



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

Date: Wednesday, October 17, 2012  
Time: 6:00 pm  
Place: Dripping Springs City Hall  
Location: 511 Mercer St., Dripping Springs, TX. 78620

### 6:05 pm: Regular Meeting Opens

**Board Present:** Jimmy Skipton-President, Greg Nesbitt-Vice President, Mark Key-Secretary/Treasurer, Ed Pope & Joan Jemigan  
**Staff Present:** Rick Broun-General Manager, Tressy Gumbert-Administrative Assistant, Al 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:
  - Approved meeting minutes for August 27 & September 19, 2012
- **Financial Report and Budget:**  
Rick Broun:
  - Financial Report reviewed and approved by Mark Key
- **Acknowledgment of Bank Reconciliations:**  
Rick Broun:
  - Bank reconciliations reviewed and approved by Mark Key
- **General Comments from Board & Staff:**  
Rick Broun:
  - 1 Public Water Connection was submitted in September: 41 YTD
  - 10 Well Registrations were submitted in September: all registered as Domestic use : 85 YTD
  - The 3<sup>rd</sup> Annual Rainwater Revival is scheduled for Saturday, October 27 at the Boeme Convention Center.
  - Requests that the next Board Meeting be held on Wednesday, November 14 at the Dripping Springs City Hall.
  - Lone Star Bank added a drought announcement to their outdoor sign.
  - Home on the Range Golf no longer requires a permit with the District as DSWSC now provides their water.
  - A Hays County Contract was sent to the District office for signature. An official signed copy will be mailed back to the District for our records.
  - On Wednesday, October 10, an attempt to use the District's debit card for a purchase at a Target store in Oklahoma was foiled as Pioneer Bank denied the purchase and closed the debit card account. No funds were lost.
  - Reminder to the Board to inform staff of any meeting you attend concerning groundwater including tours, events, or lectures.
  - The District always wants to encourage the use of rainwater collection systems and promote artificial recharge of the aquifer through such means as proper brush management and re-establishing deep rooted native grasses.  
Jimmy Skipton:
  - The next Board Meeting date will depend on canvas requirements
  - Greg Ellis will be in town for other business in November and would like to meet with the Rule Committee to review potential changes to District Rules.  
Ed Pope:
  - Suggested that Rick Broun provide status of outstanding office issues and pending permit requests to the Board during Board Meetings.
- **Public Comments: Non-Agenda Items**  
The following presented: Tom Koch, Randy Wilburn & Jon Cobb

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**Agenda Items:**

Discuss and Possible Actions on:

- 1) **Item #1 – Review District Drought Triggers.....Mark Key**

- Inclusion of possible additional drought trigger

**Board & Staff:**

- Mark Key
- Request to table item until a later meeting

**Public Comments:**

None provided

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- 2) **Item #2 – Update: District Board Election.....Mark Key**

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

**Board & Staff:**

- Tressy Gumbert:
- The Notice of election is scheduled to run in today's, October 17th and Saturday's, October 20<sup>th</sup> news papers.
  - The Notice has also been posted on the District's website and on the office door.
  - Joyce with the Hays County Elections Office has not yet provided the District with the cost of running the election.

**Public Comments:**

None provided

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- 3) **Item #3 - Update: Drought Stage Status.....Rick Broun**

- Monitoring Well Levels
- Review trigger status, days of flow on the Pedernales and Blanco Rivers
- Recommended drought stage

**Board & Staff:**

- Rick Broun:
- The Pedernales is on day 3 and the Blanco is on day 33 of continuous flow over Alarm Stage Trigger. It takes 60 consecutive days to move out of a drought stage
  - Drought Status will remain as Alarm until further notice.

**Public Comments:**

None provided

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- 4) **Item #4 – Board of Directors to vote for new Secretary Treasurer.....Jimmy Skipton**

- Board Representative Mark Key requests to step down

**Board & Staff:**

- Mark Key:
- My thought was, in stepping down as Secretary Treasurer it would make the transition after elections quicker.
  - Ed Pope was approached in regards to accepting the Secretary Treasurer position but was not interested. I will remain in the position until after the election.

**Public Comments:**

None provided

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- 5) **Item #5 – Review Resolution 20121017.....Mark Key**

- Recouping legal fees concerning contested case lawsuit

**Board & Staff:**

Jimmy Skipton:

- o Presented aloud Resolution 20121017 related to recovering attorney fees in litigation.

Ed Pope:

- o Questioning why a resolution is needed for something that is stated in the law.

Mark Key:

- o 1/5 of the District's budget, tax payers money, is tied up in the current lawsuit. The goal is to make sure the District gets that money back.

Jimmy Skipton:

- o By passing a resolution the District, not the lawyer, is saying to the courts that we want our attorney fees recovered.

**Public Comments:**

None Provided

**Motion:**

Mark Key: To approve Resolution 20121017

Greg Nesbitt: Seconded

Vote: 5-0 In favor (Jimmy Skipton, Greg Nesbitt, Mark Key, Joan Jernigan & Ed Pope)

**6) Item #6 – Propose adding all campaign documents to the District Website.....Mark Key**

- Candidate filed campaign finance reports
- PAC (Political Action Committee) filed campaign finance reports

**Board & Staff:**

Mark Key Skipton:

- o Requests have been made that the District, like the county, provides more backup and information to the public.

