

## **BOARD MEETING MINUTES**

#### SOUTHWESTERN TRAVIS COUNTY GROUNDWATER CONSERVATION DISTRICT

Wednesday, August 11, 2021, at 9:00 am

In accordance with the order of the Office of the Governor issued March 16, 2020, the SWTCGCD Board of Directors conducted its August 11, 2021 regular 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 remote meeting were provided with the Public Notice of Meeting.

- 1. Call to order, declare meeting open to the public, take roll and declare quorum status President Scadden called the public meeting to order at 9:00 am on Wednesday, August 11, 2021. Six Directors were present at the meeting constituting a quorum, including Director Hennings, Director Davis, Director Van Ackeren, Director Dower, Director Hunt, and Director Scadden. Also present were General Manager Lane Cockrell, Virginia Smith, Pete Golde, Sam Walker with Eckermann Engineering, and Cole Ruiz with Lloyd Gosselink.
- 2. **Public comments** No public comments were presented.
- 3. Discuss and possibly act on approving previous meeting minutes President Scadden reported that the Board may consider requesting that Lloyd Gosselink proceed with preparing meeting minutes for the Board going forward as Pete Golde is unavailable to continue in this role. Cole Ruiz presented that a paralegal at Lloyd Gosselink would be able to prepare minutes for the District, and that he would follow up with Ty Embrey at Lloyd Gosselink regarding establishing a discounted rate for the preparation of minutes. Director Van Ackeren raised the question of whether recordings of the Board's remote meetings are sufficient and are considered public information. Cole Ruiz presented that the recordings of the Board's remote meetings are considered public information, but the District must also keep written meeting minutes. President Scadden reported that he would work with Lloyd Gosselink to move forward with having Lloyd Gosselink prepare the Board's meeting minutes.

A motion was made by Director Van Ackeren to approve the minutes of the May 12, 2021 regular board meeting. Motion seconded by Director Hennings. Motion carried 6 Ayes - 0 Nays - 1 Absent.

11. Executive Session to consult with Counsel and discuss matters related to District staffing and management and personnel policy – President Scadden requested that the Board consider agenda items related to budgetary, personnel, and election issues out of number order due to time constraints. President Scadden called an executive session under §551.074 of the Texas Open Meetings Act to discuss personnel matters. The Board went into executive session at 9:18 am. The Board came out of executive session at 10:13 am.



14. **Discuss and possibly act on matters related to staffing and management for the District** – A motion was made by President Scadden to name Lane Cockrell as the General Manager for the District, remove his interim status, and to revise Lane Cockrell's employment contract accordingly. Motion seconded by Director Hennings. Director Davis abstained from voting. Motion carried 5 Ayes – 0 Nays – 1 Absent – 1 Abstaining.

President Scadden reported that the Board's previous action at the July 21, 2021 regular Board Meeting to grant General Manager Lane Cockrell forty hours of paid paternity leave may not have been legally sound, and that he has consulted with the District's legal counsel on this matter. A motion was made by President Scadden to rescind the Board's previous offer of forty hours of paid paternity leave to General Manger Lane Cockrell. Motion seconded by Director Van Ackeren. Director Davis abstained from voting. Motion carried 5 Ayes – 0 Nays – 1 Absent – 1 Abstaining.

A motion was made by President Scadden to award Lane Cockrell with a signing bonus in the amount of \$1,500.00 for the position of fulltime General Manager. Motion seconded by Director Hunt. Director Davis abstained from voting. Motion carried 5 Ayes - 0 Nays - 1 Absent - 1 Abstaining. Director Dower reported that he will remove the District's employment posting seeking a general manager after this meeting. President Scadden reported that the Board is considering transitioning the District's staff from contractors to employees of the District.

