

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, June 12, 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 10:06 AM on June 12, 2019. Six District Directors were present constituting a quorum, including Directors O'Malia, Dower, Davis, Hennings, Urie and Scadden. Director Buddin was absent. Also present were visitors Vicky Kennedy and Peter Einhorn from Travis County, Ron Fieseler with BPGCD and GMA 9, Charlie Flatten with the Hill Country Alliance, Don Rauschuber, Nell Penridge, Theresa Golde with De Leon, Washburn & Ward, P.C., Christy Muse with Shield Ranch, 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:

Ron Fieseler commented that upcoming priorities include, election, management plan, rules, Etc.

Don Rauschuber introduced himself at the request of Director Scadden.

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

Approval of the May 8, 2019 minutes.

Upon a motion by Director O'Malia, seconded by Director Hennings, the Board approved the minutes of the May 8, 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 presented the financial report for the period ending 5/31/2019. There were no changes except for \$0.22 in interest making the ending balance in the checking account \$5,001.52.

b. Legislative – Director Davis advised that the Governor signed bill SB 669 and no other actions are required at this time.

- c. Science-Outreach – Director Hennings advised that the subcommittee is meeting approximately every two weeks. They identified stakeholder groups and interested parties and they have developed two draft documents, a Myths & Truths document and a FAQ document. She added that they have been checking a lot of details from the enabling legislation. The next subcommittee meeting is on Thursday June 27th at 9:00 AM in the schoolhouse. Peter Einhorn said that Travis County can print some items if they get a written request from the SWTCGCD.

Agenda Item 8. Discuss, consider, and act on SWTCGCD budgeting was now taken up out of order

Peter Einhorn reiterated that Travis County is committed to pay for the cost of the SWTCGCD election. He has been talking to Vicky Kennedy about additional budget items but new caps on taxes are constraining spending and new expenditures, and the County is wrestling with how to find funding. He asked Vicky to look for possible revenue sources in the enabling legislation. He said that support would likely be somewhat limited and not likely to be like the City of Austin support for BSEACD which is 60% of their budget. Travis County will need formal requests for specific needs from SWTCGCD. Director Scadden said that \$128,000 pre-election funding has been requested in emails on May 2nd. Of the \$128,000 pre-election funding \$50,000 is for the election. The Management Plan is a major part of the technical services budget but if you are talking needs versus wants the Management Plan is not essential before the election. The Management Plan takes time to complete and unless it is started as soon as possible it will delay the ability to collect revenue. Ron Fieseler said that the Management Plan is not that difficult. He has spent 4 hours on a draft which is about 50% complete. A two or three person sub-committee working with him and Vicky Kennedy should be able to get it done. The Texas Water Development Board will do the technical work (model runs, Etc.). He added that Director Scadden is right that you cannot collect fees until Rules are in place and the Rules can't be developed until the Management Plan is in place. Director Scadden said that there is a public notice and hearings requirement for the Management Plan and Ron Fieseler confirmed that this is required. He added that a committee working with other GCDs is the most efficient way to get the draft Management Plan and Rules ready. Otherwise this effort could delay getting a revenue stream by 9 to 12 months. He said he is willing to help to whatever extent he can. Director Scadden said that there will be a need for legal support for rule making after the election and he then asked if there were any further questions. Theresa Golde advised that the election contract payment will be made internally to Travis County and should not hold up execution of the contract with the T.C. Election Division. Peter Einhorn and Vicky Kennedy said they will be talking with Judge Eckhardt and Commissioner Daugherty about the budget. Vicky Kennedy also said that she is working on the SWTCGCD boundary definition with the T.C. GIS folks. She asked if the Board wanted to setup a sub-committee to work with her and Ron Fieseler. Ron Fieseler added that there will be some decisions that need to be made by the Board. An example is that the Board needs to authorize Vicky to ask the Texas Water Development Board to run models.

