

**Barton Springs/Edwards Aquifer Conservation District  
Board of Directors Meeting Minutes  
Regular Meeting  
August 8, 2013**

Board members present at commencement: Mary Stone, Bob Larsen, Blake Dorsett and Gary Franklin. Craig Smith was out of town. Staff present: John Dupnik, Kirk Holland, Dana Wilson, Brian Smith, Vanessa Escobar 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 25, 2013, Regular Meeting.**
3. **Approve resolution amending the District Guidelines for Director's Compensation to reflect the Board action to increase the rate of compensation.**
4. **Approval of records disposition according to the TSLAC-approved District Records Retention Schedule.**
5. **Approval and execution of a contract with Clean Water Fund to provide rapid response well owner notifications as warranted.**

Mr. Dupnik gave a brief explanation of the consent agenda items.

Mr. Franklin moved approval of the consent agenda items 3a. 1 through 5.

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

**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 and Dr. Larsen gave reports on meetings that they attended in the past two weeks.

**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. Update on recent activities of teams and directors;
- ii. Update on permitting and non-drought regulatory activities;
- iii. Update on District efforts to characterize the saline zone of the Edwards Aquifer;
- iv. Update on activities related to the proposed construction of SH 45 Southwest;

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

#### **4. Discussion and Possible Action**

##### **4a. Discussion and possible action related to conditional renewal of all annual Production Permits for FY 2014 contingent on compliance with District rules and renewal requirements.**

Mr. Dupnik reported that the City of Kyle's Class B Conditional Permit has a special condition that requires them to submit an annual assessment of where they are in regard to supply and demand to ensure that sufficient supply is available to comply with the Conditional Permit curtailments. According to the report they have satisfied the special condition. He went on to say that staff recommended the renewal of all permits, with the condition that drought management fees owed by some permittees are paid prior to issuing their certificates.

Dr. Larsen suggested that we explain to the permittees that the Drought Management Fees are not fines.

After discussion, Mr. Franklin moved approval of all annual Production Permits for FY 2014, with the condition that Drought Management Fees are paid prior to sending out certificates.

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

##### **4b. Discussion and possible action related to the implementation of discretionary authority arising from the 83<sup>rd</sup> legislative session affecting Open Meetings-related practices.**

Mr. Dupnik gave an overview of the logistics of implementing the remote video-conferencing technology and the cost of \$6000 for upgrades and software. He also said that the expense was not considered in the approved FY 2014 budget and may trigger a future budget amendment to accommodate other IT-related expenses.

Mr. Dugat commented that a quorum could be in jeopardy if there is equipment failure.

Ms. Stone said that it could be beneficial but seemed complicated.

Dr. Larsen suggested letting someone else experiment with this type of technology.

Dr. Larsen then moved to postpone this item for one year until a budget consideration for inclusion of this type of technology to electronically conduct our meetings.

Mr. Dorsett clarified that the item could be brought back to be considered by the Board before a year elapsed if the Board requested it.

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

**4c. Discussion and possible action related to the Board's quarterly collective judgment of the effectiveness of the Board's communications with constituents including direction to staff on the preferred means for providing this ongoing assessment.**

Mr. Dupnik went over several options for the various measures of demonstrating compliance with this standard of the new Management Plan including: 1) minutes of the Directors reports where directors report communications, 2) personal logs kept by each director of their individual communications, and 3) using modified director's compensation forms as evidence of meetings, correspondence, etc.

The Board generally agreed that the modified compensation forms may be a more tractable and convenient mechanism for documenting their communications and could provide a basis for the "collective judgment of effectiveness."

Mr. Dupnik stated that staff would modify the forms based on the Boards input in this meeting for use as soon as they are complete.

No formal action was taken.

**4d. Discussion and possible action related to providing guidance for determining when external correspondence from District staff requires Board approval.**

Dr. Larsen stated that in the future he would like any correspondence from staff to an elected official clarify that the letter is not derived from the Board or represents a Board position.

The other Directors agreed with Dr. Larsen.

Mr. Dupnik stated that staff understood and would implement the action when necessary.

No formal action was taken.

**4e. Discussion and possible action related to the SOAH Hearing on the Hill Country PGMA including initial direction to the staff regarding the District's position on its future role.**

The Board adjourned into Executive Session under section 551.071 Consultation with Attorney at 7:46. Ms. Stone stated that no final actions or decisions would be made while in Executive Session.

The Board re-convened into Open Session at 8:23 pm. Ms. Stone stated that no final actions or decisions were made while in Executive Session.

**5. Adjournment.**

Without objection, Ms. Stone adjourned the meeting at 8:24 p.m.

Approved by the Board on August 22, 2013:

By: Mary Stone  
Mary Stone, President

Attest: Craig Smith  
Craig Smith, Secretary