

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, November 16, 2017**, 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 meet in Executive Session at any time during the course of this meeting to discuss any of the matters listed on this agenda, as authorized by the Texas Government Code Sections §551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551.087 (Economic Development), 418.183 (Homeland Security). No final action or decision will be made in Executive Session.

1. **Call to Order.**
2. **Citizen Communications (Public Comments of a General Nature).**
3. **Routine Business.**
 - a. **Consent Agenda.** *(Note: These items may be considered and approved as one motion. Directors or citizens may request any consent item be removed from the consent agenda, for consideration and possible approval as a separate item of Regular Business on this agenda.)*
 1. Approval of Financial Reports under the Public Funds Investment Act, Directors' Compensation Claims, and Specified Expenditures greater than \$5,000. **Not for public review**
 2. Approval of minutes of the Board's September 28, 2017 and October 12, 2017 regular Meeting. **Not for public review at this time**
 - 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. 22**
 - ii. Update on GMA and regional water planning

- iii. Update on regulatory and enforcement activities
- iv. Update on activities related to area roadway projects
- v. Update on the groundwater stewardship awards
- vi. Update on the District HCP and ITP application
- vii. Update on interim legislative activity of interest
- viii. Update on Board committee activity

4. Presentation.

Presentation by the District Aquifer Science Team on current aquifer science research and projects. **Pg. 28**

5. Discussion and Possible Action.

- a. Discussion and possible action related to approval of the District's progress towards achieving goals and objectives in the District Management Plan in FY 2017, to be included in the District's Annual Report. **Under separate cover**
- b. Discussion and possible action related to adopting resolution #111617-01 amending resolution #032317-02 establishing the District's policy to recover costs for inspection and copying of public information. **Pg. 35**
- c. Discussion and possible action related to bills passed by the 85th Texas Legislature that may affect District operations. **Pg. 44**
- d. Discussion and possible action related to the City of Dripping Springs TPDES permit application to authorize direct discharge of treated wastewater to Onion Creek in the contributing zone of the Barton Springs segment of the Edwards Aquifer. **NBU**

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

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

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

7. Adjournment.

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 September 28, 2017 and October 12, 2017 regular Meeting.**

Item 3

Routine Business

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

1. Standing Topics.

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

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

- i. Review of Status Update Report – at directors' discretion**
- ii. Update on GMA and regional water planning**
- iii. Update on regulatory and enforcement activities**
- iv. Update on activities related to area roadway projects**
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- vi. Update on the District HCP and ITP application**
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- viii. Update on Board committee activity**

STATUS REPORT UPDATE FOR NOVEMBER 16, 2017 BOARD MEETING

Prepared by: District Team Leaders

Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
GENERAL MANAGEMENT TEAM			
John Dupont			
JD	11/9/17	Meetings, Training, Presentations, and Conferences	<p>External Meetings Attended: Kent Butler summit planning committee; with Judge Eckhardt on SWTCGD; RWQPP workgroup; with CoA Watershed protection on ICP comments; GMA 10; Buda City Council meeting (District presentation); City of Kyle; Kent Butler Summit planning; with EIP reps on application NOD; CapCOG water exploratory committee; Kent Butler Summit planning; with The Standard (District retirement fund managers); with Needmore contested case parties; Intra DRI project kick-off meeting; Other meetings: Board Rules committee; ICP comments (on call with Kirk); Presentations: Buda City Council Conferences/Seminars; TWCA Fall Conference - San Antonio, Colorado River Alliance - Barstow Speaker Series</p>
JD	11/9/17	Ongoing Special Projects, Committees, and Workgroups	<p>Ongoing Special Projects: TWDB RFP grant; Dripping Springs TPDES permit; Management Plan revision; Database project; Salary structure review; Procurement policy review; ASR pilot project; ICP comments and responses; SH-45/Mopac intersection and Consent Decree compliance; Legislative bill implementation; ASR rules; SW Travis Co. GCD Committees and Workgroups: Region K (voting member); Region K executive committee; GMA 10 (coordinator/voting member); Regional WQ Plan workgroup; Region K Legislation and Policy committee; Region K water supply strategy committee; TAGD legislative committee (regional planning; ASR, brackish gw); TWCA groundwater committee; Hill Country Conservancy Trust organizing group; CAPCOG water exploratory committee; Kent Butler Summit planning committee.</p>
JD	11/9/17	Routine Activities and Day-to-Day operations	<p>Routine Activities/Day-to-Day Operations: provided general oversight of staff incentive projects and activities, and oversight of day-to-day operations; approved purchase orders and expenditures; approved timesheets; prepared agendas and backup for and attended Board meetings; prepared GM report and assigned tasks in response to Board commitments; held regular one-on-one meetings with Team Leaders; presided over Planning Team meetings; serve as liaison between Board and staff; support Board committees; respond to media requests; disseminate media reports and journal articles of possible interest. Consultation with Attorney on: Dripping Springs TPDES permit, agenda review, Needmore Contested Case; contract reviews, new legislation, EIP application review, personnel matters Other Activities: final editing of Management Plan; Needmore contested case; Database contract negotiations/project planning; Annual Report - appendix B objectives assessment; FY18 employee incentive projects and goal setting; GMA 10 next cycle planning; GMA rules review and comparison method; coordinate ICP comment responses; Dripping Springs RTC review/settlement review, EIP application review; salary study support; Consent Decree - oversee roadway project design review/inspections; Kent Butler Summit planning; financial audit - MID&A; ASR rulemaking; support of SW Travis County GCD; prepare and give Buda City Council presentation.</p>
ADMINISTRATION TEAM			
Dana Christine Wilson			
DCW	11/9/2017	Permittee accounts carrying a past due balance;	Currently there are a few past due account balances. This typically happens at the beginning of the year more so than later.
DCW	11/9/2017	November Monthly Billings	October 16th statement date for November monthly invoices. Payments are due on November 5th and considered late on November 16th.
DCW	11/9/2017	December Monthly Billings	November 16th statement date for December monthly invoices, and 2nd quarter invoices (Dec/Jan/Feb). Payments are due on December 5th and considered late on December 16th.

