

Agenda Back-Up
for the
Barton Springs/Edwards Aquifer Conservation District
Board of Directors

Regular Meeting
&
Public Hearing

July 16, 2015
6:00 P.M.

NOTICE OF OPEN MEETING

Notice is given that a **Regular Meeting and Public Hearing** of the Board of Directors of the Barton Springs/Edwards Aquifer Conservation District will be held at the **District office**, located at 1124 Regal Row, Austin, Texas, on **Thursday, July 16, 2015**, commencing at **6:00 p.m.** for the following purposes, which may be taken in any order at the discretion of the Board.

Note: The Board of Directors of the Barton Springs/Edwards Aquifer Conservation District reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on this agenda, as authorized by the Texas Government Code Sections §551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551.087 (Economic Development), 418.183 (Homeland Security). No final action or decision will be made in Executive Session.

1. **Call to Order.**
2. **Citizen Communications (Public Comments of a General Nature).**
3. **Routine Business.**
 - a. **Consent Agenda.** *(Note: These items may be considered and approved as one motion. Directors or citizens may request any consent item be removed from the consent agenda, for consideration and possible approval as a separate item of Regular Business on this agenda.)*
 1. Approval of Financial Reports under the Public Funds Investment Act, Directors' Compensation Claims, and Specified Expenditures greater than \$5,000. **Page 4**
 2. Approval of minutes of the Board's June 25, 2015 Regular Meeting. **Page 8**
 3. Approval of a joint-funding agreement with USGS at an annual cost of \$7,370 to continue the inclusion of the Lovelady Drought Indicator well in the USGS-managed and reported Texas Data Collection Program. **Page 12**
 - b. **General Manager's Report.** *(Note: Topics discussed in the General Manager's Report are intended for general administrative and operational information-transfer purposes. The Directors will not take any action unless the topic is specifically listed elsewhere in this agenda.)*
 1. **Standing Topics.**
 - i. Personnel matters and utilization
 - ii. Upcoming public events of possible interest
 - iii. Aquifer conditions and status of drought indicators
 2. **Special Topics.** *(Note: Individual topics listed below may be discussed by the Board in this meeting, but no action will be taken unless a topic is specifically posted elsewhere in this agenda as an item for possible action. A Director may request an individual topic that is presented only under this agenda item be placed on the posted agenda of some future meeting for Board discussion and possible action.)*
 - i. Review of Status Update Report – at directors' discretion **Page 17**
 - ii. Update on activities related to GMA and regional water planning

- iii. Update on activities related to annexation of the new area in Hays County
- iv. Update on efforts to assess saline Edwards desalination and ASR feasibility
- v. Update on activities related to the HCP and the associated draft EIS

4. Public Hearing (6:15)

The Board will hold a public hearing on proposed revisions to the District Rules and Bylaws related generally to: the introduction, definitions, permits and exemptions, permit process and applications, Temporary and Regular Permits for existing wells in the Shared Territory, action on permits, permit amendments, permit conditions and requirements, spacing and production limits, modification of permits, City of Austin water use fees, Limited Production Permits, maximum withdrawals for management zones, proscribed water uses, notice and hearing process, contested cases, well construction standards, and other general administrative clarifications and corrections. **Page 21**

5. Discussion and Possible Action.

- a. Discussion and possible action related to approving some or all of the proposed revisions to the District Rules and Bylaws presented in the public hearing. **Page 31**
- b. Discussion and possible action related to reviewing the draft FY 2016 annual budget and fee schedule, and setting a public hearing. **Page 36**
- c. Discussion and possible action related to 1) selecting a first-choice firm to provide public relations support services to assist the District with outreach efforts associated with annexation and 2) authorizing the General Manager to negotiate and execute a contract.
- d. Discussion and possible action related to activities associated with the District review of State Highway 45 Southwest design plans. **Page 41**

6. Adjournment.

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

_____, Deputy Clerk

Travis County, TEXAS

Please note: This agenda and available related documentation have been posted on our website, www.bseacd.org. If you have a special interest in a particular item on this agenda and would like any additional documentation that may be developed for Board consideration, please let staff know at least 24 hours in advance of the Board Meeting so that we can have those copies made for you.

The Barton Springs/Edwards Aquifer Conservation District is committed to compliance with the Americans with Disabilities Act (ADA). Reasonable accommodations and equal opportunity for effective communications will be provided upon request. Please contact the District office at 512-282-8441 at least 24 hours in advance if accommodation is needed.

Item 1

Call to Order

Item 2

Citizen Communications

Item 3

Routine Business

a. Consent Agenda

(Note: These items may be considered and approved as one motion. Directors or citizens may request any consent item be removed from the consent agenda, for consideration and possible approval as a separate item of Regular Business on this agenda.)

- 1.** Approval of Financial Reports under the Public Funds Investment Act, Directors' Compensation Claims, and Specified Expenditures greater than \$5,000.
- 2.** Approval of minutes of the Board's June 25, 2015 Regular Meeting.
- 3.** Approval of a joint-funding agreement with USGS at an annual cost of \$7,370 to continue the inclusion of the Lovelady Drought Indicator well in the USGS-managed and reported Texas Data Collection Program.

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting
June 25, 2015**

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

1. Call to Order.

Ms. Stone called the meeting to order at 6:00 p.m., noting that a quorum of the Board was present.

2. Citizen Communications (Public Comments).

There were no public comments of a general nature.

3. Routine Business.

- a. **Consent Agenda** Note: These items may be considered and approved as one motion. Directors or citizens may request any consent item be removed from the consent agenda, for consideration and possible approval as an item of Regular Business.

1. **Approval of Financial Reports under the Public Funds Investment Act, Directors' Compensation Claims, and Specified Expenditures greater than \$5,000.**
2. **Approval of minutes of the Board's June 11, 2015 Regular Meeting.**
3. **Annual review and approval of the District investment policy.**
4. **Review and approval of District's quarterly financial performance reports.**
5. **Reschedule the regular July Board meetings for July 16 and July 30, 2015.**

Mr. Smith moved approval of consent agenda items 1 through 5.

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

3. Routine Business.

- b. **General Manager's Report.** *(Note: Topics discussed in the General Manager's Report are intended for general administrative and operational information-transfer purposes. The Directors will not take any action unless the topic is specifically listed elsewhere in this agenda.)*

1. Standing Topics.

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

2. **Special Topics.** *(Note: Individual topics listed below may be discussed by the Board in this meeting, but no action will be taken unless a topic is specifically posted elsewhere in this agenda as an item for possible action. A Director may request an individual topic that is presented only under this agenda item be placed on the posted agenda of some future meeting for Board discussion and possible action.)*

- i. Update on Team activities and highlights
- ii. Update on regulatory and enforcement activities
- iii. Update on current Aquifer Science Team projects
- iv. Update on efforts to prepare for prospective annexation
- v. Update on efforts to assess saline Edwards desalination and ASR feasibility
- vi. Update on activities related to the HCP and the associated draft EIS

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

4. Discussion and Possible Action.

4a. Discussion and possible action related to the review and revision of the draft rule language markup and approval of its use as proposed rules to initiate formal rulemaking, including setting a public hearing on the proposed rules. The rule changes relate to changes in the law made by the 84th Texas Legislature in HB 3405 and HB 2179, including provisions addressing administrative completeness and processing temporary and regular permit applications, notice and hearing for regular permits, production fees, well exemptions, drilling authorization, adding definitions, addressing the desired future conditions and modeled available groundwater in permitting, revisions to the non-domestic use general permit, and non-substantive changes to be more specifically explained in the notice of formal rulemaking if authorized.

Mr. Dupnik gave a presentation on the draft rule language, and Ms. Escobar and Mr. Dugat explained the permitting and contested case process.

The Board members gave their input on the draft rules.

After further discussion, Mr. Smith moved to accept the draft rules revisions as the review draft for purposes of formal rule making and public hearing, and that we post notice that a public hearing will be held on July 16, 2015, and that written public comments will be taken until July 9th and oral comments can be submitted at the July 16th meeting.

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

4c. Discussion and possible action related to activities associated with the District's review of SH 45 Southwest and associated stormwater controls.

Mr. Dupnik stated that Tom Hegemeir was interviewed and is under contract for engineering support for review of the SH 45 Southwest design plans. He has already attended his first meeting and has had correspondence with CTRMA.

Mr. Tom Hegemeir stated that he feels like he could be an extension of the staff and help review and make sure that the building of the road complies with the consent decree, and also achieves the goals that they had in mind to exceed the current state standards in this area. He went on to say that he has been in stormwater engineering for the past 33 years and has looked into the different BMPs during and after construction, as well as maintenance.

He then gave a briefing on his first meeting with CTRMA, and answered questions by the Board.

4b. Presentation, discussion, and possible action related to the 84th Legislative Session Debriefing Report and the Board's collective judgment as to the appropriateness of the District's legislative agenda, actions taken, and outcomes achieved.

Mr. Brian Sledge gave an update and brief explanation on bills that passed and failed in the 84th Legislative Session.

