



**NOTICE OF MEETING OF THE
BARTON SPRINGS EDWARDS AQUIFER CONSERVATION DISTRICT
BOARD OF DIRECTORS**

Thursday, September 12, 2024

5:00 PM

IN-PERSON

Notice is given that a **Regular Meeting** of the Board of Directors (Board) of the Barton Springs/Edwards Aquifer Conservation District will be held on **Thursday, September 12, 2024** commencing at **5:00 p.m.** at **the District office, located at 1124 Regal Row, Austin, Texas.**

This meeting will be audio recorded and the recording will be available on the District’s website after the meeting.

Public Comments at the Board Meeting – Please complete a comment card prior to the start of the meeting. Each registered person will be recognized and identified by the Presiding Officer or staff moderating the communications when it is their turn to speak. **Public comment is limited to 3 minutes per person.**

AGENDA

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 Donati), 418.18374 (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. Consent Agenda.** *(Note: These items may be considered and approved as one motion. Directors or citizens may request any consent item be removed from the consent agenda, for consideration and possible approval as a separate item of Regular Business on this agenda.)*
 - a. Approval of Financial Reports under the Public Funds Investment Act, Directors’ Compensation Claims, and Specified Expenditures greater than \$5,000.
 - b. Approval of minutes of the Board’s August 8, 2024, Regular Meeting and Public Hearing.

**4. General Manager’s Report. Discussion and possible action.
Topics**

- a. Review of key team activities/projects.
 - i. Staff news
 - ii. Administrative Program update
 - iii. Staff/Board Workshop
 - iv. Interviews with candidates for new General Counsel in 2025
 - v. Trinity Sustainable Yield Committee
- b. Aquifer status update.
- c. Upcoming events of possible interest.

5. Discussion and possible action.

- a. Discussion and possible action related to the performance and compliance of District permittees with their User Drought Contingency Plan curtailments.
- b. Discussion and possible action related to proposed changes to the District’s drought enforcement plan.
- c. Discussion and possible action related to a Well Drilling Authorization during District-declared drought for Anthem 918 LLC and future water quality treatment wet basins (2) that will treat stormwater runoff. The proposed well will be situated at a total well depth of 1,200’ – Middle Trinity Aquifer – in Hays County at coordinates 30° 02’ 36.6” N, 97° 54’ 30.6” W. A future production permit application is anticipated to be for 5.4 million gallons.
- d. Discussion and possible action related to cost-share, fixture-replacement program partnership with Ruby Ranch Water Supply Corporation.
- e. Discussion and possible action related to an Agreed Order for initiation and resolving an enforcement proceeding concerning Ruby Ranch Water Supply Corporation for failure to reduce pumping during District-declared drought.
- f. Discussion and possible action on a FY 24 budget amendment.
- g. Discussion and possible action on selecting a Certified Public Accountant for conducting the FY 24 audit.
- h. Discussion and possible action on a Task Order under an existing Master Service Agreement with Austin Alliance Group.
- i. Discussion and possible action related to November 2024 elections for Directors including but not limited to adopting an order canceling elections for precincts 1, 3 and 4 and declaring unopposed candidates elected.

6. Director Reports.

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

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

7. Adjournment.

Please note: This agenda and available related documentation, if any, have been posted on the District website, www.bseacd.org. If you have a special interest in a particular item on this agenda and would like any additional documentation that may be developed for Board consideration, please let staff know at least 24 hours in advance of the Board Meeting so that we can have those copies made for you. The Barton Springs/Edwards Aquifer Conservation District is committed to compliance with the Americans with Disabilities Act (ADA). Reasonable accommodations and equal opportunity for effective communications will be provided upon request. Please contact the District office at 512-282-8441 at least 24 hours in advance if accommodation is needed.

Item 1

Call to Order

Item 2

Citizen Communications

Item 3

Consent Agenda

- a. Approval of Financial Reports under the Public Funds Investment Act, Directors' Compensation Claims, and Specified Expenditures greater than \$5,000.
- b. Approval of minutes of the Board's August 8, 2024, Regular Meeting.

Item 4

General Manager's Report Discussion and Possible Action Topics

Topics

- a. Review of key team activities/projects.
 - i. Staff News
 - ii. Administrative Program update
 - iii. Staff/Board Workshop
 - iv. Interviews with candidates for new General Counsel in 2025
 - v. Trinity Sustainable Yield Study
- b. Aquifer status update.
- c. Upcoming events of possible interest.

Summary of Team Activities in September 2024

Aquifer Science Team

August activities

- TWDB sampling (chemistry – isotopes) complete.
- Magellan Sampling
- Garrison water quality probe installed
- TAS model Phase II project kick off
- TSY aquifer testing rules update memo

On Deck:

- Barton Springs manual flow measurements
- Needmore evaluation memo
- TAS modeling Phase II cont.

Administration Team

- Annual permit fees and production fees went out to all permittees in our new QuickBooks.
- Policies continue to be evaluated and improved upon.

Regulatory Compliance Team

September Activities:

- Staff continue to process new applications and assist permittees with drought compliance.
- Staff continues to work on ensuring compliance with all Agreed Orders.
- Staff will continue coordinating with driller of Sierra West #2 during drilling and logging activities.
- Staff continues to work on 5-year UDCP update.
- 2025 Annual LPP Meter Reading collection continues.
- Staff continuing to work with LRE on completion of the database development.
- Staff will assess annual pumpage of all permittees to determine compliance of their annual permitted volumes.

On Deck:

- Staff will begin working with permittees with special permit conditions to ensure compliance of annual requirements.

Communications and Outreach Team

September Activities

- Hire a consultant to assist with the new communications plan and begin creating document.
- Coordinate school educational program with the Dell Valley school district.
- Plan and organize fall Neighborhood Well Visits.
- Have Stage III drought communications prepared in case we cross the threshold.

On Deck

- Host Neighborhood Well Visits.
- Confirm with UT if we'll collaborate on 2025 Groundwater Symposium.
- Create and order informational print resources about the District.

Status Report Update September 12, 2024 Board Meeting

Summary of Significant Activities – Prepared by Staff Leads

Upcoming Dates of Interest

- Texas Water Foundation Rainmaker Award Dinner – September 24, 2024, Austin, TX
- Hill Country Alliance Leadership Summit – September 26, 2024, Dripping Springs, TX
- Texas Water Conservation Association (TWCA) Fall Conference – October 23-25, San Antonio, TX
- National Groundwater Association, Groundwater Week – December 10-12, Las Vegas, NV
- Texas Water Development Board Water for Texas Conference – January 27-29, Austin, TX

DROUGHT MANAGEMENT

Drought Status and Water-Level Monitoring (*Justin*)

The month of August brought the District above average temperatures and below average rainfall, which resulted in continued decline in both Barton Springs flow and Lovelady monitor well levels. Camp Mabry hit 109°F on August 21, breaking the previous record high of 107°F set in 1925. The average temperature for the month was 88° (including highs and lows), making it 1.5° above the average for August.

This August, the District received an average of 0.6 inches of rain, 2.4 inches below the August historical average. While August brought minimal rainfall, it also brought the usual debilitating heat and the hottest day of 2024. This combination has led to a quick decline to both aquifer levels and spring flow. Through August we're experiencing a 0.5-inch surplus of rainfall for 2024 and remain at a 16-inch rain deficit over the last 24 months.

As of September 5, Barton Springs maintains a 10-day average flow of 22 cubic feet per second (cfs), only slightly above the Stage III Critical Drought threshold of 20 cfs. With recent rainfall barely exceeding half an inch, flow conditions are edging closer to the threshold. Early September brought some relief with 1.2 inches of rain across the District – primarily southwest of Austin. Yet, without substantial precipitation, Barton Springs' flow could drop below the Stage III Critical Drought threshold before the month ends.

In late August, you may have noticed large fluctuations in Barton Springs flow on the USGS gauge. This was a result of two holes in an existing abandoned pipe from the 1940s in the pool. The holes were pulling water into another pipe below the pool's dam making it unsafe for visitors. A temporary fix was put into place, but the City is now actively working towards a more permanent solution. Barton Springs Pool will remain closed for several weeks as the issue is resolved.

District, USGS, and City of Austin staff are taking more frequent manual measurements of Barton Springs flow in response to these fluctuations and the springs nearing Stage III Critical Drought levels.

On September 5, the Lovelady monitor well's 10-day average water level measures 464.7 feet above mean sea level (ft-msl), approximately 2 feet higher than the Stage III Critical Drought threshold. Throughout August, Lovelady's water levels closely mirrored the declining patterns seen at Barton Springs.

The Upper Trinity Aquifer has shown a slight decline, dropping about 1 foot over the past month. In contrast, the Middle Trinity Aquifer has experienced a more significant decrease, with water levels falling approximately 4 feet since early August. However, rain in early September was widespread and significant across the Hill Country (Blanco and Hays counties),

which is a vital recharge area for both the Upper and Middle Trinity aquifers. There is a possibility groundwater levels will increase in both aquifers over the coming weeks.

Jacob's Well Spring (JWS) reported 0.00 flow for most of August but spiked to 6 cfs after the Wimberley Valley received nearly 2 inches of rain between September 2-4. Similarly, the Blanco River at Wimberley gauge saw very low flows of 4 cfs throughout August, rising to around 57 cfs following the early September rainfall.

DISTRICT PROJECTS

GMA Joint Planning

➤ ***GMA 10 Coordination (Tim)***

The GMA 10 joint-planning group is working with Alyson McDonald of Collier Consulting. The fourth joint-planning process, culminating in February 2027 with the presentation of final explanatory reports, is estimated to cost \$120,000. The estimated cost to the District is \$25,707 over three fiscal years beginning with FY 2024. This cost, however, does not include costs for new model runs if they are ultimately deemed necessary or desirable by the District. The next GMA 10 meeting is scheduled for September 23rd. All meetings are hosted by the Edwards Aquifer Authority in San Antonio.

Trinity Aquifer Sustainable Yield Study & Planning

➤ ***Policy Concepts and Advisory Workgroup Planning (Tim, Jeff)***

LRE Water is making progress with the well-impact analysis (WIA) project and another update is expected in September. There has also been informal discussion with the LREW team about interest in extending the WIA project (or creating a next phase) to include designation of a new groundwater management zone along the western boundary of the District, particularly in the Shared Territory, but one that could reach to the Hays-Travis county line.

An RFP was shared with two consultants – INTERA and LRE Water – for a new Lower Trinity Aquifer study and proposals were received in August. The cost came in higher than expected and staff has decided to learn about the cost associated with the GMZ delineation project before making any decision about how best to move forward.

Technical Evaluations (Jeff)

Aquifer Science staff continue to collect data on the geology and hydrogeology related to the Trinity Aquifers. We are continuing to collect and evaluate water level data from our network of Trinity monitoring wells. Our monitoring network recently expanded with the addition of two new dedicated Edwards monitoring wells located at Garrison Park and Barton Springs.

The second phase of development of the Trinity Aquifer Sustainability model (TAS) has begun. TAS is a key component of the Trinity Aquifer Sustainable Yield project and will provide a predictive tool for helping policymakers and stakeholders understand the potential range of impacts to water levels and springflow due to different management regimes. A workplan has been completed outlining planned changes to the

model in the coming months. The first component of the workplan is a major update and refinement of the base model grid, is already underway.

Habitat Conservation Plan (Staff)

- **Planning for Technical Tasks:** In Fall 2024 Aquifer Science staff will collaborate with COA and USGS staff on a water chemistry and isotope study of the Edwards Aquifer which involves collecting groundwater samples from the new Barton Springs Multiport Well. The study will improve our understanding of the localized Barton Springs flow system, and guide potential strategies to protect the endangered salamanders.
- In August the new Garrison Park dedicated monitoring well was instrumented with a telemetered water quality monitoring system which will provide real-time measurements of pH, Dissolved Oxygen, and Conductivity. This system will provide a valuable dataset for understanding how key water quality parameters deeper in the Edwards Aquifer vary over time in response to changing aquifer conditions. While similar datasets exist at the spring outlets, this will be the first time this type of data has been collected deeper in the aquifer. These data will be an important addition to our HCP-related data collection efforts.

