

NOTICE OF OPEN MEETING

Notice is given that a **Regular Meeting** of the Board of Directors of the Barton Springs/Edwards Aquifer Conservation District will be held at the **District office**, located at 1124 Regal Row, Austin, Texas, on **Thursday, December 17, 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. **Not available for public review**
2. Approval of minutes of the Board's November 19, 2015 Regular Meeting. **Not available for public review at this time**
3. Approval of the staff's individual incentive compensation projects for FY 2016. **Pg. 15**
4. Approval of out-of-state travel for Aquifer Science Team Leader, Brian Smith, to attend the Karst, Groundwater Contamination, & Public Health Conference in San Juan, Puerto Rico from January 27 to 30, 2016. **Pg. 23**

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

1. **Standing Topics.**

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

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

under this agenda item be placed on the posted agenda of some future meeting for Board discussion and possible action.)

- i. Review of Status Update Report – at directors’ discretion **Pg. 25**
- ii. Update on activities related to GMA and regional water planning
- iii. Update on regulatory and enforcement activities
- iv. Update on ongoing and prospective District grant projects
- v. Update on the activities related to the SH 45 SW roadway project
- vi. Update on activities related to the HCP and the associated draft EIS

4. Discussion and Possible Action.

- a. Discussion and possible action related to approving components of the FY 2015 Annual Report and extending the deadline for completion and submittal to TCEQ. **Pg. 30**
- b. Discussion and possible action related to the presentation of the initial assessment report on the upcoming redistricting of Director Precincts including approving resolutions adopting redistricting criteria and adopting guidelines for submitting redistricting proposals. **Pg. 49**
- c. Discussion and possible action related to the process for providing notification and hearings on the conversion of Temporary Production Permits pursuant to HB 3405 into Regular Production Permits. **Pg. 84**
- d. Discussion and possible action related to authorizing the General Manager to enter into an agreement with Texas Disposal Systems (TDS) to allow the District to drill and have future access to a monitor well on TDS property. **NBU**
- e. Discussion and possible action related to approval of a resolution supporting the City of Austin’s prospective petition for rulemaking to modify rules to encourage beneficial reuse of reclaimed wastewater. **Pg. 88**
- f. Discussion and possible action related to renewing and extending the employment agreement with John T. Dupnik, P.G. as General Manager. **NBU**
- g. Discussion and possible action related to the annual election of the officers of the BSEACD Board of Directors. **NBU**

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.

6. Adjournment.

Came to hand and posted on a Bulletin Board in the Courthouse, Travis County, Texas, on this, the _____ day of December, 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 November 19, 2015 Regular Meeting.**
- 3. Approval of the staff's individual incentive compensation projects for FY 2016.**
- 4. Approval of out-of-state travel for Aquifer Science Team Leader, Brian Smith, to attend the Karst, Groundwater Contamination, & Public Health Conference in San Juan, Puerto Rico from January 27 to 30, 2016.**

Draft 2016 Incentive Projects for Staff

Staff Projects	Deadlines	Deliverable	Complete?
Brian Smith accepted			
<p>1. Unreasonable Well Impacts Analysis (Joint Project with Brian Hunt):</p> <p>a) Phase I - Develop the scientific basis to support a standard for defining unreasonable impacts to be vetted by a technical advisory group and then a generalized framework for rules to evaluate unreasonable impacts to existing wells caused by prospective permitted pumping from the Trinity Aquifer.</p> <p>b) Phase II - Apply the adopted standards for evaluating unreasonable well impacts to the High-volume Tier wells with Temporary Permits. (The assessment may be only a preliminary effort if the aquifer testing has not been completed by early spring 2016.)</p>	<p>a: January 31, 2016</p> <p>b: July 31, 2016</p>	<p>a: 1) Materials supporting a technical work group meeting discussion. 2) A technical memo and presentation of rule concepts to the Board</p> <p>b: A draft report of findings</p>	
<p>2. Annexation Projects:</p> <p>a) Coordinate the development and execution of an MOU coordinating the joint efforts of the cooperating local government entities to fund the extension of the Hill County Trinity GAM,</p> <p>b) Coordinate with the cooperating entities to develop a draft scope of work and work plan to guide the multi-year GAM development project.</p>	<p>a: July 31, 2015</p> <p>b: July 31, 2015</p>	<p>a: An executed MOU or best effort</p> <p>b: A vetted scope of work and work plan.</p>	
<p>3. TWDB Grant Projects:</p> <p>a) Coordinate work tasks and contractor activity to successfully satisfy the phases of the scope of work for the District's TWDB-funded Regional Facilities Planning Grant due to be completed by the end of FY16 and within budget.</p>	<p>a: July 31, 2015</p> <p>b: November 3, 2015</p>	<p>a: Grant project report</p> <p>b: A complete and timely submitted Rider 25 grant application</p>	

Draft 2016 Incentive Projects for Staff

Staff Projects	Deadlines	Deliverable	Complete?
b) Solicit and secure support and value (cash, in-kind) to satisfy matching funds for a Rider 25 grant project and coordinate the completion and timely submittal of a grant application for Rider 25 money to fund alternative supply demonstration and feasibility projects.			
Incentive Comp Available:		Incentive Comp Earned:	
Brian Hunt accepted			
<p>1. Unreasonable Well Impacts Analysis (Joint Project with Brian Smith):</p> <p>a) Phase I - Develop the scientific basis to support a standard for defining unreasonable impacts to be vetted by a technical advisory group and then a generalized framework for rules to evaluate unreasonable impacts to existing wells caused by prospective permitted pumping from the Trinity Aquifer.</p> <p>b) Phase II - Apply the adopted standards for evaluating unreasonable well impacts to the High-volume Tier wells with Temporary Permits. (The assessment may be only a preliminary effort if the aquifer testing has not been completed by early spring 2016.)</p>	<p>a: January 31, 2016</p> <p>b: July 31, 2016</p>	<p>a: Materials supporting a technical work group meeting discussion. 2) A technical memo and presentation of rule concepts to the Board</p> <p>b: A draft report of findings</p>	
<p>2. Desired Future Conditions:</p> <p>a) Develop and assess alternate DFCs for the Saline Edwards---develop in time for current Explanatory Report</p> <p>b) Develop a draft methodology for monitoring the Trinity Aquifer DFC in GMA 9 to be presented to a GMA 9 technical work group</p>	<p>a: January 31, 2016</p> <p>b: March 1, 2016</p>	<p>a: memo to Board making recommendation to GMA 10 about Saline zone DFC alternatives</p> <p>b: draft map and summary report to Board and GMA-9</p>	

Draft 2016 Incentive Projects for Staff

Staff Projects	Deadlines	Deliverable	Complete?
for vetting and possible implementation. Provide recommendations for application of a related methodology for the Trinity Aquifer in GMA 10.			
3. Aquifer Test guidelines and upcoming Aquifer Test a) Finalize Aquifer Test Guidelines b) Coordinate the planning and implementation of the aquifer test associated with temporary permit applications. The test should be planned and conducted to provide information sufficient to evaluate a prospective production permit application, the potential for localized unreasonable interference and the potential effect on the regional DFC.	a: December 31, 2015 b: July 31, 2016	a: Final draft of AT Guidelines b: Evidence of a complete and successful test (TBD).	
Incentive Comp Available:		Incentive Comp Earned:	
Justin Camp accepted			
1. Organize and process historical and current monitor well data into individual monitor well Excel workbooks to provide a data compilation for interpretation and analysis. This involves incorporating all water level data that has not been adjusted for the existing hydro database.	July 31, 2016	Final spreadsheet of compiled data.	
2. Develop an inventory of all field equipment and create custody and QA/QC logs. This will include: a) Generating serial number identification or other name designation for all equipment. b) Designating logs for calibration, site visitation, operation status. c) Collecting and reviewing comments from	July 31, 2015	Inventory and supporting documents	

Draft 2016 Incentive Projects for Staff

Staff Projects	Deadlines	Deliverable	Complete?
BSEACD staff to identify and address equipment concerns/problems/check-ups early on. d) Check in/check out log to track equipment users and location.			
3. Select and attend a professional development course approved by the GM.	July 31, 2016	Certificate of course completion	
Incentive Comp Available:		Incentive Comp Earned:	
Dana Wilson accepted			
1. Complete Master Services Contracts (Joint project with Tammy Raymond): Coordinate the rebidding process to enter into indefinite quantity/infinite delivery contracts (IDQ/IDD) with qualified individuals or companies in several areas of support where individual negotiated task orders will provide authorization as to scope, schedule and cost to the District, and said contracts fixed price or time-and-materials costs must be accounted/allowed for in the current budget.	July 31, 2016	1. Draft Master Services Contract 2. List of all support areas and candidate contractors. 3. The Request for Qualifications/Proposals 4. Executed MS contracts with qualified offerors.	
4. Update and revise the records management schedule to be compliant with all applicable TAC regulations and suitable for District record keeping needs.	July 31, 2016	Revised schedule to be presented to the Board for approval	
5. Make preparations for 2016 elections including coordination with Hays County officials in the new area and voting precincts added through annexation.	July 31, 2016	TBD	
Incentive Comp Available:		Incentive Comp Earned:	
Shannon DeLong accepted			

Draft 2016 Incentive Projects for Staff

Staff Projects	Deadlines	Deliverable	Complete?
1. Develop a comprehensive payables checklist and tracking tool for monthly, quarterly, and annuals accounts payable to ensure that reoccurring bills are paid and to facilitate cross training and the annual auditing.	July 31, 2016	Checklist and tracking tool	
2. Develop recommendations for enhancements to meter reading reporting and submittal system. Enhancements may include online submission system that is compatible with the existing database while not compromising QA of data submitted.	July 31, 2016	Memo to the GM with recommendations and proposal for implementation.	
Incentive Comp Available:			
Tammy Raymond accepted			
1. Complete Master Services Contracts (Joint project with Dana Wilson): Coordinate the rebidding process to enter into indefinite quantity/infinite delivery contracts (IDQ/IDD) with qualified individuals or companies in several areas of support where individual negotiated task orders will provide authorization as to scope, schedule and cost to the District, and said contracts fixed price or time-and-materials costs must be accounted/allowed for in the current budget.	July 31, 2016	1. Draft Master Services Contract 2. List of all support areas and candidate contractors 3. The Request for Qualifications/Proposals 4. Executed MS contracts with qualified offerors	
2. Develop recommendations for application of Microsoft Outlook utilities that may improve District's internal communications and meeting coordination.	July 31, 2015	Memo to the GM with recommendations and proposal for implementation.	
Incentive Comp Available:			
Robin Gary accepted			
1. District Communications and Outreach:	December 31, 2015	1. Printouts of sent eNews blasts	

Draft 2016 Incentive Projects for Staff

Staff Projects	Deadlines	Deliverable	Complete?
Increase efficiency, circulation and frequency of mass communications by transitioning Friends of the Aquifers list to a mass email service, establishing groups and automating subscriptions, and migrating newsletter efforts to a more frequent eNews blast.		sent 2. Screenshot of sign up tool 3. Report of metrics on new subscribers and effectiveness of tool as a communications tool.	
2. Website organization and functionality: a) Coordinate the webserver shift from the in-house (out-of-date) server to the Integritex webserver and associated content management system upgrade and b) Update graphics and organization of the District website to facilitate access to information and enhance usability.	a: March 1, 2016 b: July 31, 2016	a: evidence of successful web server transfer b: memo to GM outlining website enhancements.	
3. Update core maps with new boundary. Replace printed maps in the office and Board room and make updated maps available through the website and in publications.	July 31, 2015	Updated maps in office, website, and publications.	
Incentive Comp Available:		Incentive Comp Earned:	
Kendall Bell-Enders accepted			
1. Rulemaking (Joint project with Vanessa). Initiate rulemaking to develop rule concepts and identify rule changes needed to: a) implement new legislation and refine the regulatory approach for permitting and regulation of wells in the Shared Territory including defining "unreasonable impacts to wells" b) establish a regulatory framework for innovative alternate water supply projects (i.e. ASR and desalination).	a: concepts to Board by February 1, 2015; presentation to Board for possible adoption by May 1, 2015. b: concepts to Board by July 31, 2015	a: Rule concepts document for Board consideration and draft rules in markup form for Board consideration and possible adoption. b: Rule concepts document for Board consideration	
2. Organize and conduct and workshop for local	July 31, 2015	1. Meeting notices, agendas,	

Draft 2016 Incentive Projects for Staff

Staff Projects	Deadlines	Deliverable	Complete?
water well drillers to present technical information on local hydrostratigraphy; aquifer conditions, well yields, groundwater quality, and current District well construction standards, and solicit technical input to improve the application process and enhance well construction standards for the new area.		supporting documents, and minutes. 2. Memo to the GM outlining the findings of the workshop.	
3. Temporary Permits (Joint project shared with Vanessa). Process, review, and ensure all temporary permits in the Shared Territory are issued and converted to regular permits in accordance with HB 3405, District Rules, and all relevant processing timeframes and provisions.	July 31, 2016	Summary of temporary/regular permits issued and checklist of milestones met and conditions satisfied.	
Incentive Comp Available:		Incentive Comp Earned:	
Vanessa Escobar accepted			
1. Rulemaking (Joint project with Kendall). Initiate rulemaking to develop rule concepts and identify rule changes needed to: a) implement new legislation and refine the regulatory approach for permitting and regulation of wells in the Shared Territory including defining "unreasonable impacts to wells" b) establish a regulatory framework for innovative alternate water supply projects (i.e. ASR and desalination).	a: concepts to Board by February 1, 2016; presentation to Board for possible adoption by May 1, 2016. b: concepts to Board by July 31, 2016	a: Rule concepts document for Board consideration and draft rules in markup form for Board consideration and possible adoption. b: Rule concepts document for Board consideration	
2. Draft a report compiling "lessons learned" from implementation of HB 3405 and annexation of the Shared Territory. The report shall serve as a guidance document for continued implementation	July 31, 2016		

Draft 2016 Incentive Projects for Staff

Staff Projects	Deadlines	Deliverable	Complete?
of HB 3405 and any future annexation efforts. The report shall include: 1) a chronology of pertinent events; 2) a discussion of certain issues/problems encountered to date, the District response, any unintended consequences, any anticipated future issues, and recommendations to address or prevent such issues.			
3. Temporary Permits (Joint project shared with Kendall). Process, review, and ensure all temporary permits in the Shared Territory are issued and converted to regular permits in accordance with HB 3405, District Rules, and all relevant processing timeframes and provisions.	July 31, 2016	Summary of temporary/regular permits issued and checklist of milestones met and conditions satisfied.	
Incentive Comp Available:		Incentive Comp Earned:	



**Barton Springs
Edwards Aquifer**
CONSERVATION DISTRICT

MEMORANDUM

Date: 12/9/2015

To: John Dupnik

From: Brian Smith

Re: Attendance at Karst, Groundwater Contamination, & Public Health Conference, San Juan, Puerto Rico, January 27-30, 2016.

I would like to request permission to travel to San Juan, PR to attend the Karst, Groundwater Contamination, & Public Health Conference from January 27 to 30, 2016. This conference is sponsored by the Karst Waters Institute. The conference will consist of an interdisciplinary group of professionals to discuss contaminant movement and public health issues associated with groundwater in karst. Some of the sessions will include:

- State of knowledge regarding contaminants in karst
- Tools for investigating contaminant transport
- Specific contaminants and remediation
- Karst-related human health issues
- Regulatory frameworks

Because the focus of this conference is on water quality of karst aquifers, it matches well with the District's goal of protecting water quality of recharge water, advocating for appropriate pollution controls, and supporting sound wastewater management practices.

Anticipated costs for attending the conference are listed below:

Conference Registration: \$475

Field Trip: \$375

Car Rental: \$250

Per Diem (\$55.00/day): \$220

Airfare: ~\$325

Total estimated cost: \$1,645

Item 3

Routine Business

b. General Manager's Report.

