

# **MINUTES**

## **OF THE**

### **SOUTHWESTERN TRAVIS COUNTY GROUNDWATER CONSERVATION DISTRICT**

#### **Via Telephone Conference**

In accordance with the order of the Office of the Governor issued March 16, 2020, the SWTCGCD Board of Directors conducted the June Board Meeting as a remote access only meeting in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19). The meeting was open to the public and instructions for accessing the conference call were provided with the Notice of Meeting

**Wednesday, June 10, 2020 at 10:00 am**

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

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 Wednesday May 13, 2020. Five District Directors were present on the conference call constituting a quorum, including Directors Hennings, Dower, Scadden, Hunt, and Van Ackeren. Also present were Kodi Sawin, Tom Griffith, Phillip Webster from Hays Trinity GCD, Virginia Smith, Kirk Holland, Legal Counsel Embry, and Pete Golde. Director Urie joined the conference call meeting at 10:02 AM. Director Davis joined the meeting at 10:15 AM.

***Audio technical issues persisted until 10:16 but were then cleared up through individual actions taken by several callers-in.***

At the request of Director Scadden all present introduced themselves.

***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.

***The following agenda items 3. through 5. were deferred until later in the meeting:***

- 3. Discuss, consider and possibly act on approving the previous meeting minutes**
- 4. General Manager’s Report**
- 5. Receive, discuss, and take action as necessary for Board Committee Reports.**

***The following agenda items 6. through 13. and 15. through 17. Were now taken up out of order:***

**6. Conduct Public Hearing to receive input from the public regarding the SWTCGCD Groundwater Management Plan**

Director Scadden called the Public Hearing to order at 10:22AM. He then asked General Manager (GM) Sawin to provide some introductory history regarding development of the SWTCGCD

Groundwater Management Plan. GM Sawin explained that the Groundwater Plan development process included this public hearing designed to allow the public to have input in the development of the Groundwater Management Plan. Development of a Groundwater Management Plan is required by the enabling legislation for the SWTCGCD and work on developing the Groundwater Management Plan was begun in June of last year. The version being used for this hearing has been pre-reviewed by the Texas Water Development Board (TWDB) and the comments received from TWDB have been incorporated in this version. The Groundwater Management Plan was also reviewed at the last SWTCGCD Board meeting and several comments resulting from that review have been incorporated as well as comments from one stakeholder.

Director Scadden then opened the floor for public comments and he explained that during this part of the public hearing comments will only be heard and any discussion of the comments will take place after the hearing. Mr. Tom Griffith commented that he would like to thank the authors of this and he thinks it is so well written and being a geologist he especially enjoyed the geological summary near the beginning and he thinks it is a great piece of work. Director Scadden asked if there were any additional public comments.

There being no further members of the public wishing to comment, Director Scadden closed the Public hearing at 10:27 AM.

Director Hunt acknowledged the work that Mr. Holland and GM Sawin did on the Groundwater Management Plan.

**7. Discuss the draft Groundwater Management Plan and Public Comments, discuss revisions, and possibly act to approve the Groundwater Management Plan**

Director Scadden asked GM Sawin if she would discuss Tom Griffith's written comments previously submitted. GM Sawin displayed Tom Griffith's written comments and Director Scadden said that he had reviewed Mr. Griffith's comments and they have been reviewed by Director Hennings as well as GM Sawin and Mr. Holland. Director Scadden commented that Mr. Griffith's comments were good comments and they were clear. Mr. Holland said that he agreed that Mr. Griffith presentation of his comments was clear, and he made several editorial comments which were accepted completely.

Mr. Holland went on to say that one of Mr. Griffith's comments was on page 49 where he suggested deleting the term "aspirational". What we are talking about here is mandatory curtailments for one type of well user, that is the non-exempt permitted user and voluntary or non-mandatory curtailments for exempt wells which are a larger number of wells. Instead of just striking the word "aspirational" we substituted the word "non-mandatory". Mr. Griffith said that greatly enhances his understanding of the intent.

Mr. Holland went on to say that the other changes were primarily editorial but two of them go the fact that our Groundwater Management Plan has to be based on existing information and the best science that is available at this time.

