

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting
January 16, 2020**

Board members present at commencement: Blayne Stansberry, Mary Stone, Bob Larsen, and Blake Dorsett. Craig Smith arrived at 4:05 p.m. Staff present included: Dana Wilson, Brian Smith, Vanessa Escobar, Kendall Bell-Enders, Brian Hunt, 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 4:00 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 December 12, 2019 Regular Meeting.**
- 3. Approval of the updated HCP Management Advisory Committee.**

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

Director Dorsett seconded the motion and it passed with a vote of 4 to 0.

Director Smith arrived at 4:05 p.m.

4. Presentation and Updates.

4b. Update from Special Counsel John Vay to the Board on SOAH Docket 957-18-4985 Application of Electro Purification.

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 4:06 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 4:48 p.m. President Stansberry stated that no final actions or decisions were made while in Executive Session.

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 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. Aquifer conditions and status of drought indicators.**
- 2. Upcoming public events of possible interest.**
- 3. Review of Status Report Update – at directors' discretion.**
- 4. Update on projects and activities of individual teams.**
- 5. Update on the Habitat Conservation Plan.**
- 6. Update on Sustainable Yield Study of the Trinity Aquifer.**

Ms. Wilson and staff gave updates to the Board.

4. Presentation and Updates.

4a. Presentation on Desired Future Conditions (DFC) Planning.

Brian Hunt and Vanessa Escobar gave a presentation on the planning process regarding Desired Future Conditions in Groundwater Management Area 10.

5. Discussion and Possible Action.

5f. Discussion and possible action related to authorizing litigation described in the October 16, 2019 Notice of Intent to Sue for violations of the Endangered Species Act (and other Federal Laws) in connection with the Permian Highway Pipeline.

5c. Discussion and possible action related to the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a new General Manager.

President Stansberry stated that the Board would meet in Executive Session on items 5f. as authorized by the Texas Government Code Section 551.071 (Consultation with Attorney) and 5c. Section 551.074 (Personnel Matters) at 5:59 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 7:14 p.m. President Stansberry stated that no final actions or decisions were made while in Executive Session.

5f. Discussion and possible action related to authorizing litigation described in the October 16, 2019 Notice of Intent to Sue for violations of the Endangered Species Act (and other Federal Laws) in connection with the Permian Highway Pipeline.

Director Smith moved to authorize litigation described in the October 16, 2019 Notice of Intent to Sue for violations of the Endangered Species Act (and other Federal Laws) in connection with the Permian Highway Pipeline.

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

Director Larsen voted nay, noting several factors including standing, budget, unknown public statements, and the pipeline being a land use issue.

5c. Discussion and possible action related to the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a new General Manager.

President Stansberry set a Special Called Meeting on January 30, 2020 at 4 p.m. to conduct interviews with the full Board with Brian Smith and Vanessa Escobar.

5a. Discussion and possible action related to permit options for nonexempt small volume users.

Director Stone stated that she was contacted by a constituent that owns a small business with a Class C permit. She said that these permits are required to cease pumping in drought and it is causing financial devastation. She asked that the Rules Committee look at this issue to see if there are any modifications that can be made so that small businesses can flush their toilets.

After discussion, Director Stone moved that the Rules Committee convene to explore modifications and options for the Class C permit.

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

5b. Discussion and possible action related to Board Committee Assignments.

President Stansberry explained that she would like a clean slate on committee assignments. She asked the Board members check mark their interest in the five core committees and give them to her. She said that committees do not make decisions but bring recommendations to the full Board.

5d. Discussion and possible action related to employing an intern.

Ms. Dana Wilson went over the salary budgets for the remainder of the year.

President Stansberry commented that with the two new employees there would still be a surplus in the budget line item.

Director Smith moved to hire a part time temporary intern for the Regulatory Compliance Team for the remainder of this fiscal year.

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

5e. Discussion and possible action related to compensation of the Interim General Manager and Assistant General Manager.

Director Smith moved to provide the Interim General Manager a one-time bonus of 15%, and a 5% permanent pay increase to the Assistant General Manager.

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

Director reports were deferred to the next meeting.

7. Adjournment.

Without objection, President Stansberry adjourned the meeting at 7:28 p.m.

Approved by the Board on February 13, 2020

By: Blayne Stansberry
Blayne Stansberry, President

Attest: Blake Dorsett
Blake Dorsett, Board Secretary