

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, September 8, 2011**, 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 (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. **Not for public review**
 2. Approval of minutes from the Board's August 25, 2011, Regular Meeting and Public Hearing. **Not for public review at this time**
 3. Approval of authorizing staff to prepare and solicit Requests for Information for possible indefinite-quantity task-order contracts for *ad hoc* support to ongoing programs by engineering/geotechnical, environmental and education / outreach consultants, to be approved by subsequent Board action. **Pg. 16**
 - 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.

2. 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 on recent activities of teams and directors.
- ii. Update on status of DOJ pre-clearance associated with change in election dates, HB 1060 and the District's de-annexation of Bastrop County. **Pg. 18**
- iii. Update on progress of the end-user canvassing project.

4. Regular Business: Board Discussion and Possible Actions.

- a. Discussion and possible action related to declaring a Stage III -- Critical Drought within the District's jurisdiction. **NBU**
- b. Discussion and possible action concerning the ongoing rulemaking process, including possibly considering additional changes to the Rules as currently proposed and possibly considering setting a new public hearing on all such proposed changes to the Rules or moving the continued public hearing from September 17, 2011, to a future meeting of the Board. Note: No final changes to the Rules will be made in this meeting. **NBU**
- c. 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 initiation of enforcement actions, as warranted. **NBU**
- d. Discussion and possible action related to a settlement agreement concerning the Jeremiah Ventures TLAP contested case. **NBU**
- e. Discussion and possible action relating to the agreed final order concerning *City of Kyle v. Goodman et al. and the Barton Springs/ Edwards Aquifer Conservation District*, Cause No. 10-1267, 22nd District Court, Hays County, Texas. **NBU**

5. Adjournment.

Came to hand and posted on a Bulletin Board in the Courthouse, Travis County, Texas, on this, the _____ day of August, 2011, 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 1
Call to Order

Item 2

Citizen Communications

Item 3

Routine Business

a. Consent 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 from the Board's August 25, 2011, Regular Meeting and Public Hearing.**
- 3. Approval of authorizing staff to prepare and solicit Requests for Information for possible indefinite-quantity task-order contracts for *ad hoc* support to ongoing programs by engineering/geotechnical, environmental and education / outreach consultants, to be approved by subsequent Board action.**

Solicitation of Multiple Task-Order Contracts

Goal: Provide quick-response, *ad hoc* pre-authorized contractual support to various internal teams that complies with District purchasing policies and, as applicable, Professional Service Procurement Act and that are readily accessible to support a skinny staff. Other governmental agencies, which often use these type arrangements, designate them as Indefinite Quantity/Indefinite Delivery (IDQ/IDD) Contracts, or Multiple Order Service Contracts (MOSCs).

General Approach: Following this Board authorization, staff will develop Requests For Information & Qualifications solicitation packets in conformance with applicable policies and this Board-approved contracting approach. These will be sent to at least five potential contractors in each of several Areas of Expertise (AE, below), each of which will be in support of one or more District Teams. The Team Leaders and GM will evaluate the responses to the RFI/Qs and select at least two contractors in each AE recommended for subsequent negotiation, following Board approval of the recommendations. (Two contractors for each AE are proposed, in the event one has a conflict of interest for a particular task order or is otherwise unable or unavailable to respond. The intent also would be to “rotate” individual task orders between the contractors.) The negotiated contracts would be approved by the Board on a multi-year basis, and would be funded annually in the normal budgeting process, which budget limit would comprise a Not to Exceed total cost limitation. The term of these initial contracts is suggested to be five years, after which a new solicitation for such quick-response contractor support would be made. The Team Leaders, through the GM, would be able to authorize scopes of work and costs on individual task orders if/as needed for quick-response contractor support, up to the total contract cost limitation.

Areas of Expertise: The following areas are now proposed to be solicited via RFI/Q; applicable budgeted funding levels nominally in the current team budgets are shown in parentheses:

- Professional Engineering Services (\$10,000)
- Hydrogeological and Geotechnical Services (\$7,000)
- Website Management and Electronic Publishing (\$6,000)
- Environmental Education and Outreach (\$1,000)
- Environmental/Ecological Services (\$6,000)

Other Relevant Information: These *ad hoc* support contracts would not be used to replace current contractor support in the areas of legal and lobbying support, financial auditing, computer systems support, database design and maintenance, and website design and implementation. Some of these could be accessed via such contracting arrangements in the future. For external grant projects or larger internal projects that are designed and managed in a stand-alone fashion, other contractors in the AEs could be solicited and contracted.

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. Standing Topics.

- i. Personnel matters and utilization;**
- ii. Upcoming public events of possible interest;**
- iii. Aquifer conditions and status of drought indicators.**

2. Special Discussion Topics, 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 on recent activities of teams and directors.**
- ii. Update on status of DOJ pre-clearance associated with change in election dates, HB 1060 and the District's de-annexation of Bastrop County.**
- iii. Update on progress of the end-user canvassing project.**



U.S. Department of Justice
Civil Rights Division

TCH:RSB:MSR:JDH:tst
DJ 166-012-3
2011-2749

Voting Section - NWB
950 Pennsylvania Avenue, NW
Washington, DC 20530

August 26, 2011

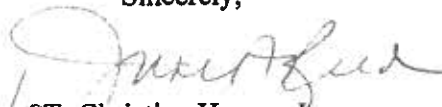
William D. Dugat III, Esq.
Bickerstaff Heath Delgado Acosta
3711 South MoPac Expressway
Building One, Suite 300
Austin, Texas 78746

Dear Mr. Dugat:

This refers to the deannexation (Resolution No. 062311-01 (2011)) from the Barton Springs-Edwards Aquifer Conservation District in Bastrop, Caldwell, Hays and Travis Counties, Texas, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, 42 U.S.C. 1973c. We received your submission on July 20, 2011.

The Attorney General does not interpose any objection to the specified change. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the change. In addition, as authorized by Section 5, we reserve the right to reexamine this submission if additional information that would otherwise require an objection comes to our attention during the remainder of the sixty-day review period. Procedures for the Administration of Section 5 of the Voting Rights Act of 1965, 28 C.F.R. 51.41 and 51.43.

Sincerely,



T. Christian Herren, Jr.
Chief, Voting Section

Item 4

Board discussions and possible actions

- a. Discussion and possible action related to declaring a Stage III – Critical Drought within the District’s jurisdiction.**

Item 4

Board discussions and possible actions

b. Discussion and possible action concerning the ongoing rulemaking process, including possibly considering additional changes to the Rules as currently proposed and possibly considering setting a new public hearing on all such proposed changes to the Rules or moving the continued public hearing from September 17, 2011, to a future meeting of the Board. Note: No final changes to the Rules will be made in this meeting.

Item 4

Board discussions and possible actions

- c. 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 initiation of enforcement actions, as warranted.**

Item 4

Board discussions and possible actions

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

Item 4

Board discussions and possible actions

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

Item 5
Adjournment