



Minutes for Meeting/Hearing of the Hays Trinity Groundwater Conservation District

Date: Wednesday, August 15, 2012
Time: 6:00 pm
Place: Dripping Springs City Hall
Located: 511 Mercer Street, Dripping Springs, TX. 78620

6:00 pm: Regular Meeting Opens

Board Present: Jimmy Skipton-President, Joan Jemigan, Ed Pope, Greg Nesbitt-Vice President, & Mark Key-Secretary/Treasurer

Staff Present: Rick Broun-General Manager, Tressy Gumbert-Administrative Assistant, and Alex Broun-District Geologist, P.G. 4845

The following subjects were considered for discussion and/or action at said meeting:

- **Board Roll Call:**
Rick Broun:
 - Roll Call was taken, all Board members present.
- **Review of Board Meeting Protocol:**
Jimmy Skipton:
 - Explained meeting protocol to audience.
- **Consider approval of prior meeting Minutes:**
Jimmy Skipton:
 - Minutes for June 21, 2012 were approved.
- **Financial Report and Budget:**
Rick Broun:
 - Financial report approved
 - Budget to Actual Report update.
- **Acknowledgment of Bank Reconciliations & Monthly Invoices:**
Rick Broun:
 - Approved by Mark Key
- **General Comments from Board & Staff:**
Rick Broun:
 - In the month of July there were 3 Public Water Connections and 12 new Well Registrations submitted to the District.
 - District staff demonstrated to Ashley Brown with Texas Water Solutions, how to calculate monthly meter readings and how to enter quarterly reporting on District's website.
 - Reminded the Board to inform staff of their attendance to any meetings, tours, events or lectures concerning groundwater.
 - Encourage the use of rainwater collection systems & promote artificial recharge of the aquifer through such means as proper brush management and re-establishing deep rooted native grasses.
- **Public Comments: Non-Agenda Items**
None provided

6:03 pm: Hearing Opens

Hearing Items:

Discuss and Possible Actions on:

- A. **Dripping Springs Water Supply Corp (DSWSC) Requests Continuance.....Jimmy Skipton**
 - Legal Council for DSWSC, Phil Haage, requests that the HTGCD Board grant a Motion of Continuance concerning the recent request for a public hearing covering the N.O.V.
 - If the HTGCD Board approves said motion, the following hearing Item "B" will not be heard at this time.

Comments from DSWSC Legal Council, Phil Haag:

DSWSC filed for a motion of continuance as they do not want a hearing at this time. Would like a joint Board meeting with the HTGCD Board to possibly resolve matter in its entirety.

6:05 pm: Hearing Closes

Motion:

Jimmy Skipton: Make a motion to grant a continuance to DSWSC.

Ed Pope: Seconded

Vote: 3-0 In Favor (Jimmy Skipton, Ed Pope & Greg Nesbitt). Mark Key and Joan Jernigan recuse themselves from voting on DSWSC matters.

Hearing Item:

Discuss and possible action on

B. Dripping Springs Water Supply Corp (DSWSC) Requests Hearing.....Jimmy Skipton

- DSWSC requests a public hearing concerning receipt of Notice of Violation.
- District Rule 5.7 allows for an NOV respondent to request a contested case hearing.
- The NOV was sent by certified mail to DSWSC on June 21 in the amount of \$101,400 concerning unpaid fees and fines of 169 connections.
- Following the hearing the Board of Directors may:
 - a. Assess a penalty in accordance to Rule 10
 - b. Make an offer of Compromise and Settlement in lieu of litigation
 - c. File suite in a court of competent jurisdiction to seek civil penalties, injunctive relief or both.

Item not heard no action taken.

Agenda Items:

1. Dripping Springs Water Supply Corp. (DSWSC) Update.....Jimmy Skipton

- Meeting was held on July 30 with a \$10,000 offer from DSWSC to resolve NOV
- DSWSC vs. HTGCD lawsuit based on 700 acre foot permit
- Recommend a joint meeting of DSWSC and HTGCD Board members to resolve fees, fines and permit.
Date to be determined based on legal counsel and Board availability
The Board reserves the right to adjourn into Executive Session, Section 551.071, to consult with their attorney

Public Comments:

The following presented: Jim McMeans

Comments from DSWSC Reps:

Phil Haag:

- Hoping to address fees and fines during a joint Board meeting between DSWSC and HTGCD

Jon Cobb:

- DSWSC would like to pay what's owed to the District

Board & Staff:

Jimmy Skipton:

- District could participate in a joint meeting with DSWSC on August 27th at 7:00 p.m.

Greg Ellis:

- The lawsuit between HTGCD and DSWSC was abated.

6:14 Into Executive Session

6:45 Out of Executive Session

Board & Staff:

Jimmy Skipton:

- No action taken in Executive Session

Motion:

Jimmy Skipton: Make a motion to attend a joint Board Meeting with DSWSC at the Dripping Springs City Hall on August 27, 2012 at 7:00 p.m.

