

**Barton Springs/Edwards Aquifer Conservation District  
Board of Directors Meeting Minutes  
Regular Meeting  
January 27, 2010**

Board members present at commencement: Mary Stone, Gary Franklin, Bob Larsen, Jack Goodman. Craig Smith arrived at 6:10 p.m. Staff present: Kirk Holland, John Dupnik, Brian Smith, Dana Wilson, and Tammy Raymond. Bill Dugat of Bickerstaff, Heath also participated. 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 6:05 p.m., noting that a quorum of the Board was present.

**2. Citizen Communications (Public Comments).**

There were no public 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 from the January 13, 2011, Regular Meeting and January 15, 2011 Called Meeting & Work Session.**

Mr. Goodman moved approval of items 3.a.1 and 2 of the consent agenda.

Dr. Larsen seconded the motion, and it passed unanimously with a vote of 4 to 0.

**3. Routine Business.**

- b. **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. **Personnel matters and utilization;**
2. **Upcoming public events of possible interest;**
3. **Aquifer conditions and status of drought indicators.**
4. **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. **Review of Status Report Update Report – at Directors’ discretion.**
  - ii. **Update on permitting and regulatory activities.**
  - iii. **Update on developments concerning the SOAH hearing on TCEQ’s Hill Country PGMA Report and Recommendations**
  - iv. **Update on developments concerning Jeremiah Venture contested-case.**

Mr. Holland, Mr. Dugat and staff updated the Board and answered directors’ questions on the teams’ activities concerning the items listed above.

#### **4. Public Hearing. (6:10 PM)**

The Board will conduct a Public Hearing concerning proposed revisions to the District Rules and Bylaws related generally to: adding, revising, and deleting certain definitions; re-organizing existing language into different subsections; clarifying Board considerations for certain permit applications; reflecting Board authority for achieving the applicable Desired Future Conditions; re-naming existing drought stages and revising and adding additional drought triggers for the more extreme drought stages and Emergency Response Period; modifying certain provisions applicable to Conditional Production Permits, including drought management requirements; modifying certain provisions applicable to non-public water supply Historical Use Permits during Board-declared Emergency Response Period; clarifying certain terms of a Temporary Transfer Permit; and other general administrative clarifications and corrections.

Ms. Stone opened the Public Hearing at 6:18 p.m.

Mr. Dupnik gave a presentation on the draft rule changes.

Mr. David Loftis of Centex Materials expressed his ongoing concern for 100% cessation during an Emergency Response Period, and asked the District for reconsideration and direction.

Ms. Jennifer Walker stated that she appreciated that the draft rules went through the Policy Advisory Committee, and their input was taken into consideration.

Ms. Stone closed the Public Hearing at 7:08 p.m.

#### **5. Regular Meeting: Continued Business.**

##### **5a. Discussion and possible action on approval of amendments to the District Rules and Bylaws as generally identified in the public hearing item above.**

After discussion, Mr. Smith moved to postpone action on the proposed rules until the second meeting in February at which time we may have a Managed Available Groundwater (MAG) number and be able to incorporate alternate language about the MAG in lieu of the EDWL, and will give us an opportunity to specify the options and conditions for using alternative water supplies for Centex and other industrial users.

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

**5b. Discussion and possible action related to the format, content, and style of future Board meetings, backup documentation, and agendas.**

**5c. Discussion and possible action related to approving the District's Annual Report.**

Dr. Larsen moved approval of the District's Annual Report excluding Appendix A, the Annual Audit which will be submitted when completed.

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

**6. Regular Meeting: Continued Business.**

**6a. Discussion and possible action related to approval of Resolution 012711-01 in support of the City of Kyle's application to TWDB for a Water and Wastewater Facility Planning Grant.**

Mr. Goodman moved approval of Resolution 012711-01 in support of the City of Kyle's grant application.

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

**6c. Update, discussion, and possible action on progress and developments concerning the District's legislative agenda and on other relevant legislative initiatives that potentially affect the District.**

Mr. Holland briefed the Board on the progress on the specific bills that are part of our legislative agenda.

No Board action was needed.

**6d. Discussion and possible action related to continuing progress on developing the District HCP and its related NEPA documentation.**

Mr. Holland briefed the Board on the District HCP progress.

**6b. Discussion and possible action relating to City of Kyle vs. Goodman et al. and the Barton Springs Edwards Aquifer Conservation District, Cause No. 10-1267, 22<sup>nd</sup> District Court, Hays County, Texas.**

Mr. Dugat updated the Board on the status of the case.

No action was needed.

**6. Adjournment.**

Without objection, Ms. Stone adjourned the meeting at 8:20 p.m.

Approved by the Board:

By: Mary Stone  
Mary Stone, President

Attest: Craig Smith  
Craig Smith, Secretary