

## NOTICE OF OPEN MEETING

Notice is given that a **Special Meeting** of the Board of Directors (Board) of the Barton Springs/Edwards Aquifer Conservation District to be held on **Thursday, June 11, 2020**, commencing at **4:00 p.m. via Telephone and Videoconference** pursuant to Texas Government Code, Sections 551.125, 551.127 and 551.131, as modified by the Governor of Texas (Governor) who ordered suspension of various provisions of the Open Meetings Act, Chapter 551, Government Code, effective March 16, 2020, in accordance with the Texas Disaster Act of 1975. Under his proclamation of March 13, 2020, the Governor certified that the COVID-19 pandemic poses an imminent threat of disaster and declared a state of disaster for all counties in Texas. The COVID-19 pandemic makes it difficult to convene a quorum of the Board at one location with the public. Moreover, the COVID-19 pandemic creates an emergency and unforeseeable situation, a sense of urgency, and immediacy for conducting the meeting via Telephone and Videoconference.

This meeting will be audio/video recorded and the recording will be available on the District's website after the meeting. A copy of the agenda packet for this meeting will be available on the District's website at the time of the meeting.

The method for public participation described below follows the Governor's guidance for conducting a public meeting and ensures public accessibility. Members of the public may participate via videoconference or call in by telephone via the instructions provided below:

### INSTRUCTIONS FOR JOINING MEETING

1. You may join the meeting by one of two options:

- a) **Join the Meeting using the Zoom** – use your computer audio/video features  
<https://us02web.zoom.us/j/86108471799?pwd=enA0SzNBaTlmNCt4UGhpMzNKUGxnZz09>

Meeting ID: 861 0847 1799  
Password: 997817

Helpful Tips – visit the District's [Board Meeting webpage](#) for tips on how to set up Zoom on your device prior to the Board Meeting.

- b) **Join the Meeting by Telephone only**  
Meeting Dial In +1-346-248-7799  
Meeting ID 86108471799#  
Password 997817#

### INSTRUCTIONS FOR PUBLIC COMMENTS

1. Register for Public Comment prior to Board Meeting Day - Persons wishing to provide public comment must register by calling (512-282-8441) or emailing [tammy@bseacd.org](mailto:tammy@bseacd.org)

by **5:00 p.m. on Wednesday, June 10, 2020**. Please include the following information in the registration:

- 1) first and last name;
  - 2) email address;
  - 3) phone number;
  - 4) the agenda item on which you wish to comment;
  - 5) indicate whether you would like to comment the day of or have your written comments submitted read into the record; and
  - 6) include written comments, if any.
2. **Public Comments at the Board Meeting** – Each registered person will be recognized and identified by the Presiding Officer or staff moderating the communications when it is their turn to speak. **Public comment is limited to 3 minutes per person.** Only persons who have registered in advance to give public comment during the meeting, will be allowed to provide comment.

Note: The Board of Directors of the Barton Springs/Edwards Aquifer Conservation District reserves the right to meet in 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 4:00 p.m.**
2. **Citizen Communications (Public Comments of a General Nature).**
3. **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.)*
  - a. Approval of Financial Reports under the Public Funds Investment Act, Directors' Compensation Claims, and Specified Expenditures greater than \$5,000. **Pg. 4**
  - b. Approval of minutes of the Board's May 14, 2020 Special Meeting. **Not for public review at this time**
  - c. Approval of a contract extension with Sledge Law for legislative services. **Pg. 22**
  - d. Approval of a contract extension with Brian Zavala for website maintenance and development services. **Pg. 24**
4. **Discussion and Possible Action.**
  - a. Discussion and possible action on the Preliminary FY 2021 Budget and setting a public hearing date. **Pg. 26**

- b. Discussion and possible action on approving a Cybersecurity Policy and a Board Resolution to ensure compliance and implementation of that policy. **Pg. 32**
- c. Discussion and possible action on a Desired Future Condition Technical Memo. **Pg. 37**
- d. Discussion and possible action on the Bureau of Reclamation Water Smart Grant Program. **(Will be emailed)**

5. **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 for consideration. 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.)*

**Topics**

- a. Update on personnel matters.
- b. Update on District's response to COVID-19.
- c. Update on Aquifer conditions and status of drought indicators. **Pg. 48**
- d. Update on Hays County Elections coding corrections.
- e. Update on modeling activities. **Pg. 56**
- f. Review of Status Report and update on team activities/projects. **Pg. 58**
- g. Discussion and update on recent case law decisions affecting groundwater districts.
- h. Upcoming public events of possible interest.

6. **Directors' Reports.**

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

7. **Adjournment.**

**Please note:** This agenda and available related documentation, if any, have been posted on the District website, [www.bseacd.org](http://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**

### **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.)*

- a. Approval of Financial Reports under the Public Funds Investment Act, Directors' Compensation Claims, and Specified Expenditures greater than \$5,000.**
- b. Approval of minutes of the Board's May 14, 2020 Special Meeting.**
- c. Approval of a contract extension with Sledge Law for legislative services.**
- d. Approval of a contract extension with Brian Zavala for website maintenance and development services.**

## **Financial Reports – May 2020**

### **June 11, 2020 Board Meeting**

**1. Profit and Loss Budget vs Actual**

Fiscal year-to-date: September 1, 2019 through May 31, 2020

**2. Profit and Loss Previous Year Comparison**

Fiscal year-to-date: September 1, 2019 through May 31, 2020

**3. Balance Sheet Previous Year Comparison**

May 2020 (compared to May 2019)

**4. Check Register – TRUIST Account**

May 1, 2020 through May 31, 2020

**These reports now reflect the FY 2020 Budget Revision 1 amendments that were approved by the Board at the May 14 Board meeting.**

**1. Profit and Loss Budget vs Actual**

Fiscal year-to-date:

September 1, 2019 - May 31, 2020



**Barton Springs Edwards Aquifer  
Profit & Loss Budget vs. Actual  
September 2019 through May 2020**

	Sept 2019 - May 2020	Budget	% of Budget	Notes
<b>INCOME</b>				
4300.0 · PROJECT INCOME	133,000.00	158,000.00	84.18%	Trinity Modeling (HTGCD ILA \$25,000 expected in June/July)
4400.0 · Interest Income	12,219.15	12,000.00	101.83%	
4625.0 · MISCELLANEOUS INCOME	7,626.24	1,000.00	762.62%	Explorer (totalled) insurance payout.
4800.0 · USAGE AND PRODUCTION FEES	1,632,912.34	1,700,024.00	96.05%	
4810.0 · OTHER FEES	10,549.57	9,800.00	107.65%	Well application/meter reading/late fees, Needmore annual mitigation fee.
<b>TOTAL INCOME</b>	<b>1,796,307.30</b>	<b>1,880,824.00</b>	<b>95.51%</b>	
<b>EXPENSE</b>				
6000.0 · UTILITIES	14,437.35	23,000.00	62.77%	
6005.0 · Prin/Copy/Photo Services	1,033.00	2,000.00	51.65%	
6007.0 · Postage Freight Shipping	931.04	2,500.00	37.24%	
6010.0 · Office Supplies	4,394.02	9,000.00	48.82%	
6011.0 · Computer Hardware-Plotter Supplies	1,592.87	5,000.00	31.86%	
6014.0 · Software Acquisition & Upgrades	3,434.25	6,000.00	57.24%	
6015.0 · IT Monthly Maintenance	9,000.00	14,580.00	61.73%	
6016.0 · Meeting Expense	838.44	1,700.00	49.32%	
6019.0 · Subscriptions/Publications	1,395.81	4,200.00	33.23%	
6020.0 · Advertising	630.04	4,000.00	15.75%	
6021.0 · MISCELLANEOUS EXPENSES	579.81	1,000.00	57.98%	
6022.0 · Accounting System Operation	4,373.48	7,200.00	60.74%	
6023.0 · MAINTENANCE	10,375.71	17,900.00	57.97%	Office and Auto
6025.4 · Facilities Repairs	929.39	5,000.00	18.59%	
6040.0 · LEASES	7,110.56	10,650.00	66.77%	Copier, and Postal Meter.

**Barton Springs Edwards Aquifer  
Profit & Loss Budget vs. Actual  
September 2019 through May 2020**

	Sept 2019 - May 2020	Budget	% of Budget	Notes
6065.0 · DIRECTOR EXPENSES	1,030.92	2,500.00	41.24%	
6066.0 · Directors Compensation	16,850.00	40,000.00	42.13%	
6075.0 · DUES & MEMBERSHIPS	5,280.14	6,100.00	86.56%	
6080.0 · EDUCATION AND OUTREACH	5,948.30	13,950.00	42.64%	
6081.0 · REGULATORY COMPLIANCE	3,145.00	17,500.00	17.97%	
6084.92 · GENERAL MANAGEMENT	1,480.00	17,050.00	8.68%	
6089.0 · AQUIFER SCIENCE	26,373.01	57,300.00	46.03%	
6090.0 · Conservation Credits	0.00	19,149.00	0.0%	
6100.0 · INSURANCE - DISTRICT	5,464.51	7,070.00	77.29%	
6150.0 · INSURANCE - GROUP	105,769.48	156,114.00	67.75%	
6160.0 · LEGAL SERVICES	84,179.45	150,000.00	56.12%	
6170.0 · PROFESSIONAL SERVICES	32,520.72	51,000.00	63.77%	
6179.0 · LEGISLATION	8,000.00	12,000.00	66.67%	
6180.0 · PROF DEVELOPMENT & SUPPORT	6,440.60	13,500.00	47.71%	
6199.0 · SALARIES AND WAGES	667,704.98	968,410.00	68.95%	
6203.0 · TAXES & BENEFITS	95,519.36	152,428.00	62.67%	
6800.0 · PROJECTS	152.32	83,000.00	0.18%	Hays County (\$58k) and HTGCD (\$25k) Trinity Modeling
<b>TOTAL EXPENSE</b>	<b>1,126,914.56</b>	<b>1,880,801.00</b>	<b>59.92%</b>	
<b>NET INCOME</b>	<b>669,392.74</b>	<b>23.00</b>		

Capitalized account titles have sub-categories.

## **2. Profit and Loss - Previous Year Comparison**

Fiscal year-to-date:

September 1, 2019 – May 31, 2020

**BARTON SPRINGS/EDWARDS AQUIFER CONSERVATION DISTRICT**

**Profit and Loss - Previous Year Comparison  
September 1 2019 through May 31, 2020**

	<u>Sept 2019 - May 2020</u>	<u>Sept 2018 - May 2019</u>	<u>\$ Change</u>	<u>% Change</u>
<b>INCOME</b>				
4300.0 · PROJECT INCOME	133,000.00	100,000.00	33,000.00	33.0%
4400.0 · Interest Income	12,219.15	22,232.04	-10,012.89	-45.04%
4625.0 · MISCELLANEOUS INCOME	7,626.24	5,332.97	2,293.27	43.0%
4800.0 · USAGE AND PRODUCTION FEES	1,632,912.34	1,508,986.20	123,926.14	8.21%
4810.0 · OTHER FEES	10,549.57	10,146.55	403.02	3.97%
<b>TOTAL INCOME</b>	<b>1,796,307.30</b>	<b>1,646,697.76</b>	<b>149,609.54</b>	<b>9.09%</b>
<b>EXPENSE</b>				
6000.0 · UTILITIES	14,437.35	16,971.54	-2,534.19	-14.93%
6005.0 · Print/Copy/Photo Services	1,033.00	1,377.25	-344.25	-25.0%
6007.0 · Postage Freight Shipping	931.04	1,777.83	-846.79	-47.63%
6010.0 · Office Supplies	4,394.02	6,449.94	-2,055.92	-31.88%
6010.2 · Office Furniture	0.00	983.12	-983.12	-100.0%
6011.0 · Computer Hardware-Plotter Supplies	1,592.87	7,549.55	-5,956.68	-78.9%
6014.0 · Software Acquisition & Upgrades	3,434.25	2,656.47	777.78	29.28%
6015.0 · IT Monthly Maintenance	9,000.00	9,000.00	0.00	0.0%
6016.0 · Meeting Expense	838.44	5,123.95	-4,285.51	-83.64%
6017.0 · EXTERNAL MTGS & SPONSORSHIPS	0.00	3,500.00	-3,500.00	-100.0%
6019.0 · Subscriptions/Publications	1,395.81	1,774.00	-378.19	-21.32%
6020.0 · Advertising	630.04	1,347.58	-717.54	-53.25%
6021.0 · MISCELLANEOUS EXPENSES	579.81	720.90	-141.09	-19.57%
6022.0 · Accounting System Operation	4,373.48	2,353.80	2,019.68	85.81%
6023.0 · MAINTENANCE	10,375.71	12,765.33	-2,389.62	-18.72%

	<u>Sept 2019 - May 2020</u>	<u>Sept 2018 - May 2019</u>	<u>\$ Change</u>	<u>% Change</u>
6025.1 · Facilities Upgrades	0.00	269.00	-269.00	-100.0%
6025.4 · Facilities Repairs	929.39	5,000.00	-4,070.61	-81.41%
6040.0 · LEASES	7,110.56	8,036.76	-926.20	-11.53%
6065.0 · DIRECTOR EXPENSES	1,030.92	2,645.11	-1,614.19	-61.03%
6066.0 · Directors Compensation	16,850.00	24,300.00	-7,450.00	-30.66%
6075.0 · DUES & MEMBERSHIPS	5,280.14	4,943.65	336.49	6.81%
6080.0 · EDUCATION AND OUTREACH	5,948.30	14,131.67	-8,183.37	-57.91%
6081.0 · REGULATORY COMPLIANCE	3,145.00	13,807.95	-10,662.95	-77.22%
6084.92 · GENERAL MANAGEMENT	1,480.00	20,124.00	-18,644.00	-92.68%
6089.0 · AQUIFER SCIENCE	26,373.01	17,862.58	8,510.43	47.64%
6100.0 · INSURANCE - DISTRICT	5,464.51	4,096.38	1,368.13	33.4%
6150.0 · INSURANCE - GROUP	105,769.48	114,162.22	-8,392.74	-7.35%
6160.0 · LEGAL SERVICES	84,179.45	102,199.19	-18,019.74	-17.63%
6168.11 · SOAH - EP	4,828.13	7,080.00	-2,251.87	-31.81%
6168.2 · SOAH - Needmore	0.00	2,000.00	-2,000.00	-100.0%
6170.0 · PROFESSIONAL SERVICES	32,520.72	37,636.05	-5,115.33	-13.59%
6179.0 · LEGISLATION	8,000.00	22,000.00	-14,000.00	-63.64%
6180.0 · PROF DEVELOPMENT & SUPPORT	6,440.60	0.00	6,440.60	100.0%
6184.0 · DISCRETIONARY FUNDS	0.00	5,038.66	-5,038.66	-100.0%
6199.0 · SALARIES AND WAGES	667,704.98	702,880.79	-35,175.81	-5.01%
6202.0 · Payroll Direct Deposit Expenses	0.00	849.60	-849.60	-100.0%
6203.0 · TAXES & BENEFITS	95,519.36	108,579.34	-13,059.98	-12.03%
6690.0 · Reconciliation Discrepancies	-0.05	213.65	-213.70	-100.02%
6800.0 · PROJECTS	152.32	20,770.13	-20,617.81	-99.27%
<b>TOTAL EXPENSE</b>	<b>1,131,742.64</b>	<b>1,312,977.99</b>	<b>-181,235.35</b>	<b>-13.8%</b>
<b>NET INCOME</b>	<b>664,564.66</b>	<b>333,719.77</b>	<b>330,844.89</b>	<b>99.14%</b>

