



## BOARD MEETING MINUTES

### SOUTHWESTERN TRAVIS COUNTY GROUNDWATER CONSERVATION DISTRICT

Wednesday, June 14, 2023, at 9:00 a.m.

A quorum of the Southwestern Travis County Groundwater Conservation District Board of Directors held a public hearing and regular board meeting on Wednesday, June 14, 2023, at 9:00 a.m. at the District 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, June 14, 2023. Six directors were present at the meeting constituting a quorum, including President Scadden, Director Davis, Director Hunt, Director Urie, Director Hennings, and Director Van Ackeren. Also present were General Manager Lane Cockrell and District staff member Virginia Smith, District volunteer Pete Golde, and Michael Leva. The following individuals participated remotely by videoconference call: Ty Embrey, Audrey Cooper, and Cole Ruiz with Lloyd Gosselink, CJ Bennett with Bullock, Bennett & Associates, LLC, and Tom Smith. Director Norton participated remotely as a member of the public.
2. **Announcements** – No announcements were presented.
3. **Public Comments** – No public comments were presented under this agenda item.
4. **Public Hearing regarding Desired Future Conditions (DFCs) and Non-Relevant Aquifer Classifications adopted by Groundwater Management Area 9 (GMA 9) Joint Planning Committee** – President Scadden called the public hearing to order at 9:10 a.m., a quorum of six directors were present constituting a quorum, including President Scadden, Director Davis, Director Hunt, Director Urie, Director Hennings, and Director Van Ackeren. No public comments were presented. President Scadden adjourned the public hearing at 9:12 a.m.
5. **Consider Resolution to Adopt Desired Future Conditions for Relevant Aquifers within the District in Groundwater Management Area 9** – General Manager Cockrell provided an overview of the joint planning process to the Board. General Manager Cockrell reported that the District is a member of Groundwater Management Area 9 (“GMA 9”), and on March 22, 2021, the GMA 9 Joint Planning Committee (“Committee”) voted to approve proposed classifications of non-relevant aquifers for the purposes of joint planning, and proposed Desired Future Conditions (“DFCs”) for the relevant aquifers in the planning area. General Manager Cockrell reported that the District held a public hearing on June 9, 2021 to solicit feedback and comments from the public regarding the proposed DFCs and relevant aquifer designations. General Manager Cockrell reported that on November 15, 2021, the GMA 9 Committee voted to approve the proposed classifications of certain aquifers within GMA 9 as non-relevant for the purposes of joint planning and to adopt DFC statements for relevant aquifers. General Manager Cockrell reported that on November 8, 2022, the Texas Water Development Board (“TWDB”) found GMA 9’s explanatory report administratively complete, and that Chapter 36 of the



Texas Water Code requires Districts to adopt applicable DFCs in the report. General Manager Cockrell reported that the GMA 9 adopted DFC statement for the Trinity Aquifer is to allow an increase in average drawdown of approximately 30 feet through 2060 throughout GMA 9 (consistent with “Scenario 6” in TWDB GAM Task 10-005). General Manager Cockrell reported that the Edwards Aquifer (BFZ) and Hickory Aquifer were designated as non-relevant in Travis County for joint planning purposes. Director Hunt provided an explanation of Scenario 6 prepared by the TWDB. A motion was made by Director Davis to approve the *Resolution of the Board of Directors of the Southwestern Travis County GCD Adopting the Desired Future Conditions of Relevant Aquifers Within the District in Groundwater Management Area 9*. Motion seconded by Director Hennings. Motion carried 6 Ayes – 0 Nays – 1 Absent.