The Board thanked Mr. Sledge for his hard work during the session.

Dr. Larsen moved to adopt the legislative debriefing report to satisfy the District's Management Plan requirements.

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

4d. Discussion and possible action related to renewing and extending the employment agreement with John T. Dupnik, P.G. as General Manager.

Ms. Stone stated that this item would be returned to a future agenda.

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

Directors may report on their involvement in activities and dialogue that are of likely interest to the Board, in one or more of the following topical areas:

- Meetings and conferences attended or that will be attended;
- Conversations with public officials, permittees, stakeholders, and other constituents;
- Commendations; and
- Issues or problems of concern.

Mr. Dorsett reported the following:

Received a call from Mr. Higginbotham commending the staff on the District's permitting process.

Dr. Larsen reported the following:

Attended a Desal and Water Conference.

Ms. Stone reported the following:

Received numerous calls when HB 3405 passed.

Ms. Stansberry reported the following:

Attended a conference on Adaptive Stormwater Management.

Mr. Smith reported the following:

Attended a RWQPP meeting.

Attended a briefing at the City Administrative Building on the new PACE Program.

6. Adjournment.

Without objection, Mr. Smith adjourned the meeting at 8:51 p.m.

Approved by the Board on July 16, 2015:

By: _____
Mary Stone, President

Attest: _____
Blayne Stansberry, Secretary



United States Department of the Interior

U.S. GEOLOGICAL SURVEY
Texas Water Science Center
1505 Ferguson Lane
Austin, TX 78754

June 18, 2015

Brian Hunt
Senior Hydrogeologist
Barton Springs - Edwards Aquifer Conservation Dst
1124 Regal Row
Austin, TX 78748

Dear Mr. Hunt,

Enclosed are two signed originals of our standard joint-funding agreement for the project(s) Texas Water Science Center Water Resources Investigations, during the period September 1, 2015 through August 31, 2016 in the amount of \$7,370 cash from your agency. Please sign and return one fully-executed original to Karen Beers at the address above.

Federal law requires that we have a signed agreement before we start or continue work. Please return the signed agreement by **September 1, 2015**. If, for any reason, the agreement cannot be signed and returned by the date shown above, please contact Meghan Roussel by phone number (512) 927-3503 or email mroussel@usgs.gov to make alternative arrangements.

This is a fixed cost agreement to be billed annually via Down Payment Request (automated Form DI-1040). Please allow 30-days from the end of the billing period for issuance of the bill. If you experience any problems with your invoice(s), please contact Kandis Becher at phone number (817) 263-9545 Ext 225 or email at kkbecher@usgs.gov.

The results of all work performed under this agreement will be available for publication by the U.S. Geological Survey. We look forward to continuing this and future cooperative efforts in these mutually beneficial water resources studies.

Sincerely,

Meghan Roussel
Acting Director

Enc.: 15CMTX101000000(2)

Form 9-1366
(April 2015)

U.S. Department of the Interior
U.S. Geological Survey
Joint Funding Agreement
FOR
Water Resource Investigations

Agreement#: 15CMTX101000000
Customer#: 6000000639
Project #: SJ009ME
TIN #: 74-2488641
USGS DUNS #: 128821266

Fixed Cost Agreement YES[X] NO[]

THIS AGREEMENT is entered into as of the September 1, 2015, by the U.S. GEOLOGICAL SURVEY, Texas Water Science Center, UNITED STATES DEPARTMENT OF THE INTERIOR, party of the first part, and the Barton Springs - Edwards Aquifer Conservation Dst party of the second part.

1. The parties hereto agree that subject to the availability of appropriations and in accordance with their respective authorities there shall be maintained in cooperation Water Resource Investigations (per attachment), herein called the program. The USGS legal authority is 43 USC 36C; 43 USC 50, and 43 USC 50b.

2. The following amounts shall be contributed to cover all of the cost of the necessary field and analytical work directly related to this program. 2(b) include In-Kind-Services in the amount of \$0.00

- (a) \$0 by the party of the first part during the period
September 1, 2015 to August 31, 2016
- (b) \$7,370 by the party of the second part during the period
September 1, 2015 to August 31, 2016
- (c) Contributions are provided by the party of the first part through other USGS regional or national programs, in the amount of :

Description of the USGS regional/national program:

- (d) Additional or reduced amounts by each party during the above period or succeeding periods as may be determined by mutual agreement and set forth in an exchange of letters between the parties
- (e) The performance period may be changed by mutual agreement and set forth in an exchange of letters between the parties.

3. The costs of this program may be paid by either party in conformity with the laws and regulations respectively governing each party.

4. The field and analytical work pertaining to this program shall be under the direction of or subject to periodic review by an authorized representative of the party of the first part.

5. The areas to be included in the program shall be determined by mutual agreement between the parties hereto or their authorized representatives. The methods employed in the field and office shall be those adopted by the party of the first part to insure the required standards of accuracy subject to modification by mutual agreement.

6. During the course of this program, all field and analytical work of either party pertaining to this program shall be open to the inspection of the other party, and if the work is not being carried on in a mutually satisfactory manner, either party may terminate this agreement upon 60 days written notice to the other party.

7. The original records resulting from this program will be deposited in the office of origin of those records. Upon request, copies of the original records will be provided to the office of the other party.

8. The maps, records or reports resulting from this program shall be made available to the public as promptly as possible. The maps, records or reports normally will be published by the party of the first part. However, the party of the second part reserves the right to publish the results of this program and, if already published by the party of the first part shall, upon request; be furnished by the party of the first part; at cost, impressions suitable for purposes of reproduction similar to that for which the original copy was prepared. The maps, records or reports published by either party shall contain a statement of the cooperative relations between the parties.

9. USGS will issue billings utilizing Department of the Interior Bill for Collection (form DI-1040). Billing documents are to be rendered annually. Payments of bills are due within 60 days after the billing date. If not paid by the due date, interest will be charged at the current Treasury rate for each 30 day period, or portion thereof, that the payment is delayed beyond the due date. (31 USC 3717; Comptroller General File B-212222, August 23, 1983.).

Form 9-1366
(April 2015)

U.S. Department of the Interior
U.S. Geological Survey
Joint Funding Agreement
FOR
Water Resource Investigations

Agreement#: 15CMTX101000000
Customer#: 6000000639
Project #: SJ009ME
TIN #: 74-2488641
USGS DUNS #: 128821266

USGS Technical Point of Contact

Name: Meghan Roussel
Supervisory Hydrologist
Address: 1505 Ferguson Lane
Austin, TX 78754
Telephone: (512) 927-3503
Fax: (512) 927-3590
Email: mroussel@usgs.gov

Customer Technical Point of Contact

Name: Brian Hunt
Senior Hydrogeologist
Address: 1124 Regal Row
Austin, TX 78748
Telephone: (512) 282-8441
Fax: (512) 282-7016
Email: brianh@bseacd.org

USGS Billing Point of Contact

Name: Kandis Becher
Budget Analyst
Address: 2775 Altamesa Blvd.
Fort Worth, TX 76133
Telephone: (817) 263-9545 Ext 225
Fax: (817) 361-0459
Email: kkbecher@usgs.gov

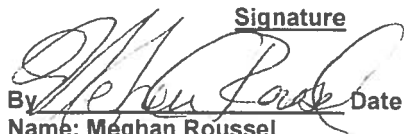
Customer Billing Point of Contact

Name: Dana Wilson
Senior Administrative Programs
Manager
Address: 1124 Regal Row
Austin, TX 78748
Telephone: (512) 282-8441
Fax:
Email: dana@bseacd.org

U.S. Geological Survey
United States
Department of Interior

Barton Springs - Edwards Aquifer Conservation Dst

Signature



By _____ Date: Jun 18, 2015

Name: Meghan Roussel
Title: Acting Director

Signatures

By _____ Date: _____

Name:
Title:

By _____ Date: _____

Name:
Title:

By _____ Date: _____

Name:
Title:

Barton Springs - Edwards Aquifer Conservation District
15CMTX101000000

Site Information

Description	Code	Units	Diff. Factor	USGS CWP	Customer	Total
Task: 2 - Ground Water Data Collection						
Site: 301237097464801 Lovelady Well near Austin, TX						
Operation and Maintenance		1.00	1.00	\$0	\$7,370	\$7,370
Site Totals:				\$0	\$7,370	\$7,370
1 total site(s) under the Task Totaling:				\$0	\$7,370	\$7,370
1 total site(s) under the Agreement Totaling:				\$0	\$7,370	\$7,370

Item 3

Routine Business

b. General Manager's Report.

Note: Topics discussed in the General Manager's Report are intended for administrative and operational information-transfer purposes. The Directors will not deliberate any issues arising from such discussions and no decisions on them will be taken in this meeting, unless the topic is specifically listed elsewhere in this as-posted agenda.

