

NOTICE OF OPEN MEETING

Notice is given that a **Regular Meeting & Public Hearing** 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, July 22, 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 (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 July 8, 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 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. Discussion of items in the Monthly Status Update Report – at Board’s discretion.
- ii. Report on the participant evaluations of the Groundwater to Gulf teacher-training course.
- iii. Update on status of the contested case for the Jeremiah Venture land application permit.
- iv. Update on recent discussions with Magellan Partners concerning Longhorn Pipeline.
- v. Update on recent regulatory activities and discussions.

4. Public Hearing

The Board of Directors will hold a public hearing on the District’s draft fiscal year 2011 Annual Budget and the 2011 draft District Fee Schedule. At the conclusion of this Public Hearing the Board may approve the fiscal year 2011 Fee Schedule by Resolution and the fiscal year 2011 budget.

5. Briefing

The Board will be briefed by and hold discussions with its general counsel concerning the re-districting of the District’s director precincts following receipt of results of the decennial census in early 2011.

6. Regular Meeting: New Business.

- a. Discussion and possible action on approving the fiscal year 2011 District Fee Schedule.
- b. Discussion and possible action on approving the fiscal year 2011 Annual Budget.
- c. Discussion and possible action related to consideration of draft language for the prospective bill delineating our urban-area precinct boundaries and authorize submitting it to Legislative Council.
- d. Discussion and possible action on establishing a Board-level Finance and Audit Committee.
- e. 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.

7. Regular Meeting: Continued Business.

- a. Discussion and possible action related to DFCs applicable to aquifers in the District and that are being considered by GMA 9 and GMA 10 Committees.

8. Adjournment.

Came to hand and posted on a Bulletin Board in the Courthouse, Travis County, Texas, on this, the ____th day of July, 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. Discussion of items in the Monthly Status Update Report – at Board's discretion.**
- ii. Report on the participant evaluations of the Groundwater to Gulf teacher-training course.**
- iii. Update on status of the contested case for the Jeremiah Venture land application permit.**
- iv. Update on recent discussions with Magellan Partners concerning Longhorn Pipeline.**
- v. Update on recent regulatory activities and discussions.**