- 15. Discuss and possibly act on matters related to personnel policy for the District President Scadden reported that the Board's Personnel Committee has developed a draft personnel policy for the District. Director Dower reported that the Personnel Committee is seeking feedback on the draft personnel policy, which would be considered by the Board at the September regular board meeting to be effective October 1, 2021. Director Dower provided a summary of the draft personnel policy, which initially includes 5 days of vacation annually, and one half day of PTO accruing each month. Director Dower reported that the draft personnel policy incorporates the holiday schedule adopted by Travis County for office closures. Director Dower reported that the District's draft personnel policy does not incorporate health insurance coverage or retirement benefits at this time, but that the Board may offer that benefit at a later date. Director Hunt reported that the Board may consider adding a process for the onboarding of new employees and disciplinary action into the personnel policy. No action taken.
- 13. Discuss and possibly act on matters related to the FY 2022 District budget President Scadden reported that the Board's Budget Committee has prepared a draft budget for fiscal year 2022. Director Dower reported that the Board is welcome to provide any feedback on the draft fiscal year 2022 budget, which will be considered for final adoption at the September regular board meeting. Director Dower reported that the draft budget includes \$150,000 in anticipated ILA funding from Travis County. President Scadden reported that the Travis County Commissioners Court will not make a final decision on ILA funding until September at the earliest. President Scadden raised the question of whether the Board needs to hold a public hearing on the draft budget before approval. Cole Ruiz



reported that the Board does not need to hold a public hearing before adopting the draft budget. General Manager Lane Cockrell reported that the District may expect increased expenses related to holding permit hearings in the next fiscal year. No action taken.

9. **Discuss and possibly act on matters related to implementing District Rules** – General Manager Lane Cockrell reported that he would like to confirm the District's process for issuing temporary operating permits under District Rule 3.4(B), and what condition must exist for the General Manager to issue a temporary operating permit. President Scadden reported that his understanding is that the General Manager has authority to issue temporary operating permits as he or she sees fit without the need to obtain additional approval from the Board. General Manager Cockrell additionally requested that the Board confirm whether he can issue a temporary operating permit to include special permit conditions to mitigate impact to nearby wells until the Board has a chance to hold a public hearing. After discussion, the Board confirmed that this aligns with the Board's understanding of the District Rules.

Sam Walker with Eckermann Engineering presented public comments under this agenda item. Sam Walker presented that his firm represents McCoy's Building Supply in their development of a lumber yard, and that his client is urgently seeking permits for their existing groundwater well. Sam Walker commented that he will continue to work with General Manager Cockrell and thanked the Board for the District's flexibility in working with them. No action taken.

Director Dower left the open meeting to attend to other matters. President Scadden reported that a quorum of five directors remained.

10. Discuss and possibly act on matters related to drilling a new District monitor well — General Manager Cockrell reported that he has followed up with Vicky Kennedy at Travis County to confirm that the District could use the remaining 2021 ILA funds to drill and complete a new monitoring well for the District in the Bee Creek Fault Zone in Travis County. General Manager Cockrell reported that the location of this well would give the District information on three different aquifer zones and information on the complicated hydrogeological formations in that area of Travis County. Director Hunt reported that the District does not need to solicit bids for this project as the District has only been able to find one company capable of doing this project as the sole source. General Manager Cockrell reported that Geoprojects International has provided a quote of \$25,125.00 to complete this project. President Scadden raised concerns about the surface completion of this proposed monitoring well, and the possibility that the well may be damaged. A motion was made by Director Hunt to authorize General Manager Cockrell to proceed with the drilling of a monitor well for the District with a sole source award to Geoprojects International. Motion seconded by President Scadden. Motion carried 5 Ayes — 0 Nays — 2 Absent.



