

MINUTES
OF THE
SOUTHWESTERN TRAVIS COUNTY GROUNDWATER CONSERVATION DISTRICT

At the
Bee Cave School House
13333-A Highway 71 West
Bee Cave, Texas 78738
(Bee Cave Schoolhouse is located adjacent to Lake Travis Fire and Rescue Station 603)

Wednesday, March 13, 2019 at 10:00 am

1. Call to order, declare meeting open to the public, and take roll

Director and Board President Scadden called the meeting of the Southwestern Travis County Groundwater Conservation District (SWTCGCD or District) Board of Directors to order at 10:01 AM on March 13, 2019. Six District Directors were present, including Directors Buddin, Urie, Hennings, O'Malia, Scadden and Dower. Director Davis was absent. Also present were visitors Vicky Kennedy from Travis County, Christy Muse from Shield Ranch, Gene Lowenthal and Pete Golde.

The meeting sign-in sheet is attached as Exhibit A

2. Public comments

Director Scadden called for public comments and there were no public comments.

3. Discuss, consider and take action on previous meeting minutes

Approval of the February 13, 2019 minutes.

Upon motion by Director O'Malia, seconded by Director Hennings, the Board approved the minutes of the February 13, 2019 Board meeting without changes - 6 ayes to 0 nays.

The approved meeting minutes are attached as Exhibit B

4. Committee Reports

- a. Finance – Director Urie provided the monthly Financial Report for period ending 2/28/2019. He said the only additions were a deposit of \$0.21 in interest and checks in the amount of \$90 and \$134 for meeting attendance and post office box rental. Current checking account balance is \$5,230.66. Director O'Malia indicated that the District might have to file a tax exempt informational tax return. Directors Buddin and Urie said they will investigate and Vicky Kennedy suggested that they check with Ron Fieseler from Blanco-Pedernales and Linda Kaye Rogers from Hays Trinity and Director Hennings suggested George Wissmann at Trinity Glen Rose as well. Director Scadden said that the District needs to track the spending of Travis County's \$5,000 contribution. Director Urie has set up a separate account to track these expenditures and a report needs to be provided to Travis County in April.

The Financial Report is attached as Exhibit C

- b. Legislative – Director Scadden presented an update on behalf of Director Davis who was absent. He said that two bills (House HB 2201 and Senate SB 669) have been filed, both with confirmation election requirement. We hope to add a second election opportunity at the committee hearing to allow a second election in the event that the first election fails. We have asked Travis County for an opinion on election application by the August deadline when the currently pending legislation is not effective until September. Vicky Kennedy with Travis County said that Travis County suggested language for bills allowing for second election. The Travis County proposed Language will be considered during the committee hearings on the Bills and the State legislative website is a good place to track the progress of the bills. Director Scadden advised that Senator Buckingham asked for Travis County to confirm support for election costs. Travis County sent a letter on March 12th confirming that support.

The March 12th Travis County letter is attached as Exhibit D

Gene Lowenthal asked when legislation will become effective. He expressed concern about there being enough time to educate the community. At the last meeting in February we heard that even well owners are skeptical. The next few meetings should focus on this. You need articles in the newspapers, and to speak to city councils. Director Scadden said that Commissioner Dougherty offered to publically support the GCD. Director Urie suggested getting coverage from the Community Impact newspaper. Gene Lowenthal added that we should lobby for front page coverage by Community Impact and Director Dower suggested contacting Nicholas Cicale at the newspaper. Christy Muse suggested media briefings to provide history, fact sheet, and neighboring GCD experiences as background and to set tone as a foundation for building news stories. Gene Lowenthal suggested speaking to groundwater based subdivisions' HOAs like Saddletree Ranch and West Cave Estates to allay any fears they may have. Christy Muse said that there may be a ballot measure for a constitutional amendment to support parks and we should look for opportunities to "tag along". Gene Lowenthal suggested asking legislators to include information about the GCD election in their newsletters. Vicky Kennedy suggested speaking to the commissioners' court and Director Scadden reiterated the need to speak to city councils and maybe ask for a vote of support and he suggested that we may need a committee to work on all of this. Director Hennings pointed out that we already have the Science and Outreach Committee (Directors Hennings, Dower and Davis) and this is really their role. Gene Lowenthal suggested developing a talking points document including a list of what a GCD is and what it is not. Director Hennings reminded that she and Director Dower had provided such a document for review last month (Item 7 below). Gene Lowenthal added that he met with subdivisions during a State Office of Administrative Hearings (SOAH) process and it was effective.

- c. Science-Outreach – Director Scadden expressed the opinion that the Texas Water Development Board well spreadsheet is unwieldy but is the basis of developing a budget. The Board needs to determine how much the registration fee might be. Vicky Kennedy advised that it is important to know and observe the limits set in the enabling legislation and that, until a successful confirmation election, we can't set rules but only work on drafts. The Board also discussed trying to get the Community Impact to reprint the article that Juli previously prepared for the Westlake Picayune.

