

MINUTES
OF THE
SOUTHWESTERN TRAVIS COUNTY GROUNDWATER CONSERVATION DISTRICT
Board Meeting Held Wednesday, March 21, 2018
Bee Cave School House

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

The Meeting was called to order at 10:03 am by President Rick Scadden, who presided over the meeting. Directors Jason Buddin, Jim Dower, John O'Malia, Jim Ross, Rick Scadden, and Jim Urie attended the meeting. Director Tricia Davis was unable to attend the meeting. Director Jim Ross left the meeting at 11:27 am due to another commitment. The District's legal counsel was also present, Mr. Ty Embrey with Lloyd Gosselink Rochelle & Townsend, P.C.

2. Public comments.

There were no public comments.

3. Discuss consider and take action on previous meeting minutes

- a. February 8, 2018 – County staff is still working on preparation of these minutes.
- b. February 16, 2018 – these draft minutes were tabled pending suggested additional wording from Director O'Malia.
- c. February 20, 2018 – Director O'Malia moved approval, motion seconded by Director Dower, minutes approved by a vote of 6-0.
- d. March 2, 2018 – the draft minutes were edited to accept written comments from Director Davis. Director Buddin moved approval of the revised minutes, motion seconded by Director O'Malia, minutes approved by a vote of 6-0.

4. Discuss, consider, and act on matters pertaining to the SWTCGCD enabling legislation and a future election for confirmation and directors.

The current status was discussed. The Board has cancelled participation in the May 2018 election. Efforts will be undertaken to revise the enabling legislation for the SWTCGCD to allow participation in the November 2019 election.

5. Discuss, consider, and act on establishing an Employee Identification Number.

Director Scadden thanked Director O'Malia for obtaining the EIN which has been provided to Directors Buddin and Urie for establishing the SWTCGCD bank account.

6. Discuss, consider, and act on obtaining bonding for SWTCGCD Directors.

Director O'Malia discussed his efforts to obtain a quote for obtaining bonding for the Directors. He is working with the Texas Municipal League. A form needs to be filled out by each Director. This item will be included on a future meeting agenda for approval after the premium is quoted.

Directors and Officers insurance was also discussed. Director O'Malia will obtain a quote for this coverage also.

7. Discuss, consider and act on setting up a bank account for the SWTCGCD.

Director Urie provided an update on setting up the SWTCGCD bank account. Directors Urie and Buddin have met with representatives at the Independent Bank in Lakeway. The bank officials are working out the procedures and paperwork for establishing an account for a government entity.

The Board also discussed which Directors should have authority to sign checks on behalf of the SWTCGCD. A motion was made by Director Ross and seconded by Director O'Malia to set up the bank account with the three officers of the Board as the authorized signatures for checks. The current officers are President, Rick Scadden; Vice President, Tricia Davis; and Secretary/Treasurer, Jason Buddin.

8. Discuss, consider and act on obtaining a sales tax exemption.

The desire to establish tax exempt status for the SWTCGCD was discussed. This was prompted by Director Dower being charged sales tax when setting up the new website. Apparently, a form needs to be filled out through the Texas Comptroller's Office. Finding no other volunteers, Director Scadden accepted the assignment to investigate this.

9. Discuss, consider and act on the SWTCGCD websites.

a. Discuss new swtcgcd.com website (current site is swtcgcd.org)

Director Scadden thanked Director Dower for his work on setting up the new SWTCGCD.com website. The Board discussed using this new website as the official SWTCGCD website and taking over responsibility for the SWTCGCD.org website that the County staff have been maintaining. Peter Golde agreed to assist Director Dower in maintaining the new website and posting SWTCGCD information and public notices.

Director Dower made a motion to make the swtcgcd.com site the official website of the SWTCGCD and to take responsibility for the swtcgcd.org website which will be forwarded to the swtcgcd.com site. The motion was seconded by Director Urie and passed by a vote of 6-0.

b. Authorize reimbursement of costs incurred by Jim Dower

Director Dower incurred a cost of \$191.98 in setting up the new website. Director Buddin made a motion to reimburse Director Dower for \$191.98. The motion was seconded by Director O'Malia and passed by a vote of 6-0.

c. Discuss email addresses tied to new URL

The Board discussed setting up new email addresses that are tied to the new swtcgcd.com domain name. This would provide improved ability to gather and produce SWTCGCD email communications in the future. Director Dower estimated that the annual cost for the email accounts for all the Directors would be about \$150.00 total. Director Buddin moved to establish the new email addresses and move all email communications to the new site. The motion was seconded by Director Urie and passed 6-0.

10. Discuss, consider and act on a summary of the current status of the SWTCGCD and our vision for a path forward (with action items and priorities).