STATUS REPORT UPDATE FOR JULY 22, 2010, BOARD MEETING

Prepared by District Team Leaders

Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
GENERAL MANAGEMENT TEAM			
W F Holland			C
		General Manager activities and notes	GM activities of note since last report include: Participation in two Board work sessions, one on DFCs and one on legislative agenda. Prepared major sections of a desal grant application to Bureau of Reclamation, and met with both BuRec and NRS Engineers to complete the application documentation. Contacted potential funding partners for BuRec feasibility work. Met with FWS to discuss DFCs and HCP documentation schedule. Participated with ECT's Natural Infrastructure Committee and Water Advocacy Work Group meetings. Finalized language of Board recommendation on Edwards DFC and Trinity DFCs. Met with GMA 10 Committee and presented draft resolutions and other documents for GMA-10 supporting adoption of BSEACD-relevant DFCs, including alternative formulations of Trinity DFCs. Continued discussion with HTGCD reps to review Trinity DFCs in GMA 10 and their participation in GMA 10 activities, and attended HTGCD Board meeting to discuss same. Set up additional meetings with legislators and staff. Attended TAGD Executive Committee meeting, Quarterly Business Meeting, and Legislative Committee meeting, recording notes for minutes. Assisted in development of 2011 Budget and presented to Board. Met with Sunset Review Panel and provided information on TWDB and TCEQ reviews. Hold one on ones with each of the Team Leaders, and staff meeting to discuss potential budget changes. Provided continued coordination and oversight of various internal and project team activities (below).
	15-Jul-10	Possible future Board agenda items (not necessarily next Board meeting)	Hold public hearing on budget and fee schedule, and adopt both. Report on PAC views, hold public hearing and approve new changes to rules. Make decision concerning Kyle lawsuit. Establish new Audit and Finance Committee of Board. Approve language of prospective bills for next session. Approve ILA(s) with COA for HCP related activities. Approve ILA with Hays Co. for water monitoring support. Authorize settlement provisions for Jeremiah Venture TLAP. Authorize changes to HC WCID 1 settlement agreement. Elect new Board Officers.
	15-Jul-10		
Potential Future Board Considerations			
GENERAL SERVICES TEAM			
Dana Christine Wilson			
319(h) Grant	16-Jul-10	TCEQ Invoice # 1 of the "second" 319(h) grant .	In process through August 31, 2010.
HCP-2 Grant	16-Jul-10	Invoice # 1, 2 and 3.	Payment received 7.9.2010 for \$ 15594, 617.59, and 4892.54.
HCP-2 Grant	16-Jul-10	Invoice #4 for the period of March/April/May 2010.	Submitted June 30 in the amount of 28130.31.
Accounts Receivable	16-Jul-10	FY 2010 August monthly billings mailed out 7.16.2010 and are due on 8.3.2010 (late on 8.16.2010).	Amount billed \$ 15,842.
Accounts Receivable	16-Jul-10	Payment received for City of Kyle's amended billing that included new permitted pumpage.	Bill was for an additional \$12,134.36 through end of this fiscal year. (Next year for total new pumpage, additional income will be \$74,495.50 (\$31,271 is for additional transport and \$45,278.50 is for additional water use fees based on the 100,700,000 additional approved permitted pumpage at new rate of 38 cents for water use.)
2011 Budget	16-Jul-10	Working on draft proposed budget to present at Public Hearing for Board approval along with Fee Schedule and Fee Schedule Resolution.	TML Rerate Exposure in process - needs staff salaries to compute.

	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
REGULATORY COMPLIANCE TEAM				
Enforcement	John Dupnik			
