

NOTICE OF OPEN MEETING

Notice is given that a **Regular Meeting** of the Board of Directors of the Barton Springs/Edwards Aquifer Conservation District will be held **in the District office**, 1124 Regal Row, Austin, TX, on **Thursday, February 25, 2010, commencing at 6:00 p.m.** for the following purposes, which may be taken in any order at the discretion of the Board:

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.

2. Citizen Communications (General Public Comments).

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 February 11, 2010, Regular Meeting.

- 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 meetings and 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. Review of Status Report Update – at Directors’ discretion.
- ii. Update on GMA-9 and GMA-10 progress in establishing DFCs.
- iii. Update on the status of the annexation of the Ridgewood Village Water System by Travis County WCID No. 10.
- iv. Update on San Antonio EARIP heightened interest in “engineered solutions” to springflow protection.
- v. Update on intergovernmental water conservation and drought response coordination.
- vi. Update on recent oral testimony before the Texas Supreme Court in *Day & McDaniel v. EAA*, and its significance to the District
- vii. Update on recent conversations with new EPA Region 6 Administrator Al Armendariz and planned follow-up.

4. Regular Meeting: New Business.

- a. Discussion and possible action related to ordering an election for Directors of Precincts 2 and 5.
- b. Discussion and possible action related to approval of a resolution and financial commitment in support of a proposal to TWDB by a public-private consortium involving the District for a feasibility study of a desalination facility in eastern Travis County.
- c. Discussion and possible action related to a potential change to the treated effluent storage component in the settlement agreement for HCWCID No. 1 wastewater treatment facility serving Belterra subdivision

5. Regular Meeting: Briefings

Briefing by Dr. Kent Butler and Mr. Raymond Slade on the analysis of springflows under various HCP measures.

6. Regular Meeting: Continued Business.

- a. Discussion and possible action related to status and progress on the contested-case SOAH proceedings associated with the TCEQ preliminary decision on the TLAP for Jeremiah Venture, L.P.

7. Adjournment.

Came to hand and posted on a Bulletin Board in the Courthouse, Travis County, Texas, on this, the ____th day of February, 2010, at _____ .m.

_____, Deputy Clerk

Travis County, TEXAS

Please note:

This agenda and available related documentation have been posted on our website, www.bseacd.org. If you have a special interest in a particular item on this agenda and would like any additional documentation that may be developed for Board consideration, please let staff know at least 24 hours in advance of the Board Meeting so that we can have those copies made for you.

The Barton Springs/Edwards Aquifer Conservation District is committed to compliance with the Americans with Disabilities Act (ADA). Reasonable accommodations and equal opportunity for effective communications will be provided upon request. Please contact the District office at 512-282-8441 at least 24 hours in advance if accommodation is needed.

Item 3

Routine Business

b. General Manager's Report. Note: Topics discussed in the General Manager's Report are intended for administrative and operational information-transfer purposes. The Directors will not deliberate any issues arising from such discussions and no decisions on them will be taken in this meeting, unless the topic is specifically listed elsewhere in this as-posted agenda.

- 1. Personnel matters and staff utilization**
- 2. Upcoming events of possible interest**
- 3. Aquifer conditions.**
- 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. Review of Status Report Update – at Directors' discretion.**
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 - iii. Update on the status of the annexation of the Ridgewood Village Water System by Travis County WCID No. 10.**
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 - v. Update on intergovernmental water conservation and drought response coordination.**
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 - vii. Update on recent conversations with new EPA Region 6 Administrator Al Armendariz and planned follow-up.**