Mr. Holland said that we certainly will be finding out more about the effect of drought on the aquifers in the coming years and whether brush management is something that might be a recharge enhancement activity that we might want to explore, but right now there is not enough information. Phase 2 of the Hydrogeologic study being done by BSEACD and Travis County is trying to elucidate the interaction of surface water from the lakes and creeks and at some point the

SWTCGCD may participate in study of drought questions for aquifers but right now we don't have enough information to judge the scope of that or the level of effort necessary but we should get a good handle on that at the end of the Phase 2 study. Director Hunt expressed the opinion that it is ambitious to expect that much will come out of the Phase 2 study to answer the bigger questions, but we will learn a bit more. Mr. Holland went on to say that brush control is a factor for GCDs where there is a large amount of brush cover at the surface that overlap the recharge zones of aquifers, here the recharge of the middle and lower Trinity are not at the surface except in a very small area and we don't have any information on known impacts of brush that we would be able to build into our specific objectives or performance standards. We are choosing not to make any changes at this point, but the next Groundwater Management Plan could address the impact of brush if we know more about it in our recharge areas by then. Mr. Griffith commented that on the surface he agrees completely that brush is a minor issue for the aquifer, but what he was thinking about was the cedar cover taking up all of the limited rain fall before it can seep into the aquifer.

Mr. Griffith opined regarding the drought conditions that 2011 is going to happen again and he strongly encouraged the District to undertake at least a literature review on the interaction of climate and aquifer water levels. He suggested this would certainly be a follow on to the study of the interaction of surface water with the aquifer. He added that it is not going to take anything much worse than 2011 to throw this part of the State into a real crisis. Mr. Griffith said if he read this correctly, he thinks there is a two-year window for that work to happen, on page 54 is there a two-year period to promulgate some drought response rules, under F1.b. and until we understand how quickly rainfall becomes stored in an aquifer it is going to be difficult to come up with those rules. He said there is obviously going to be a lag in when rainfall gets to the aquifer and he really has no idea what that lag is. His recommendation is that the District make it a priority to at least do a background study on that and try to understand the magnitude of the problem. Director Hennings commented that the surrounding GCDs certainly have some information on that and we do also from our monitoring wells.

Director Hunt said that Mr. Griffith brings up a good point and drought management is one of the key initiatives of GCDs and they all have promulgated rules in that regard. We have looked at what are good drought indicators of indices all the way down to index wells or springs. We already know this area is being mined with water being withdrawn faster than it is being recharged and so index wells will not work as drought indicators. Director Hunt said he doesn't think we are planning on waiting two years to promulgate drought management rules. At the last workshop we discussed conservation and drought declaration with restricted use as some strategies. Director Scadden commented that we have talked about the data gap and we don't have all of the information that we might like to have but from the Rules Committee desire to move forward the decision has been to use drought declaration primarily from surface water conditions and not have a groundwater monitor well as a trigger. We just don't have the resources to prioritize a study at this time. Mr. Holland added that drought management curtailment is going to be built into our permitting program. Director Hunt commented that the issues that Mr. Griffith brings up in his comments are things that can be modeled in a numerical model but those modeling tools do not exist right now but they are being developed and should be available in a few years.

Mr. Griffith closed his comments stating that when a drought occurs, that is when the rubber meets the road for a GCD because the demand for groundwater will go up in a drought. We want to have rules that will preserve water in the aquifer for everyone to use during those drought times and until we understand the relationship between surface and groundwater we can't be sure if the rules we are making are helping. Mr. Griffith said he appreciates the limited resources and audit

issues, but the drought discussion goes to the fundamental purpose of the GCD and he feels it is really important to keep this in the District's field of view, maybe the most important thing.

Mr. Griffith said he did have one other suggested change back on page 48. The top line on Page 48 says; The enforcement of the rules will be driven by the hydrogeological and technical information available. I recommend that instead of "enforcement of the rules" say "implementation of the rules" because that is really what we are talking about. Mr. Holland agreed that formulation is the rules is based on the hydrologic and technical information, but enforcement of the rules is also dependent on hydrologic and technical information and will be done in an equitable, just, and fair manner. Director Hunt said that he liked the idea of replacing the word "enforcement" with the word "implementation" because enforcement is addressed further down in the paragraph. Mr. Holland agreed. All the other Directors also said they agreed.

Mr. Griffith said, in closing that he wanted to emphasize again that he thinks the Groundwater Management Plan is a great piece of work and he wanted to thank Directors Scadden and Hennings for allowing him to comment and hearing him out. The Directors thanked Mr. Griffith for taking the time to review and comment.

Director Scadden asked if there were any other discussion of the comments to the Groundwater Management Plan or suggested changes. There were none.