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

1. Standing Topics.

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

2. Special Topics.

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

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

STATUS REPORT UPDATE FOR DECEMBER 17, 2015 BOARD MEETING

Prepared by District Team Leaders

	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
GENERAL MANAGEMENT TEAM				
	John Dupont			
	JD	12/11/2015	Meetings, Training, Presentations, and Conferences	External Meetings Attended: Kent Butler Summit planning committee; with Carollo Engineers on TWDB grant work; with Krista Heiden (Sen. Campbell's office); con call with USFWS on draft HCP; with Scott Sellers (City of Kyle); with Austin on wastewater rule petition; CTRMA SH 45 TWG meeting; with TESP on permit objections; with Bill Dugan on Redistricting plan; with Joe Pantalone (Austin) on TWDB grant support; con call with CTRMA; HB3405 party in Driftwood. Other Meetings: with SH45 Board subcommittee; with Alt Water Supply Board subcommittee. Presentations: Travis County Commissioners on Grant project; Bell County Symposium on GCD might challenges; Conferences/Seminars: presentation of Hill County Studio report.
Summary of Significant Ongoing Activities				Ongoing Special Projects: TDS saline zone investigation/alternative saline zone access agreement; TWDB Rider 25 grant application; CTRMA coordination on SH 45 design review; TWDB RFP grant; HB 3405 implementation; District HCP/EIS review; CoA wastewater rulemaking petition; Employee Policy Manual Review; joint-regional funding of GAM extension; Building remodel; redistricting; GMA 10 explanatory report; groundwater stewardship awards. Committees and Workgroups: Region K (voting member); GMA 10 (voting member); Regional WQ Plan workgroup; Region K Legislation and Policy committee; Region K strategy prioritization committee; Region K water supply strategy committee; Region K executive committee nomination committee; CTRMA SH 45 Technical work group; Regional Wastewater Technical Work Group; Kent Butler Summit Planning Committee.
	JD	12/11/2015	Ongoing Special Projects, Committees, and Workgroups	
	JD	12/11/2015	Routine Activities and Day-to-Day operations	Routine Activities/Day-to-Day Operations: provided general oversight of staff incentive projects and activities; and oversight of day-to-day operations; approved purchase orders and expenditures; approved timesheets; prepared agendas and backup for and attended Board meetings; prepared GM report and assigned tasks in response to Board commitments; held regular one-on-one meetings with Team Leaders; presided over Planning Team meetings; serve as liaison between Board and staff; support Board subcommittees; respond to media requests; disseminate media reports and journal articles of possible interest. Consultation with Attorney on: HB 3405; Redistricting; TDS access agreement; HB3405 notice and hearing; Higginbotham permit enforcement. Other Activities: coordinate joint-funding of GAM extension; coordinate with CTRMA on SH 45; coordinate team tasks for implementing HB 3405; coordinate RFP grant project; coordinate application for TWDB Rider 25 grant; finalize FY16 annual goal/GM objectives; finalize FY16 incentive projects; work with GMA 10 on revised ER analysis and alternative Saline Edwards DFC; 2016 Kent Butler Summit planning; supervise Needmore well repair; finalize annual report; post and advertise Reg Compliance technician position; edit draft GMA 10 explanatory report; review draft EIS comments; groundwater stewardship awards.
ADMINISTRATION TEAM				
	Dana Christine Wilson			
Accounts Receivable - A	DCW	12/10/2015	Permittee accounts carrying a past due balance;	All current regular permit-holding permittees are up to date.
Accounts Receivable - B	DCW	12/10/2015	Billings - current month/January	December 16th billings for January monthly = \$25,726.21.
Accounts Receivable - C - Conservation Credit Update	DCW	12/10/2015	Conservation Credit donations to camp scholarships	UPDATE: Centex has donated their full conservation credit of \$2,951.04. So the total donations is now 3 (Creedmoor (\$416.60) and Texas Lehigh Plant (\$471.97) for a total of \$3,839.61.

	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
Accounts Receivable - D - Temporary Permits Invoicing	DCW	12/10/2015	Temporary Permits - entry into master billing system, and initial invoicing.	UPDATE: All but 3 of the new temporary permits have been paid in full (those 3 were contacted this week and said that they never received the invoice so they are being re-contacted) (General Telephone SW for Wimberley Verizon Logistics Facility, Las Lomas HOA, and St. John's Catholic).
Audit General - Financial RFQs	DCW	11/30/2015	Sent out RFQs and also posted on website.	Schedule and deadlines are as follows: Dec 17 deadline for SOQs; interviews Jan 4, 5, and 7 for selected ad hoc list where RFP will be requested; Jan 8 SOQs will be in board agenda backup; Jan 14th deadline for RFP responses. RFQs were mailed to 6 prospective auditors. To date, only 1 has responded (but a very promising one).
Financial Reporting - Website	DCW	12/11/2015	Most current, available financial reports are posted.	Transaction Detail by Account, Balance Sheet, and Profit and Loss Statement through October, 2015.
REGULATORY COMPLIANCE TEAM Vanessa Escobar				
Temporary Permits	KBE, VE	12/11/2015	New Temporary Permittees	Staff has mailed out all Temp Permit Certificates and provided an informative letter with a list of the next steps that the permittees need to complete and the deadlines. Staff continues to process Part 2 of the application forms and 90 day extension letters have been sent out. Staff also continues to work with Temp Permittees to ensure meters are installed and meter readings are submitted. Hunter Chase Farms, the well owner that missed the Temp Permit deadline, has timely filed a Production Permit that is currently being reviewed. An event center, The Plant at Kyle, also missed the deadline and is in the process of filing a Production Permit application.
City of Buda	KBE, VE	12/11/2015	Test well - New Edwards PWS well	A well modification application was submitted and staff is currently reviewing it. The City of Buda previously completed a test well application for a new PWS well to become part of their aggregate system. There will not be a new production permit associated with the new well, it will be an aggregate. The first test well proved to have sufficient yield, therefore Buda has submitting a well drilling/modification application to complete the well per BSEACD and TCEQ well construction standards. Staff conducted a site inspection to determine the October 2015 flood elevation at well site, the well shall be constructed 2 ft above this elevation. The application has been deemed admin. complete and Buda has published notice. Buda will also be conducting a pump test and completing a hydrogeologic report for this new well.
Mesa Oaks	KBE, VE	12/11/2015	Middle Trinity Well	Mesa Oaks has submitted a well drilling and production permit for a Middle Trinity well to be used for irrigation. The drilling and production applications have been deemed administratively complete as of August 30, 2015. The drilling and production permit were approved on 10/7/15 with a permitted volume of 1,260,000 gal/yr. The well drilling authorization is for 1 year and the production permit will become effective when the well is completed.
Onion Creek Golf Club	KBE, VE	11/19/2015	Middle Trinity Well	Drilling has been completed on the Middle Trinity well. They have drilled the well to total depth at approx. 1,460 ft into the Cow Creek formation. Preliminary results indicate a productive well with production at approx. 300 gpm and TDS approx. 850- 900 mg/L. A production application has been submitted with a request of 175 MGY from the Middle Trinity and staff is currently reviewing the application. The applicant has provided additional application materials that staff is reviewing. The golf course received significant damage from the recent October floods. The application is very close to being admin. complete. Onion Creek is in negotiations with the City of Austin regarding possible retirement of 50% of Historic Edwards Permit.

	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
TJ Higginbotham	KBE, VE	11/19/2015	Class C Conditional Freshwater Edwards Application	TJ Higginbotham has submitted a production permit application for a Class C Conditional Freshwater Edwards Permit for 270,000,000 gallons/year. He has an existing Edwards well that is completed per TCEQ standards for PWS. The application has been deemed administratively complete and a public hearing was held on 9/10/15. A couple of comments were received but no formal protests. The Permit with special provisions was approved on 9/10/15 and the applicant has been sent a permit certificate and invoice for production fees. The invoice due date was 11/5/15 for which the District has not yet received payment. The fees will be considered late on 11/16/15. The District has not received payment of any fees; staff is considering enforcement and will bring before the Board for direction.
HEB	KBE, VE	11/19/2015	Test well - Saline Edwards Well	A Test well application has been submitted. 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 application was administratively complete on 10/22/15.
Drought Statue - No-Drought	KBE, VE	11/19/2015	Drought Compliance Monitoring and Enforcement	No new update. No-drought was declared on January 29, 2015. Staff sent out email and letter to all permittees notifying them of no-drought status.
EDUCATION & OUTREACH				
Creek Cleanup	RG, TR	12/10/2015	Event	Over 60 people attended the Williamson Creek Cleanup hosted in conjunction with the City of Sunset Valley. Residents, staff, girl scouts and families combined forces to clean over a mile of Williamson Creek over the recharge zone.
Mapping Updates and Drillers Resources	RG	12/10/2015	Map updates in process	Robin updated the Maps page of the website to showcase the general interactive map of the District with the address search. The updated Google Earth kmz file of the Exclusive and Shared Territories has also been loaded on the Maps page. Drillers that typically operate in the District
Enews Blast	RG	12/10/2015	December eNews	The December 2015 eNews was released on 12/6/2015. Articles included an overview of rainfall response in monitor wells (both Edwards and Trinity), an announcement soliciting Groundwater Stewardship Awards nominations, and a permit summary. The email was sent to 2060 addresses. It was opened 1,075 times by 516 people.
Internet Traffic Report	RG	12/10/2015	Page views and visits to the District Website	The District website will be undergoing some changes in the next few months. The webserver is out-of-date and the website content management system needs to be updated. Over the last month, we've had 3,454 page views from 1,181 visitors. In order of his the most visited pages were the home page (821), Reg Comp job posting (474), Drought Status (180), and staff (158). On the District Facebook page we have 415 people who have signed up to 'Like' us.
AQUIFER SCIENCE				
Dye Tracing	BS, BH	12/9/2015	Dye tracing	Discussions are underway with the EAA and CoA about potential dye tracings in the upcoming months. Locations include sinkholes and wallets in the Blanco River. Providing that there is flow in Onion Creek, dye will be injected into Antioch Cave later this winter or in the spring.
Central Hays County Groundwater Evaluation	RG, BH, BAS, JC	12/9/2015	Well and hydrogeology characterization	District staff are establishing a monitoring network of nearby wells to collect data during the EP aquifer test. Revisions are being made to the aquifer test guidelines, and a definition for unreasonable impacts is being developed.
Antioch Cave	BS, BH, JC	12/9/2015	Onion Creek Recharge Enhancement Project	The Antioch system is open to allow recharge, and there is flow in Onion Creek due to heavy rains in October.

	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
Water-Quality Studies	BS, BH, JC	12/9/2015	Sampling and analysis of groundwater and surface water	District staff, in cooperation with the TWDB, have begun sampling wells and springs. In addition, the staff is sampling wells and springs as part of the Magellan Pipeline monitoring effort. TWDB provided additional funding for water sampling, so a number of wells and springs were sampled.
Saline Zone Studies	BS, BH	12/9/2015	Installation of multiport monitor well	Plans are moving forward for installation of a saline Edwards multiport well in conjunction with a test well installed by TDS. We are currently working on an access agreement with TDS. On July 8, the District was officially notified of an award of a regional planning grant for work on the saline Edwards, and a contract was signed on Aug. 27.
Drought and Water-Level Monitoring	BH, BS, JC	12/9/2015	Drought status, monitor wells, and synoptic water level events	January 30, 2015, the District Board declared non-drought conditions. The District had been in drought since August 15, 2014. Because of heavy rains in October, the water level in the Lovelady well is rising. As of Dec. 9, the water level in the Lovelady well was at 518.9 ft above msl and Barton Springs was flowing at 100 cfs.
Information Transfer	BS, BH, JC	12/9/2015	Presentations, conferences, reports, and publications	District staff finalized a paper that was published by Springer on surface-groundwater interactions. Staff are working on the Vol. 2 of the Hydrogeologic Atlas.
AD-HOC TEAMS				
Technical Team	BAS	12/9/2015	Current areas of discussion	Topics of discussion at the technical team meeting in December were the definition of unreasonable impacts, the TWDB grant award, Needmore permitting, and upcoming aquifer tests.
Planning Team	JD	12/11/2015	Strategic and tactical planning and discussion topics	New Business: retreat recap; appendix B review; budget amendment review.
UPCOMING ITEMS OF INTEREST				
December Board Meeting		12/17/2015	Only meeting in December	
District Office Closed		12/22/2015	All staff scheduled for leave - Board approved 11/19	
Christmas Eve Holiday Observed		12/23/2015	District offices closed	
Christmas Day Holiday Observed		12/24/2015	District offices closed	
Day After Christmas Observed		12/25/2015	District offices closed	
New Years Day Holiday		1/1/2016	District offices closed	
1st January Board Meeting		1/14/2016		
Groundwater Stewardship Award Nominations Due		1/20/2016		
TAGID Quarterly Meeting		1/27/2016	thru 12/28, Austin Crowne Plaza	
2nd January Board Meeting		1/28/2016		

Item 4

Board Discussions and Possible Actions

- a. Discussion and possible action related to approving components of the FY 2015 Annual Report and extending the deadline for completion and submittal to TCEQ.**



**Barton Springs
Edwards Aquifer**
CONSERVATION DISTRICT

**ANNUAL REPORT
FISCAL YEAR 2015**

Board-approved December 17, 2015

BOARD OF DIRECTORS (August 31, 2015)

Mary Stone, President	Precinct 1	February 2008 - November 2016
Craig Smith, Vice President	Precinct 5	May 1998 - November 2018
Blayne Stansberry, Secretary	Precinct 2	November 2014 – November 2018
Robert D. Larsen, Ph.D., Director	Precinct 4	May 2003 - November 2016
Blake Dorsett, Director	Precinct 3	November 2012 - November 2016

DISTRICT STAFF
August 31, 2015

John Dupnik	General Manager
Dana Wilson	Senior Administrative Manager Administrative Team Leader
Tammy Raymond	Administrative Assistant – Personnel
Shannon DeLong	Administrative Assistant – Accounting
Brian Smith	Principal Hydrogeologist Aquifer Science Team Leader
Brian Hunt	Senior Hydrogeologist
Justin Camp	Hydrogeologist Technician
Robin Gary	Senior Environmental Educator Education and Community Outreach Team Leader
Vanessa Escobar	Regulatory Compliance Team Leader
Kendall Bell-Enders	Regulatory Compliance Coordinator

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Appendices temporarily not included.

Appendix A: Independent Annual Financial Audit Report.....

Appendix B: Assessment of Progress toward Management Plan Objectives.....

Record of Board Assessment of District Objectives

Staff Assessment of Performance Standards and Metrics

Basis for Evaluation of Progress on Objectives and Performance Standards

1.0 BACKGROUND

The Barton Springs/Edwards Aquifer Conservation District (“District”) Bylaws require the District Board President or General Manager to report on the status of the District and its programs annually to the Board and to the Texas Commission on Environmental Quality (TCEQ). This document is the Annual Report for Fiscal Year 2015, covering the period from September 1, 2014 to August 31, 2015.

According to District Bylaw 4-6, this report shall include:

1. The status of the aquifer and the District's programs;
2. A financial report to include the report of the annual audit and the security of any District investments;
3. A review and evaluation of professional services rendered to the District;
4. A status report of any capital projects of the District; and
5. The evaluation of the District's long-range plans pursuant to §36.107 (now §36.1071) of the Texas Water Code (TWC).

This introductory section provides an overview of the District, and summarizes the mission and vision of the District, and its Board-established critical success factors. Other major report sections that follow include a summary of the active programs in FY 2015; a recap of other specific information required by statute, including an assessment of performance in terms of objectives and performance standards identified in the prevailing Management Plan; and a financial summary. The annual audit report conducted by an independent audit firm is included in its entirety as Appendix A. The Board’s assessment of progress toward the Management Plan’s objectives by performance standards and the basis for that assessment are included as Appendix B.

1.1 General Information about the District

The District was created in 1987 by the 70th Texas Legislature, under Senate Bill 988. Its statutory authorities include Chapter 52 (later revised to Chapter 36) of the Texas Water Code (TWC), applicable to all groundwater conservation districts (GCDs) in the state, and the District’s enabling legislation, now codified as Chapter 8802, Special District Local Laws Code (SDLLC). The District's legislative mandate is to conserve, protect, and enhance the groundwater resources located within the District boundaries. The District has the power and authority to undertake various studies, assess fees on groundwater pumpage and transport, and to implement structural facilities and non-structural programs to achieve its statutory mandate. The District has rulemaking authority to implement its policies and procedures and to help ensure the management of groundwater resources. The District is not a taxing authority. Its only sources of income are groundwater production fees, including water use fee supplement paid by the City of Austin; administrative processing fees; and occasional grants from various local, state, and federal programs for special projects.

Upon creation in 1987, the District’s jurisdictional area encompassed approximately 255 square miles and was generally defined to include all the area within the Barton Springs segment of the Edwards Aquifer with an extended area to the east to incorporate the service areas of the Creedmoor-Maha Water Supply Corporation, Goforth Special Utility District, and Monarch

Utilities. In this area, designated as the “Exclusive Territory”, the District has authority over all groundwater resources. In 2015, the 84th Texas Legislature (House Bill 3405) expanded the District’s jurisdictional area to include the portion of Hays County located within the boundaries of the Edwards Aquifer Authority excluding the overlapping area in the Plum Creek Conservation District (see Figure 1). The newly annexed area, designated as “Shared Territory,” excludes the Edwards Aquifer and includes all other aquifers, including the underlying Trinity. The District serves southern Travis County, central and eastern Hays County, and portions of northwestern Caldwell County. The District’s jurisdictional area including the Shared Territory encompasses approximately 420 square miles and includes both urban and rural areas.