1. Standing Topics.

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

2. Special Topics.

Note: Individual topics listed below may be discussed by the Board in this meeting, but no action will be taken unless a topic is specifically posted elsewhere in this agenda as an item for possible action. A Director may request an individual topic that is presented only under this agenda item be placed on the posted agenda of some future meeting for Board discussion and possible action.

- i. Review of Status Report Update – at director's discretion**
- ii. Update on activities related to GMA and regional water planning**
- iii. Update on activities related to annexation of the new are in Hays County**
- iv. Update on efforts to assess saline Edwards desalination and ASR feasibility**
- v. Update on activities related to the HCP and the associated draft EIS**

STATUS REPORT UPDATE FOR JULY 16, 2015 BOARD MEETING

Prepared by District Team Leaders

		Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
GENERAL MANAGEMENT TEAM		John Dupnik			
		JD	10-Jul-15	Meetings, Training, Presentations, and Conferences	External Meetings Attended: with Josh Grimes on annexation logistics; with architect on building remodel; with CTRMA on SH 45 design plans; with RPS on TWDB grant; with Kirk Holland on draft HCP comments; with EP on HB 3405 draft rules; with TESPA on draft rules; with Commissioner Conley on HB 3405 implementation; with CoA Mayor's office on wastewater discharges.
					Ongoing Special Projects: TDS saline zone investigation/alternative saline zone access agreement; CTRMA coordination on SH 45 design review; TWDB desal grant; HB 3405 implementation; annexation work plan; HB 3405 rulemaking; District HCP EIS review; CoA wastewater discharge rulemaking petition; Committees and Workgroups: Region K, voting member; GMA 10, voting member; Regional WQ Plan workgroup and wastewater subgroup; TAGD legislative subcommittees on Brackish groundwater, Permitting, and ASR; Region K committee on Legislation and Policy; Region K strategy prioritization committee; Region K water supply strategy subcommittee.
Summary of Significant Ongoing Activities		JD	10-Jul-15	Ongoing Special Projects, Committees, and Workgroups	Routine Activities/Day-to-Day Operations: provided general oversight of staff incentive projects and activities, and oversight of day-to-day operations; approved purchase orders and expenditures; approved timesheets; prepared agendas and backup for and attended Board meetings; prepared GM report and assigned tasks in response to Board commitments; held regular one-on-one meetings with Team Leads; track staff incentive projects; presided over Planning Team meetings; serve as liaison between Board and staff; support Board committees; serve as primary contact for District lobbyist; respond to media requests; disseminate media reports and journal articles of possible interest. Consultation with Attorney on: HB 3405 interpretation; Rulemaking for HB 3405; Higginbotham application. Other Activities: legislative debriefing and final bill analysis; prepare funding requests to Hays and Travis Counties; coordinate with CTRMA on SH 45; negotiate and execute contract with Tom Hegemier (SH-45 engineer); coordinate with contract engineer for SH 45 review; coordinating with consultant on comments from USFWS on draft HCP; coordinate team tasks for implementing HB 3405; prepare FY16 budget; complete FY 16 Salary estimates; interview on Austin Monitor Radio; coordinate building remodel; coordinate TWDB grant project.
GENERAL SERVICES TEAM		Dana Christine Wilson			
Accounts Receivable - A		DCW	10-Jul-15	Permittee accounts carrying a past due balance:	Currently there are no past due accounts.
Accounts Receivable - B		DCW	10-Jul-15	July Monthly Billings	for \$25,301 mailed out on 6/12/2015.
Accounts Receivable - C		DCW	10-Jul-15	August Monthly Billings	for \$25,301 to be mailed out by 7/16/2015. DMFs for \$1000 will also be billed here. This is the last billing cycle of the 2015 fiscal year.
Accounts Receivable - D 2015 Drought Management Fees		DCW	10-Jul-15	Drought Management Fees for \$1,000.	4 DMFs were assessed this fiscal year = Aqua Bliss Spillar 250, MOYSC 250, and Creedmoor 500.
Budget - 2015 Revision 2		DCW	10-Jul-15	Budget 2015 - Revision 2 - in process	Post-legislation start-up costs relating to 3405 to include annexation and other necessary start-up costs that may be incurred before the end of this fiscal year.
Budget - 2016		DCW	10-Jul-15	Budget 2016 - Initial Preliminary Version	In process and to be presented at July 16 meeting.
Contract -Agreement Renewal		DCW/BH	10-Jul-15	Annual Lovelady Data Collection annual joint funding agreement with USGS	\$7370/year.
Fee Schedule and Fee Schedule Resolution		DCW	10-Jul-15	To be approved by the Board 30 days before the end of the fiscal year.	This requires a public hearing and is brought before the board along with the preliminary AND proposed budget requests (preliminary version at July 16 meeting AND proposed version at July 30 meeting).

	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
Financial Reporting - Website	DCW	10-Jul-15	Most current, available financial reports are posted on the District website.	Profit and Loss Statement, and Balance Sheet through May 31, 2015.
Pumpage Analysis	DCW / KHE	10-Jul-15	Annual pumpage analysis for determining budget revenue is completed (and included in the Board agenda back-up for July 16).	This includes current authorized permittee pumpage, and also forecasts potential and pending increases and prospective new permittees to arrive at the budgeted permitted pumpage number that determines the budget's total projected permitting revenue and also determines the City of Austin fee.
Retirement Plan and Trust	DCW	10-Jul-15	Annual compliance process for The Standard - our third party pension plan administrator.	Required actions occur in August through September that include final payroll submission, and compliance testing data validation. This report is required by pension law, specifically Government Code 802.
Retirement Plan and Trust - Restatement	DCW	10-Jul-15	In order to keep our plan in compliance with regulatory changes, we are required by law to "restate" our retirement plan document when these changes occur. In the next several months, The Standard will provide us with an updated document based on these changes. The standard (and The Standard) cost is \$1000.	In 2006, Congress passed the Pension Protection Act of 2006. The Pension Protection Act is the most comprehensive reform of the nation's pension laws since the enactment of the Employee Retirement Income Security Act of 1974. After the Pension Protection Act of 2006, additional law changes came into effect, including WRETA (Worker, Retiree and Employer Recovery Act of 2008), HEART (Heroes' Earnings Assistance and Relief Tax Act) and Final 415 Regulations (Post Severance Compensation and Post Year End Compensation).
REGULATORY COMPLIANCE TEAM Kendall Bell-Enders				
City of Buda	KBE, VE	09-Jul-15	Test well - New Edwards PWS well	The City of Buda submitted a test well application. The City plans to drill potentially 4 test wells in the Garlic Creek area to determine a location for a new PWS well for their aggregate system. There will not be a new production permit associated with the new well, it will be an aggregate. The first test well proved to have sufficient yield, therefore Buda will be submitting a well drilling/modification application to complete the well per BSEACD and TCEQ well construction standards. Buda will also be conducting a pump test and completing a hydrogeologic report for this new well. Staff has not yet received a modification application.
No-Drought Conditions declared	KBE, VE	09-Jul-15	Drought Compliance Monitoring and Enforcement	No-drought was declared on January 29, 2015. Staff sent out email and letter to all permittees notifying them of no-drought status.
Mesa Oaks	KBE, VE	09-Jul-15	Middle Trinity Well	Mesa Oaks has submitted a well drilling and production permit for a Middle Trinity well to be used for irrigation. The first 90-day review period has expired and they have been granted another 90-day extension. The application is due to expire on August 30, 2015.
Onion Creek Golf Club	KBE, VE	09-Jul-15	Middle Trinity Well	Drilling has begun on the Middle Trinity well. They have drilled the well to total depth at approx. 1,460 ft into the Cow Creek formation. Preliminary results indicate a productive well with production at approx. 300 gpm and TDS approx. 850-900 mg/l.
Annexation	KHE, VE	09-Jul-15	District Rules and Bylaws/Ruling Making and Updates	Staff has initiated a focused rulemaking process for annexation, with a concept document submitted to Board and rule language finalized and 20-day notice to be posted on June 26th; with a goal for approval by July 16th Board meeting. Staff is also in the process of updating the application forms (to include temporary permit) and website content in preparation for annexation.
HEB	KBE, VE	09-Jul-15	Test well - Saline Edwards Well	HEB has submitted a test well application. The test well is being constructed to determine the target production zone due to the location being on the saline interface. The completed well is proposed to be used for makeup water for a stormwater wet pond. Aquifer science staff had a meeting with the applicant to discuss test well design. The test well drilling will likely be initiated in the next 2-3 months.
TJ Higginbotham	KBE, VE	09-Jul-15	Class C Conditional Freshwater Edwards Application	TJ Higginbotham has submitted a production permit application for a Class C Conditional Freshwater Edwards Permit for 270,000,000 gallons/year. He has an existing Edwards well that is completed per TCEQ standards for PWS. The application has been deemed administratively complete and a notice will be posted soon.
EDUCATION & OUTREACH Robin Gary				

