

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 at the **District office**, located at 1124 Regal Row, Austin, Texas, on **Thursday, January 14, 2016**, 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 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. Not for public review**
- 2. Approval of minutes of the Board's December 17, 2015 Regular Meeting. Not for public review at this time**
- 3. Approval of out-of-state travel for the General Manager, John Dupnik, to attend and present as an invited speaker at the California Groundwater Association's workshop on the *Roles of Models and Data in Implementing the Sustainable Groundwater Management Act* in Davis, California on February 8-9, 2016.**

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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.)*

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 Topics.** *(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 Update Report – at directors’ discretion **Pg. 17**
- ii. Update on activities related to GMA and regional water planning
- iii. Update on ongoing and prospective District grant projects
- iv. Update on the activities related to the SH 45 SW roadway project
- v. Update on activities related to the HCP and the associated draft EIS

4. Discussion and Possible Action.

- a. Discussion and possible action related to applications filed on August 19, 2015 by the City of Buda, 121 Main Street, Buda, Texas 78610 for a well modification authorization to permanently complete a test well and a minor amendment to add the well to an existing aggregate well system and produce groundwater from the freshwater Edwards Aquifer under the existing Historical Production Permit authorized for 275,000,000 gallons of aggregate production per year. **Will be emailed**
- b. Discussion and possible action related to approving the latest edited version of the District’s Draft Habitat Conservation Plan in response to latest review comments by the Austin Ecological Services office of the US Fish and Wildlife Service. **Pg. 23**
- c. Discussion and possible action related to comments received during the public hearing comment period on proposed Desired Future Conditions and Non-relevant Aquifer Designations for Groundwater Management Area 9. **Pg. 31**
- d. Discussion and possible action related to selection of the first-choice firm and authorization to negotiate engagement of an accounting firm to perform financial auditing services. **Pg. 48**
- e. Discussion and possible action related to setting a policy for open and concealed carry of handguns on District property. **Pg. 78**
- f. Discussion and possible action related to establishing a Board subcommittee to review Groundwater Stewardship Award nominations. **Pg. 81**

5. Adjournment.

Came to hand and posted on a Bulletin Board in the Courthouse, Travis County, Texas, on this, the _____ day of January, 2016, 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

(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.**
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**Barton Springs
Edwards Aquifer**
CONSERVATION DISTRICT

MEMORANDUM

Date: 1/7/16
To: Board of Directors
From: John Dupnik, General Manager
Re: Request for approval of out-of-state travel

I would like to request approval for out-of-state travel to attend and present as an invited speaker at the California Groundwater Association's workshop on the *Roles of Models and Data in Implementing the Sustainable Groundwater Management Act* in Davis, California on February 8-9, 2015.

The organizers have indicated that we were recommended as a model of effective groundwater management by executives at the Texas Water Development Board and have requested that I attend to present on our District and the strategies we have develop to manage our aquifers.

As an invited speaker, the conference organizers have waived the registration fee for February 8th, the day of my scheduled presentation. Anticipated costs for attending the conference are listed below:

Conference Registration: \$215.00 (for February 9th only)
Flight: \$322.96
Rental Car: \$189.60 (4 days)
Lodging: \$541.38 (\$159.00 plus taxes per night for 3 nights)
Per Diem - \$256.00 (\$64.00 per day for 4 days)

Total - \$1524.94

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 Topics.

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 Update Report – at directors' discretion**
- ii. Update on activities related to GMA and regional water planning**
- iii. Update on ongoing and prospective District grant projects**
- iv. Update on the activities related to the SH 45 SW roadway project**
- v. Update on activities related to the HCP and the associated draft EIS**

STATUS REPORT UPDATE FOR JANUARY 14, 2016 BOARD MEETING

Prepared by District Team Leaders

		Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
GENERAL MANAGEMENT TEAM					
		John Dupnik			
Summary of Significant Ongoing Activities		JD	1/8/2016	Meetings, Training, Presentations, and Conferences	<p>External Meetings Attended: with GMA 10 reps on Saline DFC (on call); with Mike Rutherford on Trinity wells; with Barney Austin and Angela Kennedy (Aqua Strategies); Other Meetings: with Bill Dugat on Redistricting options; with Kirk Holland on draft EIS for District HCP; Presentations: None Conferences/Seminars: None</p> <p>Ongoing Special Projects: TDS saline zone investigation/alternative saline zone access agreement; CTRMA coordination on SH 45 design review; TWDB RFP grant; HB 3405 implementation; District HCP/EIS review; CoA wastewater rulemaking petition; Employee Policy Manual Review; joint-regional funding of GAM extension; redistricting; groundwater stewardship awards; GMA 10 Alternative DFCs; Committees and Workgroups: Region K (voting member); GMA 10 (voting member); Regional WQ Plan workgroup; Region K Legislation and Policy committee; Region K strategy prioritization committee; Region K water supply strategy committee; Region K executive committee nomination committee; CTRMA SH 45 Technical work group; Regional Wastewater Technical Work Group; Kent Butler Summit Planning Committee.</p> <p>Routine Activities/Day-to-Day Operations: provided general oversight of staff incentive projects and activities, and oversight of day-to-day operations; approved purchase orders and expenditures; approved timesheets; prepared agendas and backup for and attended Board meetings; prepared GM report and assigned tasks in response to Board commitments; held regular one-on-one meetings with Team Leaders; presided over Planning Team meetings; serve as liaison between Board and staff; support Board subcommittees; respond to media requests; disseminate media reports and journal articles of possible interest. Consultation with Attorney on: HB 3405; Redistricting; open carry policy; Other Activities: coordinate joint-funding of GAM extension; coordinate with CTRMA on SH 45; coordinate team tasks for implementing HB 3405; coordinate RFP grant project; work with GMA 10 alternative Saline Edwards DFC; 2016 Kent Butler Summit planning; supervise Needmore well repair; interview for Reg Compliance technician position; Auditor interviews; review draft EIS comments; groundwater stewardship awards.</p>
		JD	1/8/2016	Ongoing Special Projects, Committees, and Workgroups	
		JD	1/8/2016	Routine Activities and Day-to-Day operations	
ADMINISTRATION TEAM					
		Dana Christine Wilson			
Accounts Receivable - A		DCW	1/8/16	Permittee accounts carrying a past due balance.	Currently there are no past due accounts (other than the extraordinary Higginbotham permit which was originally billed for \$124,250 with 2 past due fees added for \$12,425 each for an outstanding total of \$149,100. This will be addressed under the RegComp team).
Accounts Receivable - B		DCW	1/8/16	Billings - current month - January billings for February	\$ 25,726.21.
Audit - Financial		DCW	1/8/16	Interviews have been held and we are in the selection process.	Staff recommendation to be presented to Board on January 14th.
Contracts		TR/DCW	1/8/16	New MSC (Master Services Contract) solicitation process will begin in January.	This will be renewed and edited every 5 years.
Financial Reporting - Website		DCW	1/8/16	Most current, available financial reports are posted on the District website.	Balance Sheet, and Profit and Loss Statement through November 2015.
Grant Reporting		DCW	1/8/16	In process of contacting TWDB for direction on grant invoicing details.	
Tax Reporting		DCW	1/8/16		4th quarter 2015 C-3 TWC, and 941 IRS have been submitted. 2015 W-2s going out today and 1099s are in process.
REGULATORY COMPLIANCE TEAM					
		Vanessa Escobar			

	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
Temporary Permits	KBE, VE	1/8/2016	New Temporary Permittees	Staff has mailed out all Temp Permit Certificates and provided an informative letter with a list of the next steps that the permittees need to complete, and the deadlines. Staff continues to process Part 2 of the application forms and 90-day extension letters have been sent out. Staff also continues to work with Temp Permittees to ensure meters are installed and meter readings are submitted. Hunter Chase Farms, the well owner that missed the Temp Permit deadline, has timely filed a Production Permit that is currently being reviewed. An event center, The Plant at Kyle, also missed the deadline and is in the process of filing a Production Permit application.
City of Buda	KBE, VE	1/8/2016	Well Modification Authorization of a Test Well - New Edwards PWS well to be part of Aggregate System	A well modification application was submitted and staff is currently reviewing it. The City of Buda previously completed a test well application for a new PWS well to become part of their aggregate system. There will not be a new production permit associated with the new well, it will be an aggregate. The first test well proved to have sufficient yield, therefore Buda has submitted a well drilling/modification application to complete the well per BSEACD and TCEQ well construction standards. Staff conducted a site inspection to determine the October 2015 flood elevation at well site, the well shall be constructed 2 ft above this elevation. The application has been deemed admin. complete and Buda has published notice. A couple of emailed comments were received and staff corresponded with each of those property owners to address their concerns. Buda will be required to conduct a pump test and complete a hydrogeologic report for this new well as part of a permit condition.
Onion Creek Golf Club	KBE, VE	1/8/2016	Middle Trinity Well	Drilling has been completed on the Middle Trinity well. They have drilled the well to total depth at approx. 1,460 ft into the Cow Creek formation. Preliminary results indicate a productive well with production at approx. 300 gpm and TDS approx. 850-900 mg/l. A production application has been submitted with a request of 175 MGY from the Middle Trinity and staff is currently reviewing the application. The applicant has provided additional application materials that staff is reviewing. The golf course received significant damage from the recent October floods. The application is very close to being admin. complete. Onion Creek is in negotiations with the City of Austin regarding possible retirement of 50% of Historic Edwards Permit.
TJ Higginbotham	KBE, VE	11/19/2015	Class C Conditional Freshwater Edwards Application	TJ Higginbotham has submitted a production permit application for a Class C Conditional Freshwater Edwards Permit for 270,000,000 gallons/year. He has an existing Edwards well that is completed per TCEQ standards for PWS. The application has been deemed administratively complete and a public hearing was held on 9/10/15. A couple of comments were received but no formal protests. The Permit with special provisions was approved on 9/10/15 and the applicant has been sent a permit certificate and invoice for production fees. The invoice due date was 11/5/15 for which the District has not yet received payment. The fees were considered late on 11/16/15. The District has not received payment of any fees; staff is considering enforcement and will bring before the Board for direction.
Drought Statue - No-Drought	KBE, VE	11/19/2015	Drought Compliance Monitoring and Enforcement	No new update. No-drought was declared on January 29, 2015. Staff sent out email and letter to all permittees notifying them of no-drought status.
EDUCATION & OUTREACH Robin Gary				
Groundwater to the Gulf	RG	1/8/2016	Planning	Format will change this year to offer 2 days of the most popular activities and presentations that cover the basics of groundwater, surfacewater, coastal/environmental flows, ecology, and human impacts. The third day will be unique each year to focus on a pertinent topic relevant to that year. The third day will be open for alumni to also attend. This year the third day will likely focus on Barton Springs, habitat conservation plan, and renovations.
Groundwater Stewardship Awards	RG and all staff	1/8/2016	Solicitations for nominations	Staff has been actively soliciting nominations for this year's Groundwater Stewardship Awards. We have heard from many folks with intentions to submit nominations. It should be a tough decision to select the awardees.