6. **Discuss and possibly act on matters related to fees for District financial audits** – General Manager Cockrell provided a summary of fees related to the District’s financial audits for fiscal years 2021 and 2022. General Manager Cockrell reported that the agreed upon fee in the executed engagement letter was \$7,500 for each audit year (\$15,000 total). General Manager Cockrell reported that the auditor has requested that the Board approve an additional \$5,000 in fees, increasing the total cost of the audits to \$20,000, due to unanticipated challenges encountered during the audits. General Manager Cockrell reported that the auditor originally budgeted for 120 hours of work at an average rate of \$125 per hour, but the auditing team actually spent 257 hours completing the District’s financial audits. General Manager Cockrell reported that factors beyond the auditor’s control contributed to the underestimation of work required and challenges obtaining needed documentation during the audits. Given unanticipated challenges, the quality of work performed, and assurance of future improvement, General Manager Cockrell recommended approval of the additional \$5,000 fee. A motion was made by Director Hunt to authorize an additional \$5,000 payment to the District’s auditor. Motion seconded by Director Van Ackeren. Motion carried 6 Ayes – 0 Nays – 1 Absent.
7. **Discuss and possibly act on approving previous meeting minutes** – President Scadden presented the minutes for the May 10, 2023 regular board meeting. A motion was made by Director Hennings to approve the minutes of the May 10, 2023 regular meeting. Motion seconded by President Scadden. Motion carried 4 Ayes – 0 Nays – 1 Absent – 2 Abstaining. Director Urie and Director Van Ackeren abstained from voting as they were not present at the May 10, 2023 meeting.
8. **Receive, discuss, and take action as necessary on Board Committee Reports:**
  - a. **Finance** – Pete Golde provided a report to the Board regarding the financial reports dated May 31, 2023. The balance sheet indicated assets totaling \$197,148.59 and liabilities totaling \$3,121.38. The fiscal year to date profit and loss report indicated expenses totaling \$157,132.26, gross profit totaling \$159,706.95, and net income totaling \$2,574.69 through May 2023. Pete Golde provided a summary of the checks issued by the District since the last board meeting, a summary of expenses by vendor, a fiscal year to date summary of expenses by budgetary line item, and the reconciliation change report for the District’s general fund and escrow account.



- b. **Legislative** – Ty Embrey reported that six bills were passed by the Texas Legislature affecting groundwater conservation districts. Ty Embrey reported that four of those bills have been signed by Governor Abbott. Ty Embrey reported that he will provide the District with a final update regarding which bills were vetoed and which bills will take effect, and the firm will provide the District with information regarding what changes were made to Chapter 36 of the Texas Water Code. Ty Embrey recommended that the District consider amending the District Rules to implement any legislative changes to Chapter 36.
  
  - c. **Science & Outreach** – General Manager Cockrell reported that the District’s website received 480 unique visits during the month of May. Director Hunt reported that many of the monitoring sites established for the UT BEG/Travis County Hamilton Pool and Reimers Ranch Source Water Protection Study could be transferred to the District for continued use by the District after the study concludes. President Scadden recommended a memorandum of understanding (MOU) to document the transfer of the monitoring sites and related equipment to the District.
  
  - d. **Rules** – General Manager Cockrell presented a list of potential rules considerations to the Board that the Rules Subcommittee have discussed. General Manager Cockrell reported that the Rules Subcommittee has discussed establishing a management zone in the Hamilton Pool area, as Director Hunt reported to the Board in May, and the Subcommittee has discussed implementing revised drought methodology in the District Rules. General Manager Cockrell reported that the Rules Subcommittee may consider implementing limits on groundwater use where other sources of water are available, and limiting groundwater storage in surface impoundments as described under Chapter 36 of the Texas Water Code. General Manager Cockrell the Rules Committee may also consider amending the District’s construction requirements for wells in flood-prone areas, and implementing production limits for non-exempt domestic use wells. General Manager Cockrell requested that the Board provide the Rules Subcommittee with feedback regarding any other suggested revisions to the District Rules. President Scadden requested that the Board provide feedback regarding the suggested rules revisions before District staff coordinate with the District’s general counsel to develop a draft of the rules changes.
9. **General Manager’s Report:**
- a. **Summary of permitting, application, and registration inquiries and submissions** – General Manager Cockrell provided a summary of the permit applications and registrations submitted to the District during the month of May. General Manager Cockrell reported that the District received two (2) new well registrations, and five (5) well drilling authorization applications for new wells. General Manager Cockrell reported that the District did not receive any operating or general permitting applications in May. General Manager Cockrell reported that production for the month of May shows total production of 28.5 acre-feet (9,290,810 gallons). General Manager Cockrell reported that 22 water utility service connections have been reported to the District during fiscal year



2023 to date, and that the District's FY 2023 budget estimated that the District would receive fees for 65 new water utility service connections by the end of the fiscal year.