5. Discuss, consider and act on support from Travis County and BSEACD including developing a SWTCGCD budget

Director Scadden advised that Judge Eckhardt has asked BSEACD to draft a suggested budget for SWTCGCD. He met with Alicia Reinmund-Martinez and Vicky Kennedy on March 1st to discuss a draft. This BSEACD draft budget represents an approximate \$240,000 initial estimate that Travis County would consider how to fund. He also said he plans to meet with Judge Eckhardt to discuss this matter. Gene Lowenthal asked if this is priming the pump or long term. Director Scadden said that he didn't know and he asked Vicky Kennedy if there is a Travis County FY2020 budget line item for SWTCGCD financial support. Vicky Kennedy responded that the Travis County budget process is just getting started and she suggested that the SWTCGCD needs to specifically request help. Director Scadden said that he wants to ask Travis County to develop a revenue estimate for the GCD based on the well inventory. Ms. Kennedy replied that they had already done that based on the same data and the GCD Board needs to think about what authorized fees you want to implement. Director Scadden said that he had never seen the previous revenue estimate and Ms. Kennedy said that she thought it was provided early on but that she can provide it again. Director Scadden added that we need a revenue model broken down by various fees.

Director Dower said he was concerned that a budget was being prepared without SWTCGCD involvement and he asked if we need a Board member or members assigned to work with Travis County. Ms. Kennedy responded saying that Director Scadden had been involved. Director Dower added his suggestion that the SWTCGCD adopt a fiscal year that is concurrent with the Travis County fiscal year and Ms. Kennedy stated that the Travis County fiscal year is October through September. Director Scadden asked the Board if they were all comfortable with him continuing to work with Ms. Kennedy and Travis County on the budget. He added that this is an effort to determine an expenditures budget not a revenue budget. Gene Lowenthal expressed the opinion that it seems that Travis County is doing due diligence on what they can do to help the GCD. Director Scadden said he has asked Travis County for legal advice regarding the planned election and they are looking into it but there may be a conflict of interest. He said he has also asked Linda Kaye Rogers with Hays Trinity GCD for them to authorize their lawyer to provide legal assistance to the SWTCGCD. Ms. Kennedy stated that Travis County is committed to support the GCD. Director Hennings suggested that at some point we may need a smaller subcommittee to work through the District budget proposal and Director Scadden suggested that the finance committee could do this.

6. Discuss, consider, and act on a SWTCGCD Document Retention Policy

Director O'Malia reminded the Board that he provided a digital copy of a proposed Document Retention Policy a couple of months ago and requested comments.

The draft Document Retention Policy is attached as Exhibit E

Director O'Malia continued to explain that after review and adoption by the Board the Document Retention Policy will need to be filed with the County. Emails will fall in various retention categories (varying lengths of time) to which they apply. Extended lengths of time will be needed for historically significant items since this is a new GCD. Director O'Malia suggested amending/adopting the draft Document Retention Policy so it can be submitted to an attorney. Director Buddin suggested that it seems like we could follow another GCD's policy. Director Scadden asked Director O'Malia if he prepared the draft Document Retention Policy from scratch. Director O'Malia replied that he had and suggested that we could ask an attorney to

review it. Director Buddin volunteered to obtain Document Retention Policies from other GCDs for review and comparison to Director O’Malia’s draft. Director Scadden said he had some comments on the draft policy including the following:

- The policy document should not use the words “all” or “insure” such as in 1.3d where it says “secretary will insure”
- Paragraph 1.2 says the records covered by this policy include voice mail. How will we do that? If we can’t should we strike that?
- Paragraph 1.3b says that documents which have satisfied their retention period should be destroyed in an appropriate manner. This needs to be more specific regarding what is appropriate.
- Paragraph 1.6 states that public documents can be recycled. They should be shredded regardless of whether they are public or not. Suggest striking the first sentence.
- Paragraph 1.7 should specifically address drafts. Need to keep only final drafts.
- Paragraph 2.4 add “including drafts”.

Director O’Malia said the goal of the policy is to be as transparent as possible and Director Scadden suggested that it should be as transparent as reasonable. Director O’Malia then asked the Directors to let him know if they had any further comments and Director Scadden thanked him for his work on the policy. A discussion then ensued regarding retention of electronic documents although most current documents are on paper. Director Hennings said she felt we need a definition of terminology used in the document, such as what is permanent and what is transitory. Director Buddin suggested that it would be a good idea to implement an email retention process. Director Dower said he thinks the cost for email archiving with GoDaddy is around \$25 per user per year or a total of \$25 times 7 users.

The Board approved a motion by Director Scadden seconded by Director Buddin to have Director Dower implement email archiving with GoDaddy for an annual cost not to exceed \$250 (6 Ayes – 0 Nays)

Director Dower reminded the Board that they need to use their swtcgcd.org email addresses in order for archiving to work.

