

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting
February 24, 2010**

Board members present at commencement: Mary Stone, Gary Franklin, Bob Larsen, Craig Smith, and Jack Goodman. Staff present: Kirk Holland, John Dupnik, Brian Smith, Dana Wilson, and Tammy Raymond. Bill Dugat and Claudia Russell 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 6:03 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 February 10, 2011, Regular Meeting and Public Hearing.**
3. **Approval of the staff promotions recommended by the General Manager, and the enabling budget amendments, as required.**

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

Mr. Franklin seconded the motion, and it passed unanimously with a vote of 5 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 other regulatory activities.
 - iii. Update on developments, if any, concerning the HCP grant project.
 - iv. Update on developments, if any, concerning TCEQ’s recommendations for providing GCD protection in unprotected areas of the Hill Country PGMA.

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

4. Board discussions and Possible Actions.

4a. Discussion and possible action on progress with Centex in defining requirements for alternative water supplies and their relation to curtailments of industrial and non-agricultural irrigation permits during an Emergency Response Period.

Mr. Dupnik stated that Centex cancelled the scheduled meeting for discussion on this topic. He then recommended no action at this time other than continuing the discussions with Centex as previously authorized.

No Board action was taken.

4b. Discussion and possible action on amending 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; substitution of the MAG for the EDWL as the regulatory limitation on pumping; 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.

Mr. Holland stated that staff recommended adoption of the rules as currently proposed and deferring any potential changes related to substitution of MAG for EDWL and/or some alternative curtailments on certain historical use permits during ERP to a supplemental rulemaking process later this spring.

After discussion, Mr. Smith moved to postpone adoption of the rules for one additional month and return it to the agenda of the March 24th meeting, and to direct staff to notify Centex that the Board will proceed with the rulemaking as proposed then, unless discussions with Centex and/or the MAG amount warrants further amendments.

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

4c. Update, discussion, and possible action related to developments concerning the District's legislative agenda and with other relevant legislative initiatives that potentially affect the District.

Mr. Holland and Ms. Russell updated the Board on legislation concerning the District.

No action was needed.

4d. Discussion and possible action related to development and/or approval of a Board resolution concerning groundwater management and vested private property interests in groundwater.

Dr. Larsen moved to approve Resolution #20110224-2, as expressed in the backup, and share that position with both the legislature and other stakeholders.

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

4e. Discussion and possible action related to approval of a Board resolution related to the restriction of direct wastewater discharges to surface streams in the contributing zone of the Edwards Aquifer.

After discussion, Mr. Smith moved to approve Resolution 110224-01 as expressed in the backup, and share that position with both the legislature and other stakeholders.

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

4f. Discussion and possible action on MAG estimates for the District by the TWDB and their implications for groundwater management in the District.

Mr. Holland stated that MAG estimates have not been provided yet by the TWDB and recommended that this item return to a future agenda.

No Board action was taken.

4g. 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, 22nd District Court, Hays County, Texas.

Mr. Dugat stated that a hearing on the Motions for Summary Judgment has been set for March 30th in Hays County District Court.

No action was needed.

6. Adjournment.

Without objection, Ms. Stone adjourned the meeting at 7:25 p.m.

Approved by the Board on March 10, 2011:

By: Mary Stone
Mary Stone, President

Attest: Craig Smith
Craig Smith, Secretary