Water from the Barton Springs segment of the Edwards Aquifer serves as the primary water source for public water supply, industrial, and commercial purposes in the District and is a major source of high quality base flow to the Colorado River via discharge through the Barton Springs complex. The Barton Springs complex provides the only known habitat for the listed endangered Barton springs and Austin blind salamanders under the federal Endangered Species Act, requiring all activities that would or could adversely affect the species to represent maximum conservation efforts. The Trinity Aquifer, underlying the Edwards, is an important primary water resource in some parts of the District and is increasingly being developed as an alternative water supply to the oversubscribed Edwards Aquifer in both the Exclusive and Shared Territory. Some wells in the District also produce water from the Taylor and Austin Chalk formations as well as various alluvial deposits along river and stream banks.

A five-member Board of Directors (“Board”) governs the District. The Directors are elected in even-numbered years to staggered four-year terms from the five single-member precincts that comprise the District. As a result of legislation in 2011 and subsequent Board action in late FY 2011, director elections were moved from the May local elections date to the November general elections date. There was not a full Board of five members from September until November 4, 2014 (Election Day) in FY 2015 as Gary Franklin resigned from his Precinct 2 position in April 2014. After considering the interested candidates to fill the vacancy by appointment, the Board opted not to make an appointment in favor of letting the process of the next election determine who would replace the vacated position. That general election took place on November 4, 2014 where Blayne Stansberry was elected in a contested election Director of Precinct 2 to fill the vacancy.

In accordance with District Bylaws, the Board elects its officers for one-year terms in December of each year. The elected officers in December 2015 were Mary Stone, President; Craig Smith, Vice President; and Blayne Stansberry, Secretary. As a local political subdivision of the State of Texas, all meetings of the Board are conducted in accordance with the Open Meetings Act, and the District’s business is subject to the Texas Public Information Act.

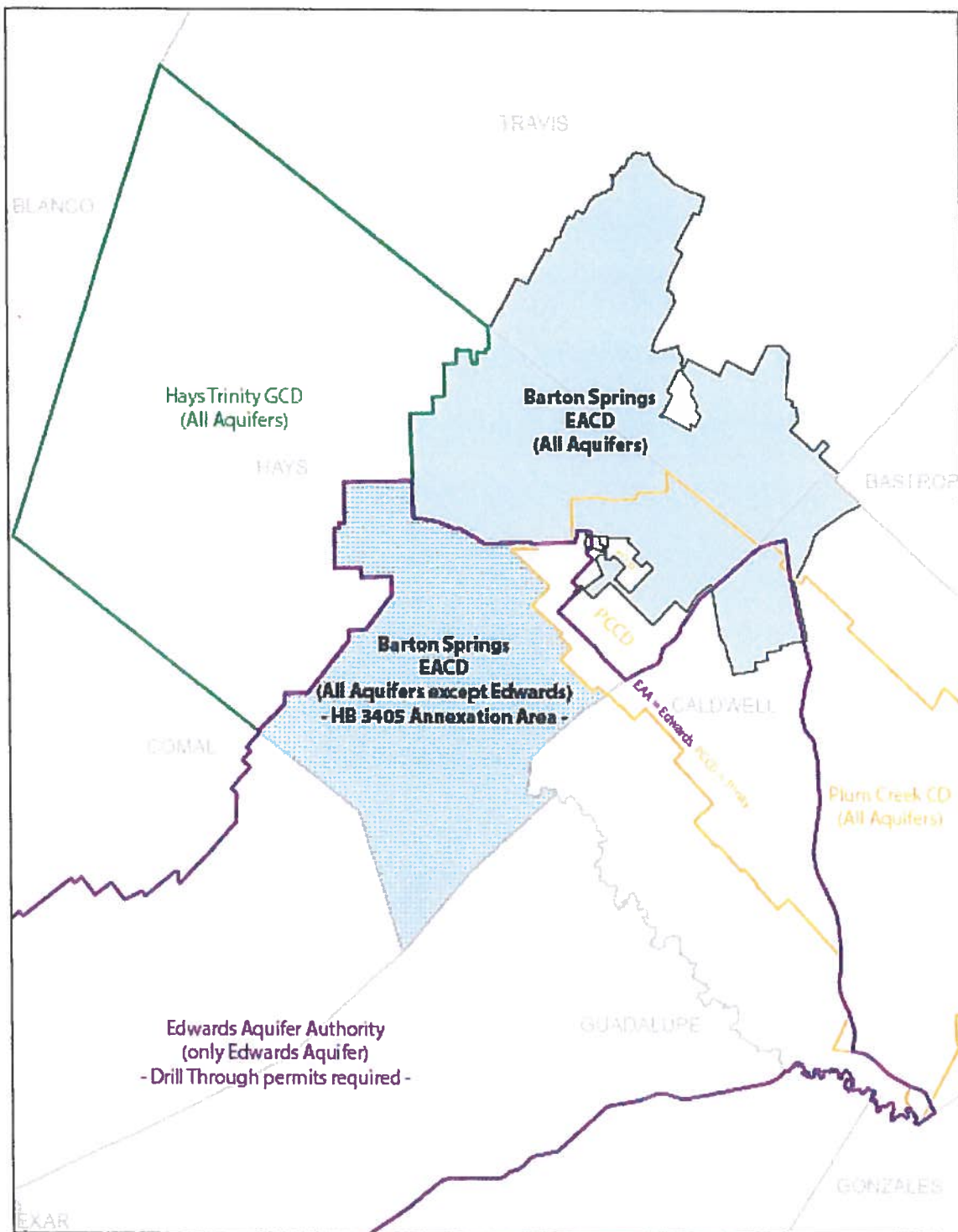


Figure 1 - The District's territory including the expanded Shared Territory and the adjacent Groundwater Conservation Districts and their respective jurisdiction over aquifers.

1.2 District Mission and Vision Statements

The Board of Directors of the District has assessed and articulated not only the mission of the District but also its vision and overarching strategic purpose.

The mission of the District is largely mandated by and adapted from its enabling legislation and statutes:

“The Barton Springs/Edwards Aquifer Conservation District, as the responsible public agency and authority, is committed to conserving, protecting, recharging, and preventing waste of groundwater and to preserving all aquifers within the District.”

The vision of the District provides a succinct statement of the ultimate, continuing goal of the District, describing the standard by which it will execute its mission:

“The Barton Springs/Edwards Aquifer Conservation District will excel in its operations and administration so that it is considered the model and standard for other groundwater districts.”

The overarching strategic purpose articulates more action-oriented direction consistent with the mission and vision:

“We will manage the District aquifers to optimize the sustainable uses of groundwater in satisfying community interests.”

1.3 District Critical Success Factors

The District has established a set of continuing “critical success factors” that flow from and are generally consistent with the goals and objectives that are in the Management Plan. These critical success factors include:

- Providing sound science to support and form the basis of policy and tactical decisions made by the District that affect water supply users and endangered species habitat;
- Being highly efficient, accurate, and fair in administering staff activities related to all District programs;
- Developing and instituting an equitable and consistently administered regulatory program that is required to serve our mission;
- Becoming a respected and effective part of the state and local political landscape for water resource management and its stakeholder communities;
- Serving our permittees, stakeholders, and the public at large as a readily accessible source of first resort for reliable information about local water, groundwater, aquifer science, water use and conservation; and
- Providing the programmatic and resource basis for innovative, cost-effective solutions to augment the sustainable quantity of water in the District and to protect the quality of District waters required for various existing uses.

2.0 DISTRICT PROGRAM AREAS AND TEAM HIGHLIGHTS FOR 2015

The District continues to use successfully a team-oriented organizational structure, in which all staff members are assigned to a primary team but also support other teams as needs arise. Each staff member works under the direct supervision and direct reports to their respective team leaders who are responsible for executing team-specific responsibilities and duties. Each team leader works under the supervision and direct reports to the General Manager. All staff members ultimately report to the General Manager for administrative supervisory purposes.

This section of the report summarizes the operational teams that existed throughout FY 2015 and provides some highlights and notable achievements for each. Appendix B contains more information and details on the work undertaken by these teams in support of the various goals, objectives, and performance standards identified in the applicable 2014 District Management Plan.

2.1 General Management

Mr. John Dupnik served as the District's General Manager (GM). The GM is responsible for the day-to-day business of the District, and is an *ex-officio* member of all the other teams. The GM:

- Ensures the policies and direction of the Board of Directors are implemented effectively, appropriately, and efficiently;
- Provides leadership, both inside and outside the District organization, in accomplishing the mission, vision, and goals of the District; and
- Serves as an advocate for the staff with the Board and an advocate for the Board with the staff.
- The key areas of functional responsibilities for the GM include staff management and development, programmatic planning and execution, stakeholder relationship development and cultivation, and financial administration of the District.

In FY 2015, some highlights for the Office of the GM included:

- Coordinated the conduct of all of the District's FY 2015 business within FY 2015 budget constraints with relatively few budget amendments to adjust with the evolving work load and objectives.
- Maintained a productive, efficient, and motivated staff, and providing interns to assist the regular staff in continuing scientific investigations.
- Successfully advocated during the 84th Legislative Session in support of the District's legislative agenda and legislation that benefitted the District's mission and in opposition to legislation that harmed those objectives by providing testimony to both the House and Senate committees and coordinating with the District's legislative consultant, Sledge Law. Most notably, an extraordinary level of effort was applied to tracking and influencing HB 3405 which affected the District's jurisdictional area, funding, and regulatory powers.

- Managed an extraordinary workload involving tasks largely related to the unanticipated events leading up to annexation of the Shared Territory in Hays County and the implementation of HB 3405 passed during the 84th legislative session. Implementation of HB 3405 created additional workload through processing of the temporary permits, outreach efforts in the new area, and technical work associated with establishing a monitoring well network in certain areas of projected increases in Trinity Aquifer pumping.
- Coordinated the completion and submittal of the Habitat Conservation Plan and Incidental Take Permit application to cover permitted pumping as the covered activity under the Endangered Species Act and protect the endangered salamanders at the Barton Springs complex as the covered species. The application submittal was the culmination of more than 10 years of effort to develop a draft HCP.
- Actively participated with the Board subcommittee on negotiation of a draft agreement with TxDOT on application of the Consent Decree to the SH45 Southwest roadway project.
- After transfer of the SH45 project to the Central Texas Regional Mobility Authority (CTRMA), coordinated with CTRMA's on roadway and stormwater BMP design through monthly meetings and initiated the technical review of the design plans.
- Participated actively in the joint groundwater planning processes of Groundwater Management Area (GMA) 9 and serving as the District Representative to GMA 10, including related interfaces with the Texas Water Development Board (TWDB), other GCDs in the two GMAs, and stakeholder meetings (see Appendix B, page B-51 for more detail).
- Participated actively in regional water planning group activities, including serving as the GMA 10's voting Representative to Region K, and monitoring Region L groundwater-related planning activities (see Appendix B, page B-51 for more detail). Efforts were successful in getting District-supported water supply strategies including: brackish Edwards's desalination and Edwards/Trinity ASR into the Region K Initially Prepared Plan (IPP).

2.2 Administrative and General Services Team

Ms. Dana Wilson serves as the Leader of the Administrative and General Services Team, with Ms. Tammy Raymond and Ms. Shannon DeLong as team members for administrative programs support. Ms. DeLong continued to work on a three-quarter time basis throughout 2015, including telecommuting one day per week.

The Administrative Programs Team is responsible for banking, accounting, timekeeping and payroll administration, records retention and management, facilities and vehicle fleet management, personnel and human resources administration, contracts administration, director compensation and reimbursement administration, and state/federal grant administration.

In FY 2015, some highlights for the Administrative and General Services Team included:

- Maintaining the financial records to receive a clean financial audit (see Appendix A);
- Administering the director election;

- Supporting the District's biennium legislative process; which included supporting the legislatively-mandated Hays County Annexation process that added Shared Territory, required new rules, and acquired new permittees.
- Continuing the process of electronically scanning historical hard-copy records for archival purposes;
- Supporting the revisions of various parts of the Employee Policy Manual and subpolicies;
- Supporting the continuing phases of annual office updating/remodeling; and
- Assisting the District's information technology (IT) consultant in making improvements to the IT infrastructure and resolving various staff IT issues.

2.3 Aquifer Science Team

Dr. Brian Smith, P.G., serves as the Leader of the Aquifer Science Team, which is involved in various internally- and externally-funded groundwater research and assessment programs. The team is supported by Senior Hydrogeologist Brian Hunt, P.G., Hydrogeologic Technician Justin Camp, and from time to time other staff members, including interns.

To protect and manage the groundwater resources of the District's aquifers, the District continued an active research program that is designed to better understand the hydrogeology and hydrodynamics of aquifers in the District, and to advise the Board on policy-related decisions.

In FY 2015, some highlights for the Aquifer Science Team included:

- Developing new technical reports, giving numerous technical talks with published abstracts, publishing technical papers, and attending technical conferences including:
 - Texas Alliance of Groundwater Districts Groundwater Summit
 - 5th International Symposium on Karst (Malaga, Spain, October 2014)
 - South Central Texas Water Research Interest Group (Fredericksburg, 12/4/2014)
 - South Central Texas Water Research Interest Group (USGS Austin, 6/4/15)
 - Austin Geological Society Field Trip Guidebook (Recharge in the Edwards, 4/11/15)
 - SEPM talk (Midland, 4/14/15)
 - International Association of Hydrogeologists (Birmingham, UK, June 2015)
- Collecting hourly water-level data from about 32 wells in the Edwards and Trinity Aquifers and water-level data from the District's two multiport monitor wells.
- Establishing about seven Trinity monitor wells and collected data regarding wells and geology in the newly annexed area of Hays County.
- Worked on developing revised aquifer test guidelines and evaluating well testing conducted in the newly annexed area of Hays County.
- Determining and documenting when the District reached drought thresholds going into drought, including keeping the District's drought monitor blog up to date.

- Participating with Hays-Trinity GCD, Edwards Aquifer Authority, and Blanco-Pedernales GCD staff to continue to collect hydrogeologic data regarding the Trinity Aquifer (a continuation of the Hydrogeologic Atlas project).
- Performing studies with the Edwards Aquifer Authority to characterize the groundwater flow in the Blanco Watershed.
- Published a paper on the results of studies on the “Hydrologic Influences of the Blanco River on the Trinity and Edwards Aquifers, Central Texas, USA, *in* Hydrogeological and Environmental Investigations in Karst Systems, (Eds) B. Andreo, F. Carrasco, J. Duran, P. Jimenez, and J. LaMoreaux, Environmental Earth Sciences, Springer Berlin Heidelberg, Volume 1, pp 153-161.
- Participating with GMA 9 in technical discussions regarding the Trinity Hill Country DFC and the explanatory report.
- Performing studies with the Hays Trinity GCD and the City of Austin to characterize the surface and groundwater interaction in the Onion Creek watershed.
- Continuing development and data collection of a geologic database of the Edwards and Trinity Aquifers in central Texas.
- Maintaining the Antioch Cave Recharge Enhancement Project as an ongoing part of the 319(h) grant from EPA and TCEQ, and maintaining a CWQMN site on behalf of TCEQ.
- Investigating, designing and promoting a saline-zone feasibility study and pursuing funding for projects to better understand the opportunities and issues associated with utilizing brackish groundwater as an alternative new water supply for the area.
- Published a District report titled “Refining the Freshwater/Saline-Water Interface, Edwards Aquifer, Hays and Travis Counties, Texas.”
- Implementing, in cooperation with Magellan Pipeline Company, an annual sampling program related to the operation of the Longhorn Pipeline that transports crude oil. In July 2015, staff sampled about seven springs and well sites for hydrocarbon contaminants as a screening test for BTEX and TPH. Staff also worked on locations for the installation of two new monitor wells anticipated in FY 2016.
- Staff worked on the Habitat Conservation Plan and were integral to the development of the simple numerical (spreadsheet) model for the evaluation and estimation of take and jeopardy.
- Assisting Drs. Thomas Grimshaw and Mark Helper with the geologic mapping of the Mountain City Quadrangle and the scanning and geo-referencing of central Texas geologic maps.
- In cooperation with the Texas Water Development Board Aquifer Science staff sampled 30 wells and springs for major ions and isotope analyses.
- Brian Smith was reappointed by Mayor Adler to the City of Austin Environmental Commission (previously Environmental Board).