	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
Accounts Receivable - D	DCW	11/9/2017	Conservation Credits Donations to Camp Scholarships	To date, the donations that have been contributed back to the District are: Goforth \$760, Texas-Lehigh Cement \$441,541, and Creedmoor \$2087,69 for a current total of \$3229,23 for camp scholarships.
Audit - Annual Financial	DCW	11/9/2017	Montemayor and Co.	Fieldwork began on October 10th, and audit presentation to Board expected to be at the December 14th Board meeting.
Audit - 2017 - TML - Payroll Specific	DCW	11/9/2017	Prepared the annual workers' compensation payroll audit through R Dylong & Associates in Rockwall TX for TML (required for our workers' compensation insurance).	This audit was conducted and completed by phone on November 9, 2017.
Financial Reporting - Website	DCW	11/9/2017	Most current, available financial reports to be posted.	Balance Sheet, Profit and Loss Statements, and Check Registers through September 2017 have been posted.
Financial Reporting - Website - B	TR/DCW	11/9/2017	Transparency Stars	Started the process "Open Government is Accountable Government," to include new "Transparency" web page and new topic headings that are required by the comptroller's office towards earning our financial transparency star. Web page creation is now complete but constantly evolving so it remains very dynamic, and open to change and/or suggestions. Application has been submitted.
Grant Reporting	DCW	11/9/2017	Invoice was previously submitted to the TWDB, but will be redone to account for the complete project rather than just a period of the project, as shown as there is a contract with the parameters in place to direct how the invoicing is to be done, which will be very different than the initial grant contract parameters.	Payment expected is \$108,081.01. UPDATE: 2/27/2017 Invoice on hold by TWDB for contract/budget amendment/extension. UPDATE: 4/30/17 Invoice deleted and has to be redone under whatever new terms will be in the amended Contract. UPDATE: 6/5/17 Contract still being "re-done." No activity/invoicing to TWDB for our grant expenses is able to be done - accounting-wise. In limbo. UPDATE: 6/27/17 NO CHANGE. UPDATE: 9/22/17: meeting with TWDB on September 26th. Budget amendment in process. 10/30/2017
Retirement Plan and Trust - Trust Accounting	DCW	11/9/2017	Annual compliance process for The Standard - our third party pension plan administrator.	Required actions occur in August through September that include final payroll submission, and compliance testing data validation. This report is required by pension law, specifically Government Code 802. So now compliance testing has begun and will be completed within 45 days. Final and complete data includes our compliance questionnaire, final payroll file, and compliance testing data validation. UPDATE: Report has been completed and will be submitted to the Pension Review Board, as required.
Retirement - TEXPERS	DCW	11/9/2017	TEXpers renewal (Texas Association of Public Employee Retirement Systems)	Renewal amount is based on assets, specifically the total market value of our retirement funds which include 3 main categories (guaranteed contracts once known as short-term investments, mutual funds/equity, and mutual funds/fixed income) for a total investment amount/market value of \$2,200,621 (last year it was \$1,561,448.13).
The Standard (third-party administrator for the BSEACD Retirement Plan and Trust)	DCW	11/6/2017	Meeting with Eddie Garza on adding some new funds to our portfolio options.	As the investment fiduciary for the District's "Plan," John and I, along with Eddie Garza, the relationship manager with the Standard, will discuss the potential fund options to add to our portfolio.
Tax Reporting	DCW	11/9/2017	3rd Quarter Calendar Year Payroll Tax Reporting for C-3 and 941 (July/August/September)	Completed and submitted to the Texas Workforce Commission, and the United States Treasury-Internal Revenue Service.