7. Discuss, consider, and act on SWTCGCD Talking Points document

Director Scadden provided copies of a draft document for review and discussion. Director Buddin asked what “non-beneficial (wasteful) groundwater uses” means in the first paragraph, what is wasteful? Director Dower suggested that an example might be filling ornamental ponds. Director Scadden added another example might be irrigation use when surface water is available. Director Buddin asked about the distinction between registration fees and user (production) fees. Director Dower said that the GCD can charge registration fees to exempt wells but cannot meter, license, or regulate exempt wells. Director O’Malia suggested that the document needs to emphasize the positive things a GCD does. Director Scadden said after all Board members are satisfied we should share this with Vicky Kennedy at Travis County and Alicia Reinmund-Martinez at BSEACD and he asked if the Board had any reservations about sharing it. The Board unanimously agreed that it was OK to share.

The draft talking points document is attached as Exhibit F

8. Discuss, consider and act on providing computer software for the Board Secretary

On a motion by Director Dower and a second by Director Hennings the Board approved the purchase of Microsoft Office software through the District's GoDaddy account for use by the Board Secretary (6 Ayes – 0 Nays)

Director Hennings left the meeting at 12:02 PM

9. Discuss and establish agenda items for the next meeting agenda

Director Dower requested that the need for legal assistance, especially for the election, be added to the April meeting agenda.

10. Discuss, consider, and act on setting the date, time and location for the next Board meeting

The Board agreed that the next meeting would be held on Wednesday April 10, 2019 at 10:00 AM.

11. Adjourn

On a motion by Director O'Malia and a second by Director Urie the Board voted to adjourn the meeting – 5 ayes to 0 nays. The meeting was adjourned at 12:35 am

PASSED, APPROVED AND ADOPTED THIS 10TH day of April, 2018



John O'Malia, Secretary

Exhibit A

Attendee Sign-in Sheet

Exhibit B

Approved the minutes of the February 13, 2019 Board meeting

MINUTES
OF THE
SOUTHWESTERN TRAVIS COUNTY GROUNDWATER CONSERVATION DISTRICT

At the
Bee Cave School House
13333-A Highway 71 West
Bee Cave, Texas 78738
(the Bee Cave Schoolhouse is located adjacent to Lake Travis Fire and Rescue Station 603)

Wednesday, February 13, 2019 at 10:00 am

1. Call to order, declare meeting open to the public, and take roll

Director and Board President Scadden called the meeting of the Southwestern Travis County Groundwater Conservation District (SWTCGCD or District) Board of Directors to order at 10:01 AM on February 13, 2019. Five District Directors were present, including Directors Davis, Hennings, O'Malia, Scadden and Urie. Director Buddin was absent. Director Dower arrived at 11:35 AM and Director Hennings left at 12:00 PM. Also present were visitors Eileen Brzoska from West Travis County Public Utility Agency, Ron Fieseler from Blanco-Pedernales GCD/GMA 9, Robert Bradley from the Texas Water Development Board, George Wissmann and Emily Green from the Trinity Glen Rose GCD, Linda Kaye Rogers from Hays Trinity GCD, Vicky Kennedy and Jon White from Travis County, Kirk Holland and Alicia Reinmund-Martinez from Barton Springs Edwards Aquifer Conservation District, Saj Zappitello from Austin Watershed Protection Department, Charlie Flatten from Hill Country Alliance, Christy Muse from Shield Ranch, Texas State Representative Vicki Goodwin (part-time) and Kodi Sawin and Susan Nelson from Representative Goodwin's office, and visitors Vanessa Plug-Williams, John Hatchett, Gene Lowenthal, and Pete Golde.

The meeting sign-in sheet is attached as Exhibit A

2. Public comments

Director Scadden called for public comments and there were no comments. Director Scadden stated that Representative Goodwin would have comments when she arrives at the meeting.

3. Discuss, consider and take action on legislative issues and discussion with State Representative Goodwin

Item Deferred until later in the meeting

4. Open discussion on considerations, experience and lessons learned for starting a GCD

Item Deferred until later in the meeting

5. Discuss, consider and take action on previous meeting minutes

- a. December 12, 2018
- b. January 9, 2019

Item Deferred until later in the meeting

6. Committee Reports

- a. Finance – Director Urie provided the monthly Financial Report.

The Financial Report is attached as Exhibit B

- b. Legislative

Item Deferred until later in the meeting

- c. Science-Outreach – Director Hennings briefed the Board on the GMA 9 meeting in Kerrville which she and Director Scadden attended. She advised that the next GMA 9 meeting is scheduled for April 22nd and will be hosted by SWTCGCD in the Bee Cave City Hall meeting room above the library at 10:00 AM. Ron Fieseler added that it is normal practice of GMA 9 to move the location of their meetings around the GMA area.

