

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, April 10, 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 April 10, 2019. Five District Directors were present, including Directors Urie, O'Malia, Dower, Davis and Scadden. Directors Buddin and Hennings were absent. Also present were visitors Vicky Kennedy from Travis County, John Worrall from Hays Trinity GCD, Charles Dunning with WellIntel Company, Theresa Golde with De Leon, Washburn & Ward, Carl Jones, 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 the following public comments:

John Worrell from Hays Trinity GCD introduced himself and said his groundwater well is near the Hays/Travis county line and Director Davis' ranch, and he offered help for the SWTCGCD. He welcomed the SWTCGCD Board to the world of groundwater conservation. He said that GCDs have done a great job of interacting and cooperating. He reiterated Linda Kaye Rogers' offer to help. He ended by suggesting that the SWTCGCD should ask for specific help and thanking them for being in existence.

Charles Dunning from the groundwater monitoring company WellIntel said that his company is working with a growing number of GCDs. The company makes acoustic well level monitors which can be installed in networks which identify important water level gradients. They have setup a network for Comal Trinity GCD and have worked with Lost Pines GCD, Post Oaks Savannah GCD, Lee and Williamson counties and Edwards Aquifer.

Carl Jones from Naumann Point HOA in far west Travis County said he had a question concerning permeability of limestone between wells and the lake. He said he was looking for data regarding the relationship between well delivery and lake level.

Vicky Kennedy from Travis County said that there is a study underway that will look at this and that Blanco Pedernales GCD also has data.

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

Approval of the March 13, 2019 minutes.

Upon motion by Director O'Malia, seconded by Director Dower, the Board approved the minutes of the March 13, 2019 Board meeting without changes - 5 ayes to 0 nays.

The approved meeting minutes are attached as Exhibit B

4. Committee Reports

- a. Finance – There were no changes in finances to report.

Director Scadden explained that the GCD owes Travis County a report on expenditures of Travis County funds. He added that Judge Eckhardt has told him that she is thrilled with the GCD's work so he believes that there is no need to do a big sales job. He asked Director Urie to prepare a financial summary that he will include in a brief report and he will send it to Judge Eckhardt and the Travis County staff.

- b. Legislative – Director Davis advised that both SWTCGCD bills (SB 669 and HB 2201) passed committees and SB 669 is expected to be on the local and consent agenda tomorrow. Passage is expected and the House bill will sit until the Senate bill is done. No problems are expected. She added that another GCD bill is pending based on landowner complaints regarding GCDs and eminent domain. This bill may result in new constraints. Director Davis will get the number of this bill. Director Scadden added that both bills authorize a November 2019 election and if that election fails a second election in November of 2020. If the bills receive two thirds approval they will become effective immediately, otherwise they will be effective on September 1, 2019.

- c. Science-Outreach – Director Dower advised that a meeting of the subcommittee has been scheduled for May 8th and he is working on an agenda for the meeting. Director Scadden said that he as well as Christy Muse and Gene Lowenthal will be involved and Judge Eckhardt has offered services of the County Public Information Office and printing services, etc. He said that the GCD can't "electioneer" and can't spend any Travis County funds on electioneering. Director Davis provided examples of posters, mailings, etc. that can be used. Director Scadden will speak at the Naumann Point HOA annual meeting on April 27th. Director Davis will also be speaking to her neighborhood group and she reiterated the need for handouts. Christy Muse suggested a three pronged effort consisting of 1. Education, 2. Water Conservation Consciousness, and 3. Political Action (separate from the Board, although Directors can advocate on their own as individuals). Can't act politically as a Board with public resources. Vicky Kennedy suggested reaching out to Bob Moore at Travis County concerning limits on electioneering. Director Scadden advised that the SWTCGCD had received an email from the TCEQ regarding an application from the Provence subdivision developer under Edwards Aquifer rules. He said he would follow up but he felt that this indicates that the TCEQ considers the SWTCGCD to be a valid entity. Comments are due May 9th. Vicky Kennedy suggested that the SWTCGCD might also expect a similar notice for Hilltop Manor since they also have to comply. Director Scadden also reminded everyone of the GMA 9 meeting on April 22nd in the meeting room above the Bee Cave Library.

5. Discuss, consider, and act on SWTCGCD budgeting activities including support from Travis County and BSEACD

Director Scadden explained that Judge Eckhardt has asked Alicia Reinmund-Martinez (G.M.) at BSEACD to develop a pro-forma budget for SWTCGCD. The latest version of that budget was sent to him and Vicky Kennedy and it totals \$268,000. Directors Scadden and Hennings met with Ron Fieseler and Vicky Kennedy to discuss budgeting and obtained spreadsheets. Vicky Kennedy said that she is meeting with Bob Moore and that the Travis County budget is questionable due to pending revenue cap state legislation (HB2/SB2). Director Scadden said that he has asked Judge Eckhardt what we can do. If any Director knows Senator Buckingham, she is key to this legislation and she should know how it might affect the SWTCGCD. He reiterated that this legislation will impact the ability to get funding from Travis County. Vicky Kennedy continues to look for Travis County money and office space. Director Scadden will continue working with Vicky Kennedy and the Travis County officials in an effort to establish a budget and obtain County funding.