**3. Balance Sheet - Previous Year Comparison**

May 2020 (compared to May 2019)

**BARTON SPRINGS/EDWARDS AQUIFER CONSERVATION DISTRICT  
BALANCE SHEET - PREVIOUS YEAR COMPARISON**

As of May 31, 2020

	<u>May 31, 2020</u>	<u>May 31, 2019</u>	<u>\$ Change</u>	<u>% Change</u>
<b>ASSETS</b>				
<b>Current Assets</b>				
Checking/Savings				
1000.0 · Cash in Bank-Checking BB&T	56,536.13	119,987.83	-63,451.70	-52.88%
1010.0 · Cash in Bank - Payroll BB&T	31,148.54	34,776.54	-3,628.00	-10.43%
1030.0 · TexPool Funds - General				
1030.1 · Aquifer Protection Reserve	52,050.00	52,050.00	0.00	0.0%
1030.2 · Deposits Held	61,560.00	70,000.00	-8,440.00	-12.06%
1030.21 · Cash Flow Reserve	150,000.00	0.00	150,000.00	100.0%
1030.0 · TexPool Funds - General - Other	353,555.88	324,485.14	29,070.74	8.96%
Total 1030.0 · TexPool Funds - General	617,165.88	446,535.14	170,630.74	38.21%
1040.0 · TexPool Funds - Contingency	597,654.25	822,154.92	-224,500.67	-27.31%
1045.0 · TexPool Funds - Reserve	60,979.09	60,022.04	957.05	1.59%
Total Checking/Savings	1,363,483.89	1,483,476.47	-119,992.58	-8.09%
Accounts Receivable				
1200.0 · Accounts Receivable *	278,451.66	49,131.67	229,319.99	466.75%
Total Accounts Receivable	278,451.66	49,131.67	229,319.99	466.75%
Other Current Assets				
1100.0 · Petty Cash	300.00	300.00	0.00	0.0%
1300.0 · Pre-paid Expenses	4,710.97	5,011.17	-300.20	-5.99%
1499.0 · Undeposited Funds-A/R payments	15,858.06	1,064.46	14,793.60	1,389.78%
Total Other Current Assets	20,869.03	6,375.63	14,493.40	227.33%

	<u>May 31, 2020</u>	<u>May 31, 2019</u>	<u>\$ Change</u>	<u>% Change</u>
<b>Total Current Assets</b>	<b>1,662,804.58</b>	<b>1,538,983.77</b>	<b>123,820.81</b>	<b>8.05%</b>
<b>Fixed Assets</b>				
1400.0 · Field Equipment	376,487.89	376,487.89	0.00	0.0%
1410.0 · Office Equipment & Furniture	19,722.90	19,722.90	0.00	0.0%
1410.1 · Computer Hardware & Software	13,529.69	13,529.69	0.00	0.0%
1420.0 · Vehicles	78,339.03	78,339.03	0.00	0.0%
1430.0 · Accumulated Depreciation	-583,153.24	-583,153.24	0.00	0.0%
1440.0 · Land (Antioch Cave)	165,415.00	165,415.00	0.00	0.0%
1445.0 · Office Building	268,588.04	268,588.04	0.00	0.0%
<b>Total Fixed Assets</b>	<b>338,929.31</b>	<b>338,929.31</b>	<b>0.00</b>	<b>0.0%</b>
<b>Other Assets</b>				
1500.0 · Organizational Costs	300,783.26	300,783.26	0.00	0.0%
1510.0 · Accumulated Amortization	-300,783.26	-300,783.26	0.00	0.0%
1600.0 · Deposits Paid (Utilities)	71.00	71.00	0.00	0.0%
<b>Total Other Assets</b>	<b>71.00</b>	<b>71.00</b>	<b>0.00</b>	<b>0.0%</b>
<b>TOTAL ASSETS</b>	<b>2,001,804.89</b>	<b>1,877,984.08</b>	<b>123,820.81</b>	<b>6.59%</b>

**LIABILITIES & EQUITY**

<b>Liabilities</b>				
<b>Current Liabilities</b>				
<b>Other Current Liabilities</b>				
2010.0 · Rebates Payable - Cons Credits	19,148.06	21,502.02	-2,353.96	-10.95%
2110.0 · Direct Deposit Liabilities	1,035.00	1,035.00	0.00	0.0%
2220.0 · Federal Income Tax Withheld	-1,035.01	-1,035.00	-0.01	-0.0%
2230.0 · Employer Fica & Med Payable	-139.25	0.00	-139.25	-100.0%
2250.0 · TWC Unemployment Tax Payable	0.53	0.30	0.23	76.67%



	May 31, 2020	May 31, 2019	\$ Change	% Change
2270.0 · Payroll Liabilities	0.09	0.00	0.09	100.0%
2300.0 · Accrued Vacation Payable	50,493.95	57,487.84	-6,993.89	-12.17%
<b>Total Other Current Liabilities</b>	<b>69,503.37</b>	<b>78,990.16</b>	<b>-9,486.79</b>	<b>-12.01%</b>
<b>Total Current Liabilities</b>	<b>69,503.37</b>	<b>78,990.16</b>	<b>-9,486.79</b>	<b>-12.01%</b>
<b>Total Liabilities</b>	<b>69,503.37</b>	<b>78,990.16</b>	<b>-9,486.79</b>	<b>-12.01%</b>
<b>Equity</b>				
3000.0 · Fund Balance	902,309.60	1,099,846.89	-197,537.29	-17.96%
3000.3 · Invested in Capital Assets	365,127.26	365,127.26	0.00	0.0%
3110.0 · Reserve for Petty Cash	300.00	300.00	0.00	0.0%
<b>Net Income</b>	<b>664,564.66</b>	<b>333,719.77</b>	<b>330,844.89</b>	<b>99.14%</b>
<b>Total Equity</b>	<b>1,932,301.52</b>	<b>1,798,993.92</b>	<b>133,307.60</b>	<b>7.41%</b>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b>2,001,804.89</b>	<b>1,877,984.08</b>	<b>123,820.81</b>	<b>6.59%</b>

\* Difference is due to 4th quarter CoA water use fee payment. It has actually been received but will appear in June financial reports due to timing of check receipt and deposit.

**4. Check Register**

BB&T now TRUIST

May 1 – May 31, 2020

**BSEACD**  
**MONTHLY CHECK REGISTER**  
**May 1 through May 31, 2020**

Type	Date	Num	Name	Memo	Amount	Balance
Liability Check	05/04/2020	4302020	United States Treasury	74-2488641 Directors	-122.40	70,510.46
Check	05/05/2020	25447	ESRI	Contract #315474 ESRI Maintenance for Edu, AS, RegComp	-1,007.50	70,388.06
Check	05/05/2020	25448	Braun and Gresham	Fee-share Agreement March 2020	-965.36	69,380.56
Check	05/05/2020	25449	Integritek	IT, Phone, Anti-virus, Office 365	-1,756.74	68,415.20
Check	05/05/2020	25450	SledgeLaw Group	Legislative Services-April 2020	-1,000.00	66,658.46
Check	05/05/2020	25451	Jan-Pro of Austin	Office Cleaning Services - May	-260.00	65,658.46
Check	05/05/2020	25452	Unum Life Insurance Co.	Life Insurance Premium - May	-909.92	65,398.46
Deposit	05/06/2020			Deposit (permittee payments and 1 LPP)	23,999.20	64,488.54
Liability Check	05/07/2020	EFT	Reliance Trust Company	Bi-weekly Retirement and Loan Pmt	-4,968.15	88,487.74
Liability Check	05/07/2020	EFT	United States Treasury	74-2488641	-7,294.47	83,519.59
Check	05/12/2020	25453	BB&T	Various Credit Card Charges	-4,601.49	76,225.12
Check	05/12/2020	25454	Ameritas Life Insurance Corp.	Vision Insurance Premium -June	-109.80	71,623.63
Check	05/12/2020	25455	Time Warner Cable	Internet Service	-145.11	71,513.83
Check	05/15/2020	25456	Bickerstaff	Legal - General, EP, Needmore/TESPA, Permian Hwy Pij	-9,337.30	71,368.72
Check	05/15/2020	25457	Bickerstaff	Legal - General, Personnel, Needmore/TESPA, PermianHP, EP, Elections	-9,982.50	62,031.42
Transfer	05/15/2020			Funds Transfer Payroll	-21,000.00	52,048.92
Transfer	05/18/2020			Funds Transfer (low checking balance)	50,000.00	31,048.92
Check	05/19/2020	25458	Premiere Global Services	Teleconference Services	-45.29	81,003.63
Check	05/19/2020	25459	State Office of Administrative Hearings	April 2020 SOAH EP Fees and Fringe	-375.00	80,628.63
Check	05/19/2020	25460	CIT Technology Fin Serv, Inc	Copier Lease	-680.50	79,948.13
Check	05/19/2020	25461	Fidelity Security Life Insurance Company	Gap Insurance Premium -June	-803.30	79,144.83
Check	05/19/2020	25462	Ready Refresh by Nestle	Water Delivery	-42.93	79,101.90
Check	05/19/2020	25463	Orsak Landscape Services	Landscape Services	-145.00	78,956.90

Check	05/19/2020	25464	City of Austin	Water Service	-18.19	78,938.71
Check	05/19/2020	25468	The Kiplinger Tax Letter	Subscription Renewal Acct 3598413866	-76.00	78,862.71
Deposit	05/20/2020			Deposit (permittee payments)	24,464.25	103,326.96
Liability Check	05/21/2020	EFT	Reliance Trust Company	BI-weekly Retirement and Loan Pmt	-4,968.15	98,358.81
Liability Check	05/21/2020	EFT	United States Treasury	74-2488641	-7,294.53	91,064.28
Liability Check	05/21/2020	25465	AFLAC	Employee-paid Supplemental Insurance	-146.68	90,917.60
Liability Check	05/21/2020	25466	MetLife	Dental Insurance Premium - June	-751.24	90,166.36
Liability Check	05/21/2020	25467	United Healthcare	Health Insurance Premium - June	-11,506.42	78,659.94
Check	05/21/2020	25469	Pitney Bowes Global Financial Svcs, LLC	Postage Lease for 6/10/2020 - 9/09/2020	-267.57	78,392.37
Check	05/26/2020	25470	Exxon Mobil Business Card	Gasoline	-52.28	78,340.09
Check	05/26/2020	25471	Waste Management of Texas, Inc.	Trash and Recycling Service	-446.32	77,893.77
Check	05/26/2020	25472	Pedemales Electric Cooperative	Electricity	-357.64	77,536.13
Transfer	05/28/2020			Funds Transfer Payroll	-21,000.00	56,536.13
					-13,974.33	56,536.13
					-13,974.33	56,536.13



B. Sledge Direct: 512-579-3601  
Fax: 512-579-3611  
Email: bsledge@sledgelaw.com

May 8, 2020

Ms. Vanessa Escobar  
General Manager  
Barton Springs Edwards Aquifer Conservation District  
1124 Regal Row  
Austin, Texas 78748

Re: Amendment to Legislative Consulting Services Agreement (Internal Billing Code 0022-00)

Dear Ms. Escobar:

This purpose of this letter is to amend the contract initially executed on September 18, 2014, as amended by letter agreements dated May 28, 2015, April 5, 2016, June 6, 2016, August 11, 2017, and August 9, 2018 ("Engagement Agreement"), for the purpose of extending the term of the agreement. Except as specifically modified by this letter amendment, the terms and conditions of the Engagement Agreement remain the same. The term of the agreement is hereby modified to read as follows:

**Term of the Agreement:**

*The term of the agreement will be for a period beginning September 1, 2020, and ending August 31, 2022, which will include the remainder of the legislative interim period of the 86<sup>th</sup> Texas Legislature, the Regular Session of the 87<sup>th</sup> Texas Legislature, and the period of time for gubernatorial action on legislative measures passed during the Regular Session of the 87<sup>th</sup> Texas Legislature, and part of the legislative interim period of the 87<sup>th</sup> Texas Legislature. The term of the agreement may be extended by mutual agreement of the parties under a separate contract amendment.*

Again, all other provisions of the Engagement Agreement, including without limitation the termination provisions, billing structure, and rates, remain the same. Using the extended term set forth in this amendment under the current billing structure, the flat fees during the term would be as follows: September through October, 2020: \$1000 per month; November 2020 through June 2021: \$4000 per month; and July 2021 through August 2022: \$1000 per month.

If this letter correctly reflects your understanding of the terms and conditions of our representation under this amendment to the Engagement Agreement, please execute this amendment in the space provided and return a copy to me.

We look forward to continue working with you and the other good folks at the BSEACD. Please contact me if you have any questions.

Very truly yours.

SLEDGELAW GROUP PLLC



By: \_\_\_\_\_

Brian L. Sledge

AGREED AND ACCEPTED  
BARTON SPRINGS/EDWARDS  
AQUIFER CONSERVATION DISTRICT

By: \_\_\_\_\_  
Board President

Attest: \_\_\_\_\_  
Board Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
William D. Dugat III  
Attorney for Barton Springs / Edwards  
Aquifer Conservation District

**Amendment No. 3 to the Agreement for Web Maintenance Services Between  
Barton Springs/Edwards Aquifer Conservation District  
and  
Brian Zavala**

This is Amendment No. 3 to the contract ("Agreement") between the Barton Springs/Edwards Aquifer Conservation District (hereinafter "District" or "BSEACD"), and Mr. Brian Zavala as contractor (hereinafter "Contractor") dated March 27, 2014, dated August 31, 2016, and amended August 15, 2018. This amendment extends the term of the Agreement. All other provisions will remain as is in the existing Agreement, as amended.

Amendment No. 3 is entered into by the District and the Contractor as evidenced by the signatures below with an effective date of September 1, 2020. Sections III of the Agreement is amended as follows:

**Section III  
Term; Termination**

Section III shall be modified to change the term of this Agreement to end on August 31, 2022.

No Other Changes to the Agreement are Hereby Authorized.

The parties have executed this agreement in Austin, Texas, on the dates shown below.

