



BOARD MEETING MINUTES

SOUTHWESTERN TRAVIS COUNTY GROUNDWATER CONSERVATION DISTRICT

Wednesday, January 11, 2023, at 9:00 a.m.

A quorum of the Southwestern Travis County Groundwater Conservation District Board of Directors held a regular board meeting on Wednesday, January 11, 2023, at 9:00 a.m. at the District's office at 8656 W. Highway 71, Building A, Suite 224, Austin, Texas 78735. The meeting was open to the public and a videoconference remote participation option was provided, instructions for accessing the remote videoconference 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 a.m. on Wednesday, January 11, 2023. Five directors were present at the meeting constituting a quorum, including President Scadden, Director Van Ackeren, Director Davis, Director Hunt, and Director Urie. Also present were General Manager Lane Cockrell and Pete Golde. The following individuals participated remotely by videoconference call: Audrey Cooper, Cole Ruiz, and Ty Embrey with Lloyd Gosselink, Lew Adams, Christy Muse, and District staff member Virginia Smith.
2. **Announcements** – President Scadden wished the members of the Board of Directors, District staff, and members of the public a happy New Year.
3. **Public Comments** – No public comments were presented under this agenda item.
4. **Discuss and possibly act on approving previous meeting minutes** – President Scadden presented the minutes for the December 14, 2022 regular board meeting for the Board's consideration. A motion was made by President Scadden to approve the minutes of the December 14, 2022 regular board meeting as presented. Motion seconded by Director Van Ackeren. Motion carried 4 Ayes – 0 Nays – 2 Absent – 1 Abstaining. Director Urie abstained from voting on this agenda item as he was not present at the December 14, 2022 regular board meeting.
5. **Receive, discuss, and take action as necessary on Board Committee Reports:**
 - a. **Finance** – Director Urie and Pete Golde provided a report to the Board regarding the financial reports dated December 31, 2022. The balance sheet indicated assets totaling \$163,287.72 and liabilities totaling \$3,783.99. The fiscal year-to-date profit and loss report indicated expenses totaling \$52,541.83, gross profit totaling \$20,593.04, and net income totaling \$-31,948.79 through December 2022. Pete Golde provided a summary of the checks issued by the District since the last board meeting, a summary of expenses by vendor, and a fiscal year-to-date summary of expenses by budgetary line item. Pete Golde presented a general fund reconciliation report dated January 3, 2023, and reported that the District's auditor recommended that the District's monthly financial report include a copy of the account reconciliation report.



- b. **Legislative** – Director Davis reported that the 88th Texas Legislature convened on January 10, 2023. Director Davis reported that Senator Perry filed SB 156 to amend portions of Chapter 36 of the Texas Water Code to eliminate the guarantee of court costs and attorney’s fees for districts that prevail in a lawsuit. Cole Ruiz reported that this issue has been brought up in past legislative sessions, and that the current provision of Chapter 36 of the Texas Water Code requires courts to award attorney’s fees to districts if they prevail in a lawsuit. Director Urie asked what kind of litigation groundwater districts are commonly involved in. Cole Ruiz reported that other districts in the state have been involved in litigation because of contentious permitting decisions the districts have made, and have been awarded attorney’s fees if they prevailed in court. Director Hunt requested that Cole Ruiz provide a summary of the contested case hearing process for groundwater districts. Cole Ruiz provided an explanation of the contested case hearing process to the Board under Chapter 36 of the Texas Water Code and the District Rules, and reported that many districts decide to contract with the State Office of Administrative Hearings (“SOAH”) to hold contested case hearings. Director Davis asked whether or not groundwater district board members are often sued individually. Cole Ruiz reported that board members cannot be sued individually for the actions of the board, and that most districts obtain directors and officers liability insurance. Director Davis reported that Senator Perry also filed SB 296, which would require the Texas Commission on Environmental Quality (“TCEQ”) to prepare updated water availability models for certain river basins.

- c. **Science & Outreach** – Director Hunt reported that the UT Bureau of Economic Geology is continuing its work at Hamilton Pool. General Manager Cockrell reported that the District’s webpage received 423 unique site visits during the month of December.

