

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

Date: Wednesday, December 19, 2012  
Time: 6:00 pm  
Place: Wimberley Community Center  
Located: 14068 RR 12, Wimberley, Texas 78676

**6:01 pm: Regular Meeting Opens**

**Board Present:** Jimmy Skipton-President, Mark Hastings-Secretary Treasurer, Greg Nesbitt, Edward Pope

**Staff Present:** Rick Broun-General Manager, Tressy Gumbert-Administrative Assistant, and Alex Broun-District Geologist, P.G. 4845  
(Mike Cox-Vice President arrived at 6:14)

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

- **Board Roll Call:**  
Rick Broun:
  - Roll Call was taken, a quorum was present
- **General Comments from Board & Staff:**  
Jimmy Skipton:
  - Asked that a moment of silence be taken in remembrance of the victims in last Friday's shooting in CT.Rick Broun:
  - There were 6 new well registrations in November, 103 YTD.
  - There was 1 public water connection in November, 54 YTD.
  - Permit holder Express Car Care has not submitted their renewal application due on October 1. Several attempts have been made using email, phone calls, faxes, texts, certified letter and two separate on site visits, to contact the owner. Recommends a certified NOV letter be sent and that this issue be a hearing item during January or February's Board Meeting.
  - The District office will be closed Monday, December 24<sup>th</sup> through Wednesday, December 26<sup>th</sup> for the Christmas Holiday.
  - Reminded the Board to inform staff of any meetings, tours, events or lectures they attend concerning groundwater.
  - The District encourages the use of rainwater collection systems and promotes artificial recharge of the aquifer through such means as proper brush management and re-establishing deep rooted native grasses.Al Broun:
  - Added 76 new wells to the database. These include wells drilled for oil and gas in neighboring counties.
  - Working on a structural cross section along the Blanco River as well as other items with District staff.
- **Public Comments: Non-Agenda Items**  
Jimmy Skipton:
  - Explained meeting protocol to audienceThe following presented: Jim McMeans, Mark Key & Jon Cobb

**Consent Items:**

1. Approval of Bank Reconciliations and Monthly Invoices
2. Approval of Monthly Financial Report and Budget to Actual Report
3. Approval of November 19, 2012, Board Meeting Minutes

**Motion**

Mark Hastings: Approve consent items one through three.

Ed Pope: Seconded motion

Vote: 4-0 in Favor (Jimmy Skipton, Mark Hastings, Greg Nesbitt & Ed Pope)

**Agenda Items:**

1. Item #10 - Discussion and Possible Action to consider start-up contributions fund amounts for District Staff SEP accounts. Minimum funds are required prior to opening investment accounts.

**Board & Staff:**

Rick Broun:

- Met with a financial advisor in regards to setting up SEP accounts for District staff. The minimum amount required to start an annuity is \$1000 to start a mutual is \$2500.
- The Board of Directors approved the 2013 budget line item Personnel/401 Retirement in the amount of \$4,405.25.
- To start the SEP account, each District employee account must start with the minimum amount of \$1,000.
- It is recommended that the Board of Directors make a motion to approve the start up funding for a SEP account for Rick Broun and Tressy Gumbert in the amount of \$1,000 each. The remaining funds to be distributed monthly into the SEP accounts during the 2013 calendar as long as Rick and Tressy are employed with the District. The SEP account funding was based on 5% of the Staff's individual 2013 salary: Rick \$2,755.25 Tressy: \$1,650

**Public Comments:**

No public comments provided

**Motion**

Mark Hastings: Move to table item until the next Board Meeting

Jimmy Skipton: Seconded motion

Vote: 5-0 in Favor (Jimmy Skipton, Mark Hastings, Mike Cox, Greg Nesbitt & Ed Pope)

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2. Item #11 - Update on Contested Law Suit. Plaintiffs: Wimberley Valley Watershed Association, Johanna L. Smith, H.K. Acord, Janet Acord, James R. McMeans and David Glenn vs. HTGCD

**Board & Staff:**

Jimmy Skipton:

- District has spent over \$34,000 in legal fees for this lawsuit.