Database Management System – LRE Water (Jacob, Tim)

The project is a little behind schedule but not in a worrisome way as there has been good progress in some aspects of the work. There is also a slight rearrangement of tasks being performed relative to the task list proposed last spring. As a result, LRE is wrapping up the work for Task 1 and 4, will schedule a check-in with staff, and begin work on Task 3. Staff will continue to schedule check-in meetings with the LREW team at appropriate times. The cost associated with Phase 2 exceeds the amount budgeted for the database during the current fiscal year and thus, will require a budget amendment.

ILA Commitments (Staff)

The District has an ILA with COA to coordinate studies for the respective HCPs such as scientific feasibility studies and monitoring evaluations; to collaborate on the planning of future Kent Butler Summits; and to exchange technical information regularly on an annual basis. An annual technical meeting is held between the District and COA in December each year to discuss each organization's activities related to their respective HCPs. The next meeting will be held in December 2024.

Region K Planning Activities (Tim)

The next Region K planning meeting is scheduled on October 16th.

New Maps, Publications, or Reports

A list of recent publications, including our new 2023 Drought Synoptic Study report, can be found at: <https://bseacd.org/scientific-reports/>

RULEMAKING, PERMITTING, AND ENFORCEMENT *(Tim, Erin, Jacob, District Counsel, Rules and Enforcement Committee)*

Rulemaking and Enforcement

The Rules and Enforcement Committee will bring recommendations related to drought enforcement to the Board on Sept. 12 for discussion and possible action.

Drought (Erin)

- Will continue working with permittees to ensure compliance per their Agreed Orders.
- Will continue monthly pumpage analysis to determine all permittee’s compliance status of drought curtailments.
- Will continue to assist permittees in ensuring they successfully comply with their UDCPs and Stage II drought curtailments for September.

Enforcement and Compliance Matters (Erin)

Compliance/Enforcement			
Permittee or Entity Name	Aquifer	Use Type	Notes
Aqua Texas – Bear Creek Park	Edwards	PWS	Agreed Order Executed.
Aqua Texas – Bliss Spillar (Edwards)	Edwards	PWS	Agreed Order Executed.
Creedmoor-MAHA	Edwards	PWS	Agreed Order Executed.
Monarch Utilities, Inc.	Edwards	PWS	Agreed Order Executed.
Tindol Restaurant Group, LLC	Middle Trinity	Commercial	Agreed Order Executed.
Aqua Texas – Sierra West	Middle Trinity	PWS	Agreed Order Executed.
Seiders, Roy	Middle Trinity	Irrigation	Agreed Order Executed.
Ruby Ranch Water Supply Corporation	Edwards	PWS	Agreed Order Draft Updated after August meeting changes.

Permitting Activity (Erin, Jacob)

Upcoming					
Precinct	Application Type	Aquifer	Applicant Name	Use Type	Volume Request (GPY)
1 - Pickens	Plugging (2)	Edwards	Liberty Civil Construction	Abandoned	0 - Plugging
1 - Pickens	LPP	Upper Trinity	Pena, Estrella	Domestic	500,000
2- Stansberry	Production (Conditional Class A)	Edwards	TBD – Consultant is Atlas Design	Commercial	TBD
In Review					

Precinct	Application Type	Aquifer	Applicant Name	Use Type	Volume Request (GPY)
1 – Pickens	Combo Drill/Production	Middle Trinity	Far South Mining, LLC	Industrial	1,999,999
2 - Stansberry	Plugging	Edwards	Louie’s Craft BBQ (Matt Carver)	Abandon	0 - Plugging
1 - Pickens	Volume Increase	Middle Trinity	Tindol Restaurant Group	Commercial	2.5 million?
1 - Pickens	Production	Middle Trinity	Driftwood Water Conservation, LLC (Whiskey Ridge)	Commercial	7,931,450

Recently Approved and/or Admin Complete

Precinct	Application Type	Aquifer	Applicant Name	Use Type	Volume Request (GPY)
1 – Pickens	WDA	Middle Trinity	Anthem 918, LLC	Irrigation	5.4 million
1 - Pickens	LPP	Upper Trinity	Ayala, Armando	Domestic	250,000
1 - Pickens	Exempt	Middle Trinity	Chris & Chloe Hull	Domestic	7 GPM
4 – Williams	Exempt	TBD	Yates, Ira	Domestic	7 GPM
4 – Williams	Exempt	TBD	Yates, Ira	Domestic Livestock	7 GPM

AQUIFER STUDIES

(Jeff, Justin, and Tim)

Permitting Hydrogeologic Studies:

AS staff continues to work with Regulatory Compliance on permitting issues as they arise, including review geophysical logs of wells prior to final completion of the wells on an as-needed basis. In August 2024, AS staff worked with the Regulatory Compliance team to plan for the Sierra West PWS Aquifer Test and review the Hydrogeologic Report for the Whiskey Ridge Middle Trinity permit application.

Groundwater Studies: *Dye Tracing, Water Quality, Aquifer Characterizations*

- AS staff assisted staff from the USGS and CoA WPD in developing a proposal for sampling the new Barton Springs multiport well for different water quality parameters. The project will be jointly funded by the USGS and City of Austin, with an in-kind contribution of staff time from BSEACD AS staff for field work.
- Texas Water Development Board (TWDB) sampling – collecting water level, water quality and chemistry from select wells with funding provided by TWDB.
- Magellan Pipeline annual sampling (TPH & BTEX)
- Aquifer Test plans – evaluating submitted plans, designing monitor well networks, and data collection for analysis

Field Activities:

- Cooperating with USGS and City of Austin staff to confirm accurate real-time gauge reporting at Barton Springs and Lovelady. Conducting bi-weekly to monthly field measurements.
- Cooperating with USGS staff to confirm accurate real-time gauge reporting at Jacob’s Well and the Blanco River at Wimberley.
- Calibrating telemetry monitoring equipment at the Needmore index well (Amos) and reviewing pumping and water-level data as drought worsens.
- Antioch- Continuing to maintain the system and to collect data on flow into the vault (when there is flow). A recent visit to Antioch Cave to assess operating components and electronics indicated the need to recondition most electrical systems.
- Well monitoring- Because of drought, staff are increasing the amount of time maintaining equipment in numerous monitor wells and downloading and interpreting data; and occasionally checking on wells that have been reported as “dry”.
- Texas Water Development Board annual water chemistry sampling.

Trinity Aquifer Modeling Development:

- In August 2024 Aquifer science staff attended a technical stakeholder meeting for the new Southern Trinity GAM model, currently under development by the TWDB. The regional model will cover the BSEACD portion of the Trinity Aquifer and may provide a useful tool regional planning purposes. TWDB staff report that a calibrated version of the model should be finished by May 2025. There is potential that the District’s TAS model can be nested within this new STGAM and used to generate new

estimates for modeled available groundwater (MAGs) within District boundaries for the Trinity Aquifer.

COMMUNICATIONS AND OUTREACH

(Shay)

Drought Communications

- [July Drought Update](#)
- [GeoTrek podcast](#)
 - Shay spoke on a podcast during the Texas Groundwater Summit where she discussed the challenges of communicating hydrological drought and emphasized that the District is still in Stage II and nearing Stage III.
- Social media posts related to drought (posted across multiple outlets)
 - <https://www.facebook.com/share/p/5NiiniGJ84t24SiR/>
 - <https://www.facebook.com/share/p/yiudfACT2hvVWBe5/>
 - <https://www.facebook.com/share/p/YuqmLcB6rh4RZAZE/>

Articles in which the District was Mentioned

- [Well Water Testing: Why it matters](#) - BSEACD
- [Data Collection at the Barton Springs Multiport Monitoring Well](#) - BSEACD
- [New project will help protect Barton Springs during droughts](#) – City of Austin

Website Updates

- [Newsletter Signup Form](#)
 - After troubleshooting with iContact, the District’s mass email platform, and Brian Zavala, website consultant, a functional newsletter signup form was created. This makes it easier to encourage audience members to subscribe to our monthly emails and grow following.

FY 2024/2025 Communications Plan

Staff is hiring a consultant to serve as a thought partner in creating a robust communications plan for the upcoming fiscal year. The plan will extend throughout the entire year, with the first six months being more detailed and the second six months being more general initially. Once we approach March, Shay will create a more detailed plan for the remaining half of the FY based on the goals identified in the overarching plan.

Digital Communications Data

Social Media Growth Across Fiscal Year 2023-2024				
Platform	Followers 8/23	Followers 8/24	Follower Growth	% Growth YOY
Facebook	1636	1958	332	20%
Instagram	327	1100	773	236%
Twitter	749	858	109	15%
LinkedIn	121	332	211	174%

Newsletter Data: FY 2022/2023 vs. FY 2023/2024			
Year	Avg Open Rate %	Avg. Click Rate %	Newsletter Subscribers
FY 2022/2023	36%	5%	2324
FY 2023/2024	43%	8%	2360

All the District’s digital communications platforms have experienced noticeable growth over the last fiscal year.

Expanding Partners and Collaborations

To maximize organizational reach, partnerships, and knowledge, Shay has met with a variety of water-related professionals throughout Texas. The goals of these conversations are to:

1. See where goals between our District and other conservation-focused organizations overlap.
2. Identify opportunities to collaborate on events, social media posts, and additional projects.
3. Share creative communications ideas with one another.

Creating such relationships will help the District expand its reach to new audiences while maximizing the impact of staff time and organizational funds. Some of these conversations include:

POC	Title	Organization
Julia Stanford	Director of Programs & Comms	TAGD
Adam Burklund	Consultant	Adam Burklund Consulting
Scott Smith	Director of Communications	LBJWF
Coy Callison	Professor & Associate Dean for Graduate Studies & Research	Texas Tech University
Katherine Drury	Groundwater Communicator	Previously worked at HPWCD
Jason Coleman	General Manager	HPWCD
Angelina DeRose	STEM Community Engagement Program Coordinator	Hot Science Cool Talks/ University of Texas

ADMINISTRATION

(Tim, Hannah, and Tina Cooper/AAG)

A FY 24 budget amendment will be presented to the Board for approval on September 12th. Work is also underway to reorganize the chart of accounts and potentially make increased use of certain QuickBooks functions for improved tracking of different funds that do not exist in separate physical accounts.

The Administration Team typically has repetitive monthly tasks e.g. monthly bank reconciliations, monthly adjusting journal entries, accounts payable, payroll, contract/grant/project tracking, office maintenance and repairs, budget monitoring, bi-weekly payroll journal updates, directors' compensation, pre-paids, DMFs, posting public meetings, preparing meeting backups, etc. These types of tasks are not listed in this report because they are repetitive. Administration status reports are generally more summarized than the other teams, as we list our extra-ordinary tasks outside of our routine tasks, while supporting all other teams.

Item 5

Board Discussion and Possible Action

- a. Discussion and possible action related to the performance and compliance of District permittees with their User Drought Contingency Plan curtailments.

Item 5

Board Discussion and Possible Action

- b. Discussion and possible action related to proposed changes to the District's drought enforcement plan.

Re: recap of discussions and current recommendations for drought enforcement

Blayne Stansberry <bstansberry@bseacd.org>

Mon 8/19/2024 12:18 PM

To:Christy Williams <cwilliams@bseacd.org>;Tim Loftus <TLoftus@bseacd.org>
Cc:Erin Swanson <eswanson@bseacd.org>;Jacob Newton <jnewton@bseacd.org>

Hi all,

I put together a summary sheet to help me understand. It is below with some questions & comments in red.

Memo Item	Questions	Memo
1 1 month grace period immediately following the month drought is declared (permittees get users conserving)		
2, 3 1st month of overpumping by 5% or more anytime during drought not including grace period - (all tiers) - pre enforcement meeting scheduled - DMFs applied	Should T3 be held more accountable (2.5%)? The additional water volume is a greater responsibility.	
4 2nd month of overpumping by 5% or more (does not have to be consecutive) within 6 month period - enforcement begins	Should T3 be held more accountable (2.5%)?	Note memo item #5: <i>It will take two months of noncompliance within six months (i.e., less than five consecutive months of drought compliance following a month of noncompliance) for enforcement to occur, following a pre-enforcement meeting that is triggered after one month of noncompliance with drought targets.</i>
5 Clean record for 5 consecutive months after 1st month of overpumping, enforcement clock ends and starts over at next overpumping month.		<i>Agreed Orders are viewed by some Directors as a way of sanctioning noncompliance</i> I see this more as make sure the permittees understand they are in trouble. If the consequences of the AO do not discourage overpumping and appear to be "sanctioning" non compliances (as with Tindoll?) then maybe consequences not strong enough.
If a permittee over pumps 2x in 6month period (clock starts at 1st month of overpumping), enforcement begins because they have not maintained 5 consecutive months after 1st month of overpumping.		<i>Staff's thesis is that a permittee should not be penalized if their aggregated pumpage during an x-month drought or a permit year reveals that they are in compliance with their aggregated drought target despite a month or two of noncompliance as measured against a monthly drought target</i> I respectfully disagree and would like any brief to the full board to include board committee member comments in addition to staff. The monthly drought targets were set up by the expertise of our predecessors as a way to "be responsive when the aquifer needs it the most." Weather can vary so much in a year - a typical example, if have a dry summer with overpumping and a wet winter with reduced flow should not discourage the summer conservation by eliminating enforcement. Penalties should occur immediately and at the time needed by the aquifer to change behavior.