**For Barton Springs/Edwards Aquifer  
Conservation District,**

**For Brian Zavala,**

\_\_\_\_\_  
Blayne Stansberry  
Board President

\_\_\_\_\_  
Date

\_\_\_\_\_  
Brian Zavala  
Principal of Contractor

\_\_\_\_\_  
Date

**Attest:**

**Approved as to Form:**

\_\_\_\_\_  
Blake Dorsett  
Board Secretary

\_\_\_\_\_  
Date

\_\_\_\_\_  
William D. Dugat, III  
Counsel

\_\_\_\_\_  
Date

## **Item 4**

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

- a. Discussion and possible action on the Preliminary FY 2021 Budget and setting a public hearing date.**





**FY 2021 DRAFT PRELIMINARY BUDGET**

**Budgeted Permitted Pumpage-4,083,365,861 Gallons**

	2020 Budget	2020 Revision 1 5.14.2020	Draft 2021 Preliminary 5.26.2020	Notes
<b>I. INCOME</b>				
<b>A. Production Fees and Water Use Fee:</b>				
Actual Authorized Pumpage Revenue (11¢ per 1,000 gallons)	2,653,833,115	\$443,786	\$451,124	From pumpage analysis and billing worksheet
Actual Authorized Pumpage Revenue (4¢ per 1,000 gallons)	327,912,718	\$143,567	\$144,194	<b>IANA and RENDALE ARE AUDITING WITH DATABASE NUMBERS</b>
Actual Authorized Agriculture Pumpage Revenue (51¢/acre-foot)	282,020,000	\$887	\$887	
<b>Total Actual Authorized Pumpage/Production Fees</b>	3,263,765,833	\$588,240	\$596,205	
Pending Permit Increases (1¢ per 1,000 gallons)	982,264	\$155,601	\$155,142	Pumpage analysis of 5.26.2020 presented new 2021 (2020, Rev. Counts (401,000) gallons for 5/21 annually, and 1/1 312,500,000 gallons for 5/15 175 annuals. THERE IS A SMALL TYPO IN TO THIS FOR REVISIONS
<b>Total Projected Permitted Revenue Fees Agriculture</b>	1,000,000,000	\$743,841	\$751,347	
Total Budgeted Permitted Pumpage with Agriculture	4,083,365,861			
<b>Water Use Fee - City of Austin Assessment</b>		982,264	792,966	There is a hydrologically mandated IM4-up
Pending Permit Increases (1¢ per 1,000 gallons)		\$1,736,125	\$1,744,313	This reduction is directly connected to the Pending Payment fee reason above (as allowed by statute) to protect the budget from an leading revenue that may or may not actually be realized. The above number needs to be included in the Total Projected Permitted Revenue for the C.O. VAW calculation
Water Transport Fees @ \$0.31/1,000 gallons	1,000,000,000	\$124,000	\$124,000	\$108,500 CTR of K&K and STS 500,000,000 Gallons
<b>Total Production Fees, and Water Use Fee</b>		\$1,694,224	\$1,713,171	
<b>B. Other Fees:</b>				
Annual Permit Fees		\$5,500	\$5,700	Annual permit fee is 50¢/year/permit. This increase is from new permittees
Administrative Fees - Permit Application and Development		\$9,800	\$9,800	Includes Asadime annual \$3,800 mitigation fee
<b>Total Other Fees</b>		\$15,300	\$15,500	
<b>C. Other Income:</b>				
Interest Income		\$12,000	\$12,000	General Fund Only. Forecasted this in FY 2020, however interest rates are dropping
Atlas Publication Income		\$1,000	\$0	This line item to be removed. Money added to Atlas supplies expense account for 2020 only
<b>Total Other Income</b>		\$13,000	\$12,000	



Board Meetings and Joint Meetings	\$1,700		\$2,000	Nov. includes conference calls. Zoom videoconferencing, et al.
Subscriptions / Publications	\$4,200		\$4,200	
Advertising and Public Notices	\$1,000		\$1,000	2016- 510,226 2018- 51555 both election years
Accounting System Operation and Maintenance	\$7,200		\$7,200	
Bank and Payroll Processing Fees (Miscellaneous)	\$1,000		\$1,000	
<b>Upgrades and Repair and Maintenance:</b>				
Fleet Maintenance / Repair	\$6,500		\$6,500	2015- 50175 2016- 50900 2017- 57359 2018- 55243 2019- 56153 2020 to date 57,400 very low one less vehicle AND less usage March 2020 present
Office Complex Maintenance (Offices / Lamin)	\$11,400		\$11,400	Janitorial 3200 Lawn 1600 Dumpster handles recycling 0400 Security Alarm System 570
Facilities General Repair & Maintenance	\$5,000		\$5,000	A/C repairs in summer are common
<b>Leases:</b>				
Postage Meter Lease	\$1,150		\$1,150	
Copier Lease and Maintenance	\$9,500		\$9,500	2015- 541000 2016- 51000 2017- 55276 2018- 58547 2019- 59184 Colored copies are minimal quarterly and range from \$130 to \$1800 unpredictable
Directors Conferences / Travel	\$2,500		\$2,500	
Organizational / Staff Professional Dues and Memberships	\$6,000		\$6,000	
Insurance (Auto Liability, Property, Public Bonds)	\$7,000		\$7,000	is a fixed number in October
Professional Development	\$13,500		\$16,500	Added administration back in was removed for 2020 due to budget deficit This line item is flexible and depends upon ESM approval
Conservation Credits	\$19,149		\$19,149	We always use current year (most recent month) attached to annual audit (annual entry)
<b>Total Operational Expenses</b>	<b>\$162,049</b>		<b>\$170,669</b>	
<b>B. Salaries and Wages</b>				
Salaries and Wages	\$943,913	(10,853)	\$933,061	This decrease is due to one less FTE (Education position) and one less temporary FTE (IT with Travis Counts, EA project that will be completed)
Salary and Wage Merit Adjustments	\$22,406	(22,406)	\$0	There is a salary freeze for 2020-2021
Incentives	\$2,097	1,500	\$35,000	Merit component as previously discussed and finalized - approved in November/December 2019 - 3% (3) merit plans - none in date
Directors Fees of Office	\$10,000		\$10,000	Director approved to reduce by 1% last year maximum (salary cap is \$5,000)
<b>Total Salaries and Wages</b>	<b>\$1,000,416</b>	<b>(10,759)</b>	<b>\$989,657</b>	
<b>C. Employment Taxes and Benefits, and Group Insurance</b>				
Employment Taxes and Benefits				
Payroll Taxes	\$77,143	(9,077)	\$68,067	This formula is 7.65% of the salaries total directly above (989,661 x 7.65%) This decrease is due to one less FTE (Education position) and one less temporary FTE (IT with Travis Counts) EA project that will be completed
Texas Workforce Commission Unemployment Taxes	\$2,000		\$2,000	Changes every year in March retroactive to January 1
Workers Compensation Insurance	\$3,812		\$3,812	Actual number in October
Employee Pension Plan Contribution	\$68,874	(9,773)	\$59,101	Attached to eligible participants salaries
<b>Total Employment Taxes and Benefits</b>	<b>\$152,829</b>		<b>\$136,879</b>	

Group Insurance	Group Health Insurance (Employees only)	Group Health Insurance (Employees only)	Group Health Insurance (Employees only)	Group Health Insurance (Employees only)	Group Health Insurance (Employees only)	Group Health Insurance (Employees only)
Group Health Insurance (Employees only)	\$118,364	\$118,364				
Group Health Insurance (Employees only)	\$15,000	\$15,000				
Dental Insurance (Employees only)	\$8,150	\$8,150				
Life Insurance (Employees only)	\$13,000	\$13,000				
Vision Insurance (Employees only)	\$1,000	\$1,000				
Estimated Healthcare Cost Increase	50	50				
<b>Total Group Insurance</b>	<b>\$156,114</b>	<b>\$156,114</b>				
<b>Total Employment Taxes and Benefits, and Group Insurance</b>	<b>308,542</b>	<b>308,542</b>				
<b>D. Professional Services</b>						
Auditor (Annual)	13,000	13,000				
Retirement Plan (Hond Party Administration)	28,000	28,000				
Website and Database	0	0				
Legal - General Services, and Special Services	150,000	150,000				
Legislative Support	12,000	12,000				
Election Services	10,000	10,000				
<b>Total Professional Services</b>	<b>\$213,000</b>	<b>\$213,000</b>				
<b>E. Team Expenditures</b>						
<b>Aquifer Science Team:</b>						
Hydrogeologic Characterization	\$2,000	\$2,000				
Water Chemistry Studies	\$2,000	\$2,000				
Monitor Well Equipment and Supplies	\$8,000	\$8,000				
Contracted Support	\$3,000	\$3,000				
Travis County II A	\$21,500	\$21,500				
<b>Total Aquifer Science Team</b>	<b>\$37,500</b>	<b>\$37,500</b>				
<b>Education and Outreach Team:</b>						
Publications	\$750	\$750				
Outreach	\$10,100	\$10,100				

	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021		
<b>General Support</b>																				
Equipment and Supplies																				
Contracted Support																				
<b>Total Education and Outreach Team</b>																				
<b>Regulatory Compliance Team:</b>																				
Projects and Services																				
Equipment and Supplies																				
Contracted Support																				
<b>Total Regulatory Compliance Team</b>																				
<b>General Management &amp; Administrative Team:</b>																				
Contracted Support																				
Lease Apparel/Equipment																				
Additional Administrative Expenses																				
<b>Total General Management &amp; Administrative Team</b>																				
<b>Total Teams Expenditures</b>																				
<b>F. Projects</b>																				
Hays County Jacobs Well/Tundy Aquifer Studies																				
HIGCD Jacobs Well/Tundy Aquifer Studies																				
<b>Total Projects</b>																				
<b>III. NON-CASH DISBURSEMENTS</b>																				
Depreciation Expense																				
Accrued Benefits Payable/ Earned Vacation and Sick/vacat Comp																				
<b>Total Non-Cash Disbursements</b>																				
<b>IV. PROJECTED POSITION</b>																				
Total District Expenditures																				
Total District Revenue																				
Current Net Gain/Loss																				
Contingency Fund																				

5.29.2020 Draft 2021 Prelim Budget Version F after Committee #5

## **Item 4**

### **Board Discussions and Possible Action**

- b. Discussion and possible action on approving a Cybersecurity Policy and a Board Resolution to ensure compliance and implementation of that policy.**

# BARTON SPRINGS EDWARDS AQUIFER CONSERVATION DISTRICT

## CYBERSECURITY POLICY

Pending Approval

### **Section 1: General Statement of the District Cybersecurity Policy**

It is the policy of the Barton Springs Edwards Aquifer Conservation District (District) that its computer systems and databases must be protected from cybersecurity risks and incidents to the greatest extent possible. As part of this policy and pursuant to HB 3834 (86R), the District will comply with Section 2054.5191 (a-1) and (b) of the Texas Government Code. The District may also implement additional security measures as may be deemed necessary by either the Board of Directors (Board) or the General Manager.

### **Section 2: Cybersecurity Policy Implementation**

1. The Board hereby designates the General Manager as the employee responsible for implementation of the District Cybersecurity Policy (Cybersecurity Policy). The General Manager shall oversee and be responsible for:
  - a) Ensuring that, at least once per year, all District employees and Directors complete the certified cybersecurity training program designated by the Board.
  - b) Maintaining certified cybersecurity training records.
  - c) Verifying and reporting the completion of the certified cybersecurity training program by District employees and Directors to the Department of Information Resources.
  - d) Implementing the appropriate cybersecurity techniques, strategies, and practices recommended by the certified cybersecurity training program designated by the Board.
  - e) Implementing and maintaining various computer, document, and database backup records in-house using hardcopy, photographic, digital, audio, or other media as appropriate.
  - f) Implementing and maintaining automated digital on-line and/or remote backup systems such as Carbonite or similar products to provide additional security and backup of District computers, documents, and databases.
  - g) Recommending updates, improvements, or changes to the District Cybersecurity Policy for Board consideration.

### **Section 3: Cybersecurity Policy Audit**

1. The General Manager shall review the Cybersecurity Policy periodically to ensure that the Cybersecurity Policy continues to meet the needs of the District. The General Manager may identify and recommend any necessary changes that may be needed to update or improve the effectiveness of the Cybersecurity Policy.
2. As part of this review, the General Manager will include a compliance audit statement in the adoption of its annual report each year. The audit statement will attest to the District's compliance with this policy and will ensure that each employee and Director has either completed a cybersecurity training program within the previous year or is scheduled to attend a cybersecurity training program within the upcoming six months. The General Manager will work with the District's Records Management Officer to maintain records of all training and audits.

## Tex. Gov't Code § 2054.5191

Current with legislation from the 2019 Regular Session effective as of September 1, 2019

### Section 2054.5191 – Cybersecurity Training Required: Certain Employees

- a) Each state agency shall identify state employees who use a computer to complete at least 25 percent of the employee's required duties. At least once each year, an employee identified by the state agency and each elected or appointed officer of the agency shall complete a cybersecurity training program certified under Section 2054.519(f).
  - a-1) At least once each year, a local government shall identify local government employees who have access to a local government computer system or database and require those employees and elected officials of the local government to complete a cybersecurity training program certified under Section 2054.519 or offered under Section 2054.519(f).
- b) The governing body of a local government may select the most appropriate cybersecurity training program certified under Section 2054.519 or offered under Section 2054.519(f) for employees of the local government to complete. The governing body shall:
  - (1) Verify and report on the completion of a cybersecurity training program by employees of the local government to the department; and
  - (2) Require periodic audits to ensure compliance with this section.
- c) A state agency may select the most appropriate cybersecurity training program certified under Section 2054.519 for employees of the state agency. The executive head of each state agency shall verify completion of a cybersecurity training program by employees of the state agency in a manner specified by the department.
- d) The executive head of each state agency shall periodically require an internal review of the agency to ensure compliance with this section.

Tex. Gov't. Code §2054.5191

Added by Acts 2019, Texas Acts of the 86<sup>th</sup> Legislature – Regular Session, Ch. 1308, Sec. 3, eff 6/14/2019.



**STATE OF TEXAS**

**§**

**RESOLUTION #061120-01**

**COUNTIES OF TRAVIS**

**§**

**HAYS AND CALDWELL**

**§**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
BARTON SPRINGS EDWARDS AQUIFER CONSERVATION DISTRICT  
CONCERNING VERIFICATION AND REPORTING COMPLETION OF  
CYBERSECURITY TRAINING AND PERIODIC AUDIT**

WHEREAS, Barton Springs Edwards Aquifer Conservation District (District) is a groundwater conservation district created and operating under Chapter 8802 of the Texas Special District Laws Code and Chapter 36 of the Texas Water Code, as amended;

WHEREAS, Section 2054.5191(a-1) of the Texas Government Code requires at least once each year, a local government to identify local government employees who have access to a local government computer system or database and require those employees and elected officials of the local government to a complete cybersecurity training program;

WHEREAS, the District is "local government" subject to the cybersecurity training requirements and the Board of Directors (Board) is the elected governing body, and the directors are elected officials;

WHEREAS, the Board may select the most appropriate certified cybersecurity training program for District employees and directors to complete;

WHEREAS, the Board shall verify and report on the completion of a cybersecurity training program by District employees and directors to the Texas Department of Information Resources (DIR) and require periodic audits to ensure compliance with the training requirements;

WHEREAS, sections 36.056(a) and 36.057(f) of the Texas Water Code provides that the Board may delegate to its general manager full authority to manage and operate the affairs of the District and the Board, by resolution, and may authorize the general manager to execute documents on behalf of the District;

WHEREAS, the general manager is directed to select the most appropriate certified cybersecurity training program, ensure that she, all employees, and directors complete the required certified cybersecurity training, and to report the training to DIR;

WHEREAS, the general manager will certify that she, all employees, and directors have completed the required certified cybersecurity training that she selected and that such training has been reported to DIR.