On a motion by Director Hennings, seconded by Director Scadden, the Board voted to authorize Vicky Kennedy to request technical input for the initial Management Plan from the Texas Water Development Board - 6 Ayes to 0 Nays.

Director Hennings suggested that the Finance Committee which is already in place could do this. Ron Fieseler said that he thought the Science and Outreach would be more appropriate. Director Hennings agreed that there is science in the Rules. Director Scadden said that he felt that the Science and Outreach Committee was already very busy. Directors Scadden and Davis agreed to

serve on a new non-quorum committee to work with Vicky Kennedy and Ron Fieseler on a Draft Management Plan. Don Rauschuber introduced himself and volunteered to assist. Charlie Flatten also volunteered to participate. The new Groundwater Management Plan Committee of the SWTCGCD was established by a consensus of the Board.

A discussion of development of non-exempt wells and owners ensued. Vicky Kennedy said she will do a fresh download of the well data from the Texas Water Development Board to get a better inventory. Ron Fieseler said that in the early days of the BSEACD he spent a lot of time identifying non-exempt wells and getting them to pay bills. Director Scadden said he felt they would need to focus on the largest users first. Vicky Kennedy asked about Administrative Fees and Director Hennings mentioned the resolution passed last month not to collect Administrative Fees on exempt wells. Director Scadden asked if fees are part of the Management Plan and Ron Fieseler said no they are not. The fee schedule is a separate part of the Rules.

5. Discuss, consider, and act on SWTCGCD Mission Statement

This item was deferred until later in the meeting.

6. Discuss, consider, and act on Resolution Authorizing President and Secretary to Execute Election Documents and Issue Election Notices on Behalf of SWTCGCD

The SWTCGCD attorney Theresa Golde presented a resolution authorizing the President and Secretary to execute documents and notices including the Travis County Election Division contract. Director Davis asked if the Board could be copied on all correspondence between Director Scadden and attorney Theresa Golde. As Board Vice President Director Davis feels she needs to be up to speed on these details in the event that she has to preside over a Board meeting where actions may need to be taken with regard to the election. It was agreed that Director Davis will be copied on correspondence between Director Scadden and the SWTCGCD attorney.

On a motion by Director Davis, Seconded by Director Urie the Board passed the Resolution Authorizing President and Secretary to Execute Election Documents and Issue Election Notices on Behalf of SWTCGCD – 6 Ayes to 0 Nays

The Resolution is attached as Exhibit C

7. Discuss additional documents related to the Election to Confirm Creation of the SWTCGCD and Election of Initial Directors

Theresa Golde advised that the confirmation election to confirm the creation of the SWTCGCD and to elect initial directors will be a special election, based on information she received from the Secretary of State's Elections Division. As such, the Notice of Deadline to File Applications for Place on the Ballot needs to be posted as soon as possible after the election is ordered, which should be July 10th and the deadline for applications for a place on the ballot is September 4th. Additionally, the SWTCGCD needs to appoint an agent to receive candidate applications, who will be available 3 hours per day during regular business days from July 10th until a certain date after the election. She suggested that she be appointed as the agent, and in the alternative another attorney at her firm, and that her office be designated as the location for candidates to obtain the application package and submit their applications. Her office is open during normal

business hours and the only charge for this activity would be handling any candidate applications or inquiries.

Theresa Golde advised the Board that the Call for Election should be ordered at the July 10th meeting.

She also advised that the SWTCGCD Attorney cannot represent any one director with regard to the election. She has drafted a memo providing an overview of campaign requirements for the SWTCGCD to provide to all candidates.

Director Scadden suggested that campaign requirements should be a topic for the July agenda and that he felt that the best way to disseminate election information, requirements, forms, Etc. would be to post on the website under an Election tab. However, Ron Fieseler suggested that a hard copy package should be provided to candidates instead, so there is a record of what they got. This needs to be transparent and public for anyone wanting to run for a Board position. All candidates must get the same information. Director Scadden accepted this advice. Theresa Golde advised that what should be posted on the website instead is the Notice of Deadline to File Applications for Place on the Ballot, which directs candidates to the contact information for her office where they can receive candidate material.