Blayne Stansberry
Director, Precinct 2
Barton Springs/Edwards Aquifer Conservation District
512-695-8999

From: Christy Williams <cwilliams@bseacd.org>
Sent: Monday, July 29, 2024 11:14 AM
To: Tim Loftus <TLoftus@bseacd.org>; Blayne Stansberry <bstansberry@bseacd.org>
Cc: Erin Swanson <eswanson@bseacd.org>; Jacob Newton <jnewton@bseacd.org>
Subject: Re: recap of discussions and current recommendations for drought enforcement

Hi Tim. This seems too be in love with what we've discussed. Thanks.

From: Tim Loftus <TLoftus@bseacd.org>
Sent: Monday, July 15, 2024 4:23:01 PM
To: Blayne Stansberry <bstansberry@bseacd.org>; Christy Williams <cwilliams@bseacd.org>
Cc: Erin Swanson <eswanson@bseacd.org>; Jacob Newton <jnewton@bseacd.org>
Subject: recap of discussions and current recommendations for drought enforcement

Hi Blayne and Christy,

Attached please find a new summary of where I believe we're at as a Rule and Enforcement Committee. Please let me and staff know if you have any questions or comments.

Assuming for the moment that this material is ready for the full Board, Blayne, should we add this to the August agenda for discussion and possible approval?

Thank you,

Tim



Timothy T. Loftus, Ph.D.
General Manager

512-282-8441 Ext 114
1124 Regal Row
Austin, TX 78748
www.bseacd.org





Date: September 5, 2024

To: Rules and Enforcement Committee

From: GM and Staff members of the Rules and Enforcement Committee

Subj.: Recommendations based on committee meetings held on February 1, and April 16, 2024, and additional email discussion through the summer.

- 1) Grace period following a drought declaration –
Currently, the grace period varies by Tier from 0 months for Tier 3 permittees to 6 months for large Tier 1s. Tier 2s receive a grace period of 2 months. Small Tier 1s need to draw attention from the Board (after six months of drought) for staff to take action (e.g., Roy Seiders during January/February 2024).

***Recommendation:** Standardize the grace period across all Tiers to one month. It will take two months of noncompliance within six months (i.e., less than five consecutive months of drought compliance following a month of noncompliance) for enforcement to occur, following a pre-enforcement meeting that is triggered after one month of noncompliance with drought targets.*

- 2) Drought Management Fees (DMFs) –
DMFs are currently charged after the first two months of drought if a Tier 3, Tier 2, or large Tier 1 permittee exceeds their drought target by five percent or more.

***Recommendation #1:** DMFs should be charged after the one-month grace period that is recommended for enforcement proceedings. Doing so will standardize the grace period across both DMFs and penalties at one month.*

- 3) Small Tier 1's –
DMFs are not currently charged to small Tier 1s.

***Recommendation:** Small Tier 1's should be held accountable for meeting drought targets like all other permittees. A new monthly DMF should be charged as with other permittees, but staff/the Board will continue to call*



out egregious overpumping permittees after a period of time – e.g., Roy Seiders, Tindol Restaurant Group during the current drought of 2022-2024.

- 4) Alignment of overpumpage thresholds that trigger enforcement and DMFs –
Currently, a permittee must overpump by five percent in any given month during drought to be eligible for a DMF. To be eligible for enforcement during drought, however, overpumpage begins at any percentage over their monthly target (e.g., Level A percent over monthly limits is currently set at < 25%; Levels A, B, and C determine the magnitude of overpumpage and affect the range of daily penalties that can be assessed.

Recommendation: to be eligible for either a DMF or an enforcement proceeding, a permittee should overpump their monthly target by the same minimum of five percent if Tier 1 or Tier 2 or 2.5 percent if Tier 3. Thus, Level A overpumpage penalties would apply at $\geq 5\%$ for Tier 1 and 2 or 2.5 percent for Tier 3 and $< 25\%$; Level B: $> 25\%$ and $< 100\%$; Level C: $> 100\%$. On the enforcement side, this is a fair accommodation to make for permittees and a practical change to make for staff, considering that for the vast majority of permittees, their grace period following a drought declaration will be considerably diminished if the recommendation made under #1 above is accepted.

A 12-month evaluation of the “horse blanket” reveals that monthly exceedances of less than five percent are relatively rare across all tiers. For Tier 3’s, less than two percent of permittee months (i.e., one cell or data value in the horse blanket) were exceeded by less than five percent (Dec. 2023 – May 2024.) For this same tier and period of time, 11 of 48 permittee months featured an exceedance of greater than five percent. For all tiers during this six-month period, five of 666 permittee months, or 0.75 percent, featured an exceedance of less than five percent while 35 of 666 permittee months were exceeded by five percent or more.

During the six months of May 2023 – October 2023, less than one percent of permittee months featured an exceedance of less than five percent across all three tiers. Put another way, the vast majority of monthly exceedances, when they occur, are greater than five percent. Thus, allowing a buffer of up to five percent is a practical accommodation without enabling large volumes of water to be over-pumped “legally.”

- 5) Periodic evaluation of drought target performance –
Discussion to date has centered on moving away from monthly scrutiny that leads



**Barton Springs
Edwards Aquifer**
CONSERVATION DISTRICT

to more immediate enforcement action to quarterly, semiannually, or annual scrutiny. Annual scrutiny, as is done by the HTGCD and EAA, has not achieved consensus among committee members. Quarterly

scrutiny is not justified as an improvement given that several permittees were evaluated on this basis and there was no “improvement” to be had by permittees. No agreement was reached on a semiannual evaluation and thus, the committee remains on the status quo.

The matter may be able to be managed more favorably with the Agreed Order process since staff and the Board have discretion about how much, if any, of a penalty can be charged versus how much can be deferred if certain technical requirements are met (e.g., Aqua Texas Bear Creek Park). Furthermore, Agreed Orders are viewed by some Directors as a way of sanctioning noncompliance. On the other hand, using Agreed Orders minimizes the staff burden associated with ongoing monthly enforcement on a noncompliant permittee and the permittee still has to pay a penalty for overpumpage on a monthly basis.

Staff’s thesis is that a permittee should not be penalized if their aggregated pumpage during an x-month drought or a permit year reveals that they are in compliance with their aggregated drought target despite a month or two of noncompliance as measured against a monthly drought target. There is no formula or recipe for assigning monthly drought targets, as a fraction of their annual permitted volume that is subject to curtailment, that will ensure a permittee avoid noncompliance on a consistent monthly basis. This dilemma is exacerbated by weather variability, seasonal variability of when a drought commences, and weather-induced leaks and repairs needed for infrastructure that leads to temporary-excessive real water losses (e.g., Creedmore Maha overpumpage in January 2024), and more.

Recommendation: *There are many reasons why a permittee might miss a monthly drought target including matters that are beyond the control of the permittee (e.g., main breaks, weather induced infrastructure failure). These reasons are usually addressed in a timely fashion. As such, staff recommend that if a permittee has a clean record for five* months following a missed target, that the “enforcement clock” should restart such that another missed target, if there is one, is addressed with another pre-enforcement meeting only. Under such a scenario, a permittee could have two missed monthly targets out of 12, for example, and not be subject to enforcement.*

This same permittee scenario described above would have ten months of meeting their targets and thus, very likely have an aggregated pumpage that falls at or below their aggregated-curtailed allotment for the same time period (e.g., Bear Creek Park). Using Bear Creek Park as an example, the penalty recommended by staff and assigned by the Board in the Agreed Order (AO) was 100 percent deferred because of the scenario just described. Of course, the AO set the permittee up for being penalized for missing a target going forward, but the same



months total.

This recommendation leaves the monthly scrutiny in place, is fair to the permittee as a longer-term performance record should be considered during enforcement proceedings, and will reduce the staff burden associated with drought enforcement without compromising the purpose of enforcement or mission of the District.

**a six-month “clean record” following an exceedance was originally proposed, but there was some committee discussion about a shorter period being acceptable. Staff is now recommending a five-month clean record as it would still maintain the potential for having just two months of overpumpage during a 12-month period with minimal potential for aggregated overpumpage during those 12 months.*

Item 5

Board Discussion and Possible Action

- c. Discussion and possible action related to a Well Drilling Authorization during District-declared drought for Anthem 918 LLC and future water quality treatment wet basins (2) that will treat stormwater runoff. The proposed well will be situated at a total well depth of 1,200' – Middle Trinity Aquifer – in Hays County at coordinates 30° 02' 36.6" N, 97° 54' 30.6" W. A future production permit application is anticipated to be for 5.4 million gallons.

Application Summary and Staff Recommendations
09/12/2024

DESCRIPTION OF APPLICATION

Applicant: Anthem 918, LLC

Type of Application: Well Drilling Authorization for new well in Middle Trinity Management Zone

Request: Applicant is requesting to drill one (1) well in the Middle Trinity Aquifer for the purpose of maintaining required levels in stormwater treatments ponds for the Anthem single-family residential development. A separate Production Permit Application will be required in order to operate and produce from this well in the future. This application would need to be supported by a full-scale aquifer test and hydrogeological report.

REASON FOR REQUEST

Anthem 918, LLC submitted one (1) well drilling authorization application on April 8, 2024 with the District for a new nonexempt Middle Trinity well. The applicant does not currently hold any other permits with the District. The proposed use of the new well will be to maintain water levels in several ponds that will receive and treat stormwater runoff for the Anthem residential development. If the applicant finds the groundwater production and quality to be adequate and desirable, the applicant will file a future production permit application in which case the would have to support that request by completing a full-scale aquifer test and hydrological report.

WELL/RECEIVING AREA LOCATION

The proposed well is located in eastern Hays County on a 221.09-acre tract located on the north end of Anthem Parkway in Mountain City (30° 2' 36.6" N, 97° 54' 30.6" W). Attachment A shows the location of the proposed new well. The produced groundwater is proposed to be to maintain levels of several stormwater treatment ponds so that they function efficiently and effectively.

WELL DESIGN

The well is expected to be completed in the Middle Trinity. The total well depth of the Middle Trinity Well will be approximately 1200' ft below ground surface and completed so that water is only produced from the Middle Trinity – Lower Glen Rose and Cow Creek Formations (Attachment B).