2.4 Education and Community Outreach Team

Ms. Robin Havens Gary serves as the leader of the Education and Community Outreach Team. Ms. Gary, who is the District's Environmental Educator, GIS Specialist, and Public Information Coordinator, and is the primary member and team lead for the Education and Community Outreach Team in FY 2015. Ms. Gary collaborates regularly with other members of the staff, including interns, to maintain a diverse and effective Education and Outreach program.

The District continues its active, multi-dimensional educational program that emphasizes awareness of the finite and fragile aspects of the groundwater resources in the District. The District was in drought for about five months during FY 2015. The fiscal year started out in Stage II Alarm Drought. A wetter than normal winter saturated soils and allowed runoff to generate stream flow in the recharge zone creeks and replenish the aquifer. The District lifted the drought declaration in late January. In early February, the District learned about a well field just outside the District's boundary that proposed withdrawing a large amount of water for wholesale supply. Given the lack of groundwater management in the area and potential impacts to nearby District well owners, Education and Outreach efforts focused on increasing awareness of the importance coordinated management, helped establish a network of monitoring sites, and helped perform a number of water level synoptic measurements, and conveyed the scientific information to concerned parties near the well field.

The Education and Community Outreach Team constantly seeks to maintain and create new partnerships with like-minded local entities to more efficiently and effectively carry out the District's mission. Through these partnerships, staff members augment their knowledge base and are able to make a contribution to efforts that reach larger and more diverse audiences. This year staff continued partnerships with the Austin Youth River Watch, Central Texas Water Efficiency Network (CTWEN), Capital Area Master Naturalists (CAMN), COA, City of Sunset Valley, Colorado River Alliance, EAA, Greater Edwards Aquifer Alliance, Hill Country Alliance, Keep Austin Beautiful, Lady Bird Johnson Wildflower Center, LCRA, Save Barton Creek Association (SBCA), San Antonio River Authority, San Antonio Water System, Splash! Exhibit, Camp Fire, Texas Cave Management Association, Texas Parks and Wildlife Department (TPWD), TWDB, University of Texas's Bureau of Economic Geology, and University of Texas Jackson School of Geosciences.

In FY 2015, some highlights of the Education and Community Outreach Team included:

- Participating in approximately 36 outreach events (including field trips, presentations, and events) that reached approximately 3,121 adults and 35 children,
- Hosting the fourth annual Water Conservation Symposium: "Dive Deep Into Water Conservation " in collaboration with the water providers and non-profits participating in the CTWEN,
- Hosting the 10th Annual Groundwater to the Gulf Summer Institute for Educators in collaboration with other state, local, and non-profit water educators, which trained 43 teachers who in turn reach over 4,500 students annually, and

- Providing support for the 2015 Rainwater Revival event that brings rainwater harvesting system installers, suppliers, water haulers and other experts together to serve as a resource for homeowners and business owners that are interested in using rainwater as an alternate supply.

2.5 REGULATORY COMPLIANCE

The Regulatory Compliance Team consists of two Regulatory Compliance Coordinators who are responsible for a wide range of the District's responsibilities including: drought management, pumpage tracking/compliance assessment, rulemaking, rule and well construction standard interpretation, permitting, enforcement, well inspections, well plugging, and drilling oversight. Regulatory Compliance Team members have also actively attended and participated in community outreach and regional development and planning groups, and served as District liaisons to local municipalities, political subdivisions, permittees, and licensed drillers and pump installers in the area.

Highlights of the Regulatory Compliance Team in FY 2015:

- **Annexation: During the 84th Legislative Session** state and local officials responded to requests from Hays County citizens to pass legislation to manage, conserve, preserve, and protect groundwater resources in unregulated portions of Hays County. As a result, HB 3405 became law on June 19, 2015. The new law gave the Barton Springs/Edwards Aquifer Conservation District (BSEACD) the responsibility of managing groundwater production of the Trinity Aquifer and other non-Edwards aquifers (Example: Austin Chalk Aquifer, Alluvium) in central, southern and eastern Hays County. HB 3405 established a Temporary Permit grace period (expires Sept. 19, 2015) to facilitate the permitting process for non-Edwards well owners in the new area with nonexempt wells. The District went through an immediate and very focused rulemaking process to implement a rule procedure for addressing temporary permits. Rules were adopted in July 2015.
- **Inspections & Investigations:** Staff completed 7 special investigations, 11 on site permittee visits, and 22 inspections related to well permit applications.

TOTAL Inspections/ Investigations/ Onsite Visits	40
Exempt Well Inspections	2
Limited Production Permit Inspections	7
Individual Production Permit Inspections	1
Test Well Inspections	1
Plugging Inspections	11
Special Investigation Inspections	7
Onsite Permittee Visits	11

- **Conservation Credits:** The District issued a total of \$38,190.11 in credits in FY 2015 with \$23,868.82 being issued to 26 permittees, and \$14,321.29 being issued to the City of Austin.

Permittees donating credits back to the District's camp scholarship fund included Creedmoor-Maha Water Supply Corporation (\$ 416.60), Texas Lehigh Cement Company (\$ 471.97), and Centex Materials (\$ 2,951.04).

- **Enforcement:** There were no formal enforcement actions initiated in FY 2015.
- **Rulemaking:** Rulemaking was initiated in June 2015 and the Board adopted the proposed rules in July 2015. Staff is planning on initiating rulemaking in FY 2016 in response to any changes that came out of the 84th legislative session, prospective measures of the District's HCP, and areas of the rules that need more clarification. The rules focused on modifying the requirements related to Limited Production Permits (nonexempt domestic wells) and implementing Temporary Permitting procedures.
- **External Reviews, Coordination, and Outreach.** Work groups and projects involving staff participation included:
 - Regular meetings of the Regional Water Quality Protection Plan workgroup,
 - RWQPP committee on wastewater management study,
 - SH 45 SW Technical Workgroups,
 - Sunset Valley water planning, and
 - Well registration and permitting in shared territory.
- **Drought Management:** The District entered into Stage II Alarm Drought in September 2014 and downgraded from the Stage II Alarm Drought in January 2015. The District did not reenter into drought during FY 2015.

Permitting Summary:

Permit activity during FY 2015 included the approval of one Historic Middle Trinity well drilling authorizations (Onion Creek Golf Course) and one Historic Middle Trinity well modification (Lady Bird Johnson Wildflower Center). In addition, a well drilling authorization that was previously approved in FY 2014 was eventually drilled in FY 2015 (Roy Seiders). There was one Historic Middle Trinity amendment (Cornerstone HTJ), and one Freshwater Edwards Class C Conditional permit (Ladybird Montessori LLC). These are all active and are included in summary tables below.

- Onion Creek Golf Course has not yet received a production permit;
- Lady Bird Johnson Wildflower Center was issued a permit for 6,700,000 gallons/year;
- Roy Seiders was issued a Production Permit for 436,117 gallons/year;
- Cornerstone HTJ's production permit was amended to include pumpage for an additional property and the permit was increased from 490,000 gallons/year to 980,000 gallons/year and is deemed a multi-user well;
- Ladybird Montessori LCC was issued a permit for 150,000 gallon/year.

Firm-yield Historic Edwards pumpage was reduced by 12,000,000 gallons with the retirement of the Soccerfield Development (Lonestar Soccer Club) Historic Edward production permit. The retired portion was re-permitted under the General Conservation Permit which is preserved for the Ecological Flow Reserve. Nonexempt Domestic Use (NDU) permits were reclassified as Limited Production Permits (LPPs) during 2015 rulemaking; all but seven LPPs (which maintain Historic Edwards permits) are considered Edwards Class A Conditional permits and are permitted up to 500,000 gallons/year. A summary of permitting, new well, drilling and plugging is provided in the following tables:

TOTAL Permit Applications in FY 2015	40
Minor Amendment	8
Exempt Well	3
Limited Production Permit	12
Individual Production Permit	3
New Individual Well Drilling Authorizations/Modification	2
Test Well	1
Well Plugging	11

Individual Permits	
Total Permits Issued to Date	90
Total Individual Permitted Wells to Date	166
LPP General Permits	
Total Permits Issued	92
Total LPP Permitted Wells	92

Well Drilling	
New Nonexempt Wells	2
New LPP Wells	12
New Exempt Wells	3
Total Wells Drilled	17
Total Wells Modified	1
Well Plugging	
Total Wells Plugged	11

Permitted Pumpage			
Edwards MZs	gallons	cfs	acre-feet
Historical (Ind.)	2,358,987,721	10.00	7,239
Historical (LPP)	1,930,104	0.008	6
Total Historical	2,360,917,825	10.01	7,245
Conditional (Ind.)	348,834,948	1.48	1,071
Conditional (LPP)	43,000,000	0.18	132
Total Conditional	391,834,948	1.66	1,202
Total Edwards	2,752,752,773	11.67	8,448
Trinity MZs	gallons	cfs	acre-feet
Historical (Ind.)	136,641,117	0.58	419
Total Permitted	2,889,393,890	12.25	8,867

	Permitted Transport		
	gallons	cfs	acre-feet
FY 2015	0	0	0
Total Permitted	400,000,000	1.70	1,227.55

3.0 REQUIRED DATA AND INFORMATION

The District Bylaws and Management Plan require a number of specific items to be included in the Annual Report. This information is included in the following subsections of the Annual Report.

3.1 Aquifer Status

FY 2015 started with a Stage II Alarm Drought in place following a relatively dry 2014 summer. Water levels began to rise in September of 2014 after above-average rainfall. Drought conditions were ended due to consistent fall rains. This steady recharge increased aquifer water levels as well as Barton Springs flow. The Board removed Stage II Alarm Drought, and declared No-Drought conditions on January 29, 2015.

The water level in the Lovelady monitor well has been on an upward trend continuing from mid-November 2014 to late August 2015. Extremely heavy rainfall on May 25 gave the Edwards a

boost as 5.20 inches fell on Camp Mabry providing Austin its wettest May on record. The May rain tally was 17.59 inches, topping the previous 1895 record of 14.10. Lovelady finally peaked at its maximum elevation of 522.7 ft.-msl, 5 ft. higher than the previous record peak level seen in July of 2010. The water level in Lovelady eventually turned downward on August 20, 2015, and continued a steady decline due to a lack of rain in July and August.

3.2 Grant Programs

The District continued its ongoing initiatives associated with development of alternative water supplies for the District and its region throughout FY 2015. The District submitted an application to the TWDB Board for a Regional Facility Planning Grant on January 28, 2015 to assess the Saline Edwards Aquifer as a potential water supply. The District was awarded grant funding in the amount of \$240,000 to support the District's grant project. The contract with TWDB for the grant project was approved by the Board and executed on August 27, 2015.

The District has also been positioned to make application for grant funding from Rider 25 approved in the appropriations bill in the 84th Legislative session (HB1) for feasibility and demonstration project for alternative water supplies available only through GCDs. This grant application and award will occur in FY 2016.

3.3 Professional Services

The District expended \$131,074 for professional services in FY 2015. This amount included legal fees of \$86,021 for general counsel support provided by Bickerstaff, Heath, Delgado & Acosta LLP of Austin. These fees included involvement of the District and its attorneys in defending the District in a lawsuit brought by the City of Kyle, including negotiation of a settlement, and participation in discussions related to an appeal of the District court's decision by a putative intervener, as well as SH 45 SW, Hays County Annexation costs, and Willie Family Partnership issues.

There were no legal services associated uniquely with grant projects as grant-billable costs, as no such projects existed in FY 2015.

Additional professional services for FY 2015 also reported in the above amount include the District's third party retirement plan administrator, The Standard, for \$14,761.

The District continued to retain Mike Figer and Company, CPA, to perform its annual financial audit for FY 2014. The fees for those professional services (that were expended in FY 2015) for the FY 2014 audit was \$12,000 and are also included in the professional services total above. FY 2015 audit expenses, the fiscal year that this report covers, will not be expended until FY 2016 due to the timing of the audit. The District will be retaining a new auditor going forward.

Not included in the professional services total above, the District expended \$40,000 for the lobbying services of Sledge Fancher for the 84th Legislative Session.

These professional services do not include the contracted labor that comprises programmatic support to various team initiatives and that is budgeted as part of the individual team budgets.

3.4 Capital Projects

The District completed one capital remodeling project in FY 2015 that created an interior lab for \$11,750.

3.5 Financial Report

As authorized in the District Bylaws, the Board utilizes the Texas Treasury Safekeeping Trust Company (commonly referred to as “TexPool”) as a depository for its funds not required by its current operations. There are several built-in controls and safeguards in the TexPool account mechanisms. The District has established and maintains funds in several TexPool accounts to further minimize risk and to partition funds designated for certain potential uses. To facilitate payments and timely deposits, the District also maintains both checking and payroll accounts with Citibank (now transitioned to BB&T), which are FDIC-insured. Monies are moved electronically between these accounts and the TexPool accounts, generally keeping funds not required by current operations in TexPool, and therefore the cash balances in the operating bank accounts as small as prudently feasible. The District has no additional monetary investments other than its cash fund accounts.

End-of-the-year cash and account balances and an independent assessment of financial controls will be found in the Annual Audit Report, to be included here as Appendix A, upon completion of the financial audit.

3.6 Evaluation of District’s Long-Range Plan Pursuant To §36.1071

3.6.1 Background

Texas Water Code §36.1071 requires all GCDs to establish and maintain a long-range comprehensive plan for groundwater management in the District. This long-range plan is a ten-year plan called the District Management Plan. The Management Plan must be reviewed, revised as necessary, readopted, and reapproved at least once each five years. Under the code provisions, all GCDs are required to assess progress quantitatively toward the objectives in their prevailing Management Plan at least annually; this assessment is summarized in the following Section 3.6.2 and elaborated in Appendix B of this Annual Report.

3.6.2 Board Evaluation of Objectives and Progress Assessment

Section 2 of this report highlighted some activities for each of the operational teams. A more comprehensive and detailed listing of the activities of the District is included in Appendix B, which was prepared by the staff to assist the Board’s evaluation of the progress made in FY 2015 toward the goals, objectives, and performance standards identified in the prevailing District Management Plan.

On November 19, 2015, the Board reviewed the information in Appendix B, discussed its conformance with the plan objectives and their subsidiary performance standards, and then took action to evaluate progress made by the District toward these strategic objectives, as specified in the metrics for each of the objectives. Following a proper motion and second, and discussion in a properly noticed Open Meeting, the Board of Directors unanimously approved the progress

toward each and all objectives in FY 2015 as being satisfactory, and directed the staff to include a record of these actions and their basis in this Annual Report. That record and the basis for that decision-making are included as Appendix B.

Item 4

Board Discussions and Possible Actions

- b. Discussion and possible action related to the presentation of the initial assessment report on the upcoming redistricting of Director Precincts including approving resolutions adopting redistricting criteria and adopting guidelines for submitting redistricting proposals.**



December 3, 2015

Board of Directors and General Manager
Barton Springs/Edwards Aquifer
Conservation District
1124-A Regal Row
Austin, TX 78748

Re: 2015 Initial Assessment considering 2010 Census data

Dear Directors and Mr. Dupnik:

This is the Initial Assessment letter for the Barton Springs/Edwards Aquifer Conservation District. Our review of the 2010 Census population and demographic data for the District shows that the District's Board of Directors precincts are out of population balance and you should redistrict. This imbalance occurred due to the addition of territory prescribed by House Bill 3405 and annexations by the City of Austin. We are prepared to meet with the Board of Directors to review the Initial Assessment and to advise the Board on how to proceed to redistrict the director precincts to bring them into balance for use in the 2016 election cycle.

This letter presents a brief overview of basic redistricting principles to assist you in preparing for our presentation on the assessment. Note that this letter includes resolutions for the adoption of redistricting criteria and guidelines. These are matters that should be addressed early in the redistricting process to enable us to proceed efficiently. We will be working with you to develop the appropriate language for your adoption of redistricting criteria and guidelines.

There are three basic federal legal principles that govern the redistricting process: (i) the "one person-one vote" (equal population) principle; (ii) the non-discrimination standard of Section 2 of the Voting Rights Act; and (iii) the *Shaw v. Reno* limitations on the use of race as a factor in redistricting. These principles are discussed in detail in the attachments to this letter, which we urge you to read and review carefully.

It is important to note that on June 25, 2013, the United States Supreme Court decided *Shelby County, Alabama v. Holder*, 133 S.Ct. 2612 (2013) and effectively invalidated Section 5 of the Voting Rights Act that required covered jurisdictions, which includes the State of Texas and all of its political subdivisions, to: (1) obtain preclearance of any change in voting practice, standard, or procedure before it could be implemented, and (2) apply a "retrogression" standard to minority group populations in specific districts. The District adopted its current plan on November 11, 2011 and precleared it on January 26, 2012, recorded as submission number 2011-5220. Preclearance of the District's next plan is not required.