	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
Enews Blast	RG	1/8/2016	December eNews	The January 2016 eNews was released on 1/8/2016. Articles included an overview of temporary permit status, a recap of the hydrogeologic conditions in 2015, an announcement soliciting Groundwater and Stewardship Awards nominations. People can sign-up automatically at www.bseacd.org/signup . And archived eNews can be accessed at http://www.bseacd.org/publications/newletters/ .
Internet Traffic Report	RG	1/8/2016	Page views and visits to the District Website	The District website will be undergoing some changes in the next few months. The webserver is out-of-date and the website content management system needs to be updated. Over the last month, we've had 2,429 page views from 1,173 visitors. In order of hits the most visited pages were the home page (648), Drought Status (172), Reg Comp job posting (125) and staff (120). On the District Facebook page we have 427 people who have signed up to 'Like' us.
AQUIFER SCIENCE				
Brian Smith				
Dye Tracing	BS, BH	1/7/2016	Dye tracing	Discussions are underway with the EAA and CoA about potential dye tracings in the upcoming months. Locations include sinkholes and wallets in the Blanco River. Providing that there is flow in Onion Creek, dye will be injected into Antioch Cave later this winter or in the spring.
Central Hays County Groundwater Evaluation	RG, BH, BAS, JC	1/7/2016	Well and hydrogeology characterization	District staff are establishing a monitoring network of nearby wells to collect data during the EP aquifer test. Revisions are being made to the aquifer test guidelines, and a definition for unreasonable impacts is being developed.
Antioch Cave	BS, BH, JC	1/7/2016	Onion Creek Recharge Enhancement Project	The Antioch system is open to allow recharge, and there is flow in Onion Creek due to heavy rains in October and more moderate rains in November and December.
Water-Quality Studies	BS, BH, JC	1/7/2016	Sampling and analysis of groundwater and surface water	District staff, in cooperation with the TWDB, have begun sampling wells and springs. In addition, the staff is sampling wells and springs as part of the Magellan Pipeline monitoring effort. TWDB provided additional funding for water sampling, so a number of wells and springs were sampled.
Saline Zone Studies	BS, BH	1/7/2016	Installation of multiport monitor well	Plans are moving forward for installation of a saline Edwards multiport well in conjunction with a test well installed by TDS. We are currently working on an access agreement with TDS. On July 8, the District was officially notified of an award of a regional planning grant for work on the saline Edwards, and a contract with TWDB was signed on Aug. 27. On January 5 a contract between BSEACD and Carollo Engineers was signed.
Drought and Water-Level Monitoring	BH, BS, JC	1/7/2016	Drought status, monitor wells, and synoptic water level events	January 30, 2015, the District Board declared non-drought conditions. The District had been in drought since August 15, 2014. Because of heavy rains in October and more moderate rains in November and December, the water level in the Lovelady well is rising. As of Jan. 7, the water level in the Lovelady well was at 524.1 ft above msl and Barton Springs was flowing at 105 cfs.
Information Transfer	BS, BH, JC	1/7/2016	Presentations, conferences, reports, and publications	District staff finalized a paper that was published by Springer on surface-groundwater interactions. Staff are working on the Vol. 2 of the Hydrogeologic Atlas.
AD-HOC TEAMS				
Technical Team	BAS	1/7/2016	Current areas of discussion	Topics of discussion at the technical team meeting in January were the definition of unreasonable impacts, the TWDB grant award, Needmore permitting, and upcoming aquifer tests.
Planning Team	JD	1/8/2016	Strategic and tactical planning and discussion topics	New Business: annual report, New Hire preparations;
UPCOMING ITEMS OF INTEREST				

	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
UPCOMING ITEMS OF INTEREST				
GMA 10 Meeting		1/11/2016	11am. EAA offices, San Antonio, Texas	
1st January Board Meeting		1/14/2016		
MLK Holiday		1/17/16	District offices closed	
Groundwater Stewardship Award Nominations Due		1/20/2016		
TAGD Quarterly Meeting		1/27/2016	thru 12/28, Austin Crowne Plaza	
2nd January Board Meeting		1/28/2016		
Region K Quarterly Meeting		2/11/2016	10am-2pm, LCRA offices, Montopolis Drive, Austin	
1st February Board Meeting		2/11/2016		
Presidents Day Holiday		2/15/2016	District offices closed	
2nd February Board Meeting		2/25/2016		
Groundwater Stewardship Awards Luncheon		3/4/2016		
1st March Board Meeting		3/10/2016		
2nd March Board Meeting		3/24/2016		

Item 4

Board Discussions and Possible Actions

- a. Discussion and possible action related to applications filed on August 19, 2015 by the City of Buda, 121 Main Street, Buda, Texas 78610 for a well modification authorization to permanently complete a test well and a minor amendment to add the well to an existing aggregate well system and produce groundwater from the freshwater Edwards Aquifer under the existing Historical Production Permit authorized for 275,000,000 gallons of aggregate production per year.**

Item 4

Board Discussions and Possible Actions

b. Discussion and possible action related to approving the latest edited version of the District's Draft Habitat Conservation Plan in response to latest review comments by the Austin Ecological Services office of the US Fish and Wildlife Service.

Summary of Comments on DHCP by FWS-Austin Staff

The FWS's Austin staff, primarily Charlotte Kucera but presumably acting through Tanya Sommer, reviewed our Draft HCP. She made surprisingly few comments, which are also mostly rather minor in nature. None of them are what I would categorize as presenting big issues or fundamental problems for us, although that assessment presupposes that some additional verbal explanations if not simple edited responses by us will remove their expressed concerns. All of their specific comments are of a negative stripe, i.e., there were no positive comments made. Presumably this tilt toward the negative-only is designed to remove some elements in our DHCP that they believe the FWS Regional Office would react negatively to or have problems with.

I would suggest that after designated District staff members have a chance not only to review this summary but also to scroll through the FWS review comments in the document, we should then discuss among ourselves what changes, if any, in the document we might want to make upfront as a response to their comments. Then, we should meet with FWS-Austin to discuss those areas that appear to be areas where they seem to have a misunderstanding of something, where we and they have a difference of opinion, and/or where we need some guidance from them.

The following (families of) comments have been made by FWS-Austin. These comments are listed more or less in the order in which they are encountered going through the DHCP. For some of these comments, I have suggested a possible response for us to discuss. This document should not be provided to FWS until the District has approved including that language or revising it.

Item	General Subject Area	Nature of Concern(s) Expressed, and Possible Responses
1	Amount of incidental take (in Exec Sum.)	<i>Concern:</i> Take, especially ABS, seems high, but no basis for that assertion is offered. <i>Response:</i> Discuss with FWS-Austin
2	Figure 3-4 placement vs. call-outs in text	<i>Concern:</i> Figure isn't on page following first call-out; wants all figures to be renumbered. <i>Response:</i> First call-out was not integral or required. Just remove that call-out.
3	Uncertainties about correct citations among multiple cites	<i>Concern:</i> Questioning what is proper Hauwert cite for one statement. <i>Response:</i> Confirm, and change wording to remove question
4	Size basis and distribution for ABS	<i>Concern:</i> Basis for calculating ABS pop. size is unclear and needs to be in this section (presumably not as a footnote?).

Item	General Subject Area	Nature of Concern(s) Expressed, and Possible Responses
	population	Also, difference in sizes of TBS and ABS critical habitat area is "problematic" Also, question as to why most of pop is at Main Spring, when most are observed at Old Mill. They note that one ABS was observed recently at UBS, and question if we can ignore that. <i>Response:</i> Discuss with FWS-Austin
5	Update info on protected species in ITP Area (in 3.2.4)	<i>Concern:</i> List access needs to be more recent and specific info updated/corrected. <i>Response:</i> Do as suggested.
6	Curves for individual outlets showing recurrence info	<i>Concern:</i> Curves for ALL outlets, not just an example outlet, needs to be in body of HCP, not in Appendix J, as they are part of basis of take estimate. <i>Response:</i> May have to move them into the main section (perhaps numbered as Figure 5-X(a), (b), and (c), to avoid renumbering all ensuing figures
7	Take estimate conceptual model	<i>Concern:</i> Confusion about use of 35 months one place and 37 months another. They suggest some additional explanatory language. <i>Response:</i> May need to discuss with FWS-Austin, but simply using their suggestion may resolve the issue.
8	Cumulative take calculation: inclusion of 3 years of No Drought	<i>Concern:</i> Question asked: in past 20 years, how many have been without drought. <i>Response:</i> Develop answer to question, but also discuss context with FWS-Austin
9	Cumulative take calculation: how data in tables were calculated	<i>Concern:</i> Unclear how number of months in various drought scenarios and percentages were arrived at. <i>Response:</i> Discuss with FWS-Austin, but we may want to suggest some additional explanation in text beforehand
10	MOU/ILA with City	<i>Concern:</i> Should be a firm commitment to minimize cumulative impacts. <i>Response:</i> Discuss with FWS-Austin
11	No Appreciable Reduction analysis	<i>Concern:</i> Apparent inconsistencies between statements in text and data in tables supporting it, especially as they relate to durations below various thresholds. <i>Response:</i> Discuss with FWS-Austin, but we may want to suggest some additional explanation in text beforehand
12	Areas for future research identified in HCP (various topics)	No issue, but it is unclear if or how we need to respond to comments that essentially agree with our assertions
13	Comparison to EARIP take and populations	<i>Concern:</i> Comparison is meaningless, and should be removed. <i>Response:</i> Delete last sentence of second bullet
14	Relation of HCP biological objectives, DFC, and DO	<i>Concern:</i> Not clear how these things inter-relate and assure minimization of take. Suggest tying together goals and conditions in Exec Summary with biological goals and objectives. <i>Response:</i> Discuss with FWS-Austin. (This may be a more fundamental problem for us than it appears.)

Item	General Subject Area	Nature of Concern(s) Expressed, and Possible Responses
15	6.2 Minimization and Mitigation Measures	<i>Concern:</i> They perceive few firm commitments and no info on timing and funding. They want this entire section revised to incorporate those. The specific questions and comments suggest that they are misunderstanding that these are ongoing measures already, and that some questions are answered in later sections. <i>Response:</i> Discuss with FWS-Austin. Could be a rather simple fix of moving or repeating statements made elsewhere, and providing some additional amplifying info. But could also be a major re-write.
16	Research and Mitigation Measures lack commitment	<i>Concern:</i> As written, there is no commitment to doing these things, no timeline, no funding. Suggest phased approach to critical mitigation dealing with DO augmentation. <i>Response:</i> Discuss with FWS-Austin. May have to bite the bullet on these things with the Board.
17	Annual reporting to FWS	<i>Concern:</i> Conflating some types of special monitoring reports with mandated Annual Report to FWS. <i>Response:</i> Discuss with FWS-Austin, but we may want to suggest a revised section structure that puts the Annual Report upfront of these other reports.
18	Better use of AMP	<i>Concern:</i> AMP can be used to identify need and gather additional data, and to evaluate and improve effectiveness of Antioch facility and DO augmentation project. Believes AMP section should be re-written. <i>Response:</i> Discuss with FWS-Austin
19	Use of AMP in addressing Changed Circumstances	<i>Concern:</i> Can't reject AMP one place and use it in another. <i>Response:</i> Discuss with FWS-Austin, but a simple explanatory wording change (AMP ≠ amp) may help explain it sufficiently.
20	Result of statutory or financial changes could be reduced term or termination of ITP or amount of take excepted is reduced	<i>Concern:</i> If our wherewithal reduces ability to implement HCP conservation measures, then one possible outcome could be reducing the permit term (or withdrawing it) or changing the amount of take under the ITP. Those outcomes need to be made explicitly. <i>Response:</i> Re-word to include those outcomes.
21	Use of AMP to alter mitigation measures on basis of future research findings	<i>Concern:</i> "Add [another circumstance] condition that future research may reveal sensitivity of other life stages (salamander eggs or larval stages) to DO concentrations higher than used to develop this HCP. If this were to occur suggest using the AMP to adjust mitigation measures to address the sensitivity of these life stages." <i>Response:</i> Discuss with FWS-Austin. These are not necessarily Changed Circumstances and under No Surprises the District may not be required to do what seems to

Item	General Subject Area	Nature of Concern(s) Expressed, and Possible Responses
		be advocated here. Nevertheless, we could add the putative circumstance to our list of possible other things that could occur and be jointly evaluated.
22	Questions to be posed to RO by AUS FO	<i>Concern:</i> Notes mostly to themselves, but they want to consult with RO as to whether FWS definitely bears costs of measures arising from No Surprises, and also whether AUS FO can authorize clarifying and minor amendments. Then we may need to re-word part of the sections on responding to Unforeseen Circumstances and minor amendments. <i>Response:</i> Discuss with FWS-Austin after they find out
23	A few miscellaneous formatting, wording or editing suggestions and corrections here and there	Shown in-line. No issue or further response required. (There are also still others that need to be made.)

Finally, here are a couple of additional notes and questions from me, unrelated to the FWS comments:

1. Table 4-4 provides legislation affecting GCDs but it ends in 2011. Don't we need to update that now with the fairly significant legislation that occurred in the last two sessions?
2. I have started a markup of their comments version, for now just with some typos, word spacing corrections, etc. only (nothing substantive). This version has been shared with you via a Dropbox folder, although I think only Brian Hunt has accepted the emailed invite from Dropbox and initiated access to it so far.

