

**Barton Springs/Edwards Aquifer Conservation District  
Board of Directors Meeting Minutes  
Regular Meeting and Work Session  
December 15, 2011**

Board members present at commencement: Mary Stone, Gary Franklin, and Bob Larsen. Jack Goodman arrived at 6:14 p.m. and Craig Smith arrived at 6:19 p.m. Staff present: Kirk Holland, John Dupnik, Brian Smith, Dana Wilson, and Tammy Raymond. Bill Dugat of Bickerstaff 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 6:05 p.m., noting that a quorum of the Board was present.

**2. Citizen Communications (Public Comments).**

There were no public comments of a general nature.

**3. Routine Business.**

- b. **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.**

Mr. Holland updated the Board on the Standing Topics.

- 2. Special Topics.** 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. Review of Status Report Update – at directors' discretion.**

- ii. **Update on recent permitting and non-drought regulatory activities.**
- iii. **Update on the activities of GMA 9 and 10.**
- iv. **Update on status of hearing on the TCEQ recommendations for providing GCD protection to the portion of the Hill Country PGMA in southwestern Travis County.**

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

#### **4. Regular Business: Board Discussion and Possible Actions.**

##### **4a. Presentation by auditor, discussion and possible action related to approving the 2011 Financial Audit Report.**

Mr. Ed Hatstrup, of Figer & Company, presented the results of the annual financial audit, reporting that the audit went very smoothly, it was a clean audit, and no problem areas were identified.

Mr. Smith moved approval of the Final Auditor's Report.

Mr. Franklin seconded the motion and it passed unanimously with a vote of 5 to 0.

#### **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 from the Board's November 17, 2011, Regular Meeting.
  - 3. Approval of setting a show-cause hearing in January 2012 for permittee Don Farmer, d/b/a Don's Grass, for failure to respond to the Notice of Alleged Violations.
  - 4. Approval (validation) of extending the deadline of the Agreed Order with Ridgewood Village Water System from January 15, 2012 to March 15, 2012.
  - 5. Approval of setting and scheduling a work session of the Board with the Stakeholders Advisory Committee in late January 2012 to discuss alternatives for increasing aquifer levels and spring flows during extreme drought.

Following an explanation of Items 3.a.3 through 5 by staff, Mr. Franklin moved approval of items 3.a.1, 2, 3, 4 and 5 of the Consent Agenda, noting an invoice from Hicks and Company in the amount of \$7559.67 and the selection of January 24, 2012, at 6:30 for the work session..

Mr. Goodman seconded the motion, and it passed unanimously with a vote of 5 to 0.

**4b. Discussion and possible action related to the compliance by District permittees with their User Drought Contingency Plans and compliance of all groundwater users with District Rules, including the status and initiation of enforcement actions, as warranted.**

Mr. Dupnik updated the Board on the compliance of the District permittees, and said that there would be a 2<sup>nd</sup> enforcement meeting with Aqua Texas, and an initial meeting with Creedmoor-Maha WSC. No formal action was taken by the Board.

**4c. Discussion and possible action related to reviewing the staff's individual incentive projects and approving the FY 2012 Goals and Objectives for the General Manager.**

Mr. Franklin moved to approve the GM's Goals and Objectives as discussed and agreed in this meeting, and establish the objectives as one of the bases for the GM's incentive compensation for FY 2012.

Mr. Smith seconded the motion and it passed unanimously with a vote of 5 to 0.

**4d. Discussion and possible action related to the settlement agreement concerning the Jeremiah Ventures TLAP contested case.**

Mr. Dugat updated the Board on the status of the contested case.

**4e. Discussion and possible action related to authorizing the District's legal counsel to prepare a brief concerning the difference between groundwater management by GCD regulations and water availability determinations by counties under subdivision regulations, in reply to the request for an AG opinion RQ-1003-GA.**

Dr. Larsen stated that he agreed with Mr. Holland that we should not spend money on legal fees if we would not have any impact. He also said that Representative Workman's name has been brought up, and that he is looking to develop a GCD for that part of the county, and he thought that our emails should be shared with him to try to bridge a relationship with him, and believes that open government would require that.

Mr. Smith said that he does not believe that it would improve our relationship with Representative Workman, but will not object to it.