8. Discuss, consider, and act on SWTCGCD budgeting

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

Agenda Item 5. Discuss, consider, and act on SWTCGCD Mission Statement was taken up at this point in the meeting agenda

Director Hennings shared that she had used a shortened version of the Mission Statement approved by the Board last month on the two draft documents (Truths and Myths and FAQ) she has prepared. The shortened Mission Statement is *"To Preserve and Protect Groundwater through Conservation, Education and Waste Prevention"*.

The above draft documents are attached as Exhibit D

On a motion by Director Hennings, seconded by Director O'Malia the Board adopted the revised, shortened Mission Statement – 6 Ayes to 0 Nays

9. Discuss, consider, and act on participation in the TAGD Texas Groundwater Summit in August

Director Scadden advised that he spoke to TAGD Executive Director Leah Mortenson and she told him that they normally don't allow any free registrations for the Groundwater Summit but she offered to take the request to the TAGD Board. Discussion will continue on this topic.

10. Discuss, consider, and act on participation in the GMA 9 meeting in Boerne on June 17th

Director Hennings will attend the GMA 9 meeting in Bourne to represent the SWTCGCD.

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

Director O'Malia said that he has not yet heard from the Texas State Library and Archives Commission regarding his submittal of Form SLR 508.

A copy of the submitted Form SLR 508 is attached as Exhibit E

12. Discuss, consider, and act on SWTCGCD Logo

Director Davis presented alternative arrangements for the text associated with the SWTCGCD logo. After discussion and modifications two arrangements (one horizontal and one square) were agreed on. A discussion of business cards and letterhead then took place. Each director was requested to send an email to Director Davis indicating if they want a SWTCGCD business card and what personal information, if any, they want on it.

Director Urie left the meeting at 12:21 PM

13. Discuss and establish agenda items for next meeting agenda

Suggested future agenda items were:

- Fees (New well fees)
- Well Registration
- Definition of Domestic Use

Director Dower said he would develop a list of issues which need to be decided

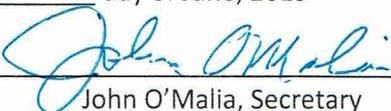
14. Discuss, consider, and act on setting the date, time and location for the next Board meeting

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

15. Adjourn

On a motion by Director O'Malia and a second by Director Davis the Board voted to adjourn the meeting – 5 ayes to 0 nays. The meeting was adjourned at 12:30 AM

PASSED, APPROVED AND ADOPTED THIS 10TH day of July, 2019



John O'Malia, Secretary

Exhibit A

Attendee Sign-in Sheet

Exhibit B

Approved the minutes of the May 8, 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, 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 C

Resolution Authorizing President and Secretary to Execute Election Documents and Issue Election Notices on Behalf of SWTCGCD

**RESOLUTION AUTHORIZING PRESIDENT AND SECRETARY TO
EXECUTE ELECTION DOCUMENTS AND ISSUE ELECTION NOTICES
ON BEHALF OF THE SOUTHWESTERN TRAVIS COUNTY
GROUNDWATER CONSERVATION DISTRICT**

WHEREAS, the Southwestern Travis County Groundwater Conservation District (the "District"), a political subdivision of the State of Texas, was created by House Bill 4345, Act of the 85th Texas Legislature, Regular Session, codified as Chapter 8871 of the Texas Special District Local Laws Code ("Enabling Act"), and amended by Senate Bill 669, Act of the 86th Texas Legislature, Regular Session, and pursuant to the authority of Article XVI, § 59 of the Texas Constitution, as a groundwater conservation district operating under Chapter 36, Texas Water Code, and the District's Enabling Act; and

WHEREAS, the District intends to conduct a confirmation election to confirm the creation of the District and elect initial directors on the November 5, 2019 uniform election date; and

