

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting
January 28, 2010**

Board members present at commencement: Bob Larsen, Gary Franklin, Mary Stone, and Jack Goodman. Craig Smith arrived at 6:06 p.m. Staff present: Kirk Holland, Brian Smith, John Dupnik, Dana Wilson, 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 public comments of a general nature.

4. Regular Meetings: New Business.

4b. Discussion and possible action on amending the Agreed Order with Ridgewood Village Water System, to include more specifically drought management fees incurred before the effective date of the Agreed Order as part of the financial obligations to be offset by successful implementation of the Agreed Order.

Mr. J.D. Horne, representing Ridgewood Village Water System, gave the Board a brief history of the water system and how they had arrived to this point. He asked the Board to consider waiving the \$2250 of Drought Management Fees already paid, due to the fact that they are getting off of groundwater and retiring their permit.

After discussion, Mr. Smith moved to authorize to amend the Agreed Order signed in the matter of enforcement action concerning Ridgewood Village Water System (RVWS) to amend Paragraph 7 of the Agreed Order to include the DMFs in the amount of \$2250, which will be deferred contingent upon RVWS's satisfactory compliance and that such management fees would be waived.

Ms. Stone seconded the motion.

After further discussion, Mr. Smith amended his motion to waive fees, and upon compliance the District will refund the DMF fee of \$2250 that has been paid, and to authorize the General Manager to execute amended Agreed Orders to that effect on behalf of the District.

Ms. Stone seconded the friendly amendments.

Dr. Larsen called for a vote. The motion passed unanimously with a vote of 5 to 0.

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 14, 2010, Regular Meeting.**

Mr. Goodman moved approval of 3a.1 of the consent agenda, stating that he was not present for the January 14th meeting.

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

Ms. Stone moved approval of item 3a.2 of the consent agenda as stated above.

Mr. Franklin seconded the motion and it passed with a vote of 4 to 1, with Mr. Goodman abstaining.

- 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. **Discussion of Status Report Update, at Board's discretion.**
- ii. **Update on GMA-9 and GMA-10 activities.**
- iii. **Update on activities related to Travis County Water District 10 decision on RVWS annexation, as it relates to our Agreed Order with RVWS.**

- iv. **Update on Kyle permits' contested-case schedule and materials.**
- v. **Update on discussions with LCRA, TCEQ, and the landowner representatives concerning withdrawals from Onion Creek in the contributing zone to provide water to an off-channel reservoir**

Mr. Holland and staff updated the Board and answered directors' questions on the teams' activities concerning the items listed above. No Board action was taken.

4. Regular Meetings: New Business.

4a. Presentation, discussion and possible action on approval of the FY 2009 Annual Report and Financial Audit.

Mr. Holland and Ms. Wilson gave a presentation on the FY 2009 Annual Report and explained that review and approval of the Financial Audit Report, Exhibit B in the Annual Report, would be tabled until the next meeting.

Mr. Franklin moved approval of the FY 2009 Annual Report without Exhibit B.

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

4c. Discussion and possible action on establishing the strategic agenda for the District in FY 2010 and 2011.

Mr. Holland reviewed the output of the work session the previous Saturday, which included a list of the strategic agenda items that the Board identified as special emphasis activities under the existing Management Plan in FY 2010-2011.

Mr. Smith moved approval of the items reported by the General Manager. Ms. Stone seconded the motion, and it passed unanimously with a vote of 5 to 0.

The Board President directed the staff to share this information with the public by posting these strategic agenda items at an appropriate location on the website.

4d. Discussion and possible action to consider approval of UDCPs for Monarch Utilities, Huntington Estates, and Mystic Oak and discussion of future UDCP characteristics.

After discussion, Mr. Smith moved approval of the UDCPs for Monarch Utilities, Huntington Estates, and Mystic Oak as written.

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

4e. Discussion and possible action related to an emergency approval of pumpage from the new Oak Forest WSC Trinity well owing to impairment of the WSC's Edwards well.

This item was tabled to a future meeting.

5. Regular Meeting: Continued Business.

5a. Discussion and possible action related to status and progress on the contested-case SOAH proceedings associated with the TCEQ preliminary decision on the TLAP for Jeremiah Venture, L.P.

Mr. Dugat stated that a counter-offer for settlement was expected from the applicant, but had no other news to report.

No Board action was required.

5b. Discussion and possible action concerning the feasibility of a brackish groundwater desalination facility, including authorizing the preparation of a proposal for a cost-sharing grant from TWDB for continuing investigations.

Dr. Larsen explained that a grant from the TWDB was available, but the deadline for submitting a proposal is March 1st. He asked the Board to consider authorizing \$10,000 to contract AECOM Engineering to help facilitate the work needed to assist in writing the proposal due to the specialty knowledge and fast response needed.


After discussion, Mr. Goodman moved to authorize up to \$10,000 to contract with AECOM to facilitate the work necessary to submit a proposal to the TWDB by March 1st.


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

6. Adjournment.

Dr. Larsen adjourned the meeting at 7:52 p.m.

Approved by the Board:

By: 
Dr. Robert Larsen, President

Attest: 
Gary Franklin, Secretary