Summary of Changes to Draft HCP Document Since Last Board Review		
ID Number	Description of Proposed Change	Section Number(s)
	<i>Substantive Changes of Special Note to Board:</i>	
1	Addition of a second condition under which adverse DO effects would constitute a Changed Circumstance, viz., an unexpected impact on a specific life stage of the Covered Species, and thereby trigger the actions that the District has specified for this Changed Circumstance	7.2.2.2
2	Addition of a new Changed Circumstance, viz., confirming existence of habitat of the Covered Species at locations remote from Barton Springs, and specification of the District response	7.2.2.4
	<i>Other Significant Changes to Document:</i>	
3	References to newly discovered possible BSS habitat remote to and possibly distinct from Barton Springs complex	3.2.2.2.1; 5.1.2.1
4	Restatement of first biological objective to focus on what the District will be measuring to assure achieving the objective's goals	6.1
5	Amplification of all three biological objectives to make explicit the goal and intent of each	6.1
6	Revised narrative to emphasize the linkage between the direct HCP measures and the District Management Plan, and the commitments being made by that linkage	6.2.1
7	Revised narrative to clarify the conditions and timing associated with the implementation of HCP mitigation measures M-2 and M-3	6.2.2.2
	<i>Minor Changes to Document:</i>	
8	Update of current Board officers identities and terms	"Prepared By" Listing (p. iii)

9	Additional context for describing benefit of HCP conservation measures	Executive Summary
10	Revised captions to accommodate content of new figures showing Exclusive and/or Shared Areas	3.1.1.1,
11	Shown calculation of stipulated population of ABS, and how its calculation differs from that of the surface ABS population	3.2.2.2.1
12	Expansion of explanation of the basis for the estimates of take not associated with springflows	5.2.2.3
13	Clarification of how cumulative take was estimated: changes in narrative and table	5.2.3.4
14	Better explanation of what the DO-time relationships are for the three outlets and two drought periods, and how they may be interpreted in evaluating jeopardy: changes in narrative and figure captions, and corrections in captions	5.2.3.5
15	Revised narrative to better describe the use of the ILA/MOU with the COA in monitoring, and the differences between the Annual Report and the 5-Year Report	6.3.x
16	<i>Non-substantive Changes:</i>	
17	Correction of typos, punctuation, relative date references	Multiple, throughout
18	Miscellaneous changes in word choice and expressions	Multiple, throughout
	Miscellaneous formatting adjustments	Multiple, throughout
19	<i>Outstanding Issues and Needs:</i>	
20	Status of footnote and distinction between experimental NOAEL of 4.5 mg/L and conservative use of 5.0 mg/L in take assessment	5.2.1.2
	Legends within Figure 5-9c and 5-10c still need to be corrected, as described in comment	5.2.3.5

Aquifer Science Tasks		Year	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	Total	
R-1 DO studies/monitoring	1 cash				5,000	5,000	3,000	5,000	3,000	3,000	3,000	3,000	3,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	50,000.00	
	1 labor			7,000	7,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	89,000.00	
	DO Studies with 1a cash			30,000	40,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	-	-	-	-	-	-	-	-	-	115,000.00	
	Westbay Well 1a labor			10,000	10,000	10,000	10,000	5,000	5,000	5,000	5,000	5,000	5,000	-	-	-	-	-	-	-	-	-	80,000.00	
	Austin Nature Center 2 cash			3,000				3,000					3,000						3,000				12,000.00	
Well Instrumentation 2 labor				2,000	1,000	1,000	1,000	2,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	2,000	1,000	1,000	1,000	1,000	24,000.00	
Sub Total			\$ 52,000	\$ 71,000	\$ 33,000	\$ 26,000	\$ 19,000	\$ 25,000	\$ 19,000	\$ 19,000	\$ 19,000	\$ 19,000	\$ 10,000	\$ 6,000	\$ 6,000	\$ 6,000	\$ 6,000	\$ 10,000	\$ 6,000	\$ 6,000	\$ 6,000	\$ 6,000	\$ 370,000	
R-2 Conceptual Model	1 cash			5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	100,000.00	
	Refinement 1 labor			5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	100,000.00	
	Aquifer Characterization 1a cash			5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	100,000.00	
	1a labor			5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	100,000.00	
	Sub Total		\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 300,000	
M-2 DO Augmentation Studies/Monitor wells	cash				5,000	20,000	30,000	10,000	10,000	10,000	10,000	10,000	10,000	5,000									120,000.00	
	labor				3,000	10,000	15,000	5,000	5,000	5,000	5,000	5,000	5,000	2,000									57,000.00	
	Sub Total		\$ 15,000	\$ 15,000	\$ 15,000	\$ 23,000	\$ 45,000	\$ 60,000	\$ 30,000	\$ 30,000	\$ 30,000	\$ 30,000	\$ 27,000	\$ 22,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 177,000	
	M-3 Antioch O&M (new/proposed)			5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	125,000.00	
	Sub Total		\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 125,000.00
R-0 Future Studies/Implementation	cash																						289,000.00	
	labor																						100,000.00	
	Sub Total		\$ 15,000	\$ 15,000	\$ 15,000	\$ 12,000	\$ 12,000	\$ 12,000	\$ 12,000	\$ 12,000	\$ 12,000	\$ 12,000	\$ 12,000	\$ 12,000	\$ 12,000	\$ 12,000	\$ 12,000	\$ 12,000	\$ 12,000	\$ 12,000	\$ 12,000	\$ 12,000	\$ 12,000	\$ 100,000.00
	Sub Total		\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	100,000.00
	Sub Total		\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	200,000.00
General Management/Reg Compliance Tasks																								
M-1 Refugium Support	Year		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	Total	
	Cash				2,000		2,000			2,000		2,000			2,000			2,000			2,000		16,000	
	Contract																						16,000	
	Labor			2,000					2,000				2,000						2,000				8,000	
	Sub Total		\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 40,000	
M-4 Abandoned Well Program (new/proposed)	cash			3,500	17,500	3,500	17,500	3,500	17,500	3,500	17,500	3,500	17,500	3,500	17,500	3,500	17,500	3,500	17,500	3,500	17,500	3,500	308,000	
	labor			5,000	3,500	1,000	3,500	1,000	3,500	1,000	3,500	1,000	3,500	1,000	3,500	1,000	3,500	1,000	3,500	1,000	3,500	1,000	68,000	
	Contract				2,000		2,000		2,000		2,000		2,000		2,000		2,000		2,000		2,000		36,000	
	Sub Total		\$ 8,500	\$ 23,000	\$ 4,500	\$ 23,000	\$ 4,500	\$ 23,000	\$ 4,500	\$ 23,000	\$ 4,500	\$ 23,000	\$ 4,500	\$ 23,000	\$ 4,500	\$ 23,000	\$ 4,500	\$ 23,000	\$ 4,500	\$ 23,000	\$ 4,500	\$ 23,000	\$ 412,000	
	Sub Total		\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 240,000	
M-5 Aquifer Protection Initiatives (new/proposed)	labor			2,000	2,000	5,000	10,000	2,000	2,000	2,000	5,000	12,000	2,000	2,000	2,000	5,000	10,000	2,000	2,000	2,000	5,000	12,000	88,000	
	Contract					5,000	30,000			5,000	80,000					5,000	30,000			5,000	80,000		240,000	
	Sub Total		\$ 2,000	\$ 2,000	\$ 2,000	\$ 10,000	\$ 40,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 10,000	\$ 92,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 10,000	\$ 40,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 10,000	\$ 92,000	\$ 328,000	
	Aquifer Science Totals																							
	Total Cash		43,000	50,000	25,000	20,000	23,000	48,000	48,000	48,000	33,000	28,000	35,000	32,000	22,000	22,000	27,000	25,000	22,000	27,000	22,000	22,000	22,000	\$ 622,000
% of Team Budget		72%	83%	42%	33%	38%	80%	80%	80%	55%	47%	58%	53%	37%	37%	45%	42%	37%	45%	37%	37%	37%	\$ 714,000	
Total Labor		39,000	51,000	38,000	33,000	31,000	42,000	43,000	43,000	25,000	21,000	24,000	21,000	14,000	14,000	17,000	14,000	14,000	17,000	14,000	14,000	14,000	\$ 714,000	
% of Labor		16%	21%	15%	13%	12%	17%	17%	17%	17%	14%	13%	14%	12%	12%	14%	13%	13%	14%	12%	12%	12%	\$ 714,000	
Gen Mgmt/Reg. Comp. Totals																								
Total Cash		3,500	17,500	5,500	17,500	37,000	3,500	17,500	37,000	17,500	37,000	35,000	32,000	17,500	17,500	37,000	35,000	32,000	17,500	17,500	17,500	17,500	\$ 324,000	
Total Labor		2,000			7,000	35,000		2,000	2,000	7,000	85,000		2,000	2,000		7,000	35,000		2,000	2,000	7,000	85,000	\$ 276,000	
% of Team Budget		5%	46%	13%	58%	169%	8%	46%	13%	58%	287%	8%	46%	13%	58%	169%	8%	46%	13%	58%	287%	8%	\$ 324,000	
Total Labor		9,000	5,500	3,000	8,500	17,000	5,000	5,500	3,000	8,500	19,000	5,000	5,500	3,000	8,500	17,000	5,000	5,500	3,000	8,500	19,000	5,000	\$ 164,000	
% of Labor		4%	3%	1%	4%	8%	2%	3%	3%	4%	9%	2%	3%	3%	4%	8%	2%	3%	3%	4%	9%	2%	\$ 164,000	
Team Budgets/Salaries																								
General Management		\$	\$ 35,000.00	\$																			\$ 381,646.60	
Aquifer Science		\$	\$ 60,000.00	\$																			\$ 248,421.27	
Regulatory Compliance		\$	\$ 45,000.00	\$																			\$ 147,443.76	

Item 4

Board Discussions and Possible Actions

c. Discussion and possible action related to to comments received during the public hearing comment period on proposed Desired Future Conditions and Non-relevant Aquifer Designations for Groundwater Management Area 9.



**Barton Springs
Edwards Aquifer**
CONSERVATION DISTRICT

MEMORANDUM

Date: 1/8/16

To: Board of Directors

From: Brian B. Hunt, P.G., Senior Hydrogeologist
John Dupnik, P.G., General Manager

Re: Summary of comments received during comment period on GMA 9 proposed DFCs and non-relevant Aquifer designations.

This memo is a summary of relevant comments received by the Barton Springs/Edwards Aquifer Conservation District (BSEACD) regarding the GMA 9 Proposed Desired Future Conditions and Proposed Non-Relevant Aquifer Designations.

A Public Hearing was properly posted and then held on November 19, 2015, within the 90-day public comment period in accordance with Texas Water Code Chapter 36.108. The 90-day comment was initiated on October 1, 2015 and expired on December 31, 2015.

Only one verbal comment was received during the public hearing from Mr. Bill Bunch of the Save Our Springs Alliance (SOS). Mr. Bunch provided the following comment:

Mr. Bunch indicated that they (SOS) will be filing written comments before the deadline. He said that there will be a lot of talk about the 30 feet of drawdown on the Trinity and they join with others to urge that it not be renewed, and that it be reduced enough to maintain current groundwater levels or something very close to that. The main focus being Jacob's well.

No written comments were received during the comment period.

The attached documents including: 1) a copy of the posted notice of the public hearing and comment period, 2) the BSEACD agenda for the public hearing conducted on November 19, 2015, and 3) the minutes of the November 19, 2015 Board meeting and public hearing serve as documentation satisfying the requirements for providing opportunity for public comment.

PUBLIC HEARING

Groundwater Management Area 9
Proposed Desired Future Conditions
and Proposed Non-Relevant Aquifer
Classifications

November 19, 2015 at 6:15 p.m., Bar-
ten Springs Edwards Aquifer Conser-
vation District, 1124 Regal Row, Aus-
tin, TX

At an open meeting of the Groundwa-
ter Management Area 9 Joint Planning
Committee (GMA-9) held on Septem-
ber 28, 2015 in Dripping Springs, Texas,
and attended by representatives from
the following groundwater conserva-
tion districts located wholly or partially
within Groundwater Management Ar-
ea 9: Bandera County River Author-
ity and Groundwater District, Barton
Springs Edwards Aquifer Conservation
District, Blanco-Pedernales Groundwa-
ter Conservation District, Comal Trini-
ty Groundwater Conservation District,
Cov Creek Groundwater Conservation
District, Edwards Aquifer Authority,
Hudspeth Groundwater Conserva-
tion District, Hays Trinity Groundwater
Conservation District, Trinity-Glen Rose
Groundwater Conservation District,
and Medina County Groundwater Con-
servation District, GMA-9 considered
and adopted the following Proposed
Desired Future Conditions (DFCs) and
Proposed Non-Relevant Aquifer Clas-
sifications for GMA-9:

Proposed Desired Future Conditions

Trinity Aquifer
Allow for an increase in average
drawdown of approximately 30 feet
through 2050 (throughout GMA-9)
consistent with "Scenario 6" in TWDB
GAM Task 10-005.

Edwards-Trinity (Plateau) Aquifer
Allow for no net increase in average
drawdown in Bandera and Kendall
Counties through 2070.

Ellenburger-San Saba Aquifer
Allow for an increase in average
drawdown of no more than 2 feet in
Kendall County through 2070.