WHEREAS, the District Temporary Board of Directors ("Board") recognizes that the District must enter into an Election Services Contract with Travis County to conduct such election on behalf of the District, that the District must issue notice of deadline to file applications for place on the ballot, and that the District must issue a notice of election; and

WHEREAS, Section 31.092 of the Texas Election Code authorizes the county elections officer to contract with the governing body of a political subdivision situated wholly or partly in the county served by the officer to perform election services in any one or more elections ordered by an authority of the political subdivision; and

WHEREAS, Section 141.040 of the Texas Election Code requires the District to provide a Notice of Deadline to File Applications for Place on the Ballot. Section 49.113 of the Texas Water Code requires the notice required by § 141.040 of the Texas Election Code to be posted at the District's administrative office in the District or at the public place established by the District under § 49.063 of the Texas Water Code, not later than the 30th day before the deadline for a candidate to file an application for a place on the ballot of a district directors' election. Additionally, § 141.040(a)(2) of the Texas Election Code requires notice to be posted not later than the 30th day before the last day on which a candidate may file the application, if the Texas Election Code does not designate a first day on which the candidate may file the application. Because the Texas Election Code does not designate a first day to file the application in the case of a special election, § 141.040(a)(2) will apply to the District's election.

WHEREAS, Section 4.003 of the Texas Election Code requires the District to provide a notice of election by at least one of the following methods: (1) by publishing the notice at least once in a newspaper, not earlier than the 30th day or later than the 10th day before election day; (2) by posting, not later than the 21st day before election day, a copy of the notice at a public place in each election precinct within the District; or (3) by mailing a copy of the notice to each registered voter of the territory that is covered by the District's election and within the District, not later than the 10th day before election day; and

WHEREAS, the Board finds that it is necessary to authorize the President and Secretary of the Board to execute the Election Services Contract on behalf of the District, to authorize the President and Secretary of the Board to issue the Notice of Deadline to File Applications for Place on the Ballot in accordance with one or more of the prescribed methods set forth in the Texas Election Code and the Texas Water Code, and to authorize the President and Secretary of the Board to issue a notice of election in accordance with one or more of the prescribed methods set forth in the Texas Election Code; and

WHEREAS, the Board finds that it is necessary to authorize the President and Secretary of the Board to execute any additional documents and issue any additional notices that may be required for the November 5, 2019 uniform election date.

NOW, THEREFORE, BE IT ORDERED BY THE BOARD OF DIRECTORS OF SOUTHWESTERN TRAVIS COUNTY GROUNDWATER CONSERVATION DISTRICT THAT:

Section 1: The matters and facts set out in the preamble of this resolution are hereby found and declared to be true and complete.

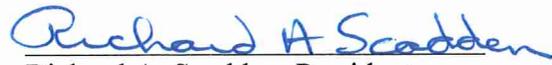
Section 2: The Board of Directors hereby authorize the President and Secretary of the Board to execute the Election Services Contract with Travis County on behalf of the District to conduct such election on behalf of the District.

Section 3: The Board of Directors hereby authorize the President and Secretary of the Board to issue Notice of Deadline to File Applications for Place on the Ballot by one or more of the prescribed methods set forth in the Texas Election Code and the Texas Water Code.

Section 4: The Board of Directors hereby authorize the President and Secretary of the Board to issue a notice of election by one or more of the prescribed methods set forth in the Texas Election Code.

Section 5: The Board of Directors hereby authorize the President and Secretary to execute any additional documents and issue any additional notices that may be required for the November 5, 2019 uniform election date.

PASSED AND APPROVED the 12th day of June, 2019.



Richard A. Scadden, President
Board of Directors

ATTEST:



John O'Malia, Secretary
Board of Directors

Exhibit D

Draft Truth & Myths and FAQ Documents



www.SWTCGCD.org



Groundwater Truths and Myths in Southwestern Travis County

Clear, clean water – in our aquifers, rivers, lakes, streams and springs

Hamilton Pool – Travis County Parks – Jaco Botha

6/12/2019 DRAFT

DRAFT

The Mission of the Southwestern Travis County Groundwater Conservation District (SWTCGCD) is to preserve and protect groundwater through conservation, education and waste prevention.

