



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

Thursday, June 10, 2021

4:00 PM

VIDEO CONFERENCE

NOTICE OF OPEN MEETING

Notice is given that a **Special Meeting and Public Hearing** of the Board of Directors (Board) of the Barton Springs/Edwards Aquifer Conservation District to be held on **Thursday, June 10, 2021**, commencing at **4:00 p.m. via Telephone and Videoconference** pursuant to Texas Government Code, Sections 551.125, 551.127 and 551.131, as modified by the Governor of Texas (Governor) who ordered suspension of various provisions of the Open Meetings Act, Chapter 551, Government Code, effective March 16, 2020, in accordance with the Texas Disaster Act of 1975. Under his proclamation of March 13, 2020, the Governor certified that the COVID-19 pandemic poses an imminent threat of disaster and declared a state of disaster for all counties in Texas. The COVID-19 pandemic makes it difficult to convene a quorum of the Board at one location with the public. Moreover, the COVID-19 pandemic creates an emergency and unforeseeable situation, a sense of urgency, and immediacy for conducting the meeting via Telephone and Videoconference.

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

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

INSTRUCTIONS FOR JOINING MEETING

You may join the meeting by one of two options:

- 1. Join the Meeting using the Zoom link**– use your computer audio/video features

<https://us02web.zoom.us/j/83815354713?pwd=VlE5MjhLTUQ2QVFCWThaRmhSNGhOdz09>
Meeting ID: 838 1535 4713
Passcode: 821328

Helpful Tips – For tips on how to set up Zoom on your device prior to the Board Meeting, visit the District's Board Meeting webpage: <https://bseacd.org/transparency/agendas-backup/>

- 2. Join the Meeting by Telephone only**

Meeting Dial In +1-346-248-7799
Meeting ID: 838 1535 4713
Passcode: 821328

INSTRUCTIONS FOR PUBLIC COMMENTS

1. Register for Public Comment prior to Board Meeting Day - Persons wishing to provide public comment must register by calling (512-282-8441) or emailing tammy@bseacd.org by **5:00 p.m. on Wednesday, June 9, 2021**. Please include the following information in the registration:
 - a. first and last name
 - b. email address
 - c. phone number
 - d. the agenda item on which you wish to comment
 - e. indicate whether you would like to comment the day of or have your written comments submitted read into the record, and
 - f. include written comments, if any.

2. Public Comments at the Board Meeting – Each registered person will be recognized and identified by the Presiding Officer or staff moderating the communications when it is their turn to speak. **Public comment is limited to 3 minutes per person**. Only persons who have registered in advance to give public comment during the meeting will be allowed to provide comment.

DOCUMENTATION FOR AGENDA ITEMS

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.

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 Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551.087 (Economic Development), 418.183 (Homeland Security). No final action or decision will be made in Executive Session.

1. **Call to Order 4:00 p.m.**
2. **Citizen Communications (Public Comments of a General Nature).**
3. **Consent Agenda.** *(Note: These items may be considered and approved as one motion. Directors or citizens may request any consent item be removed from the consent agenda, for consideration and possible approval as a separate item of Regular Business on this agenda.)*
 - a. Approval of Financial Reports under the Public Funds Investment Act, Directors' Compensation Claims, and Specified Expenditures greater than \$5,000. **Pg. 4**
 - b. Approval of minutes of the Board's May 13, 2021 Work Session, May 15, 2021 Special Meeting, and May 19, 2021 Work Session. **Not for public review at this time**
4. **Public Hearing - GMA 10 DFCs**

The District will hold a public hearing on: 1) proposed Desired Future Conditions (DFCs) for the Austin Chalk (Uvalde County), Buda Limestone (Uvalde County), Edwards (BFZ) San Antonio Segment within Edwards Aquifer Authority, Freshwater Edwards Aquifer (BFZ) Northern Subdivision, Freshwater Edwards Aquifer Western Subdivision (Kinney County), Saline Edwards Aquifer (BFZ) Northern Subdivision Zone, Leona Gravel (Uvalde County) and 2) proposed Non-Relevant Aquifer classification for the Trinity (Plum Creek Conservation District) adopted by GMA-10. The Board will accept oral comment, testimony, and written documentation and information relevant to the proposed DFCs and Non-Relevant Aquifer Classifications. **Pg. 29**
5. **Presentation**
 - a. Presentation related to an update from Brian Zabcik with 'No Dumping Sewage' organization. **NBU**
6. **Discussion and Possible Action.**
 - a. Discussion and possible action on permittee's monthly drought compliance. **NBU**

- b. Discussion and possible action on a Drilling Authorization extension request for Gragg Tract LP to drilling a Lower Trinity well. **Pg. 35**
- c. Discussion and possible action on rule making efforts. **Pg. 37**
- d. Discussion and possible action related to the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee. (General Manager & Assistant General Manager). **NBU**
- e. Discussion and possible action on the preliminary draft budget. **Pg. 60**

7. General Manager’s Report. Discussion and possible action.

Topics

- a. Update on cybersecurity training.
- b. Update on Aquifer conditions and status of drought indicators.
- c. Update on regulatory matters relating to Vintage Oaks Wedding Venue.
- d. Review of Status Report and update on team activities/projects. **Pg. 66**
- e. Upcoming events of possible interest.
- f. Update on Cause N. D-1-GN-000835 in 250th Judicial District Court of Travis County, *TESPA v BSEACD and Needmore Water LLC*. **Pg. 83**

8. 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.

9. Adjournment.

Item 1

Call to Order

Item 2

Citizen Communications

Item 3

Consent Agenda

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

- a. Approval of Financial Reports under the Public Funds Investment Act, Directors' Compensation Claims, and Specified Expenditures greater than \$5,000.**

- b. Approval of minutes of the Board's May 13, 2021 Work Session, May 15, 2021 Special Meeting, and May 19, 2021 Work Session.**

Financial Reports – May 2021

June 10, 2021 Board Meeting

- 1. Profit and Loss Budget vs Actual**
September 1, 2020 through May 31, 2021

- 2. Profit and Loss Previous Year Comparison**
September 1, 2020 through May 31, 2021

- 3. Balance Sheet Previous Year Comparison**
As of May 2021 (compared to May 2020)

- 4. Check Register – TRUIST Account**
May 1, 2021 through May 31, 2021

1. Profit and Loss Budget vs Actual

September 1, 2020 - May 31, 2021

**BARTON SPRINGS EDWARDS AQUIFER CONSERVATION DISTRICT
PROFIT AND LOSS - BUDGET VS ACTUAL**

September 1, 2020 - May 31, 2021

	Sept 1, 2020 - May 31, 2021	Budget	% of Budget	Notes
INCOME				
4300.0 · PROJECT INCOME	0.00	0.00	0.0%	
4400.0 · Interest Income	810.86	1,000.00	81.09%	
4625.0 · MISCELLANEOUS INCOME	8,141.53	0.00	100.0%	Includes camp donations.
4800.0 · USAGE AND PRODUCTION FEES	1,638,576.45	1,719,010.00	95.32%	
4810.0 · OTHER FEES	16,303.43	9,800.00	166.36%	Well application and development; pluggings.
TOTAL INCOME	1,663,832.27	1,729,810.00	96.19%	
EXPENSE				
6000.0 · UTILITIES	13,911.40	23,000.00	60.48%	Electric, water, phones, internet service.
6005.0 · Print/Copy/Photo Services	836.60	2,000.00	41.83%	
6007.0 · Postage/Freight/Shipping	1,364.32	2,500.00	54.57%	
6010.0 · Office Supplies	2,467.21	9,000.00	27.41%	
6010.2 · Office Furniture	0.00	1,500.00	0.0%	
6011.0 · Comp Hardware-Plotter Supplies	1,256.87	6,000.00	20.95%	
6014.0 · Software Acquisition & Upgrades	3,092.11	6,000.00	51.54%	
6015.0 · IT Monthly Maintenance	9,000.00	17,400.00	51.72%	
6016.0 · Meeting Expense	532.55	2,000.00	26.63%	
6019.0 · Subscriptions/Publications	744.88	4,200.00	17.74%	
6020.0 · Advertising	5,074.74	12,000.00	42.29%	One more \$4200 GMA ad to be placed this year.
6021.0 · MISCELLANEOUS EXPENSES	55,397.06	1,000.00	5,539.71%	SOAH-EP deposit refunded to applicant.
6022.0 · Accounting System Operation	3,158.15	7,200.00	43.86%	Quickbooks, Payroll, Journyx, Maintenance.
6023.0 · MAINTENANCE (Office and Auto)	8,783.87	17,900.00	49.07%	
6025.4 · Facilities Repairs	2,611.00	5,000.00	52.22%	
6040.0 · LEASES (Copier and Postage Machine)	7,052.05	10,650.00	66.22%	
6065.0 · DIRECTOR EXPENSES	33.77	2,500.00	1.35%	
6066.0 · Directors Compensation	16,300.00	40,000.00	40.75%	
6075.0 · DUES & MEMBERSHIPS	5,685.12	6,100.00	93.2%	

	Sept 1, 2020 - May 31, 2021	Budget	% of Budget	Notes
6080.0 · EDUCATION AND OUTREACH	3,825.71	19,350.00	19.77%	
6081.0 · REGULATORY COMPLIANCE	5,397.74	21,500.00	25.11%	
6084.92 · GENERAL MANAGEMENT	10,078.85	39,400.00	25.58%	
6089.0 · AQUIFER SCIENCE	10,807.06	34,800.00	31.06%	
6090.0 · Conservation Credits	0.00	19,149.00	0.0%	\$20,090 expense will be applied with the audit Currently a reduction to income under USAGE FEES - detail report
6100.0 · INSURANCE - DISTRICT	4,440.43	7,070.00	62.81%	Property, Auto, Liability, E&O, Surety Bonds.
6150.0 · INSURANCE - GROUP	96,456.01	172,114.00	56.04%	Health, dental, life, and vision.
6160.0 · LEGAL SERVICES	77,428.95	135,000.00	57.36%	
6168.11 · SOAH - EP	1,171.88			Final SOAH invoice (and FY 2021 total)
6170.0 · PROFESSIONAL SERVICES	127,100.81	192,004.00	66.2%	
6179.0 · LEGISLATION	26,000.00	36,000.00	72.22%	
6180.0 · PROFESSIONAL DEVELOPMENT	2,814.78	16,500.00	17.06%	Strategic Planning Consultants to post here.
6199.0 · SALARIES AND WAGES	600,218.66	868,061.00	69.15%	
6203.0 · TAXES & BENEFITS	87,613.25	136,879.00	64.01%	
TOTAL EXPENSE	1,190,655.83	1,873,777.00	63.54%	
NET ORDINARY INCOME	473,176.44	-143,967.00		
OTHER INCOME/EXPENSE (TRANSFERS)				
OTHER INCOME				
9000.00 · Transfer from Reserves	0.00	149,212.00	0.0%	1000 / 93636 / 54576
TOTAL OTHER INCOME	0.00	149,212.00	0.0%	
OTHER EXPENSE				
9001.00 · Transfer to Reserves	0.00	5,000.00	0.00	
TOTAL OTHER EXPENSE	0.00	5,000.00	0.00	
NET OTHER INCOME	0.00	144,212.00	0.0%	149,212 less 5,000
NET INCOME	473,176.44	245.00		Matches budget windfall.

2. Profit and Loss - Previous Year Comparison

September 1, 2020 – May 31, 2021

**BARTON SPRINGS EDWARDS AQUIFER CONSERVATION DISTRICT
PROFIT AND LOSS - PREVIOUS YEAR COMPARISON**

September 1, 2020 - May 31, 2021

	Sept 1, 2020 - May 31, 2021	Sept 1, 2019 - May 31, 2020	\$ Change	% Change
INCOME				
1 4300.0 · PROJECT INCOME	0.00	133,000.00	-133,000.00	-100.0%
2 4400.0 · Interest Income	810.86	12,518.21	-11,707.35	-93.52%
4625.0 · MISCELLANEOUS INCOME	8,141.53	7,626.24	515.29	6.76%
4800.0 · USAGE AND PRODUCTION FEES	1,638,576.45	1,632,912.34	5,664.11	0.35%
4810.0 · OTHER FEES (well applications)	12,853.43	10,579.57	2,273.86	21.49%
TOTAL INCOME	1,660,382.27	1,796,636.36	-136,254.09	-7.58%
EXPENSE				
6000.0 · UTILITIES	13,911.40	14,437.35	-525.95	-3.64%
6005.0 · Print/Copy/Photo Services	836.60	1,033.00	-196.40	-19.01%
6007.0 · Postage/Freight/Shipping	1,364.32	931.04	433.28	46.54%
6010.0 · Office Supplies	2,467.21	4,394.02	-1,926.81	-43.85%
6011.0 · Comp Hardware-Plotter Supplies	1,256.87	1,592.87	-336.00	-21.09%
6014.0 · Software Acquisition & Upgrades	3,092.11	3,434.25	-342.14	-9.96%
6015.0 · IT Monthly Maintenance	9,000.00	9,000.00	0.00	0.0%
6016.0 · Meeting Expense	532.55	838.44	-305.89	-36.48%
6019.0 · Subscriptions/Publications	744.88	1,395.81	-650.93	-46.64%
3 6020.0 · Advertising	5,074.74	630.04	4,444.70	705.46%
4 6021.0 · MISCELLANEOUS EXPENSES	55,397.06	587.81	54,809.25	9,324.31%
6022.0 · Accounting System Operation	3,158.15	4,373.48	-1,215.33	-27.79%
6023.0 · MAINTENANCE (Office and Auto)	8,783.87	10,375.71	-1,591.84	-15.34%
6025.4 · Facilities Repairs	2,611.00	929.39	1,681.61	180.94%
6040.0 · LEASES (Copier and Postal Machine)	7,052.05	7,110.56	-58.51	-0.82%
6065.0 · DIRECTOR EXPENSES	33.77	1,030.92	-997.15	-96.72%

	Sept 1, 2020 - May 31, 2021	Sept 1, 2019 - May 31, 2020	\$ Change	% Change
6066.0 · Directors Compensation	16,300.00	16,850.00	-550.00	-3.26%
6075.0 · DUES & MEMBERSHIPS	5,685.12	5,280.14	404.98	7.67%
6080.0 · EDUCATION AND OUTREACH	3,825.71	5,948.30	-2,122.59	-35.68%
6081.0 · REGULATORY COMPLIANCE	5,397.74	3,145.00	2,252.74	71.63%
6084.92 · GENERAL MANAGEMENT	10,078.85	1,480.00	8,598.85	581.0%
6089.0 · AQUIFER SCIENCE	10,807.06	26,525.33	-15,718.27	-59.26%
6100.0 · INSURANCE - DISTRICT	4,440.43	5,464.51	-1,024.08	-18.74%
6150.0 · INSURANCE - GROUP	96,456.01	105,769.48	-9,313.47	-8.81%
6160.0 · LEGAL SERVICES	77,428.95	84,179.45	-6,750.50	-8.02%
6168.11 · SOAH - EP	1,171.88	4,828.13	-3,656.25	-75.73%
5 6170.0 · PROFESSIONAL SERVICES	127,100.81	32,520.72	94,580.09	290.83%
6179.0 · LEGISLATION	26,000.00	8,000.00	18,000.00	225.0%
6180.0 · PROFESSIONAL DEVELOPMENT	2,814.78	6,440.60	-3,625.82	-56.3%
6199.0 · SALARIES AND WAGES	600,218.66	667,704.98	-67,486.32	-10.11%
6203.0 · TAXES & BENEFITS	87,613.25	95,519.36	-7,906.11	-8.28%
TOTAL EXPENSE	1,190,655.83	1,131,750.69	58,905.14	5.21%
NET INCOME	469,706.49	664,885.72	-195,179.23	-29.36%

CAPITALIZATION INDICATES ACCOUNTS THAT HAVE SUB-CATEGORIES. Those sub-categories have been collapsed.

- 1 TC ILA 25k and 50k and Hays Co 58k totals 133k. In next month's report, you will see added HTGCD 25k for a total of 158k. Not showing in 2021 because the 58k and HTGCD 25k (total 83,000) have been moved into a General Fund sub-account until used
- 2 Reduced to 1000 in recent budget revision.
- 3 GMA 9 DFC Ad (every five years).
- 4 SOAH EP refund (one-time only).
- 5 Election expense.