Drought Management	JD, GR JD, GR	14-Jul-10 14-Jul-10	Enforcement and Compliance Evaluations Drought Compliance Monitoring and Enforcement	There are no pending enforcement actions. No Drought Status
Rule Development and Review	JD, KH	14-Jul-10	Identify scope and develop provisions for future possible rule changes	Staff has provided to the Board an initial conceptual scope of possible rules and provisions to possibly be addressed in the next round of rule changes. This round will be focused on improving drought management among other issues but will not preemptively attempt to incorporate any rules related to an anticipated MAG estimate. Staff will begin coordinating a meeting of the PAC to solicit discussion of the proposed changes.
Trinity Well Development and Testing	JD, BH, JB	14-Jul-10	Coordinate with Oak Forest and Ruby Ranch WSCs to assist in development and testing of new Trinity Wells	New Middle Trinity public supply wells recently drilled are producing water with unexpected levels of TDS. The logging and pump test for the Oak Forest well was completed on June 15, 2010. Staff is currently reviewing the results to determine how best to proceed.
Current Active Applications	JD, GR, JB	14-Jul-10	Aqua Texas-Bliss Spillar system consolidation application; Sierra Vista Apts. Plugging application	The Aqua Texas application was submitted to consolidate the 3 Bliss Spillar systems into one aggregate permit. Sierra Vista - application is to plug a deep (and potential hazardous) hand dug well located near So. Congress and St. Elmo. Both applications are under review.
EDUCATION & OUTREACH				
	Robin Gary			
Groundwater to the Gulf	RG, JK	22-24-Jun-10	Summer Institute for Central Texas Educators	We had a full registration this year. 50 teachers, the majority from Central Texas, participated in the Core G2G in and around Austin. Those 50 teachers reach over 5000 students annually. And for the first time, 12 teachers participated in a separate Coastal Expedition near the outflow of the Colorado near Matagorda Bay. It is an honor to work with the wide cross section of agencies that collaborate to make G2G happen. Among the collaborators are: LCRA, CoA, TPWD, CAMN, Wildflower Center, Colorado River Foundation, and the City of Sunset Valley.
Hays Water Conservation Working Group	RG	07-Jul-10	Rainwater Revival event sponsorship	The District submitted funds and sponsorship information for this event as it promises to be education-focused on all aspects of rainwater harvesting. Additional information, including our logo in support of the event, can be found at: http://www.rainwaterrevival.com/
City of Austin Channel 6 Film Crew	JJ	15-Jul-10	Segment on City of Austin Parks and Recreation Caving Program	Julie has been coordinating with the City of Austin Parks and Recreation Department and the Channel 6 Film crew to document the CoA PARD Caving Program. They visited Whirlpool, Maple Run, and Goat Caves.
CONTINUING AQUIFER RESEARCH				
	Brian Smith			
Dye Tracing	BS, BH, JB	15-Jul-10	Dye tracing	A report is being prepared about the Blanco River dye traces conducted in 2009. The District participated with CoA on dye traces near the Wildflower Center to evaluate potential flowpaths related to the May wastewater spill.
319(h) Grant	BS, JB	15-Jul-10	Onion Creek Recharge Enhancement Project	The last field task for the grant is drilling, installation, and sampling of a multipoint monitor well at Antioch. The driller is expected to mobilize to the site during the week of July 19.
Water-Quality Studies	BS, BH, JB	15-Jul-10	Sampling and analysis of groundwater and surface water	District staff completed the summer sampling program on July 14. Analyses are paid for by TWDB.