Myth #1 – A Groundwater Conservation District will meter and monitor my household well.

TRUTH: The enabling legislation that created this GCD states that Individual household wells incapable of producing more than 10,000 gallons per day are considered exempt and cannot be permitted, metered, or have their production otherwise regulated. Wells used solely for domestic or livestock purposes on tracts that are more than 10 acres and that are capable of producing no more than 25,000 gallons of water per day are also exempted from regulation by this statute. Well owners are encouraged to register their wells with the GCD in order to protect its production.

Myth #2 - A new GCD means higher taxes.

TRUTH: The SW Travis County GCD is prohibited from levying ad-valorem property taxes under the enabling legislation, and its revenue will be solely fee-based.

Myth #3 – I do not use groundwater so I should not have to worry about the aquifer and don't need to be concerned about groundwater management.

TRUTH: A healthy and sustainable aquifer is essential for this area. Aquifers feed springs and creeks that become our rivers and lakes. Surface water, groundwater, springs and seeps are interconnected within the Hill Country water system. Our rivers, lakes, creeks, and springs provide quality of life for residents, tourism, recreation opportunities, wildlife habitat, and irreplaceable natural beauty. Property values will decline if groundwater becomes unreliable in our community and protecting the groundwater in our only aquifer benefits all of us.

DRAFT

Myth #4 - We don't know enough about the aquifer at this time to conclude the need for a GCD.

TRUTH: In 1990 this area was designated to be a part of the larger Hill Country Priority Groundwater Management Area (PGMA) by the Texas Legislature, meaning that this region was expected to experience groundwater shortages, land subsidence, or contamination of groundwater in the next 50 years. According to state law, if an area is within a designated PGMA, its citizens must create or be annexed into a groundwater conservation district within 2 years. Failure to do so can result in the establishment of a GCD by the TCEQ. We are nearly 30 years into the 50 year window of concern, and Southwestern Travis County is the only remaining portion in the PGMA that does not have a confirmed GCD in place to care for its aquifer.

It is well documented that area wells have been going dry during times of drought. Creating a GCD is the only way we will begin to gather data and evaluate the aquifer in order to make smart decisions about managing the resource for future generations. The problem needs to be addressed now, before it is too late to resolve problems without severe disruption in water quality or supplies.

Myth # 5 – If I drill a well now before the election it will be grandfathered and not subject to the new rules.

TRUTH: There are no provisions for grandfathering wells that are drilled prior to the creation of the district or passage of the confirmation election. The GCD rules will be applied solely on the basis of the type of groundwater use, well characteristics, land characteristics, and amount of use, regardless of whether the well currently exists.

A Final TRUTH:

“Groundwater is and will continue to be a major source of water for Texans. However, in many parts of the state, more groundwater is being used than is being replenished through natural means. If this practice continues, Texas water costs will rise, land could subside, water quality could decline and people in some areas could run out of water.”

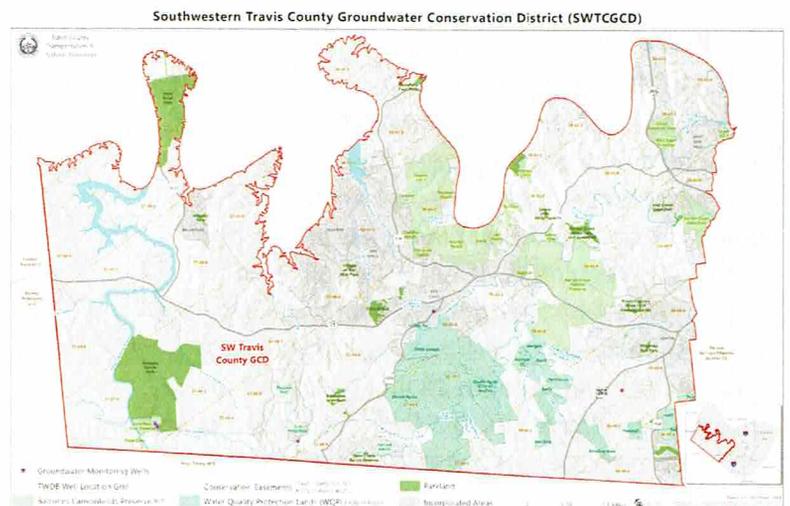
From: Questions about Groundwater Conservation Districts in Texas, Texas Cooperative Extension at Texas A&M University.