Vanesa Escobar

REGULATORY COMPLIANCE TEAM

	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
Needmore Water LLC	KBE, VE	11/8/17	Conversion of a Temporary Permit to a Regular Permit	Needmore Water LLC is currently a Temporary Permit that has been determined to be administratively complete. Public notice was published on 11/29/16 and comment period closed on 12/19/16. The District received a request for a contested case hearing from both the applicant and TESP. TESP requested the hearing to go before the State Office of Administrative Hearings (SOAH). BSEACD Board decided that the preliminary hearing to determine party status will be heard by SOAH. The General Manager has provided a Preliminary Decision with recommended Special Provisions, and a Technical Evaluation, that is available on the website www.bseacd.org. A preliminary hearing on party standing was held on 7/31/17 at SOAH. TESP was granted party status. A hearing on the merits of the permit application is scheduled to take place in March 2018.
Electro Purification	KBE, VE	11/8/17	Production Permit	EP has submitted 7 modification applications and 1 production permit application on 7/13/17. The production request is for 917,500,000 million gallons a year (2.5 MGD) to be produced from the Middle Trinity Aquifer for the purposes of Wholesale Public Water Supply. The application and hydroreport are under review.
Industrial Asphalt	KBE, VE	11/8/17	Permit Amendment	Industrial Asphalt has a current Middle Trinity Production Permit for 2,000,000 gallons per year. They have recently submitted a permit amendment application requesting an increase for a new permit volume of 4,000,000 gpy. The applicant performed an aquifer test within the last 6 months and has submitted a Hydrogeological Report with the application materials. The application is currently under review.
Trinity Episcopal School	KBE, VE	11/8/17	Production Permit	The applicant previously obtained a drilling authorization to drill a Middle Trinity well. The well has been drilled and they have now submitted a production permit application requesting 4,200,000 gallons per year for sports field irrigation. They have recently performed an aquifer test to support the production request. The application is still under review and will likely post public notice in late November 2017.
ASR Rulemaking	KBE, VE	11/8/17	Rule Making / Technical Workgroup	The Regulatory staff and Aquifer Science staff are coordinating a technical workgroup meeting to take place in early December 2017. This meeting will be a discussion amongst technical ASR experts, interested ASR users, and District Technical staff. The discussion will focus on regulatory and permitting concepts along with a brief update on current ASR activity within the District.
Database Development	KBE, VE	11/8/17	Intern Contract - Database Development	A project kick off meeting was held on 11/8/17 and discussions focused on an overview of the project scope, specific functional requirements, project schedule, roles and processes (e.g. communication frequency and points-of-contact).
General Manager Approved Permits	KBE, VE	11/8/17	Individual Permits < 2,000,000 gallyr	NA
Drought Stage- No-Drought	KBE, VE	11/8/17	Drought Compliance Monitoring and Enforcement	No new update. No-drought was declared on January 29, 2015.
EDUCATION & OUTREACH				
Austin Cave Festival	RG	11/8/17	Sat, Feb 10: Wildflower Center	Austin Cave Festival is coming back! This year it will be held as a free event at the Wildflower Center. Participating agencies include: BSEACD, CoA Wildlands, CoA Watershed Protection, CoA Parks and Recreation, Texas Cave Management Association, UT Crotto, and Texas Speleological Association. The Aquifer District will host the welcome table. Activities planned include caving in Wildflower and LaCrosse Cave, rope climbing, cave obstacle course, cave critter artwork, presentations, and booths. More info to come.
Kent Butler Summit	RG, JD	11/8/17	Wed., Apr. 4: Texas State LBJ Auditorium	John and Robin have attended preliminary planning meetings for the April 2018 Kent Butler Summit. It will be hosted at the LBJ Auditorium on Texas State campus in San Marcos.

	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
Augmented Reality Water Quality Teaching Tool	RG	11/8/17	Benthic macroinvertebrates	Phase II of the augmented reality water quality indicator game has begun. Staff has met with and solicited review comments from 7 different agencies and have prioritized suggestions/edits according to what is financially feasible and what best supports the District's teaching objectives. This year's tasks include adding two new characters (dobsonfly, scud), editing the aquatic and riparian habitat cards to include native vegetation examples, creating an aquifer habitat card that shows the inside of a groundwater well with fault and solution cavity, developing a menu of all characters with links to 3D video, adding info button, and adding a photo option.
Groundwater Stewardship Awards	RG	11/8/17	Nominations	The deadline to submit nominations for this year's Groundwater Stewards was Tuesday, November 7. Submissions are being compiled and will be sent to the Awards subcommittee for review. The full Board will nominate the official winners in the December Board meeting.
Enews Blast	RG	11/8/17	October eNews	The Oct. eNews was released on Oct. 23. There were 1,157 opens. Topics included: solicitation of groundwater stewardship award nominations, job posting, SH45 inspections, EIP application update, and aquifer storage and recovery rule making.
Internet Traffic Report	RG	11/8/17	Page views and visits to the District Website	There were 3,067 total page views by 2,465 unique visitors. Top sites in order of number of views are the home page (697), Dripping Springs Wastewater Discharge permit article page (171), EIP Permit Notice (161), and Maps (128). The District Facebook page now has 649 'Likes' and responses to posts have been very positive.
AQUIFER SCIENCE				
Dye Tracing	BS, BH	11/9/17	Dye tracing	Several traces were conducted in October in the lower Onion Watershed (Edwards Recharge Zone) in a cooperative effort with City of Austin and several St. Edwards students. A trace in the upper Watershed (Dripping Springs area) will likely occur in late November.
Central Hays County Groundwater Evaluation	BH, BS, JC	11/9/17	Well and hydrogeology characterization	AS staff are evaluating the EIP hydrogeologic report among other data. Permeability testing commences at the Hays County multipoint well in late September.
Antioch Cave	BS, BH, JC	11/9/17	Onion Creek Recharge Enhancement Project	New equipment to control the Antioch valve were installed in March 2017.
Water-Quality Studies	BS, BH, JC	11/9/17	Sampling and analysis of groundwater and surface water	District staff completed sampling on behalf of the TWDB in August.
Saline Zone Studies	BS, BH	11/9/17	Saline Zone report	Carollo Engineers has completed a draft final report for the RTP grant, which was submitted to TWDB on October 31. Aquifer Science staff completed a report of the multipoint well testing and sampling that is a part of the RTP grant report.
Drought and Water-Level Monitoring	BH, BS, JC	11/9/17	Drought status, monitor wells, and synoptic water level events	As of November 9, the water level in the Lovelady well was at 516. ft above msl, and Barton Springs was flowing at 75 cfs. Hurricane Harvey brought about 16 inches of rain near the District office but only 3 to 5 inches over much of the contributing zone. This rain led to some increased creek flow, increases in water levels and springflow but not a very significant impact overall.
Information Transfer	BS, BH, JC	11/9/17	Presentations, conferences, reports, and publications	District staff presented five papers at the Southeast Geological Society of America meeting in San Antonio in mid-March. Brian Hunt spoke about the hydrogeology of the Blanco River at a book launch in Kyle (4/8/17). Brian Smith gave a presentation to the Texas Aquifers Conference on Antioch Cave, and he gave a presentation to the Jackson School (UW) on the District's saline Edwards studies. Brian Smith attended the Geological Society of America Annual Meeting in Seattle in October and gave a presentation about Dr. Sharp's studies of the aquifers of central Texas.

