



# 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 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, July 8, 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. Seven District Directors were present on the conference call constituting a quorum, including Directors Hennings, Dower, Davis, Scadden, Hunt, Urie and Van Ackeren. Also present were Kodi Sawin, Kirk Holland, Legal Counsel Embry, Vicki Kennedy from Travis County and Pete Golde.

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 there were no public comments.

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

May 13, 2020 Minutes

There were no comments on the minutes as drafted.

***On a motion by Director Dower and a second by Director Van Ackeren the Board approved the minutes for the May 13, 2020 Board Meeting – 7 Ayes to 0 Nays***

June 10, 2020 Minutes

There were no comments on the minutes as drafted.



***On a motion by Director Van Ackeren and a second by Director Dower the Board approved the minutes for the June 10, 2020 Board Meeting – 7 Ayes to 0 Nays***

***The minutes for both meetings are attached as Exhibit B***

A discussion of the level of detail in the minutes ensued with the concern expressed about the amount of work required to prepare the minutes and several Directors expressing the opinion that this level of detail is desirable. It was agreed to keep the current level of detail.

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

General Manager Sawin provided and reviewed the General Manager's Report.

***The General Manager's Report is attached as Exhibit C***

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

- a. Finance – Director Urie reviewed the Financial Report. For the period ending 6/30/20 two checks were written, one to Sawin Group for \$2,000 and the other to Spectrum for \$82.59. Three deposits were made for \$22.01 from Director Scadden, \$1,000 from Hamilton Pool Road Matters and \$0.04 in interest. The ending balance as of 6/30 was \$315.26.

***The Financial Report is attached as Exhibit D***

Director Van Ackeren asked how often we bill Travis County. Director Scadden said that we have billed for June and July and we are projecting August and will bill for that. Director Van Ackeren asked if Travis County has agreed to pay based on projections. Director Scadden said yes, they have. Vicky Kennedy approves the payments and they are supposed to be monthly, but they are trying to get caught up with two-month projections. He added that there are two invoices from Lloyd Gosselink, and another is expected in July. Vicky Kennedy stated that the District's invoices need to be submitted every month to help assist with process. Director Dower said that he would like to see the Lloyd Gosselink invoice detail when it is received. Director Scadden committed to send the new Lloyd Gosselink invoice to the Board when it is received. Legal Counsel Embrey explained that most of the legal time is spent up front, mostly for getting the Rules in place with an occasional drafting of a resolution for the Board.

- b. Legislative – Director Davis provided an update on State activities. She said the TCEQ is working on Produced Water and lots is going on regarding Flooding and River Authorities
- c. Science-Outreach – Director Hennings and Director Hunt provided a brief overview of the USGS presentation by Scott Ikard of the interaction between the Colorado River and the Trinity Aquifer. Director Hunt said that Phase 2 of the Travis County/BSEACD ILA was to evaluate the relationship between rivers and lakes, and the aquifer. USGS used a tool to run a transect from Pace Bend to below the Bee Creek Fault. This was a success and gave us information that we did not have. Director Hennings said that there are a couple of distinct features to be investigated. They did see a change at the Bee Creek Fault and Director Hunt added that it is really promising. Director Dower asked if the study looked at the effect of wells drilled next to



the river. Director Hunt said that it did not look in that detail but rather at gross overall flows in or out. Vicky Kennedy said that this technology could be used to look at alluvial wells that pump from the lake. Director Scadden suggested that a link to this presentation be put on our website.

Director Hunt advised that he has 50 hard copies of the Atlas which he will give to General Manager Sawin at the office.

Director Dower advised that there were 361 views of the website, 71 downloads and 1 contact during the past month.

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

General Manager Sawin said the rules committee has met several times including a board workshop to work through the various components of the rules from permitting process to fees. The Rules Committee will cover additional items with the Board in our next workshop. She thanked the Board for their guidance so far. She went on to say that the Rules Committee has started to work through definitions to bring to the board for review. Mr. Holland commented that the definitions set the philosophy and tone of the Rules and the Rules Committee has spent a lot of time working on them and the next step in next Monday's meeting. GM Sawin said that the Rules Committee will send the Board information on the meeting in advance so that Directors can think through any questions they might have.

GM Sawin said that she continues to move through the list of Public Water Supplies in the area to obtain up to date contact information and to discern whether or not the system is on groundwater or has moved to surface water.