3. Balance Sheet - Previous Year Comparison

As of May 2021
(compared to May 2020)

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

As of May 31, 2021

	May 31, 2021	May 31, 2020	\$ Change	% Change
ASSETS				
Current Assets				
Checking/Savings				
1000.0 · Cash in Bank-Checking BB&T *	53,230.71	302,103.91	-248,873.20	-82.38%
1010.0 · Cash in Bank - Payroll BB&T	33,889.48	31,144.69	2,744.79	8.81%
1030.0 · TexPool Funds - General Account				
1030.1 · Aquifer Protection Reserve	52,050.00	52,050.00	0.00	0.0%
1030.2 · Deposits Held	0.00	61,560.00	-61,560.00	-100.0%
1030.21 · Cash Flow Reserve	350,000.00	150,000.00	200,000.00	133.33%
1030.3 · HC/HTGCD/BOR	83,000.00	0.00	83,000.00	100.0%
1030.0 · TexPool Funds - General - Operational Funds	342,760.31	353,703.81	-10,943.50	-3.09%
Total 1030.0 · TexPool Funds - General	827,810.31	617,313.81	210,496.50	34.1%
1040.0 · TexPool Funds - Contingency **	504,743.15	597,790.52	-93,047.37	-15.57%
1045.0 · TexPool Funds - Reserve	61,056.87	60,993.02	63.85	0.11%
Total Checking/Savings	1,480,730.52	1,609,345.95	-128,615.43	-7.99%
Accounts Receivable				
1200.0 · Accounts Receivable				
1200.1 · A/R DMF	-2,000.00	0.00	-2,000.00	-100.0%
1200.0 · Accounts Receivable - Other ***	328,363.85	24,479.17	303,884.68	1,241.4%
Total 1200.0 · Accounts Receivable	326,363.85	24,479.17	301,884.68	1,233.23%
Total Accounts Receivable	326,363.85	24,479.17	301,884.68	1,233.23%
Other Current Assets				
1100.0 · Petty Cash	300.00	300.00	0.00	0.0%
1300.0 · Pre-paid Expenses	4,354.60	4,710.97	-356.37	-7.57%
1499.0 · Undeposited Funds-A/R payments ****	0.00	15,858.06	-15,858.06	-100.0%
Total Other Current Assets	4,654.60	20,869.03	-16,214.43	-77.7%
Total Current Assets	1,811,748.97	1,654,694.15	157,054.82	9.49%

	May 31, 2021	May 31, 2020	\$ Change	% Change
Fixed Assets				
1400.0 · Field Equipment	376,487.89	376,487.89	0.00	0.0%
1410.0 · Office Equipment & Furniture	19,722.90	19,722.90	0.00	0.0%
1410.1 · Computer Hardware & Software	19,329.69	19,329.69	0.00	0.0%
1420.0 · Vehicles	78,339.03	78,339.03	0.00	0.0%
1430.0 · Accumulated Depreciation	-601,561.24	-601,561.24	0.00	0.0%
1440.0 · Land (Antioch Cave)	165,415.00	165,415.00	0.00	0.0%
1445.0 · Office Building	268,588.04	268,588.04	0.00	0.0%
Total Fixed Assets	326,321.31	326,321.31	0.00	0.0%
Other Assets				
1500.0 · Organizational Costs	300,783.26	300,783.26	0.00	0.0%
1510.0 · Accumulated Amortization	-326,324.26	-326,324.26	0.00	0.0%
1600.0 · Deposits Paid (Utilities)	71.00	71.00	0.00	0.0%
Total Other Assets	-25,470.00	-25,470.00	0.00	0.0%
TOTAL ASSETS	2,112,600.28	1,955,545.46	157,054.82	8.03%
LIABILITIES & EQUITY				
Liabilities				
Current Liabilities				
Other Current Liabilities				
2010.0 · Rebates Payable - Cons Credits	20,183.63	19,148.06	1,035.57	5.41%
2110.0 · Direct Deposit Liabilities	1,035.00	1,035.00	0.00	0.0%
2200.0 · Fica & Medicare Withheld	35.52	0.00	35.52	100.0%
2220.0 · Federal Income Tax Withheld	-1,035.01	-1,035.01	0.00	0.0%
2230.0 · Employer Fica & Med Payable	-103.73	-139.25	35.52	25.51%
2250.0 · TWC Unemployment Tax Payable	144.53	0.53	144.00	27,169.81%
2270.0 · Payroll Liabilities	0.09	0.09	0.00	0.0%
2300.0 · Accrued Vacation Payable	57,251.86	50,493.95	6,757.91	13.38%
Total Other Current Liabilities	77,511.89	69,503.37	8,008.52	11.52%
Total Current Liabilities	77,511.89	69,503.37	8,008.52	11.52%
Total Liabilities	77,511.89	69,503.37	8,008.52	11.52%

	May 31, 2021	May 31, 2020	\$ Change	% Change
Equity				
3000.0 · Fund Balance	1,199,954.64	855,729.11	344,225.53	40.23%
3000.3 · Invested in Capital Assets	365,127.26	365,127.26	0.00	0.0%
3110.0 · Reserve for Petty Cash	300.00	300.00	0.00	0.0%
Net Income	469,706.49	664,885.72	-195,179.23	-29.36%
Total Equity	2,035,088.39	1,886,042.09	149,046.30	7.9%
TOTAL LIABILITIES & EQUITY	2,112,600.28	1,955,545.46	157,054.82	8.03%

* The large difference is due to the timing of the 4th quarter CoA check for \$245,571 deposited on 5/28/2020. We have received the 4th quarter check currently, but it is to be deposited on June 2, 2021. See Accounts Receivable.

** Contingency decrease due to election expense.

*** This shows the 4th quarter CoA invoice but payment not posted yet.

**** This shows payments posted but not yet deposited.

A balance sheet is also called a 'statement of financial position' because it provides a snapshot of your assets and liabilities — and therefore net worth — at a single point in time (unlike other financial statements, such as profit and loss reports, which give you information about your business over a period of time).

4. Check Register

TRUIST BANK
May 1 – May 31, 2021

BARTON SPRINGS EDWARDS AQUIFER CONSERVATION DISTRICT
MONTHLY CHECK REGISTER
 May 1 - May 31, 2021

Type	Date	Num	Name	Memo	Amount	Balance
Check	05/04/2021	25880	Integritek	IT, Phone, Anti-virus, Office 365	-1,769.24	71,801.38
Check	05/04/2021	25881	National Ground Water Association	Annual Membership Dues & Water Well Journal Subscription	-800.00	70,032.14
Check	05/04/2021	25882	Staples	Office Supplies	-251.46	69,232.14
Check	05/04/2021	25883	Jan-Pro of Austin	April Office Cleaning Services	-260.00	68,980.68
Deposit	05/05/2021			Deposit (permittee production fees)	22,647.68	68,720.68
Liability Check	05/06/2021	EFT	Reliance Trust Company	Bi-weekly Retirement and Loan Pmt	-4,031.44	91,368.36
Liability Check	05/06/2021	EFT	United States Treasury	74-2488641 Employee Payroll Taxes	-8,398.21	87,336.92
Check	05/11/2021	25884	Brian Smith	Expense Reimb - Forum reg/GSA memb renewal/ASR conf reg	-312.00	78,938.71
Check	05/11/2021	25885	Office Depot, inc.	Supplies	-194.66	78,626.71
Check	05/11/2021	25886	Time Warner Cable	Internet Service	-145.74	78,432.05
Check	05/11/2021	25887	Barton Publications	Public Hearing Ad - DFCs	-353.00	78,286.31
Check	05/11/2021	25888	Orsak Landscape Services	Landscape Services	-67.00	77,933.31
Check	05/11/2021	25889	BB&T / Truist	Various CC Charges (TAGD Registration, Subaru Battery)	-3,812.34	77,866.31
Transfer	05/13/2021			Funds Transfer to Payroll	-24,000.00	74,053.97
Check	05/18/2021	25890	CIT Technology Fin Serv, Inc	Copier Lease	-675.00	50,053.97
Check	05/18/2021	25891	Austin Pump and Supply	Equipment Repair (downhole camera)	-1,632.00	49,378.97
Check	05/18/2021	25892	SledgeLaw Group	April - Monthly Legislative Fee	-4,000.00	47,746.97
Check	05/18/2021	25893	Reserve Account	Postage Replenishment	-300.00	43,746.97
Check	05/18/2021	25894	Ready Refresh by Nestle	Water Cooler Rental	-65.87	43,446.97
Check	05/18/2021	25895	City of Austin	Water Utilities	-19.28	43,381.10
Check	05/18/2021	25896	Austin American-Statesman	GMA 9 DFC Advertisement	-4,286.24	43,361.82
Check	05/18/2021	25897	Fidelity Security Life Insurance Co.	June Supplemental Gap Insurance Premium	-989.94	39,075.58
Check	05/18/2021	25898	Bickerstaff	Legal - General Matters, EP, TESP	-6,007.50	38,085.64
Transfer	05/18/2021			Funds Transfer (replenish low checking balance)	60,000.00	32,078.14
Liability Check	05/20/2021	EFT	Reliance Trust Company	Bi-weekly Retirement and Loan Pmt	-4,031.44	92,078.14
Liability Check	05/20/2021	EFT	United States Treasury	74-2488641 Employee Payroll Taxes	-8,398.31	88,046.70
Liability Check	05/20/2021	25899	AFLAC	Employee-paid Supplemental Insurance	-146.69	79,648.39
						79,501.70

Type	Date	Num	Name	Memo	Amount	Balance
Liability Check	05/20/2021	25900	United Healthcare	Health Insurance Premium - June	-11,164.65	68,337.05
Liability Check	05/20/2021	25901	Sun Life Financial	Dental/Vision/Life Insurance Premium - June	-1,256.05	67,081.00
Liability Check	05/20/2021	5202021	United States Treasury	74-2488641 Directors Compensation Liability Taxes	-303.80	66,777.20
Check	05/25/2021	25902	Exxon Mobil Business Card	Gasoline	-75.17	66,702.03
Check	05/25/2021	25903	Pedernales Electric Cooperative	Electricity	-360.64	66,341.39
Check	05/25/2021	25904	Waste Management of Texas, Inc.	Trash and Recycling Service	-504.08	65,837.31
Check	05/25/2021	25905	Intera Incorporated	GMA 10 Joint Planning Consulting November 2020-Apr 2021	-3,192.00	62,645.31
Deposit	05/26/2021			Deposit (permittee production fees)	15,646.60	78,291.91
Transfer	05/27/2021			Funds Transfer to Payroll	-25,000.00	53,291.91
Liability Check	05/28/2021	5282021	United States Treasury	74-2488641 Director Compensation Liability Tax CS	-61.20	53,230.71
TOTAL					-18,570.67	53,230.71

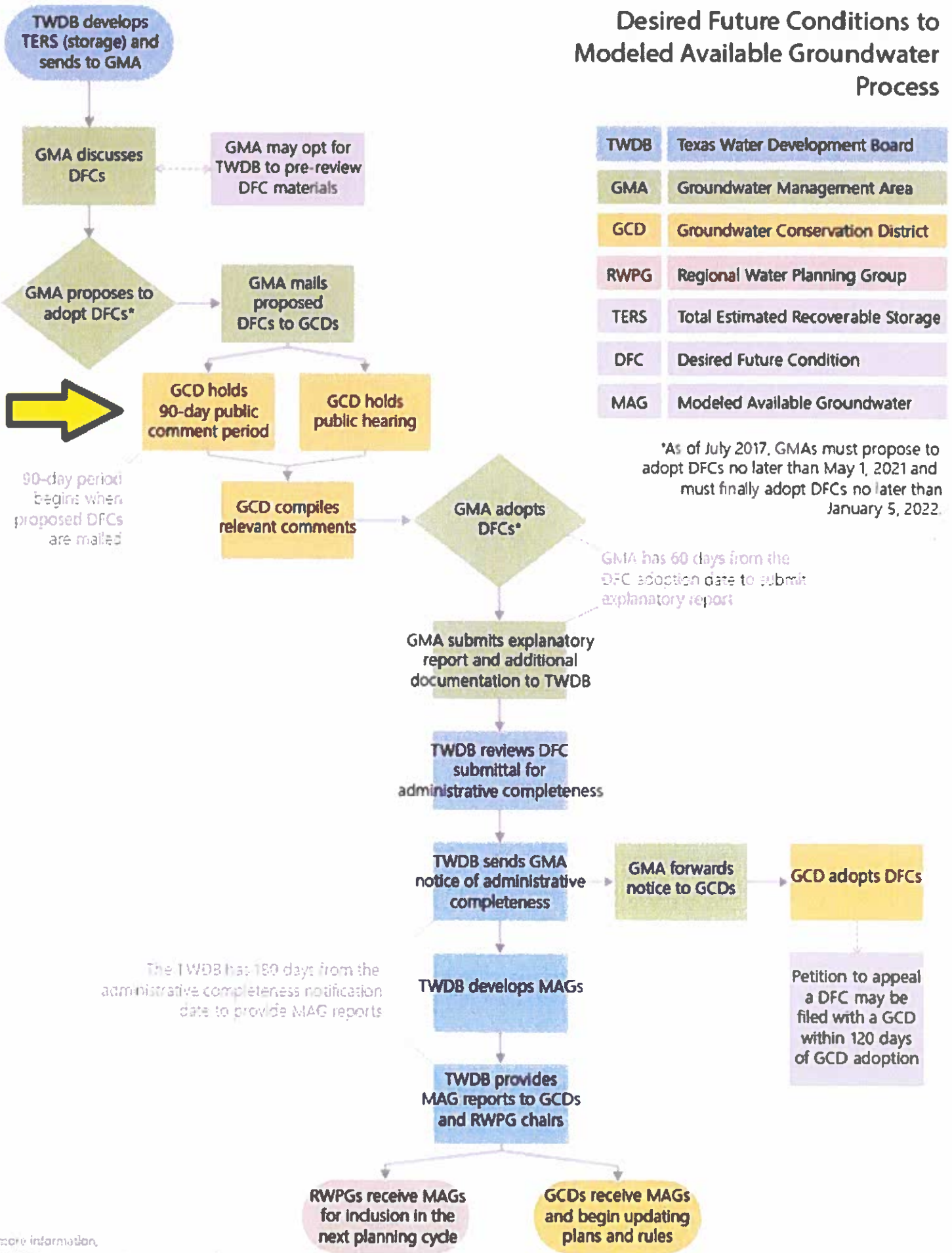
Item 4

Public Hearing

GMA 10 DFCs

The District will hold a public hearing on: 1) proposed Desired Future Conditions (DFCs) for the Austin Chalk (Uvalde County), Buda Limestone (Uvalde County), Edwards (BFZ) San Antonio Segment within Edwards Aquifer Authority, Freshwater Edwards Aquifer (BFZ) Northern Subdivision, Freshwater Edwards Aquifer Western Subdivision (Kinney County), Saline Edwards Aquifer (BFZ) Northern Subdivision Zone, Leona Gravel (Uvalde County) and 2) proposed Non-Relevant Aquifer classification for the Trinity (Plum Creek Conservation District) adopted by GMA-10. The Board will accept oral comment, testimony, and written documentation and information relevant to the proposed DFCs and Non-Relevant Aquifer Classifications.

Desired Future Conditions to Modeled Available Groundwater Process



TWDB	Texas Water Development Board
GMA	Groundwater Management Area
GCD	Groundwater Conservation District
RWPG	Regional Water Planning Group
TERS	Total Estimated Recoverable Storage
DFC	Desired Future Condition
MAG	Modeled Available Groundwater

*As of July 2017, GMA's must propose to adopt DFCs no later than May 1, 2021 and must finally adopt DFCs no later than January 5, 2022.

For more information, see Texas Water Code Section 36.108 or visit www.twdb.texas.gov/groundwater/dfc/index.asp.

Barton Springs Edwards Aquifer Conservation District

1124 Regal Row Austin, TX 78748

(512) 282-8441

mredman@bseacd.org

April 23, 2021

To: The Board President and/or the Designated Representative of the Barton Springs Edwards Aquifer conservation District, Comal Trinity Groundwater Conservation District, Edwards Aquifer Authority, Kinney County Groundwater Conservation District, Medina County Groundwater Conservation District, Plum Creek Conservation District, Southwestern Travis County Groundwater Conservation District and Uvalde County Underground Water Conservation District

From: Michael Redman, Chairman of GMA-10

RE: Approval of Proposed Desired Future Conditions by GMA-10, and Public Hearing Process

Dear Board Presidents or Designated Representatives,

In accordance with Texas Water Code Chapter 36.108(d-2), you are hereby notified that, during an Open Meeting held on April 20, 2021, GMA-10 voted and approved for distribution of the following Proposed Desired Future Conditions (DFC) for GMA-10 regional groundwater planning purposes.

Groundwater Management Area 10 Proposed Desired Future Conditions and Relevant Aquifer Designations

Aquifer	2021 Desired Future Conditions
Austin Chalk (Uvalde County)	No drawdown (including exempt and non-exempt use).
Buda Limestone (Uvalde County)	No drawdown (including exempt and non-exempt use).
Freshwater Edwards Aquifer (BFZ) Northern Subdivision	Springflow at Barton Springs during average recharge conditions shall be no less than 49.7 cubic feet per second averaged over an 84 month (7-year) period; and during extreme drought conditions, including those as severe as a recurrence of the 1950s drought of record, springflow of Barton Springs shall be no less than 6.5 cubic feet per second averaged on a monthly basis.
Saline Edwards Aquifer (BFZ) Northern Subdivision Zone	No more than 75 feet of regional average potentiometric surface drawdown due to pumping when compared to pre-development conditions;
Edwards (BFZ) San Antonio Segment within Edwards Aquifer Authority	Desired future conditions and modeled available groundwater for the Edwards Aquifer within jurisdiction of the Edwards Aquifer Authority are set by the Texas Legislature (Act of May 28, 2007, 80th Leg., R.S., ch. 1351, § § 2.02 and 2.06, 2007 Tex. Gen. Laws, 4612, 4627, and 4627; Act of May 28, 2007, 80th Leg., R.S. ch.