6/12/2019 DRAFT



**SOUTHWESTERN
TRAVIS COUNTY
GROUNDWATER
CONSERVATION DISTRICT**

www.SWTCGCD.org



DRAFT



**SOUTHWESTERN TRAVIS COUNTY
GROUNDWATER CONSERVATION DISTRICT**
www.SWTCGCD.org

**MISSION: TO PRESERVE AND
PROTECT GROUNDWATER THROUGH
CONSERVATION, EDUCATION AND
WASTE PREVENTION.** 6/12/2019 DRAFT

The Southwestern Travis County Groundwater Conservation District was created by the Texas Legislature in 2017, and is subject to confirmation by the voters in the District's jurisdictional area. The boundary generally includes all of that area of western Travis County south of Lake Travis and Lake Austin down to Hays County; and includes the city of Lakeway (including the Hills), the city of Bee Cave, and a portion of Westlake Hills. The District must be approved by a majority vote of the citizens within those boundaries in order to be a fully functioning Groundwater Conservation District (GCD), and that election will be this November.

The purpose of the District is to preserve and protect groundwater through conservation, education and waste prevention. Without planning and regulation of groundwater in this area, the result could be a higher likelihood of decreased spring-flow, lower groundwater levels, and failing domestic water wells. Failed groundwater wells have already been experienced during times of drought in the last few years.

It is important to note that the District cannot levy property taxes, and smaller wells serving individual households are exempt from permitting regulations. The District will be funded by fees on larger commercial and water-utility wells. Rules will be enacted for regulating those large users to manage the groundwater resource in an effort to avoid adverse impacts on smaller wells and groundwater users in general, and for specifying well construction standards to protect groundwater quality for all users.

Why do we need a GCD now?

The Trinity Aquifer is the primary source of groundwater in in Southwestern Travis County. This aquifer is the sole source of water for tens of thousands of domestic and ranching wells across the Hill Country, including those serving over one thousand households in Southwestern Travis County. Our area is experiencing rapid development with high-density subdivision. Current and projected population increases could exceed the carrying capacity of the aquifer in many locations. Without planning and regulation of groundwater in this area, decreased spring-flow, falling groundwater levels and failing domestic water wells are a more likely result. Failed groundwater wells have already been experienced during prolonged droughts.

The Texas Legislature has clearly determined 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. Additionally, a GCD is your sole protection against the prevailing "Rule of Capture, which allows your neighbor - who may have a deeper well or larger pump - to extract as much groundwater from the aquifer as they want.

Is my property included in this new District's Territory?

The District's territory includes southwestern Travis County and is bounded by Lake Travis and Lake Austin to the north, to the west by Blanco and Burnet Counties, to the southwest by Hays County, and to the southeast by the Barton Springs Edwards Aquifer Conservation District. It includes a portion of the city of West Lake Hills and all of Lakeway, The Hills of Lakeway, Bee Cave and Briarcliff.

What wells will be exempt?

Domestic water wells incapable of producing more than 10,000 gallons per day will be exempt from permitting regulations, metering, and production fees. Since a typical family of four requires less than 1,000 gallons per day, most household wells will be exempt. Domestic and livestock wells incapable of producing more than 25,000 gallons per day on properties larger than 10 acres will also be exempt from permitting regulations, metering, and production fees.