Greg Nesbitt: Seconded

Vote: 3-0 In Favor (Jimmy Skipton, Ed Pope & Greg Nesbitt). Mark Key and Joan Jernigan recuse themselves from voting on DSWSC matters.

2. Update from Greg Ellis on Contested Case lawsuit: Plaintiffs vs. HTGCD.....Jimmy Skipton

- Wimberley Valley Watershed Association
- Johanna L. Smith, H.K. Acord, Janet Acord, James R. McMeans and David Glenn

Board & Staff:

Greg Ellis:

- District filed a motion for Summary Judgement.
- Hearing was scheduled for August 13, 2012
- Judge re-cused himself prior to hearing.
- A visiting Judge has to be assigned.
- District is entitled to attorney fees, Chapter 36 is very clear on payment of attorney fees.

Public Comments:

No public comments provided.

3. Update from Greg Ellis to Board and Staff concerning:.....Jimmy Skipton

- District Rules
- Any and all legal issues
- New Board members swearing in date
- Questions from Board and Staff

Board & Staff:

Greg Ellis:

- Votes should be canvassed at the next Board Meeting following the Election.
- Newly elected candidates should be sworn into office the next meeting.
- Canvassing votes and swearing in new Board members at the same meeting is not prohibited.
- Has received a copy of the District's Draft Rules and will be reviewing them.
- The new rules will have to be updated with the legislative changes in definition of exemption use, the MAG and process for Contested Cases.

Public Comments:

No public comments provided.

4. Item #6 on Agenda - Lower Trinity Project.....Joan Jernigan

- Status of telemetry for W&L well
- Update on planned Aqua Texas no. 24 well
- Update from District Geologist, Al Broun P.G. 4845
- Workshop

Board & Staff:

Joan Jernigan: Workshop

- Workshop planned for September 7th from 10:00 to 1:00
- Workshop discussions will include: Rainwater Collection, Realistic Plan for Living in Western Hays Co. in the Future, Decrease in water Increase in Population.

Al Broun: Update on Aqua Texas no. 24 well

- Aqua Texas well no. 24 in Woodcreek bottomed at 680'
- Full sections of the Middle and Lower Trinity were drilled through going 40' into the Paleozoic.
- Samples of the Lower Trinity were collected.
- Well did not produce enough water for a Public Water Supply.
- Logs will be run tomorrow.

Public Comments:

No public comments provided.

5. Texas Alliance of Groundwater Districts Meeting.....Jimmy Skipton

- Will take place on August 28-30 at the Crowne Plaza in Austin, \$350 per attendant
- Rick Broun and Jimmy Skipton to attend

Motion:

Greg Nesbitt: Make a motion to purchase two (2) tickets, for Jimmy and Rick to attend the Texas alliance of Groundwater Districts Meeting
Ed Pope: Seconded
Vote: 5-0 In Favor (Jimmy Skipton, Ed Pope, Greg Nesbitt, Mark Key and Joan Jernigan)

6. Drought Stage Status.....Rick Broun

- o Monitoring run well levels: north and south of Camp Ben McCulloch
- o Review trigger status, days of flow on the Pedernales and Blanco Rivers
- o Recommend drought stage
- o Review Board Order 157, Order of return to Alarm Stage
- o Review Drought Production Cutback Chart for non-exempt permit holders

Board & Staff:

Rick Broun:

- o The District collected water level data during Augusts monitor run and transducer data in July.
- o Water levels from June to July were down in the North by .96' and .61' in the South
- o Water levels from July to August were down in the North by 7.8' and 1.5' in the South
- o Both Rivers are within Drought Stage, Alarm. If no impactful rains come, the District will go into Drought Stage, Alarm on September 1.
- o Presented Cut Back Charts for permit holders
- o Board Order 157 for Drought Stage, Alarm has been created and will be signed and effective when the District actually reaches Drought Stage.

Jimmy Skipton: :

- o Rick has done a good job working with everyone in becoming compliant.

7. Update: District Board Election.....Tressy Gumbert

- November elections for three Board member positions
- Single member Districts 1 Jimmy Skipton, 3 Mark Key and 5 Joan Jernigan

Board & Staff:

Tressy Gumbert:

- o Board member elections for single member districts 1, 3 and 5 will take place November 6, 2012
- o Last day to apply for place on the November Election Ballot and for the District to order an election is August 20.
- o The District has received five (5) applications for the Election.
- o 2012 election information is on the District's website
- o Presented the "Order of Election" to Board for approval

Public Comments:

None provided

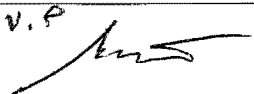
Motion:

Mark Key: Make a motion to approve the Order of Election for Single Member Districts 1, 3 and 5.
Greg Nesbitt: Seconded
Vote: 5-0 In Favor (Jimmy Skipton, Ed Pope, Greg Nesbitt, Mark Key and Joan Jernigan)

8:08 p.m. Meeting Adjourned

Approved: _____ Date: _____, 2012
Jimmy Skipton, President

Approved _____ Date: _____, 2012
Mark Key, Secretary/Treasurer

GREG NESBITT V.P. 

11/19/2012