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

- Section 1. The Board of Directors directs the general manager to select the most appropriate certified cybersecurity training program, ensure that she, all employees, and directors complete the annual cybersecurity training, and to report completion of the training to the Board and DIR; and,
- Section 2. The general manager will report to the DIR the annual training completion for 2020; and
- Section 3. The Board directs the general manager to periodically audit the cybersecurity training and to report compliance with the Board; and
- Section 4. The Board certifies completion of a cybersecurity training program by District employees and directors, the reporting to the DIR, and the auditing requirements; and
- Section 5. The general manager is further authorized to take all necessary action to implement this resolution; and,
- Section 6. This resolution shall take effect immediately upon adoption.

The motion passed with \_\_\_\_\_ ayes, and \_\_\_\_\_ nays.

**PASSED AND APPROVED** this 11th day of June, 2020.

\_\_\_\_\_  
Blayne Stansberry, Board President

ATTEST:

\_\_\_\_\_  
Blake Dorsett, Board Secretary

## **Item 4**

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

**c. Discussion and possible action a Desired Future Condition  
Technical Memo.**



# Proposed Revision to the Desired Future Condition of the Trinity Aquifer, BSEACD Portion of Groundwater Management Area 10

Brian B. Hunt, P.G., Brian A. Smith, Ph.D., P.G., Vanessa Escobar, and Kendall Bell-Enders  
Barton Springs/Edwards Aquifer Conservation District

*June 3, 2020*

## Introduction

Water-resource management is essential to ensuring the socio-economic and environmental viability of Texas for decades to come. With the state's projected population growth and drought conditions, it is essential to develop effective plans to meet future water needs. Every five years the state water plan is developed by the Texas Water Development Board (TWDB). Based on the assimilation of 16 regional water plans, the plan accounts for water demand and availability during a repeat of the 1950s drought of record. Groundwater Management Areas (GMAs) are tasked with providing an accounting of the regional availability of groundwater supply to the regional water plans through the Desired Future Condition (DFC) process. DFCs are expressions of regional consensus management objectives for relevant Texas aquifers for 50 years (Title 31, Part 10, §356.10 (6) of the Texas Administrative Code). DFCs are defined as "the desired, quantified condition of groundwater resources (such as water levels, spring flow, or volumes) at one or more specified times or in perpetuity" and as the term suggests, DFCs are part of a management goal that expresses what you want your aquifer to look like in the future. The DFC expression is then used to estimate an equivalent volume of water known as the Modeled Available Groundwater (MAG) by the TWDB. The MAG is determined by a Groundwater Availability Model (GAM), or other analyses, and is the amount of groundwater production, on an average annual basis, that is estimated to achieve the DFC. The MAG is then provided to the regional water planning groups for the state water plan and can be used as a factor in permitting considerations by Groundwater Conservation Districts (GCDs). GCDs are required to issue permits and manage groundwater production to achieve the DFC. Effective planning requires an accurate assessment of water availability and policymakers need an estimated available volume in order to make sound management decisions for the future.

MAGs are modeled estimates and with any model there are inherent uncertainties in knowing if a MAG will result in achieving a DFC over a 50-year time frame. However, only by monitoring the DFC can a GMA or GCD know if they are in compliance with the DFC expression. DFC monitoring data are also important to ensuring that actual data are available, analyzed, and documented so that the data can be used for policy decisions and to make any necessary adjustments. Thus, monitoring the DFC is a critical factor in the process. MAGs and DFC compliance should be evaluated together to make sound policy and permitting decisions for managing future water needs.

The BSEACD is within GMA 10 and is in the third round of DFC planning. A proposed DFC expression is due by May 1, 2021, which requires the development of any changes to the expression by the end of 2020. GMAs must provide policy and technical justification and must consider socio-economic, environmental, and hydrogeological factors when choosing a DFC. The policy and technical justification are documented in a statutorily required Explanatory Report (ER) submitted to the TWDB addressing nine factors. The ER is due to be submitted to the TWDB on May 2021.

The purpose of this technical memorandum is to describe issues with the current DFC expression and provide recommendations to the Board of Directors of the BSEACD to make the DFC expression a more meaningful tool for groundwater management. The primary goals of this memo are to describe a recommended pathway to the BSEACD Board of Directors that includes:

1. Document the rationale for the subdivision of GMA 10 for BSEACD;
2. Refine the DFC expression for the Middle and Lower Trinity Aquifers in the BSEACD portion of GMA 10;
3. Declare the Upper Trinity as non-relevant for regional water planning purposes;
4. Provide a framework methodology for monitoring the proposed refined DFC; and
5. Work with the TWDB to develop tools to provide a better estimate of the MAG for the aquifers in the absence of a regional GAM model.

## Current DFC Expression

GMA 10 has defined a DFC for the Trinity Aquifer (undifferentiated) in the hydrologically confined zone downdip of the Trinity outcrop (Bradley and Boghici, 2018):

- Outside of Uvalde and Bexar counties: average regional well drawdown not exceeding 25 feet during average recharge conditions (including exempt and non-exempt use);
- In Uvalde County: no (zero) regional well drawdown (including exempt and non-exempt use); [and]
- In Bexar County: non-relevant for joint planning purpose.

## Issues with Current DFC expression

Although monitoring the DFC compliance is critical to the process, it is our opinion that the current DFC expression is too vague and open to interpretation for meaningful DFC compliance monitoring. This means that the DFC expression is difficult to use for permit considerations and the application of BSEACD rules related to unreasonable impacts. Specific problems include:

### ➤ Regional extent of expression

The expression indicates that an average regional drawdown is not to exceed 25 feet. Therefore, it could be interpreted that that this average must be applied throughout the entirety of GMA 10. Measuring and evaluating the regional drawdown could be difficult due to the limited distribution of other monitoring points in GMA 10. Most importantly, the drawdown could be very heterogeneous. Thus, drawdown could be hundreds of feet in some areas that is balanced by minimal drawdown in other areas, and GMA 10 could still be in compliance with the DFC. Such heterogeneity of drawdown is not the intent of the DFC and makes the utility of the DFC problematic for the BSEACD.

### ➤ Vertically undifferentiated Trinity (Upper, Middle and Lower)

The Trinity Aquifer is regionally defined to be composed of three aquifers (Upper, Middle, and Lower) that each have different properties and uses. However, in the BSEACD, the Trinity is composed of just two aquifers—the Middle and Lower Trinity Aquifers. The Upper Trinity Aquifer is not a regional aquifer within the BSEACD and is

either an aquitard or part of the overlying Edwards Aquifer (Wong et al., 2014). The current DFC expression does not differentiate between the aquifers and complicates the overall management. Developing a specific DFC for each will make the expression a better tool for management of the systems because it is based on the best available science and hydrogeology. The BSEACD already has management zones that define the Middle and Lower Trinity management zones.

➤ **Sparse monitor wells and data**

As described above, currently there is a very sparse network of monitor wells throughout GMA 10. This is true geographically and hydrostratigraphically for the Trinity in GMA 10.

➤ **No reference point defined for drawdown**

The current DFC expression does not define a reference point from which to measure drawdown. The assumption is that the drawdown is from an average water level, but that is subject to interpretation. In GMA 9, the expression relates drawdown from average levels in 2008.

➤ **No defined or accepted method for monitoring the DFC**

This is a common issue throughout the state and within GMAs. No guidance is given as to the approach or method for monitoring compliance with a DFC. This is made more problematic with an ill-defined DFC expression. With a better-defined DFC expression, as we propose, a monitoring approach and methodology can be more readily designed.

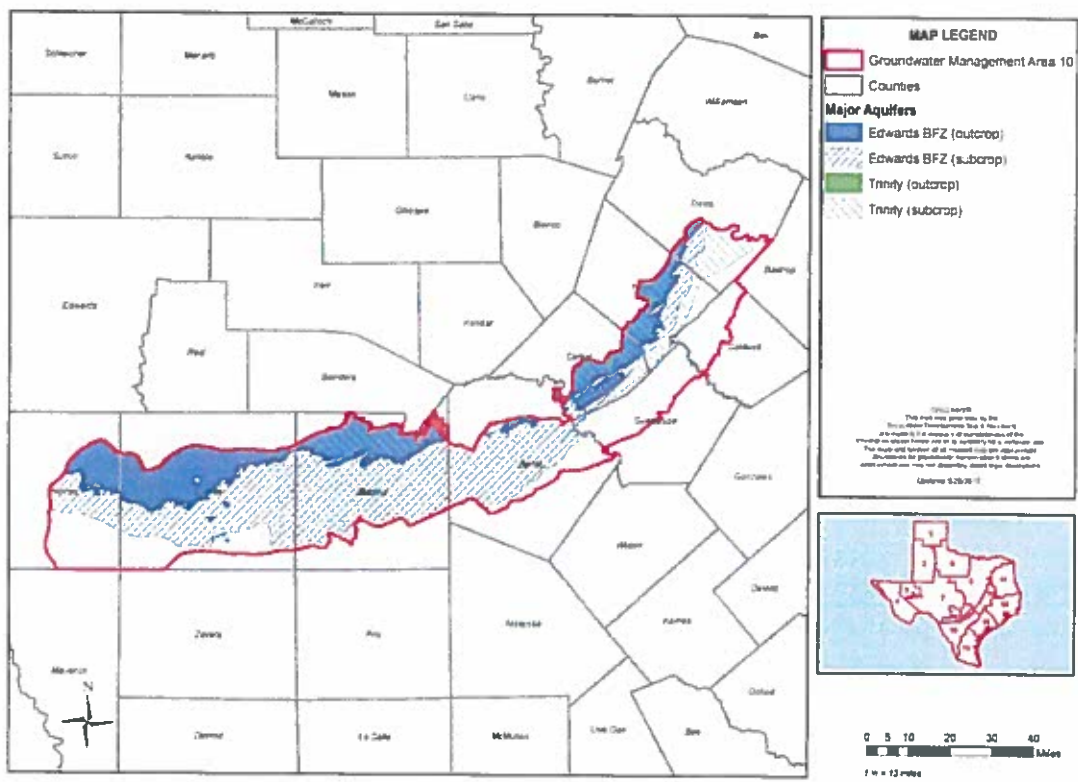


Figure 1. GMA 10 and the Trinity Aquifer. Source: TWDB

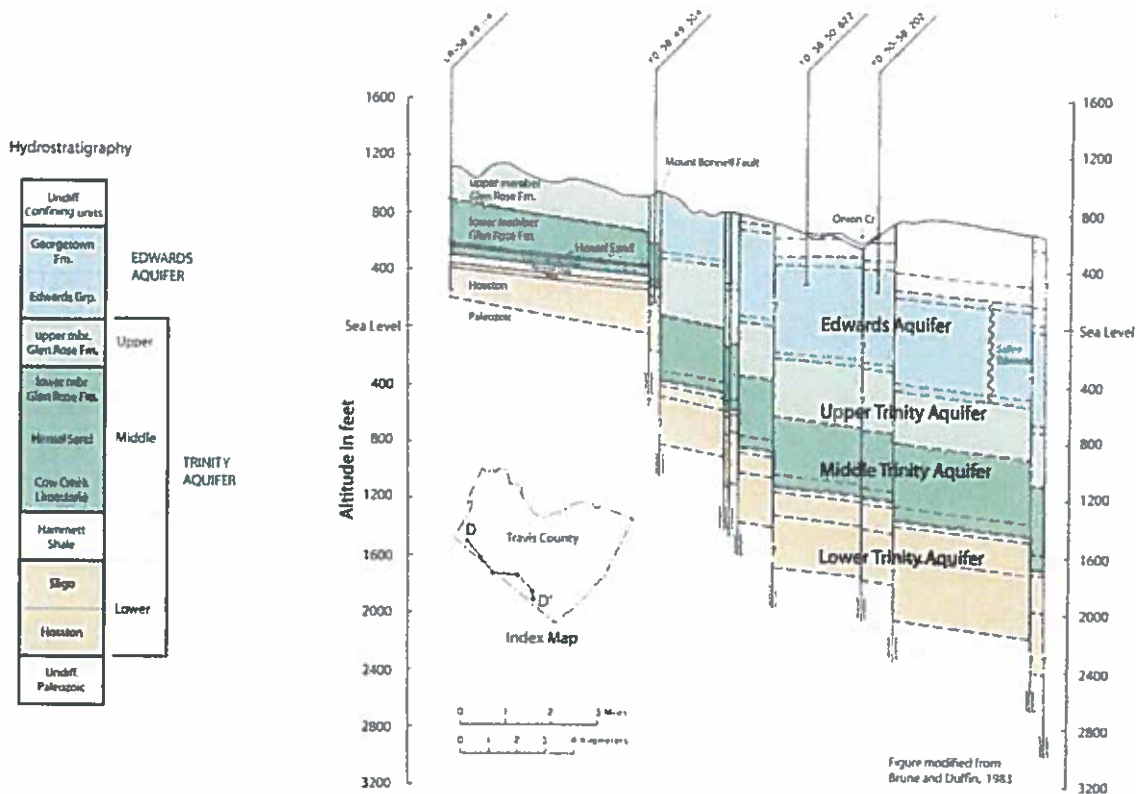


Figure 2. Cross section through Travis County showing the hydrostratigraphic units.

## Recommendations

Below are a number of recommendations that will address the issues with the current DFC expression and make the DFC a more meaningful tool for aquifer management and permit considerations. These changes would also bring the DFC closer in alignment with the BSEACD rules that recognize management zones and have the DFC as a measure of unreasonable impacts.

### 1. Creation of GMA 10 subdivision for the BSEACD portion of GMA 10

By creating a subdivision of GMA 10 the expression will avoid potential significant heterogeneities of drawdown and will allow BSEACD to establish specific DFC compliance within its boundaries. In addition, this will allow the expression of DFCs that differ from the other GCS in GMA 10 that might want to keep the current expression.

The southern boundary of the proposed subdivision is based on the potentiometric contours presented in Hunt et al. (2019) that indicates that a hydrologic boundary can be drawn normal to the potentiometric contours parallel to the southwestern Hays County boundary with Comal County (Figure 3). Based on other potentiometric maps (Hunt et al., 2020), the Lower Trinity Aquifer likely has a similar pattern to the Middle Trinity. Such a designation does not affect any

other GCDs as the Plum Creek GCD will declare the Trinity non-relevant, and the Edwards Aquifer Authority does not have jurisdiction of the Trinity Aquifer.