Ms. Stone said that she would be more comfortable with passing a resolution with our position statement on the issue and pass that on to Representative Workman and others involved.

Dr. Larsen said that we need to try to develop a stronger relationship with our Representative, and doesn't care what form we use.

Mr. Holland reminded the Board that they are posted for authorizing our legal counsel to prepare a brief to authorize an Attorney General's opinion.

Dr. Larsen moved that we do nothing in terms of preparing a brief, and to depend on the Attorney General's expertise to come up with a solution.

Mr. Franklin seconded the motion.

Mr. Smith stated that his involvement might hurt the District, and might not help Travis County by whom he is employed, so he opted to abstain.

The motion passed with a vote of 4 to 0.

**5. Work Session.**

**The Board will hold a work session to assess the status and progress towards the District's goals, objectives and performance standards in the District Management Plan, to be included in the District's Annual Report to TCEQ.**

Ms. Stone recessed the Regular Business meeting and opened the Work Session at 7:27 p.m.

After Board discussion of material in Appendix B of the Draft Annual Report, Ms. Stone closed the Work Session and re-opened the Regular Business Meeting at 7:42 p.m.

**4f. Discussion and possible action related to approving the FY 2011 Annual Report and authorizing its submittal to Texas Commission on Environmental Quality.**

Following the assessments and discussions in the Work Session, and after discussing the fact that the Board could find overall progress on an objective satisfactory even if one of its performance standards was deemed not completely achieved in response to a question from Dr. Larsen, the Board took action on each objective as noted below:

Objective	Abbreviated Description	Motion for FY2011	Movant Director	Seconding Director	Vote Outcome
1-1	Optimize the balance between water use and "preserving, conserving, and protecting" the groundwater resources.	Yes, Satisfactory	Smith	Franklin	5-0 in favor
2-1	Ensure that groundwater is used for beneficial purposes at all times and minimize or prevent wasteful use and harmful alteration of the groundwater	Yes, Satisfactory	Franklin	Goodman	5-0 in favor

	and its reservoirs.				
3-1	Diversify water supplies available to users in the District to allow for appropriate pumpage curtailments, especially during extreme drought.	Yes, Satisfactory	Smith	Goodman	5-0 in favor
4-1	Increase understanding of District aquifers through sound science that characterizes aquifer properties and variability so that appropriate policy and regulatory decisions can be made.	Yes, Satisfactory	Franklin	Smith	5-0 in favor
4-2	Review and modify, within statutory authority, the Rules as to their consistency with natural resources protection	Yes, Satisfactory	Franklin	Goodman	5-0 in favor
5-1	Maintain sustainable-yield aquifer conditions to prevent well interference and water-quality impacts related to reduced springflow during a recurrence of the DOR	Yes, Satisfactory	Smith	Franklin	5-0 in favor
6-1	Reduce the per-capita use in the District during non-drought times through relevant statutory, regulatory, scientific, administrative, and educational vehicles.	Yes, Satisfactory	Smith	Goodman	5-0 in favor
7-1	Improve recharge to the Edwards Aquifer to increase the amount of water in storage so that future droughts will be less severe and of shorter duration	Yes, Satisfactory	Franklin	Smith	5-0 in favor

7-2	Assess the feasibility of implementing supply enhancement measures including desalination, ASR, and treated effluent reuse	Yes, Satisfactory	Smith	Franklin	5-0 in favor
7-3	Augment the amount of water recharging the aquifers through the use of alternative water sources	Yes, Satisfactory	Smith	Goodman	5-0 in favor

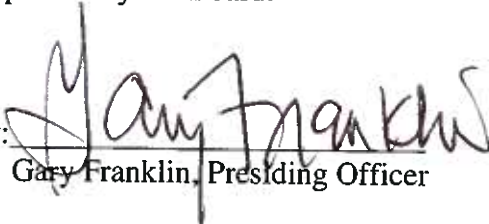
Mr. Goodman moved approval of the FY 2011 Annual Report as presented and revised in this meeting, and authorized staff to submit it to the TCEQ.

Mr. Franklin seconded the motion and it passed unanimously with a vote of 5 to 0.

**6. Adjournment.**

Without objection, Mr. Stone adjourned the meeting at 8:01 p.m.

Approved by the Board:

By:   
 Gary Franklin, Presiding Officer

Attest:   
 Craig Smith, Secretary