The “One Person – One Vote” Requirement: Why You Should Redistrict

The “one person-one vote” requirement of the United States Constitution that members of an elected body be chosen from districts of substantially equal population has traditionally been viewed as applying to the District in a limited fashion due to the statutory limitation on the number of precincts assigned to the City of Austin. Exact equality of population is not required, but a “total maximum deviation” of no more than ten percent in total population between the most populated and the least populated director precincts based on the most recent census should be achieved. This maximum deviation of ten percent constitutes a rebuttable presumption of compliance with the one person-one vote requirement.

From the District’s outset, the five director precincts, when compared among one and another, have contained disproportionate populations. The director precincts, as established and previously precleared by the Department of Justice (“DOJ”), are not analyzed in the same manner as most governmental districts. Instead, the two precincts located within the City of Austin (“Austin Area”) are drawn to contain approximately equivalent populations and the three precincts located outside of the City of Austin (“Suburban, Rural and Shared Territory Area” or “SRST Area”) are also drawn to contain populations, which are approximately equivalent as among the three SRST AREA Precincts.

This convention tracks the District’s enabling legislation, now codified at § 8802.053 of the Texas Special District Local Laws Code, and §36.059(b) of the Texas Water Code. Section 8802.053 provides:

- (a) The district is divided into five numbered, single-member districts for electing directors.
- (b) The board may revise the single-member districts as necessary or appropriate.
- (c) As soon as practicable after the publication of each federal decennial census, the board shall revise the single-member districts as the board considers appropriate to reflect population changes. When the board revises the single-member districts under this subsection, the board shall place two of the districts:
 - (1) Entirely within the boundaries of the City of Austin, as those boundaries exist, at that time; or
 - (2) Within the boundaries of the City of Austin, as those boundaries exist at that time, but also including unincorporated areas or other municipalities that are surrounded wholly or partly by the boundaries of the City of Austin if the areas or municipalities are noncontiguous to the territory of any other single-member district.

- (d) Changes in the boundaries of the City of Austin between revisions of the single-member districts under Subsection (c) do not affect the boundaries of the single-member districts.
- (e) When the boundaries of the single-member districts are changed, a director in office on the effective date of the change, or elected or appointed before the effective date of the change to a term of office beginning on or after the effective date of the change, is entitled to serve the term or the remainder of the term in the single-member district to which elected or appointed even though the change in boundaries places the person's residence outside the single-member district for which the person was elected or appointed.

Section 36.059(b) of the Texas Water Code provides:

If any part of a municipal corporation is part of one precinct, then no part of the municipal corporation shall be included in another precinct, except that a municipal corporation having a population of more than 200,000 may be divided between two or more precincts. In a multicounty district, not more than two of the five precincts may include the same municipal corporation or part of the same municipal corporation.

This convention is also supported by an exception to the one person-one vote principle established by the United States Supreme Court for special purpose governmental entities exercising narrow governmental functions and operating to the burden or benefit of one group of constituents more than others. *See Ball v. James*, 451 U.S. 355, 370-71 (1981); *Salyer Land Co. v. Tulare Lake Basin Water Storage District*, 410 U.S. 719, 728 (1973). (See Attachment C for a discussion of this exception).

The population and demographics of all of the current director precincts are presented here and in Attachment A.

Barton Springs Edwards Aquifer Conservation District							
2015 Initial Assessment - Benchmark							
Summary 2010 Census Total and Voting Age Population							
Precinct	Persons	Deviation	Hispanic % of Total Population	Non- Hispanic Anglo % of Total Population	Non- Hispanic Black % of Total Population	Non- Hispanic Asian % of Total Population	Non- Hispanic Other % of Total Population
1	15,906	-60.65%	43.20%	51.21%	2.83%	0.97%	1.79%
2	11,001	-72.79%	27.92%	67.46%	1.78%	1.11%	1.69%
3	15,564	-61.50%	64.00%	31.08%	3.03%	0.55%	1.32%
4	97,135	5.43%	37.75%	52.17%	4.29%	3.62%	2.17%
5	87,182	-5.43%	21.19%	68.89%	2.84%	4.67%	2.42%
Unassigned**	78,804		38.46%	53.98%	4.38%	1.27%	1.90%
Totals	305,592		34.48%	56.83%	3.67%	2.93%	2.09%
Ideal Size = 121,275 / 3 = 40,425 per district. (SRST Area Precincts)							
Ideal Size = 184,317 / 2 = 92,158 per district. (Austin Area Precincts)							
Total Maximum Deviation = 167.73% For Districts 1, 2, and 3 (SRST Area Precincts)							
Total Maximum Deviation = 10.86% For Districts 4 and 5 (Austin Area Precincts)							

Austin Area Precincts

The tables in Attachment A show that the total population of the Austin Area Precincts (in red above) using Census data from April 1, 2010 to be 184,317 persons. This represents an increase in population after the recent City of Austin annexation of approximately 7.14 percent. The ideal director precinct should now contain 92,158 persons (total population / 2 precincts).

Director Precinct 4 has the largest population, which is approximately 5.43 percent above the size of the ideal precinct. Precinct 5 has the smallest population, which is approximately 5.43 percent below the size of the ideal precinct. The total maximum deviation between the two existing director precincts, therefore, is 10.86 percent. This total maximum deviation does exceed the standard of 10 percent that generally has been recognized by the courts as the maximum permissible deviation. Under the 10-percent rule, it would be prudent to redistrict the Austin Area Precincts to bring them within the constitutional requirement for equal population among director Austin Area Precincts. The precincts must also be redrawn to comply with

§ 8802.053 of the Texas Special District Local Laws Code. That is, the precincts must be redrawn to accommodate the City of Austin annexations.

SRST Area Precincts

The tables in Attachment A show that the total population of the SRST Area Precincts (in blue above) using Census data from April 1, 2010 was 121,275 persons. This represents a net increase in population of approximately 53.45 percent after losing some population to the Austin Area Precincts and gaining population from the addition of territory from House Bill 3405. The ideal director precinct should now contain 40,425 persons (total population / 3 precincts).

Directors' Precincts 1, 2, and 3 all are underpopulated. Their deviation from the ideal size is -60.65% for Precinct 1, -72.79% for Precinct 2, and -61.50% for Precinct 3. The total overall deviation for the SRST Area Precincts is 167.73%. The three districts exhibit large deviations because the annexed territory has 78,804 persons that have not been assigned to a Director's Precinct but are included in the overall total for the SRST Area precincts. This total maximum deviation exceeds the standard of ten percent that generally has been recognized by the courts as the maximum permissible deviation. Accordingly, it would be prudent for the District to redistrict the SRST Area Precincts to bring its director precincts within the ten percent range.

Section 2 of the Voting Rights Act: Avoiding discrimination claims

The data in the Population Tables in Attachment A as well as the data in the maps in Attachment B, which show the geographic distribution of the primary minority groups in the District, will also be important in assessing the potential for Voting Rights Act Section 2 liability. (See Attachment C for a discussion of Section 2).

In redistricting the director precincts, the District will need to be aware of the legal standards that apply. We will review these principles in detail with the Board at the presentation of the Initial Assessment. The process we have outlined for the redistricting process and the policies and procedures that we are recommending the Board adopt will insure that the District adheres to these important legal principles and that the rights of protected minority voters in the political subdivision are accorded due weight and consideration.

Shaw v Reno: Additional equal protection considerations

In order to comply with Sections 2, the District must consider race when drawing precincts. *Shaw v. Reno*, however, limits how and when race can be a factor in the districting decisions. Thus, local governments must walk a legal tightrope, where the competing legal standards must all be met. The *Shaw v. Reno* standard requires that there be a showing that (1) the race-based factors were used in furtherance of a "compelling state interest" and (2) their application be "narrowly tailored," that is, they must be used only to the minimum extent necessary to accomplish the compelling state interest. We will guide the District through proper application of this principle.

City of Austin Annexations

Included in the initial assessment is information showing the current Austin city limit boundary. We have included a drawing in Attachment B that places the two Austin Area Precincts within the boundaries of the City of Austin, as provided in § 8802.053(c)(2) of the Texas Special District Local Laws Code. Attachment A contains a demographic table reflecting the populations when considering the City of Austin annexations.

Redistricting guidelines and criteria

At the initial assessment presentation we will recommend certain guidelines that the Board may wish to adopt to ensure fair and adequate public participation in the redistricting process. We will also recommend certain criteria that the Board may require all redistricting plans to follow. These criteria generally track the legal principles that the courts have found to be appropriate elements in sound redistricting plans. Once redistricting guidelines and criteria are adopted and the Board gives instructions about how it would like plans to be developed considering this Initial Assessment and the applicable legal standards, we can begin to assist the District in the development of plans for your consideration.

Conclusion

We hope this Initial Assessment discussion is helpful to you and that it will guide the Board of Directors as it executes the redistricting process. We look forward to meeting with the Board to review the assessment and to answer any questions you may have concerning any aspect of that process. Please feel free to call me in the interim as we prepare for the presentation and let me know if there is any additional information you may require.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Dugat III", with a stylized flourish at the end.

William D. Dugat III

WDD/dfb
Attachments

ATTACHMENT A
INITIAL ASSESSMENT POPULATION TABLES

Barton Springs Edwards Aquifer Conservation District

2015 Initial Assessment - Benchmark

Summary 2010 Census Total and Voting Age Population

Precinct	Persons	Deviation	Hispanic % of Total Population	Non-Hispanic Anglo % of Total Population	Non-Hispanic Black % of Total Population	Non-Hispanic Asian % of Total Population	Non-Hispanic Other % of Total Population
1	15,906	-60.65%	43.20%	51.21%	2.83%	0.97%	1.79%
2	11,001	-72.79%	27.92%	67.46%	1.78%	1.11%	1.69%
3	15,564	-61.50%	64.00%	31.08%	3.03%	0.55%	1.32%
4	97,184	5.43%	37.75%	52.17%	4.29%	3.62%	2.17%
5	87,182	-5.43%	21.19%	68.89%	2.84%	4.67%	2.42%
Unassigned**	78,804	94.94%	38.46%	53.98%	4.38%	1.27%	1.90%
Totals	305,641		34.48%	56.83%	3.67%	2.93%	2.09%

Ideal Size = $121,275 / 3 = 40,425$ per precinct.

Ideal Size = $184,317 / 2 = 92,183$ per precinct.

Total Maximum Deviation = 167.73% For Precincts 1, 2, and 3

Total Maximum Deviation = 10.86% For Precincts 4 and 5

Some percentages may be subject to rounding error.

Precinct	Total VAP*		Hispanic % of Total VAP	Non-Hispanic Anglo % of Total VAP	Non-Hispanic Black % of Total VAP	Non-Hispanic Asian % of Total VAP	Non-Hispanic Other % of Total VAP
1	11,353		38.30%	56.36%	2.89%	1.02%	1.44%
2	8,194		24.69%	70.69%	1.86%	1.24%	1.34%
3	10,420		58.14%	36.80%	3.25%	0.60%	1.20%
4	73,988		33.88%	56.64%	4.22%	3.51%	1.77%
5	70,191		18.90%	71.98%	2.66%	4.49%	1.96%
Unassigned**	62,377		34.17%	58.33%	4.44%	1.35%	1.71%
Totals	236,523		30.47%	61.24%	3.63%	2.91%	1.76%

*Voting Age Population

**Unassigned population is newly annexed territory in Hays County.

Some percentages may be subject to rounding error.

12/1/2015

Barton Springs Edwards Aquifer Conservation District

2015 Initial Assessment - Benchmark

Detailed 2010 Census Total and Voting Age Population

Precinct	Persons	Ideal Size	Deviation	Hispanic	% of Total Hispanic Population	Anglo	% of Total Anglo Population	Black	% of Total Black Population	American Indian	% of Total American Indian Population	Asian	% of Total Asian Population	Hawaiian-Pacific Islander	% of Total Hawaiian-Pacific Islander Population	Other	% of Total Other Population	Two or More	% of Total Two or More Population
1	15,906	40,425	-60.65%	6,872	43.20%	8,146	51.21%	450	2.83%	37	0.23%	154	0.97%	13	0.08%	19	0.12%	216	1.36%
2	11,001	40,425	-72.79%	3,071	27.92%	7,421	67.46%	196	1.78%	23	0.21%	122	1.11%	12	0.11%	5	0.05%	146	1.33%
3	15,564	40,425	-61.50%	9,961	64.00%	4,837	31.08%	472	3.03%	39	0.25%	85	0.55%	7	0.04%	32	0.21%	127	0.82%
4	97,184	92,183	5.43%	36,689	37.75%	50,698	52.17%	4,174	4.29%	274	0.28%	3,517	3.62%	49	0.05%	163	0.17%	1,627	1.67%
5	87,182	92,183	-5.43%	18,470	21.19%	60,058	68.89%	2,475	2.84%	257	0.29%	4,068	4.67%	45	0.05%	203	0.23%	1,609	1.85%
Unassigned**	78,804	40,425	94.94%	30,310	38.46%	42,540	53.98%	3,450	4.38%	264	0.34%	1,000	1.27%	51	0.06%	107	0.14%	1,077	1.37%
Totals	305,641			105,373	34.48%	173,700	56.83%	11,217	3.67%	894	0.29%	8,946	2.93%	177	0.06%	529	0.17%	4,802	1.57%

**Unassigned population is newly annexed territory in Hays County.

Ideal Size = 121,275/ 3 = 40,425 per precinct. For Precincts 1, 2, and 3

Ideal Size = 184,317/2 = 92,183 per precinct. For Precincts 4 and 5

Some percentages may be subject to rounding error.

Precinct	Total VAP*	Hispanic VAP	% of Total Hispanic VAP	Anglo VAP	% of Total Anglo VAP	Black VAP	% of Total Black VAP	American Indian VAP	% of Total American Indian VAP	Asian VAP	% of Total Asian VAP	Hawaiian-Pacific Islander VAP	% of Total Hawaiian-Pacific Islander VAP	Other VAP	% of Total Other VAP	Two or More VAP	% of Total Two or More VAP
1	11,353	4,348	38.30%	6,398	56.36%	328	2.89%	29	0.26%	116	1.02%	10	0.09%	14	0.12%	111	0.98%
2	8,194	2,023	24.69%	5,792	70.69%	152	1.86%	22	0.27%	102	1.24%	8	0.10%	4	0.05%	76	0.93%
3	10,420	6,058	58.14%	3,835	36.80%	339	3.25%	31	0.30%	62	0.60%	5	0.05%	21	0.20%	68	0.65%
4	73,988	25,066	33.88%	41,909	56.64%	3,123	4.22%	228	0.31%	2,595	3.51%	38	0.05%	107	0.14%	938	1.27%
5	70,191	13,269	18.90%	50,521	71.98%	1,868	2.66%	220	0.31%	3,154	4.49%	38	0.05%	148	0.21%	972	1.38%
Unassigned**	62,377	21,312	34.17%	36,387	58.33%	2,772	4.44%	215	0.34%	842	1.35%	47	0.08%	78	0.13%	725	1.16%
Totals	236,523	72,076	30.47%	144,842	61.24%	8,582	3.63%	745	0.31%	6,871	2.91%	146	0.06%	372	0.16%	2,890	1.22%

