

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting
June 9, 2011**

Board members present at commencement: Gary Franklin, Jack Goodman and Craig Smith. Mary Stone and Bob Larsen were out of town. Staff present: Kirk Holland, John Dupnik, Brian Smith, Dana Wilson, and Tammy Raymond. 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.

Mr. Franklin presiding in Ms. Stone's absence called the meeting to order at 6:00 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.

- 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 May 26, 2011, Regular Meeting and Public Hearing.**
 - 3. Approval of setting a Special Called Meeting and Work Session on June 20, 2011, and the postponement of the election of Board Officers until then.**
 - 4. Approval of a proposed dye-trace in the vadose zone of the Barton Springs segment (testing cave drip waters) to be conducted by Zara Environmental under contract to the City of Austin.**

After discussion, Mr. Goodman moved approval of items 3.a.1 through 4 of the Consent Agenda, noting an invoice from Bickerstaff in the amount of \$16,256.79.

Mr. Smith seconded the motion, and it passed unanimously with a vote of 3 to 0.

- 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. Personnel matters and utilization;
2. Upcoming public events of possible interest;
3. Aquifer conditions and status of drought indicators.
4. 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. Update on recent Team activities.
 - ii. Update on discussions with potential co-sponsors concerning the Kent S Butler Memorial Symposium on Sustainability in the Barton Springs Zone.
 - iii. Update on District technical staff's review of TWDB's MAG estimates and development of recommendations.

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

4. Board discussions and Possible Actions.

4d. Discussion and possible action related to progress with the negotiated rulemaking with Centex.

Mr. Holland explained that negotiated rulemaking discussions between the District and Centex were proceeding, and the ball was in Centex-Corporate Office's court to respond with some alternative language of its own after the District offered its suggestions. This item will return to the June 20th meeting when all five directors are present.

No Board action was taken.

4a. Discussion and possible action on changes that may be required concerning the HCP project, including revised approach, schedule, and contractors, and on approving related contracts.

Mr. Holland explained that Dr. Kent Butler was the primary contractor on the HCP project and his passing left a large hole in many ways, including the EIS part of the HCP project. He said that Hicks and Company was the original contractor on the HCP project four years ago and asked for Board approval of contracting with them again, on a sole source basis under the extenuating circumstances before them.

After discussion, Mr. Smith moved approval of the sole-source justification for engaging Hicks & Co. for continuing EIS work with Fish and Wildlife Service on the District HCP and moved approval of executing the Responsibilities Statement Agreement required by FWS..

Mr. Goodman seconded the motion and it passed unanimously with a vote of 3 to 0.

4b. Discussion and possible action concerning probable changes for the District arising from legislation that passed in the recently concluded regular session.

Mr. Holland presented and briefly reviewed a summary of the bills that will require changes in the District's Management Plan, rules or policies to conform to the new legislation, once signed by the Governor. These changes relate to both changes in groundwater statutes and, most notably, a change to the Elections code.

Mr. Smith moved to authorize the District's legal counsel to perform a legal analysis of the basis for changing the director election dates and extending the current Director terms.

Mr. Goodman seconded the motion and it passed unanimously with a vote of 3 to 0.

After further discussion, Mr. Smith moved to direct staff to ascertain if conforming Rule changes require Management Plan revisions as a precursor.

Mr. Goodman seconded the motion and it passed unanimously with a vote of 3 to 0.

4c. Discussion and possible action related to the mediation of the Jeremiah Venture TLAP contested-case.

Mr. Holland stated that they were no new developments to report.

4e. Discussion and possible action relating to *City of Kyle vs. Goodman et al. and the Barton Springs Edwards Aquifer Conservation District, Cause No. 10-1267, 22nd District Court, Hays County, Texas.*

Mr. Holland gave a brief update on the status of the Kyle litigation and ongoing settlement discussions. This item will return to the next agenda when all five Board members are present.

5. Adjournment.

Without objection, Mr. Franklin adjourned the meeting at 7:04 p.m.

Approved by the Board:

By: Mary Stone
Mary Stone, President

Attest: Craig Smith
Craig Smith, Secretary