Item 5. Deferred earlier was now taken up

- a. Approval of the December 12, 2018 Meeting Minutes

Upon motion by Director Hennings, seconded by Director O’Malia, the Board approved the minutes of the December 12, 2018 Board meeting without changes – 5 ayes to 0 nays

The approved meeting minutes are attached as Exhibit C

- b. Approval of the January 9, 2019 Meeting Minutes

Upon motion by Director O’Malia, seconded by Director Hennings, the Board approved the minutes of the January 9, 2019 Board meeting without changes – 5 ayes to 0 nays

The approved meeting minutes are attached as Exhibit D

Item 6.b. Deferred earlier was now taken up

- b. Legislative – Director Davis briefed the Board on discussions with Senator Buckingham’s office. Senator Buckingham has filed Senate Bill 669 which Director Davis characterized as the shortest bill of the legislative session. She describe a surprising aspect of the bill. She explained that the original enabling legislation gave the GCD two confirmation election opportunities. As written SB 669 sets the date for the second election to be in November 2019, meaning that the first election opportunity was spent when the May 2018 election was cancelled and leaving only one confirmation election opportunity. In the event of failure of the November 2019 confirmation election new enabling legislation would have to be sought in 2021. Director Scadden advised that he has discussed the cost of the November 2019 election and they estimate the cost to be between \$45K and \$50K versus \$185K to \$200K for the cancelled May 2018 election. Director Davis discussed what happens if the Nov. 2019 fails. She said the GCD would stay as is until 2021 or the TCEQ would form a GCD. Director Davis said that this TCEQ action never happens since the preferred route to

formation of a GCD is through local legislation. Director Davis also advised that the bill (SB 669) is effective September 1, 2019. Since it takes three months to get on the ballot we need to start the process in August 2019 and we need to confirm that we can get on the ballot before September 1st.

A copy of SB 669 was provided by Director Davis and is attached as Exhibit E

Representative Vikki Goodwin arrived and was welcomed by Director Scadden who expressed his appreciation for her being at the meeting. She said she was trying to pick up the ongoing discussion and talked about November 2021 and November 2019 election dates and said that 2020 might be less expensive and allow more time for public education regarding the GCD. Representative Goodwin said she wants to have a one-on-one meeting with Senator Charles Perry. It would be helpful she said to get some support for not having a confirmation election or if the Board wants to have an election please let me know. She added that it seems like you don't need a \$45K expense and maybe an additional \$45K for a second election. There will still need to be director elections but the director positions may not be contested. Ron Fieseler stated that since the SWTCGCD is not a taxing authority there is no need to hold an election. Director Scadden stated that the requirement for a confirmation election is in the SWTCGCD enabling legislation. Mr. Fieseler added that the TCEQ will not require an election to form a GCD. Director Hennings pointed out that Senator Perry has said that he considers fees to be a form of taxes. The following comments were contributed by attendees; This is a Priority Groundwater Management Area; Does Senator Perry know what the election costs are? ; Comal County had a failed confirmation election but later was passed without an election, it was on and off for 20 years, it took 50+ stakeholders to get passed, you need stakeholders (advocates) to show support. Gene Lowenthal reviewed the history of the SWTCGCD sharing that the TCEQ was ready to set up the GCD, there was a hearing and then Representative Workman asked the TCEQ to back off. Ron Fieseler added that it was not for lack of stakeholders, there was lots of discussion. Gene added that a GCD in a PGMA without taxing authority needs no election by law. The following additional comments were contributed by attendees: There are fee based GCDs formed without elections; This Board can recommend an amendment for 2019 election plus a second election in 2020. Mr. Fieseler pointed out that you could have a failed confirmation election and unopposed directors with no GCD.

Director Scadden asked Representative Goodwin to confirm that she wants direction from this Board and a discussion among the Board members ensued regarding their opinions. Director Davis stated opinion that not having a confirmation election is a good idea but it will not pass the Senate. Director O'Malia said that given precedent and what has happened before it seems like we are forced to have an election. He added that he does not think it is in the GCD's best interest when the cost could be zero dollars without an election. Director Hennings observed that we would be driven to set the fee structure to pay the \$45K debt, fee holders would pay this cost and actual work would be delayed. Gene Lowenthal added that the cost of educating the public for the election needs to be added to the \$45K. Linda Kaye Rogers suggested that the SWTCGCD develop a preliminary budget to present as part of the public education process prior to the election. Director Scadden said that we need a well inventory to do that. Director Hennings suggested that the Comal and Hays GCD budgets would be good to look at.

At 10:47 AM Representative Goodwin said she had to leave to be back at the Capital. She said she would like to have several priorities identified for her meeting with Senator Perry and she

would let everyone know the results of that meeting. Director Scadden stated that he was in favor of dropping the confirmation election which seems like an unnecessary impediment. Director Urie said that he was conflicted, it's like a "Catch 22", the public should have a vote but the expense of an election makes the GCD not viable. Director Davis suggested that, with new people at the TCEQ, we could ask them to help us out. They have the authority but they have never done this in the past. Christy Muse added that in the past Representative Workman did not want the TCEQ to form the GCD. If Representative Goodwin now wants them to and this Board wants them to that is a significant change. Robert Bradley stated that two north Texas GCDs were formed without elections but the county had to approve them.