	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
Aquifer Testing	BS, BH, JC	11/9/17	Planning, participation, and review of aquifer tests	EP aquifer testing finished in January 2017. District staff received an application and hydrogeologic report from EP. Staff completed a technical review of EP's production application in October. EP's consultant is working on revising the hydrologic report.
AD-HOC TEAMS				
Technical Team	BAAS	11/9/17	Current areas of discussion	Topics of discussion at the technical team meeting in September were the RFP grant, dye trace studies, Ruby Ranch ASR, and the EP application.
Planning Team	JD	11/9/17	Strategic and tactical planning and discussion topics	New Business: FY17 annual report planning, FY18 goals and projects, District staffing, Enews planning; salary study update; vehicle maintenance; database project update; fall staff retreat.
UPCOMING ITEMS OF INTEREST				
Only November Board Meeting		11/16/17		
RWQMP Working group		11/17/17	Ham at NXNW, Mopac and Slaughter Lane	
Thanksgiving Day		11/23/17	District Holiday - Office closed	
Day After Thanksgiving Day		11/24/17	District Holiday - Office closed	
GMA 10		12/4/17	11:30, EAA offices, San Antonio	
South Central Texas Water Interest Group		12/6/17	10am, GBRA offices, Seguin	
District Holiday Party		12/8/17	6pm, Blayne's House	
Only December Board Meeting		12/14/17		

Item 4

Presentation


Presentation by the District Aquifer Science Team on current aquifer science research and projects.

**Recent Studies of the Aquifer
Science Team**

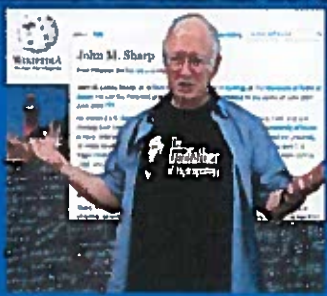
Brian A. Smith, Ph.D., P.G.
Brian B. Hunt, P.G.
Justin Camp

Presentation to Board of Directors
November 10, 2017

Barton Springs Edwards Aquifer
Conservation District



GSA Tribute Session for Dr. Sharp



**Dr. Sharp's Publications Related
to the Edwards Aquifer**

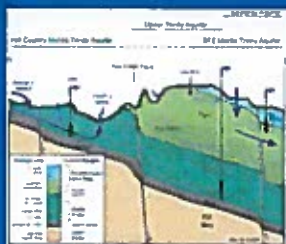
- Smith, B. A., and Camp, J. (2014). Groundwater resources within a large area of unconsolidated sedimentary rocks in the Barton Springs aquifer, Texas. *Groundwater Resources*, 12(1), 1-10.
- Smith, B. A., and Camp, J. (2014). Using geophysics to improve understanding of the Barton Springs aquifer. *Groundwater Resources*, 12(1), 1-10.
- Smith, B. A., and Camp, J. (2014). Using geophysics to improve understanding of the Barton Springs aquifer. *Groundwater Resources*, 12(1), 1-10.
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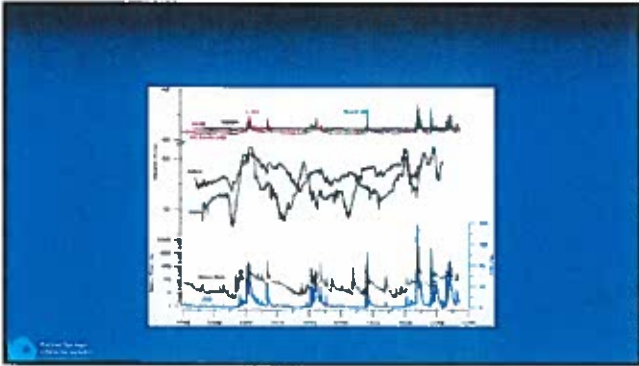
Dye Injection Into Quarry Lake

