

Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting
December 17, 2015

Board members present at commencement: Mary Stone, Craig Smith, Blayne Stansberry, Bob Larsen and Blake Dorsett. Staff present: John Dupnik, Brian Smith, Dana Wilson, Brian Hunt, Robin Gary, Kendall Bell-Enders, Vanessa Escobar, and Tammy Raymond. Bill Dugat of Bickerstaff, Heath, Delgado, Acosta 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 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 of the Board's November 19, 2015 Regular Meeting.**
3. **Approval of the staff's individual incentive compensation projects for FY 2016.**
4. **Approval of out-of-state travel for Aquifer Science Team Leader, Brian Smith, to attend the Karst, Groundwater Contamination, & Public Health Conference in San Juan, Puerto Rico from January 27 to 30, 2016.**

Mr. Smith moved approval of Items 3a. 1 through 4, noting an invoice from Bickerstaff in the amount of \$15,097.15.

Ms. Stansberry seconded the motion and it passed unanimously with a vote of 5 to 0.

3. Routine Business.

- 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.)*

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 activities related to GMA and regional water planning
- iii. Update on regulatory and enforcement activities
- iv. Update on ongoing and prospective District grant projects
- v. Update on the activities related to the SH 45 SW roadway project
- vi. Update on activities related to the HCP and the associated draft EIS

Mr. Dupnik and staff updated the Board and answered Director's questions on the items listed above.

4. Discussion and Possible Action.

4e. Discussion and possible action related to approval of a resolution supporting the City of Austin's prospective petition for rulemaking to modify rules to encourage beneficial reuse of reclaimed wastewater.

Mr. Chris Herrington, City of Austin Watershed Protection Department, updated the Board with revisions to the final draft of proposed rule changes asking the Texas Commission on Environmental Quality (TCEQ) to modify wastewater land application permit regulations. The revisions incorporate feedback from stakeholders received on the 12/1/2015 technical workgroup meeting held by the City of Austin. Additionally, information on the City of Dripping Springs plans to seek a new discharge permit to Onion Creek near RR 12 and FM 150 in Hays County was presented. The discharge would replace the existing Dripping Springs land application facility which is nearing its capacity. Dripping Springs is seeking a wastewater discharge permit for 995,000 gallons per day with a treatment standard that is less protective of water quality than the Belterra discharge permit. The Dripping Springs permit application has been received by TCEQ, and a draft permit is not expected until spring of 2016.

After discussion by the Board, Mr. Smith moved approval of Resolution #121715-01, supporting a rule-making petition to the TCEQ for a rule to encourage beneficial reuse of reclaimed wastewater.

Ms. Stansberry seconded the motion and asked if the phrase “favorable and expeditious timing” could be added to the last recital in the resolution.

Dr. Larsen pointed out a typo and asked to change the word “maximum” to “optimal” in the 7th recital in the resolution..

Mr. Smith and Ms. Stanberry accepted the changes discussed and Ms. Stone called for a vote.

The motion passed unanimously with a vote of 5 to 0.

4a. Discussion and possible action related to approving components of the FY 2015 Annual Report and extending the deadline for completion and submittal to TCEQ

Mr. Dupnik explained that the Board has the body of the annual report before them but that the one missing component is Appendix A, the auditor’s report. He asked the Board to approve all components with the exception of the auditor’s report until an auditor is hired, the audit is complete, and a final report of their findings is brought before the Board. He also asked for an extension until the end of March.

Dr. Larsen asked to again change the word “maximum” to “optimal” in the document and to update the map for clarification.

After discussion, Dr. Larsen moved to adopt the components of the FY 2015 annual report with the suggested change and to grant an extension for final Board approval until the end of March.

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

4b. Discussion and possible action related to the presentation of the initial assessment report on the upcoming redistricting of Director Precincts including approving resolutions adopting redistricting criteria and adopting guidelines for submitting redistricting proposals.

Mr. Bill Dugat gave a presentation of the initial assessment report on the upcoming redistricting including Federal and State Laws, and maps and charts depicting population and demographics analysis, as well as the projected timeline to complete the process.

Ms. Stone stated that this item would remain open for discussion in Executive Session.

4c. Discussion and possible action related to the process for providing notification and hearings on the conversion of Temporary Production Permits pursuant to HB 3405 into Regular Production Permits.

