

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Special Meeting
Telephone & Videoconference
April 8, 2021**

Board members present at commencement: Blayne Stansberry, Craig Smith, Christy Williams and Dan Pickens. Blake Dorsett was absent. Staff present included: Vanessa Escobar, Michael Redman, Dana Wilson, Brian Smith, Justin Camp, Erin Swanson, Kendall Bell Enders, Jeff Watson and Tammy Raymond. These minutes represent a summarized version of the meeting; the complete discussion of the following items is recorded digitally.

Note: The Board of Directors of the Barton Springs/Edwards Aquifer Conservation District reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on this agenda, as authorized by the Texas Government Code Sections §551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551.087 (Economic Development) 418.183 (Homeland Security). No final action or decision will be made in Executive Session.

1. Call to Order.

President Stansberry called the virtual meeting to order at 4:00 p.m., noting that a quorum of the Board was present.

2. Citizen Communications (Public Comments of a General Nature).

Ms. Escobar summarized a letter from TESPAs agreeing with the General Manager's position on the Electro Purification application being withdrawn and sent back.

Adam Freidman, TESPAs attorney, agreed with summary and added that a non-suit was filed in support of the General Manager's position to return the application.

3. 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 a separate item of Regular Business on this agenda.)

3a. Approval of Financial Reports under the Public Funds Investment Act, Directors' Compensation Claims, and Specified Expenditures greater than \$5,000.

b. Approval of minutes of the Board's March 11, 2021 Special Meeting and of the March 25, 2021 Work Session.

Director Pickens moved approval of the consent agenda items 3a. and 3b.

Director Williams seconded the motion and it passed unanimously with a vote of 4 to 0.

5. Discussion and Possible Action.

5d. Discussion and possible action related to a legislative update by Sledge Law Group.

President Stansberry stated that the Board would meet in Executive Session as authorized by the Texas Government Code Section 551.071 (Consultation with Attorney) at 4:07 p.m.

President Stansberry stated that no final actions or decisions would be made while in Executive Session.

The Board reconvened into open session at 4:54 p.m. President Stansberry stated that no final actions or decisions were made while in Executive Session.

5f. Discussion related to update from Special Counsel John Vay to the Board concerning the application of Electro Purification LLC, former SOAH Docket No. 957-18-4985. No action will be taken.

President Stansberry stated that the Board would meet in Executive Session as authorized by the Texas Government Code Section 551.071 (Consultation with Attorney) at 4:56 p.m.

President Stansberry stated that no final actions or decisions would be made while in Executive Session.

The Board reconvened into open session at 5:51 p.m. President Stansberry stated that no final actions or decisions were made while in Executive Session.

Ms. Escobar read a public comment letter from Don Wood's attorney endorsing TESPA's comments and acknowledging their legal position.

5b. Discussion and possible action related to the Hill Country Conservancy Trust.

Ms. Escobar gave a brief update on the background of the trust being formed in 2019. She said that the trust would consist of five entities including the City of Austin, LBJ Wildflower Center, Circle C Development Association, the Hill Country Conservancy, and the District. She went on to say that George Cofer had begun drafting by laws, and Director Smith was appointed by the Board to represent the District.

Director Smith explained that the first \$70,000 would go to landscaping and anything above that would go to protection of the aquifers. A great source that the District could use for education. He said that the part of the delay was the LBJ Wildflower center, but UT is now on board with the same five trustees in the Circle C Settlement Agreement.

President Stansberry asked Director Smith if he would still represent the District, and he agreed.

Director Pickens moved to re-affirm Director Smith as the District's representative on the Hill County Conservancy Trust.

Director Williams seconded the motion and it passed unanimously with a vote of 4 to 0.

5e. Discussion and possible action on the TCEQ draft wastewater permit No. WQ0015594001 for Sawyer - Cleveland Partnership, Ltd.

Ms. Bell-Enders stated that the application submitted in July of 2017 was to discharge 92,000 gallons into Long Branch Creek that would eventually end up in Barton Creek.

Dr. Smith gave an update on the science involving the permit.

President Stansberry stated that the Board would meet in Executive Session as authorized by the Texas Government Code Section 551.071 (Consultation with Attorney) at 6:08 p.m.

President Stansberry stated that no final actions or decisions would be made while in Executive Session.

The Board reconvened into open session at 6:31 p.m. President Stansberry stated that no final actions or decisions were made while in Executive Session.

Director Smith moved to direct the General Manager to submit comments to the TCEQ on the draft Sawyer-Cleveland wastewater permit, amending our previous comments as appropriate, and pointing out all of the objections to the proposed discharge.

Director Pickens seconded the motion and it passed unanimously with a vote of 4 to 0.

Director Smith left the meeting at 6:33 p.m.

At 6:33 p.m. the Board took a 10 minute break.

The Board reconvened at 6:45 p.m.

5a. Discussion and possible action related to permittee's monthly drought compliance.

Ms. Swanson gave an update on the monthly drought protocols in the 4th month of drought. She said that the first three months they concentrate on the larger pumpers in Tier 3 and that they have done an impressive job, and all are in compliance. In months four through six the focus will be on Tiers 2 and 3 and overpumpage amounts of 25% and over. She explained that there are two over pumpers in tier 2, including the Onion Creek Club and Aqua Texas.

Mr. Redman stated that they have reached out to both of them to initiate pre enforcement discussions of why they are not in compliance.

No action was needed.

5c. Discussion and possible action on a summer schedule for board meetings and planning for returning in person.

Ms. Escobar stated that employees are waiting to see how the vaccine has progressed before returning to work full time. She said they she is hoping for September, but may be using a hybrid approach in the summer months. She asked the Board members to let Tammy know if they have any scheduled vacation plans.

She said that the following dates have been designated for Board meetings:

April 22 – Board work session
May 13 – Regular Board meeting and Public Hearing (DFCs)
May 15 – Strategic Planning
May 19 – Strategic Planning
June 10 – Regular Board Meeting
July 8 – Regular Board Meeting and Public Hearing (Budget & Fee Schedule)
August 12 – Regular Board Meeting

President Stansberry stated that she would not be comfortable coming back to in person Board meetings until every single one of us is vaccinated, and asked Ms. Escobar to look into the hybrid approach for Board meetings.

4. General Manager’s Report.

- a. Update on personnel matters.**
- b. Update on Aquifer conditions and status of drought indicators.**
- c. Update on Budget Planning schedule.**
- d. Update on Redistricting timeline.**
- e. Update on the litigation matter of City of Austin et. al. v. Kinder Morgan Texas Pipeline.**
- f. Update on Monitor well installation.**
- g. Update on GMA planning activities.**

Ms. Escobar, staff, and Bill Dugat gave updates on the items above.

Director Williams left the meeting at 7:21 p.m.

President Stansberry asked Mr. Dugat if staff could continue the GM report.

Mr. Dugat recommended adjourning the meeting due to no longer having a quorum.

- h. Review of Status Report and update on team activities/projects.**
- i. Upcoming public events of possible interest.**

6. Directors’ Reports.

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

No reports were given.

7. Adjournment.

Due to the loss of a quorum, President Stansberry adjourned the meeting at 7:23 p.m.

Approved by the Board on May 13, 2021

By: Blayne Stansberry
Blayne Stansberry, Board President

Attest: Blake Dorsett
Blake Dorsett, Board Secretary