	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
Annexation - General	RG	09-Jul-15	Mapping, registration, and informational materials development	The annexation website and well owner guide has been updated with the annexation area. An online well registration form is currently available and collecting registration information. An intern is processing online information and working on formatting it for an official well registration form to mail back to registering well owners. Staff is creating an annexation fact sheet and promotional materials for the Town Hall meeting. Coordination with Hays County to host the Town Hall is ongoing.
Annexation - Strategic Walk and Talk	RG	09-Jul-15	Door to door educational campaign	Staff has been coordinating with the Clean Water Fund (currently under contract) to help increase awareness of the Town Hall meeting and the need to register wells in the RR12 and Hugo Lane area. The team will visit homes, distribute the annexation fact sheet, and sign up folks for the Friends of the Aquifers list.
Groundwater to the Gulf	RG, JC	09-Jul-15	Event	The event was a great success. Cooler than normal temperatures and no rain cancellations helped create a fun program this year. The District introduced the keynote speaker: Kirk Watson and lead many activities including overview, aquifer model, flow measurements, protect the recharge zone, and rainwater harvesting.
Annexation - PR Services	RG	09-Jul-15	Planning	An SOQ for a PR Services contractor has been listed and we have received questions from interested parties. The contractor will help augment and extend District presence and build relationships with agencies, organizations, and residents in the annexation area. The contractor will help increase awareness of the importance of well registrations and find owners who need to seek permits.
Internet Traffic Report	RG	09-Jul-15	Page views and visits to the District Website	The District website has received 5,363 page views this month. Top pages in order of number of visits are the home page (1,082), the HB 3405 Spotlight (636), the Drought Status page (632), and the Annexation Press Release spotlight (625).. On the District Facebook page we have 365 people who have signed up to 'Like' us.
AQUIFER SCIENCE				
Dye Tracing	BS, BH	09-Jul-15	Dye tracing	Discussions are underway with the EAA and CoA about potential dye tracings in the upcoming months. Locations include sinkholes and wallets in the Blanco River. Providing that there is flow in Onion Creek, dye will be injected into Antioch Cave later this summer or in the fall.
Central Hays County Groundwater Evaluation	RG, BH, BAS, AA	09-Jul-15	Well and hydrogeology characterization	District staff are establishing a monitoring network of nearby wells to collect data during the EIP aquifer test. Revisions are being made to the aquifer test guidelines, and a definition for unreasonable impacts is being developed.
Antioch Cave	BS, BH, AA	09-Jul-15	Onion Creek Recharge Enhancement Project	The Antioch system is open to allow recharge into the cave from recent rains.
Water-Quality Studies	BS, BH, AA	09-Jul-15	Sampling and analysis of groundwater and surface water	District staff, in cooperation with the TWDB, have begun sampling wells and springs. In addition, the staff is sampling wells and springs as part of the Magellan Pipeline monitoring effort.
Saline Zone Studies	BS, BH	09-Jul-15	Installation of multiport monitor well	Plans are moving forward for installation of a saline Edwards multiport well in conjunction with a test well installed by TDS. We are currently working on an access agreement with TDS. On July 8, the District was officially notified of an award of a regional planning grant for work on the saline Edwards.
Drought and Water-Level Monitoring	BH, BS, AA	09-Jul-15	Drought status, monitor wells, and synoptic water level events	January 30, the District Board declared non-drought conditions. The District had been in drought since August 15, 2014. As of July 9, the water level in the Lovelady well was at 518.1 ft above msl, and Barton Springs gage is flowing at 95 cfs.

	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
Information Transfer	BS, BH, AA	09-Jul-15	Presentations, conferences, reports, and publications	District staff are working on a paper to be published by Springer on surface-groundwater interactions. Staff are working on the Vol. 2 of the Hydrogeologic Atlas.
AD-HOC TEAMS				
Technical Team	BAS	09-Jul-15	Current areas of discussion	Topics of discussion at the technical team meeting in July were the Electro Purification well field, the TWDB grant application, and Sunset Valley and Buda water planning.
Planning Team	JD	10-Jul-15	Strategic and tactical planning and discussion topics	Routine items: reviewed current Board agenda items and identified possible future agenda items, reviewed status of current Board commitments. New Business: Annexation update: EP activities, Annexation tasks and team work plans: FY 16 budgeting
UPCOMING ITEMS OF INTEREST				
1st July Board Meeting		16-Jul-15		
GMA 9 Meeting		20-Jul-15	Dripping Springs	
2nd July Board Meeting		30-Jul-15		
1st August Board Meeting		13-Aug-15		
GMA 10 Meeting		17-Aug-15	EAA offices, San Antonio, Tx	
2015 Texas Groundwater Summit		25-Aug-15	thru 8/27, San Marcos Embassy Suites and Conference Center, \$5	
2nd August Board Meeting		27-Aug-15		
1st September Board Meeting		10-Sep-15		
2nd September Board Meeting		24-Aug-15		
SOS University		18-Sep-15	THU	
Texas Desal 2015		30-Sep-15	thru 10/1, Radisson Hotel and Suites, Austin, Texas, \$5	
1st October Board Meeting		08-Oct-15		
TWCA Fall Conference		14-Oct-15	thru 10/16, Wyndham Hotel, San Antonio, Texas	
2nd October Board Meeting		22-Oct-15		

Item 4

Public Hearing (6:15)

The Board will hold a public hearing on proposed revisions to the District Rules and Bylaws related generally to: the introduction, definitions, permits and exemptions, permit process and applications, Temporary and Regular Permits for existing wells in the Shared Territory, action on permits, permit amendments, permit conditions and requirements, spacing and production limits, modification of permits, City of Austin water use fees, Limited Production Permits, maximum withdrawals for management zones, proscribed water uses, notice and hearing process, contested cases, well construction standards, and other general administrative clarifications and corrections.

FREDERICK, PERALES, ALLMON & ROCKWELL, P.C.

ATTORNEYS AT LAW
707 Rio Grande, Suite 200
Austin, Texas 78701
(512) 469-6000 (512) 482-9346 (facsimile)
Info@LF-LawFirm.com

Of Counsel:
Rick Lowerre

July 9, 2015

John Dupnik, P.G.
General Manager
Barton Springs Edwards Aquifer Conservation District
1124 Regal Row
Austin, Texas 78748
e-mail: jdupnik@bseacd.org

**Re: Proposed Revisions to the District Rules and Bylaws Related to
Implementation of House Bill 3405.**

Mr. Dupnik:

On behalf of the Trinity Edwards Springs Protection Association ("TESPA"), I am submitting these comments regarding the recent proposal for a rule revision by the Barton Springs Edwards Aquifer Conservation District ("BSEACD").

TESPA appreciates the work done by BSEACD staff to formulate the proposed revisions. HB 3405 has significant consequences, and established short timelines in which BSEACD will be required to act. Even within these constraints, BSEACD staff has put forth well-drafted rules that constitute an important step towards implementing HB 3405.

Overall, TESPAs supports the draft rules. These rules include several provisions that provide additional protection for the Trinity Aquifer within what is now referred to as the shared territory. For example, the proposed rules establish a more stringent standard for Trinity Exemption Criteria. Such changes reflect a genuine effort to responsibly regulate the withdrawal of groundwater from the Trinity Aquifer within the shared territory.

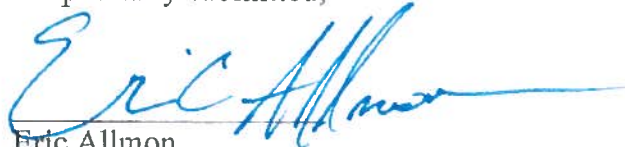
Even so, TESPAs is concerned that the draft rules do not appropriately address the desired future conditions ("DFC") for the Trinity Aquifer. At 3-1.23(D), the draft rules set forth a DFC for the Trinity Aquifer of a 25-foot drawdown, and a quantity of 1,288 acre-feet annually as the amount of water available corresponding to this DFC. This DFC was accurate for the portion of the Trinity aquifer within the BSEACD prior to the effective date of HB 3405. But, at the time of the adoption of the current DFC in August of 2010, the shared territory was under the jurisdiction of the Hays-Trinity GCD. At that time, GMA-10 adopted a regional average well drawdown during average recharge conditions of zero (0) feet (including exempt and non-exempt well use) for the Trinity Aquifer within the jurisdiction of the Hays-Trinity GCD. House Bill 3405 has transferred jurisdiction over this area from the Hays-Trinity GCD to BSEACD, but this transfer of jurisdiction has not altered the applicable DFC in this area formerly under the jurisdiction of the Hays-Trinity GCD. Namely, the DFC for the Trinity Aquifer within the shared area added by HB 3405 should be recognized as remaining at zero (0) feet of well drawdown during average recharge conditions. Any application of the MAG should be evaluated in light of this zero (0) feet DFC in the shared territory. As drafted, the rules do not accurately characterize the applicable DFC in the shared territory.

The inclusion of specific numbers for the applicable DFC also presents problems in consideration of the fact that the DFC will be periodically reviewed, and potentially altered.