The regulated community will be those users who typically pump 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.

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

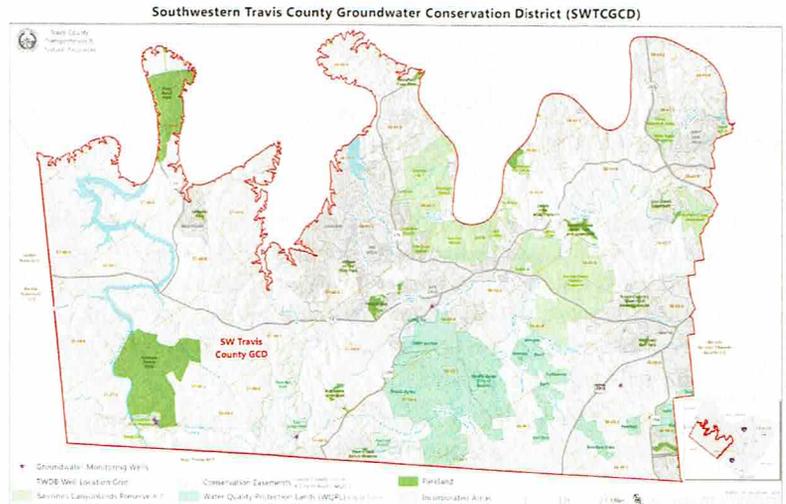
In general, the District cannot prevent you from drilling a well on your property. The well may have to be permitted and a production limit may be set if the well can produce more than 10,000 gallons per day. The District might prevent you from drilling more than one well on your property to conform with future well spacing and property setback requirements.

DRAFT

What can the new District do?

- Protect groundwater quality and quantity using scientific data and usage characteristics.
- Gather and develop additional reliable data to inform protection plans.
- Educate the public on groundwater use, groundwater science, and Best Management Practices.
- Give the public a meaningful and informed voice in the aquifer-wide groundwater planning processes.
- 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 and any special GCD laws.
- Provide property owners with information about the most productive layer(s) of the aquifer and information about water quality in their area.

6/12/2019 DRAFT



How will the GCD be governed?

The new District is currently overseen by a “temporary” 7-member Board of Directors, appointed by local elected officials. New directors will be elected at the same November 2019 election as the vote to confirm (approve) the District as an authorized local public agency by residents within the district.

How will the GCD be funded?

The operation of the District will be funded primarily by groundwater user fees. A construction fee can be charged for some types of new wells that are installed, and a production fee can be charged per thousand gallons of groundwater withdrawn by non-exempt wells. All fees to be assessed are authorized by the GCD’s enabling statute and will be specified by rulemaking in the public domain, but those rules will only be established after the initial elected board is in place. 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 without limitation as to damages to adjacent property owners (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 unaltered rule of capture remains in effect together with the risk of damage from large unregulated users.

Is the GCD more concerned with housing developments, or commercial projects?

The SWTCGCD is concerned with all aspects of groundwater use. However, pumping large amounts of water from the aquifer will be subjected to some new rules. These rules will help us preserve, conserve and prevent waste of this precious resource, and minimize if not avoid adverse consequences of such pumping on other users.

When is the election, and what are we voting for?

The election will be the first Tuesday in November, November 5, 2019. People that live in the District will be voting to confirm the existence and functioning of the SWTCGCD per statutory mandates and also to elect the Initial Board of Directors.

How can individuals make a difference?

Anyone can get involved with the work of the SWTCWD by attending meetings and giving input, volunteering, or donating money to specified projects. The SWTCGCD welcomes everyone who wishes to participate in the conservation and preservation of our groundwater. In other words, “Come on in, the water’s fine.” Check out the website www.swtgcgd.org.