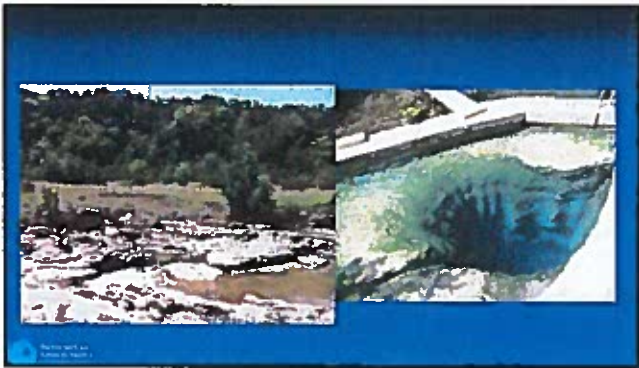


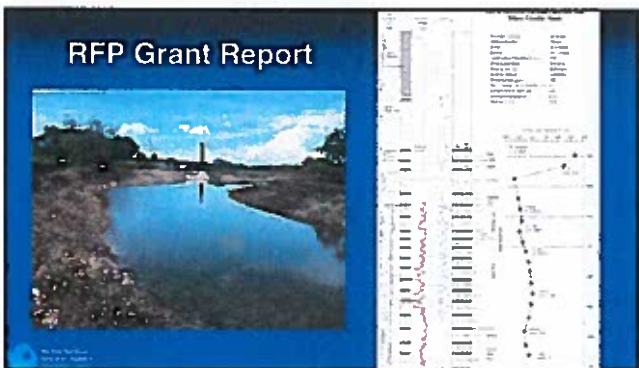
Manuscript for 2018 Sinkhole Conference



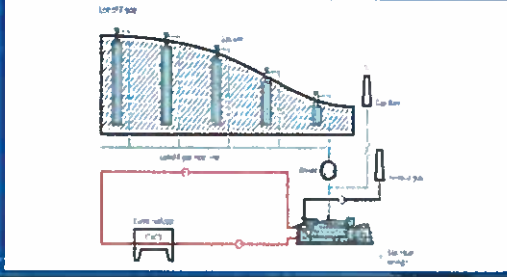








Landfill Gas Collection and Conversion to Energy





ASR Testing at Ruby Ranch



Item 5

Board Discussions and Possible Actions

- a. Discussion and possible action related approval of the District's progress towards achieving goals and objectives in the District Management Plan in FY 2017, to be included in the District's Annual Report.**

Item 5

Board Discussions and Possible Actions

b. Discussion and possible action related to adopting resolution #111617-01 amending resolution #032317-02 establishing the District's policy to recover costs for inspection and copying of public information.

STATE OF TEXAS § **RESOLUTION #111617-01**
COUNTIES OF TRAVIS §
HAYS AND CALDWELL §

**RESOLUTION ESTABLISHING POLICY TO RECOVER
COSTS FOR INSPECTION AND COPYING OF PUBLIC INFORMATION**

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

WHEREAS, Section 552.230 of the Texas Public Information Act provides that a governmental body may promulgate reasonable rules of procedure under which public information may be inspected and copied efficiently, safely, and without delay;

WHEREAS, Section 552.275 of the Texas Public Information Act, provides that the Board of Directors of the District may establish reasonable limits of time that employees spend providing public information without recovering costs attributed to personnel time; and

WHEREAS, the Board of Directors desires to adopt a Policy for Inspection and Copying of Public Information so as to implement Section 553.275 of the Texas Public Information Act.

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

1. The facts and recitations found in the preamble of this Resolution are hereby found and declared to be true and correct, and are incorporated by reference herein and expressly made a part hereof, as if copied verbatim.
2. The Board of Directors of the District hereby adopts that certain Policy for Inspection and Copying of Public Information in the form attached hereto.
3. The General Manager and staff of the District are hereby directed to implement the attached Policy immediately upon adoption of this Resolution by the Board of Directors.

The motion passed with _____ ayes, and _____ nays.

PASSED AND APPROVED this 16th day of November, 2017.

Blayne Stansberry
Board President

ATTEST:

Blake Dorsett
Board Secretary

BARTON SPRINGS EDWARDS AQUIFER CONSERVATION DISTRICT

POLICY FOR RECOVERY OF COSTS FOR INSPECTION AND COPYING OF PUBLIC INFORMATION

1. Purpose; Findings; Application of Policy.

- a. The purpose of this Policy is to establish reasonable time limits that personnel of the District are required to spend producing public information for inspection or duplication by a requestor, or providing copies of public information to a requestor, without recovering the District's costs attributable to that personnel time, all in accordance with Section 552.275 of the Texas Government Code.
- b. The terms and provisions of this Policy shall apply to all requests for inspection and copying of public information received by the District. For purposes of this Policy, "public information" refers to information collected, assembled, or maintained by the District or for the District, if it owns or has a right of access to the information.

2. Legal Construction of Policy; Amendments.

- a. This Policy shall be construed and applied in a manner that is consistent with the provisions of the Texas Public Information Act.
- b. This Policy may be amended and supplemented from time to time by the District's Board of Directors and, except as otherwise specified by the Board of Directors, any such amendment or supplement shall become effective immediately upon adoption.

3. Legal Authority.

This Policy is being adopted pursuant to the authority set forth in Sections 552.230, 552.275, and other applicable sections of the Texas Public Information Act, and other general laws of the State of Texas.

4. Requests for Information.

- a. All requests for information must be in writing.
- b. Requests received by the office on a non-District form may be transcribed onto a District Open Record Request form. District assigned tracking numbers will be used to process all requests.

- c. Charges incurred in responding to a request for information shall be made on a “per request” basis in accordance with the Public Information Act.
- d. All requests for information sent by electronic mail or by facsimile must be sent to the District’s Public Information Officer at the following addresses:
 - (i) By electronic mail at bseacd@bseacd.org.
 - (ii) By facsimile at 512-282-7016.