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

- a. Summary of permitting, application, and registration inquiries and submissions General Manager Cockrell provided an update on the applications submitted to the District (Appendix A). As of August 10, 2021, the District had received no additional well registrations, three (3) well drilling applications, one (1) operating permit application, one (1) general permit application, no additional water service connections, and four (4) monthly meter readings. General Manager Cockrell reported that the District has a backlog of twenty-seven (27) operating permit applications that have not yet been declared administratively complete or scheduled for permit hearing. General Manager Cockrell reported that he and Virginia Smith will continue to work with the applicants to obtain the information needed to declare the applications administratively complete.
- b. **Drought stage status and outlook** General Manager Cockrell reported that as of August 3, 2021, Travis County is not in drought.
- Regulatory items and updates related to TWDB, TCEQ, GMAs, and other organizations

   General Manager Cockrell reported that the TWDB has launched their updated Texas
   Flood webpage to provide information to the general public on flood plains in the State of Texas.
- d. Other items of interest not requiring board action General Manager Cockrell reported that Vanessa Escobar, the General Manager at the Barton Springs Edwards Aquifer Conservation District has announced her resignation. General Manager Cockrell reported that the initial engagement letter provided by Spencer Neffendorf at NKD, P.C. for auditing services required some revisions.

#### 5. Receive, discuss, and taken action as necessary on Board Committee Reports:

- a. **Finance** Pete Golde provided a report to the Board regarding the financial reports dated August 6, 2021 in Director Urie's absence (**Appendix B**). The balance sheet indicated assets totaling \$55,706.82 and liabilities totaling \$0.00. The profit and loss report indicated expenses totaling \$191,711.57, and net income totaling \$53,844.77 from October 1, 2020 to August 6, 2021. Pete Golde provided a summary of the checks issued by the District since the last Board Meeting, and a fiscal year to date summary of expenses by vendor.
- b. **Legislative** Director Davis reported that she did not have any updates to provide to the Board on legislative matters. Cole Ruiz presented that the Texas Legislature's focus is not on groundwater issues at the moment.
- c. Science & Outreach –Director Hennings presented that General Manager Cockrell and Director Hunt have already provided an update to the Board on the activity around the drilling of a new monitor well. Director Hennings requested that Director Hunt provide the Board with a map of where all the District's monitoring equipment will be located inside the District.



- 6. **Discuss and possibly act on matters related to** *Order Calling Election of Directors on November 2,* **2021** General Manager Cockrell presented that he has worked with counsel for the District to prepare an *Order Calling Election of Directors on November 2, 2021*, and that the statutory deadline for the Board to adopt the *Order* is August 16, 2021. A motion was made by Director Van Ackeren to adopt the *Order Calling Election of Directors on November 2, 2021*, and to appoint General Manager Lane Cockrell as the District's agent for this election. Motion seconded by Director Davis. Motion carried 5 Ayes 0 Nays 2 Absent.
- 7. Discuss and possibly act on matters related to Joint Election Agreement for Nov. 2, 2021 Elections General Manager Cockrell presented that the Travis County Elections Division has provided him with a Joint Election Agreement for the administration of the District's November 2, 2021 Election. General Manager Cockrell reported that the exhibits to this agreement are not yet available from Travis County, but that the Board may approve the agreement subject to appending the exhibits once they become available. A motion was made by President Scadden to approve the Joint Election Agreement for the November 2, 2021 Election with Travis County. Motion seconded by Director Hunt. Motion carried 5 Ayes 0 Nays 2 Absent.
- 8. Discuss and possibly act on other matters related to Director Elections on November 2, 2021 General Manager Cockrell provided a summary of the upcoming election deadlines for the November 2, 2021 election to the Board. General Manager Cockrell reported that all three directors up for reelection will need to complete their Applications for a Place on the Ballot and Appointment of Campaign Treasurer before August 16, 2021 should they wish to run for a place on the Board again. No action taken.
- 12. Discuss and possibly act on matters related to participation in upcoming conferences General Manager Cockrell reported that the Texas Alliance of Groundwater District's 2021 Texas Groundwater Summit is upcoming at the end of August, as well as the TWDB's Water for Texas 2021 conference in September. Director Davis reported that she is registered to attend the 2021 Texas Groundwater Summit. President Scadden presented that it would be a good idea for the District to send its General Manager and any Directors who would like to attend to the 2021 Texas Groundwater Summit. A motion was made by President Scadden to reimburse Director Davis for the cost of her registration for the 2021 Texas Groundwater Summit, and to cover the cost of General Manager Lane Cockrell's registration for the event. Motion seconded by Director Van Ackeren. Motion carried 5 Ayes 0 Nays 2 Absent. A motion was made by Director Hennings to authorize General Manager Lane Cockrell to attend the TWDB 2021 Water for Texas conference. Motion seconded by Director Hunt. Motion carried 5 Ayes 0 Nays 2 Absent.
- 16. Discuss and possibly act on matters related to appointing the General Manager as the District's Public Information Officer Cole Ruiz reported that the District is required to designate a public information officer under the Texas Public Information Act. President Scadden reported that the