Ms. Escobar stated that staff has been processing the applications and that they will be sending 90 -day notice letters to the applicants. She said that there are no complete administratively applications at this time; therefore they will be granted a 90-day extension to allow more time to turn in required materials. She explained the process for permits over 2 million gallons per year including public hearings that would be needed. She then explained how the staff would like to deviate from the standard protocol for publishing notices and to consolidate the hearings.

After discussion, Mr. Smith moved that the Board adopt the amended approved notices, and approval of the process that was laid out by staff with regard to the Temporary Permits issued in the annexed area.

Ms. Stansberry seconded the motion and it passed unanimously with a vote of 5 to 0.

4d. Discussion and possible action related to authorizing the General Manager to enter into an agreement with Texas Disposal Systems (TDS) to allow the District to drill and have future access to a monitor well on TDS property.

Mr. Dupnik explained that we received a draft of the agreement from TDS after the last Board meeting and hoped to have a final draft for Board approval at this meeting.

Dr. Larsen stated that the subcommittee met to discuss the agreement and had two substantive changes in the language to incorporate. The draft agreement with the changes was sent back to TDS and we have not heard back from them.

Mr. Dupnik recommended that the Board approve the subcommittee of Dr. Larsen and Mr. Smith to direct staff to execute the agreement when terms are acceptable.

After discussion, Ms. Stansberry concurred with the staff recommendation and moved for the subcommittee to work with staff to finalize the document when it is acceptable.

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

4f. Discussion and possible action related to renewing and extending the employment agreement with John T. Dupnik, P.G. as General Manager.

Ms. Stone stated that the Board would adjourn into Executive Session as authorized by the Texas Government Code Section 551.071 Consultation with Attorney at 8:18 p.m., and to also discuss item 4b. which remained open. Ms. Stone stated that no final actions or decisions would be made while in Executive Session.

The Board re-convened into open session at 8:57 p.m. Ms. Stone stated that no final actions or decisions were made while in Executive Session.

4b. Discussion and possible action related to the presentation of the initial assessment report on the upcoming redistricting of Director Precincts including approving resolutions adopting redistricting criteria and adopting guidelines for submitting redistricting proposals.

Ms. Stansberry moved approval of Resolutions #121715-02 and #121715-03 which included the criteria for redistricting.

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

4f. Discussion and possible action related to renewing and extending the employment agreement with John T. Dupnik, P.G. as General Manager.

Ms. Stansberry moved approval of the employment agreement with John Dupnik with a correction to the title.

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

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

Mr. Smith moved to nominate Blayne Stansberry as President.

Ms. Stone stepped off as presiding officer and seconded the motion.

Ms. Stone stepped back as presiding officer and called for a vote.

The motion passed unanimously with a vote of 5 to 0.

Ms. Stone stepped off as presiding officer and nominated Craig Smith as Vice President.

Ms. Stone stepped back as presiding officer.

Ms. Stansberry seconded the motion and called for a vote.

The motion passed unanimously with a vote of 5 to 0.

Ms. Stansberry moved to nominate Blake Dorsett as Secretary.

Mr. Smith seconded the motion.

The motion passed unanimously with a vote of 5 to 0.

The new officers are:

Blayne Stansberry - President

Craig Smith - Vice President

Blake Dorsett - Secretary

4b. Discussion and possible action related to the presentation of the initial assessment report on the upcoming redistricting of Director Precincts including approving resolutions adopting redistricting criteria and adopting guidelines for submitting redistricting proposals.

Ms. Stansberry moved to remove her name as Secretary of the Board to receive comments, in the Guidelines Resolution approved earlier in the meeting.

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

- 5. Directors' Reports.** *(Note: Directors' comments under this item cannot address an agenda item posted elsewhere on this agenda and no substantive discussion among the Board Members or action will be allowed in this meeting. Communications reported under this item may be used to support Performance Standard 4-1 of the District's Management Plan related to demonstration of effective communication with District constituents.)*

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

Dr. Larsen reported the following:

Met with Joe Pantalione from the City of Austin Watershed Protection Department
Met with Onion Creek Golf Club

Ms. Stone reported the following:

Attended a meeting with the Onion Creek Coalition

Ms. Stansberry reported the following:

Attended the HB3405 gathering
Attended the District Holiday Open House

Mr. Smith reported the following:

Attended the 12th Annual Clean Air Energy and Efficiency conference in Galveston

6. Adjournment.

Without objection, Ms. Stone adjourned the meeting at 9:08 p.m.

Approved by the Board on January 14, 2016:

By: Blayne Stansberry
Blayne Stansberry, President

Attest: Blake Dorsett
Blake Dorsett, Secretary