**7. Discuss setting a date for a Board Work Session to discuss the District Rules**

Director Scadden suggested Wednesday July 22<sup>nd</sup> at 10:00 AM for the next Board work session meeting to discuss the District Rules. Directors Davis and Hennings said that they had conflicts on that date and Director Scadden then suggested Tuesday July 21<sup>st</sup>. The next Board work session meeting to discuss the District Rules was set for July 21<sup>st</sup> at 9:00 AM since several Directors had existing commitments in the early afternoon.

**8. Discuss and possibly act on matters related to designating official office location**

GM Sawin presented Resolution 2020-07-01 drafted by Legal Counsel to designate an official office location. Director Scadden suggested that the second "Whereas" paragraph be deleted since the Board had not previously designated an office address. Legal Counsel Embrey agreed.

***On a motion by Director Davis and a second by Director Hennings the Board voted to approve Resolution 2020-07-01 as amended – 7 Ayes to 0 Nays***

***Resolution 2020-07-01 is attached as Exhibit E***



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

Director Scadden advised that SWTCGCD was not selected for the INTERA Stewardship Scholarship but INTERA has offered to provide some pro bono technical support. He suggested the possibility of work on a new revenue estimate and a senior person review of the SWTCGCD Rules. GM Sawin said that she will revisit the availability of LCRA funds with David Wheelock at LCRA based on new information re: interaction between Colorado River and Trinity Aquifer.

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

- District Rules development
- TAGD Groundwater Summit attendance
- August Board work session

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

The next Board meeting was set for August 12<sup>th</sup>, 2020 at 10:00 AM and will be a virtual meeting.

**12. Adjourn**

***On a motion by Director Hunt and a second by Director Hennings the Board voted to adjourn the meeting – 7 Ayes to 0 Nays. The meeting was adjourned at 11:19 AM.***

PASSED, APPROVED AND ADOPTED THIS 12th day of August 2020

  
\_\_\_\_\_  
Tim Van Ackeren, Secretary



## **Exhibit A**

### Attendee Sign-in Sheet

BOARD MEETING  
OF THE  
SOUTHWESTERN TRAVIS COUNTY GROUNDWATER CONSERVATION DISTRICT

Teleconference Meeting

Wednesday July 8, 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	
Vicki Kennedy	Travis County	
Pete Golde	Volunteer	



## **Exhibit B**

Approved Minutes from May 13, 2020 and June 10, 2020  
Board Meetings

# **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 April 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, May 13, 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. Six District Directors were present on the conference call constituting a quorum, including Directors Hennings, Dower, Scadden, Davis, Hunt, and Van Ackeren. Also present were Kodi Sawin, Kayla Shearhart from Hays Trinity GCD, Kirk Holland, Ty Embry with Lloyd Gosselink, and Pete Golde. Director Urie joined the conference call meeting at 10:04 AM.

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.

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

Approval of the April 8, 2020 Meeting Minutes.

There were no comments on the April 8<sup>th</sup> Meeting Minutes.

***On a motion by Director Dower and a second by Director Hennings, the draft version of the April 8, 2020 meeting minutes was approved – 7 Ayes to 0 Nays***

***A copy of the approved April 8, 2020 Meeting Minutes is attached as Exhibit B***

**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 C***



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

### a. Finance

Director Urie presented the Financial Report for the period ending 4/30/20. He said there were 5 checks written for \$2,000.00 to Sawin Group, \$1,154.27 to Director Scadden for reimbursement for General Manager's notebook computer, \$171.50 to Dog Trick Studios for business cards, \$2,000.00 to Sawin Group, and \$125.00 to reimburse GM Sawin for Spectrum Internet bill. The ending balance as of 4/30/2020 is \$5,165.16 after a deposit of \$0.35 in interest.

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

### b. Legislative

Director Davis advised that there was nothing new to report.

### c. Science-Outreach

Director Hennings discussed the exciting event tonight at 4:00 to 6:00 PM with an online report of the nine projects completed by the ACC GIS class. It is an interesting list of projects:

- Indications of the Bee Creek Fault
- Water utilities, water sources, and water demand
- Septic and petroleum tanks
- 3D visualization of the aquifer and water wells
- Open space inventory
- Map of land parcels, subdivisions, and neighborhood boundaries
- Wildfire history and potential within the district
- Land cover change
- Ground drought indicators over time

Director Hennings went on to explain that a Well Owner's Guide has been developed by BSEACD under the ILA, and they are now working on a version for SWTCGCD. Directors Hennings and Hunt, and Lane Cockrell with BSEACD have worked on it. When the draft is complete Director Hennings said that she would like to have it reviewed by Director Dower and Kirk Holland, and maybe Tom Griffith and Director Davis who are well owners.

