

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

Board members present at commencement: Blayne Stansberry, Christy Williams, Dan Pickens, and Craig Smith. Staff present included: Vanessa Escobar, Michael Redman, Dana Wilson, Justin Camp, Erin Swanson, Kendall Bell Enders, David Marino, 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).

There were no public comments of a general nature.

3. Consent Agenda.

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

3b. Approval of minutes of the Board's June 10, 2021, Special Meeting and Public Hearing.

3c. Approval of Master Service Contract with GSI Environmental, Inc. to provide tutorials on groundwater modeling using Groundwater Vistas, and to assist with transition of the District's steady-state, in house model to a transient model.

3d. Approval of Amendment No. 1 to the Hays County ILA and MOU (related to study of the Trinity 'Aquifers in Hays County and the Region) executed on October 19, 2019, to extend the termination date to August 31, 2022.

3e. Approval of Amendment No. 2 to the HTGCD ILA related to Construction of a Monitor Well in the Trinity Aquifer, executed on March 12, 2020, and amended on October 8, 2020,

with Amendment No. 1 The only change is the extension of the termination date to August 31, 2022.

Director Smith moved approval of the consent agenda items 3a. through 3e. noting an invoice from Bickerstaff Heath in the amount of \$5527.50.

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

4. Public Hearings.

4a. Public Hearing - Rules & Bylaws

The Public Hearing concerns proposed revisions to the District Rules and Bylaws related generally to: Conservation Credits; Drilling Authorization Extensions; Fee Schedule; Drought Management Fees; Notice of Violation of Overpumpage of Annual Production Permit; Penalty Criteria, Penalty Range and Enforcement for Overpumpage of Annual Production Permit; and, other general administrative clarifications and corrections.

President Stansberry opened the Public Hearing at 4:08 p.m.

Mr. Redman briefed the Board on the proposed rule changes.

There were no public comments.

President Stansberry closed the Public Hearing at 4:12 p.m.

5. Discussion and possible action.

5a. Discussion and possible action on the approval of the proposed changes to the District's Rules & Bylaws.

After discussion, 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 4:14 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 4:24 p.m. President Stansberry stated that no final actions or decisions were made while in Executive Session.

Director Smith moved to adopt the Ruled and Bylaws as proposed.

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

4. Public Hearings.

4b. Public Hearing – Budget & Fee Schedule

The Public Hearing concerns the District’s proposed fiscal year 2022 Budget and Fee Schedule. At the conclusion of this Public Hearing the Board may approve the fiscal year 2022 proposed Budget and the fiscal year 2022 Fee Schedule.

President Stansberry opened the Public Hearing at 4:26 p.m.

Ms. Escobar briefed the Board on the proposed Budget and Fee Schedule

There were no public comments.

President Stansberry closed the Public Hearing at 4:26 p.m.

5b. Discussion and possible action on approval of the FY 2022 Fee Schedule by Resolution #070821-01.

Mr. Redman briefed the Board on the proposed changes to the Fee Schedule.

Director Smith moved to adopt the FY 2022 Fee Schedule by Resolution #070821-01.

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

5c. Discussion and possible action on approval of the FY 2022 proposed Budget.

Ms. Escobar briefed the Board on the FY 2022 proposed Budget.

Director Smith moved to adopt the FY 2022 Budget as proposed.

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

5d. Discussion and possible action related to permittee’s monthly drought compliance.

Ms. Swanson gave an update on the monthly drought compliance of the permittees. She said that all permittees are in compliance, with the exception of Aqua Texas.

5e. Discussion and possible action on the Status of Aquifer Conditions and possible change in drought status.

Mr. Camp briefed the Board on aquifer conditions and the status of the District’s two monitor wells. He said that both of the District’s monitor wells are above drought stage II.

Ms. Escobar said that based on the data, staff recommends lifting Drought Stage II to Stage I voluntary 10% reduction in pumping.

After Board discussion, Director Pickens moved to lift Drought Stage II.

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

Ms. Escobar stated that a press release would be sent to the public, and permittees would be notified that they can return to their normal pumpage.

5f. Discussion and possible action related to authorize the General Manager to require a representative of Aqua Texas-Bliss Spillar to appear before the Board of Directors in August at a Show Cause Hearing, if necessary, for noncompliance with District Drought Rules and its Permit.

Mr. Redman explained that staff met with the permittee on May 4th and gave them six objectives to comply with, and that they had agreed upon. They only met one objective and that was to pick up drought signs. On June 16th we emailed them asking for a follow-up meeting and did not receive a response. On June 26th we sent them a letter by email, regular mail, and certified mail, informing them that if they did not communicate with staff, they would be required to appear at the August 12th meeting to show cause why the Board should not initiate an enforcement action against them for non-compliance with the rules of the District.

After discussion, 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 5:38 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 6:12 p.m. President Stansberry stated that no final actions or decisions were made while in Executive Session.

Director Smith moved to direct the staff and legal counsel as the first step in enforcement action in setting a show cause hearing against Aqua Texas-Bliss Spillar, that the staff and counsel draft a notice of alleged violation and bring it back to the Board for approval and issuance.

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

5g. Discussion and possible action related to accept resignation of Director Blake Dorsett and to fill the vacancy on the Board of Directors.

President Stansberry stated that we received Director Dorsett's resignation and that due to personal reasons he unfortunately will not be able to serve out his term. She said that he has been an invaluable Director on the Board and will be missed.

Director Pickens moved to accept Director Dorsett's resignation and to fill the vacancy of Precinct 3 Director through Board appointment, and have staff send out a press release soliciting letters of interest.

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

5h. Discussion and possible action to elect a Board Secretary.

Director Pickens nominated Director Williams to fill the role as Secretary to the Board.

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

Ms. Escobar explained that the staff had a few slides on an Enforcement Plan and wanted to know if the Board would like to see those tonight or wait until the next meeting.

The Board elected to hear a short presentation from Ms. Bell-Enders.

5a. Discussion and possible action on the approval of the proposed changes to the District's Rules & Bylaws.

Ms. Bell-Enders presented the Permittee Enforcement Plan criteria to the Board.

6. General Manager's Report.

Topics

- a. Update on options to conduct Board meetings in person, by telephone and video conference.
- b. Update on personnel matters – Hybrid phase of remote/in person.
- c. Update on upcoming Board Committee activity
- d. Review of Status Report and update on team activities/projects.
- e. Upcoming events of possible interest.

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

7. 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.

Board members that had outside and Zoom meetings gave reports.

8. Adjournment.

With no objection, President Stansberry adjourned the meeting at 6:47 p.m.

Approved by the Board on August 12, 2021

By: Blayne Stansberry
Blayne Stansberry, Board President

Attest: Christy Williams
Christy Williams, Board Secretary