**Unassigned population is newly annexed territory in Hays County.

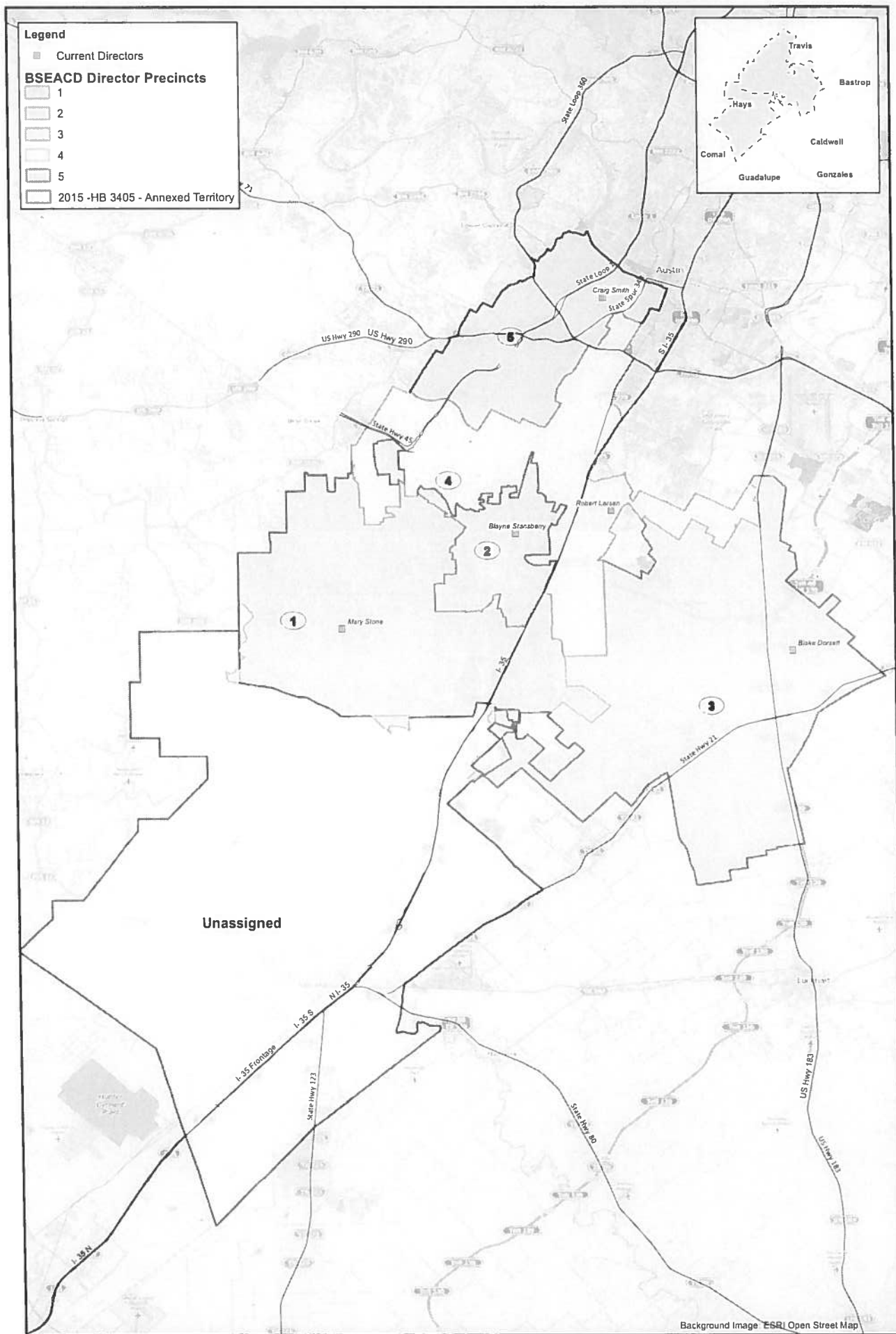
*Voting Age Population

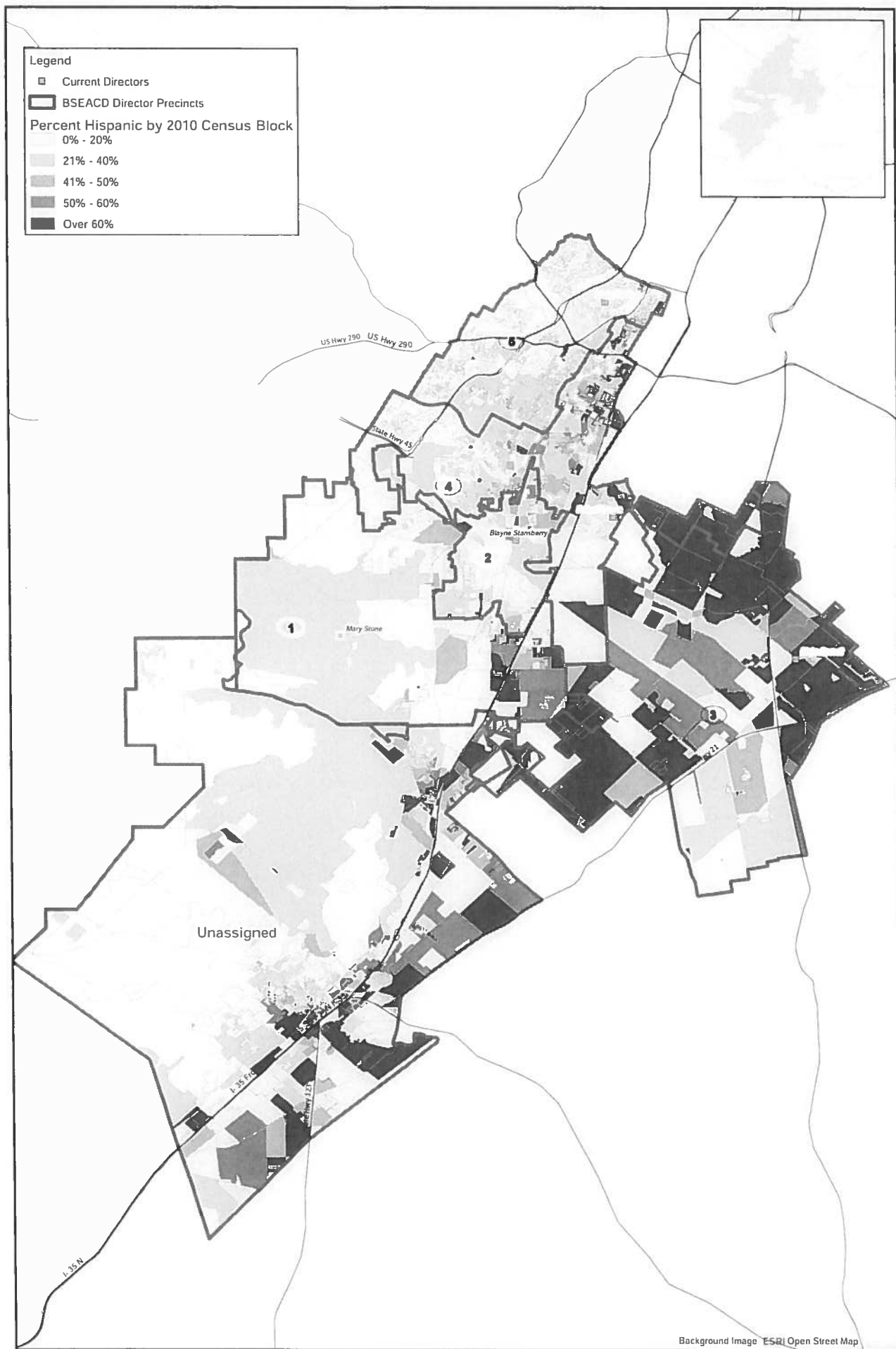
Some percentages may be subject to rounding error.

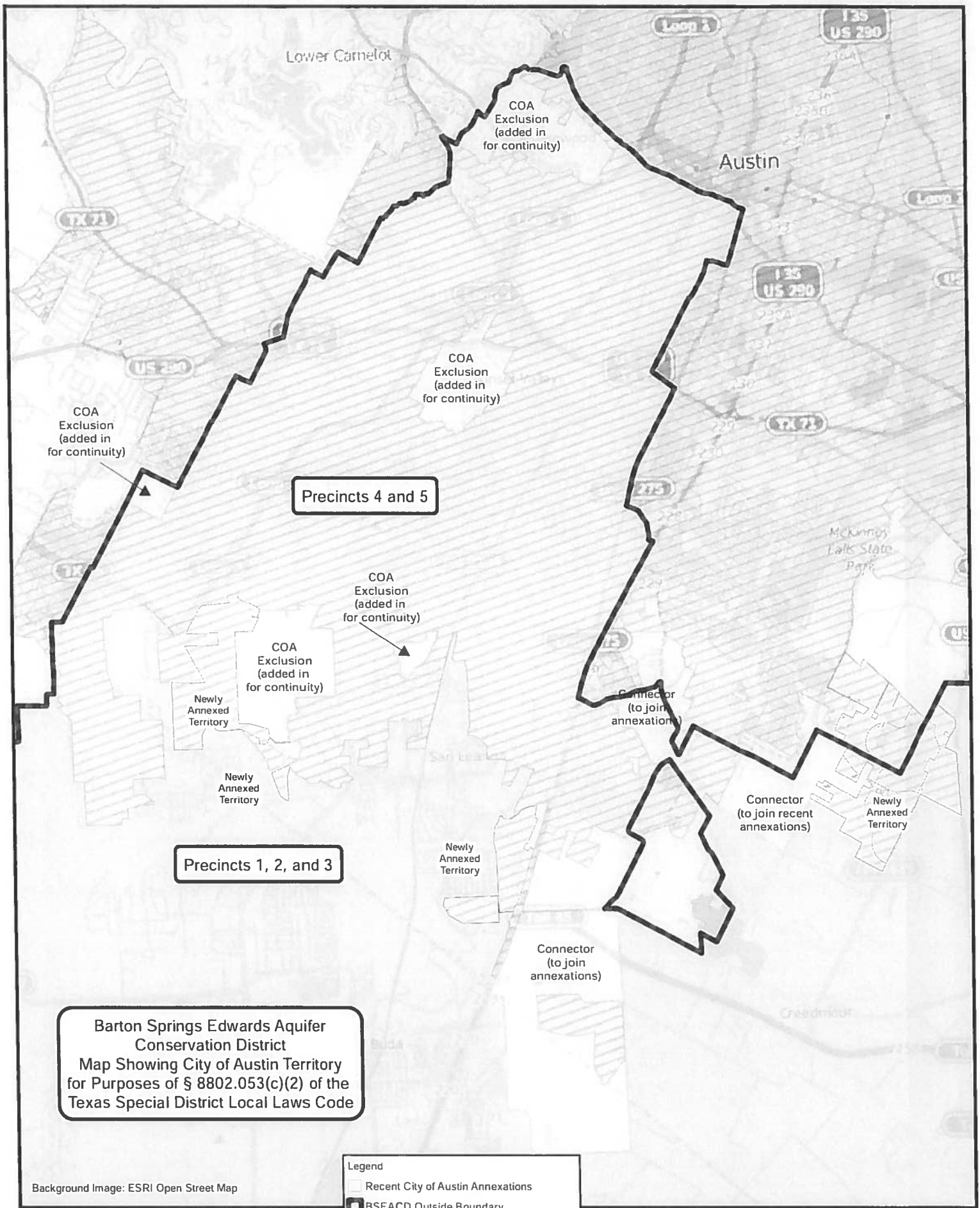
11/2/2015

ATTACHMENT B

MAPS







0 0.5 1 2 Miles

Coordinate System: GCS North American 1983,
Datum: North American 1983, Created: 11/2/2015

© 2015 Bickerstaff Heath Delgado Acosta LLP
Data Source: City of Austin jurisdictional boundaries
obtained from City of Austin GIS, BSEACD boundaries
obtained from BSEACD GIS

ATTACHMENT C
LEGAL PRINCIPLES

LEGAL PRINCIPLES GOVERNING THE REDISTRICTING PROCESS

There are three basic legal principles that govern the redistricting process: (i) the “one person-one vote” (equal population) principle; (ii) the non-discrimination standard of Section 2 of the Voting Rights Act; and (iii) the *Shaw v. Reno* limitations on the use of race as a factor in redistricting.

The terminology of redistricting is very specialized and includes terms that may not be familiar, so we have included as Attachment D to this Initial Assessment letter a brief glossary of many of the commonly-used redistricting terms.

The “One-Person – One-Vote” Requirement

The “one person-one vote” requirement of the United States Constitution requires that members of an elected body be drawn from districts of substantially equal population. This requirement applies to the single-member districts of “legislative” bodies such as commissioners courts and other entities with single-member districts such as school boards or city councils.

The District’s director precincts have always contained disproportionate populations. The two precincts located within the City of Austin are drawn to contain approximately equivalent populations. The three non-urban precincts also contain populations, which are approximately equivalent as among the three non-urban precincts.

Water Code section 36.059(b) directs that no more than two director precincts may be contained within any one city and then only if that city has a population of more than 200,000. Given this directive, and given the distribution of population within the District, the relative disproportionate population distribution between the urban and non-urban precinct is unavoidable to comply with Texas law.

The establishment of director precincts as described does not implicate one-person – one-vote in this particular instance. The United States Supreme Court has held that where the purpose of the district is specialized and narrow and the voting scheme reflects the narrow purpose for which the District is created, the one-person – one-vote principle of the Fourteenth Amendment is not invoked. See *Ball v. James*, 451 U.S. 355, 370-71 (1981); *Salyer Land Co. v. Tulare Lake Basin Water Storage District*, 410 U.S. 719, 728 (1973). The general rule of one-person – one-vote does not apply when the governmental entity serves a limited purpose and the activities of the unit of government have a disproportionate effect on those who may vote for its officials.

This very issue is currently being litigated with the Edwards Aquifer Authority. LULAC alleges that the EAA Director Districts violate one-person – one-vote and that the Districts are disproportionately weighted towards rural districts in violation of the Fourteenth Amendment instead of being based strictly on population. *LULAC v. EAA*, No. 5:12-cv-620-OLG (Western District of Texas, filed June 21, 2012). The case was argued in June 2014 and has been pending since June 2014.

When balancing for one-person – one-vote, exact equality of population is not required for local political subdivisions. Instead, precincts should have a total population deviation of no more than ten percent between their most populated and least populated precincts. This ten percent deviation is usually referred to as the “total maximum deviation.” It is measured against the “ideal” or target population for the governmental entity based on the most recent census. The ten percent standard is a rebuttable presumption of compliance with the one person-one vote requirement. A hypothetical example of how deviation is calculated is given in Attachment E.

The Census Bureau’s population data for the 2010 Census issued in the analysis of redistricting plans – the so-called “PL 94-171” data. Although several types of population data are provided in the PL 94-171 files, redistricting typically is based upon total population.

Official Census data should be used unless the District can show that better data exists. The court cases that have dealt with the question have made it clear that the showing required to justify use of data other than Census data is a very high one. As a practical matter, therefore, we recommend that the District use the 2010 Census data in their redistricting processes. We have based the Initial Assessment on PL 94-171 total population data; the relevant data are summarized in Attachment A.

In the redistricting process, the Board of Directors will use a broad spectrum of demographic and administrative information to accomplish the rebalancing of population required by the one person-one vote principle. The charts provided with this report not only show the total population of the District but also give breakdowns of population by various racial and ethnic categories for the District as a whole and also for each director precinct.

Census geography

These single-member population data are themselves derived from population data based on smaller geographical units. The Census Bureau divides geography into much smaller units called “census blocks.” In urban areas, these correspond roughly to city blocks. In more rural areas, census blocks may be quite large. Census blocks are also aggregated into larger sets called “voting tabulation districts” or “VTDs” which often correspond to county election precincts.

For reasons concerning reducing the potential for *Shaw v. Reno*-type liability, discussed below, we recommend using VTDs as the redistricting building blocks where and to the extent feasible. In many areas this may not be feasible.

Census racial and ethnic categories

For the 2010 Census, the Census Bureau recognized 126 combinations of racial and ethnic categories and collected and reported data based on all of them. Many of these categories include very few persons, however, and will not therefore have a significant impact on the redistricting process. The charts that accompany this report include only eight racial and ethnic categories that

were consolidated from the larger set. All of the population of the District is represented in these charts. These eight categories are the ones most likely to be important in the redistricting process.

The 2010 Census listed six racial categories. Individuals were able to choose a single race or any combination of races that might apply. Thus, there are potentially 63 different racial combinations that might occur. Additionally, the Census asks persons to designate whether they are or are not Hispanic. When the Hispanic status response is overlaid on the different possible racial responses, there are 126 possible different combinations. The Census tabulates each one separately.

We will also consider data called “voting age population” (or “VAP”) data. It is similarly classified in eight racial and ethnic categories. This information is provided for the limited purpose of addressing some of the specific legal inquiries under the Voting Rights Act that are discussed below. Voting age population is the Census Bureau’s count of persons who identified themselves as being eighteen years of age or older at the time the census was taken (*i.e.*, as of April 1, 2010).

In addition to this population and demographic data, the Board of Directors will have access to additional information that may bear on the redistricting process, such as registered voter information and incumbent residence addresses, etc.

Section 2 of the Voting Rights Act – No Discrimination Against Minority Groups

Section 2 of the Voting Rights Act forbids a voting standard, practice or procedure from having the effect of reducing the opportunity of members of a covered minority to participate in the political process and to elect representatives of their choice. In practical terms, this non-discrimination provision prohibits districting practices that, among other things, result in “packing” minorities into a single director precinct in an effort to limit their voting strength. Also, “fracturing” or “cracking” minority populations into small groups in a number of precincts, so that their overall voting strength is diminished, can be discrimination under Section 2. There is no magic number that designates the threshold of packing or cracking. Each plan must be judged on a case-by-case basis.