	1430, § § 12.02 and 12.06, 2007 Tex. Gen. Laws 5848, 5901, and 5903). The DFCs are specified in Sections 1.14(a), (f), (h), and 1.26 of the Edwards Aquifer Authority Act. The DFCs are specified in Sections 1.14(a), (f), (h), and 1.26 of the Edwards Aquifer Authority Act, and relate to levels in index wells (J-17 in the San Antonio pool and J-27 in the Uvalde pool) or flows in the Comal Springs and San Marcos Springs. Refer to the Edwards Aquifer Authority Groundwater Management Plan for details.
Freshwater Edwards Aquifer Western Subdivision (Kinney County)	Water level in well number 70-38-902 shall not fall below 1184 feet mean sea level.
Leona Gravel (Uvalde County)	No drawdown (including exempt and non-exempt use).
Trinity	Outside of Uvalde and Bexar Counties: Average regional well drawdown not exceeding 25 feet during average recharge conditions (including exempt and non-exempt use) In Uvalde County: No (zero) regional well drawdown (including exempt and non-exempt use) In Bexar County: Non-relevant for joint planning purpose
Trinity (Plum Creek Conservation District)	Declared Non-relevant

This letter will be mailed today, April 23, 2021. This mailing will trigger a Public Hearing process that will last a minimum of 90 days. GMA 10 has proposed that this period extend from Friday, April 23, 2021 through Thursday, July 22, 2021, a total of 91 days.

During the public comment period and after posting notice as required by Section 36.063 and 36.101(d), each District shall hold a public hearing on any proposed Desired Future Conditions relevant to that District. During the public comment period, the District shall make available in its office a copy of the proposed desired future conditions and any supporting materials, such as the documentation of factors considered under Chapter 36.108(d) and groundwater availability model run results. After the public hearing, the District shall compile for consideration at the next joint planning meeting a summary of relevant comments received, any suggested revisions to the proposed desired future conditions, and the basis for the revisions.

Supporting documents, including those developed by the GMA-10 Explanatory Report consulting team, relevant GAM runs, etc. will be provided to each GCD.

Please feel free to call or email me if you have any questions.

Michael Redman,
Chairman, GMA 10

Item 5

Presentation

- a. Presentation related to an update from Brian Zabcik with 'No Dumping Sewage' organization.**

Item 6

Board Discussions and Possible Action

- a. Discussion and possible action on permittee's monthly drought compliance.**

Item 6

Board Discussions and Possible Actions

b. Discussion and possible action on a Drilling Authorization extension request for Gragg Tract LP to drilling a Lower Trinity well.

May 19, 2021

Ms. Vanessa Escobar
Regulatory Compliance Coordinator
Barton Springs Edwards Aquifer Conservation District 1124 Regal Row
Austin, TX 78745

Re: Board Approval of a Well Drilling Authorization Application submitted by Gragg Tract LP to drill a well in the Lower Trinity Aquifer and to be used for mixed use development, which may include public water supply use and irrigation

Dear Ms. Escobar,

On July 9, 2020, the Barton Springs Edwards Aquifer Conservation District Board of Directors approved a Well Drilling Authorization submitted by Gragg Tract LP, and provided correspondence to Gragg Tract LP to the same effect via regular mail on July 13, 2020.

The July 13, 2020, correspondence also notifies Gragg Tract LP that the Well Drilling Authorization is due to expire on July 9, 2021.

We are requesting an extension of the Well Drilling Authorization of one (1) year to July 9, 2022, based on the following good cause:

- The world-wide COVID-19 epidemic has slowed down the production of both goods and services creating difficulty in the acquisition of materials and in the acquisition of professional engineering and financial services.
- The delay in certain engineering services could potentially impact the uses envisioned by the project, the physical location of project infrastructure, or other project components that could impact the water demand and/or the precise location of the well.

Thank you for your prompt attention to this matter and your continued vigilance in managing our local groundwater resources.



William S. Walters, III

CC: Kevin Langford, *via electronic transmission*

Item 6

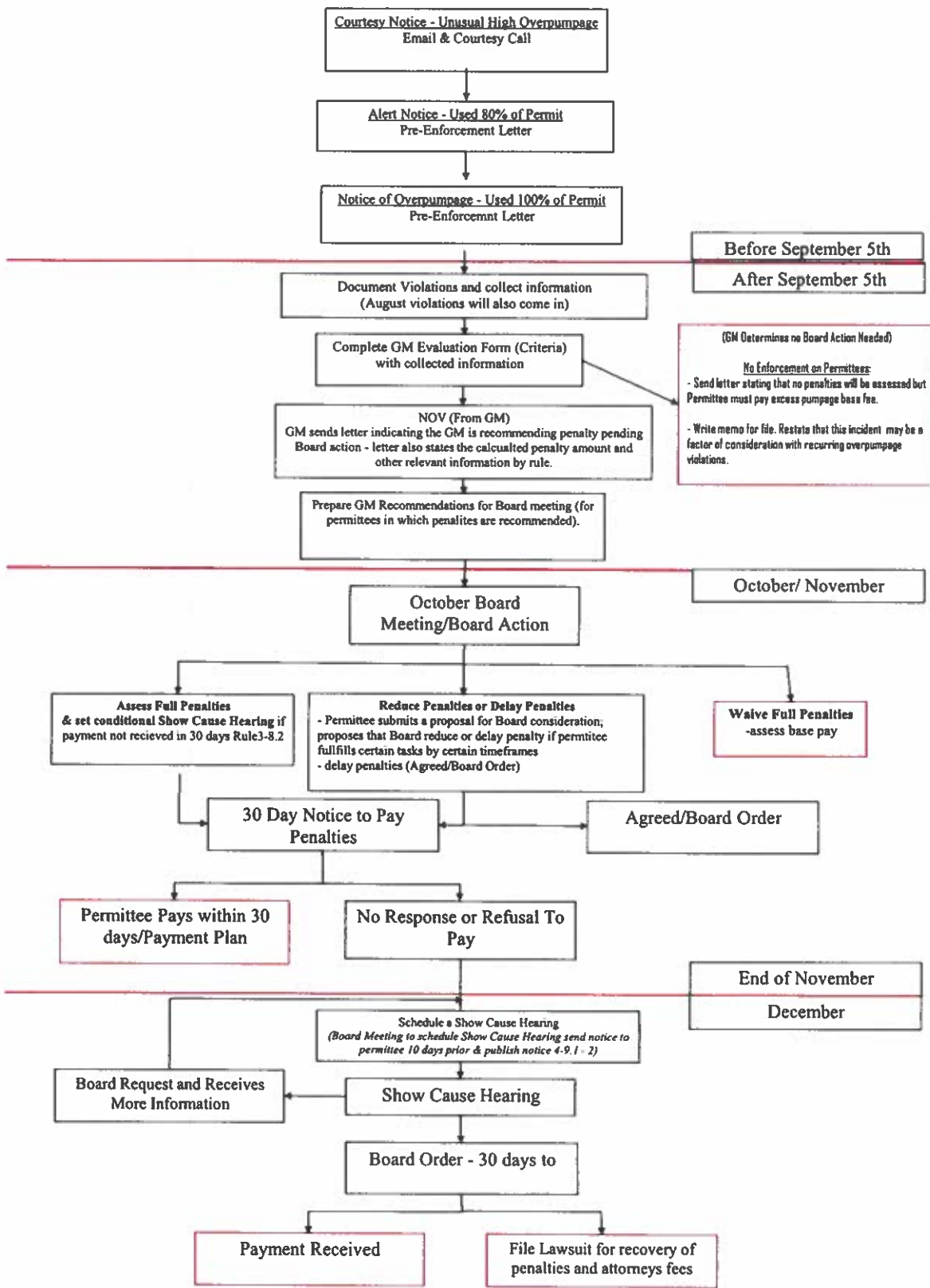
Board Discussions and Possible Actions

c. Discussion and possible action on rule making efforts.

Standard Rulemaking Process

1. **Assess the drivers for Rules**
 - Discuss the need for rule additions or rule modifications or policy development.
 - What are the issues we are trying to address? Think about how we get to the solutions?
2. **Concept Exploration (Internal Staff + Legal)**
3. **Discuss Rule Concepts with Board Committee**
 - Describe the concept areas that are being explored.
 - Seek feedback and guidance. Get Board direction to write Rules or craft policy ideas.
4. **Workgroups and Stakeholder Discussions (for Major Technical Rule Changes)**
5. **Draft Rule Language**
 - Write, review, rewrite
 - Technical review/ Legal Review
6. **Present Draft Rule Language to Board Committee or Board**
 - Present draft Rule Language and draft policies
 - Consider Board Input; revise draft rules as necessary
7. **Present Draft Rule Language to Stakeholder Groups (for Major Technical Rule Changes)**
 - Consider stakeholder input; revise draft rules as necessary
8. **Post Rules for Comment Period (20-day comment period)**
9. **Public Hearing on Rules/ Adoption**

Enforcement Procedure & Process for Annual Over Pumpage Violations



BS/EACD Enforcement Plan

(Adopted by the Board on 6-25-09, [07-08-21](#))

The purpose of this enforcement plan is to establish a structure with procedures and guidelines within which the District General Manager (GM) will make decisions relative to the initiation, pursuit, and resolution of enforcement efforts in response to violations of the Barton Springs - Edwards Aquifer Conservation District (District) Rules and Bylaws. The plan is not binding upon the District Board of Directors when acting as the final decision makers in contested cases. The Board of Directors is only bound by the limitations imposed by the District Rules and Bylaws; State statutes, specifically including Chapter 36 of the Texas Water Code; and the District's enabling legislation, [Chapter 8802 Texas Special Districts Local Law Code SB 988 of the 70th Legislature](#).

1.0 Enforcement Policy

This plan shall constitute the general policy and procedures of the District in all matters relating to compliance, enforcement, and litigation. This policy does not restrict the District from taking any other actions ordered by the Board of Directors, nor does this policy create any procedural rights for any person inside or outside the District's jurisdiction. It is the policy of the District to file suit to enforce its rules only as a last resort.

2.0 Rule References

The Enforcement Plan conforms to the District Rules and Bylaws currently in effect. It will be modified, if and as necessary, to conform to future rules changes approved by the Board.

3.0 General Enforcement Procedures

District enforcement efforts shall be conducted in accordance with the procedures described below. These procedures will be used during the period before litigation is initiated, unless there is a nearly certain and imminent danger to public health or the environment. **Figure 1** depicts the general [enforcement](#) procedures in a process flowchart form. [Figure 2 depicts the enforcement procedures for annual overpumpage in a process flowchart form.](#) The enforcement protocol for violations of drought management rules [and for violations of the over pumpage rules specifically](#), which [are](#) consistent with these procedures, [are](#) elaborated in the Appendix to this Plan.

3.1 Complaint Received/Violation Discovered

If a complaint is received or an alleged violation is reported, staff shall obtain sufficient preliminary information to determine if further investigation is necessary:

- Does the District have jurisdiction over the matter?
- Is there enough reliable information to proceed with an investigation?

Once this is determined, staff may proceed with an investigation. Investigations may also be initiated if staff discovers a violation that satisfies these criteria.

Figure 1 - BSEACD General Enforcement Process

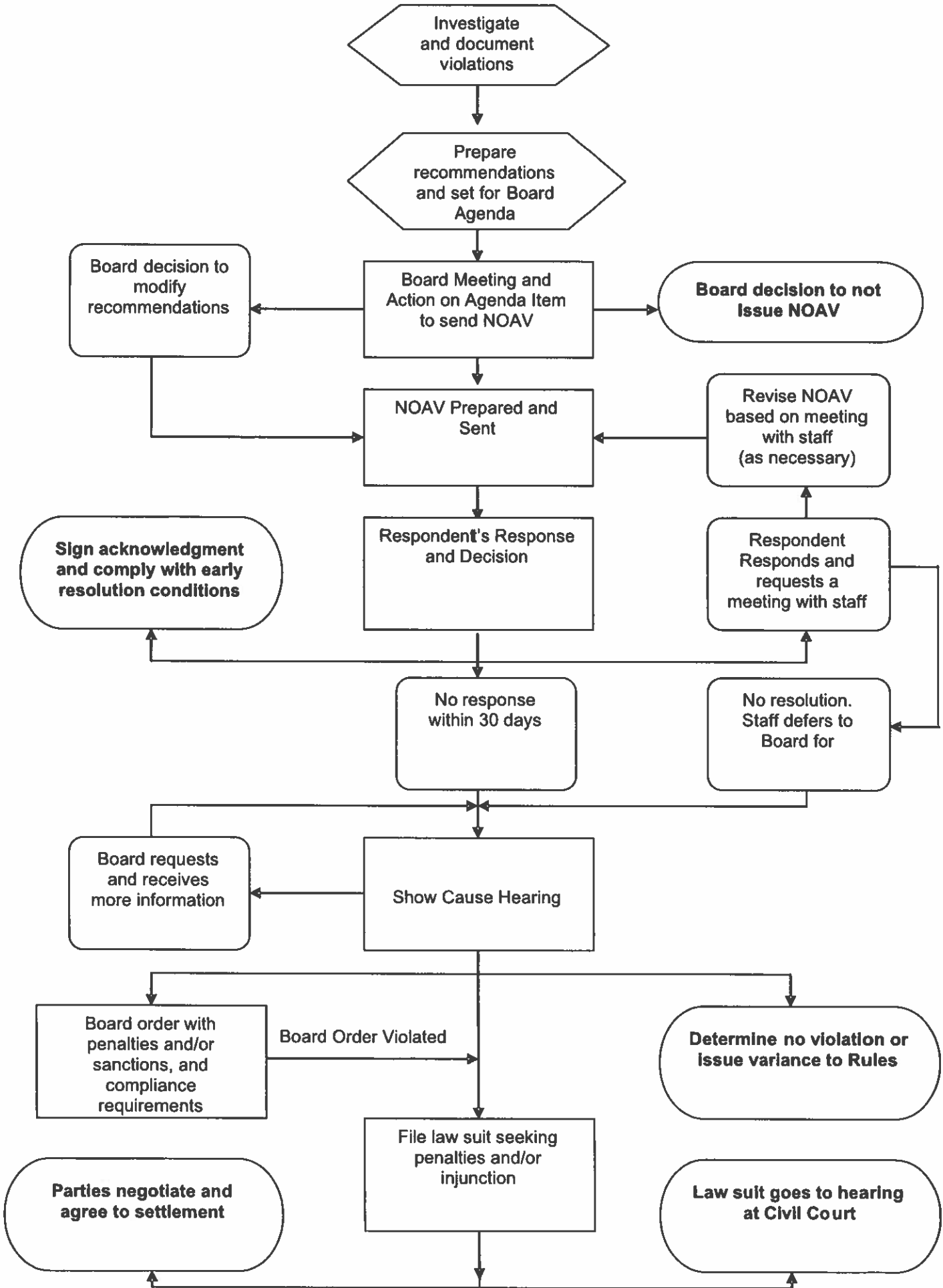
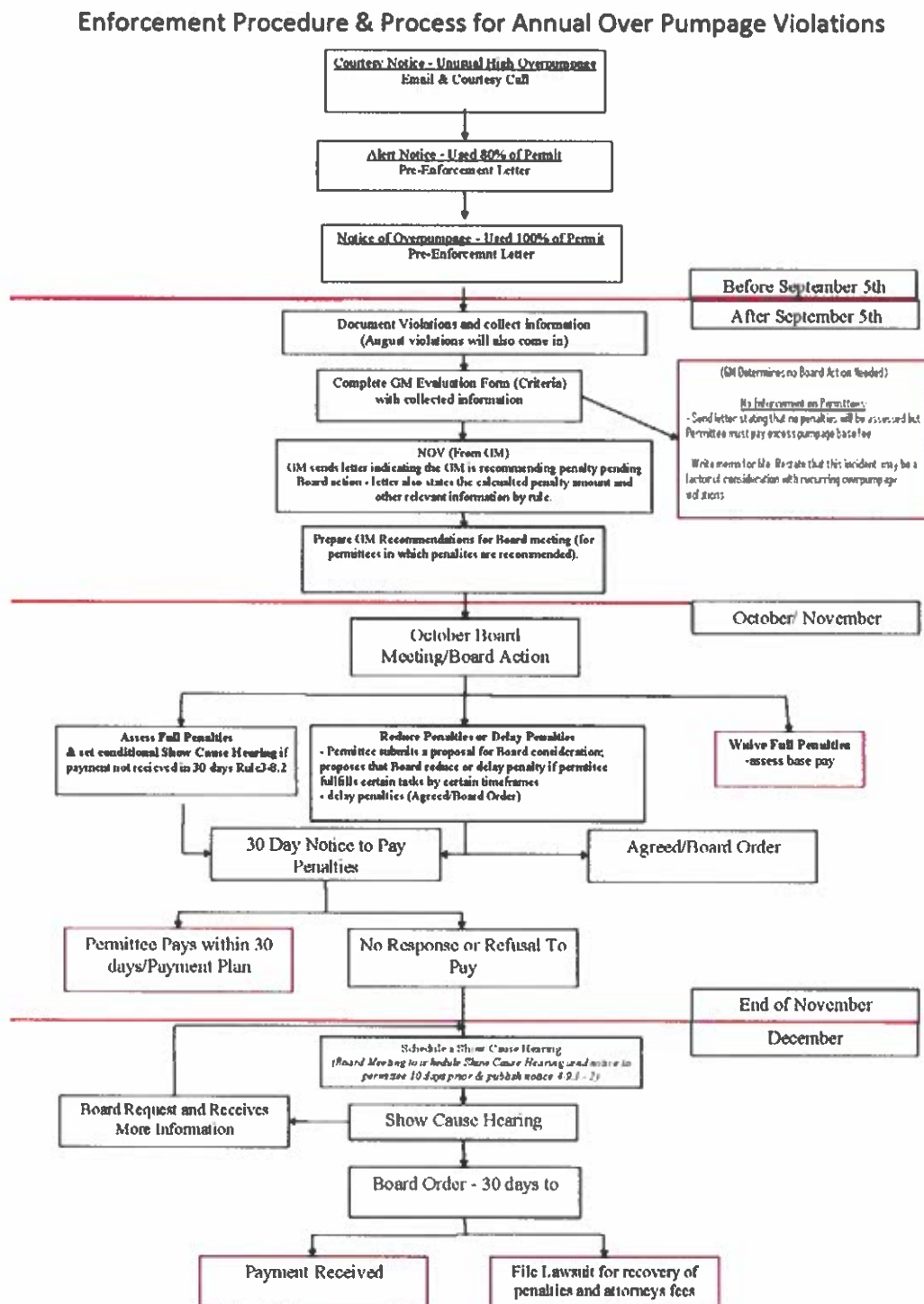


Figure 2 –Enforcement Procedures and Process for Annual Overpumpage Violations



3.2 Conduct of Investigation

Investigations shall be conducted by staff in accordance with District Rule 3-8.3. Once the determination has been made to proceed with an investigation, staff shall conduct a full investigation and provide a written report with all of the pertinent findings and information to include:

- Basic Information (i.e. Respondent/Permittees name, contact information, well location if applicable, etc.);
- Investigation Summary;
- Alleged Violations;
- Chronology of Pertinent Events; and
- Pertinent Documentation.

