



## BOARD MEETING MINUTES

### SOUTHWESTERN TRAVIS COUNTY GROUNDWATER CONSERVATION DISTRICT

Monday, January 22, 2024, at 5:30 p.m.

A quorum of the Southwestern Travis County Groundwater Conservation District Board of Directors held a special called board meeting and permit hearing on Monday, January 22, 2024, at 5:30 p.m. at the Bee Cave City Hall at 4000 Galleria Parkway, Bee Cave, Texas 78738. The meeting was open to the public.

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 5:30 p.m. on Monday, January 22, 2024. Four directors were present at the meeting constituting a quorum, including President Scadden, Director Leva, Director Van Ackeren, and Director Norton. Also present were General Manager Lane Cockrell and District General Counsel Cole Ruiz and Ty Embrey with Lloyd Gosselink.
2. **Introductions and Announcements** – President Scadden reported that Director Davis recused herself from participating in this permit hearing as a director as she owns property near the proposed location of Clancy Utility Holdings, LLC's well site. President Scadden reported that Director Hunt recused himself from participating in this permit hearing as a director because of his involvement in ongoing scientific research conducted by his employer, UT Bureau of Economic Geology, on behalf of Travis County. President Scadden also reported that Director Hunt submitted his written resignation from the Board of Directors. President Scadden reported that both Director Davis and Director Hunt submitted conflict of interest disclosures as required by state law.
3. **Public Comments** – No public comments presented.
4. **Public hearing regarding Clancy Utility Holdings, LLC's operating permit** – President Scadden called the permit hearing to order at 5:35 p.m. on January 22, 2024. President Scadden reported that the District has received several written requests for a contested case hearing on Clancy Utility Holdings, LLC's permit application pursuant to District Rule 6.6(j), including a request from Travis County. President Scadden disclosed that the District receives financial support from Travis County through an interlocal agreement, and reported that he intends to recommend the referral of this application to an independent hearings examiner to determine party standing and conduct a contested case hearing. President Scadden reported that this permit hearing was properly noticed in accordance with the Texas Open Meetings Act and the District's Rules. President Scadden provided an overview of the contested case hearings process for the public and reported that the Board will not be addressing the merits of the application or hearing evidence tonight.

The Board heard public comments from Vicky Kennedy with Travis County, Andrea McCartney, Lew Adams with Roy Creek Canyon Reserve, Tom Smith with Save the Pedernales, Karen Hadden, Sam Jett with Hamilton Pool Vineyards and Farms, Patricia Hanley, Victoria Rose with Save Our Springs Alliance, Madeline Mathis, and Angelica Reyes Johnson, all of whom requested party status. The Board heard additional public comments from Matthew Gutherie, Guy LeBlanc, Elaine Davenport, Blaine Williams, Annie Borden, Bill Oliver, Crystal Datri, Tim



Wooten, Angela Wooten, Kristina Adkins, Bob Adkins, Phil Bullock, Doug Wierman with the Watershed Association, and Shannon Hamilton with Central Texas Water Coalition.

President Scadden adjourned the public hearing at 6:58 p.m. for a temporary break. President Scadden reconvened the public hearing at 7:08 p.m., a quorum of four directors remained present, including President Scadden, Director Leva, Director Van Ackeren, and Director Norton.

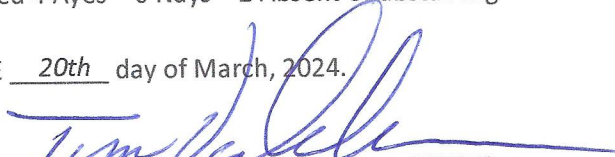
Matt Welch, agroecologist for Mirasol Springs, presented public comments on behalf of Mirasol Springs. Steve Wynn and Jim Truitt presented public comments on behalf of Mirasol Springs, LLC and Clancy Utility Holdings, LLC. Ed McCarthy, attorney for Clancy Utility Holdings, LLC, presented public comments on behalf of Clancy Utility Holdings, LLC, and requested the referral of this matter to the State Office of Administrative Hearings.

For additional information regarding the specifics of each public comment presented, please refer to the audio recording of the January 22, 2024 permit hearing, which is available from the District upon request. A list of parties who submitted a written request for a contested case hearing and/or requested party status in a contested case hearing is provided in Appendix A.

President Scadden adjourned the public hearing at 7:52 p.m. and reconvened the open meeting of the Board of Directors. A quorum of four directors remained present, including President Scadden, Director Leva, Director Van Ackeren, and Director Norton.

5. **Discussion and possible action related to Clancy Utility Holdings, LLC's operating permit application – No action taken under this agenda item.**
6. **Discussion and possible action related to the appointment of an independent hearings examiner to preside over a contested case hearing on the application of Clancy Utility Holdings, LLC, for an operating permit –** President Scadden reported that as the applicant, Clancy Utility Holdings, LLC, requested the referral of this matter to SOAH, the Board will not take action to appoint an independent hearings examiner. President Scadden reported that the Board will take action to refer the permit application to SOAH at their next regular board meeting. No action taken under this agenda item.
7. **Possible Executive Session under the authority of and in compliance with the Texas Open Meetings Act, Chapter 551, Government Code, to consult with Counsel regarding any of the above agenda items. The Executive Session will be for discussion only, and any Board action will occur during the Open Meeting – No executive session held.**
8. **Adjourn –** A motion was made by Director Van Ackeren to adjourn the open meeting at 7:59 p.m. Motion seconded by Director Leva. Motion carried 4 Ayes – 0 Nays – 2 Absent or abstaining.

PASSED, APPROVED, AND ADOPTED THIS THE 20th day of March, 2024.

  
Tim Van Ackeren, Secretary

**Appendix A:**

**List of Parties Requesting a Contested Case Hearing and/or Party Status for the Operating Permit  
Application Submitted by Clancy Utility Holdings, LLC**

**Requests for Contested Case Hearing on Clancy Utility Holdings, LLC Operating Permit Application**

<b>Party</b>	<b>Representative</b>
Travis County	Bill Dugat/Julie Joe
Zilla Adams	Self
Lew Adams	Self
Roy Creek Canyon Reserve	Lew Adams
David P. Johnsen and Angelica Johnsen	Selves
Save the Pedernales	Tom “Smitty” Smith; Victoria Rose; Andrea McCartney; Karen Hadden; Lew Adams; Patricia Hanley; Ann “Annie” Borden; Madelline Mathis
Save Our Springs Alliance	Victoria Rose
Tom “Smitty” Smith	Self
Karen Hadden	Self
Sam Jett	Self
Hamilton Pool Vineyards and Farms	Sam Jett
Bryan Sitchler	Self
William T. Reilly	Self
Patricia Hanley	Self
Madelline Mathis	Self
Clancy Utility Holdings, LLC (Applicant)	Ed McCarthy
Mirasol Springs, LLC*	Ed McCarthy
Mirasol Springs Municipal Utility District*	Ed McCarthy

\*indicates party requesting *party status* in contested case hearing; not a request for a contested case hearing