



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

Date: Monday, March 28, 2011

Time: 6:00 pm

Place: Sunset Canyon Baptist Church

Located: 4000 E. Hwy. 290, Dripping Springs, Texas 78620

6:08 pm: Regular Meeting Opens

Board Present: Jimmy K. Skipton-President, David G. Baker-Vice President, Mark A. Key-Secretary/Treasurer, Greg F. Nesbitt, Joan S. 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, a quorum was present and all Board Members were in attendance

- **Review of Board Meeting Protocol:**

Jimmy K. Skipton:

- Announced protocol to audience

- **Consider approval of prior meeting Minutes:**

Tressy Gumbert:

- Jimmy Skipton and Mark Key signed February 21, 2011 & March 15, 2011 Meeting Minutes

- **Monthly Financial Report & Budget to Actual Report:**

Rick Broun:

- Presented YTD Financial Report
- Presented Budget Vs. Actual Report.

- **General Manager's Report of Activities:**

Rick Broun:

- 5, 1-Year permits approaching their June expiration date.
- Reported that the staff completed a successful monitor run for March
- Workshop for the MAG version II, will be held on March 31, 2011 at 6:00 p.m. at the Wimberley Community Center.
- Announced that a Hydro Geologic Folio Atlas class is being held on April 1, 2011 at the District office. Class begins at 6:00 p.m. and is for the candidates running for the District Board in 2011.
- 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.

- **Acknowledgment of Bank Reconciliations and Monthly Invoices:**

Rick Broun:

- Mark Key has reviewed, approved, and signed off on both bank statements and monthly invoices.

- **Board & Staff Announcements:**

David Baker:

- Announced he will not be running for the District Board in the May election he feels the current leadership of the district is headed in the wrong direction and not managing groundwater sustainably.

Joan Jemigan:

- Announced that David Baker is the recipient of an award presented by TCEQ (Texas Commission on Environmental Quality).

- **Public Comments: Non-Agenda Items**

The following people presented: Jack Hollon, Eric Allmon – Attorney at Law, Larry Calvert, Marianne Mitchell, and John Cobb

6:30 p.m. Hearing Opens :

Hearing Item B. Discuss and possible action on Management Plan – Rick Broun

- TWDB approves plan with updates
- Staff updated Plan and placed on District website under Regulatory

March 28, 2011 Board Minutes continued

Board:

David Baker

- o The Management Plan is incomplete as a MAG has not yet been adopted.
- o Request the Board to hold off on issuing any new or expanded water permits until the Managed Available Groundwater (MAG) has been finalized and approved by Texas Water Development Board and GMA-9.

Jimmy Skipton

- o We are mandated by the state to develop a Management Plan
- o TWDB has approved the District Management Plan
- o The Management Plan may be updated at any time.

Motion

Jimmy Skipton: Approve Management Plan

Greg Nesbitt: Seconded motion

Vote: 5-0 in Favor (David Baker, Jimmy Skipton, Mark Key, Greg Nesbit, & Joan Jemigan)

Public Comments:

No public comment provided

6:47 p.m. Hearing Closed

Agenda Items:

2. Discuss and possible action on HTGCD (District) Education Committee – Joan Jemigan & Mark Key

Board:

Joan Jemigan

- o Committee is working on education program for adults and children
- o One of the committee members has been tasked with developing an outline for the educational video.
- o Joan will be presenting the video "When the Water Tap Runs Dry", on April 13, 2011 at 6:00 p.m. in the Blanco room at the Wimberley Community Center.

Public Comments:

No public comments provided

6:51 p.m. Pre-Hearing Conference:

A: Board to hear contested case submittals concerning Board approved permit for Wimberley Springs Partners

Greg Ellis – Attorney at Law

- o Announced that Wimberley Springs Partner has filed a Motion to Determine That Protests and Requests for a Contested Case Hearing Were Not Filed Timely.
- o Contested case requesters filed a Motion for a twenty (20) day Continuance of Consideration of Hearing Requests.
- o Advised board on motion procedure and recommended that they allow each legal council to present their motion.