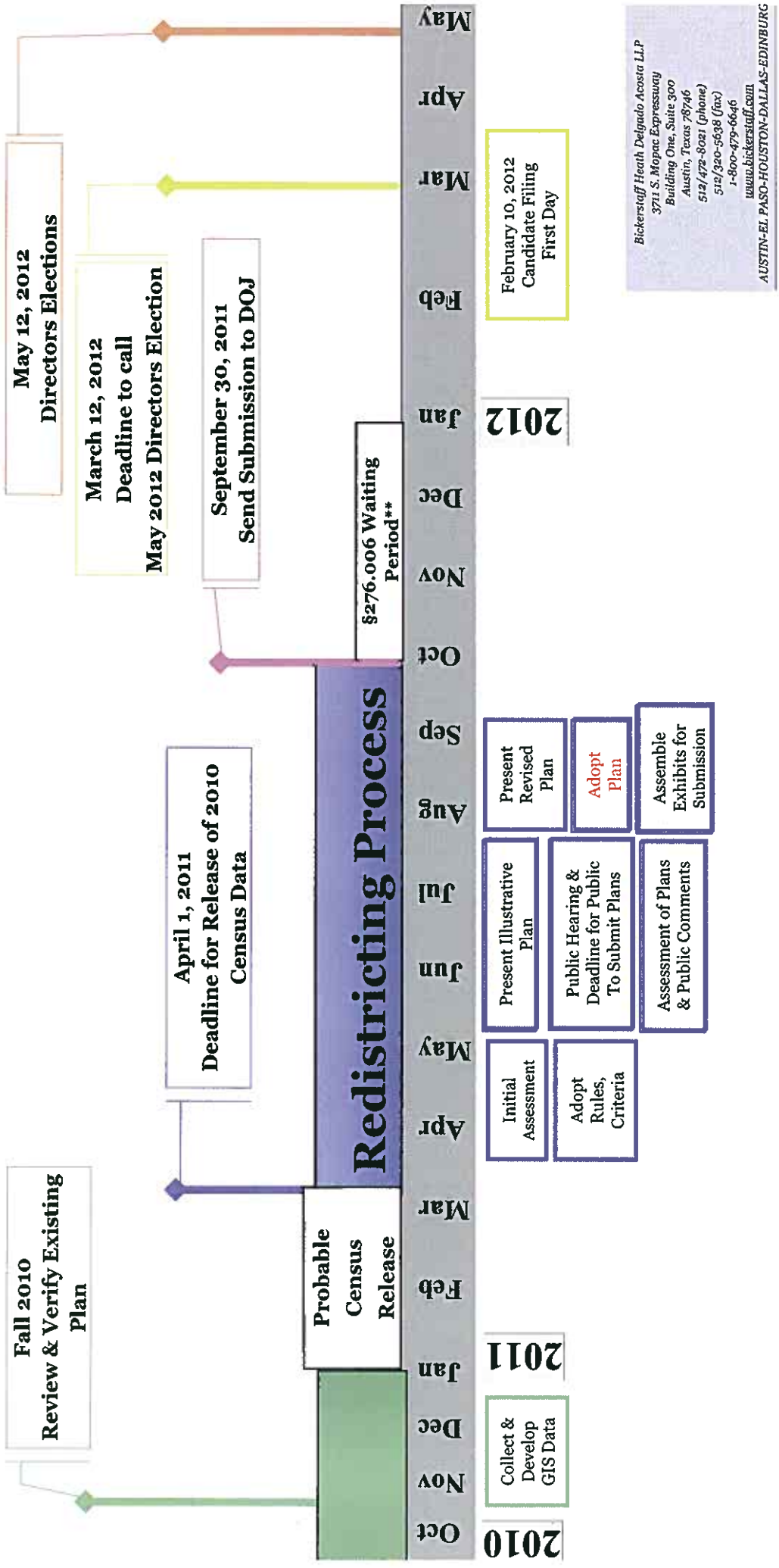
	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
Water-Level Monitoring	BH, BS, JB	15-Jul-10	Drought status, monitor wells, and synoptic water level events	The aquifer has been out of drought since December 17, 2009. On July 15, Barton Springs was at about 98 cfs and the water level in the Lovelady was at 135.7 ft.
Information Transfer	BS, BH, JB	15-Jul-10	Presentations, conferences, reports, and publications	Brian Smith presented two papers at an international karst symposium in Malaga, Spain in April. District staff will be presenting papers at a conference in San Antonio in October. Brian Smith is serving on the planning committee for a sinkhole and karst conference that will be held in St. Louis in January.
AD-HOC TEAMS				
Planning Teams	WFH	15-Jul-10	Strategic and Tactical Planning; Technical Team	Technical Team continued evaluation of DFCs and MAGs, hydrogeology of saline zone and also interface with San Antonio segment; Planning Team completing standard review form for inputs on task member performance. Working to reduce expenses of teams for 2011 Budget problem. Will be considering next changes to rules, authorization for going to technical conferences and seminars.
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-10 Meeting to adopt DFCs for Trinity Aquifer, et al.		19-Jul-10	11:30-1:30, at EAA office in SA (KH)	
Coordination Meeting with Magellan Midstream Partners concerning possible changes in Longhorn Pipeline; with District, LCRA, City of Austin, and FWS		20-Jul-10	10 AM, at LCRA (KH, JD)	
Second July Board Meeting		22-Jul-10	Public hearing on Budget and Fee Schedule; adopt FY 2011 Budget	
ECT Natural Infrastructure Committee Meeting; consideration of final case studies		23-Jul-10	11 am - 1 pm, ECT offices (KH, JJ)	
GMA-9 meeting to adopt DFCs for Trinity and other aquifers		26-Jul-10	Boerne Civic Center, 10 AM	
Austin Environmental Board meeting to discuss Stoneledge Quarry Enhanced Recharge Project		04-Aug-10	6pm, City Council Chambers (RG, KH)	
HCP - CAC Meeting		09-Aug-10	Day approximate	
First August Board Meeting		12-Aug-10		
Envision Central Texas Water Working Group meeting to review input to Legislative Report		17-Aug-10	Day approximate; 11:30, at ECT office	