STATUS REPORT UPDATE FOR FEBRUARY 25, 2010, BOARD MEETING

Prepared by District Team Leaders

Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
GENERAL MANAGEMENT TEAM			
W F Holland			C GM activities of note since last report include: Attended TWDB conference on DFCs; Prepared Reply to other Party's closing arguments for Kyle permit contested-case evidentiary hearing; Met with Rep Patrick Rose concerning TCEQ issues; Attended TAGD Officers meeting; Prepared inputs for and attended HCP BAT meeting; Prepared response to Public Information Request; Participated in Board work session on progress toward MP objectives and strategic planning; Participated in meeting to discuss structural measures to protect spring/flow during prolonged drought; Set up and participated in a tour of quarry recharge site for EARIP project manager; Assisted in the preparation of MD&A section of the Financial Report, and finalized Annual Report; Attended Region L meeting to consider IPP; Met with GBRA and HDR representatives to discuss Springs Study; continued interfacing with TDS, TSU, and others on desal project and grant proposal preparation, including soliciting and interviewing and contracting an engineering firm to assist in proposal preparation; Discussed possible change to Belterra settlement agreement; Developed criteria for subdividing GMA-10 and introduced it to Coordinating Committee; Participated in discussion with TWDB on non-Edwards DFCs; Followed progress of Ridgewood Village Water System and Water District 10 discussions concerning annexation; Participation in ECT Natural Infrastructure Committee meeting; Provided continued coordination and oversight of various internal team activities (below).
	19-Feb-10	General Manager activities and notes	
	19-Feb-10	Possible future Board agenda items (not necessarily next Board meeting)	Briefing by consultant on effectiveness of HCP alternative measures. Convene public meetings on DFCs for GMA-9 and -10. Establish recommendations on DFCs for GMA 10. Approve agreements with EAA and Plum Creek GCD regarding regulatory approaches in areas of overlap. Approve ILA(s) with COA for HCP related activities. Authorize settlement provisions for Jeremiah Venture TLAP. Consider action to fund desal facility investigations at TDS using TWDB grant funding. Call Election for Precincts 2 and 5. Mid-year budget revision.
ADMINISTRATIVE PROCESSES TEAM			
Dana Christine Wilson			
	18-Feb-10	TCEQ Invoice #10 of the 319(h) grant for the period of Sept 1, 2009 through Nov 30, 2009 completed and remitted.	Remitted on December 18 for reimbursable amount of \$21,889.22.
		TCEQ Invoice #11 and last invoice of the grant is in process.	Grant last day is February 28, 2010.
	18-Feb-10	Waiting for completed report from Invesmart to be submitted to Texas Pension Review Board, as required by law.	
	18-Feb-10	Board-approved Annual Report, and Audit Report to be mailed to Texas Pension Review Board, and TCEQ.	
Administration - Policy			

	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
Accounts Receivable	DCW	18-Feb-10	FY 2010 March monthly billings and 3rd quarter billings mailed out 1.15.2010 and due on 2.5.2010.	Amount billed \$ 2,59,993.
Elections -Administration	DCW	18-Feb-10	Election 2010 process has begun.	Waiting for any candidate applications to be filed, and Board Order Calling Election to be addressed 2.25.2010.
Records Management	DCW	18-Feb-10	In process of task tagging boxed files for disposition / destruction according to the TSLAC-approved District Records Retention Schedule.	Annual task.
Taxes - Administration	DCW	18-Feb-10	Annual Tax Reporting.	Completed.
REGULATORY COMPLIANCE TEAM John Dupnik				
Enforcement	JD, GR	17-Feb-10	Enforcement and Compliance Evaluations	There are no pending enforcement actions.
Drought Management	JD, GR	17-Feb-10	Drought Compliance Monitoring and Enforcement	No Drought Status
TCEQ Rule Making	JD, KH	17-Feb-10	New draft TCEQ rules related to direct discharges in the Barton and Onion Creek Watersheds	TCEQ initially indicated that formal rulemaking was anticipated to be initiated in January of 2010. The rulemaking item was bumped from the January Commissioners agenda. TCEQ staff has indicated that it may not be rescheduled until this spring or maybe even summer. Staff will continue to monitor.
Rule Development	JD, KH	17-Feb-10	Review and draft proposed rules for: management zones, extreme drought, and other areas as necessary	Rules adopted 9-10-09. Centex and Lehigh have requested reconsideration of certain rule provisions. They have questions about how the rule triggering 100% curtailment in ERP for irrigation and industrial permits was deliberated. Staff continues to work with Centex/Lehigh to resolve this issue.
External Permit Reviews	JD, KH	17-Feb-10	TLAP/TPDES permits - Jeremiah Venture	Jeremiah Venture - All parties have jointly agreed to abate the proceedings to work towards a settlement agreement. The third party geologist retained to assess the site and review the competing Geologic Assessments has completed the field work. Staff awaits issuance of the Geologic Assessment.
Region K/L Water Planning Group	JD, KH	17-Feb-10	Participate in Regional Water Planning Groups	JD attended the last Region K meeting on 2-10-10. The initially prepared plan was approved at this meeting. The plan will next be noticed for public review and comment.
City of Buda Effluent Reuse	JD, BH, NB	17-Feb-10	Discussions with City of Buda, Texas Lehigh, and Centex Materials on the possibilities of supplementing Edwards groundwater pumpage with treated effluent.	Carbon Shrink provided an overview of the work to date (Phase 1) at a meeting on 2-4-10. All agreed that there was potential room for continued progress to possibly be facilitated by Carbon Shrink. Carbon Shrink was asked to provide a presentation to the full Board to provide a summary of the phase 1 due diligence findings as well as outlining the proposed scope of work for phase 2. This will be scheduled for the March 11 meeting where the Board will be asked to jointly fund this continued effort.