5. Limitation on Response Time.

- a. In accordance with Section 552.275 of the Texas Government Code, the Board of Directors hereby establishes a yearly time limit equal to 36 hours and a monthly time limit equal to 15 hours on the amount of time that personnel of the District are required to spend producing public information for inspection or duplication by a requestor, or providing copies of public information to a requestor, without recovering the District’s costs attributable to that personnel time. This yearly time limit shall apply to each 12-month period that corresponds to the District’s fiscal year, commencing as of the date of adoption of this Policy. This monthly time period shall apply for a one-month period.
- b. In accordance with Section 552.275 of the Texas Government Code, each time the District complies with a request for public information, the District shall provide the requestor with a written statement of the amount of personnel time spent complying with that request and the cumulative amount of time spent complying with requests for public information from that requestor during the applicable 12-month monthly or yearly period. The amount of time spent preparing the written statement will not be included in the amount of time included in the statement provided to the requestor.
- c. The time spent complying with a request, and the cumulative time spent responding to requests from a requestor during each fiscal year shall be established in accordance with the provisions of Section 552.275 of the Texas Government Code, and any rules promulgated by the Attorney General in connection therewith.
- d. If in connection with a request for public information, the cumulative amount of personnel time spent complying with requests for public information from the same requestor equals or exceeds the 36-hour monthly or yearly limit established by the District under this Policy, the District shall provide the requestor with a written estimate of the total cost, including materials, personnel time, and overhead expenses, necessary to comply with the request. The written estimate must be provided to the requestor on or before the 10th day after the date on which the public information is requested. The amount of this charge relating to the cost of locating, compiling, and producing the public information shall be established in

accordance with the applicable rules prescribed by the Attorney General of the State of Texas.

e. This Subsection (e) applies only to a request made by a requestor who has made a previous request that has not been withdrawn, for which the District has located and compiled documents in response, and for which the District has issued a statement under Subsection (d) that remains unpaid on the date the requestor submits the new request. The District is not required to locate, compile, produce, or provide copies of documents or prepare a statement under Subsection (d) in response to a new request described by this Subsection (e) until the date the requestor pays each unpaid statement issued under Subsection (d) in connection with a previous request or withdraws the previous request to which the statement applies.

e-f. For purposes of calculating the amount of time spent complying with an individual's public information request, the District shall not include time spent on the following:

- i. Determining the meaning and/or scope of the requests;
- ii. Requesting clarification from the requestor;
- iii. Comparing records gathered from different sources;
- iv. Determining which exceptions to disclosure, if any, may apply to the responsive information;
- v. Preparing the information and/or correspondence required in connection with submitting information to the Attorney General for an exception determination;
- vi. Reordering, reorganizing, or in any other way bringing the information into compliance with well-established and generally accepted information management practices; or
- vii. Providing instructions to, or learning by, employees or agents of the District of new practices, rules, and/or procedures, including the management of electronic records.

g. If the District determines that additional time is required to prepare the written estimate under Subsection (d) above, it may provide the requestor with a written statement of that determination. Under such circumstances, the District's staff will provide the written statement under subsection (d) above as soon as practicable, but on or before the 10th day after the date the District provides the statement under this subsection.

~~h.~~ After the District provides a requestor with the written statement under Subsection (d) above, and the time limits prescribed by Subsection (a) above regarding the requestor have been exceeded, the District will not produce public information for inspection or duplication or provide copies of public information in response to the requestor's request unless on or before the 10th day after the date the District provides the written statement, the requestor submits ~~a statement in writing to the District in which the requestor commits to pay the lesser of the following:~~

~~i.~~ ~~the actual costs incurred in complying with the requestor's request, including the cost of materials and personnel time and overhead, as determined by the rules of the Attorney General; or~~

~~i.h.~~ payment of the amount stated in the written statement provided under Subsection (d).

~~j.i.~~ If the requestor fails or refuses to submit the ~~written statement~~payment under Subsection (d), the requestor is considered to have withdrawn the requestor's pending request for public information.

~~k.j.~~ The limitation on response time and recovery of cost provisions set forth in this section do not apply if the requestor is an individual who for a substantial portion of the individual's livelihood or for substantial financial gain, gathers, compiles, prepares, collects, photographs, records, writes, edits, reports, investigates, processes, or publishes news or information for and is seeking the information for:

~~i.~~ ~~is a representative of a radio or television station that holds a license issued by the Federal Communications Commission; or~~

~~ii.~~ ~~is a representative of a newspaper that is qualified to publish legal notices or is a free newspaper of general circulation and that is published at least once a week and available and of interest to the general public in connection with the dissemination of news;~~

~~iii.~~ ~~a newspaper of general circulation that is published on the internet as described under § 552.275(j)(3) of the Public Information Act;~~

~~iv.~~ ~~a magazine that is published at least once a week or on the internet as described under § 552.275(j)(4) of the Public Information Act;~~

~~i.~~ v. Dissemination by a news medium as defined by Section 552.275(m)(2) of the Government Code or communication service provider as defined by Section 552.275(m)(1) of the Government Code including:

(A) An individual who supervises or assists in gathering, preparing, and disseminating the news or information; or

(B) An individual who is or was a journalist, scholar, or researcher employed by an institution of higher education at the time the person made the request for information; and

ii. Creation or maintenance of an abstract plant as described by Section 2501.004, Insurance Code

iii.iii. is a representative of a publicly funded legal services organization that is exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, as amended, by being listed as an exempt entity under Section 501(c)(3) of that code; or

iii.iv. vi. is an elected official of the United States, this state, or a political subdivision of this state; ~~or,~~

6. Uniform Treatment of Requests for Information.

Except as specifically authorized by law, all requests for public information shall be treated uniformly without regard to the position or occupation of the requestor, the person on whose behalf the request is made, or the status of the individual as a member of the media.