6. **General Manager’s Report:**

- a. **Summary of permitting, application, and registration inquiries and submissions** – General Manager Cockrell provided an update on the permit applications and well registrations submitted to the District during the month of December. General Manager Cockrell reported that the District received two (2) new well registrations, five (5) well drilling authorization applications for new wells, and two (2) well drilling authorization applications to plug or cap existing wells during the month of December. General Manager Cockrell reported that the District did not receive any new operating permit or general permit applications during the month of December. General Manager Cockrell reported that meter readings submitted by reporting well owners for the month of December show total production of 32.4 acre-feet (10,541,560 gallons), and that the District received four (4) new water utility service connections in December. President Scadden raised the question of whether the District and GMA 9 will receive new modeled available groundwater (“MAG”) reports from the Texas Water Development Board (“TWDB”). Director Hunt reported that the TWDB is working on new MAG reports for certain aquifers in the state, but that he had not heard anything recently about updated MAG reports for the District’s area. President Scadden asked General Manager Cockrell



to follow up with TWDB staff regarding updating the MAG and the District's groundwater monitoring data. General Manager Cockrell reported that a TWDB staff member regularly attends each GMA 9 meeting to report on updates regarding the Hill Country GAM. General Manager Cockrell reported that District staff continues to work on processing permit applications. President Scadden asked whether any permit applicants have contacted the District about the status of their permit application. General Manager Cockrell reported that Clancy Utility Holdings, LLC, has contacted District staff about the status of their permit application.

- b. **Drought stage status and outlook** – General Manager Cockrell reported that the District reached the threshold to declare a lower drought stage at the end of December, and that the current drought stage is D-2 Severe Drought. General Manager Cockrell reported that the National Weather Service projects that drought conditions will persist through the winter in Travis County.
- c. **Regulatory items and updates related to TWDB, TCEQ, GMAs, and other organizations** – General Manager Cockrell reported that the next GMA 9 joint planning meeting is scheduled for February 21, 2023, at the Cow Creek GCD offices in Boerne, Texas. Director Hunt reported that during future planning cycles GMA 9 may consider establishing more specific desired future conditions (“DFCs”) for the different units of the Trinity Aquifer. General Manager Cockrell reported that the Texas Alliance of Groundwater Districts (“TAGD”) will hold its winter business meeting on January 31 and February 1, 2023, in Pflugerville, Texas. General Manager Cockrell reported that TAGD also plans to hold another GCD Boot Camp for district staff and directors regarding elections and taxation on January 31, 2023, in Pflugerville, Texas, before the winter business meeting.
- d. **Overview of current District groundwater monitoring program** – General Manager Cockrell reported that the District's Johannsen monitoring well, which is located near Hamilton Pool Preserve, was outfitted with new TWDB recording equipment, and that data and daily water levels from the well are available on the TWDB's Water Data Interactive website. General Manager Cockrell reported that the District's monitoring equipment that was installed at the Johannsen monitoring well can now be installed at a different well. General Manager Cockrell reported that he and Nick Soto-Kerans replaced weather station equipment at the Westcave Outdoor Discovery Center and Shield Ranch and that both stations are now back online. General Manager Cockrell reported that data from the District's weather stations can be accessed on the District's website.
- e. **Other items of interest not requiring Board action** – General Manager Cockrell reported that the District's current office lease with Travis County is set to expire at the end of February 2023. General Manager Cockrell reported that he contacted Travis County regarding renewing the District's office lease, and the Travis County legal department is drafting a new lease agreement for the Board's review. General Manager Cockrell reported that the District's initial office lease was for a term of one year, with the option to extend the lease for up to two additional one-year terms. General Manager Cockrell



reported that the District has exhausted the initial three year lease, and a new office lease must be drafted and go before the Travis County Commissioners Court for approval. General Manager Cockrell reported that he contacted the Texas A&M Agrilife Extension office for Travis County and Travis County Health & Human Services Department regarding elevated levels of strontium detected in certain wells in the District to help assess potential risks to well owners. General Manager Cockrell reported that Nick Soto-Kerans, former District intern Nakul Nagaraj, and Constance Marshall will provide presentations in February regarding the results of their hydrogeologic studies.

