

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, May 8, 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 10:10 AM on May 8, 2019. Five District Directors were present constituting a quorum, including Directors O'Malia, Dower, Davis, Hennings and Scadden. Directors Buddin and Urie were absent. Also present were visitors Vicky Kennedy from Travis County, Allan Standen (Groundwater Consultant), Charlie Flatten with the Hill Country Alliance, Jean Bessent, 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:

Allan Standen introduced himself and his consulting company Allan R. Standen LLC. He said that he has been providing groundwater consulting services including 3D models of whole counties with accessible data. He added that he was at the meeting to see where the SWTCGCD is in its development.

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

Approval of the April 10, 2019 minutes.

Upon a motion by Director O'Malia, seconded by Director Dower, the Board approved the minutes of the April 10, 2019 Board meeting without changes - 5 ayes to 0 nays.

The approved meeting minutes are attached as Exhibit B

Agenda Item 11. Discuss, consider and act on SWTCGCD Logo Design was next taken up out of order

Director Davis presented logo ideas worked up with a graphics designer. There are raindrop and state map themes. Director Davis suggested that the state map theme might not be the most appropriate since the SWTCGCD is a local district (1/4 of Travis County) and not a statewide district. Director Scadden asked if there was any objection to eliminating the state map themed logo ideas and there were none. Director Davis added that the state map theme logo does not work on a business card. Director Scadden suggested focusing on the raindrop graphic logos. A discussion ensued ending in the selection of a logo design.

Upon a motion by Director Hennings, seconded by Director Dower, the Board approved a four color logo design designated as Option 2B – 5 Ayes to 0 Nays

The approved logo design (Option 2B) is attached as Exhibit C

Agenda Item 5. Discuss, consider and act on SWTCGCD Budgeting Activities was partially taken up out of order

Vicky Kennedy from Travis County advised that the County had decided that it cannot provide legal services but a budget request for funds to support the SWTCGCD will be taken to the Commissioner's Court for approval. This budget if approved will be in addition to the County's covering the cost of the election which it has already committed to. The SWTCGCD must contract with Travis County Elections Division and submit all applicable forms. Ms. Kennedy said she has contacted the Travis County GIS folks about district boundaries. Director Hennings asked Ms. Kennedy about potentiometric maps.

4. Committee Reports

- a. Finance – Director Scadden presented the financial report for the period ending 4/30/2019 because of the absence of Director Urie. The ending balance in the checking account is \$5,001.30.

The 4/30/2019 Financial Report is attached as Exhibit D

- b. Legislative – Director Davis advised that the House approved bill SB 669 yesterday and the Governor still needs to sign it. Director Scadden added that due to the greater than 2/3 affirmative vote the bill will become effective immediately when signed by the Governor. Director Davis also advised that HB 1311 which is a Board of Geoscientists sunset bill passed.
- c. Science-Outreach – Director Hennings summarized the subcommittee meeting saying that the primary action items agreed to at the meeting were; 1) Need to work on a 30 sec. speech to be used by all to quickly communicate the SWTCGCD purpose and issues, 2) Develop a stakeholders list, 3) Develop a mission statement. A discussion ensued regarding the mission statement and it was agreed that the following should be the mission statement: *To preserve and protect groundwater through conservation, education and waste prevention within southwestern Travis County.* The word "protect" was added to reflect water quality.

Upon a motion by Director Dower, seconded by Director O'Malia, the Board approved the above mission statement – 5 Ayes to 0 Nays

Director Hennings advised that the next subcommittee meeting is scheduled for May 22nd at 9:00AM in the Bee Cave Schoolhouse.

Director Scadden talked about his attendance at the Naumann Point HOA meeting on April 27th. He said there were 25 to 30 people in attendance and he talked about the history of the SWTCGCD. He said people wanted to know if they would be taxed and if the GCD would be metering wells. He explained that the SWTCGCD has no taxing authority and that the SWTCGCD does not currently have plans to meter residential wells. Charlie Flatten added that this needs to be front and center in the GCD's message and education efforts for the outreach campaign.

Director Scadden advised that the Texas Alliance of Groundwater Districts meeting in San Antonio is coming up. He attended last year but that being the first year for the SWTCGCD it was free. He said that he had completed early-bird registration for this year's meeting. The cost for 3 days is \$650 for the room and \$385 for registration for a total of \$1,235. He said he would ask TAGD about the possibility of a second free attendance and he asked the Board to consider if they wanted to fund this meeting. He will include this on next month's agenda.

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

Director Scadden said that Judge Eckhardt and Commissioner Dougherty are very supportive of providing a start-up budget for the SWTCGCD but they will need support from the full Commissioner's Court. The proposed budget, which includes participation in GMA 9, is \$128,000 through the election and \$223,000 through the end of Travis County's fiscal year which is September 30, 2019. The proposed budget would fund one staff person and legal services. Judge Eckhardt asked Alicia at BSEACD for an estimate of the cost of legal fees and she asked Ty Emery at Lloyd Gosslink. They estimated \$20,000 through the election and \$30,000 after the election for a total of \$50,000. Funds for help with preparation of a draft Groundwater Management Plan are also included.

Director Scadden shared that he has asked his employer INTERA to consider providing pro bono services with technical work on the revenue model being an example of possible work. He will continue to pursue this and will keep the Board updated.