Upon completion of the investigation report, the GM shall determine if sufficient information exists to support Board discussion and possible action related to the issuance of a Notice of Alleged Violation (NOAV).

3.3 Board Action

Should the GM make this determination, the matter will be set on the Board's regular meeting agenda for possible Board action. Staff shall prepare the appropriate materials to be provided with the backup for the next available board meeting to include the investigation report and staff's recommendations. Staff recommendations should include:

- recommended action (i.e. issuance of NOAV);
- indicated penalties for each alleged violation;
- possible sanctions and/or compliance requirements; and
- prospective early resolution conditions.

Penalties recommended by the staff shall be determined in accordance with the *Violations and Penalty Assessment Guidelines* (see Section 4 below) and shall include a discussion of the factors used to determine what amount within the specified penalty range was chosen. Early resolution conditions shall be included to provide an option and an incentive for more or less immediate resolution and compliance, before litigation. The GM will generally recommend a reduced penalty associated with an early resolution incentive based on a 50-75% reduction of the recommended penalty amounts. A reduction outside of this range may also be recommended if appropriate.

If the Board determines that the violations are not substantiated and that an NOAV should not be prepared and sent, the case will then either be investigated further or considered closed, at the Board's direction. Otherwise, staff will prepare an NOAV incorporating the staff recommendations or modify the allegations and conditions in accordance with the instructions provided by the Board.

3.4 Notice of Alleged Violation

Staff will send an NOAV with the Board-approved allegations, penalties, and conditions and a 30 day response time. The NOAV shall also offer an early resolution incentive that shall include an acknowledgment of the violations to be signed by the Respondent, a reduced penalty amount, and a commitment to all necessary compliance requirements. The option for early resolution shall only be available if the acknowledgment is signed and the penalties are paid within the 30-day response time. ~~This requirement will be included in proposed rule-making.~~

Upon receipt of the NOAV, the Respondent has the option to accept the conditions of the early resolution offer and resolve the case or to contact staff and arrange a meeting for the purpose of discussing the alleged violations. If a meeting is scheduled, staff may modify the original NOAV as necessary based on the discussions or may defer to a public hearing for a Board decision on the matter. If no response is received within the response time, the case will default to a public hearing for a Board decision on the matter. Pursuant to Rule 3-8.2, the public hearing (Show Cause Hearing) is a hearing where the Respondent will be cited to appear before the Board to show cause why an enforcement action should not be initiated.

3.5 Notice of Violation

After the District reviews monthly production reports to determine when actual production volume exceeds annual authorized volume, the General Manager shall determine whether a Notice of Violation (NOV) is warranted. Each NOV documents a permit violation for over pumping, the amount over pumped, and the amount of daily penalties that may be assessed for each day of over pumping as determined using methodology below.

3.6 Show Cause Hearing

A Show Cause Hearing ~~may~~shall be conducted 1) for all cases not resolved after the issuance of an NOAV, and 2) for all cases where no response to the NOAV was received before the expiration of the response timeframe. At the hearing, staff shall provide the investigation report, pertinent documentation, and testimony to the Board to substantiate the alleged violations. A Show Cause Hearing will follow the contested hearing rules, including notice requirements, under Bylaw 4-9. The Respondent will also have an opportunity to participate and present evidence to show cause to the Board why an enforcement action should not be initiated. The enforcement action(s) by the Board that may result from a show-cause hearing include both seeking of civil penalties to be assessed by a court and/or authorizing sanctions for permittees including written warnings, reprimands, suspension, or revocation of a permit.

On the basis of evidence presented at the hearing, the Board may: 1) dismiss the NOAV because it determines that no violations have occurred; 2) grant a Variance to the District rules; 3) issue an order that amends, revokes, suspends, or otherwise modifies the permit; or 4) file a lawsuit seeking civil penalties and injunction. If a Variance is sought by the Respondent, the Respondent must request the Variance in advance of hearing and also satisfy all of the specified criteria in accordance with Rule 3-1.25 or 3-7.10 to obtain a Variance. The Board may also request additional information and reconsider the additional information once received at a subsequent Show Cause Hearing at a later date.

3.76 Board Order/Civil Suit

If the Board determines that an enforcement action should be initiated, a Board Order will be issued that outlines the findings and either initiates a lawsuit or specifies the appropriate penalties, compliance requirements, and/or sanctions resulting from the Show Cause Hearing. In the latter instance, if the Board Order is violated, the District will send a Notice of Intent to Sue to initiate legal proceedings against the Respondent in District Court. The lawsuit will generally seek civil penalties, court costs, attorney's fees, and/or injunctive relief. Once a lawsuit is initiated, the parties may at that point negotiate a settlement. If a settlement is not negotiated, the lawsuit will go forward in civil court.

4.0 Violations and Penalty Assessment Guidelines

The Barton Springs/Edwards Aquifer Conservation District (the District) may pursue enforcement penalties in addition to other District compliance efforts and options. Pursuant to Section 3-8.9 of the District's Rules, the District may assess penalties for each act of violation and for each day of violation, and each day a violation continues may be considered a separate, specific violation. Multiple violations of District Rules may result in the assessment of multiple penalties. Pursuit of a penalty outside of the penalty matrix may be permitted only with the express approval of the Board when exceptional circumstances warrant a departure from the Guidelines. Penalties assessed under these Guidelines may be waived by the District Board, following completion by the violator of one or more conservation projects approved by the District. Provisions associated with assessment and pursuit of penalties will be included in proposed rule-making.

4.1 Penalty Assessment Criteria – for General Violations: In determining the amount of a civil penalty to be assessed within the ranges presented, the District will consider the following factors:

- (1) The severity or seriousness of the violation;
- (2) Whether the violation was willful, intentional, or could have been reasonably anticipated and avoided;
- (3) Whether the violator acted in good faith to avoid or mitigate the violation in a timely and reasonable fashion or to correct the violation after it became apparent;
~~(3) Whether the violator acted in good faith to avoid or mitigate the violation, or to correct the violation after it became apparent and compensate those affected;~~
- (4) Whether there was economic gain obtained by the violator through the violation;
~~(4) The economic gain obtained by the violator through the violation;~~
- (5) Whether similar violations have been committed in the past or there is history of non-compliance;
~~(5) Whether similar violations have been committed in the past;~~
- (6) Whether the amount is necessary to deter future violations; and
~~(6) The amount necessary to deter future violations;~~

(7) Any other matter that justice may require;

The Board may also choose to assess sanctions, including permit suspension or revocation, based on the consideration of these factors. Provisions of this subsection will be included in proposed rule-making.

4.1.12 Enforcement & Penalty Assessment Criteria – for Annual Overpumpage Violations:
In determining the amount of a civil penalty to be assessed within the ranges presented, the District will consider the following factors:

1. The severity, egregiousness, or seriousness of the overpumpage violation;
2. Whether the overpumpage violation was willful, intentional, or could have been reasonably anticipated and avoided;
3. Whether the violator acted in good faith to avoid or mitigate the overpumpage violation in a timely and reasonable fashion or to correct the overpumpage violation after it became apparent;
4. Whether there was economic gain obtained by the violator through the overpumpage violation;
5. Whether similar overpumpage violations have been committed in the past or there is history of non-compliance;
6. Whether the overpumpage violation occurred during a drought year or during months that were trending down towards drought;
7. Whether there were alternative sources or alternative solutions to overpumpage violation at the permittee's disposal;
8. Whether the amount is necessary to deter future overpumpage violations;
9. Whether additional conservation measures were put into place/operational practices;
10. Whether there was/is a financial burden on permittee to fix overpumpage violation;
11. Whether there will be a financial burden on permittee to operate if assessed penalties fees, and
12. Any other matter that justice may require.

~~Any other matter that justice may require.~~ The Board may also choose to initiate enforcement actions to suspend, cancel, revoke, or otherwise restrict and limit a permit and/or assess penalties for pumpage in excess of authorized volume, as appropriate and warranted assess sanctions, including permit suspension or revocation, based on the consideration of these factors.

4.2 Violations by Type and Penalty Ranges

The violations and associated ranges of penalties in the subsections below, including the tiers of non-compliance with drought provisions shown in the Appendix for targeting enforcement activities, will be included in proposed rule-making.

4.2.1 General Violations: Violations of District Rules not covered by other penalty categories, including but not limited to the following specific Rules:

- § 3-1.1: failure to register wells;
- §§ 3-1.11(E),
3-1.15, 3-8.87: failure to timely report or failure to report accurate pumpage reports and water-quality reports for non-exempt wells;
- § 3-1.11(F): failure to provide access to well site during normal business hours or emergencies, or the failure to cooperate fully in any reasonable inspection of the well site or in any well monitoring or sampling by the District;
- § 3-1.16(C): non-payment of fees following past due notice by District;
- § 3-5.1: failure to register abandoned, open or uncovered well; and
- § 3-6.7: failure to prepare, adopt or implement a user conservation plan.

Penalty Range: \$50-\$250 per violation per day

4.2.2 Well Violations: Violations of District Rules relating to the drilling and operation of wells, including but not limited to the following specific Rules:

- §§ 3-1.2,
3-1.4, 3-4.1: constructing a well, drilling a well, modifying a well, completing a well, changing type of well use, performing dye tracing operations on a well, plugging a well, abandoning a well or altering well size without District authorization or advance notice;
- § 3-1.3: pumping from or operation of non-exempt wells without a permit;
- § 3-2.1: failure to employ water meter where required;
- § 3-4.4: failure to drill or complete a well in accordance with State well construction standards, District Rules, and/or District Well Construction Standards
- § 3-4.5: installation of pump and /or equipment on wells not registered with the District; and
- § 3-5.3: failure to plug or cap abandoned, open or uncovered wells in accordance with District Rules and Well Construction Standards.

Penalty Range: \$250-\$500 per violation per day

4.2.3 Falsification/Tampering Violations: Violations of District Rules relating to the falsification of information provided to the District regarding pumping from and monitoring of the groundwater, including but not limited to the following specific Rules:

- § 3-1.4: falsifying information in application for well registration, permits, or well drilling or modification authorization;

- § 3-2.4: false reporting or logging of meter reading, intentionally tampering with or disabling a meter, or similar actions to avoid accurate reporting of groundwater use and pumpage; and,
- § 3-2.5: tampering with, altering, damaging, or removing a water meter seal or tag.

Penalty Range: \$500 – \$1,000 per violation per day

4.2.4 Waste/Pollution Violations: Violations of District Rules relating to the sealing of abandoned, open or uncovered wells, the wasteful use of groundwater, and the pollution of the groundwater, including but not limited to the following specific Rules:

- § 3-3.1, 3-3.2, 3-3.5: producing or using groundwater in such a manner or under such conditions as to constitute waste;
- § 3-3.3: causing or allowing the introduction of saline-water pollutants or other deleterious matter from another stratum, from the surface of the ground, or from the operation of a well;
- § 3-3.4: causing or allowing pollutants to enter the groundwater reservoir through recharge features, whether natural or manmade; and,
- § 3-5: failure to properly plug or cap an abandoned, open, or uncovered well allowing pollutants to enter the groundwater reservoir through an improperly sealed or capped well.

Penalty Range: \$500 - \$1,000 per violation per day

4.2.5 Overpumpage Violations: Violations of District Rules relating to exceeding the annual production amount volume amounts, specific to Rule:

§ 3-8.5, 3-8.7 exceeds the volume amount authorized to be withdrawn in accordance with the Production Permit issued by the District based on their meter readings.

Penalty Range: \$50 - \$1,000 per violation per day

TIER 1		<u>Daily Penalties for percent pumped in excess of permitted volume</u>					
		<u><10%</u>	<u>≥10% and <25%</u>	<u>≥25% and <50%</u>	<u>≥50% and <100%</u>	<u>≥100% and <150%</u>	<u>≥150%</u>
<u>Annual Permitted Amount in million gallons per year (mgv)</u>	<u>< 4 mgv</u>	<u>\$50</u>	<u>\$70</u>	<u>\$90</u>	<u>\$120</u>	<u>\$160</u>	<u>\$210</u>
	<u>≥4 and <8 mgv</u>	<u>\$55</u>	<u>\$75</u>	<u>\$95</u>	<u>\$125</u>	<u>\$165</u>	<u>\$215</u>
	<u>≥8 and <12 mgv</u>	<u>\$60</u>	<u>\$80</u>	<u>\$100</u>	<u>\$130</u>	<u>\$170</u>	<u>\$220</u>

TIER 2		Daily Penalties for percent pumped in excess of permitted volume				
		<u><10%</u>	<u>≥10% and <25%</u>	<u>≥25% and <50%</u>	<u>≥50% and <100%</u>	<u>≥100%</u>
Annual Permitted Amount in million gallons per year (mg/y)	<u>≥12 and <25 mg/y</u>	<u>\$100</u>	<u>\$125</u>	<u>\$150</u>	<u>\$195</u>	<u>\$260</u>
	<u>≥25 and <50 mg/y</u>	<u>\$105</u>	<u>\$130</u>	<u>\$155</u>	<u>\$200</u>	<u>\$265</u>
	<u>≥50 and <100 mg/y</u>	<u>\$110</u>	<u>\$135</u>	<u>\$160</u>	<u>\$205</u>	<u>\$270</u>
	<u>≥100 and <120 mg/y</u>	<u>\$115</u>	<u>\$140</u>	<u>\$165</u>	<u>\$210</u>	<u>\$275</u>

TIER 3		Daily Penalties for percent pumped in excess of permitted volume				
		<u><10%</u>	<u>≥10% and <25%</u>	<u>≥25% and <50%</u>	<u>≥50%</u>	
Annual Permitted Amount	<u>≥120 and <240 mg/y</u>	<u>\$200</u>	<u>\$400</u>	<u>\$600</u>	<u>\$900</u>	
	<u>≥240 and <360 mg/y</u>	<u>\$250</u>	<u>\$450</u>	<u>\$650</u>	<u>\$950</u>	
	<u>≥360 mg/y</u>	<u>\$300</u>	<u>\$500</u>	<u>\$700</u>	<u>\$1,000</u>	

4.2.6 Drought Violations: Penalties for the violations of District Rules §§3-1.11(E), 3-1.15, 3-2.4, 3-3, and 3-8.87 will be assessed in accordance with the ranges specified above during Alarm Stage Drought and at twice that amount during Critical Stage Drought. Violations of District Rules relating to the implementation of user drought contingency measures and other drought related violations, including but not limited to the following specific rules:

§3-7.5 Failure to implement measures of the user drought contingency plan

Penalty Range: \$250 - \$500 per violation per day and at twice the amount during Critical Stage Drought

§3.7.7 Failure to reduce pumpage during District declared drought in accordance with monthly pumpage limits of the UDCP

Penalty Range: Penalties for violations of 3-3.7 shall be determined on a monthly basis, with each month constituting a new violation. Daily penalties shall be assessed according to the following penalty matrices:

Daily Penalties During Alarm Stage Drought			
Rule 3-7.7.B(1)			
Permitted Pumpage	Overpumpage Level		
	Level A	Level B	Level C
Tier 1	\$50-\$100	\$100-\$200	\$200-\$400
Tier 2	\$200-\$400	\$400-\$800	\$800-\$1,600
Tier 3	\$800-\$1,600	\$1,600-\$3,200	\$3,200-\$5,000

Daily Penalties During Critical Stage Drought Rule 3-7.7.B(2)			
Permitted Pumpage	Overpumpage Levels		
	Level A	Level B	Level C
Tier 1	\$100-\$200	\$200-\$400	\$400-\$800
Tier 2	\$400-\$800	\$800-\$1,600	\$1,600-\$3,200
Tier 3	\$1,600-\$3,200	\$3,200-\$6,400	\$6,400-\$10,000

Where:

Permitted Pumpage (gallons/year):		% Pumpage over Monthly Limits:	
Tier 1:	< 12,000,000	Level A:	< 25%
Tier 2:	≥ 12,000,000 and < 120,000,000	Level B:	> 25% and < 100%
Tier 3:	≥ 120,000,000	Level C:	> 100%

Appendix A

Enforcement Process for Exceedance of Annual Permitted Production

1.0 Enforcement Strategy

The District's approach to a permittee's exceedance of their annual production permit described here, flows from and is consistent with District Rules 3-7.8. It describes the appropriate implementation mechanisms, permittee notification efforts, and permittee performance monitoring and assessment to be used. Compliance and enforcement efforts specified below, elaborate District Rule 3-8.7 and center on assessment of permittee performance on a monthly and annual basis to identify the various levels of non-compliance.