Board previously named Kodi Sawin as the District's public information officer, and that responsibility should now be transferred to the District's General Manager. A motion was made by President Scadden to designate the District's General Manager as the District's Public Information Officer. Motion seconded by Director Hunt. Motion carried 5 Ayes – 0 Nays – 2 Absent.

- 17. **Discuss and establish possible agenda items for future Board Meetings** No agenda items were proposed.
- 18. Discuss and possibly act on setting the date, time, and location for the next Board Meeting President Scadden reported that the next regularly scheduled Board meeting would be held on September 8, 2021 at 10:00 am in person at the District's office.
- 19. **Adjourn** A motion was made by Director Van Ackeren to adjourn the meeting at 12:29 pm. Motion seconded by Director Hennings. Motion carried 5 Ayes 0 Nays 2 Absent.

PASSED, APPROVED, AND ADOPTED THIS THE $\phantom{aaaaaaaaaaaaaaaaaaaaaaaaaaaaaaaaaaa$	
Tim Van Ackeren, Secretary	



### **APPENDIX A:**

Summary of Submitted SWTCGCD Applications and Forms



## Summary of Submitted SWTCGCD Applications and Forms as of 8/10/2021

	Submitted Since Last	
Application/Form Type	Board Update (7/21/21)	Pending
Well Registrations	0	N/A
Well Drilling/Modification Authorization Applications	3	17
Production Authorization Applications - Operating Permits	1	27
Production Authorization Applications - General Permit	1	4
Reported Water Service Connections	0	N/A
Monthly Meter Readings	4	N/A



### **APPENDIX B:**

**Financial Report** 

## Balance Sheet As of August 6, 2021

	GENERAL FUND	T.C. ESCROW FUND	TOTAL
ASSETS			
Current Assets			
Bank Accounts			
General Fund Checking (3546)	52,876.89		\$52,876.89
T.C. Escrow Fund Checking (4755)	-1,109.74	3,939.67	\$2,829.93
Total Bank Accounts	\$51,767.15	\$3,939.67	\$55,706.82
Total Current Assets	\$51,767.15	\$3,939.67	\$55,706.82
TOTAL ASSETS	\$51,767.15	\$3,939.67	\$55,706.82
LIABILITIES AND EQUITY			
Liabilities			
Current Liabilities			
Other Current Liabilities			
Dower Loan	0.00		\$0.00
Scadden Loan	0.00		\$0.00
Van Ackeren Loan	0.00		\$0.00
Total Other Current Liabilities	\$0.00	\$0.00	\$0.00
Total Current Liabilities	\$0.00	\$0.00	\$0.00
Total Liabilities	\$0.00	\$0.00	\$0.00
Equity			
Retained Earnings	1,862.05		\$1,862.05
Net Income	49,905.10	3,939.67	\$53,844.77
Total Equity	\$51,767.15	\$3,939.67	\$55,706.82
TOTAL LIABILITIES AND EQUITY	\$51,767.15	\$3,939.67	\$55,706.82