Director Scadden said the Directors should have received by email a draft resolution and he asked if the Board was ready to talk about the resolution and the adoption of the Groundwater Management Plan as revised and he read Resolution 2020-06-01 for the record and asked if there was any discussion regarding the resolution. There was no discussion

***On a motion by Director Davis and a second by Director Dower, the Board approved Resolution 2020-06-01 Authorizing Adoption of the District's Groundwater Management Plan – 7 Ayes to 0 Nays***

***Resolution 2020-06-01 is attached as Exhibit B***

Director Scadden said that the adoption of the Groundwater Management Plan is an important milestone for the SWTCGCD. The next step is to submit the Groundwater Management Plan to the TWDB for approval as administratively complete which is expected to take one to two months. Mr. Holland said that since no substantive revisions are anticipated the current version can be used in the rule making process.

**8. Discuss and possibly act on authorizing the SWTCGCD General Manager to submit the Groundwater Management Plan to the Texas Water Development Board**

Director Scadden advised that the Board needs to authorize GM Sawin to submit the Groundwater Management Plan to the TWDB and he asked for a motion to do so.

***On a motion by Director Hennings and a second by Director Davis, the Board voted to authorize General Manager Sawin to submit the SWTCGCD Groundwater Management Plan to the Texas Water Development Board – 7 Ayes to 0 Nays***

**9. Discuss, and possibly act on matters related to formulating District Rules**

Director Scadden said that the Rules Committee met Monday, June 8<sup>th</sup>, to continue working on the rules and the Committee wants to discuss fees with the Board today. An important fundamental question for the Board is what the fee system is likely to be in the rules and all of this is subject to change, but it is important input for the Committee for developing the rules. Director Scadden went on to say that his opinion is that we have a financial challenge now, and in the future, and we should therefore charge the maximum fees authorized by the District's enabling legislation.

Director Scadden added that this is open for discussion and that he had shared this opinion with the Rules Committee and the Committee came up with the fee schedule that Kodi has in front of you now most of which was by consensus except for the item in the bottom right hand corner (New groundwater service connections) which we will talk about more and which we were not certain about how we wanted to handle and we wanted to get input from all of the Directors.

GM Sawin said that this is a budgetary issue and we went through the permitting process to see how it impacts the rules and one of the big items is fees. This table starts with the enabling legislation and we do have the ability to charge a production fee and looking at the maximum we can charge up to \$0.20 per 1000 gallons for non-exempt wells. Well construction fees of \$500 for exempt and general permit by rule wells and \$1,000 for non-exempt wells are allowed. A detailed discussion ensued regarding the definition of and fees applicable to General permit by rule wells which are wells that would be exempt based on their use but exceed the daily production limits for exempt wells making them non-exempt but treated differently due to their use. The Rules Committee has recommended that the District not assess registration fee or an annual administrative fee. Non-Exempt wells will be subject to operating permit application fees which will likely be tiered based on production capacity of the well and a \$400 permit renewal fee. A new groundwater service connection fee of \$1,000 is authorized and the Committee is evaluating this fee. Director Scadden suggested that the Board accept the input they got today and have the Rules Committee continue to work on this.

**10. Discuss setting a date for a Board Work Session in June to discuss the District Rules**

Director Scadden said that the Rules Committee didn't think they were ready to have a discussion with the full Board in June and decided they would like to have another work session and report back to the Board at the July monthly Board meeting. The Rules Committee has scheduled Wednesday June 24<sup>th</sup> at 10:00 AM for the next Rules Committee meeting.

**11. Discuss and possibly act on establishing a Consulting Agreement with Kirk Holland. This is potentially related to discussion and possible action to revise the Consulting Services Agreement with Sawin Group**

Director Scadden said that this is potentially related to the agreement we have with GM Sawin because one of the ways we could bring Mr. Holland on board is to have him be a sub-consultant to GM Sawin. Directors should have received a draft consulting agreement that Mr. Holland provided to the Board the general basis of which is that Mr. Holland would provide support to the SWTCGCD at a rate of \$100 per hour with a maximum of \$8,000 which is 80 hours and the expectation is that it will be finished by September 30<sup>th</sup>. This is reflective of the effort to push the rules development process at a rapid rate. GM Sawin said that she is currently working full time and that leaves her limited time to perform stakeholder work and research, and she cannot give any more time. She said she is really leaning on Mr. Holland and needs his expertise.