The Supreme Court has defined the minimum requirements for a minority plaintiff to bring a Section 2 lawsuit. There is a three-pronged legal test the minority plaintiff must satisfy – a showing that: (1) the minority group’s voting age population is numerically large enough and geographically compact enough so that a director precinct with a numerical majority of the minority group can be drawn (a “majority minority district”); (2) the minority group is politically cohesive, that is, it usually votes and acts politically in concert on major issues; and (3) there is “polarized voting” such that the Anglo majority usually votes to defeat candidates of the minority group’s preference. *Thornburg v. Gingles*, 478 U.S. 30 (1986). In the federal appellate Fifth Circuit, which includes Texas, the minority population to be considered is *citizen* voting age population. In certain cases, a minority group may assert that Section 2 requires that the District draw a new majority minority precinct. The Board of Directors must be sensitive to these Section 2 standards as it redistricts.

In considering changes to existing boundaries, the District must be aware of the location of protected minority populations within its director precincts for the purpose of ensuring that changes are not made that may be asserted to have resulted in “packing,” or in “fracturing” or “cracking” the minority population for purposes or having effects that are unlawful under Section 2. The thematic maps included in Attachment B depict the locations of Hispanic and African-American population concentrations by census block; they are useful in addressing this issue. Voting age population (VAP) data is useful in measuring potential electoral strength of minority groups in individual precincts.

**Shaw v. Reno Standards – Avoid Using Race
as the Predominant Redistricting Factor**

While satisfying the Section 2 standard requires the District to explicitly consider race to comply with this standard, *Shaw v. Reno* places strict limits on the manner and degree in which race may be a factor. In effect, therefore, the Board of Directors must walk a legal tightrope, where the competing legal standards must all be met.

In the *Shaw v. Reno* line of cases that began in 1993, the Supreme Court applied the Fourteenth Amendment’s Equal Protection Clause of the U.S. Constitution to redistricting plans. Where racial considerations predominate in the redistricting process to the subordination of traditional (non-race-based) factors, the use of race-based factors is subject to the “strict scrutiny” test. To pass this test requires that there be a showing that (1) the race-based factors were used in furtherance of a “compelling state interest” and (2) their application be “narrowly tailored,” that is, they must be used only to the minimum extent necessary to accomplish the compelling state interest.

Complying with Section 2 is a compelling state interest. Thus, the following principles emerge in the post-*Shaw* environment to guide the redistricting process:

- race may be considered;
- but race may not be the predominant factor in the redistricting process to the subordination of traditional redistricting principles;
- bizarrely-shaped precincts are not unconstitutional *per se*, but the bizarre shape may be evidence that race was the predominant consideration in the redistricting process;
- if race is the predominant consideration, the plan may still be constitutional if it is “narrowly tailored” to address compelling governmental interest such as compliance with the Voting Rights Act; and
- if a plan is narrowly tailored, it will use race no more than is necessary to address the compelling governmental interest.

The better course, if possible under the circumstances, is that racial considerations not predominate to the subordination of traditional redistricting criteria, so that the difficult strict scrutiny test is avoided.

Adherence to the *Shaw v. Reno* standards will be an important consideration during the redistricting process. One way to minimize the potential for *Shaw v. Reno* liability is to adopt redistricting criteria that include traditional redistricting principles and that do not elevate race-based factors to predominance.

Adoption of Redistricting Criteria

Adoption of appropriate redistricting criteria – and adherence to them during the redistricting process – is potentially critical to the ultimate defensibility of an adopted redistricting plan. Traditional redistricting criteria that the District might wish to consider adopting include, for example:

- use of identifiable boundaries;
- using whole voting precincts, where possible and feasible; or, where not feasible, being sure that the plan lends itself to the creation of reasonable and efficient voting precincts;
- maintaining communities of interest (*e.g.*, traditional neighborhoods);
- basing the new plan on existing precincts;
- if possible given the state law restrictions adopting precincts of approximately equal size when compared against the other precincts in the category – *i.e.*, comparing a city precinct to the other city precinct and comparing the three suburban/rural precincts to each other;
- drawing precincts that are compact and contiguous;
- keeping existing directors in their precincts; and
- narrowly tailoring to comply with the Voting Rights Act.

There may be other criteria that are appropriate for an individual entity's situation, but all criteria adopted should be carefully considered and then be followed to the greatest degree possible. A copy of a sample criteria adoption resolution is provided as Attachment F. You may wish to include additional criteria, or determine that one or more on that list are not appropriate. We will discuss with you appropriate criteria for your situation.

Requirements for Plans Submitted by the Public

You should also consider imposing the following requirements on any plans proposed by the public for your consideration: (1) any plan submitted for consideration must be a complete plan, that is, it must be a plan that includes configurations for all director precincts and not just a selected one or several. This is important because, although it may be possible to draw a particular precinct in a particular way if it is considered only by itself, that configuration may have unacceptable consequences on other precincts and make it difficult or impossible for an overall plan to comply with the applicable legal standards, and; (2) any plan submitted for consideration must follow the adopted redistricting criteria.

ATTACHMENT D

GLOSSARY

GLOSSARY

Census blocks, census block groups, census VTDs, census tracts – Geographic areas of various sizes recommended by the states and used by the Census Bureau for the collection and presentation of data.

Citizen voting age population (CVAP) – Persons 18 and above who are citizens. This is a better measure of voting strength than VAP; however, the relevant citizenship data will need to be developed.

Compactness – Having the minimum distance between all parts of a constituency.

Contiguity – All parts of a district being connected at some point with the rest of the district.

Cracking – The fragmentation of a minority group among different districts so that it is a majority in none. Also known as “fracturing.”

Fracturing – See “cracking.”

Homogeneous district – A voting district with at least 90 percent population being of one minority group or of Anglo population.

Ideal population – The population that an ideal sized district would have for a given jurisdiction. Numerically, the ideal size is calculated by dividing the total population of the political subdivision by the number of seats in the legislative body.

Majority minority district – Term used by the courts for seats where an ethnic minority constitutes a numerical majority of the population.

One person, one vote – U.S. Constitutional standard articulated by the U.S. Supreme Court requiring that all legislative districts should be approximately equal in size.

Packing – A term used when one particular minority group is consolidated into one or a small number of districts, thus reducing its electoral influence in surrounding districts.

Partisan gerrymandering – The deliberate drawing of district boundaries to secure an advantage for one political party.

PL 94-171 – The Public Law that requires the Census Bureau to release population data for redistricting. The data must be released by April 1, 2011, is reported at the block level, and contains information on:

- Total population
- Voting age population
- By Race
- By Hispanic origin

Racial gerrymandering – The deliberate drawing of district boundaries to secure an advantage for one race.

Section 2 of the Voting Rights Act – The part of the federal Voting Rights Act that protects racial and language minorities from discrimination in voting practices by a state or other political subdivision.

Section 5 of the Voting Rights Act – The part of the federal Voting Rights Act that required certain states and localities (called “covered jurisdictions”) to preclear all election law changes with the U.S. Department of Justice (“DOJ”) or the federal district court for the District of Columbia before those laws may take effect. Due to a recent U.S. Supreme Court case, Section 5 is no longer enforceable and preclearance is no longer required.

Shaw v. Reno – The first in a line of federal court cases in which the U.S. Supreme Court held that the use of race as a dominant factor in redistricting was subject to a “strict scrutiny” test under the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution. This case and the line of Supreme Court cases that follows it establishes that race should not be used as a predominant redistricting consideration, but if it is, it must be used only to further a “compelling state interest” recognized by the courts and even then must be used only as minimally necessary to give effect to that compelling state interest (“narrow tailoring”).

Spanish surnamed registered voters (SSRV) – The Texas Secretary of State publishes voter registration numbers that show the percentage of registered voters who have Spanish surnames. It is helpful to measure Hispanic potential voting strength, although it is not exact.

Total population – The total number of persons in a geographic area. Total population is generally the measure used to determine if districts are balanced for one person, one vote purposes.

Voting age population (VAP) – The number of persons aged 18 and above. DOJ requires this to be shown in section 5 submissions. It is used to measure potential voting strength. For example, a district may have 50 percent Hispanic total population but only 45 percent Hispanic voting age population.

Voter tabulation district (VTD) – A voting precinct drawn using census geography. In most instances, especially in urban areas, VTDs and voting precincts will be the same. In rural areas, it is more likely they will not be identical.

ATTACHMENT E
HYPOTHETICAL POPULATION DEVIATION
CALCULATION

Hypothetical Population Deviation Calculation

Consider a hypothetical political subdivision with four districts and a total population of 40,000. The “ideal district” for this political subdivision would have a population of 10,000 (total population / number of districts). This is the target population for each district. The deviation of each district is measured against this ideal size.

Suppose the latest population data reveals that the largest district, District A, has 11,000 inhabitants. The deviation of District A from the ideal is thus 1000 persons, or 10 percent. Suppose also that the smallest district, District D, has 8000 inhabitants; it is underpopulated by 2000 persons compared to the ideal size. It thus has a deviation of –20 percent compared to the ideal size. The *maximum total deviation* is thus 30 percent. Since this is greater than the 10 percent range typically allowed by the courts for one person-one vote purposes, this hypothetical subdivision must redistrict in order to bring its maximum total deviation to within the legally permissible limits.

The following table illustrates this analysis:

<u>District</u>	<u>Ideal district</u>	<u>District total pop.</u>	<u>Difference</u>	<u>Deviation</u>
A	10,000	11,000	1000	+ 10.0 percent
B	10,000	10,750	750	+ 7.5 percent
C	10,000	10,250	250	+ 2.5 percent
D	10,000	8,000	- 2000	- 20.0 percent
Totals:	40,000	40,000	net= 0	net= 0 percent

Total maximum deviation = difference between most populous and least populous districts = 10 percent + 20 percent = 30 percent.

ATTACHMENT F
ILLUSTRATIVE REDISTRICTING CRITERIA RESOLUTION

ILLUSTRATIVE REDISTRICTING CRITERIA RESOLUTION

(Here is an example of what the body of a resolution or ordinance adopting redistricting criteria might contain, but not including the footnotes. They are only included here by way of explanation to you of some of the criteria.)

The governmental body will observe the following criteria, to the greatest extent possible, when drawing district boundaries:

1. Where possible, easily identifiable geographic boundaries should be followed.
2. Communities of interest should be maintained in a single district, where possible, and attempts should be made to avoid splitting neighborhoods.
3. To the extent possible, districts should be composed of whole voting precincts. Where this is not possible or practicable, districts should be drawn in a way that permits the creation of practical voting precincts and that ensures that adequate facilities for polling places exist in each voting precinct.
4. Although it is recognized that existing districts will have to be altered to reflect new population distribution, any districting plan should, to the extent possible, be based on existing districts.
5. Districts must be configured so that they comply with state law and are relatively equal in total population according to the 2010 federal census. Because the District is a special purpose governmental entity and because state law creates two categories of director precincts, equality of population should be measured separately within each category of precincts.
6. The districts should be compact and composed of contiguous territory. Compactness may contain a functional,¹ as well as a geographical dimension.
7. Consideration may be given to the preservation of incumbent-constituency relations by recognition of the residence of incumbents and their history in representing certain areas.

¹ Functional compactness is a sometimes controversial notion that has appeared in some cases. Basically, the concept is that compactness is not simply a matter of geography but can include considerations such as (1) the availability of transportation and communication, (2) the existence of common social and economic interests, (3) the ability of the districts to relate to each other, and (4) the existence of shared interests. We do not anticipate that we will rely heavily on functional compactness, but there may be instances in which it comes into play. For example, we might be able to draw a very geographically compact district by including land on both sides of a river. If, however, the nearest bridge is several miles away, our geographically compact district may not be functionally compact. Saying that compactness has a functional dimension gives us flexibility to address this type of situation.

8. The plan should not fragment² a geographically compact minority community or pack³ minority voters in the presence of polarized voting so as to create liability under section 2 of the Voting Rights Act, 42 U.S.C. § 1973.

The governmental body will review all plans in light of these criteria and will evaluate how well each plan conforms to the criteria.

Any plan submitted to the governmental body by a citizen for its consideration should be a complete plan—*i.e.*, it should show the full number of trustee districts and should redistrict the entire District. The governmental body may decline to consider any plan that is not a complete plan.

All plans submitted by citizens, as well as plans submitted by staff, consultants, and members of the governmental body should conform to these criteria.

² Fragmenting or fracturing occurs when a geographically compact area of minority voters is split into two or more districts when, if the area had been put in a single district, minority voters would have had greater voting strength.

³ Packing refers to concentrating excessively large numbers of minority voters in a single district. For example, if a district is drawn to be 90 percent African-American, that group's influence may be limited to that single district when, if it had been split, the group might have had an opportunity to elect candidates of their choice in two districts.

THE STATE OF TEXAS

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RESOLUTION NO. _____

§

THE COUNTY OF TRAVIS

§

**GUIDELINES FOR PERSONS SUBMITTING
SPECIFIC REDISTRICTING PROPOSALS
AND PROVIDING COMMENTS**

WHEREAS, the Barton Springs/Edwards Aquifer Conservation District has certain responsibilities for redistricting under federal and state law including but not limited to Amendments 14 and 15 to the United States Constitution, U.S.C.A. (West 2006) and the Voting Rights Act, 52 U.S.C.A. § 10301; article 16, section 59 of the Texas Constitution; Tex. Water Code Ann. § 36.059 (Vernon 2008); Chapter 8802 of the Texas Special District Local Laws Code Ann.; and Tex. Gov't Code Ann. §§ 2058.001 and 2058.002; and

WHEREAS, it is necessary to provide for the orderly consideration and evaluation of redistricting plans which may come before the Board of Directors ("Board"); and

WHEREAS, these guidelines relate to persons who have specific redistricting plans they wish the Board to consider; and

WHEREAS, the Board welcomes any comments relevant to the redistricting process;

NOW, THEREFORE, BE IT RESOLVED, that in order to make sure that any plan that might be submitted is of maximum assistance to the Board in its decision making process, the Board hereby sets the following guidelines to be followed by each person submitting a redistricting plan for consideration:

1. Proposed plans must be submitted in writing and be legible. If a plan is submitted orally, there is significant opportunity for misunderstanding, and it is possible that errors may be made in analyzing it. The Board wants to be sure that all proposals are fully and accurately considered.
2. Any plan must show the total population and voting age population for Blacks, Hispanics, Asians, and Anglo/other for each proposed precinct based on the 2010 Census data. If a plan is submitted without a population breakdown, the Board may not have sufficient information to give it full consideration.
3. Plans should redistrict the entire District. The Board, of course, will be considering the effect of any plan on the entire District. Also, the Board is subject to Section 2 of the Voting Rights Act, which protects various racial and language minorities. Thus, as a matter of federal law, the Board will be required to consider the effect of any proposal on multiple racial and ethnic

groups. If a plan does not redistrict the entire District, it may be impossible for the Board to assess its impact on one or more protected minority groups.

4. Plans should conform to the criteria the Board will be using in drawing the precincts.
5. Persons providing comments and those submitting proposed plans must identify themselves by full name and home address and provide a phone number and, if available, an email address. The Board may wish to follow up on such comments or obtain additional information about submitted plans.
6. All comments and proposed plans must be submitted to the Board's Secretary, Blayne Stansberry, by the close of the public hearing.

This resolution shall be effective upon passage.

BE IT SO ORDERED.

Adopted on this _____ day of _____, 2015.

BARTON SPRINGS/EDWARDS AQUIFER
CONSERVATION DISTRICT

Mary Stone, President

ATTEST:

Blayne Stansberry
Secretary, Board of Directors

THE STATE OF TEXAS

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RESOLUTION NO. _____

THE COUNTY OF TRAVIS

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**BARTON SPRINGS/EDWARDS AQUIFER CONSERVATION DISTRICT
RESOLUTION ADOPTING CRITERIA
FOR USE IN REDISTRICTING 2016 PROCESS**

WHEREAS, the Texas Legislature passed House Bill 3405, which became law on June 19, 2015, that added a portion of Hays County to the District and that requires the District to revise its single-member precincts; and

WHEREAS, this Board of Directors has certain responsibilities for redistricting under federal and state law including but not limited to Amendments 14 and 15 to the United States Constitution, U.S.C.A. and the Voting Rights Act, 52 U.S.C.A. § 10301; article 16, section 59 of the Texas Constitution; Tex. Water Code Ann. § 36.059; Chapter 8802 of the Texas Special District Local Laws Code Ann.; and Tex. Gov't Code Ann. §§ 2058.001 and 2058.002; and

WHEREAS, on review of the 2010 Census data, it appears that a population imbalance exists requiring redistricting of the District's director precincts; and

WHEREAS, it is the intent of the District to comply with Section 2 of the Voting Rights Act and with all other relevant law, including *Shaw v. Reno* jurisprudence and state law; and

WHEREAS, a set of established redistricting criteria will serve as a framework to guide the District in the consideration of districting plans; and

WHEREAS, established criteria will provide the District a means by which to evaluate and measure proposed plans; and

WHEREAS, redistricting criteria will assist the District in its efforts to comply with all applicable federal and state laws;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the District, in its adoption of a redistricting plan for director precincts, will adhere to the following criteria to the greatest extent possible when drawing precinct boundaries:

1. Where possible, easily identifiable geographic boundaries should be followed.
2. Communities of interest should be maintained in a single director precinct, where possible, and attempts should be made to avoid splitting neighborhoods.
3. To the extent possible, director precincts should be composed of whole voting precincts. Where this is not possible or practicable, director precincts should be drawn in a way that permits the creation of practical voting precincts and that ensures that adequate facilities for polling places exist in each voting precinct.

