

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting
October 11, 2018**

Board members present at commencement: Blayne Stansberry, Craig Smith, Mary Stone and Blake Dorsett. Bob Larsen was absent. Staff present: Alicia Reinmund-Martinez, Brian Smith, Vanessa Escobar, Kendall Bell-Enders, Jackie Vay and Tammy Raymond. 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.

Note: The Board of Directors of the Barton Springs/Edwards Aquifer Conservation District reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on this agenda, as authorized by the Texas Government Code Sections §551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551.087 (Economic Development) 418.183 (Homeland Security). No final action or decision will be made in Executive Session.

1. Call to Order.

President Stansberry called the meeting to order at 6:03 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 a separate item of Regular Business on this agenda.)*

- 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 September 27, 2018, Regular Meeting and Public Hearing.**
- 3. Approval of amending the contract for Holland Groundwater Management Consultants LLC to add an additional \$15,000.**
- 4. Approval of alternative dates for the November and December Board meetings and set the date for the District Holiday Party.**

President Stansberry pointed out an error in the minutes regarding the water pipeline easement amendment with the Alliance Regional Water Authority.

Director Stone moved approval of Consent Agenda items 1 through 4, noting invoices from Texas Municipal League in the amount of \$8924.86, and a purchase order for CAD Supplies in the amount of \$6444.00. Also noted was the correction of the minutes.

Director Smith seconded the motion and it passed unanimously 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 for consideration.)*

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.)*

- i. Review of Status Update Report – at directors' discretion.**
- ii. Update on certain projects and activities of individual teams.**
- iii. Update on activities related to the Travis County ILA.**
- iv. Update on Board committee activity.**
- v. Update on various development activity over aquifer recharge and contributing zones.**
- vi. Update from legal counsel on two recent Attorney General opinions affecting groundwater conservation districts.**
- vii. Update on activities related to area roadway projects.**

Updates were given by Ms. Reinmund-Martinez, Mr. Bill Dugat, and staff.

4. Discussion and Possible Action.

4c. Discussion and possible action on possible remand of Needmore LLC permit application to the State Office of Administrative Hearings for further proceedings prior to scheduling a final hearing on the application before the District's board of directors; discussion and possible action on scheduling final hearing on the application.

President Stansberry stated that the Board would meet in Executive Session as authorized by the Texas Government Code Section 551.071 (Consultation with Attorney) at 7:05 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 7:34 p.m. President Stansberry stated that no final actions or decisions were made while in Executive Session.

Mr. Brian Sledge, the Board's attorney in the Needmore State Office of Administrative Hearing (SOAH) case, explained that the Administrative Law Judge did not have the evidence to make a complete decision, and that the remedy is to remand it back to the SOAH, Administrative Law Judge.

Mr. Ed McCarthy, attorney representing Needmore, stated that they were in agreement with the recommendation.

Ms. Vanessa Puig-Williams, attorney representing TESPAs, stated that they felt that it was unnecessary to remand it back to SOAH and that they did not feel that they should be responsible for payment.

After discussion, Director Smith moved that the Board authorize the Board President to issue an order remanding the Needmore LLC application to the State Office of Administrative Hearings for the limited purpose of further developing the evidentiary record through stipulations, testimony, or otherwise to enable the Administrative Law Judge to issue a revised Proposal for Decision that includes all of the elements required by District Rule 4-9.8(B) and Section 36.410(b)(3) of the Water Code, including the Administrative Law Judge's recommendations for Board action on the Needmore LLC application.

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

Director Smith stated that in light of the Board's decision to remand the matter back to SOAH, moved to cancel the October 25th final hearing previously scheduled on the Needmore LLC application, and to wait to reschedule that final hearing until we get the matter back from SOAH.

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

4a. Discussion and possible action related to a declaration of "No Drought" conditions.

Dr. Brian Smith updated the Board on the status of the aquifer after the recent rain events. He said that staff recommended lifting drought Stage II as both the Lovelady monitor well and the flow at Barton Springs were above their Stage II drought triggers and that water levels continue to rise.

Director Stone moved approval of declaring a "No Drought" Stage I condition.

Director Dorsett seconded the motion and it passed unanimously with a vote of 4 to 0.

4b. Discussion and possible action related to setting District Objectives for FY 2019.

Ms. Reinmund-Martinez stated that at the last meeting she presented the Goals/Objectives and that Dr. Larsen commented that he thought that our goals were too specific and should be objectives. She said that she compared our goals to the Management Plan and that he was correct in that the District Management Plan Goals are very general. She spoke with the Board President and they agreed to change them from goals to objectives. She then gave a presentation on the proposed District Objectives for FY 2019 and stated that there are two changes since the last meeting.

President Stansberry asked if Dr. Larsen said anything specific about adding the sentence regarding exploration of ASR, she felt that the phrase "exploring alternative sources of water supply" seemed too broad.

Ms. Reinmund-Martinez said that he did not, but that he was very interested in continuing to support ASR efforts as an alternative source.

President Stansberry stated that she is not in favor of the District doing a marketing strategy. She said that we do the science and the private sector does the marketing.

Director Stone suggested adding the wording "to continue with ASR projects as an alternative source of water" to the Aquifer Science Team Objective.

President Stansberry agreed with having something that could be measured.

After discussion, Director Stone moved approval of the 2019 District Objectives with the changes discussed.

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

5. Directors' Reports.

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;
- Board committee updates;
- Conversations with public officials, permittees, stakeholders, and other constituents;
- Commendations; and Issues or problems of concern.

The Directors gave reports on their activities for the month.

6. Adjournment.

Without objection, President Stansberry adjourned the meeting at 8:27 p.m.

Approved by the Board on November 8, 2018

By: Blayne Stansberry
Blayne Stansberry, President

Attest: Blake Dorsett
Blake Dorsett, Board Secretary