**Public Comments:**

The following presented: Mark Key

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6:20 In to Executive Session

6:48 Reconvene from Executive Session

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**Board & Staff:**

Jimmy Skipton:

- No action taken during executive session
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3. Item #4 - Discussion and Possible Action concerning Board meeting protocol. Open discussion on adopting a meeting protocol, such as Roberts Rule of Order, which the Board would use as the basis for conducting its meetings and interacting with the public

**Public Comments:**

The following presented: Susan Zimmerman, Linda Kay Rogers, Jim McMeans, Mark Key & Jon Cobb

**Board & Staff:**

Ed Pope:

- Many local governments adopt Robert's Rule of Order as the guideline for conducting meetings.
- Robert's Rule of Order sets out procedures for meetings that help the Board and the public communicate more effectively and manage the time that the Board spends on issues that are before it.
- Local experts are available to help train the Board in how to apply Robert's Rule of Order.
- When the Rules are understood and properly applied, all Board members and the public have a clear understanding of Board procedures and meetings generally are conducted more efficiently.

Mark Hastings:

- Served on many Boards that have used Roberts Rules and found those meetings to be more efficient.

Jimmy Skipton:

- The District has had Parliamentary Procedures in place since 2006.

**Motion**

Ed Pope: Move that the Board adopt Robert's Rules of Order as the standard for conducting the public meetings and that the Board invites a local expert in Robert's Rules of Order to train the Board in its use.

Mark Hastings: Seconded motion

Vote: 3-2 Against (Jimmy Skipton, Mike Cox & Greg Nesbitt) In favor (Ed Pope & Mark Hastings)

4. Item #5 - Discussion and Possible Action on inclusion of a monthly report listing all pending permits, outstanding renewals and applications which were held without action as a result of the previous moratorium.

**Public Comments:**

The following presented: Mark Key, Jon Cobb & Linda Kay Rogers

**Board & Staff:**

Ed Pope:

- A report that shows the status of applications for permits to produce groundwater by non-exempt users is not readily available. A summary report that gives a picture month to month to show what has changed.
- Permitting non-exempt well owners for pumping of groundwater is one of the Districts primary responsibilities. Information such as the number of permit holders, amount of acre-feet permitted and applications in process is necessary in order to maintain a current and future picture of demand on the aquifer.
- This type of running report would be invaluable to the Board whenever there are staff changes, such as extended leave of absence or termination of employment.
- Reports such as this - updated on a regular basis and readily available - can reduce the amount of administrative work when such inquiries are made.

Jimmy Skipton:

- The District should be permitting the non-exempt wells that are already pumping.

Rick Broun:

- Presented a status report of possible non-exempt wells that need investigating. The list came from information contained in the "moratorium box" located in the General Managers office.
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5. Item #6 - Discussion and Possible Action on existing but unknown list of non-exempt wells requiring a permit for operation. Discussion to include how to identify such wells and how to bring them into compliance with regards to well registration, permit application, metering and monthly reporting.

**Public Comments:**

The following presented: Mark Key, Jon Cobb & Linda Kay Rogers

**Board & Staff:**

Ed Pope:

- District rules require that a non-exempt well be permitted with the District and pumping reported on a quarterly basis. There are a number of wells that are not in compliance with this rule.
- The District needs to develop a program for identifying and permitting these wells.
- A Public Education campaign should take place as a start to trying to get non-exempt wells permitted.

Jimmy Skipton:

- The District does not have the authority to enter people's property without authorization from the owner.
- Received a phone call from a business owner in Wimberley who was very upset because District Staff, at the request of a Board member, came onto his property to inquire as to how he is obtaining water for his business.

Rick Broun:

- Recommends the District begin by opening up discussions with the owners of the wells listed on the report presented to the Board during the discussion of item #5.
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6. Item #13 - Discussion and Possible Action to consider nomination to the Ex-Officio executive committee of the Hays County Water & Sewer Authority

**Public Comments:**

No public comments provided

**Board & Staff:**

Rick Broun:

- Has attended most of the committee meetings dealing with water and sewer issues.
- A subcommittee is being created and the District has an opportunity to be involved as a member.

**Motion**

Jimmy Skipton: To nominate Rick Broun as a subcommittee member

Greg Nesbitt: Seconded motion

Vote: 5-0 In favor (Jimmy Skipton, Mike Cox, Greg Nesbitt, Ed Pope & Mark Hastings)

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7. Item #14 - Discussion and Possible Action to review the 2012 election billing from Hays County

**Public Comments:**

No public comments provided

**Board & Staff:**

Jimmy Skipton:

- The election cost was split between the District and Hays County. The District was billed \$9,387.07

Mike Cox:

- It is reasonable to have a discussion with the County about the bill. An itemized statement of cost should have been included with the Contract for Election.