Eric Allmon – Attorney at Law

- o Requesters are seeking a continuance based on the late filing of Wimberley Springs Partners' Motion.

Russell Johnson – Attorney at Law

- o A ten (10) day provision does not exist in the District's rules authorizing individuals to file requests for contested case hearings. Rule 3.2 provides that the applicant may file a request for a contested case hearing within 10 days of receiving notice or the board's decision if the board has voted to issue the permit with conditions.

Board:

David Baker

- o Wimberley Valley Watershed Association (WVWA) is one of the contested case requestors therefore I recuse myself from the discussion and vote.

Jimmy Skipton

- o Continuance granted.
- o Protest response brief due by 5:00 p.m. Friday, April 1.
- o Reply briefing due by 5:00 p.m. Tuesday, April 5, 2011.
- o Special Meeting for Hearing Continuance will be held at 5:00 p.m. Thursday, April 7, 2011

7:20 p.m. Hearing Closed

7:20 p.m. Break

Agenda Items:

5. Discuss and possible action on Groundwater Legislation update.

Greg Ellis – Attorney at Law

- Presented updates on Senate/House Bills that have been filed.
- House Hearing will take place on the first or second Tuesday in April.
- Amendments have been added to Sunset Bill that effects the DFC process

Board:

David Baker

- Has any bill been filed that would follow the stakeholders recommendations to enable the HTGCD to be properly funded and to restore equal authority that other Groundwater Districts in Texas have under Chapter 36 of the Texas Water Code?

Greg Ellis

- The only Draft Bill I have seen does not include property tax authority.

Public Comments:

No public comments provided

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9. Discussion only: Update on GMA10

Board:

David Baker

- Nothing to report on GMA 10.
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8. Discussion only: Update on GMA9

Board:

Jimmy Skipton

- Attended a GMA9 meeting.
 - The MAG and DFC were discussed at the GMA9 meeting
 - Jimmy announced that the District is sponsoring a MAG Workshop on March 31, 2011 from 6:00 – 8:00 p.m. at the Wimberley Community Center.
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7. Discussion and Possible Action on Equitable Allocation Strategy of MAG

Board:

David Baker

- Withdrew agenda item at this time, will place it on future meeting agenda.
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6. Discussion and Possible Action on Aqua Texas Line Loss Concerning Woodcreek and Woodcreek North

Board:

David Baker

- Withdrew agenda item at this time, will place it on future meeting agenda.
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3. Discussion and Possible Action on Mountain Crest / Aqua Texas

Staff:

Rick Broun

- Met with Brent Reech to discuss actions taken by Aqua Texas to resolve leaks within Mountain Crest.
 - Compromised Settlement Agreement was also discussed and Aqua Texas has until April 6, 2011 to respond.
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4. Discussion and Possible Action on Removal of Board Officer David Baker

Board:

Mark Key

- o A conflict of interest arises when David is serving as the Board Vice President for the District while at the same time receiving income from WWA.
- o Concerned that David had to recuse himself from the Contested Case discussion and vote due to a conflict of interest.

David Baker

- o If a conflict does arise, as with the Wimberley Springs Partners contested hearing, I have and will continue to recuse myself.
- o I am concerned with the recent adoption of policies

Jimmy Skipton

- o Some of David's actions have caused concern.
 - a. Submitting numbers to Texas Water Development Board without District approval
 - b. Threats of being turned into the Attorney General
- o Doesn't agree with removing David from office with only 2 months left in his term.

Joan Jernigan

- o The Board needs to have discussions and vote on issues prior to one of its Board members providing information to a state agency.

Motion

Jimmy Skipton: To not remove David Baker.


Joan Jernigan: Seconded motion

Vote: 3 in Favor (Jimmy Skipton, Greg Nesbit, & Joan Jernigan) 2 Abstain (David Baker & Mark Key)

Public Comments:

The following presented: Dorothy Knight, Linda Kay Rogers, Linda Lang, Marianne Mitchell, Jack Hollon, Shelly Buse, and Bill Davis

Meeting Adjourn: 8:20 p.m.

Approved:  _____, President: 4-28-2011

Approved:  _____, Secretary/Treasurer 4/28, 2011