Director Scadden said that he knows that one of the big concerns is how can we afford to pay for this, and he asked Director Dower to share the cashflow analysis he did. Director Dower shared that his analysis which Director Scadden assisted with shows that the current authorized Travis County funding should last until April of 2021 by which time we should be collecting fees. He said if we add this \$8,000 expense it means that our funding from Travis County will last probably through March of 2021 so cashflow remains a concern, but it looks like we could make it work. Director Urie said that he shares the concern about cashflow month-to-month but he agrees that the amount of funding Travis County is committed to provide is enough to get us the point where we are collecting fees in the first quarter of next year. Director Scadden said that he was initially reluctant to bring on an additional paid consultant but in talking to GM Sawin he is now convinced that it is necessary to keep the rule making effort moving forward at the rate we want.

Director Scadden asked Mr. Holland if he was prepared to wait on payment if the cashflow situation prevented the District from paying his bills immediately. Mr. Holland said that was able to wait but he would hate to get more than two or three months in arrears, but he does not need to get paid immediately.

Director Scadden asked if there was any further discussion. Director Hunt said he did not think the District could afford not to retain Mr. Holland to get the rules in place that will allow getting funding from fees and it appears that all contractors are willing to be flexible so he would be willing to enter into this agreement. Directors Hennings and Van Ackeren said that they agreed that the rules need to be put in place as soon as possible so the District can start collecting fees.

***On a motion by Director Scadden and a second by Director Hennings, the Board voted to amend the contract with Sawin group to authorize adding Mr. Kirk Holland as a subcontractor under the existing Sawin Group contract at a rate of \$100 per hour for a total not to exceed \$8,000 through September 30, 2020, and to authorize the Board President to execute the amended contract – 7 Ayes to 0 Nays***

## **12. Discuss and possibly act on approving or adopting the draft Well Owner Guide**

Director Scadden asked if the Well Owner Guide could be delayed. Directors Hennings and Hunt said that it is pretty much ready to go and they would like to get it done. Director Hennings asked if everyone has had a chance to look at what Brian sent around or does anyone need more time. The consensus was that the Board was ready to proceed. Director Van Ackeren added that he thought it was very well done and him being the non-geologist on the Board he thought it provided great information and was set out quite well. Director Hennings said they had Tom Griffith look at it as well.

***On a motion by Director Hennings and a second by Director Van Ackeren, the board voted to adopt the draft Well Owner Guide as prepared under the ILA between Travis County and BSEACD as a publication of the SWTCGCD – 7 Ayes to 0 Nays***

## **13. Discuss and possibly act on the 2020 Exempt Use Estimates from the TWDB**

Director Scadden asked when we need to get comments back to TWDB on the 2020 Exempt Use Estimates? Mr. Holland said comments were due July 1<sup>st</sup>. Director Scadden asked if we can designate a couple of people to work on this and added that Director Hennings has been looking at it. Director Henning said she has been looking at it and the TWDB is saying that our exempt use is 6,900 acre feet per year and in the Atlas the estimate is 4,423 acre feet per year so they are

estimating 156% of what we believe to be the case. Director Scadden said that he was asking to defer getting into the details in this Board meeting today. Can we designate a couple of people to deal with it on behalf of the Board? Director Henning said she felt that we need to state that it needs some work and we cannot just accept their estimate. Director Scadden said he was not suggesting we use the TWDB estimate but rather that Director Hennings and whoever else needs to be involved to talk about this and craft a response to the TWDB. Director Hunt offered to get involved. Mr. Holland said he would also be happy to be involved because he understands what these estimates are used for and how it was created. Directors Hennings, Hunt and Mr. Holland will work on a response to the TWDB.

***On a motion by Director Scadden and a second by Director Dower the Board voted to authorize a committee consisting of Directors Hennings and Hunt and Mr. Holland to evaluate the Exempt Use Estimated from the TWDB and provide a response to the TWDB – 7 Ayes to 0 Nays***

**14. Discuss and possibly act on matters related to potential loan and grant opportunities**

Director Scadden said that this agenda item is kind of a carry over, we did get the \$1,000 donation from Hamilton Pool Road Matters and he is going to write a proposal to his employer asking for some financial support. Directors Dower and Hennings are also pursuing some sources of financial support. Director Henning said that she is asking West Lake Hills for some support and they have asked for a formal request and are also asking what we are asking of Bee Cave and Lakeway and they want to be proportionate on it.

