

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting & Public Hearing
December 14, 2023**

Board members present at commencement: Blayne Stansberry, Lily Lucas, and Dan Pickens. Christy Williams arrived at 5:30 p.m. Staff present included: Tim Loftus, Kendall Bell-Enders, Erin Swanson, Jacob Newton, Justin Camp, and Tammy Raymond. 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 Stanberry called the meeting to order at 5:02 p.m.

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

There were no citizen communications on items not listed on the agenda.

3. 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.)

3a. Approval of Financial Reports under the Public Funds Investment Act, Directors' Compensation Claims, and Specified Expenditures greater than \$5,000.

3b. Approval of minutes of the Board's November 9, 2023 Regular Meeting.

3c. Selection of a consultant to prepare a proposal for conducting a well-impact analysis for the Trinity Aquifer.

President Stansberry moved approval of consent agenda items 3a., 3b. and 3c. noting an invoice from Westbay in the amount of \$36,617.90.

The motion passed unanimously with a vote of 3 to 0.

4. General Manager’s Report. Discussion and possible action.

Topics

- a. Review of key team activities/projects.**
 - i. Trinity Sustainable Yield Study**
 - ii. Database update**
 - iii. Staff changes**
 - iv. Conferences and training**
- b. Aquifer status update.**
- c. Upcoming events of possible interest.**

Dr. Loftus and staff gave updates on the topics above.

5. Presentation

Presentation by the District’s financial auditor on the FY 2023 Annual Financial Audit Report.

Shawn Bender from Montemayor Britton Bender PC presented the annual audit. No red flags were presented. Special shout out to Dr. Loftus, Dana, and Tammy.

6. Public Hearing.

The Public Hearing concerns proposed revisions to the District Rules and Bylaws related generally to: Registration, Authorization, and Permits; Exempt Wells; Drought including enforcement; Notice and Hearing Process; Emergency Approvals; Timing of Drought Notification; Regulatory Fees; Reserve Accounts; Hearing Continuance; Request for Rehearing or Finding of Fact and Conclusions of Law; Decision when Final after a Contested Case before SOAH; Rules of Procedure for Rulemaking; Conflict of Interest; and Well Construction Standards.

President Stansberry opened the Public Hearing at 6:15 p.m.

Victoria Rose and Bill Bunch from Save Our Springs sent in a written comment in support of the proposed rule revisions. Comment was ready by President Stansberry.

Dr. Loftus gave presentation on rule change. President Stansberry noted correction on rule 3-1.4. No objection.

President Stansberry closed the Public Hearing at 6:25 p.m.

7. Discussion and possible action.

7.a. Discussion and possible action on EEOC No. 451-2024-00138 charge of discrimination by Brian Smith against the District.

Executive Session began 5:11 p.m.

Secretary Williams arrived at 5:30 p.m.

No Final decision or action was made.

Executive Session ended 5:50 p.m.

7.b. Discussion and possible action related to approval of the receipt and approval of the FY 2023 Annual Financial Audit report provided by the District's financial auditor.

VP Pickens accepted and approved the audit report. Director Lucas seconded. The motion passed unanimously with a vote of 4 to 0.

7.c. Discussion and possible action related to approval of the proposed revisions to the District Rules.

Approved with Director Lucas seconded. The motion passed unanimously with a vote of 4 to 0.

7.d. Discussion and possible action related to the approval of the FY 2023 Annual Report including Appendix B.

Dr. Loftus gave presentation on the Annual Report and goals and objectives.

The District has met the goals as required by State law.

VP Pickens moved to approve the annual report including Appendix B. Secretary Williams seconded the motion. The motion passed unanimously with a vote of 4 to 0.

7.e. Discussion and possible action related to a Report of Investigation, Notice of Alleged Violation, and Draft Agreed Order for initiation and resolving enforcement proceeding concerning Aqua Texas Sierra West for failure to reduce pumping during District declared drought.

Erin Swanson presented on situation with Aqua Texas Sierra West.

Assessment fee of \$17,600, however, staff recommends a reduction to \$8,800 based on the good communication and cooperation the District has had with Aqua Texas Sierra West.

Lauren Savior spoke on Aqua Texas Sierra West behalf.

Board went into an Executive Session at 6:52 p.m.

Executive Session ended 7:31 p.m.

VP Pickens approved the Staff recommended reduction of penalty by half. Director Lucas seconded the motion. The motion passed unanimously with a vote of 4 to 0.

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

Jacob Newton presented on overages.

7.g. Discussion and possible action on declaring Stage IV Exceptional Drought.

Dr. Loftus discussed Lovelady well levels and the need to declare Stage IV Exceptional Drought.

Victoria Rose and Bill Bunch from Save Our Springs sent in a written comment to encourage to declare Stage IV Exceptional Drought.

VP Pickens moved to declare Stage IV Exceptional Drought and Secretary Williams seconded. The motion passed unanimously with a vote of 4 to 0.

7.h. Discussion and possible action related to the election of Board Officers.

VP Pickens moved to keep the same and Director Lucas seconded. The motion passed unanimously with a vote of 4 to 0.

8. 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.

Board members no updates.

9. Adjournment.

With no objection, President Stansberry adjourned the meeting at 7:58 p.m.

Approved by the Board on January 11, 2023.

By: _____
Blayne Stansberry, Board President

Attest: _____
Christy Williams, Board Secretary