Director Hunt discussed Phase 2 of the ILA work (Phase 1 was the Hydrogeologic Atlas). Phase 2 consists of the development of the Well Owner's Guide, studying the relationship of groundwater to surface water from rivers and lakes based on a geophysical study recently completed by USGS, study of the Bee Creek Fault, and development of a regional cross-section to the North East into Bell County. Reports on these efforts are planned to be completed by the end of August.

Director Dower reported the following website statistics; 458 views, 99 file downloads, and 2 contacts which were forwarded to GM Sawin.

Director Hunt added that the Hydrogeologic Atlas is complete and available as a large download. Printing of 200 copies has been completed by Travis County. It is an 11" X 17" book with 80 pages. Copies will be provided to the SWTCGCD.

Director Hunt then advised that yesterday Travis County completed a monitoring well in the Middle Trinity on land that the County purchased on the hill above Hamilton Pool about 1,000 feet from the Bintree RV Park. He spent several days with the drillers taking rock cuttings samples until the well reached the top of the Smithwick Shale at 400 feet, then drilled another 20 feet into the Smithwick. Director Scadden asked if Director Hunt had compared the well results to expectations in the Hydrogeologic Atlas and Director Hunt replied that he had not yet. Tom Griffith asked if any Hensel Sand was encountered and Director Hunt replied that yes it was, and he is making a log of his samples at 10 foot intervals, which will probably be wrapped into the Phase 2 reports since the idea is to get the data out there. Tom Griffith asked if the top of water was similar to the Bintree RV Park report and Director Hunt replied that it was.

Director Scadden advised that there was a press release prepared by him and GM Sawin providing an update on the GCD including hiring a GM and establishing an office. This turned out well for our outreach efforts resulting in articles in the Community Impact and Austin American Statesman.

Director Davis asked if the Middle Trinity is where the Cow Creek is and Director Hunt replied that yes both Bintree and the Travis County Monitoring wells drilled through the Cow Creek Formation.

**6. Discuss, and possibly act on matters relating to ratifying bonding for new Board Member, Brian Hunt**

Director Scadden said that bonding is in place for Director Hunt and Director Van Ackeren said that he was notified of that by TML yesterday. The cost of this bond had already been paid so there is no new expense until renewal. Legal Counsel Embrey from Lloyd Gosselink advised that no further action by the Board was required.

**7. Discuss and possibly act on matters related to Cyber Security Training**

GM Sawin advised that the Cybersecurity Training Policy is in the Board packet and it has been reviewed by Legal.

Director Dower suggested the reference to "all Directors and Employees" should read "all Employees who have access to District computers". Legal Counsel Embrey confirmed that would meet the intent of the legislation and Directors Van Ackeren and Hunt agreed to this amendment of their motion to approve.

***On a motion by Director Van Ackeren and a second by Director Hunt, the Board approved the SWTCGCD Cybersecurity Policy as amended – 7 Ayes to 0 Nays***

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

Director Scadden advised that he has learned that the Texas Water Development Board (TWDB) has not had an application for its loan program in 12 years and has not made a loan in 17 years.

While that is not encouraging, he said he would continue to talk to TWDB about it. GM Sawin said that she had spoken to LCRA and they do have some grant programs including community service grants and water conservation grants that might be able to be used on a project specific basis. Director Scadden suggested maybe a monitoring well proposal, which would help with drought management. Kayla Shearhart said that it can be difficult looking for capital projects. LCRA wants permanent signage giving them credit for funding. GM Sawin said that was helpful information. Director Hunt suggested that another possible project proposal might be installation of stream flow gages.

**9. Discuss, and possibly act on matters related to Public Funds Investment Act, designating a SWTCGCD Chief Investment Officer, and training**

Director Scadden said that a resolution is needed to appoint a Chief Investment Officer (CIO) and that small districts often appoint their General Manager as CIO to assure that investments meet the District's Investment Policy. He said that Legal Counsel Embrey had provided a standard Investment Policy to comply with State law. Legal Counsel Embrey said that two resolutions are required; one to appoint a CIO and a second to adopt the District Investment Policy. Director Hennings asked if the Board needed to appoint the General Manager as a position or GM Sawin specifically. Legal Counsel Embrey said that it needs to be an individual since that individual will need State mandated training.

