

**Hays Trinity Groundwater  
Conservation District,  
Hays County, Texas**

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**Minutes of Open Meeting of the Hays Trinity Groundwater Conservation District**

Tuesday, January 6, 2009; Time: 8:30am  
Place: Dripping Springs City Hall  
Located at: 511 Mercer Street, Dripping Springs, TX 78620

**08:34am:** Regular Meeting Opens, a quorum is achieved.

**Present:** Douglas A. Wierman (Vice President), Mark P. Hemingway (Secretary/Treasurer), Jack A. Hollon, Joe C. Day

**8:43am:** Andrew H. Backus (President) arrived

- **Consider approval of prior meeting Minutes:** None Considered
- **General Manager's Report of Activities:** DRC presented the following reports:
  - December Activity Report
  - December Manager's Report
  - Chart of Well Registrations and PWS Connections
  - 2008 Well Map
  - 2008 Budget
  - 2009 Proposed BudgetAnd announced the following meeting dates of interest:
  - Wednesday, January 07, 2009 at the Dripping Springs School Administration Building, Sarah C. Davidson, Master of Science Candidate, Jackson School of Geosciences, University of Texas at Austin, will present a summary of her thesis completed Dec. 2008 entitled: 'Hydrogeological characterization of baseflow to Jacob's Well spring, Hays County, Texas', Philip C. Bennett Ph.D., supervisor.
  - Tuesday, January 20, 2009 Board Meeting at Woodcreek City Hall
- **Report from District Geologist, Alex S. Broun, P.G. 4845:** Al Broun reported he is in the process of studying cuttings from stratigraphic cross sections of the Hensel.
- **Board & Staff Announcements:**
  - AHB Announced:**  
Sarah Davidson is available to work over the next several weeks while she searches for full-time work. The Drought Plan is being worked on.
  - JCD Announced:**  
The County Subdivision Regulations have been distributed with a two and a half acre lot size regulation. He encourages the Board to follow up with Hays County regarding the need to increase the minimum lot size requirement for lots dependant on Trinity aquifer in order to reduce the rate of depletion of the aquifer and to strive for sustainable management per the HTGCD's 2005 Management Plan.
- **Public Comments:** None
- **Report on TWDB Groundwater Management Area (GMA) #9 Efforts towards establishing a "desired future condition" of the Trinity Aquifer (TX Water Code 36.108):**
  - DAW reported the last three Groundwater Availability Model (GAM) runs from TWDB are available. DAW presented graphical analysis of GAM runs prepared by Brian Hunt, hydrogeologist, Barton Springs Edwards Aquifer Conservation District.
  - Assembling production and geologic data on the lower Trinity from within the HTGCD and across GMA-9 will be a priority in 2009. There is an increasing number of wells being completed in the lower Trinity within the HTGCD as drillers are advising customers to go deeper if they want wells to last longer and be more reliable during drought. The TWDB is still working on the revised Hill Country Trinity aquifer GAM that includes the lower Trinity aquifer and this data will assist in making the model as accurate and current as possible.

**The Board will consider and act on the following:**

**1) Board communications with the public and public education program:**

Background: At a recent Hays County Commissioner Court meeting JCD spoke in favor of the of Mustang Ranch (True Ranch) project lot sizes saying that they sufficiently large to supply water to home using an average amount of water during the recurrence of the 1950 'drought of record'. JCD's presentation involved recharge and water budget

calculations that had not been peer reviewed by other technically inclined board members. The Board was unaware that JCD would be making this statement to the Hays CC and did not agree with the statements. AHB asks JCD to explain his relationship with the developers of Mustang Ranch (True Ranch) project. AHB pointed out that the statements made were not part of the HTGCD's Oct. 29, 2008 letter to the Hays CC reviewing the Mustang Ranch / True Ranch Water Availability Study. JCD indicated he spoke independently and not on behalf of the HTGCD Board. MPH stated it could be construed as an ethics issue and gives an appearance of impropriety. MPH reiterated that JCD needs to be very clear on disclosures. DAW warns of making GeoScience recommendations without a license to do so. AHB stated the importance of the HTGCD speaking with 'one voice' if it is to appear as a cohesive organization. DAW recommends the development of a policy to help deter this in the future that in general only the Board President should speak on behalf of the HTGCD as a whole unless the Board or president has authorized the Manager or another Board member to speak on a specific topic. AHB will circulate a Board Communications policy for discussion and approval at a future meeting.

