

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting
January 10, 2013**

Board members present at commencement: Mary Stone, Gary Franklin, Craig Smith, Bob Larsen and Blake Dorsett. Staff present: Kirk Holland, John Dupnik, Brian Smith, Kendall Bell-Enders, and Tammy Raymond. Bill Dugat and Claudia Russell 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 6:02 p.m., noting that a quorum of the Board was present.

2. Citizen Communications (Public Comments).

There were no comments of a general nature.

5. Board Discussion and Possible Action.

5c. Discussion and possible action related to the performance and compliance of District permittees with their User Drought Contingency Plan curtailments.

Mr. Dupnik presented the report for December pumpage and briefly described the District's compliance evaluation protocol outlined in the enforcement plan. He then indicated that two permittees, St. Andrews School and Onion Creek Club (OCC) exceeded the currently applicable compliance screening criteria and noted that there were mitigating circumstances involving OCC. Ryan Crump of OCC and Dr. Larsen described the cause of the overpumpage as being largely attributed to a waterline that was broken by a construction company at a car dealership construction site and left unreported to OCC or the District and undiscovered over a weekend. The circumstances and reported losses were documented by OCC and have been filed with the District in the unlikely event that enforcement action for annual overpumpage is later triggered.

Staff recommended visiting with OCC to better understand all elements of their system, including possibly touring their system, although no additional pre-enforcement meeting was needed.

After discussion, in which Mr. Dorsett made several inquiries about built-in system safeguards, Dr. Larsen moved that 1) while the water loss by OCC was beyond their control and was done by an off-site contractor, the staff and directors should schedule a tour of the system to better understand the existing system and to discuss possible additional safeguards that could be deployed so that water losses are detected earlier; 2) the Board encourages the staff to ensure that the City of Austin, the District, and other water purveyors are on the same sheet of music in terms

of alerting one another if there are obvious breaks, as failure to do this was a contributing factor to the amount of losses incurred in this instance; 3) a note be entered in the permittee files that this monthly overpumpage was not something that they caused or could have obviously prevented; and 4), finally, to schedule a pre-enforcement meeting between St. Andrew's School and staff to discuss causes of their overpumpage and to report back to the Board at an upcoming meeting.

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

5d. Update, discussion and possible action related to the pursuit of the District's legislative agenda.

Mr. Holland and Ms. Russell updated the Board on pending legislation.

After discussion, Mr. Smith moved to direct staff and our legislative liaison to pursue the marked up bill regarding the study of wastewater management in the contributing zone and to ask staff to sound out our permittees and the City of Austin on the general concept of allowing an increase in our pumpage fees when the MAG is reached or exceeded for a particular aquifer.

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

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 December 13, 2012, Regular Meeting.**
3. **Approval of a contractual agreement with Claudia Russell of Bickerstaff, Heath to provide legislative services for the District in support of its legislative agenda.**
4. **Approval of check-signing authority for Mary Stone and John Dupnik, and removal of authority for any former Directors and former staff members.**
5. **Approval of co-sponsoring the Envision Central Texas Regional Livability Symposium on "Water: Key to Our Future", to be held in mid-February on the UT campus, as a Breakfast Sponsor, and amending the line-item budget to provide necessary funds, as required.**

Mr. Smith moved approval of consent agenda items 3a. 1 through 5 as presented, noting invoices from the Hays County in the amount of \$10,940.55, and Figer and Co. in the amount of \$11,500. Also noted was a contractual agreement with Bickerstaff for legislative services in the amount of \$25,200, and approval of a Breakfast Sponsorship of \$1000 for the Envision Central Texas Regional Livability Symposium on Water.

Mr. Franklin 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. Update on recent activities of teams and directors;
- ii. Update on permitting and non-drought regulatory activities;
- iii. Update on status of the reported modification of the well construction and the permit application for a permittee operating under an agreed order;
- iv. Update on pending and proposed wastewater permit applications.

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.**

Ms. Stone and Mr. Franklin gave reports.

5a. Discussion and possible action related to the establishment of a standing Management Advisory Committee for the District's HCP, and its use in providing input to the Board on during the development of the draft HCP document.

Mr. Holland briefed the Board on recent activity of the District and District consultant Dave Anderson of FORM in assembling potential candidates for the Management Advisory Committee (MAC), which would provide input to the Board during development and execution of HCP.

The Board directed staff and Mr. Anderson to officially contact the bolded names on the roster provided to inform individuals of their appointments, and to follow up with several specific landowners as to their interest and willingness to be members of the MAC.

No formal action was taken.

5b. Discussion and possible action related to the approving the release of the white paper on alternative water supplies and the formation of an *ad hoc* stakeholder advisory committee for providing input to the Board on its initiative to foster the development of alternative water supplies in the District.

After a lengthy discussion by the Board, Mr. Smith moved to table the release of the white paper until the next meeting.

Dr. Larsen seconded the motion and it passed with a vote of 4 to 1, with Mr. Franklin voting nay.

A list of candidates for the stakeholders' group to discuss alternative water supplies was provided to the Board for consideration.

The Board directed staff to bring a revised roster back to the Board at an upcoming meeting that included 5-6 other people who might offer some new or different perspectives.

5e. Discussion and possible action related to authorizing a one year subscription to a grant resources identification and response information service, and amending the budget to accommodate that new expense.

Mr. Holland briefed the Board on a proposal by eCivis for a subscription to a grant resource identification service to facilitate pursuit of grant money to accomplish certain District objectives.

The Board suggested that the immediate focus of staff should be on drought management and that such a service may be more appropriate to be considered later, perhaps even in a future budget

year. In the interim, the Board directed staff to seek out references from other users of the service and further explore the possibility of partnering with Texas State to share costs and grant writing/administration responsibilities.

No formal action was taken.

5f. Discussion and possible action related to approving the elements of a participation agreement with several parties to initiate the desalination demonstration project at Texas Disposal Systems, Inc property.

Mr. Holland and Dr. Larsen provided an update to the Board on efforts to enter into an agreement with several parties involved in a desalination demonstration project at Texas Disposal Systems. The Board described some boundary conditions and concerns regarding the installation of the District's Westbay well on the TDS private property that should be addressed in the agreement.

No formal action was taken.

5g. Discussion and possible action related to approving a resolution authorizing District representation as ex-officio members of an Executive Committee of the Hays County Water and Sewer Authority.

After discussion, Mr. Smith moved approval of Resolution #011013-01 to appoint John Dupnik to represent the District as the ex-officio member of an Executive Committee of the Hays County Water and Sewer Authority.

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

4. Presentations

Assistant General Manager John Dupnik, P.G. will present the results of his Masters thesis on a possible regionalized approach to improving groundwater management in Texas.

Due to time constraints, the Board returned Mr. Dupnik's presentation to the agenda of the next meeting.

6. Adjournment.

Without objection, Ms. Stone adjourned the meeting at 9:20 p.m.

Approved by the Board on January 24, 2013:

By: Mary Stone
Mary Stone, President

Attest: Craig Smith
Craig Smith, Secretary