	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
Well Construction Standards	JD	17-Feb-10	Update to Standards as possible rule amendment	Draft Standards have been completed and initially presented to the Board. The Board has instructed staff to convene a technical advisory committee to review and comment on the draft. The Board has approved staff's recommendations of Advisory committee participants. Staff held this meeting on 1/27/09 but with limited participation. JD agreed to make revisions that were discussed in the meeting and provide changes to the committee. A draft for Board consideration is anticipated within a couple of months.
Current Active Applications	JD, GR, JB	17-Feb-10	City of Kyle Pumpage Amendment and Transport Permit; Oak Forest Trinity Pumpage Permit	The board approved the City of Kyle applications for 100.7 MG/Year. The parties to the hearing have until March 4, 2010 to request a rehearing. The Oak Forest Trinity Pumpage permit application is under review.
EDUCATION & OUTREACH				
	Robin Gary			
Citizens' Water Conservation Task Force	RG	18-Feb-10	Develop strategies for CoA Water Utilities to reduce water use	Robin participated on the drafting committee and the final draft will be available at the end of February. Presentations to the Boards and Commissions to solicit feedback has been delayed and will happen in March or April. The weekly meetings focus suggestions on themes for conservation strategies, incentives and ordinance revisions--Indoor, Outdoor, Institutional, Public Information, Education.
CAMN	RG	17-Feb-10	Aquifer 101	Robin will participate in the Capitol Area Master Naturalists training event for the Hydrology day. She'll cover Aquifer 101, aquifer dynamics, and drought response.
Dahlstrom Stakeholders Meeting	JJ	12-Feb-10	Education Committee	The Dahlstrom Stakeholders group formed the Education Committee to help prepare for the public access to 350 acres under a conservation easement. Training docents, teachers, and Hays County staff is going to be challenging.
National Cave and Karst Research Institute	RG	08-Feb-10	Education Program Coordination	The National Cave and Karst Research Institute (Carlsbad, NM) has a new Education Director. Robin met with Dianne Gillespie to discuss grant and programming opportunities between our two agencies. She is a fantastic resource.
Groundwater to the Gulf	RG, JJ	25-Feb-10	Kickoff planning meeting	Robin and Jules met with G2G staff to allocate roles and responsibilities. Jules will head up the Fundraising committee. Robin will tackle overall organization and tasking. It looks like another great year.
Hays County Water Conservation Group	JJ	01-Feb-10	Rainwater Harvesting Initiative	This group is pushing for legislative changes that would require new state buildings to have rainwater harvesting systems. Initially this measure failed in the 2009 Lege Session. The group is organizing a Rainwater Revival event for October 2010.
PROJECT TEAMS				

