

**Barton Springs/Edwards Aquifer Conservation District  
Board of Directors Meeting Minutes  
Regular Meeting  
February 9, 2023**

Board members present at commencement: Blayne Stansberry, Dan Pickens, and Vanessa Puig-Williams. Lily Lucas and Christy Williams were absent. Staff present included: Tim Loftus, Brian Smith, David Marino, Justin Camp, Jeff Watson, Erin Swanson, 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 5:12 p.m., noting that a quorum of the Board was present.

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

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

**3. Consent Agenda.**

**3a. 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 12, 2023 Regular Meeting.**

Director Pickens moved approval of consent agenda items 3a. and b. noting invoices from LRE Water in the amount of \$18,000.

Director Puig-Williams seconded the motion and it passed unanimously with a vote of 3 to 0.

**4. General Manager's Report.**

**Topics**

**a. Review of Status Report and update on team activities/projects.**

**b. Aquifer status update.**

**d. Upcoming events of possible interest.**

Staff gave updates on the items above.

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

Ms. Swanson reported that we are six months into drought and moving into the third phase. She said the first change is that we are expanding the assessment of Tiers 2 and 3, looking at all levels of overpumpage. The second change is that Tier 1 Permittees over 2 million gallons will be subject to enforcement. Per our enforcement policy Tier 1 permittees permitted for 2 million gallons or less will generally be reserved only for noncompliance that warrants enforcement as determined by the Board. She also reported the following:

Tier 3 Permittees that overpumped.

Creedmoor Maha – They have adjusted their monthly allocations on their UCDP, they are looking at Desal water, and they are applying to drill a new well.

Monarch – A pre-enforcement meeting was scheduled but rescheduled due to the ice storm.

Centex – A pre-enforcement meeting is scheduled.

Tier 2 Permittees that overpumped.

Aqua Texas Bliss Spillar  
City of Hays  
Aqua Texas Onion Creek

Tier 1 Permittees that overpumped.

Trinity Episcopal  
Texas Old Town

After Board discussion there was no action taken.

**5b. Discussion and possible action on a Report of Investigation, Notice of Alleged Violation, and draft Agreed Order for Aqua Texas Bliss Spillar.**

President Stansberry stated that the Board would meet in Executive Session as authorized by the Texas Government Code Section 551.071 (Consultation with Attorney) at 5:58 p.m. President Stansberry stated that no final actions or decisions would be made while in Executive Session.

The Board reconvened into open session at 6:36 p.m. President Stansberry stated that no final actions or decisions were made while in Executive Session.

Director Pickens made the following motion:

- I. To direct staff to issue Aqua Texas an NOAV
- II. Include as part of the NOAV an Agreed Order for early resolution. Agreed order should provide:
  - A. Maximum penalty of \$73,000 reduced to \$36,000 contingent on compliance with the Agreed Order.
  - B. Future process for penalty assessment and payment during drought including:
    - i. Determination of average daily use.
    - ii. Determination of when average daily use exceeds UDCP baseline monthly pumpage.
    - iii. Determination of total number of days each month of over pumping.
    - iv. Provision for daily penalties for each day of over pumping:
      1. \$400 during Alarm Stage
      2. \$800 during Critical and Exceptional Stages
    - v. Provide notice of total monthly penalty by staff each month.
    - vi. Payment from Aqua Texas within 30 days of staff notice.
  - C. Report describing the most efficient way to move water between systems and include a description of needed improvements.
  - D. Monthly reporting of leak detection and 2022 annual water loss in the Chapparral system.

Director Puig-Williams seconded the motion and it passed unanimously with a vote of 3 to 0.

**5c. Discussion and possible action on Caldwell and Kidd, LLC Class A Conditional Production Permit application for commercial use of up to 600,000 of gallons of water per year for an existing exempt well located at 12000 Meredith Dr., Austin, TX 78748 including consideration by the Board of Directors of special conditions or delaying the effective date for an application submitted and/or considered during District-declared drought.**

President Stansberry stated that this item would be postponed.

**5d. Discussion and possible action on production fees charged outside of the Shared Territory.**

The Board discussed the current production fees charged outside of the Shared Territory and possible changes to those fees in the future.

No action was taken.

**5e. Discussion and possible action on approval of the draft US Fish & Wildlife ITP Annual Report.**

Dr. Smith reported that this is the fourth Annual ITP Report. He said that the Management Advisory Committee (MAC) met with staff on February 1<sup>st</sup>, and received a couple of suggestions that were

incorporated into the report. After formatting, the report will be submitted to the U.S. Fish & Wildlife Service by the deadline of February 28<sup>th</sup>.

After discussion, Director Puig-Williams moved approval of the FY 2022 draft ITP Annual Report and submission to the US Fish & Wildlife.

Director Pickens seconded the motion and it passed unanimously with a vote of 3 to 0.

**6. Directors' 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 gave reports on activities they have been involved with since the last meeting.

**7. Adjournment.**

With no objection, President Stansberry adjourned the meeting at 7:10 p.m.

Approved by the Board on March 9, 2023.

By: Blayne Stansberry  
Blayne Stansberry, Board President

Attest: Christy Williams  
Christy Williams, Board Secretary