APPLICATION REVIEW

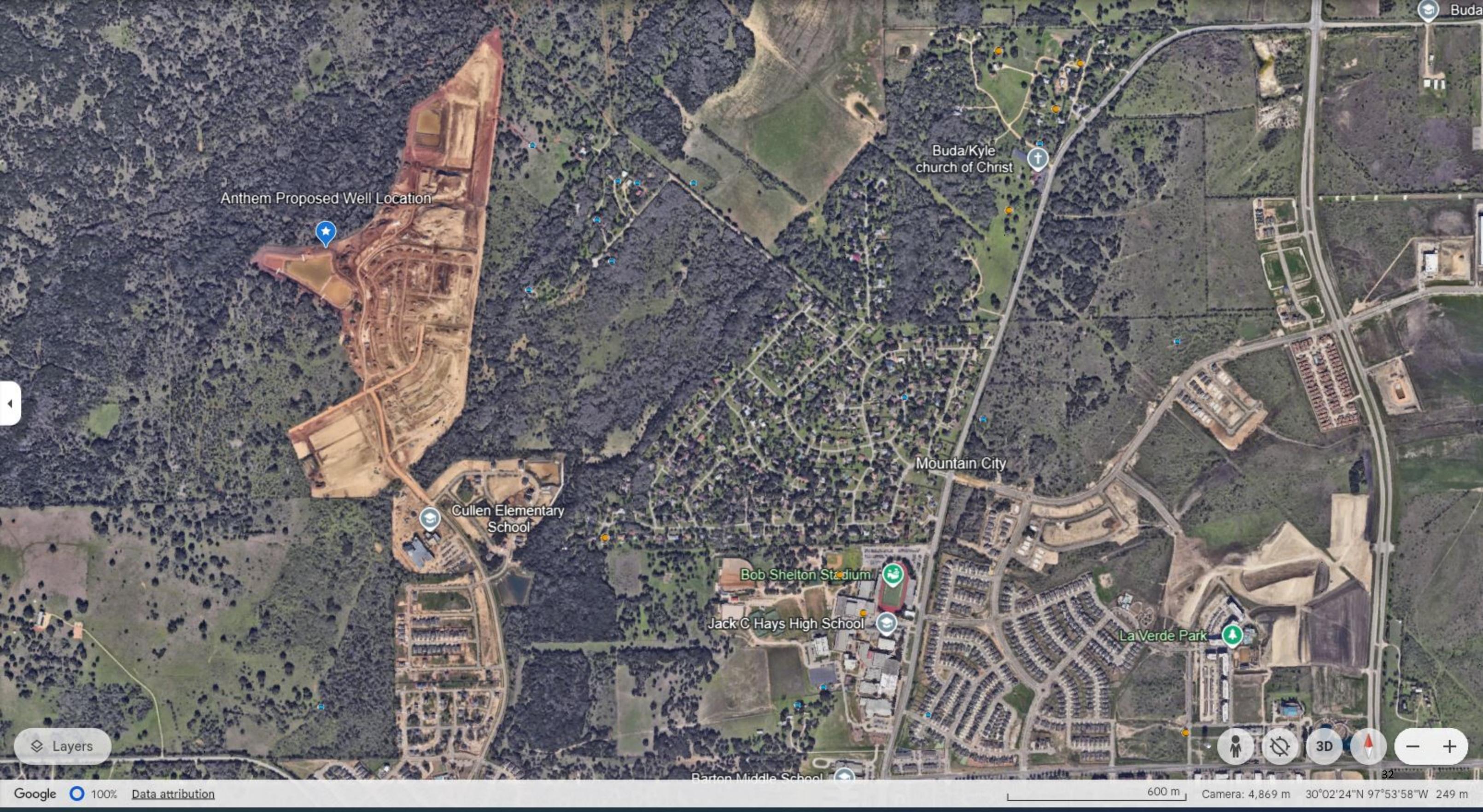
- Staff has reviewed the application and has determined that the application has satisfied all the requirements pursuant to the application checklist requirements in District Rule 3-1.4.A and that the required documentation and payment of fees have been satisfied.

- Staff has determined that the applicant has sufficiently addressed the criteria and considerations for Board action in accordance with District Rule 3-1.6(A).
- Staff has confirmed that the applicant filed proper notice and the required 28-day public comment period has expired in accordance with District Rule 3-1.4.B. (Attachment C).

STAFF RECOMMENDATIONS – 09/12/2024

Staff recommends **approval** of the above-referenced well drilling authorization application.

Appendix A
Well Location Map



Anthem Proposed Well Location

Buda/Kyle church of Christ

Cullen Elementary School

Mountain City

Bob Shelton Stadium

Jack C Hays High School

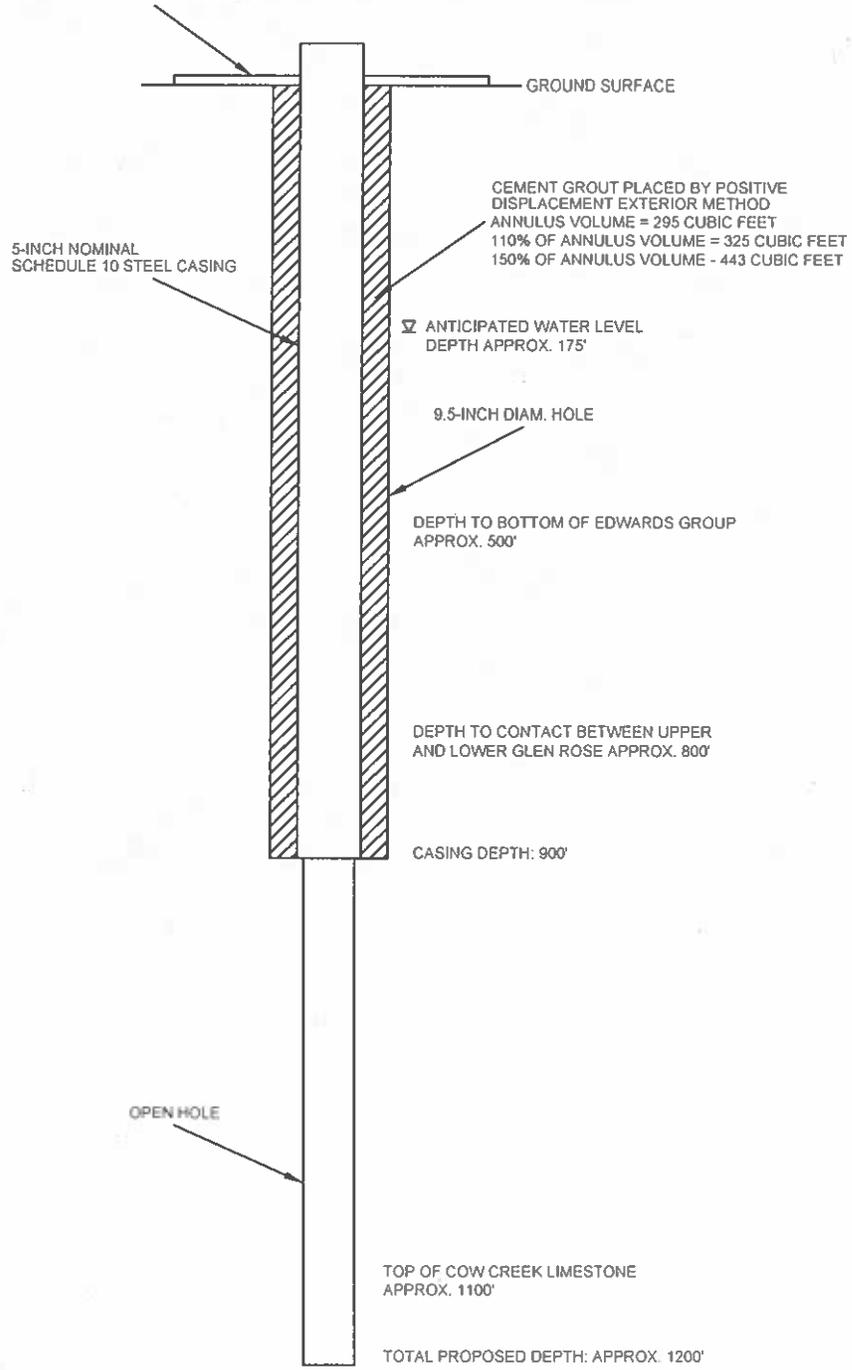
La Verde Park

Barton Middle School

Layers

Appendix B
Well Schematic

CONCRETE SLAB AT SURFACE, EXTEND Laterally AT LEAST TWO FEET FROM THE CASING IN ALL DIRECTIONS.
 SLAB SHALL BE SEPARATED FROM CASING BY A PLASTIC OR MASITC COATING OR SLEEVE.
 SLAB SHALL SLOPE TO DRAIN AWAY FROM CASING.



Attachment C
Proof of Public Notice

San Marcos Daily Record

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up for **Free!!!**



Legal Notice	Legal Notice	Public Notice	Public Notice	Public Notice	Public Notice	For Rent
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Application has been made with the Texas Alcoholic Beverage Commission for a Mixed Beverage Permit by David Foglia dba Eden Cocktail Lounge, to be located at 206 W San Antonio St, San Marcos, TX 78666. Officer of said corporation is David Foglia.



Anthem 918, LLC (726 Second Street, Annapolis, MD 21403) has filed a well drilling application on April 8, 2024 with the Barton Springs/Edwards Aquifer Conservation District (District) for one new non-exempt well. The well is proposed to be discretely completed in the Middle Trinity Aquifer, and is planned to be used to supply water to two (2) water quality treatment wet ponds that will treat stormwater runoff from portions of the Anthem residential subdivision. A separate Production Permit Application will be required in order to operate and produce from this well in the future. The proposed well is located in Hays County on a 221.09-acre tract located off FM 150 in Kyle. (Lat: 30° 02' 36.6" N, Long: 97° 54' 30.6" W).

THE STATE OF TEXAS
COUNTY OF HAYS
CITATION BY PUBLICATION

To all persons interested in the Estate of Wesley Clark, Deceased, Cause No. 24-0246-P, in the County Court at Law, Hays County, Texas.

The alleged heir(s) at law in the above-numbered and entitled estate filed an APPLICATION FOR LETTERS OF INDEPENDENT ADMINISTRATION AND DECLARATION OF HEIRSHIP in this estate on the 20th day of May, 2024, requesting that the Court determine who are the heirs and only heirs of Wesley Curley Clark, Deceased, and their respective shares and interests in such estate.

GREAT DEALS!
512-353-5001,
\$775- 2/1, water pd,
\$875- 2/1, WD
con., fp

SMALL HOUSE NEEDS SOME WORK
Off HWY 123 San Marcos \$600/month plus utilities
609-492-6363

Autos
WANTED: CARS/TRUCKS.
Any cond. Running or not. Willis Mitchell, 353-4511

CASH FOR
Junk Cars & Trucks.
Free Towing.
Lost Title Ok.
210-776-9796

Garage Sale
GREAT FINDS!
Furniture, TVs, Aquariums, Kitchen, Glassware, Camping, Gardening, Army Surplus, Kids, Pets & Mens Cowboy Boots. All clean
No Trash
410 Whitetail Drive San Marcos
Sat. 6/22 8 - 12pm

GARAGE SALE
232 Trestle Tree
June 15 & 16
June 22 & 23
9am -4pm
Furniture, Plates & Utensils, BBQ items, Antiques & household items & more



Kindness
can go a long way.

Adopt a shelter pet today!

Publication of this notice begins a 28-day public response period for which comments, written formal protests and requests will be accepted by the District. Parties interested in formally participating in a hearing or a contested application should refer to District Rule 4-9.13. For further information, please contact District staff, 1124 Regal Row, Austin, Texas 78748, (512) 282-8441, bseacd@bseacd.org. You may also contact the applicant/applicant's consultant, SWCA, Inc. at (210) 361-0284.

NOTICE OF PUBLIC SALE
In accordance with Chapter 59 of the Texas Property Code and to satisfy a landlord's lien, a public sale will be held online at www.StorageTreasures.com for units at Ranch Road Storage located at 1900 Old Ranch Road 12, San Marcos, TX 78666. Bidding will open Monday, June 24, 2024, at 12:00 PM and conclude Wednesday, July 10, 2024, @ 12:00 PM. Cleanup deposit is required. Seller reserves the right to withdraw the property at any time before the sale. Unit items sold as-is to highest bidder.

Property includes the contents of spaces of the following tenants: Darion Sharkey;

Leather power reclining sofa and loveseat, coffee table glass-top end tables, game table, desk, boxes, and sports equipment. Veronica Reyes; Household items, clothes, bed frame, dining tables and chairs, flat screen TV, totes, laptop, bed set, coffee table, and dresser. Mark Lindsay; Automotive parts unit. Chelsea Novosad; Queen box spring & mattress with platform, vacuum, totes & bags of clothes/shoes, and a Christmas tree.

The Court may act on this Application at any call of the docket on or after 10:00 A.M., on the first Monday next after the expiration of ten (10) days, exclusive of the day of Publication, from the date this citation is published, at the Hays County Government Center in San Marcos, Texas.

All persons interested in this case are cited to appear before this Honorable Court by filing a written contest or answer to this Application should they desire to do so. To ensure its consideration, you or your attorney must file any objection, intervention, or response in writing with the County Clerk of Hays County, Texas on or before the above- noted date and time.

Applicant's Attorney:
Robert E. Black

299 S. Capital of Texas Hwy, Suite A-205
Austin, Texas 78703
(512) 477-1964

Given under my hand and the seal of said Court at the office of the Hays County Clerk in San Marcos, Texas on this the 14th day of June, 2024.