- 2) **Water allocation strategy based on Desired Future Condition and Managed Available Groundwater determinations:** Not Discussed. JAH recommends a future workshop on this issue and a speaker to talk on this topic at the upcoming VAG meeting.

**10:07 a.m. Andrew H. Backus called the Board into executive session as allowed according to Section 551.071 of the Texas Open Meetings Act, for Consultations with Attorney Greg Ellis, via conference call to:**

- (1) seek the advice of its attorney about:
  - (A) pending or contemplated litigation; or
  - (B) a settlement offer; or

- (2) seek the advice of attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Section 551.071 of the Texas Open Meetings Act to discuss a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

**10:24 a.m. Andrew H. Backus called the Board out of executive session and resumed the regular meeting.**

- 3) **Notice of Intent to Introduce in the 81<sup>st</sup> Legislature, Regular Session, a bill to be entitled an Act, following Hearing on Dec. 16, 2008, and Board Meeting on Dec 18, 2008;**
- 4) **Discussion and possible adoption of the Proposed legislation to be introduced in the 81<sup>st</sup> Legislature, Regular Session so that the HTGCD may at least achieve the full authority of Chapter 36 of the Texas Water Code:**

AHB gave objectives of proposed legislation and acknowledged DSWSC input. WWSC indicated they will review with their Board next Thursday.

Comments from the public included:

- 1) "Historic Growth does not take into consideration future build out on existing subdivisions. The disincentive fee would unjustly penalize current residence for future growth of the subdivision." Bill Davis, LaVentana resident.
- 2) "The proposed legislation has not been appropriately distributed to the public via the paper, website, or distribution lists for comment." Bill Davis, LaVentana resident.
- 3) "DSWSC would like a reduction in fees as a result of bringing in Surface Water and their own DFC." Mike Kiestler, Thornhill Group.
- 4) "Grandfathering Clause should be written into the Bill to clarify to the public the way in which Historic Use and minimum acreage lots will be treated going forward." Bill Davis, LaVentana resident.
- 5) "Removal of Commissioner's Court Oversight and Right to Enter Property concerns. Will be two stumbling blocks to getting this passed by the legislature." Bill Davis, LaVentana resident.
- 6) "This legislation is asking more than being brought up to what other districts are doing. DSWSC can support General Chapter 36 and Well Spacing but cannot support the legislation as drafted with the disincentive fees." Scott Rhodes, DSWSC attorney.
- 7) "If the HTGCD is about to limit production from the Trinity aquifer, I am concerned about the source and cost of additional water supplies to our customers/members since we are only at 50% build out within our CCN. Let companies pump when water is available, and regulate when there is over pumpage and abuse." Mr. Haley, WWSC.
- 8) "Groundwater has been horribly undervalued." John Dupnik, BSEAD.
- 9) "Partial reason for District creation was for lot sizing. District is asking for more than Chapter 36 authority. Recommends change on Sec. 3.0310 (b) to include language addressing the possibility of land area being removed from the district. He recommends the following language:

If territory is added to the district, 'or removed from District', the board shall change the method of electing directors....Bill Davis, LaVentana resident.

**Board Comments:**

DAW indicated that production fees kick in until the ad valorem tax is available. Aquifer Management Zones were discussed but HTGCD is not at that stage to identify them yet. The State mandate to create a DFC will drive much of the production limits. Request a meeting on 1/13/08 to finalize the proposed bill. Request that Joe review legislation with Patrick Rose in the meantime for feedback.

MPH encouraged grandfathering language be used in the draft legislation not later in the rules in order to better sell this to the public.

12:34pm Adjourn

Signed,  \_\_\_\_\_, Andrew H. Backus (President)

Attested: \_\_\_\_\_, Douglas A. Wierman (Vice President)

Date: \_\_\_\_\_