***On a motion by Director Hennings and a second by Director Urie the Board voted to appoint General Manager Sawin as the District's Chief Investment Officer – 7 Ayes to 0 Nays***

Director Scadden asked for a motion to approve the District Investment Policy proposed by Legal Counsel Embrey. Mr. Embrey reiterated that the proposed Investment policy is a standard policy. Mr. Holland suggested that the District start numbering resolutions and Director Scadden said he thought that was a good suggestion and he would put it on next month's agenda.

***On a motion by Director Van Ackeren and a second by Director Dower the Board voted to adopt the proposed Investment Policy for the District – 7 Ayes to 0 Nays***

***A copy of the adopted Investment Policy is attached as Exhibit E***

**10. Discuss the status of the draft Management Plan and possibly act to approve the draft Management Plan for purposes of setting Public Hearing**

Director Scadden advised that the Texas Water development Board (TWDB) provided comments to GM Sawin and Kirk Holland. GM Sawin confirmed that comments were received from TWDB and the comments have been incorporated in the revised Groundwater Management Plan (the TWDB specifically requested insertion of the word Groundwater). Mr. Holland said that the email explained the comments well and the Board had an opportunity to review them. The next step is to hold a public hearing on the Groundwater Management Plan. He went on to say that there are a couple of additional comments from the Management Plan Committee, but the Groundwater Management Plan needs to be posted for the public hearing and then comments from the public hearing and other Board comments along with the Management Plan Committee comments can be added.

GM Sawin asked if there were any comments on the May 6<sup>th</sup> version of the Groundwater Management Plan. Director Scadden asked if any Directors plan to review the Groundwater

Management Plan further and make any additional comments. Director Hunt asked if there is an opportunity to look at the Groundwater Management Plan further as we go through the rulemaking process? Director Scadden said that there would be another opportunity at the June meeting. Director Hunt added that these things are iterative. Mr. Holland said he agreed but the Groundwater Management Plan is intended to go first. Director Hunt said that it sounds like there will be another opportunity at the June meeting and the Board should be into the rulemaking phase by the June hearing.

Director Scadden asked what the timing is for Legal review? Legal Counsel Embrey said that he has reviewed the current version of the Groundwater Management Plan and he has four comments and asked if the Board wants them now. Mr. Holland said yes, so the Groundwater Management Plan can be amended for use at the public hearing.

Legal Counsel Embrey added the Management Plan does go first but it is an organic document that can be modified later. Director Hunt added that it is a living document.

Director Hennings asked how long the rulemaking task will take. Mr. Holland said that it should be completed later this summer but there will need to be public hearings with notice periods. Legal Counsel Embrey added that public involvement is unpredictable and can bog things down. Director Scadden asked if there is a way to establish the public hearing today and say the version of the Groundwater Management Plan to be used for the public hearing by say Friday? We would authorize the Management Plan Committee to determine the final version for the hearing. Since the Board had reviewed the Groundwater Management Plan several times, Director Scadden said he would expect any further comments to be editorial in nature and not substantive changes. Mr. Embrey said that even if there might be more substantive changes, they could be presented to the public at the public hearing just as public comments are.

Legal Counsel Embrey then reviewed his comments as follows:

1. On Page 14 Statement of Guiding Principles, add *Protecting landowner's property rights*. Mr. Holland asked if that can be added to the end of #4 and Legal Counsel Embrey responded, yes.
2. On Page 51 Item A.3 Performance Standards water level monitoring schedule shows 26 monitoring exercises a year, is that feasible? Director Hunt said that he agreed. Mr. Holland suggested saying one well in the Middle Trinity and one in the Upper Trinity.
3. On Pages 52 and 54 Control of Waste, prohibit new wells being completed in the Upper Trinity. Suggest saying second year since we do not know what is coming from the public. Mr. Holland said he was concerned about any prohibition against wells in the Groundwater Management Plan, Legal Counsel Embrey agreed. Director Scadden asked if that is because it should be in the Rules and Mr. Embrey said yes. Mr. Holland suggested using the word *restrict* rather than *prohibit* and in the second year.
4. On Pages 56 and 57, H1a and H2b says District will fully participate in GMA 9 activities. Suggest adding specific numbers like one meeting or two meetings to set a bar that you can easily meet and take out the word *fully* and refer to *majority of meetings*.