Elaine H. Cárdenas
County Clerk, Hays County, Texas
712 S. Stagecoach Trail, Suite 2008
San Marcos, Texas 78666
BY /s/ Haman Ausri
Harmony Austin, Deputy

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**Attachment D
Public Comments**

Opposition to Proposed well by Anthem/Landsea

Barry Pomeroy <bfpomeroy5019@gmail.com>

Tue 7/16/2024 10:11 AM

To: Tim Loftus <TLoftus@bseacd.org>; BSEACD <bseacd@bseacd.org>

Dear Mr. Loftus,

I received a certified letter notifying me that Anthem/Landsea is seeking approval to drill a well on their development that adjoins my property. I'm adamantly opposed to the drilling of a new well into the Trinity Aquifer. My opposition to Anthem's well proposal is primarily from two views.

1. The developer has been noticeably ill prepared and uninformed since their purchase of the property for development. As an example, Landsea assumed that they could obtain the electricity from the original Anthem development with apparently no due diligence. The result was a scramble to find a path for electricity which ultimately led to threats and intimidation to one of my neighbors to obtain an easement to bridge his property to get new power lines to their development. Because the new power line requires new and additional higher power poles that also cross my property (already existing utility easement) many trees have been cut down. This should have been part of any development plan approval. Now they need a well to service sediment control from rain runoff. Again, this should have been part of the original development agreements.

I ask, what's next? What else did they not plan for? I'm aware that Anthem/Landsea is trying to comply with a state law. I contend this should have been understood when a development agreement was approved with appropriate concessions to adjacent landowners to mitigate ANY potential impact to my property (or my neighbor's property) now or anytime in the future.

2. In these days and times when adequate water supply in our area is under such extreme pressure it is ludicrous to me that any request to drill for a new water well would even be considered. While there may be no direct linkage to my well in the Edwards aquifer and the proposed well into the Trinity aquifer, I'm still opposed to such a request. Direct or indirect impacts are very difficult to prove. A new well so close to mine is certainly a risk without any methods or commitments from the developer to protect my water supply in the future. Even if the Edwards Aquifer District agrees to measure for "impact" by the time that would be identified the damage is already done.

I oppose both the drilling of the well and any proposed operation of the well.

Respectfully,

Barry Pomeroy

600 Indian Creek Lane

Buda, Texas 78610

Email: bfpomeroy5019@gmail.com

Cell: 512-657-4930



Barton Springs Edwards Aquifer Conservation District (BSEACD)
1124 Regal Row
Austin, Texas 78748

July 18, 2024

Dear BSEACD board members and Staff,

RE: Anthem new nonexempt Well Permit Application

I am writing today to express the City of Mountain City's (City) concerns regarding the application by Anthem 918, LLC for a new non-exempt well permit to be discretely completed in the Middle Trinity Aquifer. Our understanding is that the well is to be used to supply water to two (2) water quality treatment wet ponds that will treat stormwater runoff from portions of the Anthem residential subdivision. As the BSEACD is aware, the city's single source well is less than a mile from the proposed well. It has been explained that water pumped from the Middle Trinity **should not** impact the wells in the Edwards Aquifer, but logically it makes sense that water drawn from a reservoir below our reservoir would allow water to seep down from the Edwards.

The City and its residents are nervous and concerned about allowing this well to be drilled. If the District is going to permit this well, the City respectfully requests that the district have personnel on-site to monitor the logging and casing of the well to ensure that the well is cased and sealed entirely until it reaches the Middle Trinity.

The City presents the following questions/requests to provide some confidence in the near and long term.

- Please indicate if the proposed well will be an interruptible permit. If so, what are the conditions in which the permit will be limited?
- Will BSEACD set a very restrictive and low allowed limit on the amount of water to be pumped each year?
- Please indicate that BSEACD has confirmed that the usage from the Middle Trinity will not have a negative impact on the Edwards Aquifer even after considering long term usage and any potential aquifer connectivity.
- Please confirm BSEACD has monitors in place to record and measure the short and long-term effects of the well's usage and potential impact on uninterrupted potable water use permits.
- Will there be any water quality testing required now or in the future?
- Please require that the pond will have a liner and that it will be an engineered liner.
- Please provide the pond's maintenance schedule.
- Please confirm the well's operations will be maintained on a permanent basis.
- Please provide who will be responsible for the well and pond after the development is final.

The City appreciates the diligence and effort that BSEACD provides to protect our water sources and look forward to your responses. Please include the City on your mailing list for this permit application.

Thank you

Ralph McClendon
Mayor, Mountain City
512-757-4787

City of Mountain City

101 Mountain City Drive, Mountain City, TX 78610
Phone & Fax (512) 262.0028

Water Well Drilling Application filed by Anthem 918 LLC

richard bettes <ricbet46@gmail.com>

Fri 7/12/2024 5:32 PM

To:BSEACD <bseacd@bseacd.org>

Cc:tloftus@bseacd.org <tloftus@bseacd.org>

 1 attachments (34 KB)

Letter to BSEACD.odt;

Hello Erin and Mr Loftus,

I have attached a letter for both of you discussing my views and concerns with the Anthem well drilling application. After you have a chance to read it, please contact me. I would like to have your comments on the subjects discussed in the letter. I am also interested in the role of the Texas Commission on Environmental Quality. Are they actually involved in approving or disapproving the application. My understanding is they offer 3 or 4 types of run-off collection structures or ponds, and the developer is allowed to choose which type he wants to construct within his subdivision. I believe the only 1 that requires a well or other source of clean water to be fed into the retention pond is the water quality wet pond, which Anthem has chosen.

Does your office and the TCEQ office coordinate at all on this decision? Does TCEQ simply offer the types to the developer and tell him to pick one? Is your office involved at all in designing and or recommending the type best suited for the specific site? Does anyone inspect the construction of the run-off treatment construction?

Thanks a lot for your help.

Please call me at 512-585-5308. If I don't answer, please leave a voicemail that you called and I will call you back. Also I can come to the office to discuss if you prefer.

Date: June 11, 2024

From: Richard Bettes

To: Erin Swanson
BSEACD Regulatory Compliance Manager
1124 Regal Row Austin, TX 78748

Subject: Water Well Drilling Application filed by Anthem 918 LLC

A letter from Mr. Philip Pearce, P.G. of SWCA Environmental Consultants informed me and 3 other neighbors who have properties and private residential wells adjoining or very near to the proposed site of the requested Anthem commercial well application submitted to the BSEACD office for approval. I have had conversations with BSEACD staff and also with Mr. Pearce to explain the proposed use for the well, the estimated volume of water to be pumped from the well on a yearly basis, specific details of the drilling process, the safety concerns with drilling through the Edwards Aquifer to get to and into the Middle Trinity Aquifer, methods to be implemented to control surface run-off water to block contaminants from being allowed to reach the aquifers, methods to be implemented to protect and prevent damage to neighboring properties and wells, control of the volume pumped, risk of contaminating either the Edwards or Trinity aquifers, possible unknown negative effects to the Edwards Aquifer as a whole, and to our individual private wells. The Mountain City well, (within a mile of the proposed drilling site), supplies all the water for the Mountain City subdivision, which has over 200 families, could easily be affected. Population growth with new subdivisions located over the Edwards Aquifer (both large and small) are being approved seemingly without regard to resources, (especially water,). BSEACD has a large responsibility to protect the Edwards, Trinity, and all aquifers within the region. My neighbors and I were told the water and sewage for the entire Anthem subdivision, including the portion that now belongs to LandSea subdivision, would be supplied by Kyle. Now Anthem (LandSea) wants to drill a commercial well to supply enough water to keep (2) water quality treatment wet ponds at a constant level year round. We do not know if they also plan to use the water for other purposes such as watering common areas, filling swimming pools, etc.

Land developers should not be automatically approved for requests to drill wells in this area. Rapid and uncontrolled growth has caused strains on our ground water and other natural resources. Numerous additional new subdivisions are being developed, and applications for more subdivisions, businesses, apartment complexes, etc. are being approved at what seems to be an uncontrolled pace. None ever seem to be disapproved. If they are, the developers just keep resubmitting the application until it is finally approved. There seems to be no stopping of uncontrolled growth.

Before an application for a commercial water well is approved, the applicant should be required to show a plan that includes: --- A valid use and need for the well. --- Explains why other water sources (such as their residential water supplier, etc) cannot or will not supply the water they need. --- Their approved plan for prevention of contamination to the Edwards and Trinity aquifers. --- Construct and maintain ground water run-off controls to assure control of flood water is maintained, yet does not affect the natural flow of streams, drainage, and erosion on adjoining properties, and does not contribute to the contamination of the aquifers.

Especially with commercial well applications, I believe that approving authorities of water districts have a responsibility to evaluate the conditions of the area where the well is to be drilled, the status and environmental conditions of the aquifers involved with the application, the availability of alternate water sources, and the possible impact to pre-existing wells, to individual residents, schools, the entire Edwards Aquifer. Just as important as water levels in the aquifers, maintaining water purity for these aquifers is just as important.

All commercial well drilling plans do not have to be approved. Other existing conditions of the environment should be considered and weighed before final approval or disapproval of the application is made.

Conservation of all natural resources that are shared with many users, that have limited quantity, and that are highly variable in quantity, such as water resources, is extremely important. Overuse or damage of the resource can cause loss of the resource and/or deterioration of quality of the resource, making it unavailable or usable to any user. Examples include the 5 mile dam park that was a popular swimming hole and recreation area for all times until recently. It is now dry and will probably never have water again. A result of overpopulation and uncontrolled pumping from the aquifers in the area. Barton Springs could face the same fate if uncontrolled well drilling is allowed to continue. Similarly many existing private wells that have served residents for hundreds of years could become intermittent, polluted, dry, or otherwise unusable.

Assuming that growth continues at our current fast pace, water supply problems are inevitable. Those who approve applications for water permits should require the developer and the approving authority to work together to develop the best plans to both reduce surface pollution from run-off and rain water, while at the same time eliminating the need to waste additional ground water from our aquifers.

I OBJECT to approval of this well. I believe there is another type of retention or flood control plan that can be used to accomplish run-off water control that does not require a well be drilled and the pumping of 5 – 6 million gallons of water, or more, yearly from the aquifer into the retention ponds. This is a waste of water from our aquifers. I was informed from the BSEACD office that only 1 other well for this purpose has been drilled and it is not in this immediate area. Therefore, the first Anthem subdivision is not pumping water from an aquifer, the 6 Creeks subdivision is not pumping water from an aquifer, Plum Creek is not pumping from an aquifer, the newer Plum Creek North subdivision is not pumping water from an aquifer, Century Oaks is not pumping from the aquifer, none of the other numerous subdivisions up and down highway 150 are pumping water from the aquifer, etc, etc. So why does the LandSea Anthem subdivision feel they must drill a 1000' or deeper well through the Edwards Aquifer, and then into the Middle Trinity Aquifer. Apparently, all these other subdivisions have solved the problem of handling run-off water without drilling into and depleting ground water from the Edwards or the Trinity Aquifer, and in the process posing possible problems that could negatively affect the Edwards Aquifer and some or all the existing wells in the Edwards. Why should the water from the Middle Trinity be depleted for no valid reason when water conservation is such a precious and sensitive issue in this area of Texas?

My understanding is the Texas Commission on Environmental Quality requires a Water Pollution Abatement Plan (WPAP) for each proposed subdivision. It is also my understanding that in the application process the developer is offered 3 or 4 types of flood or surface water control methods that the Developer can choose from to satisfy this requirement. The "Water Quality Treatment Pond" chosen by Anthem LLC, is the only option that requires the addition of water from a well or other clean water source to keep the water in the pond at a certain level. Supposedly the purpose is to help reduce pollutants in water that does flow from the pond and then meanders down adjoining properties until it evaporates or is absorbed into the ground or streams. This water may eventually percolate to the Edwards Aquifer. The Edwards Aquifer has numerous caves, holes, and a porous rock structure which is not as effective at filtering pollutants as more dense rock structures. The idea, I think, is that running fresh clean water into the pond sufficient to keep the pond at a constant level, helps to settle the impurities to the bottom of the pond and allows cleaner water to flow out of the overflow built into the pond. Supposedly this results in fewer pollutants such as oil residue from roads and or residue from fertilizers and other miscellaneous pollutants reaching the aquifer.

However, I question the effectiveness of this method. By forcing pollutants deeper into the pond, the pollutants will stack up and coat the bottom of the pond and just get thicker and thicker. Since the pond never dries out it will create a never ending source of these pollutants that will percolate from the bottom of the pond into the Edwards Aquifer on a continuous basis, possibly damaging or destroying the aquifer for human use.