2.0 Implementation Mechanisms

2.1 Meter Readings/Unusual High Overpumpage

Meter readings shall be submitted monthly to the District and recorded by the Administrative team into the pumpage database for review. Once reviewed, any unusual high monthly usage will prompt a courtesy email and a courtesy phone call from the staff.

2.2 Notice for 80% of Permit Usage

- Once a permittee reaches or exceeds 80% of their allotted production amount, a notice shall be sent to the permittee from the Administrative team and Reg Comp Team Leader copied.
 - This letter will act as a notification that the Permittee has reached 80% of their annual production amount and that the user should be cautious of future pumping.
 - This letter will start the first step of documentation for potential enforcement actions.
- A letter does not have to be sent to a permittee if the permittee does not show a trend of exceeding the total annual production amount by the end of the fiscal year.

2.3 Notice for 100% of Permit Usage /Notice of Offense

- Once the Administrative team determines that a permittee has met or exceeded their total annual production amount prior to September 5th, the Administrative team will notify the Regulatory Compliance team.
- The Regulatory Compliance team will then send notice via certified mail and email to the Permittee on or before September 5th.

- This notice will act as a notification that the permittee has met or exceeded their total annual production amount and that over pumping will result in an assessment of overpumpage penalties.
- This notice will also make it the responsibility of the permittee to correspond with Regulatory Compliance staff to discuss reasons as to why over pumping is occurring and how to monitor the over pumping during remaining fiscal year.

2.4 Determination of Overpumpage Violation

- Determination of an occurrence of substantial non-compliance and/or violation will be made based on an evaluation of the penalty assessment criteria in section 4.2 of this plan. In determining a violation, the District will take into consideration the permittee's demonstrated efforts to achieve pumpage reductions and any documented trends in prior water use reductions.
- Staff will report and update monthly, all non-performing permittees once exceedance of annual permit has occurred.

2.5 Penalties

- Staff will generate a list of non-compliant permittees based on permitted volume and percentage over-pumped. Non-compliance will be categorized in tiers in accordance with section 4.2.5 above.
- The District will review monthly production reports to determine when actual production volume exceeds authorized volume. After the District determines that a permittee's actual production for any month, except August, exceeds annual permitted volumes, each day of additional production after the month that permit volume is exceeded is considered overpumpage and a separate violation subject to the penalties in the table below and enforcement mechanisms available to the District.
- For the month of August, if the permittee exceeds the authorized annual permitted amount to be withdrawn under the Production Permit, based on the August meter reading, the permittee's production for the month of August will be divided by the number of days in August to find a daily average equivalent production volume. The daily equivalent production volume will then be added incrementally to each day in August in order to determine which day in August that production exceeded the authorized permitted volume.
- Once a permittee is found to have exceeded the annual production amount, and be in violation, the permittee will be notified by certified mail and email of the following:
 - The District has documented a permit violation for over pumping;
 - The amount over pumped; and
 - The amount of daily penalties that may be assessed for each day of over pumping as determined using the tables and methodology above.

Example 1. Permittee (A) has an Annual Production amount of 2,000,000 gallons per year. According to the monthly meter reading submitted on May 1st(for April Pumpage) the permittee exceeds their annual production amount during the month of April. From May 1st through August 31st there are a total of 123 days. By Sep 1st the permittee accumulated a total annual overpumpage amount of 1,093,000 gallons over their permitted amount of 2,000,000 gallons. The percentage of annual overpumpage exceedance is 54.65%. Permittee (A) would be assessed penalties in Tier 1, at a penalty rate of \$120/day. Penalty amount = \$14,760. Excess Base Fee = \$185.81.

Example 2. Permittee (F) has an Annual Production amount of 12,875,000 gallons per year. According to the monthly meter reading submitted on Aug 1st (for July pumpage) the permittee had accumulated 11,968,000 gallons produced through July 31st. According to the monthly meter reading submitted on Sep 1st, the permittee used 1,014,000 during the month of August, exceeding their annual production amount by 107,000 for a total annual pumpage of 12,982,000 gallons. In the month of August there are a total of 31 days.

- 1,014,000 gallons produced in August ÷ 31days = 32,709 daily equivalent
 - The Aug 1st beginning production amount is 11,968,000 gals
 - Add the daily equivalent amount to each day of August production until the amount exceeds 12,875,000 gallons*
- *Internal staff calculator

The percentage of annual overpumpage exceedance is 0.83%. Permittee (F) would be assessed penalties in Tier 2, at a penalty rate of \$100/day. Penalty amount = \$300.00 Excess Base Fee = \$18.19

Example - Scenarios for Calculation of Overpumpage Penalties									
Permittee	Annual Permitted Volume	Overpumpage	Over %	Month Exceeded	Penalties begin on	Number Days in Penalty	Tier	Daily Penalty	Penalty Amount
A	2,000,000	1,093,000	54.65	April	May 1	123	1	\$120.00	\$14,760.00
B	26,000,000	7,500,000	28.85	January	Feb 1	212	2	\$155.00	\$32,860.00
C	180,000	95,710	53.17	June	July 1	62	1	\$120.00	\$7,440.00
D	250,000,000	15,000,000	6.00	July	Aug 1	31	3	\$250.00	\$7,750.00
E	100,000	59,700	59.70	June	July 1	62	1	\$120.00	\$7,440.00
F	12,875,000	107,000	0.83 %	August	*see calculation	3	2	\$100.00	\$300.00

2.6 Site Inspection

- If the permittee does not contact the District within a certain time, a site inspection may be required.
 - A site inspection may be required depending on the amount of over pumpage.
 - A site inspection may be required if the permittee request a site inspection.

- Site Inspections are authorized by District personnel under rule 3-8.3.

3.0 Enforcement Procedures

Levels of non-compliance will be assessed with actions taken in accordance with the Districts Enforcement Plan and Procedures and the following enforcement protocol for those permittees with consistent or increasing levels of non-compliance.

1st Occurrence/ Courtesy: For the initial occurrence of unusually high overpumpage, an email and phone call will be arranged with the permittee representative and the District staff to discuss the particular causes of the overpumpage. The discussion will focus on identifying causes of excessive water use/loss or other possible relevant causes for overpumpage.

2nd Occurrence/80% Usage Letter: For those permittees with a first occurrence of overpumpage and exceedance of 80% of their annual permitted production, a notice letter will be sent.

3rd Occurrence/100% Usage Letter: For those permittees with a second occurrence of overpumpage and exceedance of 100% of their annual permitted production, a certified notice letter will be sent to the permittee with a copy of the penalty matrix. Specific commitments and timelines to achieve pumpage reductions will be requested and documented.

* If a permittee is non-responsive to any of the bulleted elements of these enforcement procedures, the GM may recommend to Board that either an NOV be issued, a Show Cause Hearing be conducted, or an enforcement action be pursued on the violation immediately, whichever is more likely to elicit a constructive response.

Appendix B ***Drought Management and Enforcement Process***

1.0 Drought Enforcement Strategy

The District's approach to drought management described here flows from and is consistent with District Rules 3-7.8 and 3-8. It describes the appropriate implementation mechanisms, public awareness efforts, aquifer and drought monitoring, and permittee performance monitoring and assessment to be used during drought. Compliance and enforcement efforts specified below elaborate District Rule 3-8 and center on assessment of permittee performance on a monthly basis to identify the various levels of non-compliance with mandatory pumpage reductions. This monthly assessment will focus the District's early efforts on permittees with the more egregious levels of over-pumpage, on the basis of both the percentage of pumpage over their monthly pumpage limits and the volumes of their permitted pumpage.

2.0 Implementation Mechanisms

2.1 Drought Declaration Notices

The District will declare the commencement of drought by sending written notice to all District permittees when specified aquifer conditions are met in accordance with the approved District drought trigger methodology and after the Board has approved the declaration. The staff will assess the continuation of and stage of an indicated drought continuously, and notify all permittees when a more or less severe drought stage is declared and when the drought no longer exists

2.2 Public Awareness

Once drought is officially declared by the District, the District will implement measures to provide public awareness including but not limited to:

- Web site updates on aquifer conditions and permittee pumpage performance
- Press releases and guest columns in the local newspapers
- Recurring articles and columns in District newsletter
- Drought and aquifer condition updates provided via e-newsletter to permittees
- Outreach and education by District educators.

2.3 Monthly Compliance Evaluations

- Monthly evaluations of permittee performance and compliance with monthly drought limits will begin on the latest date that all meters readings are required to be submitted each month (the 5th of each month). Staff will identify permittees who have failed to report meter readings by the monthly reporting deadline while in District-declared drought. District will notify all those who have not reported that the District will obtain the meter readings at a fee of \$50 to the permittee. District staff will follow up with meter readings for all delinquent permittees to ensure necessary readings are available to assess drought compliance.

- Should a more or less severe drought stage be declared in the middle of a particular month, the District will evaluate and measure compliance with the less stringent drought stage requirements for that month that the status change occurred. Compliance with the measures of the newly declared stage will be required in the following month.
- Staff will generate a list of non-compliant permittees based on permitted volume and percentage over-pumped. Non-compliance will be categorized in tiers in accordance with the following criteria:

Permitted Pumpage (gallons/year)		% Pumpage over Monthly Limits	
Tier 1:	< 12,000,000	Level A:	< 25%
Tier 2:	≥ 12,000,000 and < 120,000,000	Level B:	≥ 25% and 100%
Tier 3:	≥ 120,000,000	Level C:	≥ 100%

- Staff will send notices of overpumpage to all non-compliant permittees to notify them of their overpumpage and to inform them of their level of non-compliance. This notice will also include the amount of a drought management fee if a fee is assessed ~~without an equivalent credit.~~
- Staff will identify and red flag suspect permittee meter readings, on the basis of previous readings, and conduct follow-up meter reading verifications.
- Staff will monitor pumping trends of those permittees that repeatedly over-pump monthly limits while in Drought and take action based on Enforcement Procedures outlined below.
- Staff will evaluate compliance trends of all other permittees to identify efforts to comply or escalating overpumpage.
- Staff will report and update monthly, all non-performing permittees after the third consecutive enforceable month of District declared drought, by posting a list of those permittees not meeting their monthly pumpage limits on the District website and at the District office for public review.

2.4 Imposition of the Drought Management Regulatory Fee for Non-compliance

In accordance with District Rule 3-7.9, the District will impose a Ddrought Mmanagement Ffee (DMF) to ~~all~~ individual permittees permitted for more than 2,000,000 gallons annually and who exceed their monthly drought allocations (excluding all permittees under general permits) starting after two full months of District declared Alarm or Critical Stage Drought. ~~A credit of the fee will be applied for each month that an individual permittee that does not exceed the monthly pumpage limits as specified in the prevailing UDCP by more than five (5%).~~ The appropriate fees are determined based on the outside diameter of the production zone casing of the permitted well or an average of the casing size of all wells in an aggregate system. The fees are as follows:

- ≤ 5" outside diameter = \$100/month
- > 5" or ≤ 10" outside diameter = \$250/month
- > 10" outside diameter = \$500/month

2.5 Determination of Occurrence of Non-compliance

Determinations of an occurrence of substantial non-compliance will be made based on 1) repeated events of non-compliance, 2) specific causes of overpumpage, and 3) the permittee's response to the reported overpumpage. In determining an occurrence, the District will take into consideration the permittee's demonstrated efforts to achieve pumpage reductions and any documented trends in prior water use reductions.

3.0 Timelines and Phasing of Determinations

Initial Month of a Drought Stage: No enforcement will be initiated for non-compliance in the initial month of Alarm Stage Drought if the timing of the declaration does not allow for a full month (after notice has been provided to the permittees) to begin assessing compliance with monthly limits. Overpumpage notices will be sent to all permittees who over-pumped their monthly pumpage limits to inform them of the on-going pumpage assessment being conducted by the District during drought and to notify them of the District's authority to enforce against non-compliance. For the initial month of Critical Stage Drought, the permittees will only be subject to the conditions of the Alarm Stage Drought until such time that a full month is available to assess compliance.

1-3 Months: Enforcement efforts will focus initially on the more egregious and sustained non-compliance by the large volume permittees. During the first three consecutive enforceable months of District declared drought, monthly assessment of overpumpage violations will focus on *Tier 3* permittees with *Level B/C* non-compliance. As a practical matter, the initial assessment and enforcement activities during this period will focus on *Tier 3* permittees with *Level C* non-compliance plus those who are irrigators.

4-6 Months: After the third consecutive enforceable month of District declared drought, monthly assessment of non-compliance will be expanded to include *Tier 2* permittees. Evaluation of compliance with Critical Stage Drought requirements will begin after the first full enforceable month and will focus on *Tier 2* and *Tier 3* permittees with *Level B/C* non-compliance.

After 6 Months: After the first six (6) consecutive enforceable months of District declared drought, monthly assessment of non-compliance will continue by the same criteria for *Tier 2* and *Tier 3* permittees and will be expanded to include *Tier 1* permittees. Enforcement efforts for *Tier 1* permittees permitted for more than 2,000,000 gallons annually will be reserved for only those occurrences that are egregious and/or recurrent in nature. This will be determined when a *Tier 1* permittee reports six (6) or more months of level B or greater overpumpage or when the monthly volume overpumped equals a volume that would trigger an enforcement action for a *Tier 2* permittee. Enforcement efforts for *Tier 1* permittees permitted for 2,000,000 gallons or less will generally be reserved only for non-compliance that warrants enforcement as determined by the Board.

4.0 Drought Enforcement Procedures

Levels of non-compliance will be assessed with actions taken in accordance with the Districts Enforcement Plan and Procedures and the following enforcement protocol for those permittees with consistent or increasing levels of non-compliance*.

1st Occurrence: For the initial occurrence of non-compliance, a meeting or teleconference will be arranged with the permittee representative and the District GM and staff to discuss the particular causes of the non-compliance. The discussion will focus on compliance with the measures of the UDCP and identifying causes of excessive water use/loss or other possible relevant causes for overpumpage. Specific commitments and timelines to achieve pumpage reductions will be requested and documented.

2nd Occurrence: For those permittees with a first occurrence of non-compliance and recurrent months of reported non-compliance, staff may refer the case to the Board with a recommendation to issue a NOAV. Further enforcement efforts will proceed in accordance with the District *Enforcement Procedures* and the *Penalty Assessment Guidelines*.

For those permittees with a first violation who continue to have recurrent months of reported non-compliance but with some improvement, a meeting will be arranged with the permittee representatives, GM and staff, and the appropriate District Director at the District office. Discussion will focus on the implementation of the documented measures, the success or failure of those specific measures, and the commitments to achieve pumpage reductions resulting from the first violation discussions. More detailed analysis of causes for continued non-compliance will be conducted to result in more specific and binding measures for committed pumpage reductions by the permittee.

3rd Occurrence:

For permittees with a second occurrence who continue to have multiple months of reported non-compliance, the GM may refer the case to the Board with a recommendation to issue an NOAV. Further enforcement efforts will proceed in accordance with the District *Enforcement Procedures* and the *Penalty Assessment Guidelines*.

* If a permittee is non-responsive to any of the bulleted elements of these enforcement procedures, the GM may recommend to Board that either an NOAV be issued, a Show Cause Hearing be conducted, or an enforcement action be pursued on the violation immediately, whichever is more likely to elicit a constructive response.

Item 6

Board Discussions and Possible Actions

d. Discussion and possible action related to the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee. (General Manager & Assistant General Manager).

Item 6

Board Discussions and Possible Actions

- e. Discussion and possible action on the preliminary draft budget.**



DRAFT FY 2022 PRELIMINARY BUDGET

Budgeted Permitted Pumpage 3,437,838,661 Gallons

NOTES

I. INCOME		FY 2021 Revision Approved 5.13.2021	Draft FY 2022 Preliminary Budget
A. Production Fees, and Water Use Fee:			
Actual Authorized Pumpage Revenue (17¢ per 1,000 gallons)	GALLONS	\$451,124	\$446,805
Actual Authorized Pumpage Revenue (44¢ per 1,000 gallons)	2,628,265,913	\$1,444,282	\$1,444,282
Actual Authorized Agriculture Pumpage Revenue (\$1.00/acre-foot)	327,912,748	\$887	\$887
Total Actual Authorized Pumpage/Production Fees	289,180,000	\$596,293	\$591,974
Pending Permit Increases (@ 17¢ per 1,000 gallons)	3,245,358,661	\$155,142	\$32,722
Total Projected Permitting Revenue less Agriculture	3,148,658,661	\$751,435	\$624,696
Total Budgeted Permitted Pumpage with Agriculture			
Water Use Fee - City of Austin Assessment	3,437,838,661	993,017	802,908
Pending Permit Increases (@ 17¢ per 1,000 gallons)		\$1,744,452	\$1,427,604
Water Transport Fees (\$0.31/1,000 gallons)	400,000,000 gallons	-\$155,142	-\$32,215
Total Production Fees, and Water Use Fee		\$1,240,000	\$1,240,000
B. Other Fees:		\$1,713,310	\$1,519,289
Annual Permit Fees	\$50/permit	\$5,700	\$8,700
Shared Territory Monitoring (Special Provisions)		\$0	\$2,500
Administrative Fees - Permit Application and Development		\$9,800	\$9,800
Total Other Fees		\$15,500	\$21,000
C. Other Income:		\$1,000	\$1,000
Interest Income	TexPool General only	\$1,000	\$1,000
Total Other Income		\$1,000	\$1,000
D. Transfers		\$0	\$175,000
Transfer In (from Cash Flow Reserve General)		\$0	\$175,000
Transfer Out (from General Fund in to Contingency Fund)		-\$5,000	\$0
Transfer In (from General Fund for previous Scholarship Donations)		\$1,000	\$3,361
Transfer In (from Contingency Fund in to General Fund)		\$93,636	\$0
Transfer In (from Contingency Fund in to General Fund)		\$0	\$50,000
Transfer In (from General Fund - Deposits Held)		\$54,576	(\$4,576)
Total Transfers		\$144,212	\$228,361
TOTAL PROJECTED INCOME		\$1,874,022	\$1,769,750

From pumpage analysis forecast.

