

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting
May 12, 2011**

Board members present at commencement: Mary Stone, Gary Franklin, Jack Goodman and Bob Larsen. Craig Smith was out of town. Staff present: Kirk Holland, John Dupnik, Brian Smith, Dana Wilson, and Tammy Raymond. Claudia Russell of Bickerstaff, Heath also attended part of the meeting, and Bill Dugat of Bickerstaff, Heath participated in the Executive Session by telephone. 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 6:02 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.

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 April 28, 2011, Regular Meeting and Public Hearing.**

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

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

- 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.

- i. **Update on recent team activities.**

- ii. Update on status of GMA-9 and GMA-10 Managed Available Groundwater (MAG) determinations by TWDB and related District assessments.
- iii. Update on the status of the evidentiary hearing process for TCEQ's recommendation concerning GCDs in the Hill Country PGMA.

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

Mr. Holland and Ms. Russell briefed the Board on the progress and status of legislative bills of interest, and in particular developments concerning the District's bills.

No action was needed.

4b. Discussion and possible action on mediation concerning the Jeremiah Venture contested-case mediation.

4c. Discussion and possible action related to follow-up activities associated with the Board's granting of Centex's request for reconsideration of recent District rule-making.

4d. 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.

Ms. Stone opened all three of these agenda items sequentially, inviting public comment on each individually after being opened. No comments were offered. The Board then adjourned into Executive Session under Texas Government Code Section 551.071 (Consultation with Attorney) on items 4b, 4c, and 4d at 6:52 p.m. Ms. Stone stated that no decisions or final actions would be made while in Executive Session. Mr. Dugat participated in the Executive Session by teleconference.

The Board reconvened in Open Session at 7:22 p.m. Ms. Stone stated that no decisions or final actions were taken while in Executive Session.

4b. Discussion and possible action on mediation concerning the Jeremiah Venture contested-case mediation.

No action was taken in open session.

4c. Discussion and possible action related to follow-up activities associated with the Board's granting of Centex's request for reconsideration of recent District rule-making.

Dr. Larsen moved to direct staff to work with Centex and their legal staff in looking at negotiating rules relating to the Centex situation, and have staff either bring back an agreement-in-principle or a report that no agreement could be reached to the Board within 60 days.

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

4d. 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.

No action was taken in open session.

5. Adjournment.

Without objection, Ms. Stone adjourned the meeting at 7:26 p.m.

Approved by the Board:

By: Mary Stone
Mary Stone, President

Attest: Craig Smith
Craig Smith, Secretary