4. Although it is recognized that existing director precincts will have to be altered to reflect new population distribution, any districting plan should, to the extent possible, be based on existing director precincts.
5. Director precincts must be configured so that they are relatively equal in total population according to the 2010 federal Census and comply with § 8802.053 of the Texas Special District Local Laws Code and § 36.059(b) of the Texas Water Code. Population equality is to be measured within the category of precinct (*i.e.*, City of Austin or Suburban/Rural/Shared Territory to which each director precinct belongs).
6. The director precincts should be compact and composed of contiguous territory. Compactness may contain a functional, as well as a geographical dimension.
7. Consideration may be given to the preservation of incumbent-constituency relations by recognition of the residence of incumbents and their history in representing certain areas.
8. The plan should not fragment a geographically compact minority community or pack minority voters in the presence of polarized voting so as to create liability under Section 2 of the Voting Rights Act, 52 U.S.C. § 10301.

The District will review all plans in light of these criteria and will evaluate how well each plan conforms to the criteria.

Any plan submitted to the District by a citizen for its consideration should be a complete plan—*i.e.*, it should show the full number of director precincts and should redistrict the entire District. The District's Board of Directors may decline to consider any plan that is not a complete plan.

All plans submitted by citizens, as well as plans submitted by staff, consultants, and members of the District's Board of Directors should conform to these criteria.

This resolution shall be effective upon passage by the Board of Directors.

BE IT SO ORDERED.

Adopted on this _____ day of _____, 2015.

BARTON SPRINGS/EDWARDS AQUIFER
CONSERVATION DISTRICT

Mary Stone, President

ATTEST:

Blayne Stansberry
Secretary, Board of Directors

Item 4

Board Discussions and Possible Actions

c. Discussion and possible action related to the process for providing notification and hearings on the conversion of Temporary Production Permits pursuant to HB 3405 into Regular Production Permits.

MEMORANDUM

Date: 12/11/15

To: Board of Directors

From: John Dupnik, Vanessa Escobar, Kendall Bell-Enders

Re: Procedure for Public Notice and Hearing Requirements (Temporary Permit Conversion to Regular Permit)

District staff issued all Temporary Permits on or before October 19, 2015. Since that point staff has continued to further process the applications for conversion to regular permits. In mid-December all applicants were issued a 90-day extension for application review. This extension is provided pursuant to current District rules and allows temporary permittees some additional time to provide the District with any missing documentation that is required as part of the regular application checklist. Staff plans to work closely with the applicants so that the majority of applications (applications with volumes less than 2,000,000 gal/yr) can be deemed administratively complete by February 1, 2016.

Once an application is deemed to be administratively complete, notice is published in a generally circulated newspaper and mailed out to surrounding well owners in a half mile radius. After a 20-day public comment period the board shall take action on the permit at a scheduled public hearing.

Staff anticipates that there will be a group (Group A) of administratively complete applications that will be ready to publish notice by February 1, 2016. Once notice is published in early February 2016, we expect that these permit applications will be ready to go before the Board for action at the February 25th Board Meeting. This group is listed below and all of the applicants listed here will be issued a permit volume less than or equal to 2 million gallons per year.

GROUP A	Permit Volume	Temporary Permittee
1	100,000	SWTX Pentecostal Church of God
2	100,000	Las Lomas HOA
3	180,000	Rolling Oaks Inc
4	240,000	General Telephone Southwest (Verizon)
5	490,000	Hays City Holdings (Travis Cox)
6	500,000	Tindol Restaurant Group LLC (Tamara Tindol)
7	500,000	Saint John's Catholic Church
8	750,000	St. Stephen's Episcopal Church
9	1,000,000	Tim deJong dba (Wimberley Glassworks)
10	1,000,000	St. Mark's Episcopal Church
11	1,200,000	First Christian Church
12	2,000,000	Log Cabin Plaza
13	2,000,000	Chuck Nash
14	2,000,000	Texas State University - Freeman Ranch

For this group of applicants listed above staff is proposing a modified procedure for satisfying both public notice of the applications and notice of hearing. Staff proposes to cover the cost of publishing a

consolidated public notice for 14 applicants. Due to the unique nature of HB 3405 and the procedures for converting a temporary permit to a regular permit, there is a requirement for all temporary permits to have a public hearing. Under the District's standard permitting rules there is not be a requirement for permits less than 2 million gallons per year to publish notice. This modified procedure is an effort to streamline the notice and hearing requirements and would allow staff to schedule these permit applications to go before the Board at one consolidated public hearing rather than several individual public hearings. Staff has planned for and budgeted for expenses like this relating to annexation and permitting.

Task	Standard Procedure	Modified Procedure	Est Cost
Publish notice in a major newspaper	<u>Applicant</u> covers the cost associated with notice publication	<u>District</u> covers the cost associated with notice publication	\$1000 Total for all fourteen applications
Publish notice in a secondary newspaper	<u>District</u> covers the cost associated with notice publication	<u>District</u> covers the cost associated with notice publication	\$350 Total for all fourteen applications
Provide notice letter by certified mail to all registered well owners within a half-mile radius of the well.	<u>Applicant</u> covers the cost associated with notice publication	<u>District</u> covers the cost associated with notice publication	\$500 Total for all fourteen applications

Staff also anticipates that there will be a group (Group B) of administratively complete applications that will be ready to publish notice by March 15, 2016. Once notice is published in mid to late March 2016, we expect that these permit applications will be ready to go before the Board for action sometime in late April/ early May. There is likely to be 3 individually scheduled public hearings to bring these 4 permit applications before the Board. This group of the applicants will be submitting a Hydrogeological Report and will be issued a permit volume greater than 2 million gallons per year. For this group of applicants, staff plans to follow the standard procedures of requiring the applicant to cover the costs associated with providing notice.

GROUP B	Permit Volume	Temporary Permittee
1	10,000,000	Texas Old Town
2	30,000,000	Aqua Texas (Sierra West)
3	32,590,000	Electro Purification
4	179,965,440	Needmore Water LLC (Greg LaMantia)

Task	Standard Procedure	Est Cost
Publish notice in a major newspaper	<u>Applicant</u> covers the cost associated with notice publication	\$300 Total for individual application
Publish notice in a secondary newspaper	<u>District</u> covers the cost associated with notice publication	\$200 per each application
Provide notice letter by certified mail to all registered well owners within a half-mile radius of the well.	<u>Applicant</u> covers the cost associated with notice publication	\$50 Total for individual application

Item 4

Board Discussions and Possible Actions

- d. Discussion and possible action related to authorizing the General Manager to enter into an agreement with Texas Disposal Systems (TDS) to allow the District to drill and have future access to a monitor well on TDS property.**

Item 4

Board Discussions and Possible Actions

- e. Discussion and possible action related to approval of a resolution supporting the City of Austin's prospective petition for rulemaking to modify rules to encourage beneficial reuse of reclaimed wastewater.**

STATE OF TEXAS

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RESOLUTION #121715-01

COUNTIES OF CALDWELL,
HAYS, AND TRAVIS

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**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
BARTON SPRINGS / EDWARDS AQUIFER CONSERVATION
DISTRICT SUPPORTING A RULE-MAKING PETITION TO THE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
FOR A RULE TO ENCOURAGE BENEFICIAL REUSE OF
RECLAIMED WASTEWATER**

WHEREAS, the Barton Springs/Edwards Aquifer Conservation District (the District) is a Groundwater Conservation District charged by its statutory authorities to provide for the conservation, preservation, protection, recharging and prevention of waste of groundwater and of groundwater in Barton Springs segment of the Edwards Aquifer (Aquifer); and

WHEREAS, the District depends on multiple local and state political jurisdictions to work cooperatively and effectively to assure that the water recharging the Aquifer is maintained at the high quality commensurate with its use as a drinking water supply; and

WHEREAS, the stated mission of the Texas Commission on Environmental Quality (TCEQ) is to protect our state's public health and natural resources consistent with sustainable economic development; and

WHEREAS, the stated TCEQ philosophy is to ensure that regulations are effective and current, ensure meaningful public participation in the decision-making process, and to provide flexibility in achieving environmental goals; and

WHEREAS, the TCEQ has regulatory authority to permit the land disposal of treated sewage effluent over 5,000 gallons per day under chapters 222 and 309 of Title 30 of the Texas Administrative Code (TAC); and

WHEREAS, the Aquifer provides the primary source of drinking water for approximately 70,000 people and is a vital resource to the general economy and welfare of the citizens of the region; and

WHEREAS, the Barton Springs complex provides the only known habitat for the listed-as-endangered Barton Springs and Austin blind salamanders under the federal Endangered Species Act, requiring all activities that would or could adversely affect the species to represent maximum conservation efforts; and

WHEREAS, the intermittent streams of the Barton and Onion Creek watersheds in the Contributing zone of the Aquifer are environmentally sensitive systems that provide direct recharge to the Aquifer over the recharge zone; and

WHEREAS, central Texas is experiencing rapid population growth that exerts increasing demands on limited surface and ground water supplies; and

WHEREAS, wastewater treatment facilities permitted for land application that also utilize beneficial reuse of reclaimed water are helping to conserve water supplies; and

WHEREAS, the beneficial reuse of reclaimed wastewater is preferable to direct discharge of wastewater in the Contributing zone of the Aquifer to avoid degradation of the contributing creeks, the Aquifer, and Barton Springs; and

WHEREAS, existing TCEQ wastewater land application rules do not reflect current development practices, and dedicated land disposal fields are only partially utilized by permittees who also utilize beneficial reuse authorizations acting as an impediment to expansion of existing land application facilities and new land application permits; and

WHEREAS, the City of Austin has prepared a rule-making petition to TCEQ for the purpose of providing a flexible means to more sustainably manage wastewater and conserve water supplies through land application in combination with beneficial reuse of reclaimed water, developed in cooperation with multiple governmental entities and wastewater permit holders.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Barton Springs/Edwards Aquifer Conservation District makes formal request to the TCEQ urging its favorable consideration of the Petition for Rulemaking submitted by the City of Austin that would modify land application of wastewater effluent rules to encourage the use of reclaimed wastewater for beneficial reuse.

In Favor _____

Opposed _____

PASSED AND APPROVED THIS _____ DAY OF DECEMBER, 2015.

Mary Stone, President

ATTEST:

Blayne Stansberry, Secretary

A regional wastewater management stakeholder process and potential rule-making petition to the Texas Commission on Environmental Quality

Presented to the Barton Springs Edwards Aquifer Conservation District
October 8, 2015

Chris Herrington, P.E.



1

How is wastewater regulated in Central Texas?

2

Current Options for Wastewater Disposal

Tx Commission on Environmental Quality (TCEQ) regulates wastewater

Discharge effluent directly to a water body



Irrigate treated effluent on the land (TLAP)



3

Beneficial Reuse Authorizations

With either a TLAP or discharge permit, treated effluent (aka, reclaimed water) can be used **on-demand** to:

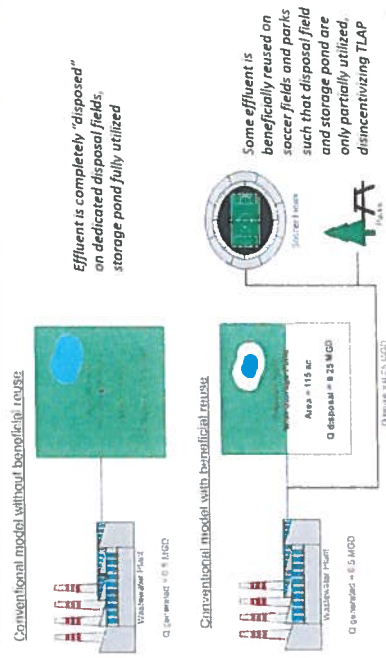
- Irrigate landscapes
- Flush toilets
- Fire protection
- Dust control
- Cooling towers
- Etc.



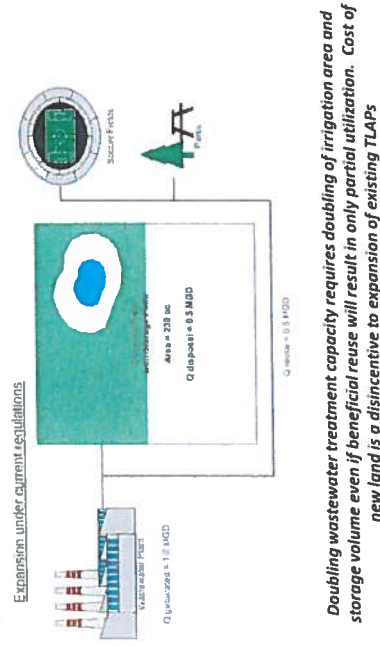
Photo by Ed Clarke

4

Current TLAP Paradigm Examples



Example expansion under current paradigm

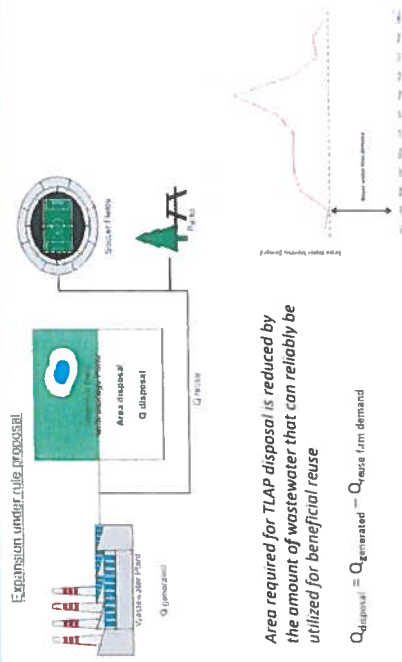


Proposed Idea

- Ask TCEQ to add another "tool" to the wastewater toolbox with broad regional support
- Provide "credit" for beneficial reuse to reduce size of TLAP fields and ponds
- Create a flexible mechanism so that beneficial reuse can be added over time without triggering permit amendments
- Do not require permittee to own or lease beneficial reuse areas to take advantage of the credit
- Do not change requirements for beneficial reuse, except when using beneficial reuse as credit for TLAP

What is the proposed solution?

Example Expansion under Rule Proposal



Proposed Rule Petition

Surgical modifications of 30 TAC 309 and 30 TAC 222

Reduce total wastewater volume in water balance calculations by amount of "firm beneficial reuse volume"

Establish "firm beneficial reuse volume" (even on land not owned by permittee) by:

- Providing evidence of historic use
- Include contracts for reuse with permit
- Local "ordinance" requiring specific amount of reclaimed water to be accepted by new customers as they come online

Apply most TLAP setback requirements to beneficial reuse "credit" areas

Require up-to-date list of beneficial reuse "credit" areas without permit amendments

Exclude "beneficial reuse areas" from technical report requirements at time of application EXCEPT when over the Edwards Aquifer

Potential Benefits

- Another tool in the toolbox
- Remove barriers to TLAP expansion by reducing land costs
- Flexibility to accommodate growth as it happens
- Encourage investment in beneficial reuse infrastructure
- Generate new income from sale of reclaimed water
- Reduce need and likelihood of contested permits
- Protect high quality of Hill Country water resources
- Conserve drinking water supplies

Timeline

- Aug 31 Mayors Adler and Purcell convened regional meeting
- Sep 14 First technical workgroup to review rule draft
- ~Oct Continue technical workgroup meetings as needed
- ~Nov Submit rule-making petition to TCEQ
- ~Jan TCEQ responds to rule making

For More Information

Access documents at: <ftp://ftp.ci.austin.tx.us/wre/wastewater/austintexas.gov/department/proposed-wastewater-management-rule-revisions>

Chris Herrington (City of Austin)
512-974-2840

Chris.Herrington@austintexas.gov

Item 4

Board Discussions and Possible Actions

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

Item 4

Board Discussions and Possible Actions

g. Discussion and possible action related to the annual election of the officers of the BSEACD Board of Directors.

Item 5

Director's Reports

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.

Item 6

Adjournment