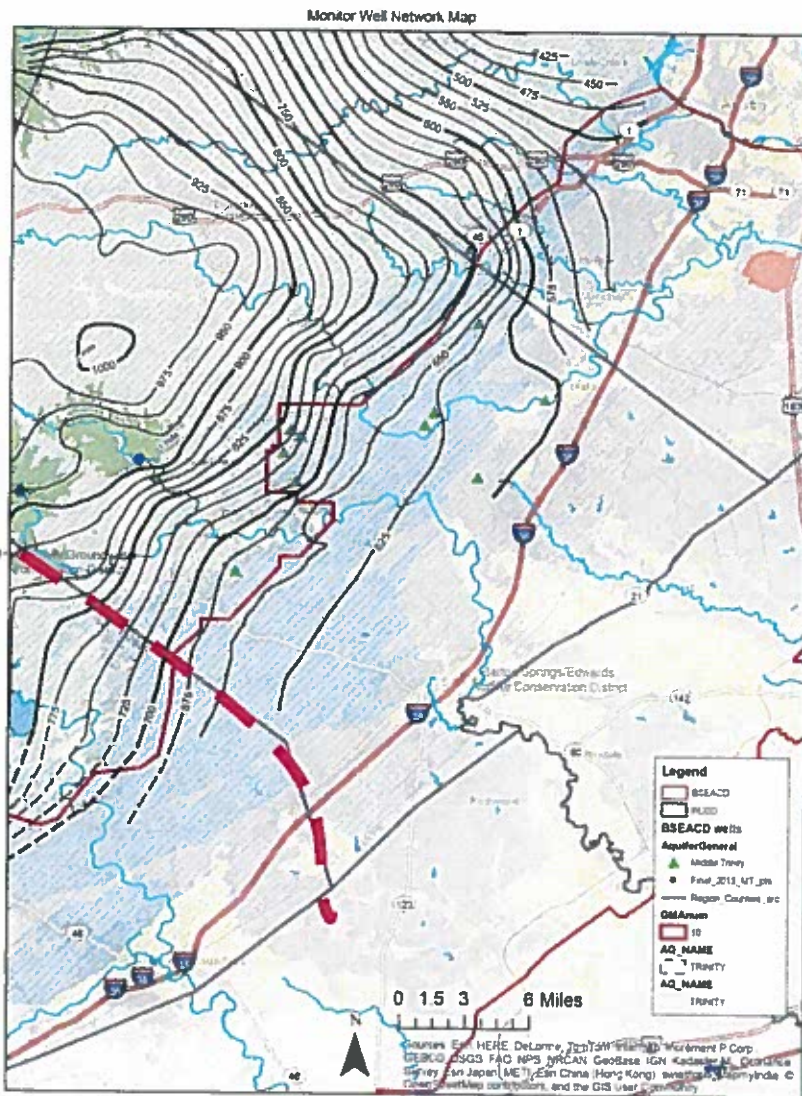


Figure 3. Potentiometric map of the Middle Trinity Aquifer. Red line indicates the hydrologic division separating the Hays and Travis Counties subdivision within GMA 10.

## 2. Define the Upper Trinity Aquifer as non-relevant for regional water planning purposes.

In the BSEACD, the Upper Trinity is either an aquitard (barrier to flow and not an aquifer) or is hydrologically part of the Edwards Aquifer (Wong et al., 2014). The BSEACD management plan and rules already reflect the concept of the uppermost portion of the Upper Trinity as part of the Edwards Aquifer. Note that non-relevance does not affect a GCD's ability to manage the aquifer and all GCD rules still apply. A DFC expression is therefore not developed for a non-relevant aquifer.

## 3. Express a unique DFC for the Middle and Lower Trinity Aquifers.

The overall guiding principles of a revised DFC expression for both aquifers include:

- Consistent with current expression of 25 ft of drawdown;
- Representative of vertical and geographic areas of management; and
- DFC can be easily measured and monitored and simple to implement and communicate.



- Provides “the highest practical level of groundwater production and the conservation, preservation, protection, recharging, and prevention of waste of groundwater and control of subsidence in the management area,” (TWC §36.108 (d-2), p. 50).

#### Proposed Middle Trinity DFC

Average<sup>1</sup> drawdown among DFC-designated monitor wells<sup>2</sup> is not to exceed 25 feet within BSEACD from the reference water level surface<sup>3</sup> over the next 50 years.

*Footnotes:*

- 1- *Running 12-month average water level.*
- 2- *Designated DFC wells by BSEACD, generally wells with less than 3,000 mg/L total dissolved solids (TDS).*
- 3- *A reference surface derived from 2018 MT potentiometric surface (Hunt et al., 2019).*

#### Proposed Lower Trinity DFC

Average<sup>1</sup> drawdown among DFC-designated monitor wells<sup>2</sup> is not to exceed 25 feet within Hays and Travis counties from the reference water level<sup>3</sup> over the next 50 years.

*Footnotes:*

- 1- *Running 12-month average water level.*
- 2- *Designated DFC wells by BSEACD, generally wells with less than 3,000 mg/L TDS.*
- 3- *A reference median static water level determined from three years of data collection.*

#### 4. Development of monitoring methodology

The monitoring methodology will be developed concurrently with the DFC adoption process and documented in a technical memorandum. Methods and approaches to compliance will be evaluated from guiding principles such as:

- A method involving measured data;
- Compliance evaluated through simple statistics;
- Representative monitor wells of the Middle and Lower Trinity Aquifers.
- Network of monitor wells subject to the addition, or possibly omission, of wells as the opportunity and data indicate.

#### 5. Work with TWDB on the estimated Modeled Available Groundwater (MAG)

The Modeled Available Groundwater (MAG) is the amount of water that may be produced on an average annual basis to achieve the desired future conditions. Presently there is no numerical model that can be used to derive those values. The current estimate is derived from a spreadsheet model (Thorkildsen and Backhouse, 2010; Bradley and Boghici, 2018). The MAG estimate is currently determined by the assumed lateral inflows from GMA 9 into GMA 10. This conceptual model difference, and modeling tools needs to be discussed with the TWDB for future MAG evaluations. The best tools for estimating the MAG are numerical models. Until a revised numerical groundwater model for the region is developed, the MAG estimate will be uncertain, however additional tools can provide a better estimate in the interim.

BSEACD staff have developed additional tools, such as analytical models, that would provide better estimates of the MAG until a fully calibrated GAM is available. Establishing a MAG is a component for making permitting decisions. Staff recommend working with the TWDB staff on the conceptual model and additional modeling tools that could help improve the estimates for the MAG.

## Discussion

By modifying the current DFC expression and delineating a northern subdivision of the Trinity Aquifer, the BSEACD will be able to better consider large-scale permit requests and to plan for a significant increase in pumping from both permitted and exempt wells.

The northern subdivision will allow for the development of a DFC for each aquifer and allows it to not be subject to the regional influence of geographic averaging. Preliminary discussions with neighboring GCDs and GMA 10 indicate support of the BSEACD's efforts to delineate a northern subdivision. The only GCD that the northern subdivision would directly impact is the Plum Creek GCD (Figure 4), which is planning to declare the Trinity as non-relevant for regional water planning purposes.

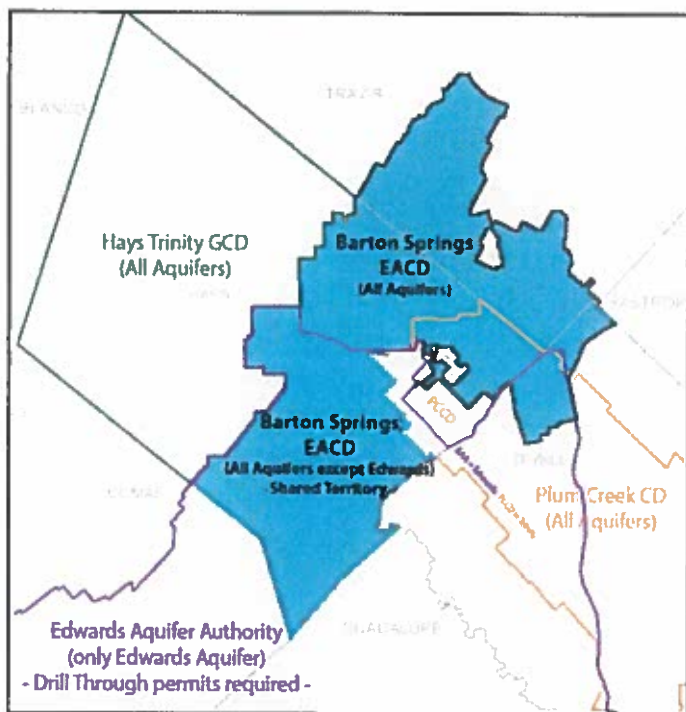


Figure 4. Location map of GCD's.

Describing a specific DFC for each aquifer in the northern subdivision of GMA 10 is an important step to making the DFC expression and resulting MAG more applicable to the increases in pumping the BSEACD is anticipating. The Upper Trinity is not considered a regional aquifer in the BSEACD and is more accurately described as non-relevant for regional water planning purposes. The Middle and Lower Trinity are both independent aquifer units and have unique characteristics and hydrologic separation. It is our opinion that distinct aquifer units should have distinct DFCs that reflect the hydrogeology of the system. Those DFCs could be adjusted in the future to reflect changes in our understanding of the aquifers and consensus management objectives.

Water levels in the Middle Trinity have generally been declining over many years and permits for large-scale production are pending. The Middle Trinity Aquifer is a confined, karstic, fractured, carbonate aquifer that is partially compartmentalized by faulting, but has hydrologic connection to its recharge zone in western Hays County. The source

of water to pumping wells in this area will be partly derived from drawdown (storage) but then will be dominated by capture in the long term leading to reduced springflow and induced recharge.

In contrast the Lower Trinity has no large-scale pumping wells at this time. The Lower Trinity is a fractured sand and gravel aquifer that is also likely compartmentalized by faulting without a known hydrologic connection to recharge areas to the west in Hays County. The source of water to pumping wells in this area would be mostly derived from drawdown (storage) with possibly a lesser amount from capture. The significant drawdown of water levels observed in the Lower Trinity in southwestern Travis County is a likely analogue to the response to long-term pumping (Hunt et al., 2020).

The refined DFCs will also allow the development of a more transparent and simple methodology for monitoring compliance.

## Conclusions

The recommendations within this memo will make the DFC a more meaningful tool for aquifer management, particularly when considering permits for large-scale pumping. The revised DFC will be more specific geographically and hydrostratigraphically and allow for the development of a simple and transparent method for monitoring compliance.

## Acknowledgments

Discussions about potential revisions to the DFC have been ongoing over the past two years. These include numerous internal presentations and discussions and external meetings at GMA 10, Plum Creek GCD, Comal County GCD, TWDB, and the BSEACD Board of Directors (1/6/2020).

## References

Bradley, R.G., and R. Boghici, 2018, GAM Run 16-033 MAG: Modeled Available Groundwater for the Aquifers in Groundwater Management Area 10. Texas Water Development Board. July 6, 2018. 31 p.

Hunt, Brian B., Brian A. Smith, Robin Gary, and Justin Camp, 2019, March 2018 Potentiometric Map of the Middle Trinity Aquifer, Central Texas. BSEACD Report of Investigations 2019-0109. 28 p. [https://bseacd.org/uploads/BSEACD\\_RI\\_2019-0109\\_PotMap\\_FINAL.pdf](https://bseacd.org/uploads/BSEACD_RI_2019-0109_PotMap_FINAL.pdf)

Hunt et al., 2020, Hydrogeologic Atlas of Southwest Travis County, Publication by the Barton Springs/Edwards Aquifer Conservation District and Travis County.

Hutchison, W.R., 2010, Draft GAM Task 10-005. Texas Water Development Board unpublished report.

Jones, I. C., Anaya, R., and Wade, S., 2009, Groundwater availability model for the Hill Country portion of the Trinity Aquifer system, Texas, Texas Water Development Board updated Trinity Hill Country GAM, 194 p.

Smith, B.A., B.B. Hunt, D.A. Wierman, and M.O. Gary, 2018, Groundwater Flow Systems of Multiple Karst Aquifers of Central Texas. In I.D. Sasowsky, M.J. Byle, and L. Land (Eds). Proceedings of the 15th Multidisciplinary Conference on Sinkholes and the Engineering and Environmental Impacts of Karst and the 3rd Appalachian Karst Symposium, National Cave and Karst Research Institute (NCKRI) Symposium 6, p 17-29.

Thorkildsen, D. and Backhouse, S., 2010, GTA Aquifer Assessment 10-06: Groundwater Management Area 10 Trinity Aquifer Draft Managed Available Groundwater estimates, Texas Water Development Board, 20 p. <http://www.twdb.texas.gov/groundwater/docs/AA/AA10-06.pdf>

Wong, Corinne I., Kromann, Jenna S., Hunt, Brian B., Smith, Brian A., and Banner, Jay L., 2014, Investigation of Flow Between Trinity and Edwards Aquifers (Central Texas) Using Physical and Geochemical Monitoring in Multiport Wells. Vol. 52, No. 4–Groundwater–July-August 2014 (pages 624–639).

<https://www.researchgate.net/publication/256608062> Investigating Groundwater Flow Between Edwards and Trinity Aquifers in Central Texas

## **Item 4**

### **Board Discussions and Possible Action**

**d. Discussion and possible action on the Bureau of Reclamation Water Smart Grant Program.**

## **Item 5**

### **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.)*

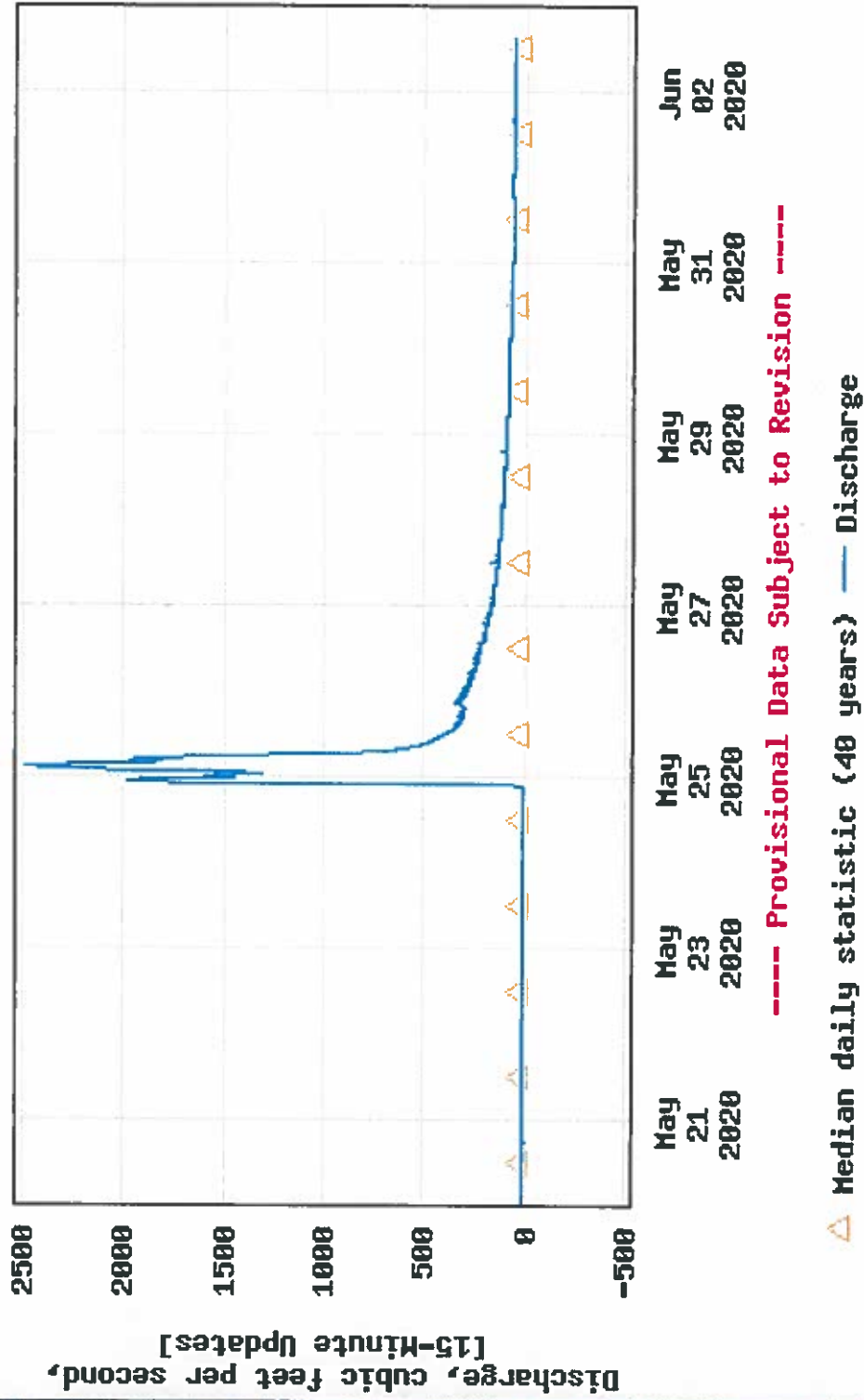
#### **Topics**

- a. Update on personnel matters.**
- b. Update on District's response to COVID-19.**
- c. Update on Aquifer conditions and status of drought indicators.**
- d. Update on Hays County Elections coding corrections.**
- e. Update on modeling activities.**
- f. Review of Status Report and update on team activities/projects.**
- g. Discussion and update on recent case law decisions affecting groundwater districts.**
- h. Upcoming public events of possible interest.**