	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
HCP Completion Project	WFH	19-Feb-10	Summary of HCP follow-on project-related activities	BAT considering what else is needed to recommend take and jeopardy basis for FWS. BAT accepted Woods, et al. paper as basis for HCP biological analysis and take/jeopardy assessment. Hydrologic analyses of springflows under various management scenarios complete. Kent and Kirk waiting on BAT determinations to finalize the editing/revision of dHCP documentation. Need to schedule a CAC meeting soon. We will need to request a time extension to grant project, but will wait until first round of revisions is complete.
319(h) Grant Onion Creek Recharge Enhancements	BS, BH, JB	18-Feb-10	Workplan for 319(h) grant	Flow in Onion Creek at Antioch has been continuous since the beginning of February. Water samples have been collected for lab analyses. TCEQ and EPA have approved the installation of a multipoint monitor well at Antioch, paid for in part with grant funds.
CONTINUING AQUIFER RESEARCH				
	Brian Smith			
Dye Tracing	BS, BH, JB	18-Feb-10	Dye tracing	A feature on the Blanco River was injected on 2/20/09. San Marcos and Barton Springs are being monitored along with a number of wells. With drought conditions, but with ongoing recharge from the Blanco River, this is an optimal time to look for flow from the Blanco to either spring, or both. A report is being prepared by the partners in the study.
Saline Zone Studies	BS, BH, JB	18-Feb-10	Edwards Saline Zone Workshop II	A proposal for a grant from TWDB for desalination studies is being prepared. Partners in the proposal are TDS and Texas State. Consultants AECOM and Daniel B. Stephenson are helping with the proposal.
Water-Quality Studies	BS, BH, JB	18-Feb-10	Sampling and analysis of groundwater and surface water	We sampled the District's multipoint well June 9-12 analyzing 13 zones for major ions and key isotopes. Additional sites (wells and springs) were sampled in June. Results of major ions and isotopes have been received.
Water-Level Monitoring	BH, BS, JB	18-Feb-10	Drought status, monitor wells, and synoptic water level events	Drought status was changed from Alarm Stage to NO DROUGHT by the Board on December 17, 2009. On February 18, Barton Springs was at about 88 cfs and the water level in the Lovelady was at 159.3 ft.
Edwards/Trinity Studies	BS, BH	18-Feb-10	Installation of Westbay multipoint well	completion, all zones in the wells have been sampled and analyzed for water quality and all zones have been tested for hydraulic conductivity. Most of the Edwards and Trinity zones have risen considerably in response to the rains that A technical paper on the District's multipoint well was submitted to the USGS for inclusion in a Professional Paper on the Edwards Aquifer. A paper on the same subject was published in the October issue of the South Texas Geological Society Bulletin. Brian Smith served on a planning team for a conference hosted by the River Systems Institute in November. He and Robin Gary gave presentations at the conference. Brian Smith was invited to present a paper about the Antioch BMP at an Underground Injection Control conference in Austin in January.
Information Transfer	BS, BH, JB	18-Feb-10	Presentations, conferences, reports, and publications	
AD-HOC TEAMS				

	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
Planning Team	WFH	19-Feb-10	Strategic and Tactical Planning. Technical Team	Technical Team discussing ongoing groundwater and aquifer activities and issues, including effluent on recharge zone and new TWDB modeling for establishing DFCs. Planning Team completed and reported its assessment of progress against Management Plan elements. Still working on document retention procedures and new policy statement. Considering scope of next changes to rules.
Facility Remodeling and Expansion Team	WFH	Inactivated	Evaluation of alternative approaches to new office facilities at current location	No change. Internal team not yet selected. Have not yet solicited SOQs for architectural or project design services. Are waiting on possible annexation decision before starting this effort.
UPCOMING ITEMS OF INTEREST				
GMA-9 Meeting. to discuss TWDB recommendations and set at least 3 public meetings. at consider Trinity DFCs in GMA-10's area		22-Feb-10	10am. UGRA. Kerrville (BH, KH)	
Senate Intergovernmental Relations Interim Charges hearing		23-Feb-10	11am. Capitol. 2E:20	
Second February Board Meeting		25-Feb-10	Presentation by Dr. Kent Butler on springflow conditions under various management scenarios: Order Calling Election	
Hill Country Conservancy Lunch & Learn: The Art of Conservation Deal-making. with Cassie Gresham et al. of Braun & Associates		25-Feb-10	11:30am-1:30pm. Green Pastures (reg required)	
TWCA Annual Conference and Meeting		03-Mar-10	Wed. 1pm through Noon on Friday. Mar 5. at Sheraton Dallas Hotel	
House Natural Resources Committee hearing on Interim Charge No. 3: Monitor ongoing drought conditions and initiatives to promote water conservation: required submittal of water conservation plans and annual reports; the "trigger" for use of DCPs: recommendations by agencies and the WCAC; and progress for recycled water resources and desalination projects.		03-Mar-10	In San Antonio: place TBD (KH, JD?)	