7. Comfort and Facility.

Reasonable comfort and facility shall be provided to each requestor for the full exercise of the rights granted to a requestor for the inspection and copying of public information under the Public Information in accordance with the procedures set forth in this Policy.

8. Permissible Inquiries.

In responding to a request for public information and except as otherwise set forth herein for purposes of clarifying or narrowing the scope of a request, no representative of the District may make an inquiry of a requestor except to establish proper identification.

Item 5

Board Discussions and Possible Actions

c. Discussion and possible action related to bills passed by the 85th Texas Legislature that may affect District operations.

MEMORANDUM

TO: Board of Directors
General Manager

FROM: Bill Dugat

RE: 2017 Legislation

DATE: October 4, 2017

Below is a list of 2017 legislation that affects or could affect BSEACD.

TCEQ

HB 2533 requires a local government, before filing an environmental suit seeking civil penalties under Water Code Chapter 7 to provide the AG and ED with written notice of each alleged violation, the facts supported by the claim and the specific relief sought. Authorizes the local government to pursue such a claim only if the AG or TCEQ have not commenced a civil suit or proceeding concerning at least on one the alleged violations within a prescribed time frame.

HB 3177 authorizes TCEQ Executive Director to act on a permit application if it becomes uncontested before parties are named in a contested case and clarifies the process for challenging an action of TCEQ's ED by first appealing to the TCEQ commissioners and then by filing a district court appeal.

HB 3618 repeals section requiring TCEQ to require all discharge permits within a watershed to have the same expiration date and amends section 26.0135(d), Water Code, requiring river authorities to submit summary water quality assessment reports in accordance with TCEQ rules instead of in the appropriate year of the cycle provided.

Finance and Administration

SB 865 authorizes GCDs to use online banking tools, such as direct deposit, online bill pay, and other electronic banking applications that increase the efficiency in financial transactions.

SB 622 requires that political subdivisions itemize expenditures for statutorily-required published notices that allows a clear comparison between those expenditures in the proposed budget and actual expenditures for the same purpose in the preceding year.

SB 622 requires that political subdivisions itemize expenditures for statutorily-required published notices that allows a clear comparison between those expenditures in the proposed budget and actual expenditures for the same purpose in the preceding year.

SB 625 calls for creation of a “Special Purpose District Public Information Database” by the comptroller that contains information relating to each special purpose district’s board, staff, revenue, bonds, taxing authority and budget. Districts that do not cooperate with information request from the Comptroller may be charged \$1,000.

HB 544 adds “planning” to the list of activities that may be funded by the TWDB under the rural water assistance fund.

HB 1930 repeals the state law governing financial accounting and reporting standards for political subdivisions.

Open Government

SB 347 subjects Regional Water Planning Groups (RWPG) and all committees of RWPGs to the Open Meetings Act and Public Information Act.

HB 8/SB 564 provides that a governmental body may meet in closed session to deliberate (1) security assessments of resources technology; (2) network security; and (3) the developments or specific occasions for implementation of security personnel, critical infrastructure, or security devices. Moreover, passwords, personal ID numbers, access codes, encryption, or other components of a security system are confidential.

HB 1861/SB 532 provides that information directly arising from a governmental body’s routine effects to prevent, detect, investigate, or mitigate a computer security incident is confidential under the Public Information Act.

SB 79 provides that an officer for public information for a governmental body complies with production of public information by referring a requestor to an exact Internet location or URL address on the governmental body’s website if the requested information is identifiable and readily available on that website.

HB 2783 provides that the court in a suit for writ of mandamus or declaratory judgment may assess cost of litigation and reasonable attorney fees incurred by a plaintiff to whom a governmental body voluntarily releases the requested information after filing an answer to the suit.

HB 3047 provides that a member of a governmental body who participates in a meeting by videoconference call shall be considered absent from any portion of the meeting during which audio or video communication with the member is lost or disconnected and, in such instance, the governmental body may continue the meeting if a quorum is present or participating.

SB 1440 provides that the term “meeting” does not include the attendance by a quorum of a governmental body at a candidate forum, appearance or debate to inform the electorate, if formal action is not taken and any discussion of public business is incidental to the forum, appearance, or debate.

HB 3107 addresses issues with the abuse of multiple open records requests submitted to local officials. Specifically, the bill provides that a request for public information is considered withdrawn if the requestor fails to inspect or duplicate the information on or before the 60th day after the date the information is made available, or fails to pay the postage and any other charges accrued on or before the 60th day after the date the requestor is informed of the charges. Allows all requests received in one calendar day from an individual to be treated as a single request for the purposes of calculating costs under the Public Information Act. Allows a governmental body to establish reasonable monthly and yearly time limits on the amount of time that personnel are required to spend producing public information without recovering its costs attributable to that personnel time. Additionally, if a requestor who has made a previous request, for which the governmental body has issued a cost estimate statement that remains unpaid on the date a requestor submits a new request, the governmental body is not required to compile or provide copies of documents or prepare a cost statement in response to the new request until the date the requestor pays each unpaid statement issued or withdraws the previous request. The bill also exempts some of the requirements from applying to certain requestors, such as news organizations.