!!THAT RESULT WOULD BE DISASTROUS FOR THE AQUIFER AND ALL WHO DEPEND ON IT !!

Please answer the following questions:

In the event the well goes into production:

How are pollutants from the sludge build-up in the bottom of both ponds to be prevented from percolating to the aquifers?

Will BSEACD test the Edwards Aquifer and the individual wells of myself and my neighbors on a frequently scheduled basis to insure our wells remain uncontaminated and the water levels are not negatively affected ?

If the water quality or quantity in our wells is seriously affected as a result of this well, either at time of drilling or anytime after it is in production, who is liable for damages, financing costs of repairs, legal expenses involved, etc. ? Who is responsible to fix all the associated problems.?

Why would you even want to approve such a project with such a risky potential to cause such serious problems?

Better options are available.

I am requesting the board hold a public conference including representatives from the Texas Commission on Environmental Quality and the BSEACD Regulatory Compliance Manager, and representatives from the Anthem Developers requesting the well. Questions and discussion from the public should be permitted. Explanations and information from the Board, the applicant, and the Commission on Environmental Quality would be appreciated.

Please respond to me after you receive this letter so I will know if you are open to the meeting. Also we can discuss any questions or concerns about the letter if you wish.

Thank you for your time and consideration.

Richard Bettes
120 Indian Creek Ln
Buda, Tx 78610

Pho# 512 585 5308

Item 5

Board Discussion and Possible Action

- d. Discussion and possible action related to cost-share, fixture-replacement program partnership with Ruby Ranch Water Supply Corporation.

September 12, 2024

Overview of the Ruby Ranch Water Supply Corporation's "Water Savings Rebate Program"

Eligible Devices:

Participants can receive rebates for the installation of the following WaterSense-labeled devices:

1. **High-Efficiency Toilets (HETs):**
 - Must use 1.28 gallons per flush or less.
 - Eligible for a rebate of up to \$100 per toilet.
2. **Water-Efficient Showerheads:**
 - Must have a flow rate of 2.0 gallons per minute (GPM) or less.
 - Eligible for a rebate of up to \$20 per showerhead.
3. **Faucet Aerators:**
 - Must have a flow rate of 1.5 GPM or less.
 - Eligible for a rebate of up to \$10 per aerator.

RRWSC Approval and Reimbursement Details:

- The maximum rebate per household is \$175.
- WaterSense-labeled devices must be purchased and installed with a completed rebate application along with proof of purchase (receipts) and installation (photos) between 9-1-2024 and 11-30-2024.
- Applications will be reviewed within 4-6 weeks of submission.
- Rebates will be provided in the form of a credit on the end user's monthly water bill.

BSEACD Review Details:

- Every 4 weeks RRWSC will submit a list of their approved applications with receipts, pictures, and amount reimbursed to their end users to the Barton Springs-Edwards Aquifer Conservation District.
- After being reviewed by staff, the District will then reimburse RRWSC by half of the total amount reimbursed to end users.
- The District will participate in the rebate program until all submissions have been received from RRWSC after the 11-30-2024 deadline, unless extended by RRWSC in agreement with BSEACD, or until the District has supplied \$10,000 in reimbursements.

Item 5

Board Discussion and Possible Action

- e. Discussion and possible action related to an Agreed Order for initiation and resolving an enforcement proceeding concerning Ruby Ranch Water Supply Corporation for failure to reduce pumping during District-declared drought.

**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING RUBY RANCH
WATER SUPPLY CORPORATION**

§
§
§
§
§

**BEFORE THE BARTON
SPRINGS/EDWARDS
AQUIFER
CONSERVATION
DISTRICT**

AGREED ORDER

**I.
JURISDICTION AND STIPULATIONS**

The Board of Directors (“Board”) of the Barton Springs/Edwards Aquifer Conservation District (“District”) has considered this agreement of the parties resolving an enforcement action regarding the Ruby Ranch Water Supply Corporation (or RRWSC) under the authority of Texas Water Code Ch. 36. The General Manager of the District and Ruby Ranch Water Supply Corporation appear before the Board and together stipulate that:

1. Ruby Ranch Water Supply Corporation owns and operates the wells located off Ruby Ranch Road at Lat: 30.0621° Long: -97.92007° and Lat: 30.05853° Long: -97.92112°
2. Ruby Ranch Water Supply Corporation utilizes water supplied by public water supply wells permitted by the District as Commercial Wells.
3. Ruby Ranch Water Supply Corporation’s Historical and Class B Edwards permit issued by the District includes standard Permit Conditions and Requirements in accordance with District Rule 3-1.11.
4. The District and Ruby Ranch Water Supply Corporation agree that the District has jurisdiction to enter into this Agreed Order and that Ruby Ranch Water Supply Corporation is subject to the District’s jurisdiction.
5. Ruby Ranch Water Supply Corporation received notice of the violations alleged in Section II on or about December 14, 2023.

6. During the negotiations of this Agreed Order, RRWSC failed to reduce pumpage during District-declared drought in accordance with monthly pumpage limits of the UDCP for the months of March 2024 through July 2024. RRWSC received timely notice of these alleged violations.
7. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Ruby Ranch Water Supply Corporation of any violation alleged in Section II, nor of any statute or rule.
8. A penalty in the amount of \$39,600 is assessed by the District for the violations for the months of November 2023 - February 2024 alleged in Section II. A penalty in the amount of \$8,000 for the months of March 2024 – July 2024. The total amount of penalties is \$47,600.
9. The penalty amount of \$47,600 is deferred as well as any partial penalties as calculated under Section IV.6.e below contingent upon Ruby Ranch’s timely and satisfactory compliance with all the terms of this Agreed Order. The penalties are deferred to reach an early resolution, promote compliance with the technical requirements of this Agreed Order, and to establish an agreed process and penalty determination for failure by Ruby Ranch Water Supply Corporation to reduce pumpage in accordance with monthly pumpage limits beginning August 1, 2024 under its User Drought Contingency Plan (“UDCP”). The deferred amount of \$47,600 and any partial penalties as calculated under Section IV.6.e. below will be waived upon full compliance with the terms of this Agreed Order. If Ruby Ranch Water Supply Corporation fails to timely and satisfactorily comply with all

requirements of this Agreed Order, Ruby Ranch Water Supply Corporation must pay the deferred penalty.

10. Any notice and procedure that might otherwise be authorized or required in this action are waived in the interest of a timelier resolution of the matter.
11. The General Manager of the District and Ruby Ranch Water Supply Corporation have agreed on a settlement of the matters alleged in this enforcement action, subject to approval of the Board.
12. The General Manager may, without further notice or hearing, seek further enforcement proceedings in a court of competent jurisdiction if the General Manager determines that Ruby Ranch Water Supply Corporation has not complied with one or more of the terms or conditions of this Agreed Order.
13. This Agreed Order shall terminate five years from its Effective Date or upon compliance with all of the terms and conditions set forth in this Agreed Order, whichever occurs sooner.
14. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.
15. Notice to Ruby Ranch Water Supply Corporation required under this Agreed Order shall be made as follows:

Thomas Doebner
PO Box 1585
Buda, TX 78610
O: (512) 894-3322
Email: tdoebner@msn.com

II.
ALLEGATIONS

As a permittee of the District, Ruby Ranch Water Supply Corporation is alleged to have violated District Rule §3-7.6 for failure to reduce pumpage during District-declared drought in accordance with monthly pumpage limits of the UDCP as required by District Rule §3-7.6(A)(1) for the months of November 2023 - February 2024 and March 2024 - July 2024.

III.
DENIALS

Ruby Ranch Water Supply Corporation generally denies each allegation in Section II.

IV.
ORDERING PROVISIONS

The Board orders the following:

1. A deferred penalty amount of \$47,600 and the deferral of the amount of any additional penalties that are deferred in accordance with subsection 6.e. below are contingent upon Ruby Ranch Water Supply Corporation's timely and satisfactory compliance with all the terms of this Agreed Order.
2. The deferred amounts will be waived upon full compliance with the terms of this Agreed Order.
3. Ruby Ranch Water Supply Corporation must pay the deferred penalty of \$47,600 and any penalties deferred under subsection 6.e. below if Ruby Ranch Water Supply Corporation violates the terms of this Agreed Order. Payment must be made within 30 days of notification of noncompliance by the General Manager.
4. The payment of any penalty and Ruby Ranch Water Supply Corporation's compliance with all the terms and conditions set forth in this Agreed Order resolve

only the allegations in Section II. The District shall not be constrained in any manner from requiring corrective action or penalties for violations that are not raised here.

5. Penalty payments, if any, shall be made payable to Barton Springs/Edwards Aquifer Conservation District and shall be sent with notation “Ruby Ranch Water Supply Corporation’s Agreed Enforcement” to:

Barton Springs/Edwards Aquifer Conservation District
ATTN: General Manager
1124 Regal Row
Austin, TX 78748

6. Penalties for Ruby Ranch Water Supply Corporation’s failure to reduce pumpage during District declared drought beginning August 1, 2024 will be determined as follows:
 - a. Ruby Ranch Water Supply Corporation will report monthly pumpage to the District as required by its permit and District Rules.
 - b. District staff will calculate an average daily usage by dividing the monthly total pumpage by the number of days in the month.
 - c. The average daily usage will be summed until the total equals Ruby Ranch Water Supply Corporation’s monthly target (i.e., drought curtailed) for that month under its UDCP (referred to as “First Day of Exceedance”).
 - d. Each day that the average daily usage exceeds the target monthly pumpage on the First Day of Exceedance constitutes a separate daily violation.
 - e. Daily penalties will be \$400.00 per day for overpumpage during Alarm Stage Drought and \$800.00 per day for overpumpage during Critical Stage and Exceptional Drought. However, one-half of the daily penalty amounts

for each respective drought stage (i.e., \$200 for Alarm Stage and \$400 for Critical Stage and Exceptional Drought) are deferred and in lieu of paying the amount, RRWSC will conduct a supplemental conservation project as provided in subsection 9.e. below.

- f. The product of the number of days of overpumpage multiplied by the appropriate daily penalty amount constitutes the total monthly penalty.
- g. The District staff will provide notice of the total monthly penalty, if any, for every full month after the Effective Date within 30 days of the receipt of Ruby Ranch Water Supply Corporation's monthly pumpage. The District staff will provide notice of the total monthly penalty and deferred amounts, if any, for the months beginning August 1, 2024 and ending with the first full month of the month of the Effective Date within thirty days of the Effective Date. For example, if the Effective Date is August 22, 2024 then by September 22, 2024 the staff will provide notice of the total monthly penalty, if any, for overpumpage for the period from August 1, 2024 to August 31, 2024. Using the same example, staff will provide notice of the total monthly penalty and deferred amounts, if any, for the month of August 2024 and every full month thereafter within 30 days of the receipt of Ruby Ranch Water Supply Corporation's monthly pumpage.
- h. Payment must be made by Ruby Ranch Water Supply Corporation within 30 days of notification of the total monthly penalty amount by the General Manager.

7. The above-described process to calculate and notify Ruby Ranch Water Supply Corporation of future violations of Rule 3-7.6 will be used in lieu of District staff preparing a monthly investigation and Notice of Alleged Violation.
8. The above-described process to calculate and notify Ruby Ranch Water Supply Corporation of future violations of Rule 3-7.6 will end the first full month that the District is in No Drought Stage I Water Conservation Period.
9. Ruby Ranch Water Supply Corporation shall comply with the following technical requirements:
 - a) Within 60 days of the effective date of this Order, Ruby Ranch Water Supply Corporation shall combine and amend its User Drought Contingency Plan (UDCP) documentation in all its District-issued permits modifying language to implement a no more than once-a-week watering schedule for automatic irrigation systems year-round. Outdoor watering with automatic irrigation systems must cease if the District declares Stage III Critical drought or worse (i.e., Stage IV Exceptional or Stage V Emergency drought). Watering by hand or with a hand-held hose with a shut off valve will be allowed as needed.
 - b) Within 60 days of the Effective Date, Ruby Ranch Water Supply Corporation shall provide documentation of water conservation messaging/communication with its ratepayers and an accompanying explanation for how the messaging/communication is being implemented (e.g., delivery mechanism, frequency of delivery, etc.) and how it informs end users to meet conservation goals.