Hickory Aquifer
Allow for an increase in average
drawdown of no more than 7 feet in
Kendall County through 2070.

**Proposed Non-Relevant Aquifer Clas-
sifications**

Edwards Aquifer (Balcones Fault Zone)
Bexar, Comal, Hays, and Travis Coun-
ties

Edwards-Trinity (Plateau)
Blanco and Kerr Counties

Ellenburger-San Saba
Blanco and Kerr Counties

Hickory
Blanco, Hays, Kerr, and Travis Counties

Marble Falls
Blanco County

Members of the public are invited to
attend and provide oral comment, tes-
timony, and/or submit either documen-
tation and information relevant to
the Proposed DFCs and Non-Relevant
Aquifer Classifications to the Board of
Directors at this Public Hearing.

If unable to attend the Public Hearing,
members of the public are invited to
submit written comments, testimony,
and/or other documentation and in-
formation relevant to the Proposed
DFCs and Non-Relevant Aquifer Clas-
sifications to the Board of Directors at
the District Office located at:

1124 Regal Row, Austin, TX 78748

GMA-9 has prepared standardized
Public Comment Forms to help you or-
ganize and substantiate your submis-
sion. This form is available at the ad-
dress above.

The Public Comment period runs from
October 1, 2015 through December
31, 2015.

The District will prepare a report of
any relevant comments received at the
Public Hearing and attach any writ-
ten comments, testimony, and/or oth-
er documentation and information
relevant to the Proposed DFCs and
Non-Relevant Aquifer Classifications
received through December 31, 2015.
This report and attachments will be
provided to the GMA-9 Committee for
their review, consideration, and incor-
poration into the DFC decision-mak-
ing process.

Questions or requests for additional in-
formation may be submitted to:
Brian Hunt @ 512-282-8441 or brianh@
bsacdl.org
10-29-2015 0496973

Date Printed 10/15/2015
Time Printed 10:26 AM

Austin American Statesman
Statesman.com/Austin360.com
RECEIPT

Order 496973
Page 1 of 4

Account: G27264
Name: AQUIFER CONS DIST STE F
Address: BARTON SPRINGS EDWARDS
1124 REGAL ROW
STE A
AUSTIN TX 78748

Phone: 512-282-8441
E-mail:

Order Name: Groundwater Management Area 9
Order Id: 496973
Original Order Id:
Copy Line: PUBLIC HEARINGGroundwater Management Are
Sales Rep: S1125 Alejandro Cado (S)
Purchase Order:
Pay Type: Billed
Account Group:
Caller: Tammy Raymond

Section: 6205 Legal Notices
Reply Request:
Tear Sheets: 0

Order Summary	
Base:	\$1,278.39
Other Charges:	\$0.00
Discounts:	\$0.00
Agency Commission:	\$0.00
Sales Tax:	\$0.00
Total Order	\$1,278.39

Payment Summary
No payment information available.



NOTICE OF PUBLIC HEARING

Notice is given that a **Public Hearing** by the Board of Directors of the Barton Springs/Edwards Aquifer Conservation District will be held at the District office located at 1124 Regal Row, Austin, Texas, during its Regular Meeting on **Thursday, November 19, 2015, at 6:15 p.m.** for the following purpose:

Groundwater Management Area 9
Proposed Desired Future Conditions and Proposed Non- Relevant Aquifer Classifications

At an open meeting of the **Groundwater Management Area 9 Joint Planning Committee** (GMA-9) held on September 28, 2015 in Dripping Springs, Texas, and attended by representatives from the following groundwater conservation districts located wholly or partially within Groundwater Management Area 9: Bandera County River Authority and Groundwater District, Barton Springs Edwards Aquifer Conservation District, Blanco-Pedernales Groundwater Conservation District, Comal Trinity Groundwater Conservation District, Cow Creek Groundwater Conservation District, Edwards Aquifer Authority, Headwaters Groundwater Conservation District, Hays Trinity Groundwater Conservation District, Trinity-Glen Rose Groundwater Conservation District, and Medina County Groundwater Conservation District: GMA-9 considered and adopted the following Proposed Desired Future Conditions (DfC's) and Proposed Non-Relevant Aquifer Classifications for GMA-9:

Proposed Desired Future Conditions

Trinity Aquifer

Allow For An Increase in Average Drawdown of Approximately
30 Feet Through 2060 (throughout GMA-9) Consistent with
"Scenario 6" in TWDB GAM Task 10-005.

Edwards-Trinity (Plateau) Aquifer

Allow For No Net Increase in Average Drawdown in Bandera
and Kendall Counties through 2070.

Ellenburger-San Saba Aquifer

Allow For An Increase in Average Drawdown of No More Than
2 Feet in Kendall County through 2070.

Hickory Aquifer

FILED this 23rd day of Oct 2015
1:05 PM
CAROL HOLCOMB
COUNTY CLERK, CALDWELL COUNTY, TEXAS
By Rafaela Acosta Deputy

**Allow For An Increase in Average Drawdown of No More Than
7 Feet in Kendall County through 2070.**

Proposed Non-Relevant Aquifer Classifications

Edwards Aquifer (Balcones Fault Zone)	Bexar, Comal, Hays, and Travis Counties
Edwards-Trinity (Plateau)	Blanco and Kerr Counties
Ellenburger-San Saba	Blanco and Kerr Counties
Hickory	Blanco, Hays, Kerr, and Travis Counties
Marble Falls	Blanco County

Members of the public are invited to attend and provide oral comment, testimony, and or submit other documentation and information relevant to the Proposed DFCs and Non-Relevant Aquifer Classifications to the Board of Directors at this Public Hearing.

If unable to attend the Public Hearing, members of the public are invited to submit written comments, testimony, and/or other documentation and information relevant to the Proposed DFCs and Non-Relevant Aquifer Classifications to the Board of Directors at the District Office located at:

1124 Regal Row, Austin, TX 78748

GMA-9 has prepared standardized Public Comment Forms to help you organize and substantiate your submission. This form is available at the address above.

The Public Comment period runs from October 1, 2015 through December 31, 2015.

The District will prepare a report of any relevant comments received at the Public Hearing and attach any written comments, testimony, and/or other documentation and information relevant to the Proposed DFCs and Non-Relevant Aquifer Classifications received through December 31, 2015. This report and attachments will be provided to the GMA-9 Committee for their review, consideration, and incorporation into the DFC decision-making process.

Questions or requests for additional information may be submitted to:
Brian Hunt @ 512-282-8441 or brianh@bseacd.org

Came to hand and posted on a Bulletin Board in the Courthouse, Caldwell County, Texas, on this, the _____ day of October 2015, at _____ p.m.

_____, Deputy Clerk
Caldwell County, TEXAS

Accepted for Filing in:
Hays TX
On: Oct 23, 2015 at 01:26P
By:
Billie Parker



NOTICE OF PUBLIC HEARING

Notice is given that a **Public Hearing** by the Board of Directors of the Barton Springs/Edwards Aquifer Conservation District will be held at the District office located at 1124 Regal Row, Austin, Texas, during its Regular Meeting on **Thursday, November 19, 2015, at 6:15 p.m.** for the following purpose:

Groundwater Management Area 9
Proposed Desired Future Conditions and Proposed Non-Relevant Aquifer Classifications

At an open meeting of the **Groundwater Management Area 9 Joint Planning Committee (GMA-9)** held on September 28, 2015 in Dripping Springs, Texas, and attended by representatives from the following groundwater conservation districts located wholly or partially within Groundwater Management Area 9: Bandera County River Authority and Groundwater District, Barton Springs/Edwards Aquifer Conservation District, Blanco-Pedernales Groundwater Conservation District, Comal Trinity Groundwater Conservation District, Cow Creek Groundwater Conservation District, Edwards Aquifer Authority, Headwaters Groundwater Conservation District, Hays Trinity Groundwater Conservation District, Trinity-Glen Rose Groundwater Conservation District, and Medina County Groundwater Conservation District; GMA-9 considered and adopted the following Proposed Desired Future Conditions (DFCs) and Proposed Non-Relevant Aquifer Classifications for GMA-9:

Proposed Desired Future Conditions

Trinity Aquifer

Allow For An Increase in Average Drawdown of Approximately
30 Feet Through 2060 (throughout GMA-9) Consistent with
"Scenario 6" in TWDB GAM Task 10-005.

Edwards-Trinity (Plateau) Aquifer

Allow For No Net Increase in Average Drawdown in Bandera
and Kendall Counties through 2070.

Ellenburger-San Saba Aquifer

Allow For An Increase in Average Drawdown of No More Than
2 Feet in Kendall County through 2070.

Hickory Aquifer

**Allow For An Increase in Average Drawdown of No More Than
7 Feet in Kendall County through 2070.**

Proposed Non-Relevant Aquifer Classifications

Edwards Aquifer (Balcones Fault Zone)	Bexar, Comal, Hays, and Travis Counties
Edwards-Trinity (Plateau)	Blanco and Kerr Counties
Ellenburger-San Saba	Blanco and Kerr Counties
Hickory	Blanco, Hays, Kerr, and Travis Counties
Marble Falls	Blanco County

Members of the public are invited to attend and provide oral comment, testimony, and/or submit other documentation and information relevant to the Proposed DFCs and Non-Relevant Aquifer Classifications to the Board of Directors at this Public Hearing.

If unable to attend the Public Hearing, members of the public are invited to submit written comments, testimony, and/or other documentation and information relevant to the Proposed DFCs and Non-Relevant Aquifer Classifications to the Board of Directors at the District Office located at:

1124 Regal Row, Austin, TX 78748

GMA-9 has prepared standardized Public Comment Forms to help you organize and substantiate your submission. This form is available at the address above.

The Public Comment period runs from October 1, 2015 through December 31, 2015.

The District will prepare a report of any relevant comments received at the Public Hearing and attach any written comments, testimony, and/or other documentation and information relevant to the Proposed DFCs and Non-Relevant Aquifer Classifications received through December 31, 2015. This report and attachments will be provided to the GMA-9 Committee for their review, consideration, and incorporation into the DFC decision-making process.

Questions or requests for additional information may be submitted to:
Brian Hunt @ 512-282-8441 or brianh@bseacd.org

Came to hand and posted on a Bulletin Board in the Courthouse, Hays County, Texas, on this,
the _____ day of October 2015, at _____ p.m.

_____, Deputy Clerk
Hays County, TEXAS



TRV
3 PGS

201581730

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M



NOTICE OF PUBLIC HEARING

Notice is given that a **Public Hearing** by the Board of Directors of the Barton Springs/Edwards Aquifer Conservation District will be held at the District office located at 1124 Regal Row, Austin, Texas, during its Regular Meeting on **Thursday, November 19, 2015, at 6:15 p.m.** for the following purpose:

Groundwater Management Area 9 Proposed Desired Future Conditions and Proposed Non-Relevant Aquifer Classifications

At an open meeting of the **Groundwater Management Area 9 Joint Planning Committee** (GMA-9) held on September 28, 2015 in Dripping Springs, Texas, and attended by representatives from the following groundwater conservation districts located wholly or partially within Groundwater Management Area 9: Bandera County River Authority and Groundwater District, Barton Springs/Edwards Aquifer Conservation District, Blanco-Pedernales Groundwater Conservation District, Comal Trinity Groundwater Conservation District, Cow Creek Groundwater Conservation District, Edwards Aquifer Authority, Headwaters Groundwater Conservation District, Hays Trinity Groundwater Conservation District, Trinity-Glen Rose Groundwater Conservation District, and Medina County Groundwater Conservation District; GMA-9 considered and adopted the following Proposed Desired Future Conditions (DFCs) and Proposed Non-Relevant Aquifer Classifications for GMA-9:

Proposed Desired Future Conditions

Trinity Aquifer

**Allow For An Increase in Average Drawdown of
Approximately 30 Feet Through 2060 (throughout GMA-9)
Consistent with "Scenario 6" in TWDB GAM Task 10-005.**

Edwards-Trinity (Plateau) Aquifer

**Allow For No Net Increase in Average Drawdown in Bandera
and Kendall Counties through 2070.**

Ellenburger-San Saba Aquifer

**Allow For An Increase in Average Drawdown of No More
Than 2 Feet in Kendall County through 2070.**

Hickory Aquifer

**Allow For An Increase in Average Drawdown of No More
Than 7 Feet in Kendall County through 2070.**

Proposed Non-Relevant Aquifer Classifications

Edwards Aquifer (Balcones Fault Zone)	Bexar, Comal, Hays, and Travis Counties
Edwards-Trinity (Plateau)	Blanco and Kerr Counties
Ellenburger-San Saba	Blanco and Kerr Counties
Hickory	Blanco, Hays, Kerr, and Travis Counties
Marble Falls	Blanco County

Members of the public are invited to attend and provide oral comment, testimony, and/or submit other documentation and information relevant to the Proposed DFCs and Non-Relevant Aquifer Classifications to the Board of Directors at this Public Hearing.

