

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting & Public Hearing
July 25, 2013**

Board members present at commencement: Mary Stone, Bob Larsen, Craig Smith, Blake Dorsett and Gary Franklin. Staff present: John Dupnik, Kirk Holland, Dana Wilson, Brian Smith, Robin Gary, Kendall Bell-Enders, and Tammy Raymond. Bill Dugat of Bickerstaff, Heath, Delgado, and Acosta 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 6:00 p.m., noting that a quorum of the Board was present.

2. Citizen Communications (Public Comments).

There were no 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 of the Board's July 11, 2013, Regular Meeting.**
3. **Ratification of revisions to the employee policy manual including changes related to nonexempt employees' overtime compensation.**
4. **Approval and execution of a contract with Clean Water Fund to provide rapid response well owner notifications as warranted.**

In regard to the minutes from the last meeting, Dr. Larsen requested that an item be put on the next meeting's agenda to discuss the conditions when Board direction or approval is required to send letters out under the District letterhead.

Mr. Dupnik stated that item 3a.3 was revisions discussed in previous meetings regarding the change in classification of non-exempt employees and how they are compensated for overtime worked. He also said that the document included a number of revisions throughout to reflect the change in policy.

Ms. Stone removed item 3a.4 from the consent agenda to the regular agenda for discussion, at Dr. Larsen's request.

Mr. Franklin moved approval of the consent agenda items 1 through 3.

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

4. Public Hearing (6:15)

The Board will hold a public hearing on the Proposed FY 2014 Budget and Proposed FY 2014 Fee Schedule. At the conclusion of the public hearing, the Board may take action to approve and adopt the Proposed FY 2014 Budget and to approve by resolution the Proposed FY 2014 Fee Schedule.

Ms. Stone opened the Public Hearing at 6:24 p.m., noting that there were no members of the Public in attendance.

Mr. Holland and Ms. Wilson provided an overview of the draft FY 2014 annual budget, and answered questions from the Board.

Ms. Stone closed the Public Hearing at 6:44 p.m.

5. Board Discussion and Possible Action

5a. Discussion and possible action related to approving the Proposed FY 2014 Budget.

After further discussion, Dr. Larsen moved to add \$132,000 for the Westbay well that was budgeted in FY 2013 but not used and an additional \$3,000 to support a program for HOA education and outreach noting that the total of \$135,000 would need to be funded by a transfer from reserves. A friendly amendment to substitute the word "retainer" with the word "contract" regarding Mr. Holland's line item was also offered and accepted.

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

5b. Discussion and possible action related to approving the resolution setting forth the FY 2014 Fee Schedule.

Dr. Larsen moved approval of the FY 2014 Fee Schedule by Resolution 072513-01.

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

5c. Discussion and possible action related to the implementation of discretionary authority arising from the 83rd legislative session affecting Directors' compensation.

Ms. Wilson attempted to explain the spreadsheet that she had created showing how different scenarios would affect the Board members compensation.

Dr. Larsen stated that while he thought the spreadsheet was a great effort it did not have the scenario that he wanted to suggest. He recommended changing the Directors' Compensation to \$200 per Board Meeting, and \$100 for other meetings, with not more than \$250 compensation per day.

Ms. Stone suggested keeping the Board meeting rate at \$150, and raising the other meeting rate to \$100, with the addition that other meetings over three hours could be considered two meetings.

There were no comments from other Directors.

Dr. Larsen moved to raise the compensation for Board meetings, Called meetings, and Work Sessions to \$200, and other meetings not considered as Board meetings to \$100 with a maximum of \$250 day, keeping the same budget amount of \$9,000 maximum compensation per Director per year as required by statute.

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

5d. Discussion and possible action related to the performance and compliance of District permittees with their User Drought Contingency Plan curtailments.

Ms. Bell-Enders presented the report for permittee compliance with the June drought curtailments. She noted that Tier II and III permittees were generally compliant, and that the few occurrences of non-compliance did not warrant any enforcement actions. She also noted that at this point in the drought, compliance assessments have been expanded to include Tier I permittees and recommended scheduling a pre-enforcement meeting with Twin Oaks Church Camp. The Board directed staff to initiate pre-enforcement as recommended.

No formal Board action was taken.

5e. Presentation, discussion, and possible action related to the Legislative Session Debriefing Report and the Board's collective judgment as to the appropriateness of the District's legislative agenda, what actions were taken, and what outcomes were achieved.

Mr. Holland gave an overview of the Legislative Session Debriefing Report.

Dr. Larsen stated that after reviewing the Debriefing report for the 83rd Legislative session, moved that in the collective judgment of the Board, the legislative agenda pursued by the District, actions taken, and outcomes achieved are judged to be appropriate.

Mr. Smith seconded the motion and it passed with a vote of 4 to 0. Mr. Dorsett was off of the dais at the time of the vote.

5f. Discussion and possible action related to the upcoming preliminary hearing on the Hill Country PGMA

Mr. Dupnik stated that the staff recommendation was to observe the testimony at the preliminary hearing on August 2nd before making any decisions.

Mr. Dugat stated that the Board does need to develop some kind of position in the near future.

Ms. Stone returned this item to the August 8th agenda.

5g. Discussion and possible action related to *SOS Alliance v. City of Kyle, Goodman et al., and the Barton Springs/Edwards Aquifer Conservation District*, pending before the Austin Court of Appeals.

Mr. Dugat stated that there was nothing new to report.

3a. Routine Business.

3a.4. Approval and execution of a contract with Clean Water Fund to provide rapid response well owner notifications as warranted.

This item was removed from the consent agenda to be considered for further discussion and possible action. The Board suggested that the contract needed more specificity to describe the intended scope of work and returned the item to the agenda to be considered at the next Board meeting.

3c. Directors' Reports. Note: Board Member comments in this part of the agenda cannot address any aspect of an agenda item posted elsewhere on this agenda, and no substantive discussion among the Board Members or action by the Board on these comments will be allowed in this meeting.

Individual Board Members may, on a voluntary basis, make a brief report to the entire Board on their personal involvement in activities and dialogue that are of likely interest to the rest of the Board, in one or more of the following topical areas:

- **Meetings and conferences attended or that will be attended;**
- **Conversations with public officials, permittees, other stakeholders, and private citizens;**
- **Kudos and recognition of people doing good things for groundwater management in the District;**
- **Concerns about specific issues or problems for groundwater management in the District.**

Mr. Franklin, Mr. Dorsett, Dr. Larsen, and Mr. Smith gave reports.

3b. 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.

- i. Personnel matters and utilization;**
- ii. Upcoming public events of possible interest;**
- iii. 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.

- i. Review of Status Update Report – at directors' discretion;**
- ii. Update on GMA and regional water planning activities;**
- iii. Update on activities related to stakeholder inputs on SH 45 Southwest;**

Mr. Dupnik, Mr. Holland, staff, and Mr. Dugat updated the Board and answered directors' questions on the items listed above.

6. Adjournment.

Without objection, Ms. Stone adjourned the meeting at 8:17 p.m.

Approved by the Board on August 8, 2013:

By: Mary Stone
Mary Stone, President

Attest: Craig Smith
Craig Smith, Secretary