Upstream of  
Antioch  
May 24- 25,  
2020  
Avg. Rain: 3.8"

USGS 08158700 Onion Ck nr Driftwood, TX



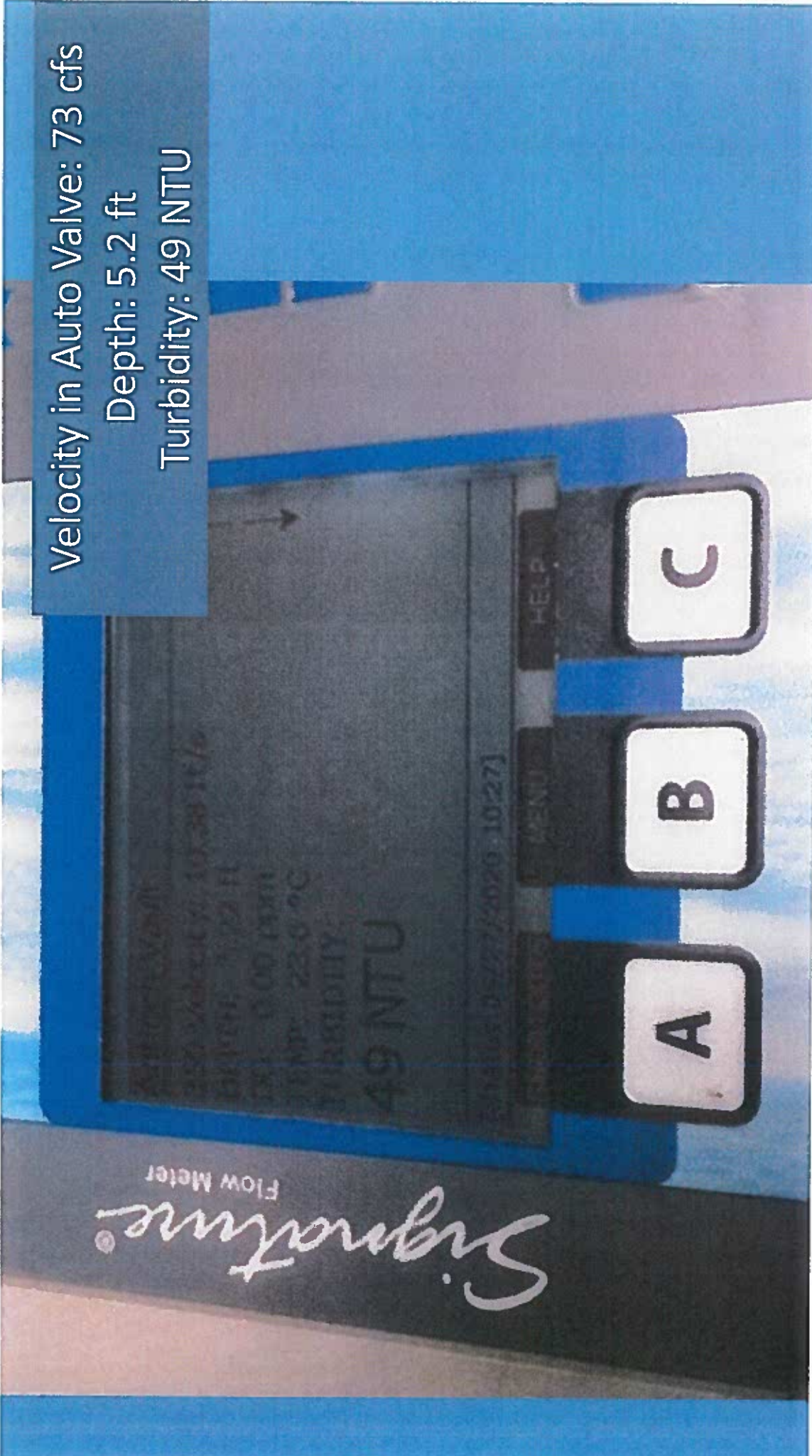
Graph courtesy of the U.S. Geological Survey



Wednesday, May 27, 2020  
10:45 AM

Manual Valve Open (09:24 am)





Velocity in Auto Valve: 73 cfs  
 Depth: 5.2 ft  
 Turbidity: 49 NTU

*Signature*  
 Flow Meter

73.00 cfs  
 5.20 ft  
 49.00 NTU  
 22.0 °C  
 TURBIDITY  
 49 NTU  
 10/27/2020 10:27

A B C

Wednesday, May 27, 2020  
11:15 AM

Manual Valve Open (11:00 am)

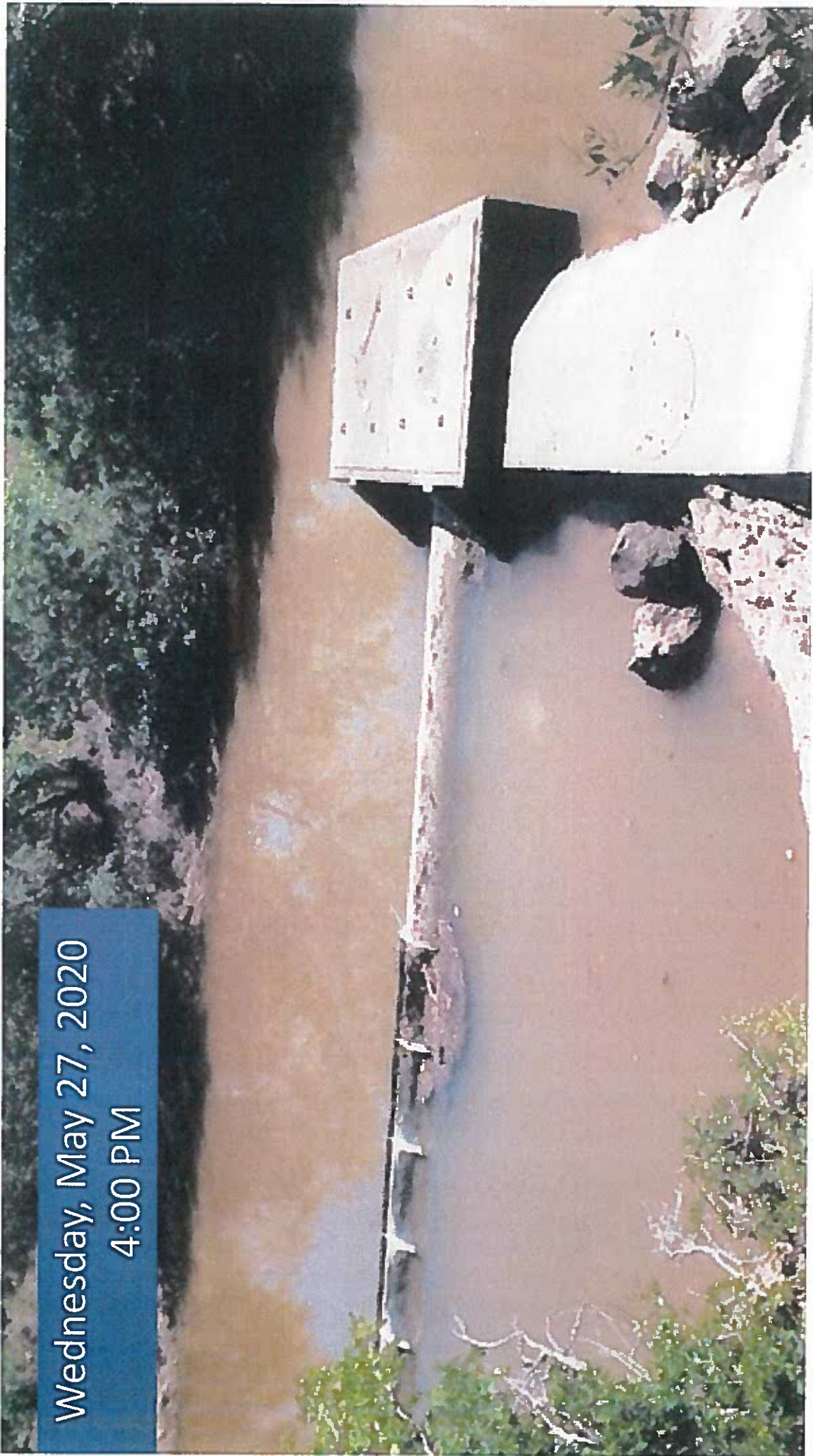


Automatic Valve Open (09:24 am)

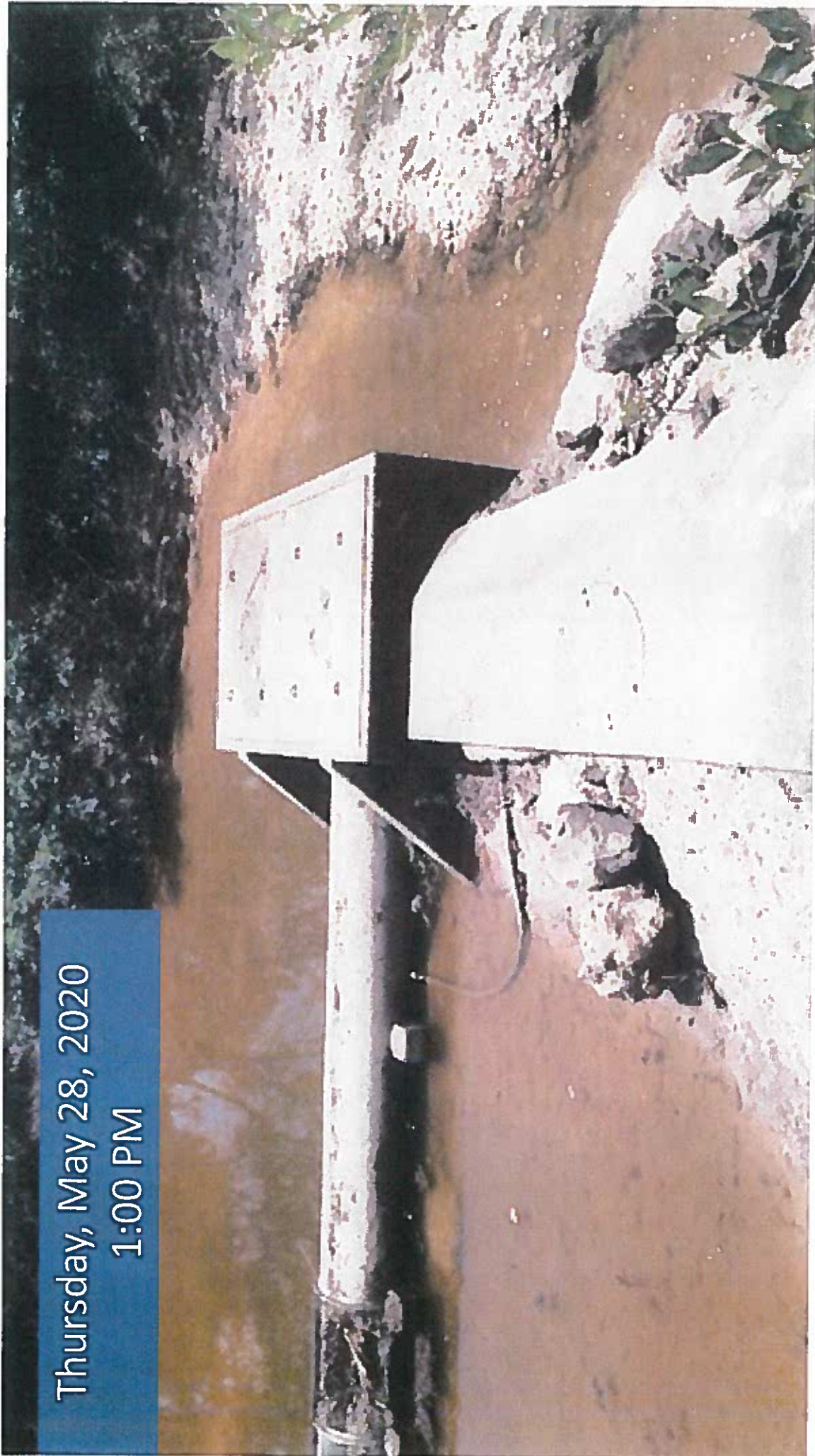


Both valves open:  
Recharge >100 cfs

Wednesday, May 27, 2020  
4:00 PM



Thursday, May 28, 2020  
1:00 PM

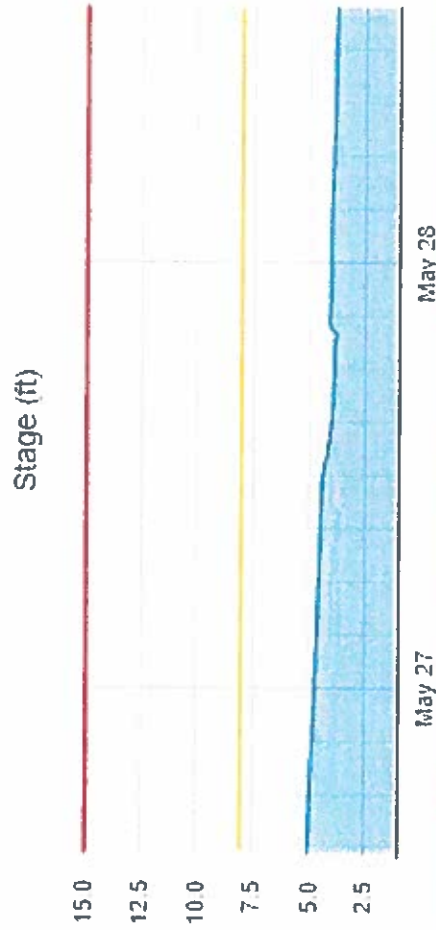
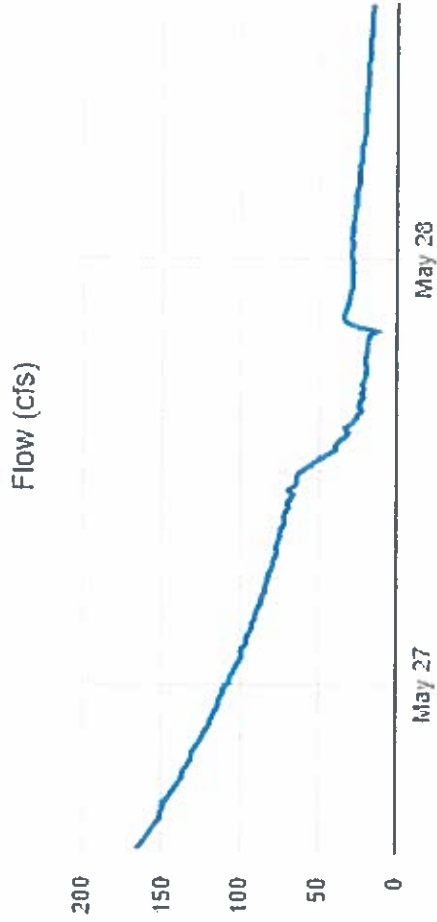


# Downstream of Antioch

## LCRA - Onion Creek at Buda

\*Disclaimer: Data is automatically retrieved and subject to revision.