	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
Presentation to Goforth SUD Board on desalination initiatives (Edwards and Trinity)		18-Aug-10	7pm; at Goforth office in Niederwald (BL, BS)	
Second August Board Meeting		26-Aug-10		
ECT Natural Infrastructure Committee Meeting: approving case studies?		27-Aug-10	11:30-1:30, ECT offices (KH, JJ)	
TAGD Quarterly Meeting, with Executive Committee and Legislative Committee meetings		30-Aug-10	through 8/31; at Crowne Plaza Austin (KH)	
End of FY 2010		31-Aug-10		
Labor Day Holiday - District Office Closed		06-Sep-10		
First September Board Meeting		09-Sep-10		
CLE Texas Water Law Conference		16-Sep-10	through 9/17, at Austin Omni Downtown	

Item 5 Briefing

The Board will be briefed by and hold discussions with its general counsel concerning the re-districting of the District's director precincts following receipt of results of the decennial census in early 2011.

Time Line for 2011 Redistricting and Subsequent Directors Elections



*Department of Justice Preclearance requires 60 days for initial review and possibly 60 additional days with a request for additional information.
 **Section 276.006 of the Texas Election Code requires that redistricting orders be adopted at least three months prior to election day.
 The section 276.006 waiting period and the submission time may overlap as we have depicted above.
 While the absolute deadline for adopting a redistricting plan is February 11, 2012, there are practical reasons for the Directors to adopt a redistricting plan much sooner.

Item 6

Regular Meeting: New Business

- a. Discussion and possible action on approving the fiscal year 2011 District Fee Schedule.**

Barton Springs/Edwards Aquifer Conservation District

DRAFT

Fiscal Year 201~~10~~

Fee Schedule

To Be Effective September 1, 20~~10~~⁰⁹.

I. PERMIT AND WATER USE FEES

A. Permit and Application Fees

\$50.00 Application Fee – assessed to all new non-exempt domestic use, monitor, and test wells subject to the general permits by rule outlined in District Rule 3-1.20, ~~and to all new non-exempt non-governmental monitor wells subject to the general permit by rule outlined in District Rule 3-1.21~~ (a non-refundable, one-time fee assessment).

\$500.00 Production Permit Application Fee - assessed to all new Production Permits for non-exempt wells not covered by Rule 3-1.20 - general rules permits by rule (a non-refundable fee assessment).

\$500.00 Transport Permit Application Fee – assessed to all new Transport Permit applications for non-exempt wells (a non-refundable fee assessment). This is in addition to production permit application fee, if applicable.

\$50.00 fee assessed to all permittees for renewing annual permits (a non-refundable fee assessment).

B. Water Use Fees

\$0.17 per 1,000 gallons for annual permitted or authorized pumpage for water to be withdrawn from a well or aggregate of wells by a Historical Permit, Conditional Class A Permit, or Conditional Class B Permit not authorized by material amendment.

\$0.41~~38~~ per 1,000 gallons for annual permitted or authorized pumpage for water to be withdrawn from a well or aggregate of wells by a new Conditional Class B Permit or Conditional Class B Permit authorized by material amendment.

\$1.00 per acre foot for Agricultural Wells for annual permitted pumpage for water to be withdrawn from a well or aggregate of wells.

Water Use Fees are assessed annually based on the current permitted pumpage volume of certain non-exempt wells. Permits are issued annually for non-exempt wells and are explicit as to the volume of water permitted to be withdrawn from a well or aggregate of wells over a specific time period.

C. Transport Fees

\$0.31 per 1,000 gallons - assessed annually to all permittees who are transporting water out of the District. Transport fees are based on the volume authorized to be transported outside the District boundaries, in addition to the water use fee associated with the production of that water (a non-refundable fee assessment).

D. Pumpage Permit Amendments– Minor / Major (see District Rules for clarification).

Change of Ownership – change of ownership on all non-exempt wells - **\$50.00**

Pumpage Permit Minor Amendments - minor amendments to increase pumpage volumes - **\$400.00**
(A non-refundable fee assessment.)

Pumpage Permit Major Amendments – major amendments to increase pumpage volumes - **\$500.00**

(A non-refundable fee assessment.)