This decrease is a direct result of the decrease in pending permit increases in the line above (and the fact that the permit never came to be. If it had been approved, it would have become a part of the authorized pumpage numbers above).

There is a legislatively-mandated \$1M cap. This is a direct legislated formula, tied to total projected permitting revenue at \$0.17/1000 gallons, regardless of what the permit fee rate is (conditional permits are \$0.44/1000 gallons.)

Number from internal Pumpage Analysis (EP and Skiquent).
\$108,500 City of Kyle and \$15,500 Monarch Utilities.

Possible permit fee increase from \$50 to \$75 in Fee Schedule, for 116 permits results in a \$3000 increase for a total of \$8700

Needmore's permit special condition (\$2500) was included here. Moved to above line item. This line item includes fees that we cannot/do not budget for (DMFs, Enforcement Fines and Penalties, Late Fees, and Meter Reading Fees). 2017- \$1917522192, 2018- \$1307514466, 2019- \$1112514297, 2020- \$925013897, 2021 to date- \$937515428

This is a significant loss, comparable to 2008/2009. (We once earned \$40,000 - 60,000 per year.)

One-time usage of excess cash flow reserve

\$5500 to be used for three 2021 scholarships (\$3361 remains in permittee donations, and is applied to 2022 COMM budget below). Balance/donations carried from FY 2020 was \$8861 (\$5000+3361).

Request to borrow to fund budget, anticipating the ability to return those funds in December/January after audit is completed, with the remaining budgeted funds from FY 2021 that may remain.

II. EXPENDITURES						
A. Operational Expenses						
Electricity & Water						
Telecommunications Services	Phone/Internet	\$6,000				2016- \$5475, 2017- \$5378, 2018- \$5714, 2019- \$5434, 2020- \$5113, 2021 to date- \$3330
Printing/Copying/Photo Processing		\$17,000	(2,000)			Smartphone 11@600=6600, IntegriTALK 500/mo=6000, Spectrum 150=1800 (14,400 A.L.L.)
Postage/Freight /Shipping		\$2,500				Letterhead, envelopes, business cards, name plates, service awards/plaques, accounts payable/payroll checks, tax forms, notary stamps, signature stamps, holiday cards, etc. 2011- \$1495, 2015- \$2000, 2018- \$1232, 2019- \$1589, 2020- \$1205, 2021 to date- \$836
Office Supplies/Canteen		\$9,000	(3,000)			2015- \$1837, 2016- \$3361, 2017- \$2002, 2018- \$2430, 2019- \$1777, 2020- \$1575, 2021 to date- \$1064
Furniture		\$1,500				2015- \$10376, 2016- \$10041, 2017- \$8884, 2018- \$10512, 2019- \$8565, 2020- \$7513, 2021 to date- \$2095
Computer Hardware/Supplies /AV Equipment	Non-Capital	\$6,000				Effect likely due to less people in the office Tends to be a necessary expense for unforeseeable reasons
Computer Software Maintenance/Upgrades/Acquisitions		\$6,000				May include 2 new employee computers per year (the District has an upgrade rotation program). In the past has covered a plotter, backup power supplies, RAM, servers, etc. 2015- \$5620, 2016- \$9643, 2017- \$6928, 2018- \$6064, 2019- \$7550, 2020- \$3233
Information Technology Monthly Maintenance	Integritack	\$17,400	1,740			Annual fees for ESRI, additional MS Office 365, anti-virus, website license: 2018- \$6103, 2019- \$4744, 2020- \$4312, 2021 to date- \$3092. Some subscriptions reside in team budgets.
Board Meetings and Staff Meetings		\$2,000				Increased by 10%. (Monthly maintenance, outlook 365 licenses, and anti-virus)
Subscriptions / Publications		\$4,200				2018- \$7100, 2019- \$6270, 2020- \$995, 2021 to date- \$533. Meeting postings, conference calls, meeting lunches, board meeting stacks, security, room rentals, retreats. Clear pandemic effect.
Advertising and Public Notices		\$12,000	(8,000)			(Every 5 years, DFC ads are necessary, which is FY 2021. Next time in 2026.) 2016- \$10248, 2018- \$4455 (both election years), 2019- \$2958, 2020- \$2806, 2021 to date- \$ 5075 (GMAA-relied)
Accounting System Operation and Maintenance	QB/Jourmya	\$7,200	(600)			Payroll processing (fee 385, Quickbooks subscription/care/payroll renewal 600/300/450, Joumyx 4500, required software multi-user upgrades 750
Bank and Payroll Processing Fees		\$1,000	(1,000)			This to now be included in Accounting System Operation.
Upgrades, and Repair and Maintenance:						
Fleet Maintenance / Repair		\$6,500				2015- \$6475, 2016- \$3900, 2017- \$7389, 2018- \$5243, 2019- \$6153, 2020- \$2805 (one less vehicle AND less usage).
Office Complex Maintenance/Offices/Lawn		\$11,400				Janitorial 3700, Lawn 1600, Dumpster trash/recycling 6000, Security Alarm System 600 = 11,320. 2017- \$10402, 2018- \$10988, 2019- \$10840, 2020- \$11261, 2021 to date- \$7424
Facilities General Repair & Maintenance		\$5,000				A/C repairs in summer are common. Facilities Upgrades line item was deleted in 2018. 2018- \$3600, 2019- \$5000, 2020- \$5000, 2021 to date- \$3611
NEW Antioch Repair and Maintenance		\$0	2,500			New Category.
Leases:						
Postage Meter Lease		\$1,150				
Copier Lease and Maintenance		\$9,500				2015- \$10500, 2016- \$13000, 2017- \$8246, 2018- \$8547, 2019- \$9484, 2020- \$8349, 2021 to date- \$5580. Colored copies are invoiced quarterly and range from \$130 to \$1300, unpredictable.
Directors Conferences / Travel		\$2,500				2017- \$4663, 2018- \$1862, 2019- \$4222, 2020- \$1090, 2021 to date- 0
Dues and Memberships (Organizational/Staff Professional)		\$6,100				2017- \$5660, 2018- \$5935, 2019- \$5515, 2020- \$5630, 2021 to date- \$6000
Insurance (Auto, Liability, Property, E&O, Public Bonds)		\$7,070	(1,000)			New rates don't come out until October. One less vehicle.
Professional Development		\$16,500	2,500			Includes TAGD
Conservation Credits	Revenue Deduction	\$19,149	1,035			This is the actual 2020 amount.
Total Operational Expenses		\$178,669				\$170,844

B. Salaries and Wages									
Staff Salaries and Wages	\$838,061						113,607	\$951,668	This includes \$17,000 to be used for any possible merit increases that may be awarded.
Interns	\$30,000					(10,000)	\$0		
Directors' Fees of Office	\$40,000				9000 Legislative Cap	(15,000)	\$25,000	2018 - \$35700, 2019 - \$355300, 2020 - \$24000, 2021 to date - \$13450.	
Total Salaries and Wages	\$908,061					68,607	\$976,668		
C. Employment Taxes and Benefits, and Group Insurance									
Employment Taxes and Benefits									
Payroll Taxes	\$69,467				7.65%	5,248	\$74,715	Formula directly attached to salaries.	
Texas Workforce Commission Unemployment Taxes	\$2,600				1.6% in 2020	2,400	\$5,000	Changes every March, retroactive to January 1. TWC has forewarned an unknown increase.	
Workers Compensation Insurance	\$3,812				TWL	(11,000)	\$3,812	Possible increase in September/October.	
Employer Pension Plan Contribution	\$61,000				7.50%	(11,000)	\$50,000	For eligible employees (reduction due to 2 contributors no longer in the fund).	
Total Employment Taxes and Benefits	\$136,879						\$133,527		
Group Insurance									
Group Health Insurance (Employee only)	\$118,364				United and SISlink	3,136	\$121,500	United 107,500 and GAP may be 14,000.	
Group Health Insurance (Dependent Coverage)	\$15,000				25%	4,000	\$19,000	Checked on 5/17/21.	
Dental Insurance (Employee only)	\$8,150				SunLife	(2,050)	\$6,100		
Life Insurance (Employee only)	\$13,000				SunLife	(3,000)	\$10,000		
Vision Insurance (Employee only)	\$1,600				SunLife	(300)	\$1,300		
Estimated Healthcare Cost Increase	\$16,000					0	\$16,000		
Total Group Insurance	\$172,114					1,786	\$173,900		
Total Employment Taxes and Benefits, and Group Insurance	308,993						307,427		
D. Professional Services									
Auditor (Annual)	13,000				Montemayor	650	13,650	5% increase as discussed two years ago.	
Retirement Plan (Third Party Administration)	28,000				The Standard	2,000	30,000	FY 2021 - 1st q-6453, 2nd q-7236, 3rd q- 7815, 4th q - 8500 (guess)	
Website and Database	5,000						5,000	Maintenance and repair.	
Legal - General Services, and Special Services	135,000				Bicknstaff (Inners, Vay, Sledje)	(50,000)	85,000		
Legislative Support	36,000				SledgeLaw	(24,000)	12,000	No session in 2022.	
SOAH EP Deposit Refund	\$3,404					(53,404)	0	This was a one-time only event that has now been closed, and deposit has been refunded.	
BRAT Modeling	0					5,000	5,000		
NEW Shared Territory (Special Provisions)	0					2,500	2,500	Annual permit special provision, currently there is only one.	
NEW Board Development	0					3,000	3,000	New category.	
NEW Required Policy Training	0					2,000	2,000	Harassment training every two years, as required by our Employee Policy Manual.	
NEW Antioch Easement	92,600					5,000	5,000	Purchase of Easement.	
Election Services	0				Travis, Hays, and Caldwell Counties	(92,600)	0	Elections occur in November of even-numbered years, so the November 2022 election occurs in our FY 2023.	
NEW County Coding Review	0					5,000	5,000	Hays County GIS Coding Review	
Redistricting	0					35,000	35,000	Required due to census.	
Total Professional Services	\$363,004					(159,854)	\$203,150		

E. Team Expenditures				
Aquifer Science Team:				
Hydrogeologic Characterization	\$2,000			\$4,000 Well logging, pump tests, core and cuttings analyses
Water Chemistry Studies	\$2,800			\$3,500 Analyses of monitor well water and springs (Jacob's Well)
Monitor Well, Equipment and Supplies	\$7,000			\$7,000 Pressure transducers, hardware/tools, lab equipment/materials, maintenance, WellNet/InSitu subscriptions,
Contracted Support	\$23,000			\$20,000 USGS \$8000, modeling support \$10000, misc: technical support \$2000,
Total Aquifer Science Team	\$34,800			\$34,800
Communications Team				
Publications - now Communications and Outreach	\$750	2,000		Public relations/outreach materials, advertising (printed materials (drought, well owner education, permittee communication, socialmedia marketing, radio/v/newspaper advertising)
Outreach - now Programs/Events	\$10,100	(4,900)		Well Water checkup- \$1200, Cave Fest-\$1000 Misc Programs-\$1000, Rainwater Revival- \$800, CTWEN-\$500, G2G- \$500, Neighborhood Well Visits- \$200,
General Support - now Scholarship Programs/Awards	\$5,500	(3,000)		Camp/GW Stewardship Awards,
Equipment and Supplies	\$0	3,361		Scholarship (funded by previous conservation credit donations), \$3361 transfer in, II above in income.
Contracted Support	\$1,000			\$1,000
	\$2,000	2,200		Website- \$2000, Rev.com closed captioning service-\$200, SBGA Explorers Guide- \$2000,
Total Communications Team	\$19,350	(339)		\$19,011
Regulatory Compliance Team:				
Projects and Services	\$5,000			\$5,000 Project Investigations-\$1000, Routine Inspections/Sampling- \$3375, Geophysical Logs- \$625
Equipment and Supplies	\$2,500			\$2,500 Field equipment and maintenance.
Contracted Support	\$14,000	(500)		ASR Review Support- \$3000, Sustainable Yield/Stateholder/Moderator- \$4500, Rulemaking and HCP-\$5000, Misc- \$1000
Total Regulatory Compliance Team	\$21,500			\$21,000
General Management & Administrative Team:				
Contracted Support	\$21,500			\$21,500 Details/breakdown to be included in the Proposed Version to the Board
Logo Apparel /Equipment	\$1,500	(1,500)		\$0 Every other year
Additional Administrative Expenses	\$16,400	(1,400)		\$15,000 To cover unexpected general operational expenses
Total General Management & Administrative Team	\$39,400			\$36,500
Total Team Expenditures	\$115,050			\$111,311
TOTAL PROJECTED EXPENSES	\$1,873,777	(104,377)		\$1,769,400
III. NON-CASH DISBURSEMENTS				
Depreciation Expense	\$50,000			\$50,000
Accrued Benefits Payable (Earned Vacation and Nonexempt Comp)	\$50,000			\$50,000
Total Non-Cash Disbursements	\$100,000			\$100,000

IV. PROJECTED POSITION				
Total District Expenditures	\$1,873,777		(104,377)	\$1,769,400
Total District Revenue	\$1,874,022		(104,272)	\$1,769,750
Current Net Gain / (Loss)	\$245			\$350
Contingency Fund	\$504,730	As of 3.31.2021		\$504,738
				As of 3.31.2021

Reduction largely due to election expense and EP refund in 2021, was not actual income/revenue earned.
 Reduction due to loss of \$190,109 Co-AVWU fee, and the 2 transfers in (for 93,636 and 54,576), that are not true revenue but were transfers in to cover the required expense side (to pay election invoice and return SOAH EP deposit): 190,109 + 148,212 = 338,321. The 104,272 difference now showing is because of the CFR transfer, that reduced the "change" difference.

Item 7

General Manager's Report

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

Topics

- a. Update on cybersecurity training.**
- b. Update on Aquifer conditions and status of drought indicators.**
- c. Update on regulatory matters relating to Vintage Oaks Wedding Venue.**
- d. Review of Status Report and update on team activities/projects.**
- e. Upcoming events of possible interest.**
- f. Update on Cause N. D-1-GN-000835 in 250th Judicial District Court of Travis County, TESPAs v BSEACD and Needmore Water LLC.**

**STATUS REPORT UPDATE
FOR THE JUNE 10, 2021 BOARD MEETING**

Summary of Significant Activities – Prepared by Staff Leads

Upcoming Dates of Interest

- American Groundwater Trust – Texas Groundwater Conference June 30- July1 (Austin)
- Texas Groundwater Association Convention – August 1-4, 2021 (San Marcos)
- Texas Alliance of Groundwater Districts
 - Regular Business Meeting – June 8 – 9 (Austin)
 - Texas Groundwater Summit 2021 – Aug 31-Sep 2 (San Antonio)
- Texas Water Development Board (TWDB) “Water for Texas” 2021 Conference – September 27-29 (Austin)
- GeoGulf 2021 – October 27–29 (Austin)
- National Cave and Karst Management Symposium Nov 1-5 (San Marcos)

DROUGHT MANAGEMENT

Drought Status and Water-Level Monitoring (Justin)

Drought was officially declared at the October 8 Board meeting. On June 3, the Lovelady well had a level of 474.0 ft msl, about 4 ft below the drought trigger level. On June 3, Barton Springs was flowing at 106 cfs, well above the drought trigger point due to 8 to 11 inches of rain between May 1 and June 3. Area creeks were flowing including Onion Creek, providing recharge to Antioch Cave and the Edwards Aquifer.

Drought Communication (David, Michael)

Staff has updated District resources and the website to reflect the current Alarm drought stage. Regular social media posts are being scheduled to remind users to conserve and reduce all non-essential groundwater use. Educational resources have been prepared and are available upon request for permittees. Digital educational downloads are available on the website with the Drought Media Tool-Kit located on the Drought Education Page and includes links to other helpful resources. <https://bseacd.org/drought-edu/>

Written permittee notifications and public notice of drought conditions were mailed and emailed out. November was the first month that drought curtailments took effect. Drought Management Fees (DMFs) are now being assessed for permittees over pumping their drought targets. Permittees that are over pumping their drought targets receive a letter and an email stating that they will be assessed the DMFs. Drought curtailments have been in place since October 2020 and will continue to be in place until drought restrictions are lifted.

Permittee Drought Compliance (Michael, Erin)

Data has not been compiled at this time. Compiled information will be made available at the Board Meeting.