If unable to attend the Public Hearing, members of the public are invited to submit written comments, testimony, and/or other documentation and information relevant to the Proposed DFCs and Non-Relevant Aquifer Classifications to the Board of Directors at the District Office located at:

1124 Regal Row, Austin, TX 78748

GMA-9 has prepared standardized Public Comment Forms to help you organize and substantiate your submission. This form is available at the address above.

The Public Comment period runs from October 1, 2015 through December 31, 2015.

The District will prepare a report of any relevant comments received at the Public Hearing and attach any written comments, testimony, and/or other documentation and information relevant to the Proposed DFCs and Non-Relevant Aquifer Classifications received through December 31, 2015. This report and attachments will be provided to the GMA-9 Committee for their review, consideration, and incorporation into the DFC decision-making process.

Questions or requests for additional information may be submitted to:
Brian Hunt @ 512-282-8441 or brianh@bseacd.org

Came to hand and posted on a Bulletin Board in the Courthouse, Travis County, Texas, on this,
the _____ day of October 2015, at _____ p.m.

_____, Deputy Clerk

Travis County, TEXAS

Came to hand and posted on a Bulletin Board in the Courthouse,
Austin, Travis County, Texas on this the 23RD day of
OCTOBER 2015.

Dana DeBeauvoir

County Clerk, Travis County, Texas

By

M. Mitchell
M. MITCHELL

Deputy



FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

Oct 23, 2015 10:04 AM

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MITCHELLM: \$3.00

Dana DeBeauvoir, County Clerk
Travis County TEXAS

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting & Public Hearing
November 19, 2015**

Board members present at commencement: Mary Stone, Craig Smith, Blayne Stansberry, Bob Larsen and Blake Dorsett. Staff present: John Dupnik, Brian Smith, Dana Wilson, Brian Hunt, Robin Gary, Kendall Bell-Enders, Vanessa Escobar, and Tammy Raymond. Bill Dugat of Bickerstaff, Heath, Delgado, Acosta also participated in the meeting. Also present were those on the attached sign-in sheet. These minutes represent a summarized version of the meeting; the complete discussion of the following items is recorded digitally.

1. Call to Order.

Ms. Stone called the meeting to order at 6:01 p.m., noting that a quorum of the Board was present.

2. Citizen Communications (Public Comments).

There were no 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.**
2. **Approval of minutes of the Board's October 22, 2015 Regular Meeting.**
3. **Approval to close the District office on Tuesday, December 21, 2015.**
4. **Approval of the staff's individual incentive compensation projects for FY 2016.**
5. **Approval to issue a Request for Qualifications/Proposals for solicitation of a new financial auditor.**

Mr. Dupnik asked to remove item 3a. 4 from the consent agenda because it has not been finalized, and noted that it would be on the December 17th agenda.

Ms. Stansberry moved approval of Items 3a. 1, 2, 3 and 5, noting an invoice from Bickerstaff in the amount of \$8030.50, and noted that the date of the office closure should be December 22nd.

Mr. Smith seconded the motion and it passed unanimously with a vote of 5 to 0.

3. Routine Business.

- 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.)*

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 Topics.** *(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 Update Report – at directors' discretion**
- ii. **Update on activities related to GMA and regional water planning**
- iii. **Update on regulatory and enforcement activities**
- iv. **Update on ongoing and prospective District grant projects**
- v. **Update on activities related to the HCP and the associated draft EIS**

Mr. Dupnik and staff updated the Board and answered Director's questions on the items listed above.

4. Public Hearing – GMA 9 DFCs

The District will hold a public hearing on: 1) proposed Desired Future Conditions (DFCs) for the Trinity Aquifer (throughout GMA-9), the Edwards-Trinity Plateau Aquifer (Kendall County), the Ellenburger-San Saba Aquifer (Kendall County), and the Hickory Aquifer (Kendall County), and 2) proposed Non-Relevant Aquifer classifications for the Edwards Aquifer-Balcones Fault Zone Aquifer (Bexar, the Comal, Hays, and Travis Counties), the Edwards-Trinity Plateau Aquifer (Blanco and Kerr Counties), the Ellenburger-San Saba (Blanco and Kerr Counties), the Hickory Aquifer (Blanco, Hays, Kerr, and Travis Counties), the Marble Falls Aquifer (Blanco County) adopted by GMA-9. The Board will accept oral comment, testimony, and other documentation and information relevant to the proposed DFCs and Non-Relevant Aquifer Classifications.

Ms. Stone opened the Public Hearing at 6:50 p.m.

Mr. Hunt explained that State rules require each GCD to hold a Public Hearing on the proposed Desired Future Conditions for the Trinity Aquifer throughout GMA-9. He stated that the public comment period began on October 1st and will end on December 31st. Members of the public are invited to attend the hearing and provide oral comment, testimony, and/or submit other documentation.

Mr. Dupnik stated that the District will prepare a report on comments received that will be provided to the GMA-9 Committee for their review, consideration, and incorporation into the DFC decision-making process.

Ms. Stone called for public comments.

Mr. Bill Bunch of Save Our Springs Alliance stated that they will be filing written comments before the deadline. He said that there will be a lot of talk about the 30 feet of drawdown on the Trinity and they join with others to urge that it not be renewed, and that it be reduced enough to maintain current groundwater levels or something very close to that. The main focus being Jacob's well.

Ms. Stone closed the Public Hearing at 7:00 p.m.

5. Discussion and Possible Action.

5a. Discussion and possible action related to approval of the District's progress towards achieving goals and objectives in the District Management Plan in FY 2015, to be included in the District's Annual Report.

Mr. Dupnik provided an overview of the Board-approved methodology for assessing the progress towards satisfying the District's objectives as defined in the District's Management Plan. Mr. Dupnik then informed the Board that staff has provided documentation of the progress made during FY15 in the draft Appendix B provided in the Board backup and offered that Staff's assessment was that satisfactory progress was made on each of the six management objectives.

After discussion, Mr. Smith moved that satisfactory progress was made on each of the objectives 1 through 6 in the District Management Plan in FY 2015.

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

5b. Discussion and possible action related to amending the FY16 Budget.

Mr. Dupnik and Ms. Wilson explained the needed revisions to the FY16 Budget, and answered questions from the Board.

After discussion, Mr. Smith moved adoption of Revision 1 of the FY 2016 Budget as outlined.

Ms. Stansberry seconded the motion and it passed unanimously with a vote of 5 to 0.

5c. Discussion and possible action related to activities associated with the District review of State Highway 45 Southwest design plans.

Mr. Dupnik explained that Tom Hegemier, the District's contracted engineer, has actively participated in the technical work group's ongoing review of the stormwater control designs and concepts for SH45 southwest. The District's initial intent was to complete the design review under the comment period provided in the Consent Decree and provide comments for Board consideration and possible approval at this meeting, but it is apparent that the design is not ready for review at present. He went on to say that staff and Mr. Hegemier met with the Board subcommittee on November 17th to go over the status of the project and discuss a strategy going forward. He said that based on that discussion and direction from the subcommittee, staff recommends the following:

1. Restating the Board's adopted guiding principles for stormwater control design to the CTRMA.
2. Focusing the District engineer's time on review of the City of Austin's comments submitted on 11/19/15.
3. Reserving the District's comments until such time that the CTRMA's design intentions are firm.
4. Conveying these points and the District's intent to the CTRMA and request an updated timeline for submitting comments.

Mr. Dupnik said that Mike Personette from the City of Austin was present to provide the cities position.

Mr. Personette stated that the City is operating under some council resolutions that are getting outdated at this point according to the current council, but the Watershed Protection staff are engaging in the technical work groups offering deep expertise in storm water management and SOS levels of non-degradation. He also said that they are giving them a lot of input in construction management, and how to minimize impacts during construction. He ended with saying that at staff level, they are not agreeing at this point to any of the elements that they have come up with, and now is the time to get our opinions heard.

Mr. Bill Bunch stated that he appreciated the District working on this issue and hiring an engineer, but is concerned about the project and process for some time. He spoke to Dr. Luran Ross, their environmental consultant on this project, and she suggested that we keep a list of things not in agreement, and what's not being addressed as well as the list of good. He gave a list of examples and said that the original EIS stated that it would take three years to reach the 45 right away to the springs, if it even went there, and now we know that it takes less than three days for recharge to reach the springs. All three projects are not separate and they are one project. He appreciates our course of action.

Dr. Larsen moved approval of the recommendations of the staff and the board subcommittee as outlined in Mr. Dupnik's memorandum to the Board dated the 19th of November.

Ms. Stansberry seconded the motion and it passed unanimously with a vote of 5 to 0.

- 6. Directors' Reports.** *(Note: Directors' comments under this item cannot address an agenda item posted elsewhere on this agenda and no substantive discussion among the Board Members or action will be allowed in this meeting. Communications reported under this item may be used to support Performance Standard 4-1 of the District's Management Plan related to demonstration of effective communication with District constituents.)*

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;
- Conversations with public officials, permittees, stakeholders, and other constituents;
- Commendations; and
- Issues or problems of concern.

Dr. Larsen reported the following:

Lunch meeting with Carlos Swanke
Met with Ken Jacobs
Met with Joe Pantalion
Gave a talk to TARG
SH45SW meeting
Gave a talk to Travis County Commissioners

Mr. Smith reported the following:

Attended a City of Austin workshop on the Barton Springs bath house

Ms. Stansberry reported the following:

Met with Robert Steinbomer
Met with Kassandra Garza
Met with staff on outreach

Ms. Stone reported the following:

Met with staff on outreach
Met with Pam Schmidt

Mr. Dorsett reported the following:

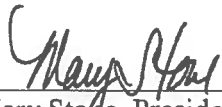
Met with Goforth Water
Met with Ryan Crump of Onion Creek Country Club


Attended the Creedmoor Maha Board meeting

7. Adjournment.

Without objection, Ms. Stone adjourned the meeting at 7:52 p.m.

Approved by the Board on December 17, 2015:

By: 
Mary Stone, President

Attest: 
Blayne Stansberry, Secretary

Item 4

Board Discussions and Possible Actions

- d. Discussion and possible action related to selection of the first-choice firm and authorization to negotiate engagement of an accounting firm to perform financial auditing services.**



**Barton Springs
Edwards Aquifer**
CONSERVATION DISTRICT

MEMORANDUM

Date: 1/8/16

To: Board of Directors

From: Dana C. Wilson, Senior Administrative Programs Manager
John Dupnik, P.G., General Manager

Re: Agenda Item 4.d. – Selection of an accounting firm for financial auditing services

In accordance with our procurement process, staff has solicited SOQs from interested accounting firms to provide financial auditing services, and received two submittals from:

- 1) Montemayor Hill Britton and Bender
- 2) Jansen and Gregorczyk

Please find attached 1) the RFQ and 2) copies of the 2 SOQs received.

Both firms were interviewed by staff and judged to be qualified to submit proposals for Board consideration. The proposals have not yet been received as of the date of this memo but will be submitted to the Board prior to the Board meeting on January 14, 2016.

At the Board meeting, staff will be prepared to provide a recommendation for the first-choice firm to be selected to initiate negotiations.

Requested action: Staff will request that the Board select the first-choice firm and authorize the General Manager to negotiate and execute an engagement letter with that firm to provide financial auditing services.

Once engaged, staff will begin work with the firm to complete the audit within the extended deadline authorized by the Board of March 31, 2016.



**Barton Springs
Edwards Aquifer**
CONSERVATION DISTRICT

**Barton Springs/Edwards Aquifer Conservation District
Request for Statements of Interest and Qualifications
For Financial Auditing Services
RFQ No. 120115-001**

The Barton Springs/Edwards Aquifer Conservation District (District) requests statements of interest and qualifications (SOQs) from qualified independent accounting firms to provide annual financial auditing services. The selected firm shall employ a Texas Certified Public Accountant, preferably with experience in auditing Texas Water Code, Chapter 36 Groundwater Conservations Districts (GCDs) or at a minimum, local government/political subdivisions.

BACKGROUND

The District is requesting qualifications and proposals of auditors to audit the District's financial condition annually for a maximum of five years. Each annual renewal may be subject to and contingent upon an actual performance review by the Board.

