

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

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

A meeting of the Hays Trinity Groundwater Conservation District was held:
Friday, May 8, 2009
Time: 8:30 a.m.
Place: Dripping Springs City Hall
Located at: 511 Mercer St., Dripping Springs, Texas 78620

8:35 a.m. Regular Meeting Opens, a quorum was achieved.

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

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

- **Consider approval of prior meeting Minutes:** Reviewed 4/23/09 Meeting Minutes. JAH moved to accept minutes as written. JCD seconds. Vote 3-0 in favor of approving minutes. DAW and MPH abstain.
- **General Manager's Report of Activities:** DRC absent. Board reviewed report and materials and noted the reduced number of well registrations and PWS connections for April 2008.
- **Report from staff geologist Wesley Schumacher:** WS discussed:
 - Working with Andy Grubbs on processing new LIDAR topographic survey data of county.
 - This will produce high accuracy topographic map for future stratigraphic and structural analysis of Hays County Geology.
 - Ongoing isotopic dating of Groundwater from the Trinity
 - Al Broun is lithologically describing borehole cuttings from the drilling of the West-Bay deep well in Ruby Ranch as part of a cooperative working agreement with the Barton Springs Edwards Aquifer Conservation District. Al is working with Brian Hunt and Brian Smith from the BSEACD. Al was recruited to describe the Trinity interval of the borehole because he is the recognized expert in the area.
 - Other routine mapping and logging activities are also in progress.
- **Board & Staff Announcements:**
 - **DAW** announced he attended LCRA's Clean Rivers Meeting on 5/7/09. The focus was on the Onion Creek Watershed. The meeting was preliminary in nature. No final decisions, another meeting will be held next month.
 - **AHB** announced Hays County has grant money from TWDB to hire a consultant to document the water and wastewater needs and facilities West of I-35. HDR is the consultant selected by the County. Completion of the report will put the county in position to obtain future grant money from the TWDB for infrastructure projects.
- **Public Comments:** None

Agenda Items

- 1) **Review of 2009 Budget:**

2009 Budget - current version attempts to account for economic downturn's impact on the District Funding. Budget anticipates hiring a new part time person to replace John Anderson, Coni Phillips, and Ashley Johnston. Budget Projections show a deficit of \$41K through year's end. The Science Budget is pared way back. The proposed budget includes the following costs:
Election
Sampling & Analytical Costs

The Board will schedule a hearing on the budget pursuant to normal and appropriate notice requirements.
- 2) **Immediate and post legislative session staffing:** Not discussed.

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- 3) **Drought status and drought planning / education updates:** Not discussed.
- 4) **Public education strategy and efforts:** Not discussed.
- 5) **Report on Groundwater Management Area (GMA) # 9 Efforts towards establishing a "desired future condition" (DFC) of the Trinity Aquifer and status of TWDB revised Hill Country Trinity GAM:**
GMA#9. Discuss the progress on the Hill Country Trinity Groundwater Availability Model (GAM) with respect to Lower Trinity and Drought of Record issues. AHB believes that GMA-9 DFC process should be held up to utilize the latest model that will include the lower Trinity aquifer. General discussions of the DFC & MAG process continue. No actions recommended by the Board.
- 6) **Review of the 042408 Resolution (no new permitted wells until MAG established) and Managed Available Groundwater status related to issue of some property owners being very close to utility water but only able to access for very high fees:**
 - i. Ron White is present, and an applicant building a new dental office. His office is on the north side of Highway 290 about 0.5 miles west of the HTGCD offices. The LCRA water line is on the south side of Hwy-290. To access the LCRA water he would have to bore under Hwy-290 at an estimated cost of \$75K. The dental office expects low usage, about 17K gallons per year. They are also planning to put in a rain water system but are not sure it would provide potable water for public consumption.
 - ii. After discussion, the HTGCD Board would be inclined to issue a permit, either through variance or other means, under the condition that the well be plugged if they ever connect to LCRA. Mr. White said that would be acceptable.
- 7) **HTGCD legislation at 81st Texas Legislature:**
AHB explained the HTGCD Board declined Representative Rose & Senator Wentworth's proposed bills (HB 4796 and equivalent SB 2530) and offered the HTGCD Bill Version-11 as substitute legislation. After much deliberation this action was taken because the legislation offered was not responsive to enabling the District fulfill its mandates under State law; the funding of the District was entirely placed upon utility customers, while residential well owners were not being asked to support the District that in part works to protect their drinking water; furthermore, HTGCD Counsel advised that the flat fees proposed on utility customers as revenue source would be challenged in court as a form of illegal tax, a tax that had not been approved by the voters, and this revenue would not ever be collected. Rose's office has informed the HTGCD that the HTGCD Substitute Bill Version-11 will not be considered as a substitute. The Rose/Wentworth bill (HB 4796 and equivalent SB 2530) is still pending and will be allowed to die in committee.
- 8) **Possible future agenda items:** Not discussed.

10:54am DAW leaves.

10:58 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.

11:32 a.m. Andrew H. Backus called the Board out of executive session and resumed the regular meeting.

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11:35am Adjourn

Minutes Approved By:

Andrew H. Backus:  _____, President

Attested By:

Douglas A. Wierman: _____, Vice President

Date: _____