

Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting
February 8, 2024

Board members present at commencement: Lily Lucas, Vanessa Puig-Williams, and Dan Pickens. Christy Williams arrived at 5:19pm. Staff present included: Tim Loftus, Kendall Bell-Enders, Erin Swanson, Jacob Newton, Shay Hlavaty, Jeff Watson, 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.

Vice President Pickens called the meeting to order at 5:02pm.

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

Jordan Furnans from LRE Water introduced himself.

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.)*

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

b. **Approval of minutes of the Board's January 11, 2023, Regular Meeting and Public Hearing.**

There were no notes on items 3a and 3b. Director Puig-Williams moved to approve both items. Director Lucas seconded the motion. Passed 3-0.

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

Topics

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

i. **Trinity Sustainable Yield Study**

Dr. Loftus updated that Staff will be meeting to discuss production permits and we are in the process of installing the two new monitor wells.

ii. **Database update**

Dr. Loftus updated that the plan is to go live on the new Database by the end of the month. At that point we will have a solid idea of what will be included in Phase II of the Database rollout.

iii. **Administrative Program Review/Activities**

Dr. Loftus updated that the Administrative Team is moving to QuickBooks Online this month. The Admin Team is also working on setting up Gusto, an new HRIS and time keeping software, but we will not make that switch until the beginning of the 3rd Quarter, April. The plan is to get these new systems into place and then revisit the need for an additional staff member on the Admin team.

b. **Aquifer status update.**

Dr. Loftus discussed the well near Barton Springs that was being drilled and cored. He gave a shoutout that the local news was reporting on what we were working on.

Jeff Watson gave the drought update. Discussed the rainfall we received in January and that we were hoping for more rain in February. Director Lucas asked about what rain does for Lovelady. Jeff explained that it depends on if the ground is primed or not.

c. **Upcoming events of possible interest**

No upcoming events to note.

5. **Discussion and possible action.**

5f. Discussion and possible action on declaring drought-stage change.

Staff recommends that we move to Stage 3 – Critical Stage.

Matthew Pickle, Creedmoor-Maha Water Supply, asked why we wouldn't move to Stage 2 – Alarm Stage if Lovelady is at Stage 2 currently.

Director Puig-Williams motioned to move to Stage 3 – Critical Stage with the provision that the GM, Dr. Loftus, has the ability to declare Stage 2 – Alarm Stage if needed. Director Lucas seconded the motion. Passed 4-0.

5b. 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 Roy Seiders for failure to reduce pumping during District declared drought. / 5a. Discussion and possible action on EEOC No. 451-2024-00138 charge of discrimination by Brian Smith against the District.

Item 5b - Erin Swanson presented on the Agreed Order proposal for Roy Seiders. She mentioned that in their recommendation they took into account that Mr. Seiders has been working with the district to help

solve the issue. Staff recommendation is mid-range penalties and deferment of the penalty if they agree to an Agreed Order. Kevin Urban spoke on behalf of Roy Seiders. Discussed that they are working on new landscaping of native plants to get water usage under control.

Executive Session began at 5:33pm to discuss items 5b and 5a

Executive Session ends at 6:49pm

Item 5a – No final decision or action was made while in Executive Session.

Item 5b – An agreement was made on the Agreed Order with two (2) technical requirements. Mr. Seiders will need to present to Staff a landscape plan so we can review the changes as well as an estimate of the new landscape's water usage.

Director Puig-Williams moved to approve the Agreed Order with the new addition. Director Lucas seconded the motion. Passed 4-0.

5c. Discussion and possible action on contract with City of Austin for installation of Multiport Monitor Well in Zilker Park.

Director Puig-Williams had a question about the contract that the City of Austin sent the district, specifically, its clause about the District having a specific type of insurance as well as a specific training the District staff would have to attend.

Vice President Pickens asserted that the Board would need to approve an update in insurance if we do in fact need that for the contract.

No action was made on this item.

5d. Discussion and possible action on well-impact analysis award solely to LRE Water and approve new scope of work under existing Master Service Agreement.

Director Puig-Williams moved to approve the motion. Director Lucas seconded the motion. Passed 4-0.

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

Jacob Newton presented on Drought Compliance.

Matthew Pickle, from Creedmoor-Maha Water Supply, made comments on why they over pumped and what they did to attempt to not go over further. There was a freeze and Creedmoor-Maha turned off water to users that had pipes burst.

5g. Discussion and possible action on the District's general counsel and transition to new lead attorney by end of the calendar year.

Discussion on how the process will work. If the board decides to hire outside of our current firm, Bickerstaff, Heath, Delgado, Acosta LLP, they would need to submit a request for quote (RFQ). The process should take between 60-90 days once the RFQ has been submitted.

A sub-committee needs to be created to determine what decision to make.

Vice President Pickens moved to create a sub-committee with President Stansberry and Director Puig-Williams to investigate the RFQ process.

5h. Discussion and possible action on Hill Country developments outside of the District's territory (e.g., Blizexas LLC - Rockingwall Ranch Proposed Permit No. WQ0016111001)

Discussion only – no decision needs to be made as this is happening outside of the District. Presented as good information to have.

5i. Discussion and possible action on holding a March Board meeting.

Director Puig-Williams, President Stansberry, and Secretary Williams will be out of town during the planned March Board meeting time.

Keeping the option open for a called meeting, if needed, in March.

Director Puig-Williams moved to cancel the March Regular Meeting with the condition to keep the option for a called meeting open. Director Lucas seconded the motion. Passed 4-0.

6. 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.

Secretary Williams called out the recent District trip to the LASA High School.

Director Puig-Williams mentioned a meeting in Wimberly about the Aqua TX lawsuit.

9. Adjournment.

With no objection, Vice President Pickens adjourned the meeting at 7:48pm.

Approved by the Board on April 11, 2024.

By: _____
Blayne Stansberry, Board President

Attest: _____
Christy Williams, Board Secretary