**15. Discuss and possibly act on attending the Texas Alliance of Groundwater Districts' Texas Groundwater Summit, September 1-3 in San Antonio**

Director Scadden advised that, as last he heard, TAGD was still planning their Groundwater Summit in San Antonio in early September but in light of our financial situation he suggest that the District not fund anyone's attendance at the meeting and if anyone wants to go they should do it on their own funding. Mr. Holland said that he felt there is a good chance that it will be postponed. Directors Hennings, Van Ackeren and Dower said they agreed. Director Dower added that between now and September our priority has to be to get rules in place.

**16. Discuss and establish agenda items for the next Board meeting**

No new agenda items were suggested for next month's meeting.

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

The Board agreed to set the next regular monthly Board meeting for 10:00 AM on Wednesday July 8<sup>th</sup>. The meeting will be a virtual meeting if possible based on Governor's action.

**3. Discuss, consider and possibly act on approving the previous meeting minutes**

Approval of the May 13, 2020 and May 27<sup>th</sup>, 2020 Meeting Minutes. The meeting minutes for May 13, 2020 were deferred.

There were no comments on the May 27<sup>th</sup> Meeting Minutes.

***On a motion by Director Van Ackeren and a second by Director Hennings, the draft version of the May 27, 2020 meeting minutes was approved – 7 Ayes to 0 Nays***

***A copy of the approved May 27, 2020 Meeting Minutes is attached as Exhibit C***

#### **4. General Manager's Report**

General Manager Sawin presented the General Manager's report.

***A copy of the General Manager's report is attached as Exhibit D***

#### **5. Receive, discuss and take action as necessary for Board Committee Reports.**

##### **a. Finance**

Director Urie presented the Financial Report for the period ending 5/31/20. He said there were 2 checks written for \$2,000.00 to Sawin Group, \$59.93 to reimburse GM Sawin for office phones, \$118.56 for liability insurance to Intergovernmental Risk Pool, and a reimbursement to GM Sawin of \$175.00 for the Public Funds Act Training, \$82.59 to Spectrum for the office Internet service. After May 31<sup>st</sup> Hamilton Pool Matters donated \$1,000.00 so thank you to Tim and Pete. Director Scadden returned \$22.01 for the refund on the laptop computer. The ending balance as of 5/31/2020 is \$2,397.81.

Director Scadden pointed out that there is one invoice for GM Sawin pending for work performed in May. Director Urie confirmed that and said there is also a Lloyd Gosselink invoice for \$782.50 pending, and around the 20<sup>th</sup> of every month there is an auto debit of \$82.59 for Spectrum Internet and phone service.

Director Scadden said he had a question for the Directors, since there is a balance of \$2,397.81 in the account, he is in favor of paying GM Sawin's pending invoice of \$2,000 which would still leave \$397.81. Director Dower said he is guessing that there is a big Lloyd Gosselink invoice that has not dropped yet for last month. Legal Counsel Embrey said that that is true, it is around \$5,000 but like discussed earlier, his firm understands what the financial situation is with the District. Director Scadden asked if there were any other questions for Director Urie and hearing none, he said he thought there was direction to pay GM Sawin the pending invoice and Director Urie said OK.

***The financial report is attached as Exhibit E***

##### **b. Legislative**

Director Davis advised that there was nothing new to report.

##### **c. Science-Outreach**

Director Hennings said that she was going to bring up the same Zoom meeting about the USGS study as GM Sawin did. She said the District has been invited by the West Lake Hills Neighborhood Night Out to have a booth once again on October 6<sup>th</sup> from 6:00 to 8:00 PM and they need to know by August 1<sup>st</sup>. there was general support among the Directors for participating in this event.



**18. Adjourn**

***On a motion by Director Urie and a second by Director Hunt, the Board voted to adjourn the meeting – 7 Ayes to 0 Nays. The meeting was adjourned at 1:06 PM.***

PASSED, APPROVED AND ADOPTED THIS 8th day of July 2020

  
Tim Van Ackeren, Secretary

**Exhibit A**

Attendee Sign-in Sheet

BOARD MEETING  
OF THE  
SOUTHWESTERN TRAVIS COUNTY GROUNDWATER CONSERVATION DISTRICT

Teleconference Meeting

Wednesday June 10, 2020 at 10:00 AM

ATTENDEES

Name	Affiliation	Email Address
Rick Scadden	SWTCGCD Director - President	
Juli Hennings	SWTCGCD Director	
Jim Dower	SWTCGCD Director	
Jim Urie	SWTCGCD Director - Treasurer	
Tricia Davis	SWTCGCD Director - Vice President	
Tim Van Ackeren	SWTCGCD Director - Secretary	
Brian Hunt	SWTCGCD Director	
Kodi Sawin	SWTCGCD General Manager	
Kirk Holland	Consultant	
Ty Embrey	Lloyd Gosselink - Legal Counsel	
Tom Griffith	Well Owner	
Phillip Webster	Hays Trinity GCD	
Virginia Smith	ACC	
Pete Golde	Volunteer	