The SWTCGCD attorneys from Lloyd Gosselink prepared a letter summarizing their opinion on the current regulatory status of the SWTCGCD and potential path forward for the SWTCGCD. The letter from Lloyd Gosselink was provided by Director Scadden to the Board. Ty Embrey presented the contents of the letter and the legal provisions on which it is based. Mr. Embrey also informed the Board that he received an email communication from Representative Workman's office. It appears that there is a potential disparity between what some people interpret as the intent of the legislation and the actual wording of the enabling act for SWTCGCD.

The Board, our attorneys, and attendees at the meeting discussed this matter a length. There is agreement that the Board does not want to take actions that could alienate our political sponsors and partners. A decision was made for the temporary Directors to coordinate meetings with our respective sponsors that appointed us to the Board to discuss their perspective on the regulatory authority of the SWTCGCD and our appropriate path forward. Meetings will also be sought with the three municipalities within the SWTCGCD boundary, Bee Cave, Lakeway (including the Hills), and Westlake Hills.

The Board understanding is that we need to address these regulatory/legal and political matters before we can formulate our path forward.

11. Discuss, consider and act on appointing a committee to develop a budget for the SWTCGCD based on the priorities established in item 9 above.

This agenda item was deferred pending the outcome of the action items in item 10.

12. Discuss, consider and act on appointing a committee to begin developing a Management Plan, Policies, Rules, and Regulations for the SWTCGCD

There was discussion about whether the SWTCGCD can start work on a Management Plan prior to a confirmation election with general agreement that a Management Plan cannot be prepared. Scientific data collection and studies may be performed to understand and characterize the hydrogeology within the SWTCGCD boundaries. Jon White from Travis County staff discussed work being performed by the County regarding scientific studies in our area. Further action by the SWTCGCD on this item was deferred pending the outcome of the action items in item 10.

13. Discuss, consider, and act on outreach and education.

a. Bee Cave City Council meeting – report from March 13, 2018 meeting

Director Scadden provided a summary of his attendance at the Bee Cave City Council meeting and discussion with the Mayor and Council. The discussion included background on the SWTCGCD, our current status regarding the decision not to participate in the May 2018 election, and the effort to revise the enabling legislation to authorize a November 2019 election.

b. Reaching out to other entities This agenda item was deferred pending the outcome of the action items in item 10.

c. Facebook page This agenda item was deferred pending the outcome of the action items in item 10.

d. Groundwater 101 Technical presentation This agenda item was deferred pending the outcome of the action items in item 10.

- e. **Workshops with other GCDs and related entities (e.g., Hayes Trinity GCD, Barton Springs Edwards Aquifer Conservation District)** This agenda item was deferred pending the outcome of the action items in item 10.

14. Discuss, consider, and act on requests for additional funding. This agenda item was deferred pending the outcome of the action items in item 10.

15. Discuss, consider and act on information from Travis County staff on their funding support, staff support, and county budget requests.

Mr. Jon White discussed the draft Interlocal Agreement that is under review at the County to establish how the County will provide \$5,000 in funding to the SWTCGCD. Director Scadden mentioned an email that he sent to Mr. White asking that the scope of activities on which the County funds can be spent be broadened to reflect the language of the County Commissioners Court agenda item that approved the funds. Mr. White also discussed studies underway or planned that would help develop the scientific understanding for the SWTCGCD. Mr. White indicated that the County is reviewing staff resources and how they can support the SWTCGCD.

16. Discuss, consider, and act on items for the next meeting agenda.

a. **Travis County staff presentation of SWTCGCD revenue estimates**

Director Scadden reiterated previous requests for the Board to receive a presentation on the potential revenues that might be generated from operation of the SWTCGCD. Some of the necessary information was developed by the staff at the Barton Springs Edwards Aquifer Conservation District. Kirk Holland and Jon White agreed to work on pulling the requisite information together for a future presentation.

b. **Legal representation** This item was deferred to a later date.

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

The next Board meeting was scheduled for Wednesday, April 11, 2018 at the Bee Cave school house at 10:00 am.

18. Adjourn.

Director Buddin made a motion to adjourn. The motion was seconded by Director O'Malia and passed 5-0.

The above agenda schedule represents an estimate of the order for the indicated items and is subject to change at any time. These public meetings are available to all persons regardless of disability. If you require special assistance to attend the meeting, please call (512) 322-5829 at least 24 hours in advance of the meeting to coordinate any special physical access arrangements.

At any time during the meeting and in compliance with the Texas Open Meetings Act, Chapter 551, Government Code, Vernon's Texas Codes, Annotated, the Southwestern Travis County Groundwater Conservation District Board may meet in executive session on any of the above agenda items or other lawful items for consultation concerning attorney-client matters (§551.071); deliberation regarding real property (§551.072); deliberation regarding prospective gift (§551.073); personnel matters (§551.074); and deliberation regarding security devices (§551.076). Any subject discussed in executive session may be subject to action during an open meeting.