

NOTICE OF OPEN MEETING

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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, September 24, 2009, 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 September 10, 2009 Regular meeting.
- 3. Approval of changing the Board's regular meeting schedule to have one meeting in November 2009, on November 19, and one in December 2009, on December 16.
- 4. Approval of out-of-state travel for Robin Gary to attend the Geological Society of America Annual meeting in Portland, Oregon, October 17-21.

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 deliberate or take any action on them in this meeting, unless the topic is specifically listed elsewhere in this as-posted agenda.

- 1. Personnel matters, current staff work areas, and utilization
- 2. Upcoming public events of possible interest
- 3. Aquifer conditions and status of drought indicators.

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c. Discussion related to 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.

1. Update on GMA-9 and GMA-10 progress and issues in establishing Desired Future Conditions.
2. Update on developments associated with the prospective desalination facility in the eastern part of the District.
3. Update on the drought education and outreach campaign.
4. Update on the website redesign and roll-out.
5. Update on discussions associated with the possible use of treated effluent as an alternative water supply for certain uses by District permittees.

4. Public Hearing (6:15 pm).

The Board of Directors will hold a public hearing on applications filed by James David and Gary Peese for a well drilling authorization and a production permit to withdraw up to 1,000,000 gallons per year from the Middle Trinity aquifer. The proposed well will be an irrigation well to be used for domestic and business irrigation needs and is proposed to be located on the applicants' residential property located at 8 Sugar Creek Rd in Austin, Texas 78746. The hearing will also address the applicant's request for a variance to Rule 3-1.4, concerning applications approved during District declared drought. The variance request, if approved, would allow for use of the proposed well during the current District-declared drought.

5. Regular Meeting: New Business.

- a. Discussion and possible action related to applications filed by James David and Gary Peese for a well drilling authorization and a production permit to withdraw up to 1,000,000 gallons per year from the Middle Trinity aquifer by a well on their property at 8 Sugar Creek Rd, Austin Texas, and to a requested variance to Rule 3-1.4 for operating the well.
- b. Discussion and possible action related to the outlook for aquifer conditions and a possible change to the District's declared drought stage.
- c. Discussion and possible action related to filing a brief on an upcoming AG opinion addressing overlapping GCD jurisdictions.
- d. Discussion and possible action related to approving a change to Hays Consolidated School District's User Drought Contingency Plan that would allow some minimal irrigation at Jack C Hays High School during drought while complying with its specific curtailments.
- e. Discussion and possible action on an *ad hoc* Well Construction Standards Technical Advisory Committee.

- f. Discussion and possible action related to addressing the TCEQ-proposed watershed rules for direct-discharging of treated effluent to the Barton and Onion Creek watersheds, including the Contributing and Recharge Zones of the Edwards Aquifer.

6. Regular Meeting: Continued Business.

- a. Discussion and possible action related to the intent and interpretation by the Board of its just-adopted rule concerning the one-year extension of time for certain permittees to completely curtail pumpage during ERP, specifically as to when that one year period starts and ends.
- b. Discussion and possible action related to the Critical Stage Drought management program of the District, including 1) compliance by District permittees with their User Drought Contingency Plans, and 2) developments concerning the agreed order with Ridgewood Village Water Systems and other enforcement action for non-compliant permittees, including possible initiation of additional enforcement actions as warranted.
- c. 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.
- d. Discussion and possible action related to status and progress on the contested-case before the District associated with the City of Kyle permit amendments. [Note: no action on approving or not approving these amendments will be taken in this meeting.]

7. Adjournment.

Came to hand and posted on a Bulletin Board in the Courthouse, Travis County, Texas, on this, the _____th day of September, 2009, at _____ .m.

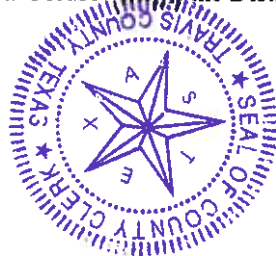
_____, Deputy Clerk

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.



Came to hand and posted on a Bulletin Board in the Courthouse,
Austin, Travis County, Texas on this the 10th day of

Sept 2009
Dana DeBeauvoir

County Clerk, Travis County, Texas

By Teresa Carter Deputy

TERESA CARTER