Mr. Holland said that Director Dower had several comments regarding the definition of drought conditions, which will be addressed in the next version, and brush control which is not expected to be an issue for this District, so no performance standard is required. Legal Counsel Embrey said that he agreed. Director Dower agreed that brush cover does not affect confined aquifers.

Mr. Holland said the he felt the Groundwater Management Plan was in good shape to approve as the basis for the public hearing. Director Scadden asked if the Board was comfortable in approving the current Groundwater Management Plan version as of today to be made available for the public hearing. Director Hunt said that he felt it was ready.

***On a motion by Director Dower and a second by Director Hunt, the Board approved the Management Plan as Amended for sharing with the public for the June public hearing – 7 Ayes to 0 Nays***

***On a motion by Director Scadden and a second by Director Van Ackeren, the Board approved scheduling the Groundwater Management Plan public hearing to be part of the June Board meeting – 7 Ayes to 0 Nays***

**11. Discuss the progress of the Rulemaking Committee and set a date for a Board Work Session in May**

Director Scadden advised that the Rulemaking Committee has met twice. He suggested scheduling a work session for the entire Board and asked if May 27<sup>th</sup> is a viable date. GM Sawin said the TAGD business meeting is in the afternoon on the 27<sup>th</sup> at 2:00 PM so is a 10:00 AM work session OK? All Board members indicated that would work. GM Sawin said that the work session would be a remote meeting and she would provide log in info in advance. Director Dower said that difficult and far reaching decisions need to be made at this meeting on the 27<sup>th</sup>. Mr. Holland added that because of groundwater conditions here the rules will be different from the adjacent GMA 9 GCDs, but we need to consider the use of Management Zones and we need to have one or two Directors focus on this. Director Scadden thanked GM Sawin and Mr. Holland for providing the Rulemaking framework.

**12. Discuss the concept of designating Management Areas 1 and 2, and the process of defining the boundary for Management and Rulemaking purposes**

Director Scadden said that he has asked Directors Hunt and Hennings to talk to the Board on Item 12 regarding management areas 1 and 2 which we have heard about in the Hydrogeologic Report performed by BSEACD and Travis County. We have in our Groundwater Management Plan the concept of different management areas between area 1 and area 2 because of the different hydrogeological conditions and it is important for the Board to understand that concept and the difficulty for the rulemaking process and defining where the boundary is between areas 1 and 2.

Director Hennings said she thought they would start with the description of the two areas and the boundary between them. She and Director Hunt showed 2 diagrams.

***The diagrams are attached as Exhibit F.***

She added that she just wanted to point out that faults express themselves differently and that is what that second set of block diagrams shows, just to assist people with visualizing the impact of the fault, and that we don't yet know what it looks like. Director Hennings went on to discuss the second diagram which is intended to illustrate different types of faults and hard and soft layers. Soft layers may bend at a fault while hard layers, which are brittle, usually break at a fault. The transition between areas 1 and 2 is a zone since we don't know exactly what the transition looks like. It may be that area 1 has consistent recharge while area 2 has more limited recharge, but we

may also have a transitional zone with unpredictable recharge characteristics, and we may need to be careful about how we District Rules are developed to address that possibility.

Director Hunt discussed the two areas within the district that have distinct differences in how they function hydrologically. He explained that on a regional view there are these two different areas but as Director Dower has pointed out there are areas such as his residence (which is along Bee Creek) that behave differently and may need special treatment in rulemaking. There are two different geographic areas but there are also three aquifers, the Upper, Middle and Lower Trinity which could also constitute management zones. You have the Upper Trinity blanketing portions of the area so that could constitute a management zone but as you step down you have compartmentalized areas drawn as Middle Trinity 1, Middle Trinity 2 and Lower Trinity 1 and Lower Trinity 2 which could be additional separate management zones with different District Rules. The Bee Creek Fault appears to be the best science-based boundary between areas 1 and 2. This diagram is to get us to start thinking about how we would define these areas. This is actually similar to what has been done in BSEACD. A buffer zone is possible to allow variances.