Profit and Loss by Division October 1, 2020 - August 6, 2021

	GENERAL FUND	T.C. ESCROW FUND	TOTAL
Income			
Income from Travis County ILA 2 (OPS)		113,352.60	\$113,352.60
Income from Travis County ILA1	34,631.60		\$34,631.60
Interest Income	5.93	4.78	\$10.71
Misc. Income	14.84	1.00	\$15.84
Non-Exempt General Permit Well Construction Fee	2,000.00		\$2,000.00
Non-Exempt Operating Permit Well Construction Fee	4,500.00		\$4,500.00
Production Authorization Application Fee (new wells)	2,800.00		\$2,800.00
Production Authorization Application Fee (existing Wells)	16,150.00		\$16,150.00
Production Fee	195.59		\$195.59
Water Utility Service Connection Fee	38,000.00		\$38,000.00
WDA Application Fee	33,100.00		\$33,100.00
Well Capping/Plugging Fee	800.00		\$800.00
Total Income	\$132,197.96	\$113,358.38	\$245,556.34
GROSS PROFIT	\$132,197.96	\$113,358.38	\$245,556.34
Expenses			
Contract and Professional Services			\$0.00
Legal Services	24,534.00	32,083.00	\$56,617.00
Professional Services	8,325.00		\$8,325.00
Total Contract and Professional Services	32,859.00	32,083.00	\$64,942.00
Office and Administrative Expenses	194.72		\$194.72
Computer Equipment, Software, and Web Services	1,675.87		\$1,675.87
Office Rent	1.00		\$1.00
Office Supplies	380.46		\$380.46
PO Box	188.00		\$188.00
Public Relations/Advertising/Public Notices/Signs	2,883.65		\$2,883.65
Telephone/Internet	876.09		\$876.09
Total Office and Administrative Expenses	6,199.79		\$6,199.79
Personnel Expenses			\$0.00
Errors and Omissions Insurance	838.70		\$838.70
General Manager	30,721.00	36,650.72	\$67,371.72
Groundwater Technician	7,061.28		\$7,061.28
General Tech Support		2,065.87	\$2,065.87
Groundwater Monitoring		2,038.17	\$2,038.17
Permit Processing	1,109.74	27,408.84	\$28,518.58
Total Groundwater Technician	8,171.02	31,512.88	\$39,683.90
Professional Development/Licensing/Cont. Edu.	1,080.00		\$1,080.00
Public Officials and Staff Bonding	280.00		\$280.00
Total Personnel Expenses	41,090.72	68,163.60	\$109,254.32
Technical Operations Expenses			\$0.00
Groundwater Research Studies/Projects			\$0.00
GMA 9 Studies/Report Preparation	2,143.35		\$2,143.35
Water Level Monitoring Equipment		9,172.11	\$9,172.11

Profit and Loss by Division October 1, 2020 - August 6, 2021

	GENERAL FUND	T.C. ESCROW FUND	TOTAL
Total Groundwater Research Studies/Projects	2,143.35	9,172.11	\$11,315.46
Total Technical Operations Expenses	2,143.35	9,172.11	\$11,315.46
Unapplied Cash Bill Payment Expense		0.00	\$0.00
Total Expenses	\$82,292.86	\$109,418.71	\$191,711.57
NET OPERATING INCOME	\$49,905.10	\$3,939.67	\$53,844.77
NET INCOME	\$49,905.10	\$3,939.67	\$53,844.77

# Check Detail July 17 - August 6, 2021

DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	CLR	AMOUNT
General Fund (	Checking (3546)					
07/19/2021	Expense		Spectrum (Internet)	DEBIT CARD	С	-128.01
				DEBIT CARD		128.01
07/29/2021	Bill Payment (Check)	1012	Lane Cockrell	Paid Paternity Leave		-1,500.00
						-1,500.00
T.C. Escrow Fu	nd Checking (4755)					
07/21/2021	Expense	00144490	In-Situ Inc.	DEBIT CARD	С	-2,500.00
				GW Monitoring Equip., 8 Items (Pmt. #1)		2,500.00
07/22/2021	Expense	00144490	In-Situ Inc.	DEBIT CARD	С	-2,500.00
				GW Monitoring Equipment, 8 Items (Pmt. #2)		2,500.00
07/23/2021	Expense	00144490	In-Situ Inc.	DEBIT CARD	С	-1,415.60
				GW Monitoring Equip., 8 Items (Pmt. #3)		1,415.60
07/29/2021	Bill Payment (Check)	1028	Lloyd Gosselink		С	-1,963.50
						-1,963.50
07/29/2021	Bill Payment (Check)	1029	Lane Cockrell		С	-3,191.35
						-3,191.35
07/29/2021	Bill Payment (Check)	1030	Virginia Smith			-1,109.74
						-1,109.74
07/29/2021	Expense		Onset Computer Corp.	DEBIT CARD	С	-600.00
				Renewal of 2 Weather Station Cellular Plans		600.00

