

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting
August 28, 2014**

Board members present at commencement: Bob Larsen, Mary Stone, Craig Smith and Blake Dorsett. Staff present: John Dupnik, Brian Smith, Brian Hunt, Kendall Bell-Enders and Tammy Raymond. 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.

Dr. Larsen 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.

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 August 12, 2014 Special Called Meeting, and August 14, 2014 Regular Meeting.**
3. **Approval of an amendment to the contract with Hicks and Company for Environmental Document Preparation Services to extend the deadline until August 31, 2015.**
4. **Approval to cancel the general election on November 4, 2014 for Director of Precinct 5, including: (a) receive from the District's Election Agent certification of unopposed candidate; (b) adoption of an order declaring unopposed candidate for the office of Director Precinct 5 as elected; providing that the November 4 2014 general election in the Precinct 5 area of the District shall not be held; and containing other provisions relating to the cancellation of said election; and (c) any other action necessary to cancel the November 4, 2014 general election in Precinct 5.**

Mr. Dupnik briefed the Board on the consent agenda items above.

Ms. Stone moved approval of consent agenda items 3a. 1 through 4 as presented, noting invoices from Hicks & Company in the amount of \$15,702.72, Intera in the amount of \$9497.50, and EAA in the amount of \$6000.

Mr. Dorsett seconded the motion and it passed with a vote of 4 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.

- i. Personnel matters and utilization**
- ii. Upcoming public events of possible interest**
- iii. Aquifer conditions and status of drought indicators**

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

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. Update on Team activities and highlights**
- ii. Update on regulatory and enforcement activities**
- iii. Update on current Aquifer Science Team projects**
- iv. Update on interim legislative activity**
- v. Update on efforts to characterize the saline zone of the Edwards Aquifer**
- vi. Update on the status of the City of Kyle's remanded permit application**

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

4. Presentations.

Presentations by invited firms offering contracted legislative consulting services.

The Board set a Special Called Meeting, on September 4, 2014, to hear presentations from the invited firms.

5b. Discussion and possible action related to possible reconfiguration of the Management Advisory Committee (MAC).

Dr. Larsen opened the discussion by questioning the representation of the Board since only two of the members (with available residence locations on the map provided) lived within the District, and suggested that since the HCP project was moving from drafting of the plan into implementation, it would be the appropriate time to consider different members, preferably with residence in the District.

Mr. Smith and Ms. Stone questioned the timing of a change and suggested that they were satisfied with the current MAC makeup.

Dr. Larsen suggested that names not be attached to the interest groups in the draft plan and that the At-Large Private Citizens should live within the District Boundaries.

Mr. Dupnik confirmed that only the interest groups were specified in the HCP and referred to the excerpt of the HCP describing the MAC makeup.

Ms. Laurie Dries, the chair of the MAC, gave comments that she had received from some of the MAC members on the agenda item and offered her perspective from her experience working with advisory groups as a staff biologist with the City of Austin.

No formal action was taken by the Board

5a. Discussion and possible action related to the draft Habitat Conservation Plan, the comments received during the public comment period, staff suggested responses to comments, and setting a public hearing.

Mr. Dupnik and Mr. Brian Hunt presented an overview of the edits to the public comment version of the HCP that were primarily in response to:

- Comments received on the content and background information in Chapters 3 and 5;
- Guidance from the USFWS related to covered activity, baseline conditions, and determining take; and
- Refinement of the take and cumulative loss estimate methodology (Ch. 5 and new Appendix J).

After a presentation of the changes and a detailed explanation of the new and improved take estimate methodology; Mr. Dupnik presented a proposed path forward and recommended that the document be approved with edits for a public hearing on September 11th. He then described interim steps which included: 1) meetings with the primary commenters to discuss their comments and what was accepted and what was not, and 2) continued efforts to get input from the contracted Biologist, Bryan Brooks.

After discussion, Ms. Stone moved approval of the draft HCP with the edits discussed, and to set a public hearing on September 11, 2014

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

5c. Discussion and possible action related to assessment of District Goals and Objectives for FY14, and identification of possible goals for FY15.

Mr. Dupnik went over the Board-approved FY14 goals, and presented the highlights of District efforts, and activity, that demonstrated substantial progress towards achievement of those goals. He then offered that the staff's opinion was that all of the goals were achieved.

After discussion, Mr. Smith moved that the FY 14 goals and objectives had been completed as satisfactory.

Ms. Stone seconded the motion and it passed with a vote of 4 to 0.

Mr. Dupnik then solicited suggestions for ideas for FY15 goals, and indicated that they would be outlined on an upcoming Board meeting agenda.

3c. 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;**
- **Recognition of people doing good things for groundwater management in the District; and**
- **Issues or problems of concern.**

Ms. Stone reported the following:

Attended the TAGD Summit
Subcommittee meeting on SH45
Spoke to a developer on a 2000 home development coming to Hays County

Mr. Dorsett reported the following:

Attended the Creedmoor Board meeting

Delivered drought material to permittees within his District

Mr. Smith reported the following:

Met with State Representative Isreal
Met with two of the Austin Mayor candidates

Dr. Larsen reported the following:

Attended the TAGD Summit
Met with Austin Mayoral candidates
Met with Onion Creek HOA
Attended a meeting on a possible Flood Control District
Attended the Public Hearing on proposed State Highway 45 SW
Meeting on TxDOT draft EIS

5d. Discussion and possible action related to evaluation of the performance of the General Manager's office in FY14 including assessment of incentive compensation.

The Board adjourned into Executive Session under Texas Government Code Section 551.074 Personnel Matters, at 8:48 p.m. Dr. Larsen stated that no actions or decisions would be made while in Executive Session.

The Board reconvened into Open Session at 9:25 p.m. Dr. Larsen stated that no actions or decisions were made while in Executive Session.

Mr. Smith moved that the Board has determined that Mr. Dupnik has completed a satisfactory evaluation, and to award him a 1.5% cost of living increase and a performance-based incentive compensation of 10% of his salary, as a one-time payment.


Ms. Stone seconded the motion and it passed with a vote of 4 to 0.

6. Adjournment.

Without objection, Dr. Larsen adjourned the meeting at 9:27 p.m.

Approved by the Board on September 11, 2014:

By: 
Robert D. Larsen, Acting President

Attest: 
Craig Smith, Secretary