

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

Date: Thursday, September 8, 2011  
Time: 6:00 pm  
Place: Dripping Springs City Hall  
Located: 511 Mercer Street, Dripping Springs, Texas 78620

**6:00 pm: Regular Meeting Opens**

**Board Present:** Jimmy Skipton-President, Greg Nesbitt-Vice President, Mark Key-Secretary/Treasurer, Joan Jernigan, & Ed Pope

**Staff Present:** Rick Broun-General Manager, Tressy Gumbert-Administrative Assistant, and Alex 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
- **Review of Board Meeting Protocol:**  
Jimmy Skipton:
  - Explained meeting protocol to audience.
- **Consider approval of prior meeting Minutes:**  
Tressy Gumbert:
  - Jimmy Skipton and Mark Key approved and signed Meeting Minutes for August 8 & August 18, 2011.
- **Monthly Financial Report & Budget to Actual Report:**  
Rick Broun:
  - Mark Key reviewed and signed off on the Financial and Budget to Actual reports.
- **General Manager's Report of Activities:**  
Rick Broun:
  - September's monitor run is scheduled for the 12th & 13th.
  - There were 9 new well registrations in August, 60 YTD, and 35 YTD public water connections.
  - Presented the current US Drought Monitor Map.
  - The Dripping Springs Walgreen and CVS are participating by displaying drought warnings on their outdoor electronic signs.
  - Local newspapers will be running an article concerning the electronic drought signs.
  - 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 and signed off on August 2011 bank statements and monthly invoices.
- **General Comments from Board & Staff:**  
Ed Pope:
  - Encourages Board and staff to make supporting documentation for agenda items available to the Board and public prior to meetings.
  - Urges the Board to consider issuing a moratorium on non exempt well permits during times of drought.
 Joan Jernigan:
  - The League of Women Voters is conducting an extensive water study to be presented later in the month. District Board and staff will be emailed invitations to attend the presentation.
 Jimmy Skipton:
  - Reminded that a severe drought is still in effect and urges everyone to continue to conserve water.
 Al Broun:
  - Drillers are required by law to submit a Drillers Log for each well drilled, to the Texas Water Development Board (TWDB), Texas Commission on Environmental Quality (TCEQ), Texas Department of Licenses and Regulations, and to the District in which the well is located.
  - District staff matches and compares the Drillers Log to the Well Registration on file.
  - Within the past 8-9 years there have been approximately 1850 wells drilled in Hays County. Water was located in each and every one.
  - Presented a Google Earth Map with 50 plotted exempt wells within the District.

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- o Water is present and available. If a well is shutdown for a period of time there should be some recovery in water production.

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

The following presented: Rudy Villarreal and Ron Ayers

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**Agenda Items:**

Discuss and Possible Actions on:

1. **District Transportation** – Rick presented quotes and vehicle options to the Board. A vehicle can be purchased for much less if purchased through the State of Texas Co-Op Program.

**Public Comments:**

No public comments provided.

**Board & Staff:**

Jimmy Skipton

- o The District is currently borrowing Al Broun's vehicle to do the monitor run.
- o The District needs a vehicle to do the monitor run as well as other District business.
- o The District should be proactive and get out into the community more.
- o Does the Board want to pursue the purchase of District transportation?
- o Recommends moving forward with gathering information and bids to present at the next scheduled Board Meeting.

Joan Jernigan

- o Which of the vehicles presented will work best on the monitor run terrain?
- o Can the District get a 60 month bank loan for the purchase of a vehicle?

Greg Nesbitt

- o In keeping depreciation in mind, how many miles would be put on the vehicle each year?
- o Suggests having a list of general specifications that each proposed vehicle must meet.

Ed Pope

- o Feels renting is more feasible due to the vehicle being utilized only a few days out of a month.
- o Purchase of a vehicle needs to be included in the 2012 Budget.

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2. **Resolution 20110830 – Joining State of Texas Co-Op Program**

**Public Comments:**

No public comments provided.

**Motion**

Joan Jernigan: District to join the State of Texas Co-Op Program.

Jimmy Skipton: Seconded motion

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

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3. **Update on lawsuit Plaintiffs vs. HTGCD** - Plaintiffs: Wimberley Valley Watershed Association, Johanna L. Smith, H.K. Acord, Janet Acord, James R. McMeans, and David Glenn

Jimmy Skipton

- o On September 30, 2011 The District's lawyer is attending a meeting on the motion to abate.
- o The District has spent \$6,000. on the lawsuit so far.

**Public Comments:**

No public comments provided.

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4. **Educational Video**

Joan Jernigan

- o Gary Zupancic was unable to attend tonight's Board Meeting.
- o Presented the video for Board and public review and input.

**Public Comments:**

The following presented: Andrew Backus

**Board & Staff:**

Jimmy Skipton

- Credits should be added to the video.
- Date of video creation needs to be noted on the video.

Ed Pope

- Can video be made available online?

Al Broun

- Video didn't mention aquifer or atlas.