6. Discuss, consider, and act on legal representation for SWTCGCD

Director Scadden reiterated the need for legal representation for the election process as expressed by several Directors and shared that Pete Golde has offered to fund work by his daughter-in-law Theresa who is an attorney with the law firm De Leon, Washburn and Ward. The proposed funding support is up to \$5,000 to help the GCD with the election process. Vicky Kennedy said that Travis County may be able to fund or do election application work for the SWTCGCD and the key is who contracts with the Election Decision, Travis County or the SWTCGCD. She said she would try to get an answer as to how much Travis County can commit to do. Director Scadden added that Alicia Reinmund-Martinez had a discussion with Ty Embrey from Lloyd Gosslink and asked Ty what it would cost for Lloyd Gosslink to support the SWTCGCD for one year. Ty responded with an estimated cost of \$45,000. Director Scadden added that he felt that neither Travis County assistance nor assistance from Lloyd Gosslink could be confirmed or funded any time soon and there is a feeling of urgency on the part of the Board and he suggested getting the services of Theresa Golde in place now would be appropriate. To the extent that any of the election prep work could be done by others, Theresa's services might be used to answer several minor legal questions that have come up or may come up. A discussion of other legal questions and services ensued with regard to how far the proposed \$5,000 might go. It was agreed that the election work is the highest priority. Theresa Golde said that she can get the SWTCGCD files from Lloyd Gosslink and after reviewing the work done for the first election she can provide a better evaluation of the adequacy of the \$5,000 budget. She added that a current District boundary map is needed and Vicky Kennedy offered to check about the map.

Upon motion by Director Dower, seconded by Director O'Malia, the Board authorized Director Scadden to execute a contract with De Leon, Washburn and Ward for legal services related to the election with an initial budget of \$5,000 and with Director Scadden as the single point of contact for directing the work - 5 ayes to 0 nays.

7. Discuss, consider, and act on expanding the Finance Committee

Director Scadden suggested that the Finance Committee needs to get more involved in budgeting and suggested that the committee be expanded to include Director Buddin and himself in addition for Director Urie.

Upon a motion by Director Scadden, seconded by Director O'Malia the Board authorized the Finance Committee to be expanded to three directors and appointed Directors Buddin and Scadden to the committee in addition Director Urie - 5 ayes to 0 nays.

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

Director O'Malia advised that the State document retention policies categorize types of agencies and provide 60 to 100 pages of guidance for each category. He tried to condense this down to a few pages. He said that he has incorporated comments from last month's meeting. He still thinks it will be hard to get accepted by the Texas State Library and Archives Commission. He suggested submitting a Declaration of Compliance, with appropriate schedules checked, to the Commission instead. This would still be hard for the SWTCGCD Board to use so he further suggests that a simplified "Annex" be developed for internal use. Director Scadden said he agreed on the need for a "Cliffs Notes" version. Director O'Malia said that the State Library and Archives Commission requires the Board to designate the Secretary as Records Management Officer.

Upon a motion by Director Scadden, seconded by Director Urie the Board designated the Board Secretary as Records Management Officer - 5 ayes to 0 nays.

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

Director Scadden said that no new comments on the Talking Points documents have been received so he proposed deferring further discussion until the May 8th meeting and asked all Directors to submit any comments they may have to the Committee.

10. Discuss, consider and act on providing computer software for the Board Secretary and other Directors. Also review and act on purchasing archiving service(s) from GoDaddy

Director Dower discussed the email archiving service from GoDaddy advising that the cost would be \$419.16 per year to archive all SWTCGCD email accounts.

Upon a motion by Director Davis, seconded by Director Scadden the Board approved the purchase of email archiving services from GoDaddy for an annual cost not to exceed \$420 – 5 ayes to 0 nays.

Director Dower continued with a discussion of the cost for Microsoft Office software. He said that both Directors Urie and O'Malia do not have the software but Director Urie says he does not need it. The cost for one Microsoft Office 365 license is \$79.99 for one year.

Upon a motion by Director Dower, seconded by Director Scadden the Board approved the purchase of one Microsoft Office 365 license for an annual cost not to exceed \$100 – 5 ayes to 0 nays.

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

Director Dower said he would like to begin discussion of setting fees which is important for the election and he asked that this be added to the May meeting agenda. Discussion of the Logo was also requested.

12. 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 May 8, 2019 at 10:00 AM with an Outreach Committee meeting at 8:30 AM.

13. 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 12:06 am

PASSED, APPROVED AND ADOPTED THIS 8TH day of May, 2019



John O'Malia, Secretary

Exhibit A

Attendee Sign-in Sheet

Exhibit B

Approved the minutes of the March 13, 2019 Board meeting

MINUTES
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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 _____ day of April, 2018

John O'Malia, Secretary