Director Scadden asked what different rules enforcement treatment might occur in the buffer zone. Director Hunt explained that partly it depends on what kind of rules we are talking about, for example what they did in the BSEACD where the goal is if you drill a saline Edwards Aquifer well right next to the fresh water boundary you are in this buffer and the rule basically prohibits large capacity wells from being drilled in that buffer because we don't want to pull in fresh water into the saline zone. What the buffer allows is for the well owner to drill a well and demonstrate that they are not impacting the freshwater side and in that case, they can have a well there. Mr. Holland explained that the idea is that for a well that is in this buffer zone there is almost a presumption that it is in either Zone 1 or Zone 2 and subject to the rules of that zone, but the fact that it is in that buffer zone means that more variances from the rules might be available. The permittee might be able to demonstrate through its own hydrogeologic studies that the proposed well is not in Zone 1 but in Zone 2, or vice versa.

Director Scadden said the it appears that there is a lot of uncertainty through that buffer zone. Director Hennings added that further study of the Bee Creek Fault can help to reduce that uncertainty. Director Scadden suggested that, besides regulatory issues there is public education value to studying the fault and the possibility of assisting landowners with siting of new wells. Director Hennings said that this kind of public understanding of the significance of the Bee Creek Fault is helpful in getting landowners to allow access to the fault for further location identification and study.

Director Dower asked if the buffer zone should be a separate third Management Zone. Directors Hunt and Hennings expressed the opinion that that would be premature until the rules are defined but might be considered later depending on rules differences across the zones. The important thing was to ensure the rules allow for flexibility for future adjustments if warranted.

### **13. Discuss and possibly act on establishing a Consulting contract with Kirk Holland**

Director Scadden said the Kirk Holland has spent a lot of time assisting the SWTCGCD and has advised that he cannot continue to spend this much time without some compensation. Mr. Holland said that between now and the end of this fiscal year there will be quite a lot of work on getting the rulemaking done as well as other administrative matters. GM Sawin is already working far more hours than she is being compensated for and he feels that some form of minimum level of effort letter contract through the end of the fiscal year (end of September) would be

appropriate. Director Hunt said that he would second Director Scadden's comment that Mr. Holland has been invaluable in getting this far and we still have a lot of heavy lifting to do and the thought of doing it with diminished support from him is a daunting thought and he would fully support, if we can, entering into a contract with Mr. Holland. Director Hennings said that she agrees, as did Directors Urie and Van Ackeren. Director Hennings made a motion to establish a consulting contract with Mr. Holland, it was seconded by Director Hunt. Director Dower added that he agrees with Legal Counsel Embrey that we are way ahead of where other new GCDs are at this point and that is due in a large part to Mr. Hollands assistance.

Director Dower expressed concern, as discussed last month with regard to legal services, that we are spending our available funds too quickly and we do not have an item in our budget for a consultant so I'm not sure where we would charge this expense. Director Hennings asked if we have ever found out if the committed funding from Travis County ends at the end of this fiscal year. Director Scadden said that there is not a definitive answer to that for example the Interlocal Agreement (ILA) does not say that it ends at the end of the current fiscal year but the guidance he has gotten from Travis County suggests that money is going to be tight and it would be better to draw as much as possible of the Travis County commitment before the end of the fiscal year rather than trying to carry it over. Director Hennings asked how much has been drawn so far to which Director Scadden responded that \$15,000 has been drawn so theoretically there is \$100,000 remaining, but that is just theory at this point since we have made a submittal to Vicky Kennedy and she rejected it and we are working on a new one so it's not just the idea that there is this pot of money at Travis County but how do we access it and get them to actually send checks. The biggest concern is cashflow.

The other concern is the precedent that it sets to start paying a resource who has been a volunteer because there are other volunteers who are not paid. We have to have our eyes wide open when we agree to enter into new contract and know how we are going to pay for it. Director Dower asked why the most recent draw request to Travis County was rejected.

Director Scadden said the we are still working through exactly want information we need to submit to Travis County in order to get reimbursed. Travis County and Ms. Kennedy as the gatekeeper for the County required us to show an exhaustion of the original \$15,000 before they would start to disburse the \$100,000. We are redoing the request in the format that Ms. Kennedy has requested, and we are asking for reimbursement of \$9,000.

Director Hunt said that he had to leave the meeting but that he felt that if we can sort out this funding issue we would be well served to have an additional contract for Mr. Holland's time to assist us.