E. Excess Pumpage Fee

Permittees who exceed their annual permitted pumpage by more than 500,000 gallons shall be assessed an excess pumpage fee for groundwater withdrawn in excess of the permitted volume in accordance with the following schedule:

An excess of **500,000 gallons or less:** \$0.17 per 1,000 gallons for Historical permitted groundwater, Conditional Class A permitted groundwater, or Conditional Class B groundwater not authorized by material amendment.

\$0.3418 per 1,000 gallons for new Conditional Class B permitted groundwater and Conditional Class B water authorized by material amendment.

An excess of **more than 500,000 gallons:**

Up to 25% of permitted pumpage - \$0.50 per 1,000 gallons plus the applicable production fee*
25% to 100% of permitted pumpage - \$1.00 per 1,000 gallons plus the applicable production fee*
Over 100% of permitted pumpage - \$2.00 per 1,000 gallons plus the applicable production fee*

* Applicable production fee means the higher rate associated with any authorized pumpage.

F. Regulatory/Drought Management Fees

During periods of District-declared drought starting after two full months of a drought period, a drought management fee will be imposed on ~~all individual~~ permittees permitted for more than 2,000,000 gallons annually (excludes all uses under general permits). This regulatory fee will be paid annually in arrears, as a condition of permit renewals at the beginning of each fiscal year. The fee will be assessed per full month of declared drought, with a credit of that same fee amount per month applied for each month that the permittee does not exceed its monthly mandated restriction in the prevailing UDCP. Fees will be assessed in accordance with the following schedule:

For production zone casing with outside diameters nominally 5.0 inches or less * - **\$100.00/month**

For production zone casing with outside nominally between 5.0 inches and 10.0 inches* - **\$250.00/month**

For production zone casing with outside diameters nominally greater than 10.0 inches* - **\$500.00/month**

* for aggregated multiple-well systems, an average outside diameter of production wells.

G. Variance Requests Fee – General and Drought

An applicant may, by meeting eligibility requirements of Section 3-1.25 or Section 3-7.10 and by written petition to the Board, request a variance from the requirements of District Rule 3-1, except Sections 3-1.20, ~~3-1.21~~, 3-1.22, 3-1.23, and 3-1.24, or District Rule 3-7, respectively, Variance request fees - \$100.00.

II. WELL CONSTRUCTION FEES

A. Well Development Application - per well

A well development application fee is assessed to drill or modify any well in the District. It is also assessed when classifying existing wells as non-exempt and bringing them into compliance with the permitting process.

The first assessment of this fee also registers the well with the District. The classifications of the various well types are as defined in the District's prevailing Rules & Bylaws.

\$125.00 – Drilling or modifying all new non-exempt domestic use, monitor, and test wells subject to the general permits by rule outlined in District Rule 3-1.20.

\$500.00 - Drilling or modifying all new non-exempt wells. This does not apply to non-exempt domestic use, monitor, and test wells subject to the general rule by permit outlined in District Rule 3-1.20. This fee is also assessed on previously unpermitted non-exempt existing wells applying for a pumpage permit for more than 12,000,000 gallons (a non-refundable fee assessment).

\$125.00 - Drilling or modifying all exempt wells. Also assessed on previously unpermitted existing wells applying for a pumpage permit for 12,000,000 gallons or less (a non-refundable fee assessment).

B. Well Construction Inspection Fee

\$125.00 - Assessed to all wells constructed within the District including well modifications. District staff provides inspection for compliance with District Rules and standards.

C. Well Abandonment / Capping Application Fee

\$50.00 - This fee is for application and site review of proposed abandonment procedures, inspections, and registration on abandonment of exempt wells (a non-refundable fee assessment).

\$125.00 – This fee is for application and site review of proposed abandonment procedures, inspections, and registration on abandonment of all non-exempt wells (a non-refundable fee assessment).

III. OTHER FEES

Meter Verification / Inspection Fee - \$50.00

Assessed only when a permitted user fails inspection after being advised that meters must be installed or calibrated, or when a permittee fails to submit the required meter readings and District personnel must visit the well site or take the meter readings. May be assessed as many times as permitted user fails to comply with Board Orders or District Rules to come into compliance (a non-refundable fee assessment).