Kodi Sawin said that at Representative Goodwin's meeting with Senator Perry she will ask for the elimination of the confirmation election and if that is not possible then she will ask for a second election in 2022. Director Scadden stated that he prefers a November 2019 election and Christy Muse added with a November 2020 fallback election. Director Hennings asked if Travis County knew what the cost would have been during the 2016 presidential election. Vicky Kennedy said she could find out. Ron Fieseler added that you could hold an election if only one director position is contested for about \$1K to \$2K. John Hatchett suggested that if the Bill includes a confirmation election the election should be in 2019 but if it does not include a confirmation election then the directors' election should be in 2020 to allow time for revenue to be collected for the election. Director Hennings said that she had looked at Travis County population data and the population of southwest Travis County was 85K at the last census and is currently 100K with 34K households. Vicky Kennedy agreed to check on these numbers.

Director O'Malia suggested that the Board entertain a motion as to direction of the Board for Representative Goodwin. Director O'Malia then made a motion to recommend that the SWTCGCD not be required to have a confirmation election. Director Urie said that he could not support that position until Representative Goodwin's discussion with Senator Perry. Director Davis said she agreed with Director Urie. Director Scadden seconded the motion saying that it would put Representative Goodwin in a better position for her discussion with Senator Perry.

Upon the motion by Director O'Malia seconded by Director Scadden the Board voted to recommend to Representative Goodwin that the SWTCGCD not be required to hold a confirmation election – 3 ayes (O'Malia, Scadden, and Hennings), and 0 nays, with 2 abstaining (Urie and Davis).

Director Urie then asked if Travis County would still be willing to make a loan to the SWTCGCD to cover the cost of an election. Vicky Kennedy and Jon White responded yes. Director Urie added that the last time the Board did not know what terms Travis County would require, this time we can get the terms in advance.

Item 4. Open discussion on considerations, experience and lessons learned for starting a GCD which was deferred earlier was now taken up

Director started the discussion by asking who has experience with failed confirmation elections. Linda Kaye Rogers advised that the Hays Trinity GCD failed the first time. She said you need to educate constituents as to what the GCD will do for them "Keep your well running for the next 50 years". Emily Green shared that the Trinity Glen Rose GCD had two failed elections and two bills that failed in committee. She said that you need to educate the public that you will not be

metering people's domestic wells which are exempt. This is the number one issue with most people (residential). They need to understand that only non-exempt wells will be metered and you need to define non-exempt. The main message should be – No metering of domestic wells and no taxes. Delay implementing administrative fees like Comal did. Don't throw up barriers to getting wells registered. Registration needs to be a one-time fee. Linda Kaye Rogers advised that Comal is now considering implementing an annual administrative fee of \$25. She added that the main message should be to conserve, preserve and protect groundwater quantity and quality. This message needs to be communicated by constant presence at HOAs, and Commissioners' Court. You need to educate the public on the implications of not participating in the work of GMA 9. Vanessa Plug-Williams commented that she is aware of volunteer well owners requesting registration. Linda Kaye Rogers stated that all new wells drilled since 2003 need to be registered with the Texas Water Development Board. Ron Fieseler shared that Kendall County had an annual administrative fee and it cost them \$5,500 just to mail bills. They got a poor response and anger resulting in having to send out second and third bills. Certified mail and legal fees cost more than they collected. He added that you need to get the message out to municipalities on surface water that they will not be affected by a GCD and also that groundwater feeds the lakes. Gene Lowenthal pointed out that municipalities have irrigation wells so they don't want regulation. Director Scadden pointed out that most people have irrigation wells to save on the cost of surface water. Linda Kaye Rogers added that some counties prohibit well drilling if you have surface water available but agricultural wells are OK. Director Scadden advised that Travis County and BSEACD are conducting a study to identify a well inventory.

Director Dower arrived at 11:35 AM.