Ed Pope:

- o Finds it interesting that election documents are being discussed during a Board Meeting

Jimmy Skipton:

- o Currently, the public must complete and submit to the District Office an open records request to get information on election documents.
- o In an effort to be an open government entity, the District should post candidate and PAC campaign finance report to the District website.

**Public Comments:**

The following presented: Richard Sullivan, Linda Kay Rogers, Jon Cobb & Polly Johnson

**Motion:**

Mark Key: To add all Candidate and PAC Campaign Finance reports to the District's website.

Joan Jernigan: Seconded

Vote: 5-0 In favor (Jimmy Skipton, Greg Nesbitt, Mark Key, Joan Jernigan & Ed Pope)

**7) Item #7 – Update on District Rules.....Jimmy Skipton**

- Pending District legal review

**Board & Staff:**

Jimmy Skipton:

- o Greg Ellis made some changes to the rules and would like to meet with Rule Committee on November 12<sup>th</sup> or 13<sup>th</sup> to discuss rule revisions and possible loop holes.
- o The rules will be made available for public review and comments
- o Board will have final approval of rules during a Board Hearing

Joan Jernigan:

- o Commended rule committee members for their work

**Public Comments:**

The following presented: Linda Kay Rogers

8) Item #9 – Review High Pointe subdivision wells and status of permit application.....Ed Pope

Board & Staff:

Ed Pope:

- o A permit for Highpointe had been mentioned in March but has not come before the Board. What is the status?
- o It's possible there are wells in Highpointe that are not registered with the District
- o My interest is getting all the District records complete and up to date

Rick Broun:

- o The Highpointe file has been compromised, the original permit application is not in the file. A note on the file folder says that Mark Hemingway or Andrew Backus has the permit application.

Mark Key:

- o Presented email between Andrew Backus and Rick Broun in regards to Highpointe's missing application.
- o Presented Photos of retention ponds, LCRA water meters and unused well located in the Highpointe subdivision.
- o Highpointe submitted their permit application in 2005.

Jimmy Skipton:

- o During prior Board Meetings expressed his concern that using groundwater to water Saint Augustine grass and soccer fields at Blue Hole Park may trigger future permit applications for undesired water uses.

Public Comments:

The following presented: Tira Jones Holcomb & Jon Cobb

9) Item #10 – Review ethics complaint.....Jimmy Skipton

- Filed by Karen Archer

Board & Staff:

Jimmy Skipton:

- o Amazed that an ethics complaint was filed against he and Mark Key so close to election time on an issue that happened a year ago.
- o Has done nothing unethical or illegal and has the right to defend himself when accused of doing such.
- o All nominees to the Rule Committee were approved by a unanimous vote of the HTGCD Board.
- o Criminal District Attorney, Sherri Tibbe's reply to Karen Archer's ethics complaint "After review of your complaint, I find no violation of law or legal conflict that exists."

Ed Pope:

- o Jimmy you are grandstanding.
- o It's ok to review the complaint but does not agree with the way that the meeting is being ran, the way the audience is engaged and the way things are talked about that is unrelated to the subject.
- o As a Board member Jimmy should be handling the issue in a different fashion.

Mark Key:

- o According to District Meeting Sign-in records, Karen Archer has never attended an HTGCD Board Meeting.
- o Has recused himself during conflicts of interest and has done nothing unethical or illegal.
- o Nominated Jimmy Skipton IV to the Rule Committee because of his political knowledge and experience.

Public Comments:

The following presented: Jon Cobb & Charlene Farmer

10) Item #8 – Contested Case lawsuit.....Jimmy Skipton

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

Board & Staff:

Jimmy Skipton:

- o The Contested Case lawsuit is schedule to go to court on November 13<sup>th</sup>

Public Comments:

None provided

7:35 Break  
7:45 Reconvene

7:45 Hearing Opens

**Hearing Item:**

Discuss and Possible Actions on:

- 11) 2012 HTGCD Budget .....Jimmy Skipton
  - Review line items

**Public Comments:**

The following presented: Jon Cobb

**Board & Staff:**

- Mark Key
  - Request to go into executive session to discuss budget for personnel.

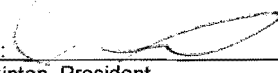
7:50 Into Executive Session

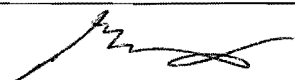
7:54 Out of Executive Session - No decisions made in Executive Session

**Motion:**

Mark Key: To approve the HTGCD 2013 Budget.  
Ed Pope: Seconded  
Vote: 5-0 In favor (Jimmy Skipton, Greg Nesbitt, Mark Key, Joan Jernigan & Ed Pope)

7:58 p.m. Meeting Adjourned

Approved:  Date: \_\_\_\_\_ .2012  
Jimmy Skipton, President

Approved: \_\_\_\_\_ Date: \_\_\_\_\_ .2012  
Mark Key, Secretary/Treasurer  
GREG NESBITT V.P.  11/19/2012