Special Fees – \$80.00 per hour

Fee rate will be based on time required for such things as plan review, type of project, fieldwork required, and inspection time. These fees may be applicable to a variety of special cases including closed loop heat exchange wells, special or innovative well developments or closures, and special inspections or requests from local government or private entities.

Returned Check Fee - \$25.00

The District will assess the person writing the returned check a \$25.00 fee for each check returned by the District depository due to insufficient funds, account closed, signature missing, or any other problem causing such a return. This fee will be charged each time a check is returned. If bank charges to the District's account exceed \$25.00, the District shall assess the higher of the two amounts (a non-refundable fee assessment).

Accounting Fee - \$5025.00 per hour

Anyone requesting that the District conduct any accounting, other than the routine accounting normally done by the District, shall be assessed an accounting fee of ~~\$5025.00~~ per hour of District staff time spent on the accounting. Accounting fees will not be assessed if District generated errors are found in the Permittee's account.

IV. FEE REFUNDS

The General Manager or a specifically designated representative may approve a refund of any fee for which no District service has been provided at the time of the request for refund is submitted. Requests for refunds must

be submitted in writing to the District office and can be mailed, faxed, hand-delivered, or sent by e-mail. Fee payers who feel they have been unfairly denied a refund may request that the matter be reviewed by the Board.

STATE OF TEXAS

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RESOLUTION # 072210-01

COUNTY OF TRAVIS

**BARTON SPRINGS/EDWARDS AQUIFER CONSERVATION DISTRICT
Adoption of
FISCAL YEAR 2011 FEE SCHEDULE**

WHEREAS, the Barton Springs/Edwards Aquifer Conservation District (the “District”) has the authority under Chapter 36, Texas Water Code and District Rule 3-1.16 to establish reasonable fees; and

WHEREAS, the District’s enabling legislation was amended with the passing of SB 747 in the 80th Texas Legislative Session to authorize the District to charge increased production fees for certain permits; and

WHEREAS, the Board of Directors of the District is responsible for establishing reasonable fees to manage and operate the District and support the District’s groundwater protection programs; and

WHEREAS, fees must be established that, when combined with the City of Austin assessment, will provide adequate revenues to fund programs, retire debt, maintain adequate contingencies, and to help offset current and future project costs by building upon current savings; and

WHEREAS, the District is required by District ByLaw 4-8.6 to hold a public hearing prior to adopting or amending a Fee Schedule, and the District has held a properly noticed public hearing on the proposed fees on July 22, 2010, prior to acting on this Resolution; and

WHEREAS, the adoption of this Resolution meets the requirements of District Rules & Bylaws and State law for the adoption of the District’s Annual Fee Schedule; and

WHEREAS, the Board of Directors of the District desires to address its mandate to conserve, preserve, protect, and enhance the Barton Springs segment of the Edwards Aquifer by adequately funding District programs for scientific research on water quality and quantity, recharge enhancement, public education and information, aquifer protection, to prevent waste of groundwater, protect the rights of owners of interest in groundwater, and other essential activities;

NOW, THEREFORE, WE, THE BOARD OF DIRECTORS OF THE BARTON SPRINGS/EDWARDS AQUIFER CONSERVATION DISTRICT, DO HEREBY ADOPT the Fiscal Year 2011 Fee Schedule as allowed under its enabling legislation codified at Special District Local Laws Code, Chapter 8802; Chapter 36 of the Texas Water Code; and other State laws.

The motion passed with _____ ayes and _____ nays.

PASSED, APPROVED, AND MADE EFFECTIVE for September 1, 2010.

Robert D. Larsen, Ph.D Board President

Gary Franklin, Board Secretary

Item 6

Regular Meeting: New Business

- b. Discussion and possible action related to approving the fiscal year 2011 Annual Budget.**