Month	Drought Status	Curtailment Requirement	DMFs
October 2020	NA	Drought Declared Oct 8 th , 2020. No curtailments required until Nov 1, 2021.	NA
November 2020	1 st full month of declared Drought Stage II	20% curtailment in effect <i>(Month 1 - Compliance evaluated early December)</i>	NA
December 2020	2 nd full month of declared Drought Stage II	20% curtailment in effect <i>(Month 2 - Compliance evaluated early January)</i>	NA
January 2021	3 rd full month of declared Drought Stage II	20% curtailment in effect <i>(Month 3 - Compliance evaluated early February)</i>	DMF in effect. (Invoice mailed in Feb – due by Aug 5 th .)
February 2021	4th full month of declared Drought Stage II	20% curtailment in effect <i>(Month 4 - Compliance evaluated early March)</i>	DMF in effect. <i>DMFs Waived due to winter storm events.</i>
March 2021	4 th full month of declared Drought Stage II	20% curtailment in effect <i>(Month 4 - Compliance evaluated early April)</i>	DMF in effect. (Invoice mailed in Apr – due by Aug 5 th .)

April 2021	5 th full month of declared Drought Stage II	20% curtailment in effect <i>(Month 5 - Compliance evaluated early May)</i>	DMF in effect. (Invoice mailed in May – due by Aug 5 th .)
May 2021	6 th full month of declared Drought Stage II	20% curtailment in effect <i>(Month 6 - Compliance evaluated early June)</i>	DMF in effect. (Invoice mailed in June – due by Aug 5 th .)

DISTRICT PROJECTS

GMA Joint Planning

➤ ***GMA 10 Coordination (Michael, Vanessa)***

A GMA 10 meeting was held on April 20, 2021 and the GMA took action to approved adopting proposed DFCs. The next GMA 10 meeting will be held in August, meeting details to be determined later. More information can be found at www.gma10.org

BSEACD now serves as the GMA 10 chair and will guide the discussions and planning activities at the GMA 10. The primary activities of focus for the 2021 years is the adoption of DFCS and the development of the explanatory report. We continue to coordinate internally on long-term goals related to DFC revisions and DFC monitoring compliance. Staff is actively collaborating in planning discussions internally, and with neighboring GCD representatives and TWDB staff.

GMA 10 is currently in the Public Comment period for DFCs. The Public Comment period will end on July 22, 2021. BSEACD will hold a public hearing to approve proposed DFCs on 6/10/2021.

The GMA 9 & GMA 10 Boundary Change request was approved on May 19, 2021, and is now in effect. This boundary change removed BSEACD from GMA 9 and put the District wholly into GMA 10.

➤ ***Explanatory Report Development (Michael, Jeff)***

GM and staff are coordinating a significant planning effort to review technical reports and to update content for the explanatory report that is scheduled to be completed by Summer 2021. Staff is coordinating with the team from Plum Creek GCD to review the previous explanatory report and identify areas of revision. Currently, staff is in the internal review process of the Freshwater Edwards, Saline Edwards and the Trinity Explanatory Reports.

Trinity Aquifer Sustainable Yield Study & Planning

➤ ***Advisory Workgroup Planning (Kendall, Vanessa)***

Staff presented an updated and revised timeline for the project at the March board meeting. GM and staff are continuing to review research on sustainability goals, metrics and thresholds. Staff has met with our facilitator four times to discuss the project timeline, communication, and certain components of an Advisory Work Group. Staff has begun discussions to evaluate the level of public participation, the fundamental objectives of the Advisory Work Group, the scope, and process and workflow to engage the participants, all of which will be incorporated into the Advisory Work Group Plan. Staff recently met with the facilitator to discuss the process overview and is working to finalize the level of participant engagement. Staff is meeting internally to discuss how to work through the unreasonable impact factors and what data and information is needed to assess.

➤ ***Technical Evaluations (Brian)***

Aquifer Science staff continue to collect data on the geology and hydrogeology related to the Trinity Aquifers. We are evaluating water-level data for a number of Trinity wells to look for

long-term trends. We are working with Hays County to install Trinity monitor wells in the Jacob's Well area. On March 3, Hays County began drilling a water well near EP that will be used for water supply for the county and also will provide water levels in three zones of the Trinity. Drilling and installation of this well was completed by March 19. Work on the first phase of the District's own numerical modeling has been completed. This phase involved the development of a steady-state model. We are currently converting the steady-state model into a transient model. We are members of a technical committee to guide the development of a numerical groundwater model of the aquifers influenced by the Blanco River. Planning and funding of the Blanco River/Trinity model (BRATWURST) are close to being finalized with ongoing discussions between Hays County, Meadows Center, and Southwest Research Institute. Hays County has committed to providing \$500,000 to the project. This should allow for complete funding of the model. However, there is insufficient funding for a decision support system.

Habitat Conservation Plan (Brian, Erin)

- **COA/BSEACD Technical Meeting:** In December, Aquifer Science hosted a virtual meeting with staff from the City of Austin Watershed Protection Department to discuss activities related to the HCPs of each entity and to share data and reports about these activities.
- **MAC Meeting & Annual Report:** Staff prepared the annual report for review by the Management Advisory Committee (MAC). The MAC met on 1/26/2021 for its annual meeting and provided minimal edits and comments. The comments were incorporated into the final report and the report was submitted to USFWS on 2/25/21.
- **Implementation Schedule:** Staff is reviewing previous planning documents and will develop a new implementation timeline and schedule to guide project tasks and activities for the 1-3 year timeframe.
- **Planning for Technical Tasks:** Aquifer Science staff are coordinating studies at Barton Springs with COA staff. These studies include measurement of dissolved oxygen in the Barton Springs pool and the installation of a monitor well within Zilker Park and south of the pool. The Watershed Protection Department has offered to install monitoring equipment in Barton Springs Pool to measure dissolved oxygen as the springs experience wet to drought conditions.

Database Management System - Intera Inc (Michael, Kendall)

Intera continues to work on modules for completion and deployment. Staff had a meeting with Intera on May 4, 2021, to discuss the progress of the project which included scheduling changes and providing Intera with information regarding Drought and Query builder. Staff is currently working on the Permit/Production & Meter Reading sections of the Database mock-ups and has had multiple internal meetings. Meetings with Intera are scheduled throughout the next few months to review mockups and to review other sections of the database. Staff will likely need to spend more time on this project to get it finalized.

ILA Commitments (Brian)

The District has ILA commitments with Hays County and HTGCD to install two monitor wells in the Jacob's Well Area. Information from these wells will be used to better understand the flow system that delivers Middle Trinity groundwater to Jacob's Well, and to develop our numerical

groundwater models. Installation of these monitor wells should be completed by late summer 2021. We are currently working with a driller for cost estimates. And we are discussing with Hays County staff the location of one of the wells on Hays County park property.

The ILA with COA is intended 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.

Status update – An annual technical meeting was held in December 2020. In January 2021, the annual MAC meeting was held. Kent Butler Summit small group discussions took place in Jan- Feb 2021. COA/BSEACD plan to have additional discussions and planning efforts to coordinate the details of the DO studies and the monitor well installation.

Kent Butler Summit Planning (Vanessa, David)

A COA/BSEACD small group discussion has been put on hold but we are in discussions and looking for options to reschedule a meeting for summer or fall 2021.

Region K Planning Activities (Vanessa)

No update.

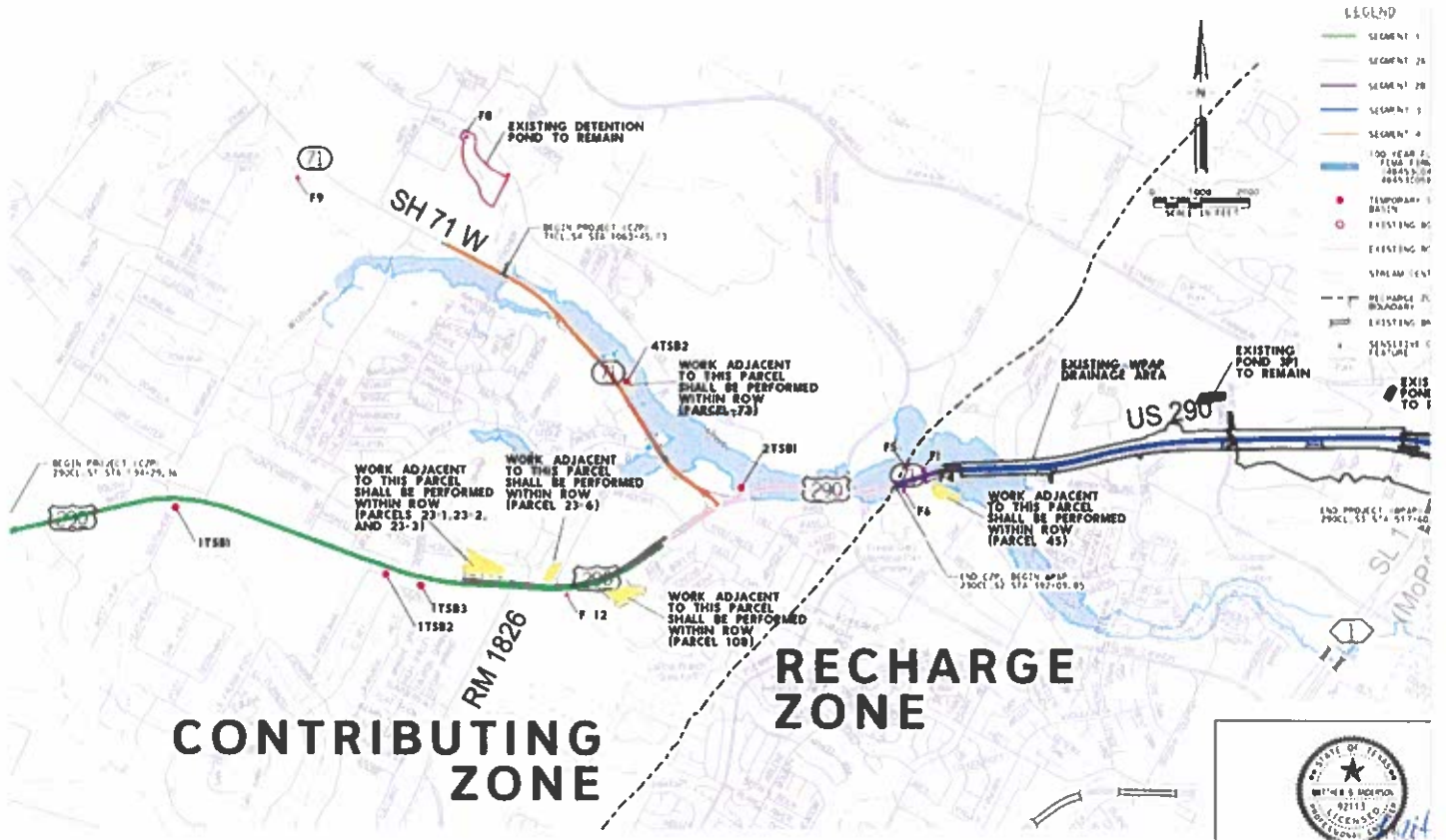
Strategic Planning Preparation (Vanessa):

After the workshops on 5/15 & 5/19 were completed, the facilitators developed summary documents. Vanessa will schedule a debrief meeting with the facilitators to review a summary of information and discuss next steps.

WPAPs

Staff recently received the OAK Hill Parkway Project WPAP and CZP for Clearing and Grading Phase

Oak Hill Parkway project traverses both the Edwards Aquifer Recharge Zone and Contributing Zone. The project will be divided into 4 segments and an offsite detention pond.



Phasing structure

Work Type	Work Elements	EAPP Permit to Include
Grading	<ul style="list-style-type: none"> Clearing and grubbing Grading/Excavation Retaining Walls, Sound Walls City of Austin Water and Wastewater Lines <p>Note: Wastewater line within Recharge Zone will go thru EAPP SCS application approval process.</p>	<ul style="list-style-type: none"> WPAP & CZP plans Right to possess and use of ROW TCEQ Site Plan <p>Note: Plan sheets related to Impervious Cover will not be provided.</p>
Offsite Detention Pond	<ul style="list-style-type: none"> Clearing and grubbing Construction of earthen dam/berm up to 20 ft high, 700 ft long with concrete spillway Site access and maintenance pad 	<ul style="list-style-type: none"> CZP Exception plan Right to possess and use of ROW Signed and sealed plans for full construction Plan sheets related to Impervious cover and Permanent BMPs
Wastewater Line in Recharge Zone	<ul style="list-style-type: none"> City of Austin wastewater line within Recharge Zone Wastewater line that is extended from Recharge Zone to the next manhole in Contributing Zone 	<ul style="list-style-type: none"> SCS plan Right to possess and use of ROW Signed and sealed plans for full construction Plan sheets for temporary BMPs
Full Construction (Final Design)	<ul style="list-style-type: none"> Final Pavement, Bridges, Drainage Structures Permanent BMPs 	<ul style="list-style-type: none"> WPAP and CZP plans Right to possess and use of ROW TCEQ Site Plan

WPAP – RZ

This phase of construction will include clearing, grubbing, grading, and water lines. Temporary BMPs include rock filter dams, silt fences soil retention blankets and inlet protection. Permanent BMPs and water quality basins will not be constructed during this phase are not included in this WPAP. Water quality basins will be roughly graded and serve as temporary sediment and hazardous material traps during construction. A final permit phase will be provided at a later date when impervious cover and permanent water quality ponds and BMPs will be permitted. The GA identified 13 features and 4 were identified as sensitive (F-1, F-4, F-5, F-6). All sensitive features seem to have a 50 ft no-construction buffer as protection.

CPZ – CZ

This phase of construction will include clearing, grubbing, grading, and permanent wall construction and water and wastewater lines. Temporary BMPs will be same as in WPAP. F-12 has been identified and will have 50 ft no-construction buffer and 200 ft watershed catchment.

Training, Presentations, and Conferences (All Teams):

- ***Aquifer Science:*** *In late April, Brian Smith attended a virtual conference held by the Association of Environmental and Engineering Geologists. He also presented a talk about the construction at the Mopac Intersections project at this conference. In early May, he attended a conference on ASR in Texas. Brian will be part of a panel to discuss ASR at the TAGD Groundwater Summit in September.*
- ***Regulatory Compliance:*** *NA*
- ***Administration:*** *NA*
- ***Communications and Outreach:*** *NA*
- ***General Manager:*** *Vanessa will present at the June 7th EDF Webinar – “What’s Next for Texas Water?”, and at the TWCA summer Conference on June 11 – “Remote Working in Your Organization”.*
- ***All Staff:*** *Cybersecurity Training TAGD*

New Maps, Publications, or Reports:

A list of recent publications can be found at: <https://bseacd.org/scientific-reports/>

The latest eNewsletter published in April 2021 can be found at:

<https://bseacd.org/publications/newsletters/>

LITIGATION AND LEGISLATION

Litigation and SOAH Activities (Vanessa)

- **Electro Purification Production Permit:**

Current Activity: No further actions have been taken and no new updates are available.

Recent Background: On April 14th the GM and counsel met with EP to discuss their desired requests relating to amending their permit application request. We discussed administrative processes and options relating to the pending permit as well as the GM's current position statement.

On March 9th the GM issued a letter to EP returning the July 17, 2017 application of Electro Purification LLC and explaining that there is no further action that the GM intends to take in connection with the remand. On March 11th the applicant, EP, responded to the GM's 3/9 letter, stating that they interpret the EP application to still be active and necessitating Board Action.

The district submitted pre-filed testimony and a revised GM Position Statement in December 2020. Depositions were scheduled for Jan-Feb 2021. On Jan 11, 2021 EP filed a Notice of Nonsuit and request to remand the application back to the District. On Jan 15, 2021, the District filed a response to the applicant's Notice of Nonsuit and requested that the ALJs find that with a nonsuit, that EP has withdrawn the application. On Jan 25, 2021 EP filed a response disagreeing with the District's request that the ALJs find the application withdrawn. On Feb 4, 2021, the ALJs dismissed the EP matter and remanded the matter back to the District. The original hearing on the merits will no longer be set for the dates of April 12-16 & 19-20, 2021.

- **Needmore Water LLC:**

On 5/28/21 TEPESA, Needmore and the District representatives agreed on a settlement document to present to present and consider for signature. Under the agreement TEPESA will dismiss its lawsuit against the District and Needmore with the ability for TEPESA to refile the suit in the next 6 years ("reopener") if Needmore or a successor changes the use of the water from what's authorized under Needmore's permit. After 6 years, TEPESA loses the right to refile the lawsuit even if the permit is amended.

87th Legislature Bill Activity (Vanessa, Kendall)

The session is officially over but is very likely there will be a special session this summer or fall. Unfortunately, many water bills died, including SB 152. SledgeLaw Group has tracking reports on what bills passed.

RULEMAKING, PERMITTING, AND ENFORCEMENT

Rulemaking (Michael, Kendall)

The Regulatory Compliance team has developed draft documents to amend District Rules and enforcement procedures that pertain to two rulemaking areas in particular. The staff continues to meet internally and will schedule a meeting with the rules committee as needed. Staff will present rule concepts and updated timelines as those are developed. The two areas of focus for the rulemaking efforts are:

- Improving the rule language relating to enforcement violations and penalties for over pumping of annual permits.
 - a. Staff has met internally to discuss the changes
 - b. Next step is review by legal advisor and rules committee meeting
- Open up permit criteria relating to Conditional Class A permits that would allow for more firm yield permit options for small volume permittees.

