

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Special Meeting
Telephone & Videoconference
August 12, 2021**

Board members present at commencement: Blayne Stansberry, Christy Williams, Dan Pickens. Craig Smith joined at 4:06 p.m. 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 4:04 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 July 8, 2021, Special Meeting and Two Public Hearings.

3c. Approval of the renewal of the current Master Service Contracts list and new additions to the approved vendor list.

3d. Pre-Approval of check payment in amount of \$7600.00 for USGS Lovelady well monitoring.

3e. Approval of Westbay equipment in the amount of \$6046.80 to complete our contracted equipment contribution of \$15,000 in the current HTGCD ILA, that goes towards the Hays County/HTGCD Jacob's Well project.

Director Pickens moved approval of the consent agenda items 3a. through 3e.

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

4. Discussion and possible action.

4a. Discussion and possible action related to the District's Communications and Outreach Plan.

Mr. Marino gave a presentation on the District's Communication and Outreach plan focusing on the District's educational programs and increased communication with the general public. He acknowledged that the plan might change in the future. He also thanked Ms. Escobar, Director Pickens, and Director Williams for their involvement in the plan creation.

After discussion, Director Pickens moved to adopt the Communication and Outreach plan as drafted, acknowledging that it might change in the future.

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

4d. Discussion and possible action related to enforcement against Aqua Texas -Bliss Spillar for noncompliance with District Drought Rules and its 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 4:21p.m.

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

The Board reconvened into open session at 5:33 p.m. President Stansberry stated that no final actions or decisions were made while in Executive Session.

No action was taken.

4b. Discussion and possible action on adopting amendments to the Enforcement Plan and Procedures.

Director Smith stated that he is concerned that this plan puts more on the staff than the permittee in violation.

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 5:35 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 5:41 p.m. President Stansberry stated that no final actions or decisions were made while in Executive Session.

Ms. Bell-Enders gave a presentation on the enforcement plan changes including criteria, penalty adjustments, and over pumpage violations.

Director Smith stated that he appreciates the work that has gone into this plan but that its overly technical and detailed. There are many “shalls” that should be “mays” and that we will regret adopting these because it will be more work on staff.

Director Pickens disagreed with Director Smith saying that it’s our responsibility to enforce pumpage rules.

President Stansberry said that she would not object to revising some of the “shalls” to “mays” giving the Board some flexibility, and asked Director Smith if he had any recommendations.

Director Smith said that he wasn’t prepared to make specific recommendations at this time.

Director Williams said that it’s good to have a process that is consistent and structured rather than based on subjected discretion.

Director Pickens moved approval of adopting the new rules and procedures for enforcement.

Director Williams seconded the motion and it passed with a vote of 3 to 0. Director Smith abstained.

The Board took a brief recess from 6:03 p.m. to 6:18 p.m.

4c. Discussion and possible action related to renewal of annual Production Permits for FY 2022 contingent on compliance with District rules and renewal requirements.

Mr. Redman explained that the staff reviewed all the permits and special conditions if applicable as well as payments. He said that staff recommends approval of all annual production permits.

Director Smith moved to approve all annual production permits per staff’s recommendation.

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

4e. Discussion and possible action related to the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, including transition plans related to the resignation of the General Manager.

Ms. Escobar stated that she provided her resignation to President Stansberry and the Board over a week ago and plans to help with the transition over the next five weeks.

President Stansberry commented that Vanessa has had a remarkable impact during her eight-year tenure at the District. Coming in as GM right before a pandemic she did an excellent job shepherding staff through such a transition with virtual meetings and new Directors. As well as her role in Regulatory Compliance with EP and Annexation. She thanked her for everything she has done for the District and that she will be missed.

Directors Smith stated that he was glad to have worked with Vanessa, that she did a wonderful job and wished her the best in her promising career.

Directors Williams said that she wished she could have worked with Vanessa longer but that she is sure that their paths will cross in the future.

Director Pickens had nothing but praise for Vanessa's performance and attitude.

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 6:27 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 7:08 p.m. President Stansberry stated that no final actions or decisions were made while in Executive Session.

Director Smith moved that in the interim period before a new General Manager is hired, the management will be carried out by a Management Team, and that Brian Smith will be the designated General Manager for any statutory or regulatory requirements that would require action. He also directed staff to issue and post the General Manager position the following day.

5. 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 operations.**
- c. Review of Status Report and update on team activities/projects.**
- d. Upcoming events of possible interest.**
- e. Update on drought management fees for permittee noncompliance during the drought period of October 8, 2020 – July 8, 2021.**

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

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.

Board members that had outside and Zoom meetings gave reports.

7. Adjournment.

With no objection, President Stansberry adjourned the meeting at 7:21 p.m.

Approved by the Board on September 9, 2021

By: Blayne Stansberry
Blayne Stansberry, Board President

Attest: Christy Williams
Christy Williams, Board Secretary