For these reasons, a better approach within the rules at Section 3-1.23(D) would be to simply remove references to specific quantifications of the DFC at the time of the rulemaking, but rather to make clear that permitted pumpage within the Management Zone is subject to limitation in consideration of the applicable DFC.

Thank you for the opportunity to comment with regard to the draft rules, and feel free to contact me if you have any questions.

Respectfully submitted,



Eric Allmon

FREDERICK, PERALES, ALLMON & ROCKWELL, P.C.
707 Rio Grande, Ste. 200
Austin, Texas 78701
Ph: (512) 469-6000
Counsel for TESPAs



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2 PGS

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NOTICE OF PUBLIC HEARING

Notice is given that a **Public Hearing** by the Board of Directors of the Barton Springs/Edwards Aquifer Conservation District (District) will be held at the District office located at 1124 Regal Row, Austin, Texas, during its Regular Meeting on **Thursday, July 16, 2015 at 6:15 p.m.** for the following purpose:

The Public Hearing concerns implementation of H.B. 3405 and other new legislation affecting the District including proposed revisions to the District Rules and Bylaws related generally to: the introduction, definitions, permits and exemptions, permit process and applications, Temporary and Regular Permits for existing wells in the Shared Territory, action on permits, permit amendments, permit conditions and requirements, spacing and production limits, modification of permits, City of Austin water use fees, Limited Production Permits, maximum withdrawals for management zones, proscribed water uses, notice and hearing process, contested cases, well construction standards, and other general administrative clarifications and corrections.

Following the hearing, the Board may possibly take action to approve some or all of these changes. A copy of the proposed rules is available for viewing and copying at the District office or from the District website at www.bseacd.org. Publication of this notice begins a public comment period for which comments will be accepted by the District until close of business on July 9, 2015. For more information, please contact the District office at (512) 282-8441.

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

_____, Deputy Clerk

Travis County, TEXAS

Please note:

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.

JUNE

26TH
15

M. Mitchell

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

JUN 26 2015 10 05 AM 201581018

MITCHELL 53 01

Dana DeBeauvoir, County Clerk
Travis County TEXAS



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

_____, Deputy Clerk

Caldwell County,

TEXAS

Please note:

FILED this 26th day of June 2015
10 05 A M
CAROL HOLCOMB
COUNTY CLERK, CALDWELL COUNTY TEXAS
By Madrina R. [Signature]



Accepted for Filing in:
Hays TX
On: Jun 26, 2015 at 10:38A
By:
Oscar Mejia

NOTICE OF PUBLIC HEARING

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Came to hand and posted on a Bulletin Board in the Courthouse, Hays County, Texas, on this, the 26 day of June, 2015, at 10:38 a.m.

 Deputy Clerk

Hays County, TEXAS

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RECEIPT

Public Hearing

The Barton Springs/Edwards Aquifer Conservation District Board of Directors will hold a Public Hearing on proposed rulemaking at its regularly scheduled meeting on Thursday, July 16, 2015 at the District office, 1124 Regal Row, Austin, Texas, 78748. The Public Hearing will commence at 6:15 p.m.

The Public Hearing concerns implementation of H.B. 3405 and other new legislation affecting the District including proposed revisions to the District Rules and Bylaws related generally to: the introduction, definitions, permits and exemptions, permit process and applications, Temporary and Regular Permits for existing wells in the Shared Territory, action on permits, permit amendments, permit conditions and requirements, spacing and production limits, modification of permits, City of Austin water use fees, Limited Production Permits, maximum withdrawals for management zones, proscribed water uses, notice and hearing process, contested cases, well construction standards, and other general administrative clarifications and corrections.

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6-26/2015 #441413

Hays Free Press - July 1, 2015

Estate of Elizabeth A Little, Deceased, were issued on May 26th, 2015, in Cause No. 15-0134-P pending in the County Court of Hays County, Texas, to: Robert E Little.

All persons having claims against this Estate which is currently being administered

June 9th at 9 a.m. in the Hays County Courthouse, 111 E. San Antonio Street, the Hays County Commissioners Court will hold a public hearing to consider:

Replat of Lot 1, Sandahl Subdivision

PUBLIC HEARING

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Item 5

Board Discussions and Possible Actions

- a. Discussion and possible action related to approving some or all of the proposed revisions to the District Rules and Bylaws presented in the public hearing.**



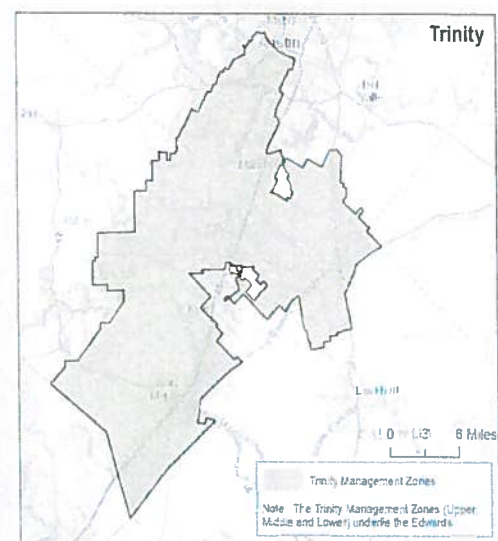
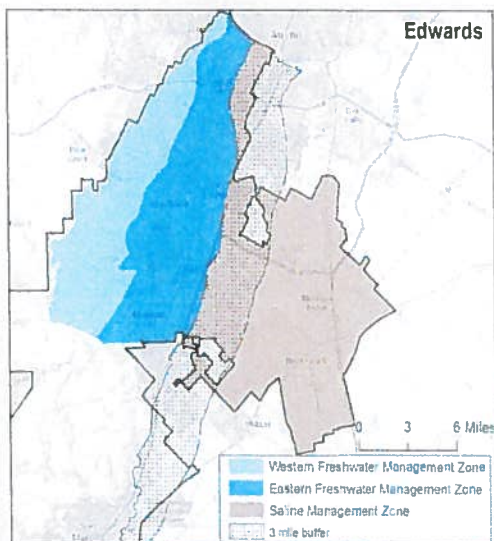
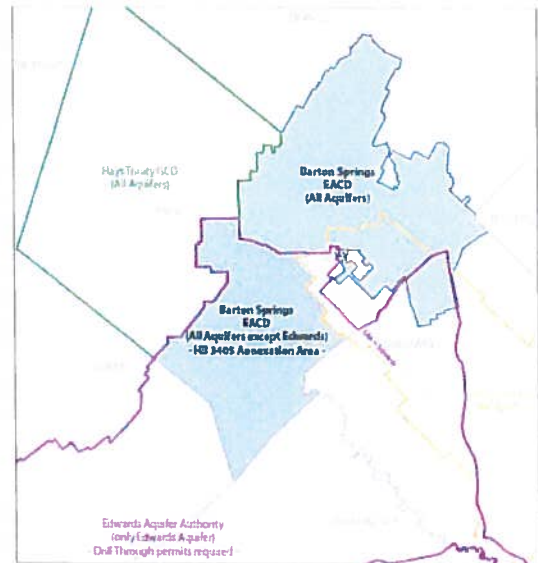
Barton Springs/ Edwards Aquifer Conservation District

Meeting of the Board of
Directors

June 25, 2015

Agenda Item 5.a – Proposed Rule Revisions

New Maps and Figures



Definitions (Rule 2)

New Terms:

- *Consumer Price Index*
- *HB 3405*
- *Limited Production Permit*
- *Maximum Production Capacity*
- *Regular Production Permit*
- *Shared Territory*
- *Temporary Permit*
- *Upper Trinity Management Zone*

Trinity Exemption Criteria (3-1.3)

• Before Rules

1. Livestock or Domestic Use; and
2. **< 25,000 gal/day**

• After Rules

1. Livestock or Domestic Use;
2. < 10,000 gal/day; and
3. > 10 acres

Temporary Permits (3-1.55)

• Eligibility:

- Shared Territory
- Existing wells (authorizes production)
- Existing contracts for new wells (authorizes well drilling only)

• Application Process (two-part application):

- **Part 1: Temporary Permit**
 - Core data only
 - Requested volume not to exceed max capacity
- **Part 2: Regular Production Permit**
- Clock begins simultaneously with fee and runs concurrently

Temporary Permits (3-1.55)

• Action on Temporary Permits:

- Admin. complete
- GM approves within 30-days
- Incomplete applications expire
- expired permits referred to Board for final action without hearing

- **Permit term:** from June 19th (HB 3405 effective date) until final appealable action on Regular Permit

Temporary Permits (3-1.55)

• Temporary Permit Conditions:

- Comply with “other rules and orders applicable to permit holders”
- No rights or privileges conferred
- Applicant assumes risk of permit reduction
- Install meter and report pumping
- Authorizes requested volume (not to exceed MPC)
- Standard permit conditions (no waste, beneficial use, inspections, etc)

• Temporary Permit Fees:

- Timely payment of fees for authorized volume

Conversion to Regular Permits (3-1.55.4)

Part 2: Regular Production Permit

• Current Production Permit process:

- Admin. completeness
- Application processing timeframes (180 days)
- Hydrogeological Reports (Aquifer Test)
- Notice
- Hearings
- Protest and contested cases
- Other related provisions

Conversion to Regular Permits

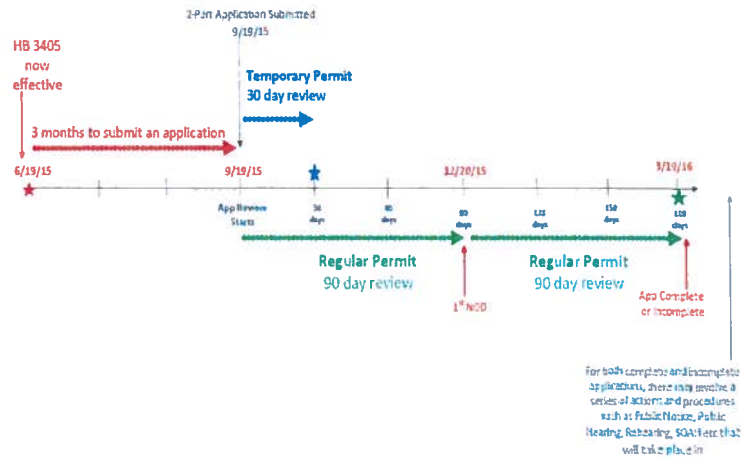
(3-1.55.4)

- **Factors for Action on Regular Permits:**
 - Admin. complete
 - Comply with Temp. Permit terms
 - Timely paid Temp. Permit fees
 - Will volume cause:
 - Failure to achieve DFCs
 - Unreasonable impacts on wells
- **Action on Regular Permits:**
 - Incomplete applications expire
 - Expired permits referred to Board for final action
 - Final action terminates Temporary Permit term
 - Reduced permits may be appealed to SOAH
 - Regular Permits subject to Board orders and rules

- # Conversion to Regular Permits
- ## (3-1.55.4)
- **Factors for Action on Regular Permits:**
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Timeline diagram illustrating the process for Temporary and Regular Permits:

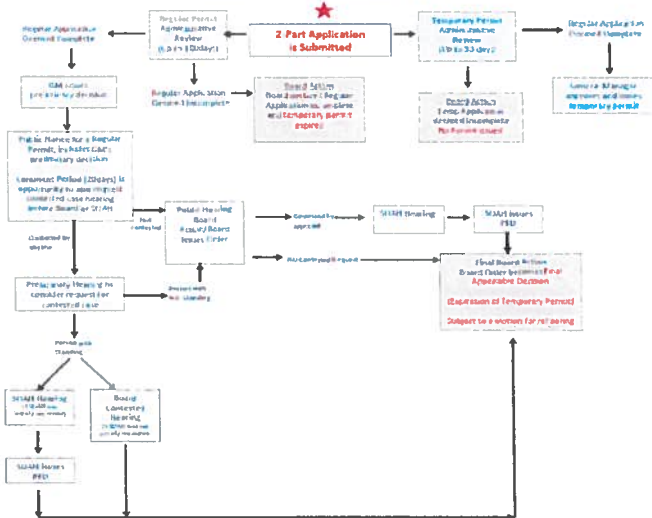
- Temporary Permit (30 day review):**
 - 2-Part Application Submitted: 9/19/15
 - Review Period: 30 days
 - Completion Date: 10/19/15
- Regular Permit (90 day review):**
 - Application Submitted: 9/19/15
 - Review Period: 90 days
 - Completion Date: 12/18/15
- Key Dates and Events:**
 - 6/19/15: HB 3405 now effective
 - 9/19/15: 3 months to submit an application; 2-Part Application Submitted
 - 12/18/15: Regular Permit completion date
 - 1/19/16: App Complete or incomplete



