

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting
December 12, 2019**

Board members present at commencement: Blayne Stansberry, Mary Stone, Bob Larsen, Craig Smith, and Blake Dorsett. Staff present included: Alicia Reinmund-Martinez, Dana Wilson, Brian Smith, Vanessa Escobar, Kendall Bell-Enders, Robin Gary, Justin Camp, Jackie Vay, Erin Swanson, Lane Cockrell 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 Stansberry called the meeting to order at 4:03 p.m., noting that a quorum of the Board was present.

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

No public comments of a general nature were given.

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

- 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 November 14, 2019 Regular Meeting and Public Hearing.**
- 3. Approval of an amendment to the Interlocal Agreement between the Barton Springs/Edwards Aquifer Conservation District and the Hays Trinity Groundwater Conservation District related to the construction of a monitor well in the Trinity Aquifer by extending the project completion date from December 31, 2019 to August 31, 2020.**

4. Approval of the Master Technical Services Agreement Work Order Number 1, Revision 3 (no-cost time extension) with INTERA Incorporated related to the groundwater and water well management system – the database.
5. Approval of a resolution honoring Daryl Slusher, Assistant Director of Austin Water Utility, for his many years of support to the Barton Springs/Edwards Aquifer Conservation District.

President Stansberry read the resolution honoring Daryl Slusher.

Director Smith moved approval of Consent Agenda Items 3a. 1 through 5.

Director Larsen seconded the motion and it passed with a vote of 5 to 0.

The resolution honoring Daryl Slusher was signed and presented to him. He thanked the Board for recognizing him.

4. Presentation.

Presentation by the District's financial auditor on the FY 2019 Annual Financial Audit Report.

Mr. Archie Montemayor stated that the annual audit was completed for the financial statements as of August 2019 which is the end of the fiscal year. He said that two documents were issued to management and Director Larsen of the audit committee: the auditor's report, and the communications letter with those charged with governments. The communications letter is where we would report deficiencies or weaknesses in internal controls. We did not report any so that document is as clean as it can be. Our auditor's report is what we call a clean opinion. In our opinion, the financial statements are materially correct in accordance with the accounting principles. (He emphasized that his firm works for the Board and the constituents of financial statements.) We do not work for management, but with management in order to complete the audit and render their opinions and issue findings if any, which we did not.

Director Larsen moved to adopt the FY 2019 Annual Financial Audit Report as presented and thanked the auditor and appreciated their work.

Director Dorsett seconded the motion and it passed unanimously.

President Stansberry said that Dana works really hard on keeping the numbers clean and thanked her for that.

She then called for a vote. The motion passed unanimously with a vote of 5 to 0.

5. Discussion and Possible Action.

5a. Discussion and possible action related to the receipt and approval of the FY 2019 Annual Financial Audit report provided by the District's financial auditor.

Director Larsen moved to accept the FY 2019 Financial Audit Report as presented.

Director Dorsett seconded the motion.

Director Larsen added a friendly amendment thanking staff for their hard work.

Director Dorsett accepted the friendly amendment.

The motion passed unanimously with a vote of 5 to 0.

5b. Discussion and possible action related to approving the District's FY 2019 Annual Report, including Appendix B, and submitting it to the TCEQ.

Ms. Reinmund-Martinez gave a summary of the Management Plan Goals and Objectives that were achieved.

Director Smith thanked Ms. Reinmund-Martinez for leading us through this last year, and moved approval of the Annual Report including Appendix B, and submission to the TCEQ.

Director Stone seconded the motion and it passed unanimously with a vote of 5 to 0.

5c. Discussion and possible action related to the Protestant's (Trinity Edwards Springs Protection Association) motion for rehearing of the application of Needmore Water LLC for a Regular Permit.

Ms. Vanessa Puig-Williams, representing TESPAs, asked the Board to re-think their decision to grant the permit, and urged the Board to conduct a rehearing. She thanked the Board for their service.

Mr. Eddie McCarthy, representing Needmore Water LLC, argued that TESPAs has not given any additional information regarding the permit. He respectfully requested that the Board deny the request for rehearing and to finalize the permit.

Mr. Bill Dugat, attorney for staff, stated that since TESPAs had no new information, he recommended denying the request for a rehearing.

Mr. Brian Sledge, attorney for the Board, also recommended denying the rehearing on the permit.

After discussion, Director Smith moved to deny the request for a rehearing on the Needmore Water LLC permit.

Director Stone seconded the motion and it passed unanimously with a vote of 5 to 0.

Director Stone then stated that the decision on the Needmore permit was determined by the Texas Legislature when the law was passed in 2015 that expanded the district's boundaries to include the Needmore Ranch. She said that she does not like the outcome but that the Board's hands were tied by House Bill 3405. She expressed hope that TESPAs would not appeal the decision to District Court. The District needs to spend its limited funds on monitoring the aquifer levels in that area to protect Hays County landowners under the special conditions included in the permit.

5d. Discussion and possible action related to the employment and duties of the Interim General Manager, the Assistant General Manager, and a new General Manager.

Director Stone made the change that staff personnel reviews should remain with the general manager rather than being handed to the team leaders; that it made more sense for these to be done by one person rather than four different team leaders.

After further discussion, Director Smith moved to adopt the job description of the Assistant General Manager as discussed along with the change of moving "Policy and Strategic Planning" to be shared by both General Manager and Assistant General Manager.

Director Stone seconded the motion and it passed unanimously with a vote of 5 to 0.

5e. Discussion and possible action related to the election of Board Officers.

Director Smith moved to keep the Board Officers the same.

President- Blayne Stansberry
Vice President- Craig Smith
Secretary- Blake Dorsett

Director Stone seconded the motion and it passed with a vote of 4 to 1. Director Larsen voted nay.

3. Routine Business.

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 unless the topic is specifically listed elsewhere in this agenda for consideration. 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.)

Topics

- 1. Personnel matters.**
- 2. Aquifer conditions and status of drought indicators.**
- 3. Upcoming public events of possible interest.**

4. **Review of Status Report Update – at directors’ discretion.**
5. **Update on projects and activities of individual teams.**
6. **Update on the Habitat Conservation Plan.**
7. **Update on Sustainable Yield Study of the Trinity Aquifer.**
8. **Update on GMA and regional water planning activities.**
9. **Update on the Budget.**
10. **Update on the State Office of Administrative Hearings proceedings for the Electro Purification LLC permit application.**

Ms. Reinmund-Martinez, Bill Dugat, and staff gave updates.

7. Adjournment.

Without objection, President Stansberry adjourned the meeting at 5:29 p.m.

Approved by the Board on January 16, 2020.

By: 
Blayne Stansberry, President

Attest: 
Blake Dorsett, Board Secretary