Staff estimated the number of new permits and an associated volume (range) that could result from the rule change. Staff then meet with our consultant Kirk Holland in early March to discuss potential impacts to the HCP. This effort has been put on hold until database task are finalized.

Enforcement and Compliance Matters (Michael, Erin)

<i>Compliance/Enforcement</i>			
<i>Permittee or Entity Name</i>	<i>Aquifer</i>	<i>Use Type</i>	<i>Notes</i>
Vintage Oak Wedding Venue	Middle Trinity	Commercial/Irrigation	Site visit was made on 5-7-21. Report is completed, summary of findings will be sent to well owner. A permit is not required as this has been deemed an exempt well.
Aqua Texas – Bliss Spillar	Edwards	PWS	Pre-Enforcement Meeting on 5/4/21. Follow up letter was sent with deadlines to complete certain tasks. Enforcement to follow depending on May pumpage.

Permitting Activity (Michael, Erin)

<i>In Review</i>				
<i>Application Type</i>	<i>Aquifer</i>	<i>Applicant Name</i>	<i>Use Type</i>	<i>Volume Request</i>
Plugging	Edwards	Farmfeld, LLC	Domestic	0
Plugging	Edwards	Emerson at Buda Apartments	Domestic	0
LPP	Waiting on Paperwork	Mary Burton	Domestic	500,000
Exempt	Edwards	David Crowell	Domestic	Exempt Use
Change of Ownership	Edwards	James Stinson	Agricultural/Livestock	430,000
Change of Ownership	Edwards	Ford Restaurant Group	Commercial	1,875,000

<i>Recently Approved</i>				
<i>Application Type</i>	<i>Aquifer</i>	<i>Applicant Name</i>	<i>Use Type</i>	<i>Volume Request</i>

Plugging	Edwards	Moon Valley Nursery	Domestic	0
LPP	Upper Trinity	Julie Escamilla	Domestic	500,000

AQUIFER STUDIES

(Brian)

Permitting Hydrogeologic Studies:

- Aqua Texas Inc- Aquifer Science staff has been involved with Aqua Texas as they are testing a Lower Trinity well in Chaparral Park.
- Aquifer Science staff are reviewing plans for a Trinity well at Ski Quest east of IH-35.

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

- Colemans Canyon- As part of the Jacob's Well study, we are collecting data from domestic wells in the area. A dye-trace study will be conducted this year with Hays County, EAA, and HTGCD.
- Planning for installation of two monitor wells near Jacob's Well.
- Kinder Morgan Permian Highway Pipeline – WQ Workgroup: A meeting was held in May with various parties interested in conducting some form of groundwater monitoring related to the pipeline. Overall, the parties were supportive of some type of monitoring of petroleum hydrocarbons in the Trinity Aquifer. We will draft a work plan and present it to the group in a future meeting.

Field Activities:

- Antioch- Continuing to maintain the system and to collect data on flow into the vault.
- Well Monitoring- Continuing to maintain equipment in numerous monitor wells and to download and interpret data.

Trinity Aquifer Modeling Development:

- BRATWURST Modeling- Waiting for Meadows Center to give SWRI the go-ahead to start the model. This should start by late June now that funding for the project has been completed.
- In-house model- Working to transition the steady-state model into a transient model.
- DSS Tool -A small project is underway by a consulting company in Nebraska to develop a Groundwater Evaluation Tool (GET) for the Trinity Aquifers using the District's in-house model. This work is being paid for by a grant from the Environmental Defense Fund. A demonstration of GET was conducted on June 3 for District staff.

COMMUNICATIONS AND OUTREACH
(David Marino)

Website: During the month of May, new banner was added of the Kent S. Butler Scholarship winners. Scholarship winners were also added under spotlights. **BSEACD Newsroom:** There is now a BSEACD Newsroom page on the District’s website. It is under the publications menu. The page includes the latest press releases, videos, newsletters, and all BSEACD news in one place. <https://bseacd.org/publications/bseacd-newsroom/>

Communications & Outreach is also in the process of a **website redesign**. A website committee comprised of Vanessa Escobar, Justin Camp, and David Marino has also been formed. The committee had its first meeting on May 25th. Our next meeting will be in late June. The committee is working on how to reorganize the information, along with new design ideas. Communications & Outreach also met with Brian Zavala, the District’s website contracted support. Brian will work with the District to redesign and reorganize the website.

Website Analytics 2021		Top Website Pages Visited			
Month	Total Page Views	Unique Page Views	March	April	May
March	3,386	2,608	Homepage 1,358 Views	Homepage 1,339 Views	Homepage 732
April	3,782	2,846	Scholarships 192 Views	Scholarships 331	Drought Status 184
May	2,822	2,358	Maps 140	Maps 155	Maps 164
			Agendas 123 Views	Agendas 141 Views	About the Aquifers 88
			About Us/Staff 94 Views	About Us/Staff 109	About Us/Board 77

Strategic Communications and Outreach Plan – Communications & Outreach finished an updated draft of the Strategic Communications & Outreach Plan. It will be presented to the communications subcommittee in June. The plan includes the following goals and policies: external communications, internal communications, crisis communications, media procedure, social media/website policy, etc.

Employee Satisfaction Survey: Communications & Outreach has compiled questions for an employee satisfaction survey. The survey draft has been submitted to General Manager and will be sent out to employees in early June.

Science in 60 Seconds: This is a new video series where members of our Aquifer Science Team explain a subject in 60 seconds. The first video we did was how to do a well water check-up. You will find it under the video category below.

Videos (Uploaded to YouTube and Twitter/Facebook):

Science in 60 Seconds: <https://www.youtube.com/watch?v=qdN4wN7VNZA>

BSEACD Newsroom Website Page: https://www.youtube.com/watch?v=je_o-JgjT0A

Rain Video: <https://fb.watch/5AUlrlxUji/>

Monitoring the Edwards and Trinity Aquifers: <https://www.youtube.com/watch?v=Fls-3nkqDJA&t=1s>

Well Site Visits: <https://www.youtube.com/watch?v=FiZTle4UtZE&t=2s>

Happy Teacher Appreciate Day: <https://www.youtube.com/watch?v=xW6XmFk-olM>

Borheim Quarry Visit: <https://www.youtube.com/watch?v=Oki3ZDibXjc&t=4s>

2021 Kent S. Butler Scholarship Winners: <https://www.youtube.com/watch?v=FO74-8sIx5c>

Science in 60 Seconds: <https://www.youtube.com/watch?v=qdN4wN7VNZA>

BSEACD Monthly Social Media Roundup/Groundwater News: Communications & Outreach is now sending out two monthly reports to staff and the board. The Social Media Roundup includes all social media posts and videos that have gone out to the public. The Groundwater News report includes new articles on Barton Springs/Edwards Aquifer Conservation District and other articles of interest. It also includes upcoming dates of interest.

Social Media Roundup (May 2021): <http://bseacd.org/uploads/BSEACD-Social-Media-Roundup-May-2021.docx>

Monthly Groundwater News (May 2021): <http://bseacd.org/uploads/BSEACD-Monthly-Groundwater-News-Dates-of-Interest-May-2021.docx>

Social Media (Twitter & Facebook): Here is everything we shared in May on social media:

Lovelady Well Visit post with pictures and latest water levels, Drinking Water Week, Well Site Visit Video, Teacher Appreciation Day Video, Antioch gauge levels/Lovelady and Barton Springs levels after rain, May the Fourth be with you, TWDB Water Weekly Report, Water Wise Wednesday: Pump Protector, Throwback Thursday: Barton Springs Pool, Borheim Quarry Visit, Water Wise Wednesday: Rain Barrels, BSEACD Newsroom Video, Rain Video, Reminder on State Water Plan Comments due May 26, Science in 60 Seconds Video, TAGD Water Weekly Report, Throwback Thursday: Get Down Cave, Endangered Species Day, TWDB Draft State Water Plan public comment period, Rain provides relief but we remain in Stage II Alarm Drought, Rain barrel action video, Photo of Water Flowing at Bear Creek and 45 toll bridge, Summary of water-related bills in the Texas Legislature, Multiport Monitoring Well Video, TWDB Water Weekly report, Article on Texas Groundwater supplies shrinking, Memorial Day Holiday. *The top performing post on Facebook for the month of May was the Borheim Quarry which reached over 270 people. The top performing video on Facebook was Borheim Quarry with 115 views. The top post on Twitter for the month of May was a reminder for public comments on the TWDB Draft 2022 State Water Plan. It had 428 impressions. The top performing video on YouTube for the month of May was the Borheim Quarry Visit with 20 views.*

Wedding Venue Visit: Visited Ms. Baskin site in Hays County with Assistant General Manager Michael Redman. Wrote up a report and submitted to Michael.

Kent S. Butler Groundwater Scholarship Applicants: Presented the winners of the groundwater scholarship contest during the May 13th Board Meeting. The winners are as follows: Meg Wolter

- \$2,500, Sachin Allums -- \$1,500, Mandala Pham - \$1,500. Communications & Outreach sent congratulatory email letters on Thursday, May 13th. This explains the procedure in obtaining their scholarship money. Communications & Outreach also sent out rejection letters to those who did not make the final cut.

Media/Public Relations Presentation for Board of Directors: Presented a best practices presentation on Media/Public Relations for the Board at May 13th meeting.
<https://vimeo.com/manage/videos/543640446>

GENERAL ADMINISTRATION
(May 7 – June 3, 2021)

Accounts Receivable/Permittee Cycle Billings

On May 16, invoices went out for 4th quarter, and June monthly production fee billings. There are only two monthly billing cycles left for FY 2021 (July and August).

Budget 2021 Revision and Budget 2022 Preliminary Version

The FY 2021 Budget Revision was approved at the May 13 Board Meeting, and has been entered into the accounting system, that will show in the May financial report's numbers.

The Budget Subcommittee met again on Thursday, June 3, and the FY 2022 Draft Preliminary Budget Version H will be presented to the Board at the June 10 meeting.

Drought Assessments - DMFs (Drought Management Fees)

Drought letters are mailed out monthly, during drought, to permittees to notify them of any drought compliance target chart issues.

DMFs were assessed in May to apply to April pumpage. Currently, assessments have been applied to April drought target invoices.

Total DMFs invoiced to date = \$3450. Total payments of \$2000 have been received. (Although payments are not due until August, several permittees prefer to pay as they receive a DMF rather than waiting until the end of the year to remit payments.)

Financial Reporting – Website Transparency Section (Texas Comptroller's Office)

These are four separate reports and in different format (data over formatting) than the four monthly financial reports that are included in Board backups.

Transparency Star-related: Most current, available financial reports are to be posted on our website and accessible within three clicks, as required by the Texas Comptroller of Public Accounts Transparency Star Program. Balance Sheets, Profit and Loss Statements, and Check Registers (Operating and Payroll) through May 2021 have been posted on the District website.

Miscellaneous

Contract renewals, MSC contract process 5-year renewals to be addressed in July/August, strategic planning workshops with Board, IT issues being addressed with an account supervisor regarding cybersecurity attacks, conservation credit policy history and research spreadsheets.

The Administration Team typically has repetitive monthly tasks e.g. monthly bank reconciliations, daily phone answering, monthly adjusting journal entries, accounts payable, contract/grant/project tracking, monthly meter reading reporting, office maintenance and repairs, budget monitoring, payroll, bi-weekly payroll journal updates, directors' compensation, pre-pays, DMFs, 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, and support all other teams, but aren't involved in projects as much as the other teams.

CAUSE NO. D-1-GN-20-000835

TRINITY EDWARDS SPRINGS
PROTECTION ASSOCIATION,
Plaintiff

vs.

BARTON SPRINGS EDWARDS
AQUIFER CONSERVATION DISTRICT,
Defendant

NEEDMORE WATER, LLC,
Necessary Party/Defendant

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IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

250TH JUDICIAL DISTRICT

AGREEMENT

1. This Agreement (“Agreement”) is entered into between Trinity Edwards Springs Protection Association (“TESPA”), Barton Springs Edwards Aquifer Conservation District (“BSEACD” or the “District”) and Needmore Water, LLC (“Needmore”). Together, TESPA, BSEACD, and Needmore are referred to as the “Parties,” and each individually as a “Party”. This Agreement shall be effective as of May 19, 2021, once the same is fully executed (the “Effective Date”).

2. A dispute exists among the Parties regarding the final decision of BSEACD to issue Permit No. M024-18-02 with Special Provisions (“Permit”) to Needmore Water, LLC authorizing the production of 289,080,000 gallons of groundwater per annum (approximately 887 ac-ft/yr) from a groundwater well known as Well “D” pursuant to the provisions of House Bill 3405, 84th Leg., R.S. Ch.975, 2015 Tex. Gen. Laws 3426-29.

3. A true and correct copy of the BSEACD letter dated January 9, 2020, transmitting the Permit, including a copy of the Permit, is attached hereto as Exhibit “A,” and incorporated by reference for all purposes.

4. TESPAs contested the Permit before SOAH and, thereafter, the District’s Board when Needmore’s application was presented for decision. TESPAs filed a motion for rehearing in response to the District Board’s decision to grant the Permit. The District’s Board denied the motion for rehearing on December 12, 2019, in an open and duly noticed public meeting.

5. On February 10, 2020, TESPAs filed a lawsuit in Travis County District Court in Cause No. D-1-GN-20-000835, pursuant to Section 36.251, Texas Water Code, appealing the District’s decision to grant the Permit (the “Lawsuit”). A true and correct copy of TESPAs’s file-marked original petition, including exhibits, is attached as Exhibit “B”.

6. BSEACD and Needmore have both filed answers in Cause No. D-1-GN-20-000835; and the hearing on the merits of the appeal has been scheduled for August 19, 2021, but the Parties have not yet filed briefing in support of their respective positions in the Lawsuit.

7. In an effort to resolve the issues in dispute, and to avoid the cost, inconvenience, and burdens on all Parties associated with continuing the prosecution of the Lawsuit and subsequent appeals, and without either the District or Needmore admitting wrong doing or liability in response to any of TESPAs’s claims in the Lawsuit, but each continues to deny each and every one of them, the Parties have agreed to compromise the dispute in the Lawsuit, pursuant to the terms and conditions of this Agreement.

Agreement Terms

8. In consideration of the following mutual promises, agreements, and other good and valuable consideration contained herein, the Parties agree as follows.

9. Within three business days of the date this Agreement is fully executed, the Parties will file a joint motion and proposed order to dismiss without prejudice the Lawsuit in the form attached hereto as Exhibit C.

10. If Needmore Water LLC, its successors, assigns, or any other person or entity seeking to use the water authorized for production by the Permit, files an application to amend, convert, or otherwise change the use of the water authorized in the Permit before May 19, 2027, TESPAs has the right to raise all objections asserted in the Lawsuit attached as Exhibit B, including refiling of the Lawsuit. After May 18, 2027, TESPAs shall no longer have any right to raise the issues and objections asserted in the Lawsuit, and shall have no right to refile the Lawsuit.

11. In the event TESPAs refiles the Lawsuit, both BSEACD and Needmore may raise their objections and defenses in response thereto, including without limitation any claims for attorney's fees.

12. So long as TESPAs's refiling of the Lawsuit occurs prior to May 18, 2027, and as the result of Needmore's actions identified in paragraph 10, the Parties agree not to raise as a defense any applicable statute of limitations.

13. No party is required to file suit, or to assert any such objections asserted in the Lawsuit or Answers to the suit.

14. All Parties will bear their own costs of court and attorneys' fees incurred up to the time of signing of the order of dismissal without prejudice.

15. Each Party's signatory to this Agreement hereby warrants and represents to the other Parties the following:

- (i) such person has authority to bind the Party for whom such person acts;
- (ii) the claims, suits, rights, and/or interests that are the subject matter hereof are owned by the Party asserting same, have not been assigned, transferred or sold, and are free of encumbrance; and

- (iii) such person has executed it freely and without duress, after having consulted with, or having had the opportunity to consult with, the attorneys of such person's choice.

16. The original signed copy of this Agreement shall be filed with the Court in Cause Number D-1-GN-20-000835, and be enforceable as an agreement pursuant to Texas Rule of Civil Procedure 11, as well as a contractual agreement.

17. This Agreement constitutes the sole agreement between the Parties.

18. All prior oral statements, representations, and agreements, if any, are merged into this Agreement.

19. The Parties are relying solely on their own decision after consultation with their attorneys, and not relying on any representations of the opposing parties.

20. This Agreement may be executed in multiple counterparts with each counterpart constituting an original provided that the Agreement shall become enforceable on the date when the last signatory signs this agreement

SIGNATURES FOLLOW ON NEXT PAGES

TRINITY EDWARDS SPRINGS PROTECTION ASSOCIATION

By: _____
James Blackburn
President, Board of Directors

DATE: May __, 20

BARTON SPRINGS/EDWARDS AQUIFER CONSERVATION DISTRICT

By: _____
Blayne Stansberry
President, Board of Directors

DATE: May __, 2021

**ATTEST TO SIGNATURE OF
BLAYNE STANSBERRY:**

By: _____
Blake Dorsett
Secretary, Board of Directors

DATE: May __, 2021

APPROVED AS TO FORM:

By: _____
William D. Dugat III
Attorney for Barton Springs/Edwards
Aquifer Conservation District

DATE: May __, 2021

NEEDMORE WATER, LLC

By: _____
Greg LaMantia, Manager

DATE: May __, 2021

Item 8

Director's Reports

Directors' Reports.

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

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

Item 9

Adjournment