***Director Hunt left the meeting at 12:50 PM***

Director Hennings said that she agrees with Director Hunt and feels that we are getting good advice from Travis County that we probably need to follow up with and we need to get the fund draw issue sorted out and then revisit the contract with Mr. Holland because we need his assistance. Director Urie said that he agreed with what Director Hennings just stated.

Director Scadden asked Mr. Holland if he wanted to propose something specific as far as hours and a billing rate for the Board to consider. Mr. Holland responded that his current consulting rate is \$145 an hour but most recently has been charging BSEACD \$100 an hour for a monthly bill of around \$3,000 and he would expect about half of that for SWTCGCD keeping in mind that he

would be spending more hours than what he will be billing in the next several months. He said he recognizes the SWTCGCD cannot afford a full billed consulting effort but he will continue his volunteer pro bono efforts to make up the hours required, say 4 hours a week paid and the rest pro bono through the end of this fiscal year. Director Scadden asked if there was any other discussion.

After extensive further discussion Director Hennings withdrew her motion and the item was tabled until the next Board meeting to further evaluate the logistics of establishing a Consulting agreement with Mr. Holland.

**14. Discuss and possibly act on matters related to GMA 9 and initiating resolution of the GMA 9/10 boundary issue affecting SWTCGCD**

Director Scadden said the he is continuing to work with the Texas Water Development Board (TWDB) on this and it appears the TWDB wants a resolution from GMA 9.

**15. Discuss and possibly act on purchase/reimbursement of computer related items for the SWTCGCD office**

Director Scadden said GM Sawin has the laptop now after the first one was not delivered even though Dell thought it was Dell credited his credit card and he reordered it. The price of the second order was less so \$22 and change will be reimbursed to the District by Director Scadden.

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

Agenda items suggested for next month's meeting were:

- Appoint Public Information Officer
- Resolution Numbering Policy
- Budget Amendment
- Management Plan
- Rulemaking

**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 June 10<sup>th</sup>. The meeting will be a virtual meeting.

**18. Adjourn**

***On a motion by Director Hennings and a second by Director Urie, the Board voted to adjourn the meeting – 6 ayes to 0 nays. The meeting was adjourned at 1:15 PM.***

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

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Tim Van Ackeren, Secretary



# 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

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Tim Van Ackeren, Secretary



## **Exhibit C**

### General Manager's Report

## General Manager Report – July 8, 2020

### 1. Stakeholders and public inquiries

- Had another inquiry from a real estate agent to find out if the property is in district—it was
- Reaching out to stakeholders to discuss status of rules:
  - Hank Smith at Cypress Ranch WCID #1 (West Cypress Creek)— as you may know he is the district engineer. It was good introductory call.
  - Jennifer Reichers – West Travis County PUA not stakeholder necessarily but they provide surface water to potential and/or former stakeholders
  - Sent out several emails to other entities to confirm their use of groundwater and system status for instance Travis County MUD 22, Barton Creek Lakeside and others. I am starting to make more progress and hope to keep moving forward. I emailed Hazy Hills WSC, to find out contact information.

### 2. TWDB shared draft reports on Projected Exempt Groundwater Use Estimates

- As discussed last month, every 5 years the TWDB estimates projected exempt use as part of regional planning.
- The TWDB requested our input on those projections. We submitted a request to revise the projected exempt groundwater use estimates in the district. Thank you to Kirk, Juli and Brian we were able to evidence a more accurate picture of the district's exempt uses and the TWDB agreed.
- The numbers now better reflect information gathered for the atlas, the actual footprint of the district, a truer growth rate of 4%.

### 4. Hours tracking

- Per a request, in June I worked for 153 hours. I have moved June hours to the virtual filing cabinet if you wish to view

### 5. Office Update

- Thanks to Tricia we have a printer. In addition, Barton Springs district donated a filing cabinet.
- The county offices are still not open to the public but will let you know when they are.
- I have a worktable that I will donate to the office.

### 6. Management Plan (and Rules)

- Submitted the management plan to the TWDB, Executive Administrator for evaluation of administrative completeness.
- I also submitted the plan to Region K and GMA 9 for distribution.
- It is in line to be reviewed for administrative completeness and will let you know when I know more.

