4, noting an invoice from Holland Groundwater Management in the amount of \$6320.00, and a “satisfactory” rating of effectiveness, for the 3rd Quarter FY 2014 collective judgment of Director’s communications.

Ms. Stone seconded the motion and it passed with a vote of 4 to 0.

4. Discussion and Possible Action.

4e. Discussion and possible action related to the applications filed by the City of Kyle for (1) a Class B Conditional Production Permit to increase the permitted pumpage from the Edwards aquifer for public water supply purposes from 165,000,000 gallons/year up to 350,000,000 gallons per year, and (2) a Transport permit to export the increased volume outside the District into the City of Kyle’s service area. The increased pumpage requested would be from the City of Kyle’s existing well No. 4, located near the intersection of RM 2770 and CR 171 in the 700 block of Kohler’s Crossing, in Kyle, Texas.

Note: The Board of Directors issued an order dated February 11, 2010 partially approving Kyle’s applications. The matter was appealed and on March 27, 2013 the 22nd District Court in Hays County issued a judgment remanding the applications in Cause No. 10-1267 SOS Alliance v. City of Kyle, Goodman et al., and the Barton Springs/Edwards Aquifer Conservation District. The Board will consider the remand by the 22nd District Court in Cause No. 10-1267 including designation of a presiding officer in the remanded matter under Water Code section 36.406(c)

Dr. Larsen opened the item stating the date as June 12th and 6:09 as the time for the record. He explained the process and the need to designate a presiding officer for a limited hearing.

Mr. Smith moved to designate Dr. Larsen as the presiding officer for the limited hearing.

Ms. Stone seconded the motion and it passed with a vote of 4 to 0.

Dr. Larsen laid out the process and deadlines and concluded the agenda item.

4a. Discussion and possible action related to review of the District Staff’s response to comments from the Management Advisory Committee (MAC) and direction to staff and the HCP consulting team to make the edits to be considered by the Board for approval at a future Board meeting.

Mr. Dupnik and Mr. Holland presented an overview of the staff responses to MAC comments including suggested edits to the draft HCP.

MAC members Laurie Dries (Independent Biologist), Chris Herrington (City of Austin), and Jason Biemer (City of Kyle) were all in attendance and provided input to the Board related to the MAC comments, responses, and suggested edits.

After discussion, Mr. Smith moved to direct the staff to incorporate the suggested edits, and provide the edited document to the MAC and Board in advance of the June 26th meeting.

Ms. Stone seconded the motion and it passed with a vote of 4 to 0.

4b. Discussion and possible action related to the vetting of prospective candidates to fill the vacancy for Director of Precinct 2 and consideration of the Board subcommittee's recommendation for possible appointment of an interim Director.

Dr. Larsen provided a report from the Board subcommittee describing the selection process, which included individual interviews with the four prospective candidates and a subsequent lunch meeting to develop a recommendation to the full Board. He and Mr. Smith, then informed the Board that all of the candidates were well qualified but that they were unable to find consensus on a single candidate, therefore, they recommended that the position remain vacant until the November elections.

No action was taken by the Board.

4c. Discussion and possible action related to legislative issues to be included for discussion in the June 17th work session to set the District legislative agenda

Mr. Dupnik reminded the Board of the upcoming work session on June 17th and requested any additional initiatives that could be included for consideration in the work session.

Dr. Larsen stated that ASR and Desal should be included on the agenda.

After brief discussion, no action was taken.

4d. Discussion and possible action related to preliminary review of the contract between Southwest Research Institute and the Edwards Aquifer Authority and an Interlocal agreement for Groundwater Management Area (GMA) 10 to coordinate funding of GMA planning.

Mr. Dupnik presented a draft contract between EAA and Southwest Research Institute to prepare the GMA 10 explanatory report for the next round of GMA planning. He also presented a draft Interlocal agreement for the GCDs within GMA 10, and informed the Board that EAA had requested that the GCDs review the documents before being presented to the EAA Board for approval.

Mr. Dugat stated that he reviewed the documents and recommended a couple of minor edits.

Mr. Dupnik stated that he would provide the suggested edits back to the EAA and will bring the Interlocal back to the Board to be executed after approval by the EAA Board.

No action was taken by the Board.

4f. Discussion and possible action related to issuing a request for qualifications for contracted legislative support.

The Board elected to postpone action until the June 17th Work Session and Special Called Meeting.

3b. 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. Dupnik and staff updated the Board and answered directors' questions on the items listed above.

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. Review of Status Update Report – at directors' discretion**
- ii. Update on activities related to GMA and regional water planning**
- iii. Update on efforts to characterize the saline zone of the Edwards Aquifer**
- iv. Update on status of area roadway projects**

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

3c. 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;**

- **Issues or problems of concern.**

Ms. Stone reported the following:

Will attend the TAGD Summit in August.

Reported more homeowners in Leisurewoods subdivision are Xeriscaping their yards and putting in Rainwater Harvesting Systems.

Mr. Dorsett reported the following:

Attended the Creedmoor Maha WSC Board meeting
Met with Creedmoor Maha in regard to a letter from the City of Austin

Mr. Smith reported the following:

Attended the Regional Water Quality Protection Plan Working Group meeting on May 30th

Dr. Larsen reported the following:

Met with the Onion Creek Country Club management regarding wastewater
Attended a meeting with Texas Disposal Systems
Attended the Water Trust Conference on ASR and Desalination
Was a Delegate at the convention in Fort Worth

5. Adjournment.

Without objection, Dr. Larsen adjourned the meeting at 8:49 p.m.

Approved by the Board on June 26, 2014:

By: 
Robert D. Larsen, Acting President

Attest: 
Craig Smith, Secretary