Director Scadden also advised that Director Buddin is willing to serve as a third member of the Finance/Budget Committee.

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

Director O'Malia has provided the SWTCGCD file containing documents from the May 2018 election for reference in preparation for the November 2019 election. Theresa Golde is working on pulling information together pertaining to the upcoming election.

Director Dower expressed the opinion that multiple legal firms should be interviewed, not just Lloyd Gosslink, when funding allows hiring one using County money.

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

Director O'Malia has submitted the Document Retention Policy approved by the Board last month to the Texas State Library and Archives Commission and is waiting to hear back.

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

Director O'Malia now has Microsoft Office which was purchased by the GCD.

9. Review and act on purchasing archiving service(s) from GoDaddy

Director Dower has set up email archiving with GoDaddy. No further discussion needed.

10. Discuss, consider, and act on setting Fees for the SWTCGCD

Director Dower said that fees are allowed by the enabling legislation and although the Board has agreed not to charge fees until after the confirmation election, we need to be able to say what fees will be for communications and education purposes. We need to be able to answer questions. He said he would like to decide on no administrative fees so that we can say there will be no charges to exempt wells. Director Scadden added that in light of advice from other GCDs the cost of collecting administrative fees exceeds the revenue collected. It is much easier to gain support for the GCD if we can say there will be no fees on exempt wells. Director Dower provided a proposed resolution. He added that Ron Fieseler provided a fee analysis document saying that we can charge a \$1,000 new well fee but he feels that fee is also hard to collect. The enabling legislation appears to contradict itself regarding new exempt well construction fees, and may need legal interpretation. Director O'Malia said that the \$1,000 new well construction fee is a means to control growth of usage. Director Scadden said that he agrees. Director Dower stated that it was the intent of the original enabling legislation that exempt wells are exempt. Director Scadden said that new wells are exactly part of what we need manage and a fee is a way to do that. A discussion ensues and it was agreed to change the words "any fee" in the proposed resolution to "administrative fee".

On a motion by Director Dower, seconded by Director O'Malia the Board voted to approve the proposed resolution as amended – 5 Ayes to 0 Nays

A copy of the approved resolution is attached as Exhibit D

Director Dower stated that the Board needs to get a legal opinion as to the authority to collect the \$1,000 on new exempt wells.

11. Discuss, consider, and act on SWTCGCD Logo Design

This item was taken up in full earlier in the meeting as discussed previously in the minutes.

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

There were no suggested agenda items.

13. 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 June 12th, 2019 at 10:00 AM.

14. 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 11:57 am

PASSED, APPROVED AND ADOPTED THIS 12TH day of June, 2019



John O'Malia, Secretary

Exhibit A

Attendee Sign-in Sheet

Exhibit B

Approved the minutes of the April 10, 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
(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 _____ day of May, 2019

John O'Malia, Secretary

Exhibit C

Approved SWTCGCD Logo

Travis
Rick
JHL
Jan



SOUTHWESTERN TRAVIS COUNTY
GROUNDWATER CONSERVATION DISTRICT

SWTGC Logo options R1

Option #2B

These logos designs are for viewing only. They are NOT to be reproduced in any other manner other than this form. All reproduction rights of this artwork is the sole ownership of DogTrick Studios.

Exhibit D

4/30/2019 Financial Report

SWTCGCD
Reconciliation Detail
 Independent Bank, Period Ending 04/30/2019

Type	Date	Num	Name	Clr	Amount	Balance
Beginning Balance						5,230.66
Cleared Transactions						
Checks and Payments - 2 items						
Bill Pmt -Check	04/22/2019	110	John J O'Malia	X	-74.68	-74.68
Bill Pmt -Check	04/30/2019	100 ...	GoDaddy	X	-155.42	-230.10
Total Checks and Payments					-230.10	-230.10
Deposits and Credits - 1 item						
Deposit	03/31/2019			X	0.74	0.74
Total Deposits and Credits					0.74	0.74
Total Cleared Transactions					-229.36	-229.36
Cleared Balance					-229.36	5,001.30
Register Balance as of 04/30/2019					-229.36	5,001.30
Ending Balance					<u>-229.36</u>	<u>5,001.30</u>

Exhibit E

Approved Resolution Regarding Future Collection of Fees

Southwestern Travis County Groundwater Conservation District
Resolution 2019-01

Whereas, the House Bill 4345, adopted by the 85th Texas Legislature approved the creation of a Groundwater Conservation District for a portion of Travis County; and established a procedure for appointment of temporary directors; and

Whereas, HB 4345 required an election to confirm creation of the district; and

Whereas, HB 4345 provided for certain fees to be collected by the District, among these an administrative fee of up to \$40 per year on exempt wells;

Now therefore be it resolved that the Board of Directors of the Southwestern Travis County Groundwater Conservation District:

Agrees not to establish or collect any fees as authorized by this legislation until said district is confirmed by an election; and

If the District is confirmed by an election as required, the District will not collect any fees on exempt wells even though ~~these~~ may be permitted by HB 4345.

THAT

*X /
an administrative*

Adopted at the regular meeting of May 8, 2019

Attest: _____

Richard A. Scadden, President