

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Special Called Meeting and Public Hearing
October 27, 2011**

Board members present at commencement: Gary Franklin, Jack Goodman, and Bob Larsen. Craig Smith arrived at 6:09 p.m. Mary Stone was absent. Staff present: Kirk Holland, John Dupnik, Dana Wilson, 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.

Mr. Franklin, presiding in Ms. Stone's absence, called the meeting to order at 6:02 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 October 13, 2011, Regular Meeting and Public Hearing.
 3. Review and approval of FY 2011 financial performance reports: Actual Receipts and Expenses vs. Budgeted Amounts, and EoY Balance Sheet.

Following an explanation of Items 3.a.3 by Mr. Holland and Ms. Wilson, Mr. Smith moved approval of items 3.a.1, 2, and 3 of the Consent Agenda., noting an invoice from Bickerstaff Heath for \$7321.05.

Mr. Goodman seconded the motion, and it passed unanimously with a vote of 4 to 0.

4. Public Hearing.

The Board is considering new boundaries of its director precincts in order to conform to federal and state laws and to accommodate changes in the population of the District documented by the 2010 U. S. Census. The Public Hearing seeks public input on three Illustrative Plans that have been prepared by the District that represent preliminary alternatives to address the new needs. Note: No action will be taken on this item in this meeting.

Mr. Franklin opened the Public Hearing at 6:15 p.m.

Mr. Holland noted for the record the dates of the county postings and newspaper announcements for the hearing.

Mr. Dugat reviewed the three plans and indicated that all were consistent with DoJ and state requirements.

The following citizens made public comments in support of Illustrative Plan 2.

Roy Dalton
Justin Jafarian
Don Milberger
John Doyal
Bill Welch
Andrew Devilling
Carl Meye

Jim Hollis also made a public comment in support of the District voting on a good plan that will protect the aquifer.

Mr. Holland read into the record a written public comment sent by email from Dick Perrone, also in support of Illustrative Plan 2.

Mr. Franklin announced that the re-districting deliberations would be held in the November 17, 2011 Board meeting, and that the record would be kept open for further written comments until close of business on November 9, 2011.

Mr. Franklin closed the Public Hearing at 6:49 p.m.

- 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.

- a. Personnel matters and utilization;**

- b. Upcoming public events of possible interest;
 - c. Aquifer conditions and status of drought indicators.
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. Review of Status Update Report – at directors’ discretion.
 - ii. Update on recent permitting and non-drought regulatory activities.
 - iii. Update on status of DOJ pre-clearance associated with change in election dates
 - iv. Update on the activities of GMA 9 and 10.
 - v. Update on City of Kyle Water Reuse Feasibility Project.

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

5. Regular Business: Board Discussion and Possible Actions.

5a. Discussion and possible action related to convening a committee and organizing a work session to discuss possible strategies for preserving the desired future conditions adopted by the District for the freshwater Edwards Aquifer.

Mr. Holland presented a possible list of candidate members for the advisory committee.

After discussion, Dr. Larsen moved to direct staff to establish an ad hoc advisory committee and arrange a work session with the committee and the Board to address the gap between our current regulatory EDWL and the prevailing MAG supporting the Extreme Drought DFC.

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

5b. Discussion and possible action related to the compliance by District permittees with their User Drought Contingency Plans and compliance of all groundwater users with District Rules, including the status and initiation of enforcement actions, as warranted.

Mr. Dupnik updated the Board on the compliance of the District permittees and recommended no additional enforcement actions at this time.

He explained that a Rollingwood resident continues to waste Edwards groundwater, and staff suggested sending a letter of concern, signed by the appropriate elected director, Craig Smith, and the General Manager.

After discussion, Mr. Smith moved approval of sending a letter to the Rollingwood resident to express the Board's growing concern about his unacceptable, continuing waste of groundwater during a Stage III-Critical Drought.

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

5c. Discussion and possible action related to an update or final report on the disposition of the lawsuit with the City of Kyle.

Mr. Dugat gave an update to the Board. No action was needed.

5d. Discussion and possible action related to a potential settlement agreement concerning the Jeremiah Ventures TLAP contested case.

Mr. Dugat updated the Board on the settlement agreement.

Mr. Bill Bunch, representing SOS Alliance, encouraged the Board to stay in the contested case along with SOS Alliance and the City of Austin, stating that the District's expertise is needed.

No action was taken.

6. Adjournment.

Without objection, Mr. Franklin adjourned the meeting at 7:49 p.m.

Approved by the Board:

By: Mary Stone
Mary Stone, President

Attest: Craig Smith
Craig Smith, Secretary

Approved at November 17, 2011 Meeting