

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting
November 15, 2012**

Board members present at commencement: Mary Stone, Jack Goodman, Craig Smith, Gary Franklin, and Bob Larsen. Staff present: Kirk Holland, John Dupnik, Dana Wilson, Brian Smith, Robin Gary, Kendall Bell-Enders, Alan Andrews 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 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 25, 2012 Board Meeting.**
3. **Approval of setting a Work Session of the Board and Staff and a Special Called Meeting of the Board on Thursday, November 29, 2012, to review and approve FY 2012 progress toward goals and objectives in the District Management Plan, to be included in the District's Annual Report to TCEQ.**

Ms. Stone moved item 3.a.3 off of the Consent agenda for discussion.

Mr. Smith moved approval of consent agenda items 3a. 1 and 2, noting that there were no invoices over \$5000.

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

3. Routine Business.

3.a.3. Approval of setting a Work Session of the Board and Staff and a Special Called Meeting of the Board on Thursday, November 29, 2012, to review and approve FY 2012 progress toward goals and objectives in the District Management Plan, to be included in the District's Annual Report to TCEQ.

Mr. Holland explained that Travis and Caldwell counties are not canvassing their elections until Monday, November 19th at 9:00 am; therefore, we cannot canvass our election before then. He said that we would canvass on Monday, November 19th at 3:30 p.m., and install new Directors and approve performance bonds at the November 29th meeting, in addition to holding the work session and taking action related to goals and objectives, as noted on this item.

After discussion, Mr. Smith moved to approve setting a Work Session and Special Called Meeting on November 29, 2012, to review and approve progress towards FY 2012 goals and objectives in the District Management Plan to be included in the District's Annual Report, and install new Directors and approve their performance bonds.

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

4. Briefs and Presentations. (6:10 PM)

Presentation of the Permittee of the Year Award to the Village of San Leanna.

Mr. Dupnik gave a history of the Village of San Leanna's compliance with District Rules, and stated that they have been a model permittee in many ways. He and Ms. Gary presented representatives of the Village of San Leanna with a banner for display. Then, Mr. Franklin, Director of Precinct 2, presented them with the Permittee of the Year award plaque, congratulations were given, and pictures were taken.

5. Board Discussion and Possible Action.

5f. Discussion and possible action related to applications submitted by Noel Kelly for two new Edwards NDU wells proposed to serve as shared multi-user wells providing for domestic use on four lots in Kellywood Estates, including whether they should be considered an NDU well or wells requiring a production permit.

Mr. Dupnik gave a history of the pending permit. He stated that staff believes that the wells and the proposed use are within the intent of the rule, and recommends that the Board determine that the proposed wells are eligible for authorization under the NDU general permit-by-rule with the following conditions:

1. The proposed wells will be located and completed to comply with District rules for well construction and spacing;

2. Each new well will comply with District rules for Multi-user wells; and
3. Any connection to any existing exempt wells will be permanently disconnected.

After Board discussion, Mr. Smith moved to approve the two applications submitted by Noel Kelly under the NDU General Permit by Rule with the following provisions.

1. The proposed wells will be located and completed to comply with District rules for well construction and spacing;
2. Each new well will comply with District rules for Multi-user wells; and
3. Any connection to any existing exempt wells will be permanently disconnected.

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

5e. Discussion and possible action related to the number of members and compositional makeup of the Management Advisory Committee (MAC) to the HCP.

Mr. Dave Anderson of FORM, a consultant to the District engaged for this purpose, summarized his analysis, conceptual approach, and recommendations for the makeup of the MAC to the HCP.

After discussion, Mr. Smith moved for the Board to accept the recommendation that the HCP Management Advisory Committee be comprised of 13 members in the categories set out on page 28 in the agenda packet, plus three non-voting *ex officio* members including one Board member, and to publicize the opportunities to serve in these categories and call for volunteers.

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

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.

- 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 activities of staff and teams.
- ii. Update on permitting and non-drought regulatory activities.
- iii. Update on the status of a white paper on alternative water supplies and stakeholder process.

iv. Update on the status of *SOS Alliance v. City of Kyle, Goodman et al.*, and the Barton Springs/Edwards Aquifer Conservation District, following the Austin Court of Appeals decision.

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

3.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 and Craig Smith gave reports.

5. Board Discussion and Possible Action.

5d. Discussion and possible action on assessing the status of drought triggers and declaring a Stage II-Alarm Drought.

Mr. Holland stated that due to the status of both of the drought triggers, staff recommends declaring Stage II Alarm Drought effective immediately.

After discussion, Ms. Smith moved to declare Stage II Alarm Drought effective immediately.

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

5g. Update, discussion and possible action related to pursuit of the District's legislative agenda and to other legislative initiatives that potentially could affect the District.

After discussion, Mr. Smith moved to direct staff to develop an outline of proposed legislation to direct TCEQ to conduct a study of direct potable reuse and its limitations, and to impose a moratorium on direct discharge permits until the study is completed.

Mr. Franklin seconded the motion.

Dr. Larsen recommended having an end date for the moratorium.

Mr. Smith modified his motion to state “a moratorium on direct discharge permits of not more than two years”.

Mr. Franklin accepted the friendly amendment.

Ms. Stone asked for a vote and the motion passed with a vote of 5 to 0.

5a. Discussion and possible action related to canvassing the results of the November 6, 2012, elections in director precincts 1, 3, and 4.

This item has been postponed until the November 19, 2012, Special Called Meeting.

5c. Discussion and possible action related to administering the Oath of Office, the Swearing-in, and the authorizing the issuance of a bond for each of the newly elected directors.

This item has been postponed until the November 29, 2012, Work Session and Special Called Meeting.

5b. Discussion and possible action related to the acknowledgment of service of more than 22 years to the District of departing director, Jack Goodman.

Mr. Smith made a motion that the District acknowledges and thanks Jack Goodman for his 22 years of service to the District and its constituents.

Dr. Larsen seconded the motion, saying that Jack has been a great asset to the District for a long time.


Ms. Stone asked for a vote and the motion passed with a vote of 5 to 0.

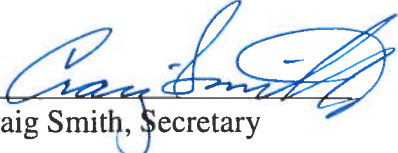
A plaque was presented to Mr. Goodman, pictures were taken, and cake was enjoyed by all.

6. Adjournment.

Without objection, Ms. Stone adjourned the meeting at 8:11 p.m.

Approved by the Board on December 13, 2012:

By: 
Mary Stone, President

Attest: 
Craig Smith, Secretary