

**Barton Springs/Edwards Aquifer Conservation District  
Board of Directors Meeting Minutes  
Regular Meeting  
December 13, 2012**

Board members present at commencement: Mary Stone, Gary Franklin, Craig Smith, Bob Larsen and Blake Dorsett. Staff present: Kirk Holland, John Dupnik, Dana Wilson, Brian Smith, Kendall Bell-Enders, 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 6:00 p.m., noting that a quorum of the Board was present.

**2. Citizen Communications (Public Comments).**

There were no comments of a general nature.

**4. Board Discussion and Possible Action.**

**4b. Presentation, discussion, and possible action related to receipt and approval of the FY 2012 Annual Financial Audit report by the District's financial auditor.**

Kim McDonald and Shanda Gatewood of Figer and Company, the District's financial auditor, provided a brief report to the Board on the findings of the District's 2012 financial audit, concluding that this was a "clean audit", and the District's finances and practices were in good standing.

Dr. Larsen moved to accept the audit report as presented in written form and as presented at the meeting.

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

**4d. Presentation, discussion and possible action related to a white paper on alternative water supplies and the authorization of a stakeholders advisory committee for providing input to the Board on possible approaches to fostering use of such supplies.**

Dr. Brian Smith provided a brief overview of a white paper prepared by District staff on alternative water supplies. He summarized some of the key sections of the paper, which described: 1) alternative water supply options 2) obstacles and opportunities, and 3) recommended strategies for further discussion by a stakeholders advisory group.

Mr. Holland also offered that the emphasis of the paper was: 1) to utilize the District's resources for the purpose of developing the scientific basis that would enable development of alternative supplies, and 2) to promote the use water made available by the District's efforts to facilitate management of the Edwards Aquifer through arrangements that would further reduce Edwards pumping during Extreme Drought, as well as increase regional water supplies.

Dr. Larsen and Mary Stone both suggested that the paper should reinforce the possibility of the District's being a purveyor of water to not only facilitate management of the District's aquifers but to also provide new water supplies to accommodate future growth.

All of the directors agreed that the Board should not commit to a firm position at this point but use the concepts of the white paper to facilitate a discussion with stakeholders, the logistics of which are to be addressed in the next Board meeting.

No formal Board action was taken.

### **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 November 15, 2012, Regular Meeting; November 19, 2012, Special Called Meeting; and November 29, 2012, Work Session and Special Called Meeting.**
3. **Authorization of the Board's GMA District Representative, through the General Manager, to review and respond as warranted on the Board's behalf to new or amended Management Plans that are submitted to the District by members of GMAs 9 and 10, for purposes specified in TWC §36.108(b), notifying the Board of such reviews.**

After explanation of item 3.a.3 by Mr. Holland and brief discussion, Mr. Smith moved approval of consent agenda items 3a.1, 2, and 3, noting an invoice from Bickerstaff in the amount of \$5,192.33.

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 the Status Update Report – at directors’ discretion.**
- ii. Update on permitting and non-drought regulatory activities.**
- iii. Update on GMA 9 and GMA 10 activities.**
- iv. Update on status of HCP Management Advisory Committee.**
- v. Brief on proposed wastewater discharge near Wimberley.**

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.

Dr. Larsen, Mary Stone, and Gary Franklin gave reports.

## **4. Board Discussion and Possible Action.**

**4c. Discussion and possible action related to approving the FY 2012 Annual Report and submitting it to the TCEQ.**

After discussion, Mr. Smith moved approval of the FY2012 Annual Report with the changes previously discussed, and its submission to TCEQ as required by our Bylaws.

Dr. Larsen seconded the motion and it passed with a vote of 4 to 0, with Mr. Dorsett abstaining.

**4e. Update, discussion and possible action related to pursuit of the District's legislative agenda.**

Mr. Holland gave an update on the District's legislative agenda, including reviewing a draft bill mandating a study of the efficacy and cost-benefit of requiring advanced water treatment before directly discharging effluent to the creeks in the Barton Springs aquifer's contributing zone, and a moratorium on any direct discharges until the study was complete and any rulemaking based on that study's findings and conclusions became effective, or in the alternative to a future time-certain..

After discussion by the Board, Mr. Smith moved to authorize the release of the draft bill language to solicit input and facilitate discussion with interested groups.

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

**4f. Discussion and possible action related to consideration of an outreach program by individual directors to permittees within their director precincts.**

Ms. Stone reported that she had asked District staff to assign all Permittees to their respective Precincts so that she could either meet with each one in her precinct by phone or in person to get to know them better. The directors were provided and briefly reviewed maps showing the distribution of the permittees by director precinct. She encouraged other Directors to do the same.

The other Directors generally agreed that it was a good idea to let Permittees know who represented them and that their director could be a resource for them.

No formal action was taken.

**4g. Discussion and possible action related to *City of Kyle v. Goodman et al.*, and the *Barton Springs/Edwards Aquifer Conservation District Cause No. 10-1267*, 22<sup>nd</sup> District Court, Hays County, Texas.**

Mr. Dugat stated that he had no new information to report.

**4a. Discussion and possible action related to the annual election of the officers of the BSEACD Board of Directors.**

Dr. Larsen nominated Gary Franklin for President.

Mr. Franklin declined the seat.

Mr. Dorsett nominated Dr. Larsen for President.

Dr. Larsen seconded the motion.

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

Mr. Smith nominated Mary Stone for President.

Mr. Franklin seconded the motion.

The motion passed with a 4 to 1 vote with Dr. Larsen voting nay.

Dr. Larsen nominated Gary Franklin for Vice President.

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

Dr. Larsen nominated Craig Smith for Secretary.

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

The following Board officers were elected for the coming year.

President – Mary Stone  
Vice President – Gary Franklin  
Secretary – Craig Smith

**5. Adjournment.**

Without objection, Ms. Stone adjourned the meeting at 8:32 p.m.

Approved by the Board on January 10, 2013:

By:   
Mary Stone, President

Attest:   
Craig Smith, Secretary