7. **Discuss and possibly act on matters related to INTERA evaluations regarding potential impacts of proposed groundwater production from Clancy Utility Holdings, LLC (a.k.a. Mirasol Project) permit application** – General Manager Cockrell reported that he received an update from INTERA, and that INTERA has prepared a draft technical memo regarding their analysis of the Clancy Utility Holdings, LLC, permit application. General Manager Cockrell reported that he will meet with INTERA staff and Hays Trinity GCD staff next week to review and discuss the draft technical memo, and that the final results will be presented at the Board’s February meeting. President Scadden requested that General Manager Cockrell provide the Board with information regarding the date and time of the meeting with INTERA in case any board members would like to participate. Director Hunt asked whether or not the Board should consider hosting its February Board of Directors meeting at a larger meeting location to accommodate members of the public who may be interested in hearing the results of INTERA’s analysis. Director Hunt reported that the University of Texas surplus property office often re-sells excess office furniture that could be purchased by the District to accommodate larger crowds at future meetings. No action taken.
8. **Discuss and possibly act on matters related to District drought stage status and drought management methodology** – General Manager Cockrell reported that the District is currently under the D-2 Severe Drought stage. General Manager Cockrell presented data prepared by Virginia Smith comparing drought conditions in Travis County to drought intensity levels within the District boundaries from December 6, 2022 to January 3, 2023. General Manager Cockrell reported that the District is experiencing more intense drought conditions than other portions of Travis County. General Manager Cockrell presented a map of the District showing roughly half of the District’s territory is under D-3 drought. General Manager Cockrell raised the possibility of the Board considering data on the drought intensity within the District’s boundaries in addition to data on drought conditions within the entirety of Travis County when making decisions regarding drought declarations. President Scadden raised the question of whether or not permittees and well owners within the District are reducing the amount of groundwater they produce when the District declares a drought in order to conserve water. Director Davis reported that drought conditions in the area of southwestern Travis County where her property is located have been consistently worse than in other parts of Travis County. No action taken.
9. **Discuss and possibly act on matters related to implementing District Rules** – General Manager Cockrell presented the Drought Compliance Report for December 2022 showing the compliance of permittees with the District’s drought restrictions. General Manager Cockrell reported that the Drought Compliance Report includes the monthly permitted production amount for each permittee,



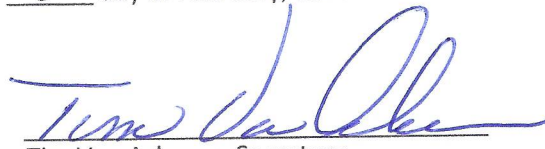
the adjusted monthly production amount based on each month's drought curtailment, and the permittee's reported production. General Manager Cockrell reported that four permittees continue to exceed the District's drought curtailments, and reported that District staff will follow up with each permittee regarding compliance and the District's drought curtailments. President Scadden reported that the West Travis County Public Utility Agency is more proactive on enforcing drought restrictions and communicating with the public, and raised the possibility of the District engaging in similar efforts to ensure compliance with the District's drought curtailments. Director Hunt reported that the Board might consider holding workshops to develop and establish management zones under the District Rules for the western portion of the District. President Scadden suggested that the Board could re-establish the District Rules subcommittee to discuss forming management zones under the District Rules. No action taken.

10. **Discuss and possibly act on matters related to proposed regional hydrogeologic study, including possible agreements with participating parties** – General Manager Cockrell reported that he has scheduled a meeting with Clearwater UWCD, Central Texas GCD, Allan Standen, and Travis County Hydrogeologist Vicky Kennedy to discuss the proposed regional hydrogeologic study next week. President Scadden and General Manager Cockrell emphasized that the District has no financial obligation related to this regional study until the Board executes an interlocal agreement regarding funding, and that the current interlocal agreement with Travis County includes a line item for funding this study. No action taken.
11. **Discuss and possibly act on matters related to District financial audits** – General Manager Cockrell reported that the District's auditor is currently working to prepare the District's fiscal year 2021 and 2022 financial audits. General Manager Cockrell reported that he and Pete Golde are working with the District's auditor to provide them with the information and documentation needed for the financial audits. General Manager Cockrell reported that the District's auditor plans to present a summary of the results of both audits at the Board's March meeting. No action taken.
12. **Discuss and possibly act on matters related to FY 2023 Interlocal Agreement with Travis County** – General Manager Cockrell reported that he is working to develop the District's first invoice for submittal to Travis County under the fiscal year 2023 interlocal agreement. General Manager Cockrell reported that he wanted to include an estimate of costs associated with the regional hydrogeologic study in the District's first invoice to Travis County, but the District doesn't have an agreement in place for the study yet. General Manager Cockrell reported that the fiscal year 2023 interlocal agreement also includes funding for drilling a new monitoring well in Travis County north of the Colorado River. President Scadden reported that there has been some early discussion by residents in northern Travis County wanting to be included in a groundwater conservation district. President Scadden reported that some members of the Texas Legislature in the Travis County and Central Texas area have raised this matter. General Manager Cockrell reported that there has been discussion of a portion of Williamson County being annexed into Clearwater UWCD. No action taken.
13. **Discuss and establish possible agenda items for future Board Meetings** – No discussion or action under this agenda item.



14. **Discuss and possibly act on setting the date, time, and location for the next Board Meeting** - President Scadden reported that the next Board of Directors meeting will be held on Wednesday, February 8, 2022, at 9:00 a.m. at the District's office.
15. **Adjourn** – A motion was made by Director Davis to adjourn the meeting at 10:56 a.m. Motion seconded by Director Urie. Motion carried 5 Ayes – 0 Nays – 2 Absent.

PASSED, APPROVED, AND ADOPTED THIS THE 8th day of February, 2023.


Tim Van Ackeren, Secretary