**Exhibit B**

Resolution 2020-06-01

**STATE OF TEXAS**

§  
§  
§  
§

**RESOLUTION # 2020-06-01**

**TRAVIS COUNTY**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
SOUTHWESTERN TRAVIS COUNTY GROUNDWATER  
CONSERVATION DISTRICT AUTHORIZING ADOPTION OF THE  
DISTRICT'S GROUNDWATER MANAGEMENT PLAN**

**WHEREAS**, the proposed Management Plan of the Southwestern Travis County Groundwater Conservation District (District), attached hereto as Attachment A, has been developed for the purpose of serving the District's mission, statutory purpose, and commitment to conserving, preserving, protecting, recharging, and prevention of waste of groundwater and of aquifers within the District.

**WHEREAS**, this action to adopt the proposed Groundwater Management Plan is taken under the District's statutory authority pursuant to Texas Water Code, Chapter 36 and Special District Local Laws, Chapter 8827;

**WHEREAS**, the proposed Groundwater Management Plan meets the requirements of Texas Water Code § 36.1071 and § 36.1072 and 31 TAC § 356.52;

**WHEREAS**, the proposed Groundwater Management Plan was submitted to the Texas Water Development Board (TWDB) for pre-review and has been revised to comport with the pre-review comments provided by TWDB staff;

**WHEREAS**, the proposed Groundwater Management Plan was the subject of a public hearing before the Board of Directors of the District on June 10, 2020; and

**WHEREAS**, under no circumstances and in no particular case, will the proposed Groundwater Management Plan, or any part of it, be construed as a limitation or restriction upon the exercise of any discretion where such exists; nor will it in any event be construed to deprive the Board of an exercise of powers, duties and jurisdiction conferred by law, nor to limit or restrict the amount and character of data or information which may be required for the proper administration of the law:

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Southwestern Travis County Groundwater Conservation District that:

- 1) The “Groundwater Management Plan of the Southwestern Travis County Groundwater Conservation District” attached hereto as Attachment A is hereby adopted; and
- 2) This Groundwater Management Plan will take effect upon approval by the TWDB. It will remain in effect as provided under Texas Water Code § 36.1072(e).

AND IT IS SO ORDERED.

In Favor \_\_\_\_\_ Opposed \_\_\_\_\_

**PASSED AND APPROVED THIS 10<sup>th</sup> DAY OF June 2020.**

\_\_\_\_\_  
Richard A. Scadden, SWTCGCD Board President

ATTEST:

\_\_\_\_\_  
Tim Van Ackeren, SWTCGCD Board Secretary

**Exhibit C**

General Manager's Report

## General Manager Report – June 10, 2020

### 1. Rules

- Had a meeting on Monday to discuss rules in more detail. We will discuss in further detail under other agenda items.
- Have created a database of well drillers in the area and am pursuing a similar database for groundwater users in the area. I will send around the information I have at the end of the week and ask that you all add any names and contact information to our database.

### 2. LG

- I am in the process of making sure that we are compliant with Chapter 36 and other requirements such as cybersecurity, open meetings, and others
- LG provided a check list and will let you all know if we are short in any areas—however, we are finished without cybersecurity training as a group

### 4. Hours tracking

- Per a request, I have been keeping my hours. Those hours can be found in the GM folder on the shared drive. I will run a report once a month for you all to monitor my activity. I clocked 156 hours in May.

### 5. Office Update

- I will establish office hours. My thought is to have office hours on Tuesdays and Thursdays. I will confirm this and hope to start that next week when the stay at home order is lifted for the County.
- I did get an offer from Barton Springs district to donate a filing cabinet. Which is great, we still need a worktable and a printer to make the office 100 percent, but we are close. I am waiting on some feedback from the facilities group on a couple of issues, in the meantime.