Past 2 Days



~50 cfs reduction  
7 hours after vault opening  
creating hydrograph "trough"

# BSEACD Numerical Modeling Project Status Memo

May 20, 2020

Aquifer Science Team

## Introduction

The BSEACD has embarked on the development of a numerical model for the Middle Trinity Aquifer within the District's boundaries and upgradient and downgradient parts of the aquifer. The primary goal of this numerical modeling effort is to evaluate the long-term effects from pumping on water levels and springflow in the Middle Trinity Aquifer. The District's numerical model is anticipated to be an important tool to compliment other data, tools, and studies for science-based policy development such as determining sustainable yield of the Middle Trinity Aquifer. This model will serve to compliment and inform other numerical models in development or discussion for this area. Those models, such as the TWDB's GAM and SWRI's BRATWURST models, have a range of scales and objectives, and will not likely be available for use for another two years or more.

This memo provides a status report of the project and to also outline future steps in model development. The modeling program has been divided into three general phases: 1) conceptual model development, 2) steady-state model development (with part A and B), and 3) transient model development. The Aquifer Science modeling team will meet regularly with the Regulatory/Compliance Team to integrate regulatory and policy issues into the model.

## Project Status and Timeline

The project began with training and development of BSEACD numerical model capabilities that began in earnest in 2018. Tasks included staff taking several webinars and some hands-on online training. The two primary training sources include Dragan Kaludjerovic (<http://advancedgwt.com>) and James Rumbaugh (<http://www.groundwatermodels.com/>). Phase status and timeline are outlined below (Calendar Year):

	2019				2020				2021			
	1Q	2Q	3Q	4Q	1Q	2Q	3Q	4Q	1Q	2Q	3Q	4Q
Phase I: Conceptual Model	completed											
Phase II-A Steady State Model			completed									
Phase II-B Revised Stead State Model					Current & future							
Phase III Transient Model								Future				

Most of the time in 2019 was spent completing Phase I development and documentation of the conceptual model. The conceptual model was developed with a broad group of stakeholders and scientists through the BRATWURST initiative. Aquifer Science staff played a major role its development. A report was published in September 2019 (Martin et al., 2019)

and will serve the next phases of model development for the District, the BRATWURST model by SWRI, and the TWDB modeling efforts.

Phase II-A development of the steady-state numerical model began in the Fall of 2019 and early 2020. Aquifer Science staff successfully developed an initial calibrated steady-state model in March 2020 and completed Phase II-A of the project. A draft report and notes have been produced titled: Development of a Steady State Numerical Model for the Middle Trinity Aquifer, Hays County, Texas (March 2020).

Preliminary results of the March 2020 steady-state model (Phase II-A) documents a hydrologic connection from potential large permitted pumping to the major springs (Jacob's Well and Pleasant Valley Spring of Hays County). The March 2020 steady-state model has also been used to inform Modeled Available Groundwater (MAG) estimates for potential GMA-10 DFC revisions (memo pending).

Phase II-A model is a work in progress and will be finalized (Phase II-B) after further refinements to the model are evaluated and potentially made. The March 2020 steady-state model was provided to the BRATWURST modeler and project lead Nick Martin of SWRI for his technical review and comments. Overall, the review and comments were positive with no fatal flaws or major problems identified (Appendix A). Additional recommendations and modifications were recommended to evaluate moving forward and are part of Phase II-B.

## Future Outline of Tasks

### May 2020 (Phase IIB—Refined Steady-State)

Based on the comments of Nick Martin, we will continue to develop the March 2020 calibrated steady-state model and evaluate changes to include:

1. Evaluate the northeastern portion of the model and moving the boundary to the northeast. This would effectively increase the model area into Travis County.
2. Add layers to the model to simulate the Lower Glen Rose and Cow Creek. The Hensel could either be modeled as a layer or adjustments to the vertical leakage.
3. Evaluate utilizing the River Package in MODFLOW.
4. Increase grid resolution around key pumping centers.
5. Evaluate how to best represent conduit flow around JWS, PVS, and further upgradient in the Blanco River.

We anticipate finalizing the BSEACD conceptual model report documentation and circulating the model and report among additional technical reviewers.

### Summer 2020 (Phase III: Transient Model development)

Phase III development of the transient model from the steady-state model. We will be working further with modeler Dragan Kaludjerovic by on-line meetings.

- Define modeling period and time steps
- Assemble transient data sets (recharge, springflow, streamflow, pumping, water levels)

### Fall-Winter 2020 (FY 2021; Phase III: continued)

- Refine transient model calibration and sensitivity analyses
- Peer review
- Draft documentation of transient model

### Early 2021 (Phase III: Final)

- Simulations and model scenario runs
- Final documentation of transient model



**STATUS REPORT UPDATE**  
**FOR THE JUNE 11, 2020 BOARD MEETING**

**Summary of Significant Activities – Prepared by Team Leaders**

**UPCOMING DATES OF INTEREST**

- **District Board Meetings:** June 11<sup>th</sup>, July 9<sup>th</sup>, August 13<sup>th</sup>
- **GMA 9 Meeting:** July 13<sup>th</sup> 10:00am (Kerrville)
- **GMA 10 Meeting:** TBD (San Antonio)
- **RWQPP Meeting:** June 26, 2020 10:30am (Virtual Meeting)
- **River Rally:** May 18-June 7. [More info here.](#)
- **TWCA Mid-Year Conference:** June 17-19 (Virtual Conference)
- **Texas Water 2020:** July 13-16 (Virtual Conference)
- **AGWT Texas Aquifer Conference:** August 12-13 (Virtual Conference)
- **TAGD Texas Groundwater Summit:** Sep. 1-3, 2020 (San Antonio)
- **ASR for Texas:** November 19 (Austin)

## GENERAL MANAGEMENT TEAM

Staff: VE  
6/3/2020

### Litigation and SOAH Activities

- **Electro Purification (EP) Production Permit:**

**6/3/2020** – Since the May 1<sup>st</sup> Abatement Status Report, EP and Kinder Morgan initiated both informal settlement discussions and conducted a formal mediation on May 26, 2020, in an effort to address issues related to the threat the pipeline project posed to the ability of EP to implement its proposed groundwater supply project. On May 26th, the formal mediation concluded with a “Mediator’s Proposal for Settlement” to the Parties. Following the presentation of the Mediator’s Proposal to both sides, the Mediator “continued” the mediation to give the Parties the opportunity to consider with their principals the settlement proposal presented, as well as resolve several additional pending issues in the settlement discussion. As of June 1<sup>st</sup>, the mediation remains in a “continued” status. While no formal deadline for termination of the mediation has been set, the Applicant expects the mediation to be brought to a conclusion by the close of business June 5, 2020.

**5/7/2020** - The original abatement period was scheduled to end on April 3, 2020, however, on March 31, 2020, in coordination with the protestants and other parties, EP filed a motion to continue abatement of the SOAH proceeding until July 17, 2020. The complication of the COVID-19 Coronavirus Pandemic, the Governor’s Orders, and the scheduling delays at the courts, warranted further extension of the abatement. During the extended abatement, EP proposes to provide regular monthly status reports to the ALJs and the parties on or before the first of each calendar month beginning May 1, 2020. EP indicated that they would continue to pursue adjudication of rights, remedies, and damages in the Courts in Hays County to determine whether any of the seven wells on the Bridges and Odell Leaseholds, as referenced in the EP Permit that is now before SOAH, will have to be relocated, and a modified application filed with the District. The parties agreed that to move forward in the absence of that final adjudication would be a waste of the time and financial resources and manpower of all parties at SOAH, the District, the Protestants, and the Applicant.

On May 1, 2020, EP submitted an abatement report to the parties and SOAH. The report described that on March 12, 2020, EP had secured a temporary restraining order that precluded Kinder Morgan (KM) from conducting any operations on the EP groundwater leases that could impair or damage the EP wells. On April 21-22, 2020, the Hays County Court conducted a video remote hearing to consider granting a temporary injunction on the KM pipeline activities in the EP easements. Ultimately, KM requested that the courts abate the proceedings so that they could file pleadings to condemn the interests of the EP groundwater leases and to secure possession over those rights as necessary for KM to construct their pipeline project. On April 25, 2020, KM filed condemnation actions against EP which in effect has mooted and dissolved the EP temporary restraining order. The next steps are for KM and EP to set a hearing date for the court to determine the amount of money to be paid into the court to compensate EP. In the interim, between now and the condemnation payout hearing, EP and KM have agreed to enter into settlement discussions. The abatement will continue, with the next report due in June 2020.

- **Needmore Water LLC:** Protestants filed an appeal of Needmore Water LLC permit. The District filed a response in March 2020.
- **Permian Highway Pipeline (PHP):** The litigation team is currently taking steps to set a schedule for the case that will provide final ruling sometime this summer, but before August 1. On April 17, 2020,

the litigation team filed an Amended Complaint in the PHP matter, *City of Austin, et al v. Kinder Morgan Texas Pipeline, LLC, et al*. This pleading directly challenges the validity of the Biological Opinion and Incidental Take Statement. There was an addition of several new claims (all challenging the validity of the BO/ITS), and clarification on some of the existing claims. The new claims involve two issues flagged by Judge Pitman in his Preliminary Injunction Opinion and one that arose on April 15, 2020, due to a ruling by the Chief Judge of the US District Court for the District of Montana.

- The two issues flagged by Judge Pitman are: (1) Kinder Morgan's extensive failure to comply with the oak wilt mitigation protocol while it was clearing golden-cheeked warbler habitat; and (2) the invalidity of the BO/ITS based on mandatory terms and conditions that are too vague or indeterminate to enable effective monitoring or enforcement.
- On April 15, 2020, an opinion from the District of Montana invalidated the entire Nationwide 12 Permit. The BO/ITS for the PHP were developed in an Endangered Species Act consultation among the Corps, Kinder Morgan, and the Service as a result of Kinder Morgan seeking a NWP 12, and the validity of the BO/ITS is expressly dependent on the issuance of the NWP 12. Therefore, the protestants claim in this Amended Complaint that the entire consultation, and therefore the BO/ITS, are invalid and void because the NWP 12 is invalid and void.

**Interim Charges/Legislative Initiatives:** GM and staff are tracking Interim charges and discussions in the House and Senate committees. Additionally, GM and staff are participating in TAGD committee discussions.

- *TAGD Committee on Produced Waters* – Committee is tracking the implementation of HB 2771 that requires TCEQ to assume the responsibility to approve permits to discharge wastewater from the oil and gas industry into our rivers, lakes, and streams. Delegation of Authority would shift from Railroad Commission to TCEQ by September of 2020.
- *TAGD Committee on Joint Planning* – Committee is tracking discussions and developing a white paper statement to provide recommendation on areas of joint planning that can be improved. Committee is also assessing the GMA's activities on monitoring compliance with the DFCs.

**GMA DFC Planning:** GM and staff are developing a memorandum that describes the GMA 10 DFC expression revision. There is ongoing coordination with SWTGCD, HTGCD, TWDB & GMA 9 as boundary adjustments continue. GM and staff are planning for Explanatory Report development to be completed in Fall 2020. There will be future internal discussions to identify objectives and goals of DFC monitoring methodologies. Staff received an update from TWDB on their GAM modeling efforts and learned that the timeline for the Hill Country Trinity model update completion is 2023.

**Sustainable Yield Planning:** Ongoing modeling discussions, future stakeholder discussions, potential rule-making objectives and timelines, Board Presentations.

**Database Management System:** Internal functional testing and review of database, project status tracking, and strategy meeting with Intera.

**Implementation of Habitat Conservation Plan:** The first annual report was timely submitted to USFWS for their review. Staff will be visiting with FWS staff in the coming months to receive feedback on the first annual report.

**Region K Planning:** April 22, 2020 Public Hearing on Initially Prepared Plan (Austin)

- Region K began the fifth round of regional water planning (2017-2021) in 2016 and has received funding from TWDB for the completion of the 2021 water plan. The water demand projection revision requests Region K submitted to TWDB were approved in February 2018. The draft Initially Prepared Plans are available on the TWDB website: [IPP Volume 1](#); [IPP Volume 2](#)

**Kent Butler Summit Planning:** GM and staff are participating in the planning and coordination of the May 2020 Kent Butler Summit. Event will be invitation only for local officials and their staff. The focus will be land and water resource management and how partnerships with counties, municipalities, GCDs and NGOs can be leveraged.

**Meetings with Officials:** NA

**Meetings with Permittees:** GM and staff will be coordinating a meeting with Ruby Ranch to discuss their near-final permit application and logistics of their ASR operations and response plans. GM and staff met with Marbridge on a routine site inspection to verify water use and meter reporting. GM and staff met with City of Hays to discuss a well rehab/well plugging project.

**Drought Planning:** All teams are making preparations for permittee notifications as water levels get closer to drought trigger thresholds.

**Budget Planning:** The Budget Committee met on May 18<sup>th</sup> by video conference call to discuss the draft preliminary budget for FY 2021. Additional committee meetings will be scheduled in June-July to discuss the final proposed budget and fee schedule for FY 2021.