	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
LCRA Public Input Forum, to discuss draft on Long Range Water Supply Plan		08-Mar-10	6pm - 8:30. LCRA Montopolis Dr Service Center	
First March Board Meeting		11-Mar-10	Director photo session (for website)	
First Day of Mandatory Office Hours (for called election)		19-Mar-10	Last day is June 17.	
Second March Board Meeting		25-Mar-10		
Envision Central Texas Natural Infrastructure Committee		26-Mar-10	11:30 - 1:00pm, at ECT offices on Burtleson Rd	
GMA-10 Meeting		30-Mar-10	10AM - 12 N, in Austin, before the TAGD meeting; possibly approve non-Edwards DFCs, and set public meetings for other relevant aquifers	
TAGD Quarterly Meeting		30-Mar-10	1 PM through 3/31 Noon, at Crowne Plaza Austin	
ECT Regional Forum Series: "More People, Less Money, What Now?"		31-Mar-10	9am - 1:30pm, Four Seasons Hotel (\$50@/Table of 8- \$500)	
National Ground Water Association GW Summit		12-Apr-10	Through 4/15/10; in Denver (KH, JB?)	
Early Voting Period Begins (if election called)		26-Apr-10	Through 5/4/10	
Envision Central Texas Community Stewardship Awards Luncheon		07-May-10	11:30-1:30 Austin Hilton; Deadline for nominations is Friday, Feb_26	
Election Day for Precincts 2 and 5 (if election is called)		08-May-10		

Item 4

Regular Meeting: New Business

- a. Discussion and possible action related to ordering an election for Directors of Precincts 2 and 5.**

BARTON SPRINGS / EDWARDS AQUIFER CONSERVATION DISTRICT

ORDER CALLING ELECTION

WHEREAS, the Board of Directors (the "Board") of the Barton Springs/Edwards Aquifer Conservation District (the "District" or "BSEACD") has the authority to call a general election on May 8, 2010 (the "Election") for the election of directors from BSEACD precinct numbers two (2) and five (5); and

WHEREAS, the District has the authority pursuant to Chapter 271, Texas Election Code, to enter into joint election agreements with the other political subdivisions also holding a general election on the same date in all or part of the same territory, collectively to be referred to herein as the "Entities;" and

WHEREAS, the Board finds that it would be to the benefit of the citizens of the District and the Entities to hold a joint election in the election precincts that can be served by common polling places; and

WHEREAS, the Travis County Election's Officer and the District have authority pursuant to Chapter 31, Subchapter D, of the Texas Election Code and Chapter 791 of the Texas Government Code to enter into an agreements for the Travis County Elections Officer to conduct that portion of the District's election that will be held in Travis County; and

WHEREAS, the Hays County Election's Officer and the District have authority pursuant to Chapter 31, Subchapter D, of the Texas Election Code and Chapter 791 of the Texas Government Code to enter into an agreement for the Hays County Elections Officer to conduct that portion of the District's election that will be held in Hays County:

IT IS, THEREFORE, ORDERED BY THE BOARD OF DIRECTORS OF THE BARTON SPRINGS / EDWARDS AQUIFER CONSERVATION DISTRICT THAT:

Section 1. Call of Election; Date; Eligible Electors; and Hours. The election shall be held on Saturday, May 8, 2010, which is sixty-two (62) or more days from the date of the adoption of this order (the "Order") within the BSEACD precinct numbers two (2) and five (5) for the election of directors from precinct numbers two (2) and five (5) at which qualified electors of precinct numbers two (2) and five (5) shall be entitled to vote for candidates for director from their respective precincts. The Board hereby finds that holding the Election on such date, a uniform election date, is in the public interest. The hours during which the polling places are to be open at the Election shall be from 7:00 o'clock a.m. to 7:00 o'clock p.m.

Section 2. Conduct of Election, Joint Election Agreement, Contract for Election Services, Appointment of Election Officers. The Election shall be conducted by election officers, in accordance with the Texas Election Code and the Constitution and laws of the State of Texas and of the United States of America. An electronic voting system, as defined and described in Title 8 of the Texas Election Code, shall be utilized for early voting by personal appearance and election day in that portion of the election conducted in Travis and Hays Counties. A paper ballot voting system shall be utilized for early voting by mail.

Pursuant to Chapter 271 of the Texas Election Code, the Board orders that this Election be conducted under the terms and conditions of an Agreement to Conduct Joint Elections (“the Joint Election Agreement”), which is currently under development and will be presented to the Board for its approval prior to the conduct of the Election.

The Board will appoint the presiding election judges and alternate presiding election judges for each polling location for the Election at a subsequent meeting of the Board, prior to the conduct of the Election.

Section 3. Voting Precincts; Polling Places. Except as otherwise provided herein, the presently existing boundaries and territory of the respective Travis and Hays County Election Precincts, that are wholly or partially within the territorial boundaries of BSEACD, are hereby designated as the voting precincts of the District for the Election. The precinct numbers for BSEACD’s election precincts shall be the corresponding Travis and Hays Election Precinct Number of each precinct that is wholly or partially within the District.