Expenses by Vendor Summary October 1, 2020 - August 6, 2021

	GENERAL FUND	T.C. ESCROW FUND	TOTAL
Adobe	194.72		\$194.72
Austin American Statesman	2,685.60		\$2,685.60
Bandera County River Authority & Groundwater District	2,143.35		\$2,143.35
GoDaddy.com	1,587.11		\$1,587.11
Holland Groundwater Management Consultants LLC	7,900.00		\$7,900.00
In-Situ Inc.		6,415.60	\$6,415.60
Lane Cockrell	8,561.28	25,897.21	\$34,458.49
Lloyd Gosselink	24,534.00	32,083.00	\$56,617.00
Onset Computer Corp.		600.00	\$600.00
Ravensgate Corp.		1,114.24	\$1,114.24
Sawin Group	30,026.46	31,375.00	\$61,401.46
Spectrum (Internet)	1,003.10		\$1,003.10
Spicewood Utility Services	750.00		\$750.00
TAGD	1,080.00		\$1,080.00
TML	838.70		\$838.70
Travis County (Vendor)	1.00		\$1.00
US Postal Service	188.00		\$188.00
Victor O. Schinne	280.00		\$280.00
Virginia Smith	1,109.74	5,144.39	\$6,254.13
Waterline Envirotech Ltd.		1,042.27	\$1,042.27
ZOOM	159.80		\$159.80
TOTAL	\$83,042.86	\$103,671.71	\$186,714.57

October 1, 2020 - August 6, 2021

		FY 2021 Budget	Actual 8-6-21	84%
	Category/Description			
	WDA Application Fee	\$15,000	\$33,100.00	220.79
	Non Exempt Operating Permit Well Construction Fee	\$5,000	\$4,500.00	90.0%
	Non Exempt General Permit Well Construction Fee	\$12,500	\$2,000.00	16.0%
	Permit Renewal Application Fees	\$0	\$0.00	N/A
	Water Utility Service Connection Fee	\$90,000	\$38,000.00	42.29
	Production Fee	\$33,436	\$195.59	0.6%
	Production Authorization Application Fee (previously installed)	\$132,450	\$16,150.00	12.29
	Production Authorization Application Fee (new wells)	\$13,750	\$2,800.00	20.49
	Well Capping/Plugging Fee	\$1,000	\$800.00	80.0%
	Interest Income	\$100	\$10.71	10.79
	Misc. Income (Administrative Fees)	\$250	\$15.84	6.3%
	Funding from Travis County (1)	\$0	\$0.00	N/A
	Funding from Travis County (2) ILA	\$8,500	\$34,631.60	407.4
	Funding from Travis County (3)	\$100,000	\$111,314.43	111.3
	Funding from Travis County (4)	\$50,000	\$2,038.17	4.1%
	Enforcement Penalty Income	\$0	\$0.00	N/A
	Technical Projects Cost Sharing Reimbursements	\$0	\$0.00	N/A
Total	Projected Revenues	\$461,986	\$245,556.34	53.2%
Ехр	enses			
-	Outstanding Obligations	\$0		N/A
	Personnel Expenses	\$173,175	\$107,216.15	61.9%
	Vehicle Expenses	\$4,000	\$0.00	0.0%
	Contract/Professional Services	\$140,700	\$64,942.00	46.29
	Office and Administrative Expenses	\$62,801	\$6,005.07	9.6%
	Technical Operations Expenses	\$69,025	\$13,353.63	19.3%
	Reserve Funds	\$12,285	\$0.00	0.0%
Total	Projected Expenses	\$461,986	\$191,516.85	41.59