### 7. Public Inquiries

- We had 3 requests for information
  - Real estate question asking if her listing was in district – it was not
  - And 3 people interested in finding out the status of the district, including the City of Austin, a local builder and a property owner

### 8. Stakeholder Database

- Continue to build out the stakeholder database. It is coming along and can be found in the virtual filing cabinet.

### 11. Items of interest

- June 19, 2020 10 am there will be a Zoom meeting by the USGS's Scott Ikard on a recent study titled: **Geophysical pilot-study of surface-water and groundwater exchanges between the Colorado River and the middle and lower zones of the Trinity Aquifer, 2019–2020 (Please let me know if you need for me to resend the information, Brian sent the original email.)**

### 12. Financial Training

- I have completed the required public funds training



**Exhibit D**

Approved Minutes from May 27, 2020 Board Meeting



# Meeting MINUTES

## OF THE

### SOUTHWESTERN TRAVIS COUNTY GROUNDWATER CONSERVATION DISTRICT

#### Via Telephone Conference

In accordance with the order of the Office of the Governor issued March 16, 2020, the SWTCGCD Board of Directors conducted a Special Board Meeting as a remote access only meeting in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19). The meeting was open to the public and instructions for accessing the conference call were provided in advance with the Notice of Meeting

**Wednesday, May 27, 2020 at 10:00 am**

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

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 Wednesday May 27, 2020. Seven District Directors were present on the conference call constituting a quorum, including Directors Davis, Hennings, Dower, Scadden, Hunt, Van Ackeren and Urie. Also present were General Manager Kodi Sawin, Kirk Holland, Ty Embry with Lloyd Gosselink, and Stephanie Curry.

At the request of Director Scadden all present introduced themselves.

**2. Public comments**

Director Scadden called for public comments. There were no public comments.

**3. Discuss and possibly act on matters related to formulating District Rules, including setting a Public Hearing on the rulemaking at some future Board meeting.**

General Manager, Kodi Sawin, and Kirk Holland led a discussion of selected subjects and recommendations from the Rules Committee previously appointed by the District Board. The discussion started with a brief review of what District Rules are and how they will be used in the Management of the District. General Manager Sawin explained that the Groundwater Management Plan that the District has developed can be thought of as the overarching strategy for operating the District while the Rules are the tactical details of how the District will implement and achieve the strategies.

The next item of discussion was whether to strive to develop a full or complete set of District Rules or to prepare a partial set of Rules with the goal of faster implementation. The Rules Committee recommendation is to work toward development of a full set of Rules. After discussion of the relative pros and cons, the consensus of the Directors was to proceed with working toward



development of a full set of Rules with the understanding that this can be revisited if the process gets bogged down on a specific policy issue.

The next item of discussion was the basis for developing the SWTCGCD Rules. Kirk Holland reminded the Board that the draft Groundwater Management Plan was initially prepared using the Blanco Pedernales GCD Management Plan as a template. An outline for the SWTCGCD Rules has been developed based on the Rules from the Blanco Pedernales GCD and the Comal Trinity GCD. The latter being useful as they have more recently been established (both the GCD and the Rules). The SWTCGCD Rules will also be developed with consideration of the relevant Barton Springs Edwards Aquifer Conservation District (BSEACD) Rules with the desire to utilize the beneficial provisions while trying to avoid the complexity of the BSEACD Rules. The group agreed that to the extent practical, it is advantageous to have the SWTCGCD Rules consistent with the Rules of our neighboring GCDs. The Board consensus confirmed this approach.

The next item for discussion centered around developing a definition for Domestic Use of groundwater for the SWTCGCD Rules. This is an important definition in general for groundwater management and specifically as it pertains to certain exempt uses. This discussion included the use of groundwater for domestic irrigation and a concern for groundwater wells used for irrigation at households that have their primary potable water supplied by a water utility. The Rules Committee had previously reviewed the definition of Domestic Use used by our neighboring GCDs and the Texas Commission on Environmental Quality (TCEQ) to help develop a draft definition for the SWTCGCD. Note that the TCEQ definition applied to surface water not groundwater.

After in depth discussion, the Board agreed on the following two definitions by consensus.

1. Definition of Domestic Use – “The use of groundwater by a person or household in which a well produces groundwater for personal needs such as drinking and personal hygiene; for household purposes such as heating, cooking, sanitation, and cleaning; or for other, outdoor uses such as maintaining swimming pools; watering of domestic animals kept as pets; and irrigating landscape vegetation, gardens, or orchards. Domestic Use does not include groundwater used to support activities for which consideration is given or received, or for which the product of the activity is sold.”