The flowchart illustrates the 2-Part Application process for Regular Applicants, starting with the submission of a 2-Part Application. The process branches into two main paths: Regular Applicants (Non-Immigrant) and Temporary Permit Applicants (Immigrant). The Regular Applicants path involves a Regular Applicant Interview, a Regular Applicant Interview Review, and a Regular Applicant Interview Decision. The Temporary Permit Applicants path involves a Temporary Permit Applicant Interview Review, a Temporary Permit Applicant Interview Decision, and a Temporary Permit Applicant Interview Decision Review. The Regular Applicants path also includes a Regular Applicant Interview Review, a Regular Applicant Interview Decision, and a Regular Applicant Interview Decision Review. The Temporary Permit Applicants path also includes a Temporary Permit Applicant Interview Review, a Temporary Permit Applicant Interview Decision, and a Temporary Permit Applicant Interview Decision Review. The process concludes with a Regular Applicant Interview Decision Review and a Temporary Permit Applicant Interview Decision Review.

```

graph TD
    A[2-Part Application is Submitted] --> B[Regular Applicant Interview Review (30 to 60 days)]
    A --> C[Temporary Permit Applicant Interview Review (30 to 60 days)]
    B --> D[Regular Applicant Interview Decision]
    C --> E[Temporary Permit Applicant Interview Decision]
    D --> F[Regular Applicant Interview Decision Review (30 to 60 days)]
    E --> G[Temporary Permit Applicant Interview Decision Review (30 to 60 days)]
    F --> H[Regular Applicant Interview Decision Review]
    G --> I[Temporary Permit Applicant Interview Decision Review]
  
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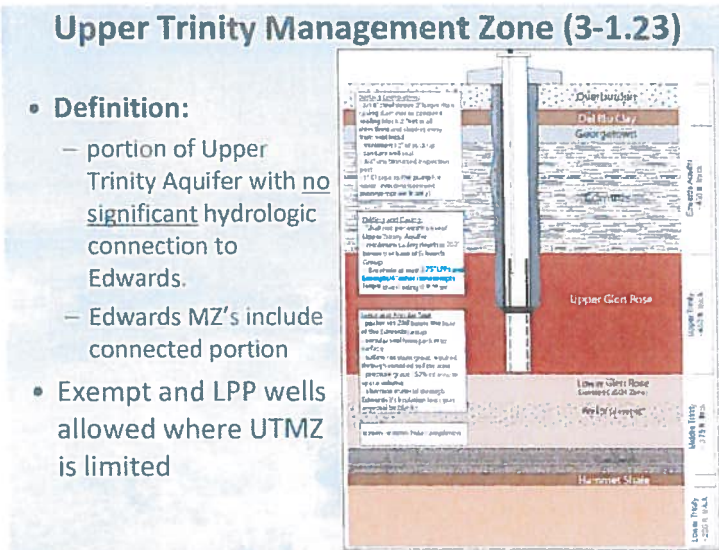
Limited Production Permit (3-1.20.B)

- Replace and relax current NDU terms
- Expand to include Livestock use
- LPP requirements:
 - Meter
 - Report annual pumping
 - Conservation Plan only
 - < 500,000 gal/year
- **Edwards LPPs**- Class A Conditional subject to ERP curtailments
- **Trinity LPPs** – Historical

- ## Limited Production Permit (3-1.20.B)
- Replace and relax current NDU terms
 - Expand to include Livestock use
 - LPP requirements:
 - Meter
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 - Conservation Plan only
 - < 500,000 gal/year
 - **Edwards LPPs**- Class A Conditional subject to ERP curtailments
 - **Trinity LPPs** – Historical

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Factors for Action on Permits

- Factors for reducing converted Temp Permits (3-1.55)
 1. Failure to achieve DFC
 2. Unreasonable impacts to existing wells
- Add factors to standard permit conditions (3-1.11)
- Add factors as basis to modify permits (3-1.13)
- Aquifer test used to assess factors and set production limits (3-1.12, 3-1.23)
- Deemphasize MAG as a Trinity cap (3-1.6, 3-1.23)

- # Factors for Action on Permits
- Factors for reducing converted Temp Permits (3-1.55)
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 - Add factors as basis to modify permits (3-1.13)
 - Aquifer test used to assess factors and set production limits (3-1.12, 3-1.23)
 - Deemphasize MAG as a Trinity cap (3-1.6, 3-1.23)

Other Changes

- Introduction (Section 1)
- Application Requirements (3-1.4)
 - Reorganized
- Austin Fee Cap (3-1.19)
 - Provide fee calculation detail
- Notice, Hearings, and Contested Cases (4-9)
 - Implement HB 2179
- Other minor non-substantive changes



Discussion

Possible Action

1. Approve the draft rules presented as proposed rules to initiate formal rule making and to be the subject of a public hearing.
2. Set and post notice of a public hearing on the proposed rules to be held on July 16, 2015.
3. Begin a public comment period on the proposed rules with written comments due at 5pm on July 9, 2015 and with oral comments submitted at the July 16, 2015 public hearing.

Timeline for Implementation

Date	Event
June 21, 2015	Effective date of HB3405 (if governor doesn't veto or sign before) <ul style="list-style-type: none"> • Issue Press Release • Announce official annexation • District accepting well registrations • Information available • 90-days for Temporary Permits begins
June 25, 2015	Board meeting to approve rule concepts and initiate rule making
June 25, 2015	Publish notice of rule making <ul style="list-style-type: none"> • Issue Press Release • Rules available for review • Begins 20-day notice prior to hearing • Begin 2-week comment period
July 9, 2015	Regular Board meeting/Rule comment period deadline
July 16, 2015	Public Hearing and Special called meeting on rules/Anticipated effective date of new rules <ul style="list-style-type: none"> • Issue Press Release • Announce new rules for Temporary Permits • District accepting Temporary Permit Applications
July 21-23, 2015	Town Hall meeting (San Marcos area)
August 17-20, 2015	Additional public meeting (Driftwood area)
Sept. 1, 2015	Preliminary work on redistricting
Sept. 14-17, 2015	Additional public meeting (TBD, if needed)
Sept. 21, 2015	Deadline for receiving Temporary Permit applications
Oct. 21, 2015	Deadline for issuing Temporary Permits
January 1, 2016	Board work sessions to consider redistricting plans
March 21, 2016	Deadline for Admin Review of Regular Production applications
June 1, 2016	Finalize redistricting, begin elections planning
November, 2016	Elections for Precincts 1, 3, and 4

Item 5

Board Discussions and Possible Actions

- b. Discussion and possible action related to reviewing the draft preliminary FY 2016 annual budget and fee schedule, and setting a public hearing.**



**Barton Springs
Edwards Aquifer**
CONSERVATION DISTRICT

MEMORANDUM

Date **July 10, 2015**
To **BSEACD Board of Directors**
From **Dana**
Through **John Dupnik, GM**
Re **2016 Draft Preliminary Budget**

We are presenting the draft 2016 preliminary budget for your review. All line items that have any change from its previous amount are highlighted with a red-filled box on the left and a green-filled box on the right.

Revenue amounts show a significant increase from our previous budget. This is based on staff's pumpage analysis and best estimate of projected permitted pumpage that we can reasonably anticipate for the upcoming fiscal year. The budgeted permitted pumpage amount has increased considerably from 2,843,154,546 gallons to 4,378,148,424 gallons (an increase of 1,543,993,878 gallons). This increase in anticipated permitted pumpage is largely attributed to the anticipated large temporary permits in the newly annexed area and some large permit applications that are currently pending. The corresponding increase in anticipated permit revenue coupled with the newly acquired TWDB/Regional Facilities Planning Grant results in a significant increase over the previous budget.

Please note in the revenues portion on the first page of the preliminary budget that the City of Austin fee amount is not based on the normal formula calculation that would have put their annual contribution at \$1,116,428; but instead will be maintained at an amount of \$1,000,000 per year pursuant to the fee cap promulgated by HB 3405.

We are not asking for any transfers this year to fund the budget. We are instead transferring funds back INTO the reserves in the amount of \$122,000 in preparation of annexation-related contingencies. September 21st is an important date as it is the deadline for temporary permits in the new Shared Territory. At this point we will be able to better estimate what our actual revenue may look like. So office remodeling, new vehicle purchase, and the hiring of 2 new FTEs will be on hold until after that time.

The hiring of 2 new FTEs is accounted for in several line items of this budget version that we are presenting. The line items that are affected by the addition of these 2 FTES are as follows:

Salaries and Wages
TML Workers' Compensation Insurance
Dues and Memberships
Computer Hardware for 2 New Work Stations
Group Health Insurances -
(Medical/Health, Dental Life and Vision)

Payroll Taxes
Smartphone Reimbursements
Professional Development
Texas Workforce Commission Taxes
Office Remodel

Conservation credits are presented as last year's numbers as this remains an unknown amount until October, after September meter readings are received that report the August pumpage.

The Regional Facilities Planning Grant has a 14-month span and expenses are not expected to start accruing until after September 1, 2015. There is a second TWDB grant opportunity that we intend to apply for during Fiscal Year 2016, but that cannot be factored into the budget at this time.

Notes to Preliminary Draft 2016 Budget

REVENUE/INCOME:

No transfers out of reserves are being requested at this time.

One transfer for \$122,000 requested to be deposited into reserves.

EXPENSES:

Large Increases/Expense Requests

Office Remodel - Phase I	\$75,000
New Vehicle	\$25,000
Legal-Redistricting	\$35,000
Legal-Election	\$20,000
HCP Completion Project	\$30,000
Grants - Regional Facilities Planning	\$25,000
Grants - Multi-port Well Project	\$160,000
Special Projects Annexation Project - Central Hays County Westbay Well	\$60,000
Special Projects Annexation Project - Trinity Modeling	\$50,000

Total Actual Expenses for the past 8 years

2015	(July 10 to date)	\$1,258,537
2014		\$1,444,668
2013		\$1,405,974
2012		\$1,231,036
2011		\$1,392,481
2010		\$1,536,692
2009		\$1,514,022
2008		\$1,431,280

End-of-Year Cash Balances (all accounts including TexPool)

2015	(July 10 to date)	\$1,325,196
2014		\$1,192,175
2013		\$1,188,185
2012		\$1,138,598
2011		\$1,265,780
2010		\$938,149 *
2009		\$1,294,917
2008		\$1,318,527

*large difference due to A/R reporting for \$152,000

**Summary-Level
DRAFT Preliminary FY 2016 Initial Budget**

Draft Preliminary Budget Version C

I. PROJECTED REVENUES FOR FISCAL YEAR 2016

Projected Permitted Pumpage Volume

4,378,148,424

Category %	Total
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Total Projected Income:

A. Projected Water Use Fee Revenue	\$917,074	43.28%	
COA Assessment	\$1,000,000	47.20%	
Transport Fee	\$124,000	5.85%	
B. Other Fees	\$14,350	0.68%	
C. Other Income	\$400	0.02%	
D. Grant Income	\$185,000	8.73%	
E. Transfers into Current Income from Limited use Funds	\$0	0.00%	
Transfers out of Current Income into Limited use Funds	-\$122,000	-5.76%	
		100.00%	2,118,824

II. PROJECTED EXPENDITURES FOR FISCAL YEAR 2016

A. Operational Expenses	\$280,422	13.24%	
B. Salaries, Wages and Compensation	\$871,057	41.11%	
C. Employment Taxes, Insurance and Benefits	\$260,361	12.29%	
D. Professional Services	\$166,000	7.84%	
E Team Expenditures (net of staff labor)			
General Management and Administration Teams	\$83,550	3.94%	
Education and Community Outreach Team	\$27,750	1.31%	
Aquifer Science Team	\$58,000	2.74%	
Regulatory Compliance Team	\$51,500	2.43%	
F Grants and Special Projects Expenditures	\$295,000	13.92%	
G Capital Expenses	\$25,000	1.18%	
		100.00%	2,118,640

III. PROJECTED POSITION

A. Current Year Operations			
Total Projected Expenditures	\$2,118,640		
Total Projected Revenues	\$2,118,824		
Current Net Gain/Loss			\$184
B. LIMITED USE FUNDS - RESTRICTED (as of 3.20.2014)			
TexPool Contingency	\$731,006	94.18%	
TexPool Reserve	\$45,204	5.82%	
		100.00%	776,210

Item 5

Board Discussions and Possible Actions

- c. Discussion and possible action related to 1) selecting a first-choice firm to provide public relations support services to assist the District with outreach efforts associated with annexation and 2) authorizing the General Manager to negotiate and execute a contract.**



Barton Springs Edwards Aquifer

CONSERVATION DISTRICT

Barton Springs/Edwards Aquifer Conservation District Request for Statements of Interest and Qualifications For Public Relations Services RFQ No. 063015-001

The Barton Springs/Edwards Aquifer Conservation District (District) requests statements of interest and qualifications (SOQs) from qualified agencies or individual contractors to provide public relations support services from July 16, 2015 to October 16, 2015 with an option to renew. The selected agency or contractor shall employ experienced public relations experts with extensive knowledge of Hays County policies, contacts, and organizations.

BACKGROUND

June 19, 2015 marked the effective date of HB3405, which brings the previously unregulated Trinity Aquifer portion of Hays County under management of a groundwater conservation district--the preferred method of groundwater management in Texas.

