

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting
September 8, 2011**

Board members present at commencement: Mary Stone, Gary Franklin, Jack Goodman, and Bob Larsen. Craig Smith was absent. Staff present: Kirk Holland, John Dupnik, Brian Smith 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 Board's August 25, 2011, Regular Meeting and Public Hearing.**
 3. **Approval of authorizing staff to prepare and solicit Requests for Information for possible indefinite-quantity task-order contracts for *ad hoc* support to ongoing programs by engineering/geotechnical, environmental and education/outreach consultants, to be approved by subsequent Board action.**

Following explanation of Item 3.a.3 by Mr. Holland, Mr. Goodman moved approval of items 3.a.1 through 3 of the Consent Agenda, noting an invoice from Bickerstaff Heath for \$8244.11

Dr. Larsen 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.

- 1. **Standing Topics.**

- a. **Personnel matters and utilization;**
- b. **Upcoming public events of possible interest;**
- c. **Aquifer conditions and status of drought indicators.**

- 2. **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.

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 related to declaring a Stage III – Critical Drought within the District's jurisdiction.

After a brief discussion of the status of the District's drought triggers and the outlook for continuing drought conditions, Mr. Goodman moved to declare a Stage III – Critical Drought effective immediately.

Dr. Larsen seconded the motion and it passed unanimously with a vote of 3 to 0.

4b. Discussion and possible action concerning the ongoing rulemaking process, including possibly considering additional changes to the Rules as currently proposed and possibly considering setting a new public hearing on all such proposed changes to the Rules or moving the continued public hearing from September 17, 2011, to a future meeting of the Board. Note: No final changes to the Rules will be made in this meeting.

Mr. Loftis of Centex reported that his Corporate Office expressed concerns about the proposed changes, and presented their preferences to revert to the previous negotiated language.

After discussion by the Board, the Board took no action on the rulemaking but changed the starting time of the Public Hearing, Work Session, and Special Meeting on Saturday, September 17, to 8:00 am, so that Mr. Loftis could attend and so this item could be considered further at that time, when the entire Board was present.

4c. Discussion and possible action related to the compliance by District permittees with their User Drought Contingency Plans and compliance of all groundwater users with District Rules, including the initiation of enforcement actions, as warranted.

Mr. Dupnik updated the Board on the compliance of the permittees with their UDCPs. He stated that no enforcement actions were warranted at this time, although some of the systems of Aqua Texas have shown poor compliance.

The Board directed the staff to initiate pre-enforcement discussions with Aqua Texas, since several of their systems had the poorest compliance and a Stage III-Critical Drought had just been declared.

No formal Board action was required.

4d. Discussion and possible action related to developments concerning the District response to the results of the mediation of the Jeremiah Ventures TLAP contested case.

Mr. Dugat reported that a near-final version of the settlement agreement on the Jeremiah Venture TLAP contested case had been reached among the Applicant, District, LCRA, and Hays County, although LCRA staff had not yet signed off on it. He said that he has notified the City of Austin and SOS Alliance of the prospective agreement, and solicited their comments and participation, and also noted that the TCEQ Executive Director is now required to participate in the contested case and potentially in the settlement, although they have not yet had an opportunity to review the settlement agreement provisions.

The Board agreed to wait until the settlement agreement reached a more mature state with all or nearly all parties and potential parties taking a position.

4e. Discussion and possible action relating to further action on *City of Kyle v. Goodman et al. and the Barton Springs/ Edwards Aquifer Conservation District, Cause No. 10-1267, 22nd District Court, Hays County, Texas.*

Mr. Dugat updated the Board on the status of the Agreed Final Order, and hearing set on September 15th in San Marcos.

No Board action was required.

5. Adjournment.

Without objection, Ms. Stone adjourned the meeting at 7:02 p.m.

Approved by the Board:

By: Mary Stone
Mary Stone, President

Attest: Craig Smith
Craig Smith, Secretary