- b. Regulatory items and updates related to TWDB, TCEQ, GMAs, and other organizations** – General Manager Cockrell reported that Virginia Smith attended the GCD Boot Camp: Field Edition held on June 6, 2023, by the Texas Alliance of Groundwater Districts (“TAGD”), and Virginia Smith reported that the GCD Boot Camp was very informative and helpful. General Manager Cockrell reported that the next GMA 9 meeting will be held on July 25, 2023, at the Cow Creek GCD offices in Boerne, Texas. General Manager Cockrell reported that the 2023 Texas Groundwater Summit hosted by TAGD is scheduled for August 29 to 31 in San Antonio, Texas. General Manager Cockrell reminded the Board that the deadline to complete the mandatory cybersecurity awareness training is August 31, 2023.
  - c. Overview of current District groundwater monitoring program** – General Manager Cockrell provided water level measurement graphs from the District's St. Stephen's School monitoring well and Lakeside monitoring well with data through June 13, 2023. General Manager Cockrell reported that water levels in the Lakeside and St. Stephen's School monitoring wells have shown very little overall change since the last Board meeting. General Manager Cockrell reported that water levels in the St. Stephen's School monitoring well are very similar to where the water levels were in June 2022. General Manager Cockrell reported that water levels are expected to decline during the summer.
  - d. Other items of interest not requiring Board action** – No action taken under this agenda item.
- 10. Discuss and possibly act on matters related to District drought stage status** – General Manager Cockrell reported that the District is currently under D2 Severe Drought, however the District has met the threshold under the District Rules to declare a lower drought stage. General Manager Cockrell reminded the Board that in order to declare a lower drought stage under the District Rules, the Board must determine that conditions warrant the declaration of a lower stage after the District meets the data requirements to declare a lower stage. General Manager Cockrell reported that the applicable drought stage for the District, defined by District Rules as the highest level of drought intensity over at least 25% of Travis County as reported by the U.S. Drought Monitor for no less than the prior four-week period, is D1-Moderate Drought. General Manager Cockrell presented a map showing the latest drought conditions in Travis County and data comparing drought intensity in Travis County and within the District's boundaries. General Manager Cockrell reported that the National Weather Service has projected slightly higher than normal precipitation for the month of June. General Manager Cockrell reported that water levels in Lake Travis are still roughly forty (40) feet below full. President Scadden discussed that the Board is considering revising the District's drought methodology to emphasize drought conditions within the District's boundaries, instead of basing District drought status on countywide data. President Scadden indicated that he would prefer for the District to stay under D2 Drought instead of declaring a lower drought stage, given the likelihood of



intense heat and dry conditions over the summer. After additional discussion, the Board's consensus was to remain at the D2 Drought stage. No action taken.