Now that HB3405 has become law, the Barton Springs/Edwards Aquifer Conservation District (District) has the authority to manage all non-Edwards groundwater withdrawals (primarily Trinity Aquifer wells) in central, southern, and eastern Hays County. The Edwards Aquifer Authority shares jurisdiction in the same area, however, their authority is limited by statute only to Edwards Aquifer wells and requests for "drill-through" permits for wells that penetrate the overlying Edwards Aquifer.

Several town hall meetings and neighborhood question and answer sessions are planned to inform residents about the new bill, policy changes, and resources and requirements for well owners in the annexed area.

SCOPE OF CONSULTING SERVICES

The selected agency or contractor will provide public relations services to increase awareness and understanding of the annexation and the effect of the annexation on well owners and other stakeholders in Hays County by performing the following tasks:

1. Promote, assist with preparations, and facilitate Town Hall meeting(s) to inform residents and interested parties about the annexation area, benefits and requirements for well registration, and permitting requirements.

2. Identify appropriate venues and groups where the District can host mobile registration and information sessions, and attend and promote mobile registration and information sessions to help inform residents and interested parties about the annexation area, benefits and requirements for well registration, and permitting requirements.
3. Identify and help coordinate discussions with appropriate stakeholders from local government, businesses, agencies, homeowner associations, non-profits, etc. that could be effected by annexation.
4. Augment District in-person, social media, press, and online presence to encourage well registrations and clarify when permits are appropriate.
5. Facilitate and help coordinate a direct mail campaign to landowners who may have wells that would need to be registered and possibly permitted.
6. Help identify business owners with wells that may need to be permitted.

EXPERIENCE AND APPROACH

The statement of interest should include a summary of experience and qualifications. The summary should include:

1. a general description of the agency or contractor and experience over the past five (5) years,
2. a resume of the PR consultant and/or individual(s) who will be performing the work,
3. a summary for each individual performing the work that describes their qualifications, experience, and availability,
4. a detailed description of three (3) comparable projects over the past five (5) years for each individual,
5. a statement certifying that the applicant and/or his/her firm is not aware of any existing conflicts of interest with the District or its Board of Directors; and
6. any other information relevant to scope of consulting services.

SELECTION AND NEGOTIATION

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

The District will contract with the successful offering individual, group, or company for work to be completed on either a fixed-price basis or a time-and-materials basis, whichever is more favorable to the District. While the cost of the prospective work

will be negotiated following contractor selection, the District has budgeted up to \$10,000 for the scope of services described. The District intends to complete negotiations with its selected contractor and award the contract by the Board meeting on July 16, 2015.

SOQ SUBMITTAL

Interested parties are asked to submit brief SOQs, not to exceed ten pages, to the District by 5:00 pm on Monday, July 13, 2015. SOQs may be submitted to John T. Dupnik, P.G., General Manager, at the following address:

Barton Springs/Edwards Aquifer Conservation District
Attn: Mr. John T. Dupnik, P.G.
1124 Regal Row
Austin, Texas 78748
(512) 282-8441

Or electronically to: john@bseacd.org (Subject: Annexation PR SOQ)

Upon receipt by the District, each statement will be stamped with the date and time received. All statements become the property of the District, which will hold the contents of all statements confidential until an award is made. SOQs received after the time set for the opening will be declared late and not eligible for opening and consideration. The District is not responsible for mail, courier or other delivery methods, in-transit time or non-delivery.

Any questions about this solicitation should be submitted in writing and electronically to John T. Dupnik, P.G. at john@bseacd.org. The District in its sole discretion may choose to respond only to the questioning entity or to post such questions and response to be available to all potential offerors, e.g., via the District website.

Item 5

Board Discussions and Possible Actions

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

**RESPONSES TO
TECHNICAL MEMORANDUM #1**

TO: Tom Hegemier, P.E.

FROM: Charlotte Gilpin, P.E.

SUBJECT: Responses to SH 45 SW Stormwater Quality Treatment Technical
Memorandum #1 June 22, 2015 BSEACD review of 30% SH 45 SW design

DATE: June 24, 2015

1. Who will maintain the stormwater treatment systems when the project is complete?
 - a. [The CTRMA and TxDOT are currently working on an agreement to clarify the responsibilities.](#)
2. As we discussed in the meeting on June 18, the stormwater management operations and maintenance manual per the Water Pollution Prevention Plan will be an important document to guide successful water quality measure performance.
 - a. [Agreed. Drafts of the maintenance plans will be included within the draft WPAP shared after the 60% submittal.](#)
3. The Final EIS shows "TCEQ Accepted Removal Efficiencies in Table 3.7-4 on page 201. The table references TCEQ documents in 2009 and 2012. Please provide these documents at your convenience.
 - a. [The applicable EA regulations technical guidance addendums for PFC and Batch Detention were provided.](#)
4. Please provide reference studies on PFC pavement that demonstrate TSS removal at 90%. If not included in the studies, please provide PFC pavement maintenance requirements and its performance history.
 - a. [The TSS 90% removal efficiency is included in the EA regulations technical guidance addendum provided.](#)
5. The Final EIS mentions on page 200 the use of BMPs in series to treat stormwater runoff. TCEQ provides a treatment train calculation process on page 3-32 in the TCEQ Edwards Aquifer Protection Manual, 2005. Please apply this process for each stormwater quality outfall to demonstrate compliance with the project stormwater quality treatment goals.
 - a. [Yes, the BMP in series approach is being applied in accordance with the TCEQ EA regulation standard TSS water quality calculation template.](#)
6. Please provide more information on the batch detention systems to illustrate maintenance requirements and past performance history. I understand that a system was installed on a TxDOT project and monitored in 2005 and 2006 and documented in a report titled "Water Quality Performance of a Batch Type Stormwater Detention

System” by Middleton, Barrett, and Malina, Center for Research in Water Resources, University of Texas at Austin, 2006. Please let me know if this system is an on-line or off-line stormwater system. Since monitoring was complete, how has the system performed and what is the basin maintenance history? Are there other batch stormwater detention systems in the region and if so, please provide information on their maintenance requirements and performance.

- a. The Batch Detention 91% removal efficiency, maintenance issues and required activities are documented in the EA regulations technical guidance addendum provided. The research that went into TCEQ approving the BMP and adding it to the EA technical guidance have not been further researched for this project.
7. Since batch detention systems operate similar to an extended detention system, it seems appropriate to apply the TCEQ Edwards Aquifer Technical Guidance Manual, 2005 standards to work in combination with this approach. Please see section 3.4.4 that refers to optimum depth of 2 to 5 feet, a length to width ratio of 2:1 to maximize the flow path from the inlet to the outlet. From reviewing the 30% plans, many of the proposed water quality ponds have their inlets located near the proposed outlets which may impact performance and increase maintenance requirements as sediment and other pollutants can be deposited at the outlet. The Edwards Manual also provides guidance on the use of dual stages which includes a forebay to retain sediment near the storm drain inlets to facilitate maintenance and minimize deposition at the outlet. Potentially, a forebay at each storm drain inlet into the basin could also be constructed to serve as a Hazardous Material Trap.
 - a. The Batch Detention design guidelines are documented the EA regulations technical guidance addendum provided. There are some errors within the document. Following discussion with TCEQ review staff, the Batch Detention ponds are not indented to have forebays. We do not plan to have multiple basins. We do plan to design berms at outlets to create a settling pool and control erosive forces at the inlet to the ponds. The 2:1 ratio is not a requirement for Batch Detention basin since they function as batch reactors and are not dependent upon detention time created by flow path through the pond.
8. Water Quality Pond B on page 204 of the 30% plan set includes a storm drain outfall about four feet vertically above the pond bottom. To minimize slope scour and erosion, it may be appropriate to locate the outfall at the pond bottom. This pond appears to include a "flat" bottom and may be difficult to drain or generate maintenance challenges due to potentially soggy conditions.
 - a. Pond inlet will be located at the bottom of ponds or rip rap will be provided to protect against erosive forces.
9. Please provide the drainage area and water quality volume calculations for each proposed water quality pond. Also, please include the design water quality volume elevation in each basin. This could be done through the provision of a stage-storage relationship.
 - a. These will be available as we move towards the 60% design. The pond shown

in the 30% have been sized and sited, not fully designed.

10. Please provide information on the intended management of larger storm events (up to the 100-year storm) through the proposed water quality ponds to illustrate the necessary conveyance systems (overflow spillways, riser structures, etc.), water surface elevations, and freeboard.
 - a. The design of low frequency event overflow structures will be available as we move towards the 60% design. The pond shown in the 30% have been sized and sited, not fully designed.
11. Please provide information on the intended plan to manage runoff rate and potential erosive velocities at the water quality pond storm drain outfalls. Per the 30% plans, most proposed outfalls appear to be in areas that do not currently receive concentrated runoff, thus, stabilization and conversion to sheet flow is important to avoid slope scouring and to minimize future maintenance. This connects to item 10 above as it appears the large storm events will flow through the proposed water quality ponds and be discharged at the same outfall location.
 - a. The design of outfalls has not been completed at 30%. The analysis of velocities and the design of outlet control structures and stabilization measurements will be available as we move towards the 60% design.
12. Regarding storm drain outfalls that do not discharge into the proposed water quality ponds, please provide outfall scour protection information to indicate potential methods to manage potential erosive velocities to prevent scour.
 - a. All onsite storm sewer outfalls drain to water quality ponds.
13. On plan sheet 198, the 100-year tailwater elevation should be 827.41 instead of 821.41. Also, please describe the computational process for defining tailwater as it can affect storm drain outfall scour.
 - a. Tailwater calculations for cross culverts were determined using normal depth calculations for the downstream channel. This will be further documented within the 60% submittal. Information will be made available as we move towards the 60% design.

Item 6

Adjournment