

Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting and Public Hearing
December 12, 2024

Board members present at commencement: Blayne Stansberry, Lily Lucas, Vanessa Puig-Williams, and Christy Williams who arrived at 5:18pm. Staff present included: Tim Loftus, Erin Swanson, Jacob Newton, Justin Camp, Jeff Watson, Shay Hlavaty, Bri Moore, and Hannah Riggs. These minutes represent a summarized version of the meeting; the complete discussion of the following items is recorded digitally.

Note: The Board of Directors of the Barton Springs/Edwards Aquifer Conservation District reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on this agenda, as authorized by the Texas Government Code Sections §551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551.087 (Economic Development) 418.183 (Homeland Security). No final action or decision will be made in Executive Session.

1. Call to Order.

President Stansberry called the meeting to order at 5:12pm.

2. Citizen Communications (Public Comments of a General Nature).

There were no public comments at this time.

3. Discussion and possible action related to finalizing the November 5, 2024 General Election and qualifying Director(s) for office including, but not limited to, approval of Director bonds.

Bond was not ready. This item was tabled for the next Board meeting.

4. 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 a separate item of Regular Business on this agenda.)

a. Approval of Financial Reports under the Public Funds Investment Act, Directors' Compensation Claims, Specified Expenditures greater than \$5,000.

Secretary Williams arrived while the financial reports were being discussed.

Director Puig-Williams raised a question concerning the comparison financial report, noting that the fees accrued this fiscal year were significantly lower than at the same point last fiscal year. Dr. Loftus responded that he would follow up with Tina Cooper to investigate the discrepancy.

b. Approval of minutes of the Board's November 7, 2024, Regular Meeting and Public Hearing.

There were no questions on this item.

c. **Approval of amendments to Agreement Related to Funding Water Saving Devices entered with the Ruby Ranch Water Supply Corporation.**

Dr. Loftus explained that, due to the initial launch of the water-saving device program not being as successful as anticipated, a few adjustments have been made. None of these changes affect the total/maximum contribution amount we have agreed to provide.

d. **Approval of the Engagement Agreement with Bickerstaff Heath Delgado Acosta LLP.**

Dr. Loftus stated that this agreement ensures the continued availability of Bickerstaff Heath Delgado Acosta LLP's services as needed following Bill Dugat's retirement.

e. **Approval of a nine-month task order with the AAG for bookkeeping and HR services.**

Dr. Loftus indicated that this task order will extend through the remainder of the fiscal year.

Director Puig Williams moved to approve the financial reports, the November 7, 2024 minutes, the agreements with Ruby Ranch Water Supply and Bickerstaff Heath Delgado Acosta LLP, and the task order with AAG. Director Lucas seconded the motion. The motion passed 4-0.

5. **General Manager's Report. Discussion and possible action.**

Topics

a. **Review of key team activities/projects.**

i. **Final staff coaching session with AAG**

Dr. Loftus provided an update on the staff coaching session with AAG, noting that the final session of the year was held and proved to be highly productive.

iv. **Well-impact analysis results (preliminary)**

Dr. Loftus shared that he/staff recently received preliminary results and informed the Board that a consultant from LRE Water will present these findings in January, after which the next steps can be discussed.

ii. **Annual RFQ for TAS model support**

Dr. Loftus reported that an RFQ has been issued for TAS model support.

iii. **Neighborhood Well Checkups**

Dr. Loftus shared that the team conducted Neighborhood Well Visits last month and prepared supplementary information packets, which were well-received and highly successful.

b. Aquifer status update.

Justin Camp provided the drought update, noting that November had just over 2 inches of rain which is less than average and that puts us at a 4-inch deficit in rainfall for the year. Lovelady is 1.7 feet above Stage 4 and Barton Springs is 2 cfs above the Stage 4 threshold. The Trinity aquifer has been declining since late May and Jacob's Well saw no changes from the rain in November.

c. Upcoming events of possible interest

Dr. Loftus called attention to the upcoming events of possible interest in the Status Report.

7. Discussion and possible action.

a. Discussion and possible action authorizing GM to declare the next stage of drought.

Dr. Loftus reported that given the possibility that Barton Springs could cross the Stage 4 threshold before the next Board meeting, he is requesting authority to declare the next drought stage.

Director Lucas asked if the General Manager could have indefinite power to declare the drought stage. The response was that this would need to be voted on every month it is needed.

Director Lucas moved to authorize the GM to declare drought before the next Board meeting. Director Puig-Williams seconded. The motion passed 4-0.

6. Public Hearing on Individual Production Permit application by Driftwood Water Conservation, LLC. For 8 million gallons per year from the Middle Trinity Aquifer for commercial water use. The new well is located at 8940 FM 150 W, Driftwood, Texas (30°03'00.1" N 97°58'59.5" W)

President Stansberry opened the Public Hearing at 5:40pm.