The Board finds that combination of the territory of some of the election precincts that are wholly or partially within the territory of the District into voting precincts of the District served by a single polling place for purposes of the Election will result in a more convenient voting opportunity for the voters and a more efficient and cost effective administration of the Election and such voting precincts are hereby combined. A list of BSEACD’s voting precincts and polling places for each voting precinct and for each combined voting precinct that is wholly or partially within BSEACD will be attached as an exhibit, and incorporated by reference as if fully set out herein.

Section 271.003 of the Texas Election Code provides that voters of a particular election precinct or a political subdivision may be served in a joint election by a common polling place located outside the boundary of the election precinct or political subdivision if the location can adequately and conveniently serve the affected voters and will facilitate the orderly conduct of the election. To the extent any polling place utilized by BSEACD in the conduct of the Election is located outside the boundaries of the election precinct of BSEACD for any election precinct listed in the above-mentioned exhibit, the Board specifically finds that the polling place selected is convenient and will adequately serve the voters of the BSEACD.

Section 4. Early Voting by Mail. The Board appoints Dana Christine Wilson as the District’s Regular Early Voting Clerk. Ballot applications for ballots voted by mail shall be addressed to the District’s Regular Early Voting Clerk at the address indicated immediately below:

Early Voting Clerk
Barton Springs / Edwards Aquifer Conservation District
1124 Regal Row
Austin, Texas 78748

The Regular Early Voting Clerk for the District shall collect all applications for ballots received by the District at the above address during the period allowed by the Texas Election Code, and shall deliver all such applications to the Joint Early Voting Clerks as directed under the Joint Election Agreements and the Contracts for Election Services.

Section 5. Early Voting by Personal Appearance. Pursuant to Chapter 271, Texas Election Code, and Section 83.008, Texas Election Code, the Joint Early Voting Clerk for that portion of the election conducted in Travis County, for all purposes other than accepting applications for ballots by mail, shall be The Honorable Dana DeBeauvoir. The Joint Early Voting Clerk for that portion of the election conducted in Hays County, for all purposes other than accepting applications for ballots by mail, shall be Joyce Cowan. The Joint Early Voting Clerks shall have the authority to designate such deputy early voting clerks as may be necessary to staff the Early Voting Polling Places established under this order.

Early voting by personal appearance shall be conducted on the dates and at the times to be set forth in an exhibit to be attached hereto and incorporated by reference as if fully set out in the body of this Order.

Section 6. Delivery of Voted Ballots; Counting; Tabulation; Canvassing of Returns; Declaring Results. In accordance with the requirements of the Texas Election Code, after the close of voting on Election Day, the presiding election judge for each respective election precinct shall deliver the ballot boxes and other materials for their respective precinct to the return center or central counting station, as applicable. The early voting ballot boards, at a time and in the manner permitted under the Texas Election Code shall tabulate the early voting ballots and deliver the results to the central counting station or return center, as applicable. Further, the early voting ballot boards shall reconvene, as necessary, to make a determination in relation to provisional ballots as required by the Texas Election Code. The Custodian shall make a written return of the Election results to the Board in accordance with the Election Code. The Board shall canvass the returns and declare the results of the Election.

Section 7. Training of Election Officials. Instruction for all election officers shall occur as provided in the Joint Election Agreements and Contracts for Election Services.

Section 8. Notice of Election. Notice of the Election shall be published one time in the English and Spanish languages, in a newspaper published within BSEACD's territory at least 10 days and not more than 30 days before the Election and as otherwise may be required by the Texas Election Code, § 4.003. Notice of the Election shall also be posted on the bulletin board used by the Board to post notices of the Board's meetings no later than the 22nd day before the Election as

required by Texas Election Code, § 4.003. In addition to posting notice at a place convenient to the public in the administrative office of the district, notice shall be provided to the secretary of state, and provided to the Travis County Clerk's Office.

Section 9. Election information to be provided in Spanish. Except as otherwise provided in the Joint Election Agreements and Contracts for Election Services, the Custodian of Records appointed by the Board shall be responsible for the preparation of notices, instructions, orders, ballots and other written material pertaining to the Election and shall cause each such document to be translated into and furnished to voters in both the English language and the Spanish language in order to aid and assist voters speaking Spanish as a primary or an alternative language to properly participate in the election process.