- c) Within 60 days of the effective date of this Order, Ruby Ranch Water Supply Corporation shall combine and amend its User Drought Contingency Plan (UDCP) documentation in all its District-issued permits modifying language to prescribe modified excessive monthly consumption use numbers outlined within the “Utilities Initiated Penalties or Consequences” section of the UDCP for each drought stage and update the outdoor irrigation allowance schedule to reflect the lack of water availability during the various stages of drought.
- d) After May 1st, 2026, Ruby Ranch Water Supply Corporation shall provide to the District, documentation of the 2025 water loss audit and/or water balance data, as required by and submitted to the Texas Water Development Board (TWDB) of all retail public water systems with less than 3,300 service connections every 5 years. This provision is required and survives even if the Agreed Order terminates sooner than the date that this provision is to be completed.
- e) In lieu of paying the \$47,600 deferred penalty and future daily deferred penalties described under subsection 6.e above, RRWSC will apply all deferred penalties toward a supplemental conservation project in the form of the purchase and installation of an advanced metering infrastructure (AMI). To demonstrate compliance with this requirement, RRWSC will provide a quarterly written report to the District no later than the 10th day of the first month following the end of the quarter. The first report is due on or before January 10, 2025. The report should describe AMI deployment

progress including funds spent, number of meters installed, and deployment of complementary tools including software, communication strategies with ratepayers, and a description of staff involved to realize the full potential of the investment. RRWSC must pay at least the full amount of all penalties deferred under this Agreed Order for the purchase and installation of AMI no later than May 31, 2025.

V.
ADDITIONAL TERMS

1. The provisions of this Agreed Order shall apply to and be binding upon Ruby Ranch Water Supply Corporation. Ruby Ranch Water Supply Corporation is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the operations referenced in this Agreed Order.
 - a) If Ruby Ranch Water Supply Corporation fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe (not including drought), Ruby Ranch Water Supply Corporation's failure to comply is not a violation of this Agreed Order. Ruby Ranch Water Supply Corporation shall have the burden of establishing to the General Manager's satisfaction that such an event has occurred. Ruby Ranch Water Supply Corporation shall notify the General Manager within seven days after Ruby Ranch Water Supply Corporation become aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

- b) The General Manager may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Ruby Ranch Water Supply Corporation shall be made in writing to the General Manager. Extensions are not effective until Ruby Ranch Water Supply Corporation receives written approval from the General Manager. The determination of what constitutes good cause rests solely with the General Manager.
2. This Agreed Order, issued by the Board, shall not be admissible against Ruby Ranch Water Supply Corporation in a civil proceeding, unless the proceeding is brought by the District to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the District's jurisdiction, or of a rule adopted or an order or permit issued by the District under such a statute.
 3. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
 4. The Effective Date is the date the District signs the Agreed Order.

SIGNATURE PAGE

Barton Springs/Edwards Aquifer Conservation District:

Blayne Stansberry
Board President

Date

Timothy T. Loftus, Ph.D.
General Manager

Date

ATTEST:

Signature

Date

Name (printed)

Title (printed)

DRAFT

Ruby Ranch Water Supply Corporation:

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the District, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by Ruby Ranch Water Supply Corporation;
- Lawsuit for contempt, injunctive relief, additional penalties, and/or attorney fees, or referral to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to civil trial for any future enforcement actions; and
- District seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

NAME
TITLE

Date

Item 5

Board Discussion and Possible Action

- f. Discussion and possible action on a FY 24 budget amendment.

MEMORANDUM

Date: September 12, 2024

To: Board of Directors

From: Tim Loftus, General Manager

Subj.: Budget Amendment for FY 24*

<u>Over-budget Accounts and Reconciliations</u>	<u>Actual (\$)</u>	<u>Budget (\$)</u>
6014.0 Software Acquisitions & Upgrades <i>Due to server migration to cloud computing</i>	13,688.00	6,000.00

Reconcile by moving \$8,000 from 6066.0 Directors Compensation.

6095.3 Contracted Support, General Management <i>Due to Bookkeeping/payroll/other services provided by consultant</i>	75,047.00	20,000.00
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Reconcile by moving a total of \$55,000: \$28,500 from 6199.0 Salaries and Wages, and \$26,500 from 6160.0 Legal Services.

6176.1 District Database Project <i>Due to the nature of Phase 2 work found necessary or desirable</i>	54,910.00	36,000.00
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Reconcile by reducing 9001.0 Transfer to Reserves from \$135,000 to \$116,000 or by \$19,000.

6180.0 Professional Development <i>Due to unanticipated workshops for staff</i>	31,485.00	25,000.00
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Reconcile by moving a total of \$7,000: \$4,000 from 6066.0 Directors Compensation, \$2,000 from 6024.0 Auto Maintenance, and \$1,000 from 6010.2 Office Furniture.

* Dollar amounts in Actual (\$) column are as of 9/4/24 with no additional charges expected; all accounts from which funds are moved will remain less than 100 percent of Budget spent.

Item 5

Board Discussion and Possible Action

- g. Discussion and possible action on selecting a Certified Public Accountant for conducting the FY 24 audit.

September 4, 2024

Timothy Loftus, General Manager
and the Board of Directors Barton Springs/Edwards Aquifer Conservation District
1124 Regal Row
Austin, Texas 78748

We are pleased to confirm our understanding of the services we are to provide Barton Springs/Edwards Aquifer Conservation District (“the District”) for the year ended September 30, 2024.

Audit Scope and Objectives

We will audit the financial statements of the business-type activities, each major fund, and the aggregate remaining fund information, and the disclosures, which collectively comprise the basic financial statements of the District as of and for the year ended September 30, 2024. Accounting standards generally accepted in the United States of America (GAAP) provide for certain required supplementary information (RSI), such as management’s discussion and analysis (MD&A), to supplement the District’s basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the District’s RSI in accordance with auditing standards generally accepted in the United States of America (GAAS). These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management’s responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient appropriate evidence to express an opinion or provide any assurance. The following RSI is required by GAAP and will be subjected to certain limited procedures, but will not be audited:

1) Management’s Discussion and Analysis

The objectives of our audit are to obtain reasonable assurance as to whether the financial statements as a whole are free from material misstatement, whether due to fraud or error; issue an auditor’s report that includes our opinion about whether your financial statements are fairly presented, in all material respects, in conformity with GAAP and report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS will always detect a material misstatement when it exists. Misstatements, including omissions, can arise from fraud or error and are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment of a reasonable user made based on the financial statements.

Auditor’s Responsibilities for the Audit of the Financial Statements

We will conduct our audit in accordance with GAAS and will include tests of your accounting records and other procedures we consider necessary to enable us to express such opinions. As part of an audit in accordance with GAAS, we exercise professional judgment and maintain professional skepticism throughout the audit.

We will evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management. We will also evaluate the overall presentation of the financial statements, including the disclosures, and determine whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is an unavoidable risk that some material misstatements may not be detected by us, even though the audit is properly planned and performed in accordance with GAAS. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform the appropriate level of management of any material errors, fraudulent financial reporting, or misappropriation of assets that comes to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

We will also conclude, based on the audit evidence obtained, whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the government's ability to continue as a going concern for a reasonable period of time.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, tests of the physical existence of inventories, and direct confirmation of receivables and certain assets and liabilities by correspondence with selected customers, creditors, and financial institutions. We will also request written representations from your attorneys as part of the engagement.

We may, from time to time and depending on the circumstances, use third-party service providers in serving your account. We may share confidential information about you with these service providers but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, we will remain responsible for the work provided by any such third-party service providers.

Our audit of the financial statements does not relieve you of your responsibilities.

Audit Procedures—Internal Control

We will obtain an understanding of the government and its environment, including the system of internal control, sufficient to identify and assess the risks of material misstatement of the financial statements, whether due to error or fraud, and to design and perform audit procedures responsive to those risks and obtain evidence that is sufficient and appropriate to provide a basis for our opinions. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentation, or the override of internal control. An audit is not designed to provide assurance on internal control or to identify deficiencies in internal control. Accordingly, we will express no such opinion. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards.

Audit Procedures—Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the District's compliance with the provisions of applicable laws, regulations, contracts, and agreements. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion.

Other Services

We will also prepare the financial statements of the District in conformity with accounting principles generally accepted in the United States of America based on information provided by you.

We will perform the services in accordance with applicable professional standards. The other services are limited to the financial statement services previously defined. We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

You agree to assume all management responsibilities for the financial statement preparation services and any other nonattest services we provide; oversee the services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of the services; and accept responsibility for them.

Responsibilities of Management for the Financial Statements

Our audit will be conducted on the basis that you acknowledge and understand your responsibility for designing, implementing, and maintaining internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error, including monitoring ongoing activities; for the selection and application of accounting principles; and for the preparation and fair presentation of the financial statements in conformity with accounting principles generally accepted in the United States of America with the oversight of those charged with governance.

Management is responsible for making drafts of financial statements, all financial records, and related information available to us and for the accuracy and completeness of that information (including information from outside of the general and subsidiary ledgers). You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, such as records, documentation, identification of all related parties and all related-party relationships and transactions, and other matters; (2) additional information that we may request for the purpose of the audit; and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence. At the conclusion of our audit, we will require certain written representations from you about the financial statements and related matters.

Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements of each opinion unit taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws and regulations.

You are responsible for the preparation of the supplementary information in conformity with accounting principles generally accepted in the United States of America (GAAP). You agree to include our report on the supplementary information in any document that contains, and indicates that we have reported on, the supplementary information. You also agree to [include the audited financial statements with any presentation of the supplementary information that includes our report thereon OR make the audited financial statements readily available to users of the supplementary information no later than the date the supplementary information is issued with our report thereon]. Your responsibilities include acknowledging to us in the representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Engagement Administration, Fees, and Other

We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any documents selected by us for testing.

The audit documentation for this engagement is the property of P. Andrew Hall, LLC and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available

upon request and in a timely manner to Texas Commission on Environmental Quality (TCEQ) or its designee. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of P. Andrew Hall, LLC personnel. Furthermore, upon request, we may provide copies of selected audit documentation to TCEQ or its designee. The TCEQ or its designee may intend or decide to distribute the copies or information contained therein to others, including other governmental agencies.

P. Andrew Hall is the engagement partner and is responsible for supervising the engagement and signing the report or authorizing another individual to sign it. We expect to begin our audit on approximately October 15, 2024 and to issue our reports no later than December 12, 2024.

Our fee for services will be at our standard hourly rates plus out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, confirmation service provider fees, etc.) except that we agree that our gross fee, including expenses, will not exceed \$13,500. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes 45 days or more overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

Reporting

We will issue a written report upon completion of our audit of the District’s financial statements. Our report will be addressed to management and those charged with governance of the District. Circumstances may arise in which our report may differ from its expected form and content based on the results of our audit. Depending on the nature of these circumstances, it may be necessary for us to modify our opinions, add a separate section, or add an emphasis-of-matter or other-matter paragraph to our auditor’s report, or if necessary, withdraw from this engagement. If our opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or withdraw from this engagement.

We appreciate the opportunity to be of service to the District and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the attached copy and return it to us.

Very truly yours,

P. Andrew Hall, LLC

P. Andrew Hall, LLC

RESPONSE:

This letter correctly sets forth the understanding of Barton Springs/Edwards Aquifer Conservation District.

Management signature: _____
Title: _____
Date: _____

Governance signature: _____
Title: _____
Date: _____

Item 5

Board Discussion and Possible Action

- h. Discussion and possible action on a Task Order under an existing Master Service Agreement with Austin Alliance Group.

STATEMENT OF WORK/TASK ORDER NO: 19

1.0 SCOPE OF SERVICES

OVERVIEW

The Services and Goods in this Statement of Work/Task Order (Task Order) shall be performed in accordance with the terms and conditions set forth in the Master Technical Services Agreement made as of the August 11, 2022, by the District and the Austin Alliance Group (AAG; Vendor).

The Scope of Services under this Task Order are specified below in the Work Plan and provide three distinct tasks during the first quarter of the District’s Fiscal Year 25. The Scope is incorporated herein for all purposes.

A brief description of each task to be performed and executed is as follows.

WORK PLAN

Task 1 – Fractional Human Resources (HR) services:

- a. Advising GM and staff as needed,
- b. Facilitating employer/employee relations as needed,
- c. Perform or assist with onboarding/offboarding,
- d. Participate in and/or follow-up with performance reviews, and
- e. Attend all-staff meetings as necessary and appropriate.