Jimmy Skipton:

- Requests that Mark Hastings and Rick Broun work together to investigate costs.

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8. Item #12 - Discussion and Possible Action to review Resolution 20111215 with consideration to modify or rescind the resolution

**Public Comments:**

No public comments provided

**Board & Staff:**

Jimmy Skipton:

- The non-exempt use wells that are currently pumping groundwater need to be permitted.

Ed Pope:

- Agrees that with the current resolution in place it makes it difficult to move towards permitting those that are already pumping.
- Requests that item be tabled until researched and a replacement resolution is created.

Rick Broun:

- Suggests creating a resolution that speaks on permitting those that are currently pumping.

**Motion**

Jimmy Skipton: To rescind Resolution 20111215.

Greg Nesbitt: Seconded motion

Jimmy Skipton: If voted to rescind work on a new resolution that addresses current issues.

Vote: 4-1 In favor (Jimmy Skipton, Mike Cox, Greg Nesbitt & Mark Hastings) Against (Ed Pope)

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8:02 Break

8:07 Reconvene

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8:08 p.m. Hearing Opens

**Hearing Items**

1. Item #15 - Discussion and Possible Action to amend the 2013 Budget. Increase request for the accounting budget line item of \$75 per month and increase request for the office supplies budget line item of \$500 per year

**Public Comments:**

No public comments provided

**Board & Staff:**

Rick Broun:

- Requests the 2013 Budget be amended increasing Accounting Cost by \$75 for storage of old files. District does not have any storage at this time and offices are cluttered with file boxes.
- Requests office supplies be increased by \$500 for the purchase of new office chairs.

**Motion**

Mark Hasting: Approve amendment to 2013 Budget as requested by Rick Broun

Ed Pope: Seconded motion

Vote: 5-0 In favor (Jimmy Skipton, Mike Cox, Greg Nesbitt, Mark Hastings & Ed Pope)

- 2. Item #16 - Discussion and Possible Action to review and consider new District Draft A Rules. Updates include a review from District legal counsel and rule committee members

**Public Comments:**

The following presented: Garrett Allen, Jon Cobb, Susan Cook, Clint Frankmann, Linda Kay Rogers and Jim McMeans

**Board & Staff:**

Jimmy Skipton:

- o Rules will be discussed in Wimberley, in Dripping at the next Board Meeting then possibly a third and final time before approving.
- o Requests that public comments and suggestions be sent in writing to the District as well as presented during public comments.
- o Presented email from Roger Kew in regards to his comments concerning draft rules.

Al Broun:

- o Rivers were selected as drought triggers because they do reflect the health of the aquifer.

Rick Broun:

- o Recommends defining and using the term "Unaccounted for" or "Water Loss" instead of "Waste".
- o Staff has gone over entire set of Draft Rules and has some minor modifications. A redline revision will be presented to legal as "Draft B".

Greg Ellis:

- o Other Districts proclaim loss over 15% as waste.
- o The utility companies should suggest their proposal as to their definition of waste.

9:01 p.m. Hearing Closed

**Motion**

Jimmy Skipton: Table agenda items 7 & 8.

Ed Pope: Seconded motion

Vote: 5-0 In favor (Jimmy Skipton, Mike Cox, Greg Nesbitt, Mark Hastings & Ed Pope)

**Agenda Items:**

- 9. Item #9 - Review Drought Stage Status. Monitoring Run water level north and south of Camp Ben McCulloch. Review Trigger Status of days of flow on the Pedernales and Blanco Rivers. Recommend Drought Stage

**Public Comments:**


No public comments provided

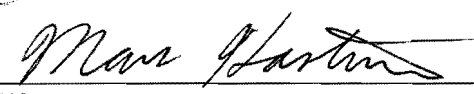
**Board & Staff:**

Rick Broun:

- o The Pedernales has been within Alarm stage for more than 60 consecutive days.
- o The Blanco is on day 54 within Alarm stage.
- o Water levels south of Camp Ben are down an average of just under a foot
- o Water levels north of Camp Ben are down an average of just above two feet.

9:02 p.m. Meeting Adjourned

Approved:  \_\_\_\_\_ President: 1-16-2013  
 Jimmy Skipton \_\_\_\_\_ 2012

Approved:  \_\_\_\_\_ Secretary/Treasurer: 1-16-2013  
 Mark Hastings \_\_\_\_\_ 2012