Director Scadden asked the attendees to comment on how you get started and the following comments were shared; The TCEQ says it takes \$250K per year to run a GCD but you can get started with \$80K to \$100K; Comal County provided \$20K in reimbursements of expenses and they first researched well inventory and rules for collecting revenue while operating out of an old fire station. Hays Trinity GCD receives \$175K per year from the county and \$9,100 for well monitoring. Hays Trinity was originally funded by a \$300 registration fee. Ron Fieseler said he started out with a budget of \$175K and now it is \$300K. The Texas Water Development Board offers Loans but no grants and has a wealth of data including well registrations since 2003. Ron Fieseler said that prior to getting tax revenue he got a small (\$5K) loan from a bank. BSEACD said that of 2000 wells 50 or 60 are non-exempt and production fees could be as much as \$240K from the non-exempt wells. Production fees are much easier to administer than Admin. Fees and service connection fees. Linda Kaye Rogers added that connection fees are also an unstable revenue source and they can't survive on production fees alone which amount to \$100 of a \$400K budget. Director Scadden said that the Board needs to make policy decisions within the bounds of the enabling legislation including deciding what fees to charge and how much. Ron Fieseler advised that you need a Management Plan first then rules per Chapter 36. Director Hennings pointed out that we are currently prohibited from working on a Management Plan until confirmation. Robert Bradley said that the Texas Water Development Board does "Pre-Reviews" of management plans which is helpful to do. Linda Kaye Rogers pointed out that all GCDs have their management plans and rules posted on-line so you can cut and paste. Vanessa Plug-Williams asked have you discussed the idea of having a ballot for taxing authority now that we have a different state representative. She added that the election question does not necessarily need to go through Senator Perry's committee.

Director Scadden asked for input from the attendees regarding hiring staff versus using consultants. Comments contributed were; contracting with other GCDs is a good way to get

resources at very attractive rates; and you need long term resources not consultants who you may never hear from again. Director Davis asked about the use of interns and got the following comments: They are useful for general field work but not for P.R efforts at the start. Linda Kaye Rogers said you may only need part time resources at first but you need someone who is going to stay with you since turnover is not good. Interns will likely be looking for full time work later. Ron Fieseler added that Interns requires a lot of supervision and can be a burden.

Director Scadden then asked the attendees to describe their biggest challenge or success. Comments included: Your primary contact person will make or break your district; you need a cohesive board where everyone works well together and you don't get bogged down by in-fighting; all other GCDs are willing to help out; biggest challenge is inter-personal relationships with constituents; you need to be personable and an asset to the community and be viewed as such: need to be good at social media. Ron Fieseler said tht he hired a person who had worked for the county surveyor who was known in the community and was a good administrator.

Christy Muse shared that on a statewide level there is a feeling of conformity and an effort to align rules with neighboring GCDs. Director Davis added that Senator Perry has a bill regarding GCD conformity and TAGD has an effort to pull together all management plans and rules and Linda Kaye Rogers said that GMA 9 has a similar effort. Don't go rogue with rules, especially don't cause permitting delays. Ron Fieseler commented that this meeting alone shows that you are looking to work with neighboring GCDs.

Director Scadden thanked everyone and asked if there was anything more they wanted to share. Vicky Kennedy said that on March 25th BSEACD is going to present before the Travis County Commissioners Court on the Well Testing Program. Ron Fieseler suggested that SWTCGCD might want to consider who you want to invite to the GMA 9 meting including possibly news reporters. Water quality is particularly important in all of this and well construction rules are important to water quality and should be a priority. Rules are critical and you need a management plan first. You can work on a draft management plan.

7. Discuss, consider, and act on a SWTCGCD Document Retention Policy

Item Deferred to Future Meeting

Director Davis provided a copy of a Document Retention Policy from the Texas State Library which is attached as Exhibit F.

8. Discuss, consider, and act on SWTCGCD Talking Points Document

Item Deferred to Future Meeting

9. Discuss and Establish Agenda Items for Next Meeting Agenda

The following items were suggested for the future meeting agendas:

- Drafting a Management Plan, Rules, and Policies
- Can we accept donations
- Do we want a non-profit arm
- Microsoft Office License for Board Secretary

10. Discuss, consider, and act on setting the date, time and location for the next Board meeting

The Board agreed that the next meeting would be held on Wednesday March 13, 2019 at 10:00 AM.

11. Adjourn

On a motion by Director O'Malia and a second by Director Dower the Board voted to adjourn the meeting – 5 ayes to 0 nays. The meeting was adjourned at 12:33 AM

PASSED, APPROVED AND ADOPTED THIS _____ day of February, 2018

John O'Malia, Secretary

Exhibit C

SWTCGCD Financial Summary report

SWTCGCD
Reconciliation Detail
 Independent Bank, Period Ending 02/28/2019

Type	Date	Num	Name	Clr	Amount	Balance
Beginning Balance						5,454.45
Cleared Transactions						
Checks and Payments - 2 items						
Bill Pmt -Check	02/11/2019	108	Rick Scadden	X	-90.00	-90.00
Bill Pmt -Check	02/23/2019	109	US Postal Service	X	-134.00	-224.00
Total Checks and Payments					-224.00	-224.00
Deposits and Credits - 1 item						
Deposit	02/28/2019			X	0.21	0.21
Total Deposits and Credits					0.21	0.21
Total Cleared Transactions					-223.79	-223.79
Cleared Balance					-223.79	5,230.66
Register Balance as of 02/28/2019					-223.79	5,230.66
Ending Balance					-223.79	5,230.66