## 7. Items of Interest

- On June 19, 2020 conference call with 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**
- GMA 9 has not been rescheduled
- 9th Annual Texas Groundwater Summit moved to a virtual platform
- We have the Annual Voting Systems Report that all political subdivisions, including groundwater conservation districts, with elected Boards must complete annually by July 15<sup>th</sup>. I will complete that for the district and will work with legal to make sure it is done correctly.

## 8. Financial

- Continue to work with Rick and the County on invoicing
- Worked with Rick on a grant proposal which he will discuss later





## **Exhibit D**

### Financial Report

**SW Travis Cty. Groundwater Conservation Dist.**

**Reconciliation Detail**

**Independent Bank, Period Ending 06/30/2020**

Type	Date	Num	Name	Clr	Amount	Balance
<b>Beginning Balance</b>						1,375.80
<b>Cleared Transactions</b>						
<b>Checks and Payments - 2 items</b>						
Bill Pmt -Check	06/10/2020	131	Sawin Group	X	-2,000.00	-2,000.00
Bill Pmt -Check	06/22/2020	100	Spectrum	X	-82.59	-2,082.59
<b>Total Checks and Payments</b>					-2,082.59	-2,082.59
<b>Deposits and Credits - 3 items</b>						
Deposit	06/02/2020		Rick Scadden	X	22.01	22.01
Deposit	06/02/2020		Hamilton Pool Ro...	X	1,000.00	1,022.01
Deposit	06/30/2020			X	0.04	1,022.05
<b>Total Deposits and Credits</b>					1,022.05	1,022.05
<b>Total Cleared Transactions</b>					-1,060.54	-1,060.54
<b>Cleared Balance</b>					-1,060.54	315.26
<b>Register Balance as of 06/30/2020</b>					-1,060.54	315.26
<b>New Transactions</b>						
<b>Checks and Payments - 2 items</b>						
Bill Pmt -Check	07/06/2020	133	Lloyd Gosselink		-6,412.50	-6,412.50
Bill Pmt -Check	07/06/2020	132	Sawin Group		-2,000.00	-8,412.50
<b>Total Checks and Payments</b>					-8,412.50	-8,412.50
<b>Deposits and Credits - 1 item</b>						
Deposit	07/02/2020		Travis - County		13,392.56	13,392.56
<b>Total Deposits and Credits</b>					13,392.56	13,392.56
<b>Total New Transactions</b>					4,980.06	4,980.06
<b>Ending Balance</b>					<b>3,919.52</b>	<b>5,295.32</b>



## **Exhibit E**

Resolution 2020-07-01



**STATE OF TEXAS**

§

**RESOLUTION # 2020-07-01**

**TRAVIS COUNTY**

§

§

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SOUTHWESTERN TRAVIS COUNTY GROUNDWATER CONSERVATION DISTRICT DESIGNATING NEW OFFICE LOCATION AND ADDRESS FOR THE DISTRICT**

**WHEREAS**, the Southwestern Travis County Groundwater Conservation District (“District”) was created by Chapter 8871 of the Texas Special District Local Laws Code (Chapter 644, Acts of the 85th Legislature (2017)) (“Enabling Act”) and under the authority of Section 59, Article XVI of the Texas Constitution and Chapter 36 of the Texas Water Code;

**WHEREAS**, the Board of Directors for the District previously designated the District’s office location and address on \_\_\_\_\_; and

**WHEREAS**, Section 36.062(a) of the Texas Water Code requires the District to designate one or more offices for conducting the business of the District and maintaining the records of the District; and

**WHEREAS**, Section 5.1(b) of the District’s Bylaws provides that the District’s office address may be changed from time to time by resolution of the Board of Directors of the District; and

**WHEREAS**, the District has now leased a new office location and desires to change the office address and location for the District.

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

1. The above recitals are true and correct.
2. The Board of Directors for the District hereby adopts 8656A W Highway 71, Suite 224 Austin, Texas 78735 as office location and address for the District.
3. The Board of Directors hereby authorizes and directs its General Manager, District Staff, and legal counsel to take any and all action necessary to implement the terms of this Resolution.

**AND IT IS SO ORDERED.**

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

**PASSED AND ADOPTED** on this 8<sup>th</sup> day of July, 2020.

**SOUTHWESTERN TRAVIS COUNTY GROUNDWATER CONSERVATION  
DISTRICT**

By: \_\_\_\_\_

Richard A. Scadden, President  
SWTCGCD, Board of Directors

**ATTEST:**

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