Estimate of time: 6-8 hours per week, 104 hours maximum total

Task 2 – Bookkeeping and Payroll Processing:

- a. Process biweekly payrolls using Gusto,
- b. Satisfy all funding disbursements associated with payroll,
- c. Perform weekly Accounts Payable and Accounts Receivable tasks,
- d. Perform reconciliations and monthly close, and
- e. Generate monthly financial reports for the Board of Directors.

Estimate of time: 4 hours per week, 52 hours maximum total

Task 3 – Other related 1st Qtr tasks:

- a. Reorganize chart of accounts,
- b. Review existing policies and work with Administrative Team to make updates and develop processes (SOPs),
- c. Investigate options within Quickbooks to better track funds dedicated for certain purposes but aggregated within TexPool General Account, and
- d. Participate in annual audit as necessary and appropriate.

Estimate of time: 3-3.5 hours per week, 42 hours maximum total

2.0 TERM

The term of this Task Order will commence on September 1, 2024 and will continue through November 30, 2024 (13 weeks), unless sooner terminated by the District and as provided in the Master Services Agreement or extended by written mutual agreement. All tasks must be completed on or before November 30, 2024.

3.0 COSTS

MASTER SERVICES AGREEMENT – STATEMENT OF WORK/TASK ORDER

The total cost for the services outlined above is not to exceed \$21,780 (hourly rate of \$110) without written consent of the district.

4.0 DESIGNATED REPRESENTATIVES

Barton Springs/Edwards Aquifer Conservation District
Printed Name: Timothy Loftus, PhD
Address: 1124 Regal Row
Austin, TX 78748

Austin Alliance Group (AAG)
Printed Name: Tina Cooper
Address: 723 W University Ave, Suite 110-416
Georgetown, TX 78626

Phone: 512-282-8441
Email: tloftus@bseacd.org

Phone: 281-910-8265
Email: tina.cooper@gotoaag.com

5.0 AUTHORIZATION

This Task Order is agreed to and entered on September 12, 2024.

Barton Springs/Edwards Aquifer Conservation District

Austin Alliance Group (AAG)

By: _____
Blayne Stansberry
Board President

Printed Name: _____

ATTEST:

By: _____
Christy Williams
Board Secretary

Date: _____

APPROVED AS TO FORM:

By: _____
William D. Dugat III
Attorney for BSEACD

Date: _____

Item 5

Board Discussion and Possible Action

- i. Discussion and possible action related to November 2024 elections for Directors including but not limited to adopting an order canceling elections for precincts 1, 3 and 4 and declaring unopposed candidates elected.

ORDER CANCELLING GENERAL ELECTION

BARTON SPRINGS/EDWARDS AQUIFER CONSERVATION DISTRICT’S ORDER DECLARING UNOPPOSED CANDIDATES FOR DIRECTOR PRECINCTS ONE (1), THREE (3), AND FOUR (4) ELECTED; CANCELLING NOVEMBER 5, 2024 GENERAL ELECTION IN SINGLE MEMBER DISTRICT PRECINCTS ONE (1), THREE (3) AND FOUR (4); REPEALING CONFLICTING ORDERS; AND PROVIDING FOR OTHER MATTERS IN CONNECTION WITH THE CANCELLATION

WHEREAS, the Board of Directors (“Board”) of the Barton Springs/Edwards Aquifer Conservation District (“District or “BSEACD”) on August 8, 2024, adopted an order calling a general election to be held on November 5, 2024 (the “Election”), for the purpose of electing directors from Precinct numbers one (1), three (3), and four (4);

WHEREAS, Texas Election Code Sections 144.005 and 144.006, establish deadlines for filing applications for a place on the ballot and for receiving declarations of write-in candidacy for the Election which have now expired; and

WHEREAS, Hannah Riggs , the District’s duly designated Custodian of Records and Agent to the Board Secretary (“Agent”), in the Election has certified in writing to the Board that Jon Cradit is the sole candidate for election to the Director position of Precinct 1 in the General Election, Lily Lucas is the sole candidate for election to the Director position of Precinct 3, and Christy Williams is the sole candidate for election to the Director position of Precinct 4 in the General Election; and

WHEREAS, the Board hereby finds and determines that the candidates whose names are to appear on the ballot in said election for Director are unopposed, there are no declared write-in candidates, and no propositions are to appear on the ballot for said Election; and

WHEREAS, Texas Election Code, Chapter 2, Subchapter C, authorizes the Board, upon receipt of certification that candidates for an election are unopposed, to declare the unopposed candidates to be elected and, further authorizes the Board to cancel that part of the General Election.

NOW, THEREFORE, IT IS ACCORDINGLY FOUND, DECLARED, AND ORDERED BY THE BOARD OF DIRECTORS OF THE BARTON SPRINGS/ EDWARDS AQUIFER CONSERVATION DISTRICT THAT:

SECTION 1. The facts and matters set forth in the preamble of this Order are hereby found to be true and correct.

SECTION 2. In accordance with Texas Election Code Section 2.053(a), the following unopposed candidates in the General Election in Precincts one (1), three (3), and four (4) are hereby declared duly elected to the respective office shown and shall be issued a certificate of election following the date on which the Election for Directors was to have been held:

- Director Precinct 1, Jon Cradit _____
- Director Precinct 3, Lily Lucas
- Director Precinct 4, Christy Williams

SECTION 3. Pursuant to Texas Election Code Section 2.053(b), the General Election ordered by the Board for November 5, 2024, shall not be held and is hereby canceled and the District’s Agent is hereby directed to cause a copy of this Order to be posted on Election Day at all polling places that would have been used in such Election. The District’s Agent is hereby authorized to take any further actions authorized by or necessary under the Texas Election Code or other law to cancel the November 5, 2024 General Election for the District.

SECTION 4. Should any section, paragraph, sentence, clause, phrase, or word of this Order be declared unconstitutional or invalid for any purpose by a court of competent jurisdiction, the remainder of this Order shall not be affected thereby, and to this end the provisions of this Order are declared to be severable.

SECTION 5. It is hereby found and determined that the meeting at which this Order was passed was open to the public as required by Section 551.001 *et seq.*, Texas Government Code, and that advance public notice of the time, place, and purpose of said meeting was given. The Governor has suspended and modified certain open meeting requirements pursuant to his disaster declaration. These changes include allowing the District to establish procedures for telephonic or video-conferenced meetings that are accessible to the public.

SECTION 6. This Order shall take effect immediately upon its passage.

PASSED AND APPROVED THIS _____ DAY OF SEPTEMBER, 2024.

**BARTON SPRINGS/EDWARDS
AQUIFER CONSERVATION DISTRICT**

President, Board of Directors

ATTEST:

Secretary, Board of Directors

[SEAL]

ORDEN PARA CANCELAR LA ELECCIÓN GENERAL

ORDEN DEL DISTRITO DE CONSERVACIÓN DEL ACUÍFERO BARTON SPRINGS Y EDWARDS EN LA QUE SE DECLARAN LOS CANDIDATOS ÚNICOS PARA DIRECTORES DE LOS DISTRITOS ELECTORALES UNO (1), TRES (3), Y CUATRO (4) ELEGIDOS; SE CANCELA LA ELECCIÓN GENERAL DEL 5 DE NOVIEMBRE DE 2024 EN LOS DISTRITOS ELECTORALES UNO (1), TRES (3), Y CUATRO (4) CON UN SOLO CANDIDATO; SE REVOCAN ÓRDENES CONFLICTIVAS; Y SE DISPONEN OTROS ASUNTOS RELACIONADOS CON LA CANCELACIÓN

CONSIDERANDO QUE, el octavo de Agosto de 2024 la Junta de Directores (“Junta”) del Distrito de Conservación del Acuífero Barton Springs y Edwards (Barton Springs/Edwards Aquifer Conservation District, el “Distrito” o “BSEACD”) aprobó una orden en la que se convocaba una elección general a celebrarse el 5 de noviembre de 2024 (la “Elección”), con el propósito de elegir a los directores de distrito de los distritos electorales números (1), tres (3), y cuatro (4);

CONSIDERANDO QUE, las Secciones 144.005 y 144.006 del Código Electoral de Texas, establecen fechas límite para la presentación de solicitudes de un lugar en la boleta y para recibir las declaraciones de los candidatos agregados por escrito a incluir en la Elección, que ahora han vencido;

CONSIDERANDO QUE, Hannah Riggs, la debidamente nombrada por el Distrito como Encargada de los Registros y Agente ante la Secretaría de la Junta (“Agente”) para la Elección, ha certificado por escrito ante la Junta que Jon Cradit es la única candidato para el puesto de Director del Distrito Electoral 1 en la Elección General, Lily Lucas es la única candidata para el puesto de Director del Distrito Electoral 3 en la Elección General, y que Christy Williams es el único candidata para el puesto de Director del Distrito Electoral 4 en la Elección General;

CONSIDERANDO QUE, por medio de la presente la Junta considera y determina que los candidatos cuyos nombres deben aparecer en la boleta de dicha elección para Director son únicos, que no hay candidatos agregados por escrito declarados y que no aparecerán proposiciones en la boleta de dicha Elección; y

CONSIDERANDO QUE, el Subcapítulo C del Capítulo 2 del Código Electoral de Texas autoriza que la Junta, al recibo de la certificación que indica que los candidatos de una elección son únicos, declare que se elijan a los candidatos únicos, y además autoriza a la Junta a cancelar esa porción de la Elección General.

POR LO TANTO, LA JUNTA DE DIRECTORES DEL DISTRITO DE CONSERVACIÓN DEL ACUÍFERO BARTON SPRINGS Y EDWARDS DETERMINA, DECLARA Y ORDENA QUE:

SECCIÓN 1. Por medio de la presente se declara que los hechos y asuntos establecidos en el preámbulo de esta Orden son verídicos y correctos.

SECCIÓN 2. En virtud de la Sección 2.053(a) del Código Electoral de Texas, por medio de la presente se declara que los siguientes candidatos únicos de los Distritos Electorales uno (1), tres (3), y cuatro (4) de la Elección General son debidamente elegidos para los puestos respectivos indicados, y se emitirá un certificado de elección después de la fecha en la que se iba a celebrar la elección de directores:

- Directora del Distrito Electoral 1, Jon Cradit
- Director del Distrito Electoral 3, Lily Lucas
- Director del Distrito Electoral 4, Christy Williams

SECCIÓN 3. En virtud de la Sección 2.053(b) del Código Electoral de Texas, la Elección General que se refiere a los directores de los distritos electorales uno (1), tres (3), y cuatro (4) que la Junta ordenó celebrarse el 5 de noviembre de 2024, no se celebrará, y por medio de la presente se cancela y se instruye a la Agente del Distrito que el día de la elección publique una copia de esta Orden en todos los lugares de votación que se hubieran usado para tal Elección. Por medio de la presente se autoriza a la Agente del Distrito a emprender cualquier medida adicional autorizada por el Código Electoral de Texas o por otra ley, o requerida en virtud de estos, para cancelar la Elección General del Distrito del 5 de noviembre de 2024.

SECCIÓN 4. Si un tribunal de jurisdicción competente declara inconstitucional o inválido cualquier sección, párrafo, oración, cláusula, frase o palabra de esta Orden, el resto de esta Orden no se verá afectada por esto, y con este propósito se declara que las disposiciones de esta Orden son separables.

SECCIÓN 5. Por medio de la presente se considera y determina que la reunión en la que se aprobó esta Orden estuvo abierta al público, como lo dispone la Sección 551.001 y *siguientes* del Código Gubernamental de Texas, y que se notificó con anticipación al público la hora, el lugar y el propósito de dicha reunión. El gobernador ha suspendido y modificado ciertos requisitos de reuniones abiertas de conformidad con su declaración de desastre. Estos cambios incluyen permitir que el Distrito establezca procedimientos para reuniones telefónicas o por videoconferencia que sean accesibles al público.

SECCIÓN 6. Esta Orden entrará en vigencia inmediatamente después de su aprobación.

APROBADA Y CONFIRMADA ESTE DÍA ____ DE SEPTIEMBRE DE 2024.

**DISTRITO DE CONSERVACIÓN DEL
ACUÍFERO BARTON SPRINGS Y EDWARDS**

Presidente de la Junta de Directores

DOY FE:

Secretario de la Junta de Directores

[SELLO]

Item 6

Director Reports

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

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

Item 7

Adjournment