Exhibit D

March 12th Travis County letter



TRAVIS COUNTY COMMISSIONERS COURT

JEFFREY W. TRAVILLION, SR.
Commissioner, Pct. 1

SARAH ECKHARDT
County Judge

BRIGID SHEA
Commissioner, Pct. 2

GERALD DAUGHERTY
Commissioner, Pct. 3

MARGARET J. GÓMEZ
Commissioner, Pct. 4

March 12, 2019

The Honorable Dawn Buckingham
Texas Senate, District 24
The Honorable Vikki Goodwin
Texas House of Representatives, District 47
Capitol Building
Austin, Texas

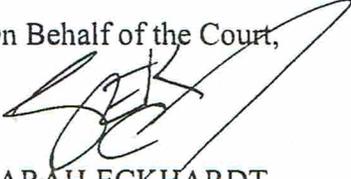
Dear Senator Buckingham and Representative Goodwin:

Thank you for your efforts to support the Southwestern Travis County Groundwater Conservation District by filing Senate Bill 669 / House Bill 2201. As you know, a confirmation election is required to ratify the creation of the District. Travis County supports your efforts to allow such a confirmation election to occur in November rather than May, as this will reduce the costs to the District.

Pursuant to Water Code Section 36.157, Travis County is also prepared to enter into an interlocal agreement with the District to unilaterally grant the District the necessary financial assistance for the District to pay all costs of holding the election(s) contemplated by the District's enabling legislation.

If Travis County can be of any assistance during the legislative session regarding these bills or any others, please do not hesitate to contact me.

On Behalf of the Court,



SARAH ECKHARDT
County Judge

Exhibit E

Draft Document Retention Policy

Exhibit "A"

Document Retention Policy

INTRODUCTION

1.1 Scope

This Document and Destruction Policy applies to the Southwestern Travis County Groundwater Conservation District aka the SWTCGCD, its employees and members of the Districts Board of Directors (the "Board"). Documents and records maintained by the Board's legal counsel are not subject to this policy.

1.2 Purpose

This Policy is created to establish guidelines for identifying, retaining, storing, protecting and disposing of the District's books, records and other documents in the possession of the SWTCGCD Directors, its management and employees and that they adhere to all legal and business requirements. For purposes of this policy, the term "records" means any documents which is generated or received by the District in connection with its business or its legal obligations. Those records include but is not limited to all writings, drawings, graphs, charts, photographs, tapes, discs and any other type of electronic documents from which information can be obtained or translated such as electronic mail, voice mail, discs, drives or CD ROM's.

1.3 Policy

- A. It is the District's policy to maintain complete and accurate records. Records are to be maintained for the period of immediate use, unless longer retention is required for historical purposes, contractual or legal requirements or for other purposes as set forth in this policy.
- B. Records that are no longer required, or have satisfied their recommended retention period, are to be destroyed in an appropriate manner.
- C. Unless directed otherwise by legal counsel, records may be scanned and maintained in an electronic format.
- D. The Manager or if there is no Manager, the Board's Secretary, is responsible for ensuring that the Board's records are identified, retained, stored, protected and disposed of in accordance with the guidelines set forth in this policy.

1.4 Directors

The SWTCGCD does not require the Directors to maintain any records generated by the District. Any Director who receives Records not generated by by the District must send the originals to either the Manager or the Secretary of the District to be maintained in the Districts books or records.

Whenever a Director is no longer serving as a Director, their records pertaining to the business of the District which are not otherwise in the District's books and records must be turned over to the Manager or the Secretary of the District within 15 business days.

SOUTHWESTERN TRAVIS COUNTY GROUNDWATER CONSERVATION DISTRICT DOCUMENT RETENTION POLICY

1.5 Annual Purge of Files

The Manager or Secretary of the District shall conduct an annual purge of files from the District's books and records. Such purge shall be accomplished by the end of the first quarter of each calendar year. A summary of the purge shall be presented at the first District meeting in April of each calendar year.

1.6 Destruction Procedures

If the Records being destroyed are public record, they can be recycled or disposed of in a trash receptacle.

If the Records contain privileged or confidential information they must be destroyed in such a manner which ensures that the information contained therein remains confidential.

1.7 Miscellaneous

Copies of any records may be destroyed, provided that the original is maintained in the District's books and records or is not otherwise required to be maintained pursuant to this policy.

1.8 Onset of Litigation

At the onset of litigation or if litigation is foreseen or may be imminent, all Records potentially relevant to the dispute must be preserved. At the direction of legal counsel, the Manager or the Secretary of the District will advise the Board or any other person in possession of Records of the matter and instruct them not to destroy any Records which might be relevant to such litigation. At the conclusion of the litigation as determined by legal counsel, the hold period will cease and the time period provided for in this Policy will commence.

2. Document Retention Periods

2.1 Permanent

Audit reports, chart of accounts, fixed asset purchases and the general ledger have no destruction date. Governing documents, actions taken by ballot, contracts and correspondence with counsel, employee records and real property records and warranties are permanent.

