

**Barton Springs/Edwards Aquifer Conservation District  
Board of Directors Meeting Minutes  
Regular Meeting  
November 17, 2011**

Board members present at commencement: Mary Stone, Gary Franklin, Jack Goodman, and Bob Larsen. Craig Smith arrived at 6:15 p.m. Staff present: Kirk Holland, John Dupnik, Brian Smith, Brian Hunt, 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.**

Ms. Stone called the meeting to order at 6:03 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 27, 2011, Regular Meeting and Public Hearing.
  3. Approval of District records retention and destruction per Plan.
  4. Approval of notifying all Class A Conditional Permittees of the possibly upcoming requirement for complete curtailment of groundwater pumping if and when Stage IV - Exceptional Drought is declared and the resultant permanent re-classification to Class B Conditional Permit status.

Following an explanation of Items 3.a.3 and 3.a.4 by staff, Mr. Goodman moved approval of items 3.a.1, 2, 3, and 4 of the Consent Agenda.

Mr. Franklin 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 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.

Mr. Holland updated the Board on the Standing Topics.

Mr. Smith arrived at 6:15. Ms. Stone opened item 4a. for discussion.

**4. Regular Business: Board Discussion and Possible Actions.**

**4a. Discussion and possible action related to the selection of a re-districting plan for new director precinct boundaries and the approval of a resolution that authorizes submitting those boundaries to the Department of Justice for approval.**

Ms. Stone stated that the District has held a Public Hearing and heard Public Comments on this item and citizens have been given ample time to submit written comments. She asked that comments not be repetitive and gave a time limit of three minutes.

Mr. Dugat gave an explanation of why the District has to go through a redistricting process, and the procedures that must be followed for approval by the Department of Justice.

Dr. Larsen stated that he was under the assumption that public comment period was over, that the vote should have been taken after the public hearing in the previous meeting, and then suggested to hold a vote at the next meeting.

Ms. Stone stated that the reason that no action was taken after the public hearing in the last meeting was her absence at the last meeting.

Dr. Larsen stated that in his going through the Public Comments Received in the backup, he did not find the letter from SBCA in his backup and was concerned why.

Mr. Holland stated that it was not in the backup because it was not received in the District office prior to the backup being assembled and mailed to the Directors, which was a day earlier than usual because of the holiday, but that it was sent to the Directors under separate cover.

Dr. Larsen said that it is a document of public record and that it should have been included so that the public could comment on it, and it looked like it was illegally hidden.

Mr. Dugat stated that there were no violations made.

Mr. Holland said that he understands Dr. Larsen's frustration, but that the letter was timely received by Mr. Smith, the Board Secretary, on November 9<sup>th</sup> and transmitted to the District and then to the Board on the 10<sup>th</sup>.

Dr. Larsen moved to postpone action until the next scheduled meeting because all written comments were on the District's website with the exception of the letter from Save Barton Creek Association.

Mr. Franklin seconded the motion.

Ms. Stone called for a vote. The motion failed with a vote of 3 to 2. Ms. Stone, Mr. Goodman, and Mr. Smith voted nay.

Mr. Holland then read the letter from SBCA promoting Plan 1 into the record, and stated that copies would be made available for the public.

Dr. Larsen asked if Mr. Goodman and Mr. Smith, who both sit on the Board of Trustees of SBCA, voted on sending the letter. Jon Beall, President of SBCA and in attendance, was allowed by Ms Stone to answer that question, and he said that they were involved in the discussion but did not vote.

Dr. Larsen said that he wanted to go on record as saying that he thinks that this is an incorrect way of doing business, and that what had transpired was a violation, and that he was the only Director that did not receive the letter from SBCA in October. Mr. Holland noted that the purpose of public comments was to advise the Board in its decision-making, not to be the focus of other public comments.

Dr. Larsen moved that the Board postpone action at that night's meeting because the information that was circulated to the Board was not received by him in a timely manner.

Mr. Franklin seconded the motion.

Ms. Stone called for a vote. The motion failed with a vote of 3 to 2. Ms. Stone, Mr. Goodman, and Mr. Smith voted nay.

The following citizens made public comments at this meeting, in support of the plan(s) shown.

Don Milberger – Plan 2  
Jon Beall – Plan 1  
Bob Caudill – Plan 2  
Roy Waley – Plan 1  
Pam Thompson – Plan 1

Stefan Wray – Plan 1  
Steve Beers – Plan 1  
Sarah Faust – Plans 1 and 3

Dr. Larsen stated that he agrees with balance in governance but that Plans 1 and 3 set the District up such that south Austin will be disenfranchised.

Mr. Goodman stated that Plans 1 and 3 closely resemble the original plan.

Mr. Smith stated that he supports Plan 3.

Mr. Franklin stated that he represents Precinct 2 and lives in Travis County recruited by the District to run for the Board and that his primary focus is to protect the groundwater and Barton Springs.

Ms. Stone stated that everyone has worked very hard to protect groundwater. She said that she believes that Plan 2 secures representation in South Austin, and that in Plans 1 and 3 there is a potential that at some point there may not be representation in that area. She also said that there has not been a lot of focus on Plan 3.

Mr. Smith stated that he crafted Plan 3 to preserve the spirit of cooperation that the District had cultivated over the years, and that it is a compromise between Plans 1 and 2.

Dr. Larsen totally disagreed with this characterization, and stated that Plans 1 and 3 do not meet all of the criteria.

Mr. Smith moved adoption of Illustrative Plan 3.

Mr. Franklin seconded the vote.

After further discussion, Ms. Stone called for a vote.

The motion passed with a vote of 3 to 2. Dr. Larsen and Mr. Franklin voted nay.

**4b. 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 enforcement actions at this time.

**3.b. General Manager's Report. (Continued) 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.**

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 Report Update – at directors’ discretion.**
  - ii. **Update on recent permitting and non-drought regulatory activities.**
  - iii. **Update on the activities of GMA 9 and 10.**
  - iv. **Update on status of annexation of Ridgewood Village Water System to Water District 10.**
  - v. **Update on the status of the Jeremiah Venture TLAP contested-case and settlement agreement.**

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

**5. Adjournment.**

Without objection, Mr. Stone adjourned the meeting at 8:07 p.m.

Approved by the Board:

By: Mary Stone  
Mary Stone, President

Attest: Craig Smith  
Craig Smith, Secretary