11. **Discuss and possibly act on matters related to District staffing** – President Scadden reported that in May the Board authorized General Manager Cockrell to post a job description for an administrative staff support person to assist District staff with administrative tasks. General Manager Cockrell reported that is developing a job posting for the position. General Manager Cockrell reported that it is also time for staff performance reviews ahead of preparing the budget for fiscal year 2024. President Scadden requested that the Board provide feedback on General Manager Cockrell's performance by the end of June for staff performance reviews. No action taken.
12. **Discuss and possibly act on matters related to District policy regarding groundwater use for irrigation purposes** – President Scadden reported that the District has encountered permit applicants that have access to surface water through the West Travis County Public Utility Agency, but have requested a groundwater permit for landscape irrigation purposes. President Scadden indicated concerns regarding the use of groundwater for irrigation purposes in areas where the aquifer is already depleted. President Scadden reported that the West Travis County Public Utility Agency provides treated wastewater to some golf courses for irrigation purposes. President Scadden reported that The Pearl and The Backyard have both submitted applications to the District for irrigation wells. President Scadden reported that the District falls within the Hill Country Priority Groundwater Management Area, which allows the District to restrict groundwater storage in surface impoundments used to enhance the appearance of the landscape. President Scadden raised the possibility of revising District Rules to limit the use of groundwater for irrigation purposes if an applicant has access to surface water. Director Hunt reported that the District could consider revising its Rules to implement that change, or the District could implement special permit conditions for certain permittees that limit the use of groundwater for irrigation purposes. Director Hennings raised the possibility of increasing groundwater production fees for permittees that intend to use groundwater for irrigation when other water sources are available, however Director Hunt reported that the District is not authorized to increase its production fees beyond the current rate. President Scadden asked Cole Ruiz whether there are any limitations that would prevent the District from limiting the use of groundwater when an alternate supply is available. Cole Ruiz reported that the District could be in a difficult position legally if the District limits the use of groundwater based on the proposed beneficial use because doing so could be viewed as discriminating against certain applicants. No action taken.
13. **Discuss and possibly act on matters related to implementing District rules** – Director Hunt reported that he received a complaint from a permit applicant regarding the long processing time to receive a permit. Director Hunt reported that the Board previously instructed District staff to process applications in the order they are received but suggested that the District give staff the agency to prioritize time-sensitive applications as needed. General Manager Cockrell reported that District staff have dedicated some time to processing time-sensitive applications to reduce wait times. President Scadden reported that General Manager Cockrell and District staff should have the discretion to prioritize urgent permit applications as needed. General Manager Cockrell reported that he updated

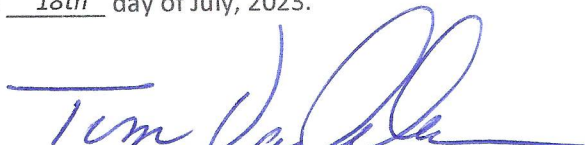




the District's website to include a list of pending permit applications and related materials for the public. No action taken.

14. **Discuss and possibly act on matters related to FY 2023 Interlocal Agreement with Travis County** – General Manager Cockrell reported that the District is awaiting payment for the invoice submitted to Travis County on April 28, 2023 under the fiscal year 2023 Interlocal Agreement. General Manager Cockrell reported that the Interlocal Agreement provided \$75,000.00 for a regional hydrogeologic study in collaboration with other GCDs. General Manager Cockrell reported that one of the study participants, Clearwater UWCD, paid their portion of the study fees upfront. General Manager Cockrell raised the possibility of paying the full amount of District's portion of the study fees upfront to ensure the funding provided for the study would be utilized before the 2023 Interlocal Agreement expires on September 30, 2023. General Manager Cockrell reported that Clearwater UWCD has executed a work order for its hydrogeologic consultant LRE Water to perform the regional study, and that the work order describes the financial responsibility of each entity participating in the study. President Scadden requested that General Manager Cockrell meet with Clearwater UWCD and LRE Water to clarify the invoicing process for this study. No action taken.
15. **Discuss and establish possible agenda items for future Board Meetings** – President Scadden reported that the District must start the process of preparing a budget for fiscal year 2024. President Scadden also reported that the Board has directors up for election in November 2023, and requested that any related agenda items for the election be added to the next agenda.
16. **Discuss and possibly act on setting the date, time, and location for the next Board Meeting** – After discussion of Director travel schedules and availability, the Board decided that the next regular Board meeting will be held on July 18, 2023, at 9:00 a.m. at the District's office.
17. **Adjourn** – A motion was made by Director Van Ackeren to adjourn the meeting at 11:21 a.m. Motion seconded by Director Urie. Motion carried 6 Ayes – 0 Nays – 1 Absent.

PASSED, APPROVED, AND ADOPTED THIS THE 18th day of July, 2023.

  
Tim Van Ackeren, Secretary