Exhibit D

Form SLR 508

file copy

Southwestern Travis County Groundwater Conservation District
PO Box 340595,
8656 Highway 71, 2nd Floor
Austin, TX 78734

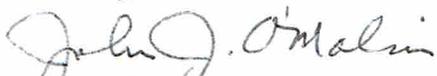
Texas State Library and Archives Commission
State and Local Records Management Division
Box 12927
Austin, TX 78711-2927

June 7, 2019

Sirs:

I submitted the attached form, SLR 508 some time ago and have yet to receive acceptance. Please process and return to me as soon as you can.

Sincerely,



John J O'Malia
Director/Records Management Officer



Declaration of Compliance

with the Records Scheduling Requirement of the Local Government Records Act
Submitted pursuant to Local Government Code §203.041(a)(2)

Section 1 SUBMISSION OF DATA

- Government: Southwestern Travis County Groundwater Conservation District
- Address: PO Box 340595, 8656 HWY 71, 2nd Floor
City: Austin ZIP code: 78734
- Telephone: 512-829-1143 4. Email (optional): _____

Section 2 LOCAL GOVERNMENT CERTIFICATION

As records management officer for the local government or elective county office named, I hereby declare, that in lieu of filing records control schedules, we have adopted records control schedules that comply with minimum requirements established on records retention schedules issued by the Texas State Library and Archives Commission (as checked below) for use in our records management program. In doing so, I also certify that the administrative rules for electronic records, adopted by the commission under Local Government Code §205.003(a) will be followed for records subject to the rules. I understand that:

- the validity of this declaration is contingent on its acceptance for filing by the commission;
- if we have previously filed documentation with the commission in which we declared our intent to retain all records permanently, we must attach amended documentation to this declaration before it can be accepted for filing;
- the records retention schedules adopted by this declaration may be amended by filing for approval a supplemental Records Control Schedule Amendment (SLR 520) on which are listed proposed retention periods for records that do not appear on schedules issued by the commission (as checked below);
- if a supplemental Records Control Schedule Amendment is not filed, we must file a Request for Authorization to Destroy Unscheduled Records (SLR 501) in order to destroy records that do not appear on schedules issued by the commission (as checked below); and
- the commission will provide us with access to subsequent editions of any schedules issued by the commission.

1. I hereby declare that our records control schedules will comply with the following schedules issued by the commission:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Schedule CC (Records of County Clerks) | <input type="checkbox"/> Schedule LC (Records of Justice and Municipal Courts) |
| <input type="checkbox"/> Schedule DC (Records of District Clerks) | <input type="checkbox"/> Schedule PS (Records of Public Safety Agencies) |
| <input checked="" type="checkbox"/> Schedule EL (Records of Elections and Voter Registration) | <input type="checkbox"/> Schedule PW (Records of Public Works and Services) |
| <input checked="" type="checkbox"/> Schedule GR (Records Common to All Governments) | <input type="checkbox"/> Schedule SD (Records of Public School Districts) |
| <input type="checkbox"/> Schedule HR (Records of Public Health Agencies) | <input type="checkbox"/> Schedule TX (Records of Property Taxation) |
| <input type="checkbox"/> Schedule JC (Records of Public Junior Colleges) | <input type="checkbox"/> Schedule UT (Records of Utility Services) |

2. If any records control schedules or amendments have been filed with the commission, I also hereby declare that those schedules or amendments:

- are superseded by this declaration.
- are not superseded by this declaration. I understand that, in the event of a conflict between the previously filed records control schedules or amendments and the schedules adopted by this declaration, the longer retention period shall apply.

Name and Title: John J. O'Malia Jr., Director/Secretary/Records Management Officer

Signature: Date: 4-10-2019

Section 3 TEXAS STATE LIBRARY ACCEPTANCE (to be completed by Texas State Library)

This Declaration of Compliance has been accepted for filing pursuant to Local Government Code §203.043(a). A record appearing on a schedule issued by the commission (as checked above) may be disposed of at the expiration of its retention period without additional notice to the Director and Librarian, subject to the provisions of Local Government Code §203.041(d).

Name and Title: _____

Signature: _____ Date: _____