2. Definition of Livestock Use – “The use of groundwater produced by a well for domesticated horses, cattle, goats, sheep, swine, poultry, ostriches, emus, rheas, fish, exotic deer and antelope, and other similar animals involved in farming or ranching operations, including maintaining no more than 50,000 gallons of groundwater storage in ponds, lakes, tanks, reservoirs, or other surface impoundments used for holding water located on the person’s property. Dogs, cats, birds, reptiles, small mammals, potbellied pigs, and other animals typically kept as domestic pets are not considered livestock. Livestock-type animals kept as pets or in a pet-like environment are not considered livestock.

The Rules Committee will continue to develop additional definitions for incorporation in the District Rules and make recommendations to the Board.

The next item for discussion was whether the District Bylaws should be embedded in the District Rules. The District Bylaws were previously approved by the Board. The Rules Committee had



considered this question and recommended that the Bylaws should be referenced in the Rules but not included in the Rules in their entirety. The consensus of the Board was to follow this recommendation.

The meeting participants also had a general discussion about permitting groundwater wells and an explanation of the use of General Permit-By-Rule type permits for some non-exempt wells such as larger irrigation wells, monitoring wells, test wells, and fire suppression/firefighting wells that would otherwise require individual operating permits.

Drought management and the trigger for declaring various stages of draught were discussed. The Rules Committee recommended: 1. Mandatory drought plans for permittees, triggers and required curtailments for non-exempt wells, and voluntary curtailments for exempt wells; 2. Use of the US Drought Monitor weekly classification for Travis County or for Travis, Hays, and Blanco Counties, evaluated monthly; and 3. Tiered drought curtailments, need metering on non-exempt wells, and monthly meter readings and reporting. After discussion and looking at the online Drought Monitor the consensus was to accept the recommendations with the specific decision to use just Travis County as the basis for the drought classification. The Rules Committee will develop more specific recommendations of the timing and duration for various drought declarations.

#### 4. Adjourn

***On a motion by Director Van Ackeren and a second by Director Urie, the Board voted to adjourn the meeting – 7 ayes to 0 nays. The meeting was adjourned at 12:40 PM.***

PASSED, APPROVED AND ADOPTED THIS 10th day of June 2020

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Tim Van Ackeren, Secretary

**Exhibit E**

Financial Report

**SW Travis Cty. Groundwater Conservation Dist.**  
**Reconciliation Detail**  
 Independent Bank, Period Ending 05/31/2020

Type	Date	Num	Name	Clr	Amount	Balance
<b>Beginning Balance</b>						-9,834.84
<b>Cleared Transactions</b>						
<b>Checks and Payments - 6 items</b>						
Bill Pmt -Check	05/05/2020	126	Sawin Group	X	-2,000.00	-2,000.00
Bill Pmt -Check	05/05/2020	127	Kodi Sawin	X	-59.93	-2,059.93
Bill Pmt -Check	05/12/2020	128	TML Intergovern...	X	-118.56	-2,178.49
Bill Pmt -Check	05/16/2020	129	Sawin Group	X	-2,000.00	-4,178.49
Bill Pmt -Check	05/16/2020	130	Kodi Sawin	X	-175.00	-4,353.49
Bill Pmt -Check	05/20/2020	100	Spectrum	X	-82.59	-4,436.08
<b>Total Checks and Payments</b>					-4,436.08	-4,436.08
<b>Deposits and Credits - 3 items</b>						
Deposit	11/04/2019		Travis - County	X	15,000.00	15,000.00
Deposit	04/30/2020		Vote For Water P...	X	646.57	15,646.57
Deposit	05/31/2020			X	0.15	15,646.72
<b>Total Deposits and Credits</b>					15,646.72	15,646.72
<b>Total Cleared Transactions</b>					11,210.64	11,210.64
<b>Cleared Balance</b>					11,210.64	1,375.80
<b>Register Balance as of 05/31/2020</b>					11,210.64	1,375.80
<b>New Transactions</b>						
<b>Deposits and Credits - 2 items</b>						
Deposit	06/02/2020		Rick Scadden		22.01	22.01
Deposit	06/02/2020		Hamilton Pool Ro...		1,000.00	1,022.01
<b>Total Deposits and Credits</b>					1,022.01	1,022.01
<b>Total New Transactions</b>					1,022.01	1,022.01
<b>Ending Balance</b>					<b>12,232.65</b>	<b>2,397.81</b>