Erin Swanson presented the staff's recommendation for the Individual Production Permit application, which was to approve the permit.

Both President Stansberry and Director Puig-Williams inquired about how the determination was made that there were no unreasonable impacts. Jeff Watson explained that this area has a confined part of the Trinity and that the production requested is reasonably small, accounting for only 1% of our total Trinity production amount.

The permit applicants, Travis and Victoria Cox, dba Driftwood Water Conservation, LLC, were in attendance to answer any questions the Board may have and discuss their conservation efforts on the property.

President Stansberry closed the Public Hearing at 5:58pm.

7. Discussion and possible action.

b. Discussion and possible action on an Individual Production Permit application by Driftwood Water Conservation, LLC for 8 million gallons per year from the Middle Trinity Aquifer for commercial water use. The new well is located at 8940 FM 150 W, Driftwood, Texas (30°03'00.1" N 97°58'59.5" W).

Director Puig-William moved to approve the production permit for Driftwood Water Conservation, LLC. Director Lucas seconded the motion. The motion passed 4-0.

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

Jacob Newton went through the UDCP.

d. Discussion and possible action related to the receipt and approval of the FY 24 Annual Financial Audit report provided by the District's auditor/CPA.

Dr. Loftus updated that we do not have a completed audit ready for approval at this Board meeting, but the audit will be available for the next Board meeting in January. Patrick Hall, the auditor, was in attendance and mentioned that some accounting clean-up is still needed, which he is currently working on.

e. Discussion and possible action on Aqua Texas Bliss Spillar, Lower Trinity Notice of Alleged Violation and proposed Agreed Order for early resolution of enforcement action related to failure to reduce pumping during District declared drought.

Erin Swanson presented on Aqua Texas, Inc.'s over-pumping of their Lower Trinity permit drought curtailments and provided staff recommendations, including various penalty amount options for the Board's consideration. After her presentation, a brief recess was taken to validate the penalty calculations.

Recess began at 6:25pm.
Recess ended at 6:31pm.

After the recess it was confirmed that penalty numbers in the presentation were correct. Scot Foltz and Lauren Savior, Aqua Texas, Inc.'s Environmental Compliance Manager, were in attendance to answer any questions from the Board.

At 6:44 p.m., the Board President announced that the Board would recess into a closed executive session under Section 551.071, Government Code, for consultation regarding attorney-client matters.

At 7:19 p.m., the Board President announced board was reconvening in an open public session.

President Stansberry announced that the Board was interested in deferring penalties to the mid-tier amount and including three requirements, one of which was for Aqua Texas, Inc. to return to the Board within 90 days to present its plan for implementing interconnects and ensuring future compliance to prevent over-pumping.

Director Puig-William moved to approve the Agreed Order for Aqua Texas, Inc. consistent with the Board's recommendation. Director Lucas seconded the motion. The motion passed 4-0.

f. Discussion and possible action on FY 2024 Annual Report including Appendix B.

Dr. Loftus provided a summary of key highlights related to the goals outlined in the Management Plan. Director Puig-Williams raised a question about a section in the Annual Report that still contained content from the prior fiscal year. Dr. Loftus acknowledged the issue and confirmed that it would be corrected in the final version. President Stansberry commented on the impressive accomplishment of numerous goals in FY 2024, noting it as a significant achievement.

Director Puig-Williams moved to approve the FY 2024 Annual Report including Appendix B contingent of Board approval of Appendix A in the January Board meeting. Director Lucas seconded the motion. The motion passed 4-0.

g. Discussion and possible action on Board Officer positions.

President Stansberry motioned for Director Puig-Williams to serve as the Board President for the upcoming calendar year. Director Puig-Williams proposed an amendment for President Stansberry to assume the role of Vice-President and for Secretary Williams to continue in her current role as Secretary. Director Lucas seconded the motion. The motion passed 4-0.

8. GM Quarterly Update on FY 24 Annual Goals

At 7:48 p.m., the Board President announced that the Board would recess into a closed executive session under Sections 551.071 and 551.074, Government Code, for consultation regarding attorney-client matters and to discuss personnel matters.

At 9:23 p.m., the Board President announced board was reconvening in an open public session. No further action was taken by the Board.

9. Director Reports.

Directors may report on their involvement in activities and dialogue that are of likely interest to the Board, in one or more of the following topical areas:

- Meetings and conferences attended or that will be attended;
- Board committee updates;
- Conversations with public officials, permittees, stakeholders, and other constituents;
- Commendations; and
- Issues or problems of concern.

President Stansberry opted to skip the Director Reports segment of the agenda due to the late hour of the Board meeting.

10. Adjournment.

With no objection, President Stansberry adjourned the meeting at 9:23pm.

Approved by the Board on January 9, 2025.

By: _____
Vanessa Puig-Williams, Board President

Attest: _____
Christy Williams, Board Secretary