Water Conservation for Retail Public Utilities

SB 1573 requires the TWDB to establish training standards for certified water loss auditors and make the required training available on the TWDB website free of charge.

HB 1648 requires that water conservation plans filed by retail public utilities designate a water conservation coordinator responsible for implementation of the plan.

Purchasing

SB 1289 amends Chapter 2252, Government Code, to state that the uniform general conditions of a project financed by TWDB in which iron or steel products will be used must require that the bid documents provided to all bidders and the contract include a requirement that any iron or steel product used in the project be produced in the U.S. The bill provides an exemption to this requirement when the iron or steel is not available or of satisfactory quality or when the use of U.S. steel or iron will increase the cost of the project by more than 20%.

HB 89 provides that a political subdivision may not enter into a contract with a company for goods and services unless the contract contains written verification from the company that it (1) does not boycott Israel; and (2) will not boycott Israel during the contract term. (Effective September 1, 2017.)

SB 252 prohibits contracts with a company listed by the comptroller that does business with Iran, Sudan, or a foreign terrorist organization.

SB 255 provides that vendor disclosure requirements are not required for a contract with a publicly traded entity including a wholly owned subsidiary or a contract with a gas or electric utility.

Water Planning

SB 1511 requires TWDB to assess projects in the State Water Plan that were given a high priority for funding and analyze any impediments to projects not implemented. Also requires RWPG to exclude water management strategies that cease to be feasible. That is, if the proposed sponsor of the strategy or project has not taken an affirmative vote or other action to make expenditures necessary to construct or file application for permits in connection with implementation. Authorizes RWPGs to implement “simplified planning” every other five years if there are no significant changes.

Groundwater

HB 864 requires notice to GCDs if surface water applicants propose to use groundwater from a well located within a GCD as an alternate source of water.

HB 2215 amends the deadlines for proposing and adopting DFCs by GCDs to best align the process with the state water planning process. GMAs must now propose DFCs for adoption by May 1, 2021, adopt them by January 5, 2022, and repeat the process every five years.

SB 1009 limits the list of items a GCD can require in a permit application to what is already listed in Chapter 36 as well as other relevant information included in a GCD’s rules. A GCD is prohibited from requiring any additional information for a determination of administrative completeness.

Public Fund Investment Act

HB 1003 changes certain requirements relating to the investments in which a public entity covered by the Public Funds Investment Act (PFIA) can invest, allowing an entity to invest in interest-bearing banking deposits that are guaranteed or insured by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund. Provisions in the bill replace current law requiring a money market fund authorized for investment under the PFIA to be continuously rated AAA by at least one nationally recognized investment rating firm and to conform to certain requirements relating to investment pools. The bill also allows certain public entities to enter into certain hedging transactions, as long as the transactions comply with federal regulations.

HB 1701 revises the types of business entities that must provide, under the PFIA, a written instrument stating that the business entity has implemented reasonable procedures and controls to prevent unauthorized investments.

HB 2647 expands the list of authorized investments under the PFIA to include: interest-bearing banking deposits that are guaranteed or insured by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund; and certain other interest-bearing banking deposits if the funds are invested through a broker or depository institution with a main office or branch office in this state, and certain other conditions are met.

HB 2928 includes the obligations of Federal Home Loan Banks as authorized investments for a governmental entity and the requirements for certificates of deposit or share certificates held as authorized investments for a governmental entity. Includes obligations, including letters of credit, of the Federal Home Loan Banks as authorized investments for governmental entities under the Public Funds Investment Act and clarifies that a certificate of deposit or share certificate issued by a depository institution that has its main office or a branch office in Texas and secured in accordance with the Public Funds Collateral Act is an authorized investment for governmental entities under the Public Funds Investment Act.

SB 253 broadens the state's divestiture policy to prohibit any publicly administered fund, including a state or local retirement fund, from investing in companies that engage in business with a foreign terrorist organization. This bill builds on Texas' current Iranian and Sudanese divestiture standards to include all state and local funds, with changes applying to funds in the state treasury, public investments pools, and those invested by local governments. Lastly, the bill specifies that the state's divestiture requirements relating to Iran, Sudan, and terrorist organizations expire in 2037. The comptroller is required to prepare and maintain the list of companies affected.

Elections and Ethics

HB 501 expands the personal financial statement reporting requirements for each elected official or candidate to include the disclosure of written contracts for goods and services that they or their spouse or dependent children have with governmental entities if the aggregate value of those contracts exceeds \$10,000 per reporting year.

HB 1001 requires the presiding officer of the canvassing authority to note the completion of the canvas in the minutes or in the recording required by the Open Meetings Act.

HB 1661 authorizes an entity responsible for preparing the ballots to remove a candidate from the ballot when the candidate submits a withdrawal request after the deadline, if the ballots have not been prepared at the time the candidate files the withdrawal request.

HB 2157 provides that a candidate's application for a place on the ballot that is required by the Election Code must be signed and sworn to before a person authorized to administer oaths in this state.

Item 5

Board Discussions and Possible Actions

d. Discussion and possible action on the City of Dripping Springs TPDES permit application to authorize direct discharge of treated wastewater to Onion Creek in the contributing zone of the Barton Springs segment of the Edwards Aquifer.

Item 7

Adjournment