2.2 Seven Year Retention

Accounts payable and receivable, expense records, annual financial records and tax returns/records and bank records will be retained for seven years. Minutes of all Board and Committee meetings and all employee records shall also be so maintained.

2.3 Two Year Retention

Communications sent or received in the normal course of business, public information requests and complaints shall be retained for two years.

2.4 Miscellaneous Retention Periods

Employment applications, resumes, ads, and job opportunity notices will be retained for three years. Minor contracts and insurance policies will be retained for four years beyond termination. Transitory documents may be properly destroyed per paragraph 1.6 once they are no longer useful.

Exhibit F

Draft Talking Points Document

DRAFT

Southwestern Travis County Groundwater Conservation District

The Southwestern Travis County Groundwater Conservation District (District or GCD) now pending confirmation by voters, was created by the Texas Legislature in 2017. The legislation became effective on September 1, 2017. The District is designed to serve as a data gathering and groundwater management entity that has the ability to manage certain commercial and non-beneficial (wasteful) groundwater uses. Voters will have an opportunity to ratify this new district at a future confirmation election.

Benefits of a GCD

The Trinity Aquifer is the sole source of water for tens of thousands of domestic and ranching wells across the Hill Country including hundreds of households in western Travis County. Current and projected population increases could exceed the carrying capacity of the aquifer in some locations. Without planning and regulation of groundwater in this area, the result could be decreased spring-flow and failing domestic water wells. Failed groundwater wells have already been experienced during times of drought in the last few years.

The Texas Legislature has clearly provided that GCDs are the state's preferred method of groundwater management. GCDs conserve, manage, and protect the groundwater resources within their geographic area. GCDs help manage groundwater in the future as the population of Texas increases and the demand for groundwater increases. In addition, a GCD can protect your groundwater availability compared to the current rule of capture where anyone with a deeper well or larger pump can extract as much groundwater as they want.

What is the District's Territory

The District's territory includes a portion of the southwestern corner of Travis County and is bound by the Lake Travis to the north, and to the west by Blanco and Burnet Counties, to the southwest by Hays County, to the southeast by the Barton Springs Edwards Aquifer Conservation District. It includes a portion of West Lake Hills and the Cities of Lakeway and Bee Cave. The area generally covers that portion of the Trinity Aquifer in Travis County.

Who will be impacted by this GCD

Current well owners who use their wells only for household needs will need to register their wells but will be statutorily exempt from permitting and metering requirements. The regulated community will be a small set of users who pump much larger amounts of groundwater from the Trinity Aquifer, including commercial and industrial users; irrigated golf courses; and Municipal Utility Districts, Water Control and Improvement Districts, and public water suppliers that use groundwater.

A typical family of four uses less than 1,000 gallons of water per day, and domestic wells using less than 10,000 gallons per day will be exempt from user fees. Domestic and agricultural wells producing less than 25,000 gallons per day on properties larger than 10 acres will also be exempt from user fees.

How will the GCD work

The new GCD is overseen by a 7-member Board of Directors, currently a “temporary” board, with members appointed by local elected officials. New directors will be elected *at the same election as the vote to confirm the creation of the District* by residents of the City of Bee Caves, the City of Lakeway, Village of the Hills, and the City of West Lake Hills, as well as by residents in the District’s territory beyond the municipal boundaries of those listed municipalities in the unincorporated portions of southwestern Travis County. The operation of the District will be funded by user fees including commercial well production fees, and by registration fees. The District is statutorily prohibited from using ad-valorem taxation to fund its work. There will be NO NEW TAXES as a result of the District.

What happens if we don’t have a GCD

From an ownership perspective, Texas groundwater law is simple and straightforward: Groundwater is the private property of the owner of the overlying land. The owner(s) of the land have the right to capture the groundwater beneath their land (the rule of capture). However, adjoining landowners have the same right to pump water from beneath their properties. Pumping water sometimes causes the groundwater beneath one property to move to an adjoining property, causing the nearby landowner’s wells to go dry. Without a GCD to regulate drilling and pumping, the rule of capture remains in effect together with the risk of damage from unregulated or over pumping.

What can the GCD do

Require permits that endeavor to minimize negative impacts from major groundwater withdrawals

Protect groundwater from contamination from septic systems by enforcing well spacing requirements.

Protect well water quality by enforcing that wells are drilled and cased in a correct manner in accordance with state law.

Provide property owners with information about the most productive layer(s) of the aquifer and information about water quality in their area.

Implement local responsibility and control of the Trinity aquifer’s future viability.

Regulate the exportation of groundwater from this area and make certain that water wells used to export groundwater are properly spaced and do not overproduce so that negative impacts to nearby wells are limited.

Can a district prevent me from drilling a well on my property

In general, the GCD cannot prevent you from drilling one well on your property. The well may have to be permitted and a production limit may be set if the well produces more than 10,000 gallons per day. The GCD may prevent you from drilling additional wells on your property if well spacing requirements are in place.