Generally, audit services commence in October and November for the previous fiscal year (September 1 through August 31), and the audit is presented to the District Board in December for approval as a required component of the annual report as required by the District's Bylaws. Due to unforeseen circumstances, the initial year of this agreement and the audit that covers September 1, 2014 through August 31, 2015 will need to commence immediately upon engagement and be completed as soon as possible.

PURPOSE AND SCOPE

To audit the statement of net assets and the related statements of revenues, expenses and changes in net assets, and cash flows for the year then ended;

To apply certain required supplementary information such as MD&A to supplement the basic financial statements and to report on supplementary information (budget comparisons schedule) other than RSI that accompanies the District's financial statements;

To express an opinion on the general purpose financial statements to meet compliance requirements specifically set forth by the Governmental Accounting Standards Board (GASB), the National Council on Governmental Accounting (NCGA), and the American Institute of Certified Public Accountants (AICPA) in the following:

- AICPA Industry Audit Guide for audits of State and Local Governmental Units
- Accordance with GAAP under Texas Administrative Code Requirements governing Groundwater Districts
- Compliance with financial requirements as stated in the Texas Water Code, Chapter 36
- Office of Management and Budget (OMB) Circular No. A-133
- General Accounting Office Standards for Audits of Governmental Organizations, Programs, Activities and Functions
- Compliance with EPA, TCEQ, the Government Code, and TWDB Grant Requirements.

In addition to the annual auditing services, the auditor needs to be available throughout the year to assist with any extraordinary accounting or financial matters that may arise.

OTHER AREAS OF CONCENTRATION

- Financial Reporting Recommendations
- Compliance to latest District Rules & Bylaws Financial Areas
- Administrative Procedural Checks and Balances pertaining to Financial Accounting
- Familiarity with Fund Accounting Methodology

END PRODUCTS FOR EACH FISCAL YEAR

- Auditor's Opinion, Audit Report
- Letter to Management and Board of Directors
- General Purpose Financial Statements
- Supplementary Budget to Expense Comparison Report

EXPERIENCE AND APPROACH

A simple statement of interest should be submitted including the following information:

- a general description of the firm, qualifications, capabilities, and any experience in the past five years relevant to this request;
- a general description of any past experience with GCDs or other public bodies;
- a statement certifying that the applicant and/or his/her firm is not aware of any existing conflicts of interest with the District or its Board of Directors; and
- any other information relevant to scope of services.

SELECTION AND NEGOTIATION

Interview(s) with qualified offerors will be conducted by the General Manager staff and then a more comprehensive letter proposal to the Board of Directors will be solicited from the offeror(s) judged more qualified. These letters should set forth the scope and schedule, and the reasons why a prospective offeror should be selected for negotiation of a final contract and any conditions attendant to such contractual work; these letter proposals will serve as the basis for selection of the District's (first) choice for negotiation, with the selection and the negotiated contract approved by the Board in a posted meeting.

While the cost of the prospective work will be negotiated following contractor selection, the District has budgeted up to \$10,000 for the scope of services described. The District intends to complete negotiations with its selected contractor and award the contract by the regularly scheduled Board meeting on **January 14, 2015**.

SOQ SUBMITTAL

Interested parties are asked to submit brief SOQs to the District by 5:00 pm Thursday, **December 17, 2015**. SOQs may be submitted to Dana Wilson, Senior Administrative Manager, at the following address:

Barton Springs/Edwards Aquifer Conservation District
Attn: Dana Wilson
1124 Regal Row
Austin, Texas 78748
(512) 282-8441

Or submitted electronically to: dana@bseacd.org (Subject: Financial Auditor)

Any questions about this solicitation also should be submitted to Dana Wilson at dana@bseacd.org.

**PROPOSAL FOR THE
FINANCIAL AUDIT
OF
Barton Spring Edwards Aquifer Conservation District**

December 8, 2015

Jansen and Gregorczyk, CPA's
PO Box 1778

Kyle, TX 78640
(512)268-2749

JANSEN AND GREGORCZYK

Telephone
(512) 268-2749

Certified Public Accountants
P.O. Box 1778
Kyle, TX 78640

Fax
(512) 268-5057

December 8, 2015

Ms. Dana Wilson
Barton Springs/Edwards Aquifer Conservation District
1124 Regal Row
Austin, TX 78748

Dear Ms. Wilson:

Thank you very much for allowing our firm to submit a proposal for auditing services. We appreciate the opportunity to present our qualifications to perform the financial audit of Barton Springs/Edwards Aquifer Conservation District as of August 31, 2015 and for the year then ended in accordance with U.S. generally accepted auditing standards.

The following pages provide an overview of the professional services our firm will provide in connection with the audit of the financial statements. We have a unique approach to the audit as we become an integral part of your engagement. Your engagement will be planned and conducted by qualified individuals, each of who have significant experience in governmental and not-for-profit auditing.

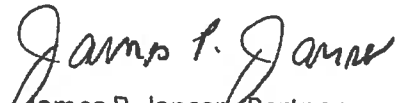
Our firm has an in-depth knowledge of how local government functions, especially in the areas of accounting, budgeting, data processing, planning, personnel, and grants administration. We have provided financial audits for water conservation districts in Travis and Hays County, as well as other surrounding counties. Additionally, we serve as the Internal Auditor for Sabine River Authority.

We would consider it a privilege to be of service to Barton Springs/Edwards Aquifer Conservation District. Thank you for your time to evaluate and review our proposal. Please let us know if we can be of any additional assistance in your decision making process

The proposed fee and expenses to perform the audit of Barton Springs/Edwards Aquifer Conservation District is \$9,850. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the

audit. Such unexpected circumstances might include, for example, a greater than expected risk of material misstatement due to fraud. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs. We must have a signed engagement letter to start our planning portion of the audit.

Regards,


James P. Jansen, Partner

Firm and Technical Qualifications

Jansen and Gregorczyk is located in Kyle, Texas. The firm performs audits for governmental and not-for-profit entities. The staff attends continuing professional education classes as required by the Texas Society of Certified Public Accountants. The firm also is subject to peer review and the peer review letter will be provided if our firm is selected for negotiation.

Currently, the firm performs audits for several water districts and water conservation districts – Hurst Creek MUD, Plum Creek Conservation District, Escondido Watershed District, Ecletto Watershed District and Beechwood Water Supply Corporation. Our firm also audits many other governmental entities and a list of all references will be provided with a formal proposal should we be selected.

Mr. Jansen will serve as the Partner in Charge of this engagement. His primary responsibilities include auditing and utility consulting. The auditing practice clients include river authorities, water districts, fire districts, and not-for-profit entities. The utility consulting practice clients include utilities, cities, state agencies and consumer groups. Mr. Jansen has provided expert testimony on accounting issues, invested capital, rate of return, rate design and cost allocations. Mr. Jansen has also performed management and internal audits for river authorities.

Jansen and Gregorczyk will audit the financial statements of the Barton Springs/Edwards Aquifer Conservation District to form an opinion on the statements. This audit will be performed in accordance with Generally Accepted Auditing Standards as described by the American Institute of Certified Public Accountants and the Governmental Accounting Standards Board. We shall test the underlying documents by using analytic, compliance, and substantive testing.

Jansen and Gregorczyk will perform the audit in accordance with accounting principles generally accepted in the United States of America. Auditing standards require that the audit be properly planned and supervised, adequate testing be performed, and additional procedures be performed to formulate an opinion. We will perform analytical procedures on accounts and vouching of individually significant amounts based on the calculated materiality of specific account categories. The type and extent of the testing is determined by the anticipated risk and the type of account. The Guide to Audits of Local Governments presents forms and tables to help us determine the size and extent of substantive tests to use in the audit of Barton Springs/Edwards Aquifer Conservation District. Our firm utilizes software designed for audit firms that is designed by the Practitioners Publishing Company and the AICPA. Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts and may include tests of the physical existence of assets and direct confirmations of receivables, cash, and certain other assets and liabilities with the appropriate organizations. Before we start our field work, in order to plan our test work, we will need an electronic copy of your general ledger and any subsidiary schedules that are routinely prepared by your accounting staff for the District. We also will need a

copy of the minutes of board meetings during the fiscal year we are auditing. Next, we will send the required confirmations for Barton Springs/Edwards Aquifer Conservation District at year-end. You will need to complete the forms with account numbers, names of banks, etc.

Additionally, prior to the field work, we will have to document your system of internal control for the District. This documentation will require us to consult with your accounting staff in order to complete forms, questionnaires, prepare memos, and answer questions from your staff. The system of internal control will be analyzed and documented. Under testing, documents will be examined to ensure proper recording. This testing will include analytical, compliance and substantive testing. After this information is reviewed an opinion will be formed.

Our audit will include obtaining an understanding of the organization and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. An audit is not designed to provide assurance on internal control or to identify deficiencies in internal control. However, during the audit, we will communicate to management, and those charged with governance, internal control related matters that are required to be communicated under AICPA professional standards.

A management letter will be written to clarify improvements to the accounting system or controls which should be implemented. We believe that the management letter should be used to point out areas that can be improved and should be used as a guide to improve internal control. In addition, we will examine your fraud detection program. This will require us to send a questionnaire to all employees and Board members. Additionally, we will interview the Fiscal Officer, members of the Audit Committee and key accounting personnel.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A material weakness is a deficiency or combination of deficiencies in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. (SAS No. 115).

In Summary:

We will work with the organization's Senior Administrative Manager to review all the accounting records, information and other relevant data. Additionally, we will propose scheduled periodic meetings with the organization's management personnel to stay abreast of issues that the organization is facing. We will also be available during the year for questions from the staff via telephone or email.

The objective of our audit is the expression of opinions as to whether your basic financial

statements are fairly presented, in all material respects, in conformity with generally accepted accounting principles and to report on the fairness of the additional information referred to in the first paragraph when considered in relation to the basic financial statements taken as a whole. Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America and will include tests of the accounting records and other procedures we consider necessary to enable us to express such opinions. If our opinions on the financial statements are other than unqualified, we will fully discuss the reasons with you in advance.

The report will include the required MD&A. As a supplemental schedule we will provide the Budgetary Comparison Schedule. As mentioned earlier, the report will include a Management Letter (Communication to the Board) which identifies any material weaknesses and/or significant deficiencies discovered during the audit, if any. Also, it will communicate other matters that are required.

Individuals Performing the Audit

Mr. James P. Jansen, CPA, will be the lead partner for this engagement. He has been performing audits since 1974. He is the lead partner on all of our water district audits.

Ms. Debi Hubert will be the lead accountant on this audit. She is the lead accountant on all of the water district audits.

Our firm is not aware of any existing conflicts of interest with the District or its Board of Directors. We are independent with respect to this engagement.

Task/Activity Plan

Below is a broad explanation of the audit process which our firm follows:

- Perform procedures regarding acceptance/continuance of the client relationship, evaluate compliance with ethical requirements (including independence), and establish an understanding with the client in an engagement letter.
- Perform risk assessment procedures and gather information about the entity and its environment that may be relevant in identifying risks of material misstatement of the financial statements.
- Gather the information to understand and evaluate the design and implementation of the entity's internal control system.
- Synthesize the information gathered, identify risks (both overall and specific) that could result in material misstatement of the financial statements, and develop an overall audit strategy.
- Assess the risks of material misstatement of the entity's financial statements.
- Develop and perform appropriate responses (further audit procedures) to the assessed risks of material misstatement of the financial statements considering the overall audit strategy and planning materiality.
- Evaluate audit findings and evidence that will be communicated to those charged with governance.
- Prepare required reports and communications

Firm Estimate

Based upon the information provided to our firm, we anticipate the firm estimate to be \$9,850 to perform the fiscal audit for the year ended August 31, 2015.

If selected for negotiation a formal proposal will be submitted to the Board.



Montemayor Hill Britton & Bender PC

CERTIFIED PUBLIC ACCOUNTANTS

BARTON SPRINGS EDWARDS AQUIFER CONSERVATION DISTRICT

STATEMENT OF INTEREST AND QUALIFICATIONS

Montemayor Hill Britton & Bender PC
Certified Public Accountants
2525 Wallingwood Drive
Building 1, Suite 200
Austin, Texas 78746



Montemayor Hill Britton & Bender PC

17 December 2015

CERTIFIED PUBLIC ACCOUNTANTS

Board of Directors and Management
Barton Springs Edwards Aquifer Conservation District
1124 Regal Row
Austin, Texas 78748

Dear Sirs and/or Mesdames:

Our firm is interested in serving you as auditor for the year fiscal year ended August 31, 2015 and additional subsequent years at your discretion. We will be ready to start immediately upon acceptance as auditors. We have performed audit services for governmental entities (including water districts and MUDs) for over 30 years. Our firm is primarily an audit firm. Ninety-eight (92)% of our revenue involves auditing. We are also available throughout the year to provide assistance as needed. We provide this routine assistance at no additional cost. If the assistance needed is significant, we will discuss fee estimates prior to commencing work.

