

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting
June 23, 2011**

Board members present at commencement: Mary Stone, Gary Franklin, and Jack Goodman. Bob Larsen and Craig Smith were absent. Staff present: Kirk Holland, John Dupnik, Brian Smith, Dana Wilson, and Tammy Raymond. Bill Dugat of Bickerstaff also participated in the meeting. 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 June 9, 2011, Regular Meeting.**

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 3 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.

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 monthly Status Update Report – at directors’ discretion.**
 - ii. **Update on regulatory compliance and permitting activities.**
 - iii. **Update on District technical staff’s review of TWDB’s MAG estimates and development of recommendations.**
 - iv. **Update on discussions and status of the Travis County Groundwater Stakeholders Group.**
 - v. **Update on Draft HCP and EIS completion activities.**

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.

4g. Discussion and possible action related to progress with the negotiated rulemaking with Centex.

Mr. Holland explained that the District received Centex’s response to our suggested rules language earlier in the day, but neither the staff nor Mr. Dugat had had time to digest it and discuss it, and therefore recommended this item be returned to the agenda of a future meeting.

Ms. Stone returned this item to a future agenda.

No Board action was taken.

4a. Discussion and possible action on approving a resolution to de-annex the territory in the District that is in Bastrop County, Texas, as stipulated by HB 1060, 82nd Regular Session.

Mr. Franklin moved approval of Resolution 062311-01, as included in the backup, to de-annex Bastrop County from District territory.

Mr. Goodman seconded the motion and it passed unanimously with a vote of 3 to 0.

4b. Discussion and possible action related to approving a continuation of the contract for integrated database design services and related maintenance with Ron Nelson.

After discussion, Mr. Goodman moved approval of the draft contract in the backup to engage Ron Nelson for continued database development and maintenance services.

Mr. Franklin seconded the motion and it passed unanimously with a vote of 3 to 0.

4c. Presentation, discussion and possible action related to approving a preliminary Budget and Fee Schedule for fiscal year 2012 and setting a public hearing.

Mr. Holland and Ms. Wilson briefed the Board on the preliminary Budget and Fee Schedule for 2012.

Mr. Franklin moved approval of the preliminary 2012 Budget and draft Fee Schedule, as shown in the backup, to serve as the subject of a public hearing in the July 14, 2011, Board meeting.

Mr. Goodman seconded the motion and it passed unanimously with a vote of 3 to 0.

4d. Discussion and possible action concerning the staff's interpretation of the eligibility criterion for a Non-exempt Domestic Use (NDU) General Permit relating to a well location within a CCN area.

Mr. Dupnik reviewed the current rules associated with NDU eligibility and asked the Board to provide input on interpreting the NDU eligibility rule addressing the situation where water supplies by the CCN holder are only available at extraordinary, unreasonable costs or time delays.

After discussion, in which it was noted that rule interpretations would benefit from having more of the Board present, Ms. Stone returned this item to a future agenda.

4e. Discussion and possible action concerning activities related to complying with SB 100 and evaluating its implications for District Director elections.

Mr. Dugat briefed the Board on the status of how local political subdivisions are intending to comply with SB 100 and the apparent legal basis we have for moving our director elections from May to November so that we can participate in joint local elections at much lower costs. He noted that we are in the process of setting up a meeting among the District, AISD, ACC, and the City to discuss optional paths in this regard.

No Board action was taken

4f. Discussion and possible action related to the Jeremiah Venture contested-case mediation.

Mr. Dugat informed the Board that we are still waiting to hear back from the Applicant on whether and how they intend to utilize the approaches that were offered by us and the other protestants in the mediation on the Jeremiah Venture TLAP.

No Board action was taken.

4h. 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.*

The Board reviewed a minor wording change that the City of Kyle requested in our latest counter to their suggested settlement offer.


After discussion, Mr. Franklin moved approval of the counter offer with the change in language and presenting that to the City of Kyle as an offer from the Board.

Mr. Goodman seconded the motion and it passed unanimously with a vote of 3 to 0.

5. Adjournment.

Without objection, Ms. Stone adjourned the meeting at 7:43 p.m.

Approved by the Board:

By: 

Mary Stone, President

Attest: 

Craig Smith, Secretary