Except as otherwise provided in the Joint Election Agreements and Contracts for Election Services, the Custodian of Records is also hereby authorized and directed to make available to the voters having the need of an individual capable of acting as a translator and speaking both English and Spanish languages who will assist Spanish speaking voters in understanding and participating in the election process.

Section 10. Appointment of Custodian of Records and Appointment of Agent. To the extent not otherwise provided for in the Joint Election Agreements and the Contracts for Election Services, the Board appoints Dana Christine Wilson, an employee of the District, as the Custodian of Records and agent to the Board Secretary ("Agent" or "Custodian of Records") to perform the duties of secretary related to the conduct and maintenance of records of the Election as required under the Texas Election Code during the period beginning not later than the 50th day before the date of the election and ending not earlier than the 40th day after the day of the election.

In particular, the Agent shall provide applications for candidates, accept applications from candidates for a place on the ballot, determine the order in which names will appear on the ballot for director positions, and accept and maintain records regarding campaign expenditures that may be filed with the District. The Agent shall maintain in her office, the documents, records and other items relating to the election and shall be the person designated to receive documents on behalf of the BSEACD that are required by the Texas Election Code to be filed with the District. The Agent is authorized to designate staff in the District to perform any or all of the various responsibilities of the Board's Agent. The Agent shall maintain an office open for election duties for at least three hours each day, during regular office hours, on regular business days during the period designated in this section. The Agent shall post notice of the location and hours of his office as required by the Texas Election Code.

Notwithstanding the foregoing, pursuant to Sections 31.096 and 271.010 of the Texas Election Code, the Board appoints The Honorable Dana DeBeauvoir as the Joint Custodian of Records for that portion of the District Election conducted in Travis County for the sole purpose of preserving all voted ballots securely in a locked room in the locked ballot boxes for the period of preservation required by the Election Code. Pursuant to the Contract for Election Services, the Board also appoints Joyce Cowan as the Custodian for that portion of the District Election conducted

in Hays County for the sole purpose of preserving all voted ballots securely in a locked room in the locked ballot boxes for the period of preservation required by the Election Code.

Section 11. Authority of the President. The President of the Board shall have the authority to take, or cause to be taken, all actions reasonable and necessary to insure that the Election is fairly held and returns properly counted and tabulated for canvass by the Board, which actions are hereby ratified and confirmed.

In the event that the President shall determine from time to time that (a) a polling place is unavailable or unsuitable for such use, or it would be in BSEACD's best interest to relocate the polling place, or (b) that a Presiding Election Judge or Alternate Presiding Judge hereafter designated shall become disqualified or unavailable, the President is hereby authorized to designate and appoint in writing a substitute polling place, Presiding Election Judge or Alternate Presiding Election Judge, giving such notice as is required by the Election Code and as deemed sufficient.

Section 12. Preamble Incorporation. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Order for all purposes and are adopted as a part of the judgment and findings of the Board.

Section 13. Inconsistent Provisions. All orders and resolutions, or parts thereof, in conflict or inconsistent with any provision of this Order are hereby repealed to the extent of such conflict, and the provisions of this Order shall be and remain controlling as to the matters ordered herein.

Section 14. Governing Law. This Order shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 15. Severability. If any provision of this Order or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Order and the application of such provision to other persons and circumstances shall nevertheless be valid, and the Board hereby declares that this Order would have been enacted without such invalid provision.

Section 16. Notice of Meeting. The Board officially finds, determines, recites and declares that written notice of the date, hour, place and subject of the meeting at which this Order is adopted was posted on a bulletin board located at a place convenient to the public at the District's administrative offices for at least 72 hours preceding the scheduled time of the meeting as required by the Open Meetings Law, Chapter 551, Texas Government Code, as amended; and that such meeting was open to the public as required by law at all times during which this Order and the subject matter thereof was discussed, considered and formally acted upon.

Section 17. Authorization to Execute. The President of the Board is authorized to execute and the Secretary of the Board is authorized to attest this Order on behalf of the Board; and

the President of the Board is authorized to do all other things legal and necessary in connection with the holding and consummation of the Election.

Section 18. **Effective Date.** This Order is effective immediately upon its passage and approval.

PASSED AND APPROVED this 25th day of February, 2010.

**BARTON SPRINGS / EDWARDS
AQUIFER CONSERVATION DISTRICT**

President, Board of Directors

ATTEST:

Secretary, Board of Directors

[SEAL]