Significant Governmental Experience

Our firm is one of the largest home-grown local firms in Central Texas. We have performed audits of nonprofit organizations in accordance with U.S. generally accepted auditing standards established by the American Institute of Certified Public Accountants; General Accounting Office *Government Auditing Standards*; and the provisions of OMB Circular A-133, *Audits of States, Local Governments and Nonprofit Organizations*.

Independence and Objectivity

We hereby certify that we do not have any existing conflicts of interest with the District or its Board of Directors. Our firm is committed to the highest levels of independence and objectivity in our audit and consulting practice. We have the ability to rotate partners, managers and staff in continuing engagements.

Commitment to Quality Client Service

We approach every engagement with a focus on properly serving our client, including timeliness of completion and accuracy in reporting. We communicate routinely with our clients to keep them abreast of the progress of each project.

Commitment to Serving the Barton Springs Edwards Aquifer Conservation District

We will demonstrate this commitment to the Barton Springs Edwards Aquifer Conservation District through significant manager and partner time, and a commitment to client service that is evidenced by our extensive experience with similar organizations.

Thank you for your time to review this statement of qualifications. We look forward to a long-term relationship in which you are confident our services are of high quality and our fees are reasonable.

Respectfully,

Arturo Montemayor III, President & CEO
Montemayor Hill Britton & Bender PC

2525 WALLINGWOOD DRIVE
BUILDING 1, SUITE 200
AUSTIN, TEXAS 78746
PHONE: 512.442.0380
FAX: 512.442.0817
www.montemayorhill.com

FIRM TECHNICAL QUALIFICATIONS

Montemayor Hill Britton & Bender PC, Certified Public Accountants is a local firm based in Austin, Texas. Arturo (Archie) Montemayor III was conferred a Bachelor of Business Administration degree from The University of Texas at Austin on December 19, 1985, and was hired by the accounting and management consulting firm of Grant Thornton International. While at Grant Thornton International, Mr. Montemayor was promoted to Audit Senior and was the key client contact and in-charge auditor for many nonprofit clients. In January 1991, Mr. Montemayor joined Garcia & Sprouse as audit manager where he continued his development in the nonprofit sector. In January 1995, Mr. Montemayor was admitted as partner.

In September of 1996, Mr. Montemayor established a certified public accounting practice unit under his own name and is currently classified as a Historically Underutilized Business (HUB) as certified by the City of Austin, the Texas Department of Transportation (TxDOT), Capital Metro, the General Services Commission, and the North Central Texas Regional Certification Agency (NCTRCA).

Mr. Montemayor has over 30 years experience with audits in accordance with U.S. generally accepted auditing standards for nonprofit organizations, governmental organizations, employee benefit plans, and for-profit entities. During this time the firm has become involved in the community serving as auditors, consultants, and seminar presenters. Mr. Montemayor continues to be active engagement principal for the majority of the firm's audits.

In June of 2005, Pamela L. Hill, CPA was admitted as a shareholder in the corporation. Ms. Hill had previously served 15 years with Sprouse and Anderson, L.L.P., a large local firm and she was admitted as a partner in January 2000. During the span of her audit experience, Ms. Hill has focused on audits of nonprofit organizations, employee benefit plans and the requirements of the Single Audit Act.

In January 2013, Stacy Britton, CPA and Sean Bender, CPA were admitted as shareholders in the corporation. Ms. Britton and Mr. Bender had served for several years as audit managers in the firm. During the span of their audit experience, Ms. Britton and Mr. Bender have gained extensive experience in nonprofit organizations and governmental entities, including audits under the requirements of the Single Audit Act.

All of the CPAs in our firm are licensed by the State of Texas. Our firm is licensed as a practice unit by the State of Texas. Our audits are planned and performed to meet the objectives and criteria of the applicable audit standards, with minimum disruption of our clients' ongoing operating activities. We also provide guidance for our clients to prepare as much documentation as possible to reduce professional time required to complete the audit. At the conclusion of our audits, we issue separate reports to management describing the conduct of the audit and presenting recommendations for improving internal controls and operating efficiency.

In addition to financial statement and compliance audits, our firm also performs the following services:

Financial Statements Reviews

Our firm performs reviews of financial statements in accordance with Statements of Standards for Accounting and Review Services, issued by the American Institute of Certified Public Accountants. A review is substantially less in scope than an audit, and consists primarily of making inquiries of management, and applying analytical procedures to financial data. The accountants report on reviewed financial statements does not render an opinion, but states that no modifications came to the reviewer's

attention that would be required in order for the financial statements to be in accordance with U.S. generally accepted accounting principles. Consequently, the fees for performing a review of financial statements are significantly less than for an audit. A review report contains all the financial information and disclosures required by U.S. generally accepted accounting principles and is ideal for clients who are not required to have their financial statements audited, but who want financial statements with full disclosures for internal or external purposes.

Bookkeeping and Financial Statement Compilations

Our firm can perform monthly, quarterly and annual bookkeeping services as required by our clients' needs. Upon completion of our bookkeeping tasks we issue a report on compiled financial statements. Included in this area are preparation of payroll reports, property tax reports, and any other financial or bookkeeping projects our clients may request.

Internal Audit Procedures

Our firm provides internal audit function services for clients who do not have sufficient staffing to perform these procedures internally. The scope of these procedures can be tailored to meet budget constraints. As part of our service, we assist our clients in determining the extent of tests to achieve a high cost/benefit ratio for our clients. After completing our procedures, we issue a detailed report which outlines procedures to be performed, findings noted, and recommendations for improvement.

Management Consulting

Our firm provides several management consulting services which vary in size, complexity and technical subject matter. Our focus in management consulting is to assist our clients in finding solutions to financial or management issues which may arise, as well as identifying issues for improvement. Areas in which we can provide assistance include but are not limited to:

- Internal control evaluation and testing, including presenting findings and recommendations
- Review and analysis of the financial management function, including regulatory compliance issues
- Performing agreed-upon procedures or technical assistance on specific items
- Assistance in budget preparation and assessment
- Due diligence procedures related to business acquisitions.

Tax preparation

We prepare Form 990 and 990T tax returns for the majority of our nonprofit clients.

Firm License

Our firm is properly licensed with the Texas State Board of Public Accountancy (TSBPA) to practice public accountancy through March 2014, a license which renews annually. There have been no complaints leveled against the firm or any of its employees by the TSBPA or other regulatory agencies.

PERSONNEL

Name, Year Hired

Title

* Audit team, see attached resumes

* Arturo (Archie) Montemayor III, CPA, 1996 (10% of engagement time)

President & CEO

Pamela L. Hill, CPA, 2005

Shareholder

* Stacy Britton, CPA, 2006 (20% of the engagement time)

Shareholder

Sean Bender, CPA, 2010

*Danielle Guerrero, 2006 (70% of the engagement time)

Celeste Castro, 2013

Lisa Hoelscher, 2011

Delia Soto, 2012

Riley Watson, 2014

Renee Keirstead, 2012

Two members

Shareholder

Senior Associate

Senior Associate

Senior Associate

Associate

Associate

Tax

Support Staff

CURRENT OR FORMER GOVERNMENTAL ENTITY CLIENTS

Below is a partial list of current or past governmental audit clients. Additional references are available upon request.

Meadows at Chandler Creek MUD
14050 Summit Drive, #113
Austin, Texas 78728

Capital Area Rural Transportation System
2910 E. 6th st.
Austin, Texas 78702

Dripping Springs Community Library Dist.
501 Sportsplex Drive
Dripping Springs, TX 78620

Travis County
(subcontract with Deloitte & Touche LLP)
400 West 15th Street, Suite 1700
Austin, Texas 78701

Hays County ESD#6
P.O. Box 1237
Dripping Springs, TX 78620

State of Texas Single Audit
(subcontract with KPMG)
Austin, Texas

LCRA-Retirement Plan
P.O. Box 220, Mail Stop L-123
Austin, TX 78767-0220

Westbank Community Library District
1309 Westbank Drive
Austin, Texas 78746

City of Waelder
PO Box 427
Waelder, Texas 78959

City of Austin
(subcontract with Deloitte & Touche LLP)
2200 Ross Avenue, Suit 1600
Dallas, TX 75201-6778

East Texas Gateway Library District
13512 FM 812
Del Valle, Texas 78617

Capital Metro
(subcontract with KPMG)
PO Box 981752
El Paso, Texas 79998-1752

Texas Guaranteed Student Loan Program
(subcontract with KPMG)
Austin, Texas

City of Austin-Police Retirement System
PO Box 41089
Austin, Texas 78704

Austin Community College
(subcontract with Padgett Stratemann & Co.
LLP)
515 Congress Avenue, Suite 1212
Austin, TX 78704

Travis Co. E.S.D. #6
Firefighters' Relief and Retirement Fund
124 White Fox Cove
Round Rock, TX 78664

PEER REVIEW

Our firm participates in the Peer Review Program of the American Institute of Certified Public Accountants administered by the Texas Society of Certified Public Accountants (since May of 1997). Our audit practice is reviewed every three years. In addition, we perform an internal monitoring review annually. Our last peer review is dated March 6, 2014 and is attached. We have received unqualified opinions on our system of quality control in all of our peer review reports.

PEER REVIEW



**Texas Society of
CPA Certified Public Accountants**

July 28, 2014

Arturo Montemayor III
Montemayor Hill & Co PC
2525 Wallington Dr Bldg 1 Suite 200
Austin, TX 78746

Dear Arturo:

Congratulations on successfully completing the peer review process! Your review has been accepted by Texas Society of CPAs' Peer Review Committee.

Enclosed please find a certificate of completion. Consider displaying this in a high traffic office area for your staff and clients to view. In addition, you can include the fact that you're a peer reviewed firm in your marketing materials and promote the value of such a distinction.

The Public Practice Center inside the online Resource Center on www.tscpa.org shares marketing ideas and provides you with the latest professional news at your fingertips. Be sure to bookmark this resource!

Being a peer reviewed firm is like having a seal of approval. You can be proud of your accomplishment and you should let your staff and clientele share in your pride.

Sincerely,

Texas Society of Certified Public Accountants

Enclosure

AICPA PEER REVIEW PROGRAM

IS PROUD TO PRESENT THIS

CERTIFICATE OF RECOGNITION

TO

MONTEMAYOR HILL & CO PC

For having a system of quality control for its accounting and auditing practice in effect for the year ended October 31, 2013 which has been designed to meet the requirements of the quality control standards for an accounting and auditing practice established by the AICPA and which was complied with during the year then ended to provide the firm with reasonable assurance of conforming with professional standards.



A handwritten signature in dark ink, appearing to read "Rick Reeder".

Rick Reeder, Chair
AICPA Peer Review Board
2013

System Review Report

March 6, 2014

To the Shareholders of
Montemayor Hill & Company, P.C.
and the Peer Review Committee of the Texas Society of Certified Public Accountants

We have reviewed the system of quality control for the accounting and auditing practice of **Montemayor Hill & Company, P.C.** (the firm) in effect for the year ended October 31, 2013. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants. As a part of our peer review, we considered reviews by regulatory entities, if applicable, in determining the nature and extent of our procedures. The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review. The nature, objectives, scope, limitations of, and the procedures performed in a System Review are described in the standards at www.aicpa.org/prsummary.

As required by the standards, engagements selected for review included engagements performed under *Government Auditing Standards* and an audit of employee benefit plans.

In our opinion, the system of quality control for the accounting and auditing practice of **Montemayor Hill & Company, P.C.** in effect for the year ended October 31, 2013, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. **Montemayor Hill & Company, P.C.** has received a peer review rating of *pass*.