**Budget Planning Schedule:**

- May 14<sup>th</sup>, Thursday Board Meeting to approve FY 2020 Budget Revision 1.
- June 11<sup>th</sup>, Thursday Board Meeting to present our FY 2021 Preliminary Budget.
- June 29<sup>th</sup> – July 8<sup>th</sup>, the Proposed Budget will be available for public viewing.
- July 9<sup>th</sup>, Thursday Board Meeting and Public Hearing to approve final FY 2021 Proposed Budget and Fee Schedule.

**Cyber Security Policy:** District staff and Board of Directors have completed the cyber security training provided by TAGD. The Board will consider a resolution and policy at the June 11<sup>th</sup> Board Meeting.

**Training, Presentations, and Conferences:** Texas Water Foundation Leadership Institute Training (VE)

**Routine Activities and Day-to-Day Operations:**

- Developed protocols and procedures for modifying workplace operations during the COVID-19 pandemic; reviewed local and state orders regarding essential employees, and routinely met with staff regarding remote working arrangements and safety protocols.
- Hosted meeting with RWQPG; status meeting with BRAT team; site visit with Hays County; meeting with EDF, WVWA, HTGCD on grant proposal planning; meeting with Buda ASR team; meeting with HTGCD GM on Rulemaking & JWS management zone; meeting with Hays County staff regarding elections coding update; conference calls on Kent Butler planning.
- Provided general 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 staff meetings virtually, held one-on-one meetings with Team Leaders; held Planning Team meetings; served as liaison between Board and staff; and supported Board subcommittees.

**GM Planning Efforts with Staff Teams:**

- *Education Team* – website updates, office prep and material review, communications planning goals, social media strategies.
- *Aquifer Science Team* – grant review discussions, DFC memo discussions

- *Regulatory Team* – sustainable yield planning, onboarding work plan for AGM, permitting reviews, site inspections, ASR permit finalization, Intera strategy meeting for database project.
- *Administrative Team* – budget 2020 revision, budget FY 2021 planning, operational & administrative tasks, Board meeting planning, election planning.

#### Other Regional/Local News:

- [Wimberly Valley Documentary on 2015 Flood](#)
- [One Water – Blue Hole Elementary in Wimberly](#)
- [Southwest Travis County GCD welcomes new General Manager](#)
- Permian Highway Pipeline
  - [Radiographic Camera Located Intact in Gillespie County](#), (TDSH 5/31/2020)
  - [Sierra Club Lawsuit Challenges Construction of Permian Highway Pipeline](#) (4/30/2020)
  - [Commissioners Court Votes to Rescind Road Permits for Permian Highway Pipeline](#) (Hays Co. Press Release, 4/22/2020)
  - [Accident Along Permian Highway Pipeline Construction Site Contaminates Hill Country Wells](#). (Spectrum News 4/20/2020)
  - [Drilling fluid spill sparks pipeline lawsuit](#). (Wimberley View, 4/16/2020)
  - [TESPA issues notice of intent to sue Permian Highway Pipeline, Kinder Morgan](#), (San Marcos Record, 4/12/2020)

## **REGULATORY COMPLIANCE TEAM**

Staff: KBE and ES  
June 3, 2020

### **Sustainable Yield**

The RC team and Aquifer Science Team developed a process overview that outlines the timeline, milestones, and steps involved with completing the policy discussions, stakeholder aspects, and technical aspects of the sustainable yield effort. Staff is discussing modeling and policy internally. RC team needs to establish stakeholder process and will be meeting with a facilitator soon to discuss stakeholder planning.

### **DFC Planning**

The RC team is actively collaborating in planning discussions with the Aquifer Science Team, neighboring GCDs, GMA 10 representatives, and TWDB staff. We are working on preparing a timeline and planning strategy for our immediate and long-term goals related to DFC revisions and DFC monitoring compliance. Discussions will continue as we continue to attend GMA meetings and prepare to develop presentations, bring information to the Board and engage additional stakeholders. On January 16<sup>th</sup>, staff made a presentation to the Board on DFC process and proposed revisions. Staff has drafted a DFC memo and will begin revision process with GMA 10 and TWDB.

### **State Office Administrative Hearing (SOAH) Matters**

Electro Purification Production Permit - SOAH proceeding schedule has been abated until July 2020.

### **SH 45 SW/ MoPac Intersections Roadway Projects**

Staff held a SH 45 wrap up discussion meeting with CTRMA in mid-November. Staff is working on an article write-up of the project success to be completed in January 2020. MoPac project is still under construction, and quarterly environmental storm water inspections are performed by District staff and Dave Fowler. Aquifer Science is still involved in regular site visits to review karst features and advise on mitigation of those features. Dave Fowler conducted a brief SH 45 inspection on January 27<sup>th</sup> and staff anticipates conducting one final inspection before the end of summer. Staff will work with David Fowler to conduct MoPac inspection soon.

### **Database Development Intera Contract**

Intera continues to work on modules for completion and deployment. Staff had a meeting with Intera on June 2, 2020 to discuss the progress of the project which included scope review and completion strategy. A follow-up meeting is planned with Intera to finalize strategy. Staff will likely need to spend more time on this project to get it finalized.

### **Strategic Planning Discussions**

RC team staff are preparing team priorities to identify core functions, management goals, and long-term project efforts. This will help inform upcoming work session discussions with the full Board.

**Permitting: In Review Applications:**

- City of Hays Well rehab/ Well Plugging
- Exempt/ LPP domestic wells
- Ruby Ranch ASR Operational Permit
- Travis County Fire Station
- Gragg Tract #4

**Permitting: Pre Application Meetings (Soon to be Filed):**

<b>Application Type</b>	<b>Entity</b>
Combo Drilling/Production Permit	HEB (new irrigation for pond)
Combo Drilling/Production Permit	Mad Rooster/ Greg Schwartz (Commercial)
Test Well	Creedmoor Trinity Test Well (PWS 2020)
Test Well	Maxwell WSC (PWS 2020)

**Other Project Efforts/ Planning Discussions**

- Internal coordination on preparation and planning for Annual Reports including Management Plan Annual Report & USFWS HCP Annual Report. Staff held the first MAC meeting since the issuance of the HCP on January 28<sup>th</sup> to provide an overview of the annual report and to solicit feedback. Staff has compiled the feedback and has made warranted changes to the annual report. (All Teams)
- Tracking progress on House and Senate Interim Charges
- TAGD legislative subcommittees

**Drought Compliance – No Drought**

## **AQUIFER SCIENCE TEAM**

Staff: BAS, BH, and JC (LC for ILA)  
June 4, 2020

### **Sustainable Yield Evaluation of the Trinity Aquifers**

Aquifer Science staff continue to collect data on the geology and hydrogeology related to the Trinity Aquifers. Aquifer Science staff are continuing to work on enhancing the monitor well networks in the EP and Needmore areas and are continuing to collect water-level and water-quality data from wells in these areas. We are working with Hays County to install Trinity monitor wells in the Jacob's Well area. Work on the District's own numerical modeling is ongoing. We are members of a technical committee to guide the development of a numerical groundwater model of the aquifers influenced by the Blanco River. Planning and funding of the Blanco River/Trinity model are close to being finalized with ongoing discussions between Hays County, Meadows Center, and Southwest Research Institute. It is expected that Southwest Research Institute will do most of the modeling work.

### **Alternative Water Supplies (ASR and Desalination)**

Ruby Ranch has completed testing of injection of Edwards water into their Trinity well. Ruby Ranch submitted a final report on the ASR pilot testing to the TCEQ and the District on October 9, 2019. The District has received a permit application from Ruby Ranch for operation of their ASR system. The Ruby Ranch ASR system is now permitted for operation by TCEQ. The City of Buda started drilling a Trinity well in mid-April for their ASR project. By June 3, the well had been drilled to a depth of 1,430 ft and the plans were to install the screen and casing by June 10 and then to start testing.

### **Drought and Water-Level Monitoring**

Moderate amounts of rain in February and March slowed the recession of spring flow and water levels. Between 2 and 3 inches of rain in early April caused both Lovelady and Barton Springs to rise, and significant rain in May (up to 9 inches) caused water levels to rise even more. On June 4, the Lovelady well had a level of 485.0 ft msl. Barton Springs was flowing at 76 cfs. The aquifer is not likely to enter drought conditions for at least two months.

### **Presentations, Conferences, Reports, and Publications**

The 16<sup>th</sup> Sinkhole Conference that was to be held in San Juan, PR in April 2020 was postponed until April 2021. A presentation about our ASR projects was given to the Groundwater Protection Committee annual conference on February 18 in San Antonio.

### **Travis County ILA - Hydrogeologic Atlas of Western Travis County**

The 80-page Hydrogeologic Atlas of Southwest Travis County was published by BSEACD on April 29. This atlas was prepared for tabloid-size printing, which Travis County has just completed. This atlas covers the hydrogeology, structure, water quality, and water use of southwest Travis County and a portion of northern Hays County. The various Trinity aquifers in the area are discussed along with an assessment of the availability of groundwater in the area. The key result of this study is that some portions of these aquifers are undergoing significant lowering of water levels, and some portions are depleted with no groundwater available for water supply to wells. A second phase of work complimenting Phase 1 has begun and will be completed by August 31.



## EDUCATION TEAM

Staff: JV  
June 3, 2020

### **District Operation Updates**

Education staff has been working with other teams to keep the public up-to-date with changed office operations, staff contact information, and other useful information for the public during remote work operations. Updates are made to the website, front door signage, social media, and shared with eNews and press contacts as operations shift.

### **Scholarship Programs**

The District scholarship deadline was March 25<sup>th</sup> and winners were officially selected during the May board meeting. The District awarded the top 3 college applicants \$2,500 scholarships, and the 7 summer camp scholarship applicants with an alternative prize--passes to the Meadows Center in San Marcos. This year's scholarship programs were funded by the District and through conservation credit donations from City of Austin, Creedmoor Maha, Goforth, and Cook-Walden-Forest Oaks. All winners have been contacted, and alternative prize packages are being prepped for delivery to each of the camp applicants. Thank you letters to our judging panel have been sent out. View winners and essays at [www.bseacd.org/scholarships](http://www.bseacd.org/scholarships).

### **Kent Butler Summit**

Regular meetings continue with the Kent Butler Summit planning committee which includes District staff, Austin Water, Austin Watershed, Hill Country Alliance, and an outside facilitator. Format this year will be an invitation-only workshop focused on need/strategies/successes for 'Investing in the Natural Infrastructure of the Hill Country'. This strategic planning process also aims to improve the planning process for future summits. The format and date of this year's summit is subject to change as discussions continue.

### **District Well Water Checkup Postponed**

The annual well water checkup program, originally set for April 22<sup>nd</sup>, is postponed until further notice. The Well Water Checkup normally hosts the first 50 District well owners to bring in their water samples to test for common drinking water contaminants, at no cost to the well owner.

### **Strategic Planning + Communications**

Strategic planning is underway and notes from the Board presentations have been used to inform the budget draft and outreach team planning process. Research on an informal communications plan is underway and is being guided with help from other GCDs, agencies, and non-profit education/outreach staff.

### Other meetings and activities:

- **TAGD Education Committee Meeting:** Staff participated in the TAGD group meeting this month discussing communications plans, messaging, and more as they develop a how-to for members to organize and customize their communication efforts.
- **Hydrogeologic Atlas of Southwest Travis County:** Working with members of the project team, staff are coordinating outreach to stakeholders, partners, peer-reviewers and participants to share the recently completed scientific report. Work is underway with partners on an

educational guide for well owners in Travis County based on findings and information in the completed report.

- **Hill Country Living + Rainwater Revival Festival:** The annual event hosted by Hill Country Alliance has been postponed to October 24<sup>th</sup>, 2020.
- **Groundwater to the Gulf Teacher Training:** The District and collaborating partners that plan and host the annual Groundwater to the Gulf teacher training have decided to forgo the usual summer session and switch the program to every other year going forward.
- **Explorer's Guide to the Hill Country:** The SBCA has launched the web version at [www.explorersguide.org](http://www.explorersguide.org). SBCA staff have been promoting the guide and Explorer's Challenge to visit sites and complete activities within the guide. The District is a main sponsor of the project and will also be sharing this resource for applicable events and programs.

#### **Internet Traffic Report - Page views and visits to the District Website**

From May-June, the District website had 1,494 total page views by 1,258 unique sessions. Top sites in order of number of views were Home Page (559), Scholarships (134), Maps (126), Staff (106), and Drought Status (103). *The District Facebook page now has 931 likes and 1,068 followers. The most popular FB posts included District COVID Operations Update, and Smart Water Reminders from Experts at the LBJ Wildflower Center and TWDB.*

## ADMINISTRATION TEAM

Staff: SD, TR, and DW  
May 6, 2020 – June 3, 2020

### Accounts Receivable/Permittee Cycle Billings

June permittee monthly billings, and 4<sup>th</sup> and FINAL quarter of FY 2020 (Jun/Jul/Aug) billings were mailed out before May 16, 2020 – approx. \$330,000 (this includes the City's final quarterly water use fee payment for the year in the amount of \$245,571).

### Banking

Updating new bank signature cards with Truist (previously BB&T that has now merged with Suntrust). **UPDATE:** Truist processing on May 27, 2020 – new signature cards have been received and are being processed.

### Budgets

FY 2021 Initial Draft Preliminary Budget Analysis and Discussions with Budget Committee. Budget timeline has been created for May through July.

Met with Board Committee on May 21, 2020 to discuss 2021 Preliminary Budget Version E.

Preliminary Budget 2021 Version F is on the agenda for the June 11 Board meeting.

### Cyber Security Training for Board and Staff

All Board and Staff have been signed up for the training through TAGD, as legislatively required. Training completion was due before May 20.

### Election – November 2020

There are three director precincts that may be involved this year:

Precinct 1 - Mary Stone, Precinct 3 - Blake Dorsett, Precinct 4 - Robert D Larsen, Ph.D.

**Non-general election item:** Vanessa, Bill Dugat, Sherry McCall, Dana, and the Hays County Election folks continue to have discussions regarding the GIS Coding issue that has been in process since May 2018.

### Financial Reporting – Website Transparency Section

Transparency Star-related. Most current, available financial reports are to be posted. Balance Sheets, Profit and Loss Statements, and Check Registers (Operating and Payroll) through May 2020 have been posted on the District website.

**Hays Trinity Groundwater Conservation District - ILA**

Contract approved and executed by both Boards as of May 12, 2020. On May 28, 2020, HTGCD was invoiced for \$25,000 according to Article 3.1 of the current ILA.

*The Administration Team typically has repetitive monthly tasks e.g. monthly bank reconciliations, daily phone answering, monthly adjusting journal entries, accounts payable, contract/grant/project tracking, monthly meter reading reporting, etc. These types of tasks are not listed here because they are repetitive. Administration status reports are generally shorter than the other teams, as we list only our extra-ordinary tasks.*

## **Item 6**

### **Director's Reports**

#### **Directors' Reports.**

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

**Item 7**

**Adjournment**