Davis Kinard & Co, PC
Certified Public Accountants

SELECTED RESUMES



RESUME OF

PRESENT POSITION

ARTURO MONTEMAYOR III, CPA

President & CEO

Montemayor Hill Britton & Bender PC, Certified Public Accountants, 1996-current

EXPERIENCE

Extensive experience in auditing, management consulting and financial reporting and cost reimbursement contracts

Partner, Sprouse & Winn LLP (2 years)

Audit Manager, Sprouse & Winn LLP (4 years)

Auditor, Grant Thornton International (5 years)

EDUCATION

University of Texas at Austin, BBA - 1985

Peat, Marwick, Mitchell & Co. Scholarship Recipient

ORGANIZATIONS AND ACTIVITIES

American Institute of Certified Public Accountants

Texas Society of Certified Public Accountants

Certified Quality Control Reviewer, AICPA 1994-1995

HICSD Education Foundation, Board Member, 2002-2004

Paramount Theatre, Treasurer Board, 1998-2000

Pathways Board Treasurer, 1997

PRESENTATIONS AND SEMINARS

Instructor: *Nonprofit Audits and Form 990*, Texas Association of Nonprofit Organization, Nonprofit Summit, March 2013

Instructor: *Lions & Tigers & Bears, Oh My! Nonprofit Accounting in the land of Oz*, Texas Network of Youth Services, Continuing Education Workshop, October 2010

Presenter: *Assessing Your Audit Preparedness Utility*, Texas Rural Water Association Conference, June 2010

Presenter: *How does your accounting system measure up?*, Texas Workforce Commission, Financial Conference, 1999

Instructor: *Governmental & Nonprofit Accounting Update*, TSCPA's Fall CPE Expo, 1996

Instructor: *Nonprofit Organization Compliance Issues*, 1996, Austin Chapter of TSCPA's Financial Management Seminar for Nonprofit Organizations, 1996

Instructor: *New Accounting Standards for Nonprofit Organizations*, Austin Chapter of TSCPA's Financial Management Seminar, 1995 and 1994

Instructor: *Financial Management for Nonprofit Organizations*, LBJ School of Public Affairs, University of Texas at Austin, November 1994

Article: *Managing Your Community Development Association*, Texas Community Development Association Statewide Bulletin, September 1994



RESUME OF

PAMELA L. HILL, CPA

PRESENT POSITION

Shareholder

Montemayor Hill Britton & Bender PC, Certified Public Accountants
June 2005-current

EXPERIENCE

Extensive experience in accounting and auditing for non-profit, for profit,
pension and retirement plans, and construction entities

Partner, Sprouse & Anderson, L.L.P. (2000-2005)

Audit Manager/Auditor, Sprouse & Anderson, L.L.P. (1990-2000)

William Kemp, CPA (1987-1990)

EDUCATION

University of Texas at Austin
BBA in Accounting - 1986

ORGANIZATIONS AND ACTIVITIES

American Institute of Certified Public Accountants

Texas Society of Certified Public Accountants

Austin Chapter of Texas Society of Certified Public Accountants

Austin Chapter of Texas Society of Certified Public Accountants, Committee
Member, Accounting, Auditing and Special Services, 1995-1996

Lifeline, Treasurer Board, 1997-2002



RESUME OF

STACY BRITTON, CPA

PRESENT POSITION

Shareholder
Montemayor Hill Britton & Bender PC, Certified Public Accountants
2013 through current

EXPERIENCE

Experience in accounting and auditing for government, non-profit and for profit entities

Manager, Montemayor Hill & Company, P.C., Certified Public Accountants
October 2006 - December 2012

Audit Manager, Jansen & Gregorczyk (2004-2006)

Self-employed, Contract Accounting (2000-2006)

Senior Accountant, Pagemart Wireless, Inc. (1995-1998)

Senior Financial Analyst/Staff Internal Auditor, J.C. Penney, Inc. (1989-1995)

EDUCATION

University of North Texas
Bachelor of Science, Major in Accounting - 1990

ORGANIZATIONS AND ACTIVITIES

Elm Grove PTA - Treasurer, 2005-2007

American Institute of Certified Public Accountants

Texas Society of Certified Public Accountants

Austin Chapter of Texas Society of Certified Public Accountants



RESUME OF

SEAN BENDER, CPA

PRESENT POSITION

Shareholder

Montemayor Hill Britton & Bender PC, Certified Public Accountants
2013 through current

EXPERIENCE

Extensive experience in accounting and auditing for non-profit, for profit,
pension and retirement plans, and financial institutions

Audit Manager, Montemayor Hill & Company, P.C. (2010-2012)

Supervising Senior, Padgett Stratemann & Co. (2008-2009)

Senior, JGD & Associates L.L.P. (2007-2008)

Senior, Sprouse & Anderson L.L.P (2006-2007)

Senior, Montemayor and Associates, (2001-2006)

EDUCATION

Texas State University
Master of Accountancy - 2001
BBA in Accounting - 2000

ORGANIZATIONS AND ACTIVITIES

American Institute of Certified Public Accountants

Texas Society of Certified Public Accountants

Austin Chapter of Texas Society of Certified Public Accountants



RESUME OF

DANIELLE GUERRERO

PRESENT POSITION

Senior Associate

Montemayor Hill Britton & Bender PC, Certified Public Accountants
October 2006 - current

Extensive experience in governmental and nonprofit auditing

EXPERIENCE

Accounting Specialist II, Lutheran Social Services of the South (2004-2006)

Duties: General ledger work, financial analysis, fund accounting, month-end close, yearly cost reports for health care facilities, accounts payable, reconcile bank accounts

Work-Study, Texas A&M University-Kingsville Women's Center (2003-2004)

Duties: Answering phones, planning events, faxing, filing, all office related work

EDUCATION

Texas A&M University - Kingsville

Bachelor of Business in Accounting - 2004

Item 4

Board Discussions and Possible Actions

- e. Discussion and possible action related to setting a policy for open and concealed carry of handguns on District property.**



MEMORANDUM

TO: BSEACD Board of Directors
John Dupnik, General Manager

FROM: Bill Dugat

RE: Concealed and Open Carry

DATE: January 7, 2016

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The District has limited authority to prohibit a concealed or open carry license holder from carrying in areas of the District offices accessible to the general public. As discussed below, the District may prohibit licensed carry of handguns at its Board meetings.

Penal Code sections 30.06 and 30.07 is a criminal trespass statute that allows *private* property owners to prohibit license holders from carrying handguns unto their property by providing a specifically prescribed notice. Tex. Penal Code § 30.06 and 30.07. But the two sections except property which is “owned or leased by a governmental entity and is not a premises or other place on which the license holder is prohibited from carrying the handgun under” Penal Code sections 46.03 and 46.035. Taken together, these provisions authorize a political subdivision to prohibit handguns from only the locations identified under Penal Code section 46.03 and 46.035. These locations include: board meeting, school or educational institution, polling place, government court, correctional facility, hospital, high school or collegiate sporting event, and secured area of an airport.

From the list of excepted locations, three merit further discussion. State law prohibits a license holder from carrying a handgun on government-owned property when the premises are: (1) a polling place on the day of an election or while early voting is in progress; (2) any government court or offices utilized by the court, unless pursuant to written regulations or written authorization of the court; and, (3) in the room or rooms where a meeting of a governmental entity is held and if the meeting is an open meeting subject to Chapter 551, Government Code, and the entity provided notice.

If and when the District were to use its offices a polling place, handguns can be prohibited during early voting and on Election Day. The District may not avail itself of the exception for offices used as a “government court” because the Texas Attorney General has determined this applies only to the judicial bodies created either by the Texas Constitution or the Legislature—neither of which includes the District. Op. Tex. AG No. 47 (2015). The District has the option of posting a specific

notice to prohibit a license holder from carrying in the room where a board of directors meeting is held and if the meeting is an open meeting subject to the Open Meetings Act. Tex Penal Code § 46.035(c) and (i); § 30.06 and 30.07. (Tex. Penal Code § 30.06(c)(3)(A) and 30.07(c)(3)(A) require that the sign giving the notice contain certain language that is printed in a certain size).

The law also allows a person to receive notice of prohibition from the District by oral or written communication. TEX. PENAL CODE § 30.06(b) and 30.07(b). In other words, a District employee could ask a license holder who is carrying to leave a meeting, even if the written notice is not posted, if the board of directors has enacted a prohibition. Another method of providing notice could be to hand to an attendee a card or a copy of the meeting agenda containing the language of Penal Code 30.06 or 30.07. *Id.* at § 30.06(c)(3)(A) and 30.07(c)(3)(A).

Ignoring notice by a license holder is a Class C misdemeanor, except that the offense is a Class A misdemeanor if it is shown on the trial of the offense that, after entering the property, the license holder was personally given the notice by oral communication and subsequently failed to depart. *Id.* at § 30.06(d) and 30.07(d).

Directors and staff who hold a handgun license have no special right to carry a handgun into a board meeting. However, if the District does not post notice that license holders are prohibited from carrying their handguns in the meeting room, *any* license holder, including a director, may do so.

A “no firearms allowed” or similar sign has no effect on a license holder’s ability to carry a handgun on property in which he is otherwise lawfully present. *Id.* § 30.05(f). But the fact that a person holds a license does not grant the person any special right of access to District offices that are not open to the general public. In other words, the District cannot deny a license holder from carrying where the holder is otherwise authorized, but the District can prohibit any person who is not an employee from going into certain areas.

Finally, the District is subject to civil penalties if the District improperly provides notice that a concealed handgun licensee is prohibited from entering or remaining on District property.

## **Item 4**

### **Board Discussions and Possible Actions**

- f. Discussion and possible action related to establishing a Board subcommittee to review Groundwater Stewardship Award nominations.**





Barton Springs  
Edwards Aquifer  
CONSERVATION DISTRICT

# Submit Your 2015 Groundwater Stewardship Award Nominations

(by Wednesday, January 20, 2016)

The Barton Springs/Edwards Aquifer Conservation District presents these stewardship awards every two years to deserving individuals, organizations, companies or agencies that have invested exemplary effort towards the protection and conservation of water resources in the District.

The District will accept nominations in these categories:

## **Aquifer Advocate Award**

Honors efforts to inform and improve policy, collaborate and coordinate community-scale solutions to water resource challenges, and/or involve and educate individuals, neighborhoods, school groups, and professional contacts about water-related issues.

## **Innovation Award**

Honors efforts that incorporate new and creative practices or represent outstanding efforts in communication and partnership toward water conservation, alternate water supplies, or the betterment of the aquifer and related environmental issues.

## **Research and Education Award**

Honors efforts that lead to improved understanding of or advanced practices in areas such as groundwater, hydrogeology, water treatment, alternative water supplies, well drilling, or structural and non-structural best management practices to reduce non-point source pollution.

## **Water Quality Protection Award**

Honors efforts that focus on water quality issues such as water monitoring, sampling/testing, pollution prevention (e.g., creek cleanups), and land use practices to reduce non-point source pollution.

An individual, group, company or agency may be nominated in any one category, and anyone can nominate a deserving entity. The District's Board of Directors will select the recipients; awards may not be given in every category, and categories may be added if needed. District staff, Board members, or District projects are not eligible.

Nominations must be received in the District office by Wednesday, January 20th by 5 p.m. Nomination forms are available on the District's website at: [www.bseacd.org](http://www.bseacd.org) or by contacting the BSEACD office at 512-282-8441.

The Bowie High School Culinary Arts program will host this year's awards ceremony Friday, March 3, 2016.

### **Send nominations to:**

BSEACD, Attn: Awards

1124 Regal Row, Austin, 78748

or email to Robin Gary ([rhgary@bseacd.org](mailto:rhgary@bseacd.org))





**Barton Springs  
Edwards Aquifer**  
CONSERVATION DISTRICT

## 2015 GROUNDWATER STEWARDSHIP AWARDS

### NOMINATION FORM

#### Nominator (person filling out this form)

Name: \_\_\_\_\_  
Organization (optional): \_\_\_\_\_  
Address (include City and Zip): \_\_\_\_\_  
Email and Phone Number: \_\_\_\_\_  
How did you hear about the Stewardship Awards? \_\_\_\_\_

#### Nominee (individual or group being nominated for award)

Name: \_\_\_\_\_  
Organization (optional): \_\_\_\_\_  
Address (include City and Zip): \_\_\_\_\_  
Email and Phone Number: \_\_\_\_\_

#### Award Category (please select the one that best applies)

- |                                           |                                                   |
|-------------------------------------------|---------------------------------------------------|
| <input type="checkbox"/> Aquifer Advocate | <input type="checkbox"/> Research/Education       |
| <input type="checkbox"/> Innovation       | <input type="checkbox"/> Water Quality Protection |

**Reason for Nomination (please feel free to include additional pages, materials, or CDs with photos and/or PowerPoint presentations)**

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Please submit this form and additional materials by **Wednesday, Jan. 20, 2016** by:

**Mail:** BSEACD, Attn: Awards, 1124 Regal Row, Austin, TX 78748.

**Fax:** (512) 282-7016

**E-mail:** rhgary@bseacd.org

## **Item 5**

### **Adjournment**