**Motion**

Jimmy Skipton: To authorize an additional \$1200 for video editing and production.

Ed Pope: Seconded motion

Vote: 5-0 in favor (Jimmy Skipton, Mark Key, Greg Nesbitt, Joan Jemigan, and Ed Pope)

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**5. Update Board of Directors on contested Renewal Permits**

- a) Interim-La Ventana, LLC: Bill Davis and Patrick King to present to the Board of Directors

Jimmy Skipton

- Bill Davis nor Patrick King are present at the meeting.
- Email from Bill Davis stated he is agreeable to a 1-year permit.
- District is waiting to hear from Patrick King.

**Public Comments:**

The following presented: Rudy Villarreal, Glenn Rosilier

**Board & Staff**

Ed Pope

- In regard to public comments, PGMS would need to approach the Board with information as to Bill Davis not having standing.
- Commented on his observation of landscaping irrigation at the entrance of La Ventana and it being in violation of the drought restrictions.

Mark Key

- Supports a 3-year permit however with neither Bill Davis nor a spokesman for La- Ventana present he feels that the District needs to proceed with a 1-year permit.

**Motion**

Mark Key: To renew La Ventana's permit for 1-year under the same conditions as their temporary permit.

Jimmy Skipton: Seconded motion

Vote: 5-0 in Favor (Jimmy Skipton, Mark Key, Joan Jemigan, Greg Nesbitt and Ed Pope)

- b) Radiance: Roger Kew and Andrew Backus to present to Board of Directors

Andrew Backus

- Requests a 30 day extension as he has been out of town since filing the contested case.
- Has been communicating with Roger Kew.
- Radiance is different than most retail water providers in that it's well is located in a different subdivision and is surrounded by other residential wells.
- Increasing Radiance's permit potentially increases interference with neighboring wells.
- Suggested using Mary Sahs as the hearing examiner.

Roger Kew

- Has no objection to a 30 day extension.
- Contacted the list of hearing examiners given to him by the District. They indicated they were not qualified to take a contested case.
- Mike Schless is a special judge who is qualified and has the experience to handle a contested case. His fee is \$2800.

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- After Roger explained the nature of the contested case to Mr. Schless, Mr. Schless referred Roger to the "State of Administrative Hearings". Who then referred him to TCEQ's Office of Public Interest Council. That office in turn referred Roger to TCEQ's Conservation District Division.
- Recommended that all future communication between himself and Andrew be in writing.

**Public Comments:**

No public comments provided.

**Board & Staff**

Ed Pope

- Feels a 30 day extension is a reasonable request.

Jimmy Skipton

- Stated that his hope was that the parties could come to an agreement, however since that has not happened the next step is to schedule an appointment with a hearing examiner.
- The Hearing Examiners do not make a judgment; they are to hear the details of the contested case then report recommendations to the District Board.
- By September 22, 2011 Andrew Backus and Roger Kew are to have either worked the contested case issue out amongst themselves or have an appointment scheduled with a hearing examiner.

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**6. Item #7 – Appoint a Rule Committee**

Jimmy Skipton

- The Rule Committee will be made up of a 9 member panel, to include 5 members of the community, 2 Board Members, Rick Broun and Tressy Gumbert
- Each Board member is to nominate a community member to serve on the committee.
- Names of nominated committee members will be presented and voted on during the next scheduled Board Meeting.

**Public Comments:**

No public comments provided.

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**7. Item #8 – Dr. Ron White**

Mark Key

- Dr. Ron White's water usage is low.
- Recommends changing the reporting requirements to once a year.

**Public Comments:**

The following presented: Andrew Backus

**Board & Staff**

Al Broun

- Should make change across the board for users who pump less than a certain amount, don't focus on one single user.

**Motion**

Mark Key: To change reporting status to "reports once a year".

Greg Nesbitt: Seconded motion

Vote: 5-0 in Favor (Jimmy Skipton, Mark Key, Joan Jemigan, Greg Nesbitt and Ed Pope)

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**8. Item #9 – Implementation of S.B. No. 100 regarding conducting election and selecting future election date**

Jimmy Skipton

- Counties no longer holding elections on even numbered years in May.
- Options are: 1) conduct our own election, 2) move election to November, or 3) move election to May in odd numbered years.
- Recommended that the Board gather input and present for vote at next scheduled Board Meeting.

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**Public Comments:**

No public comments provided

**Board & Staff**

Mark Key

- o The District cannot afford to hold elections without assistance from the county.

**Motion**

Mark Key: To move election to November 2012 per S.B. 100

Joan Jemigan: Seconded motion

Vote: 5-0 in Favor (Jimmy Skipton, Mark Key, Joan Jemigan, Greg Nesbitt and Ed Pope)

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**9. Item #6 – Update 2012 District Budget**

Rick Broun

- o Presented the proposed 2012 Budget for Board review.

**Public Comments:**

No public comments provided

**Board & Staff**

Jimmy Skipton

- o Commissioner Ray Whisenant worked to get the District approved for \$125,000
- o Add funds to budget for travel, meals, and mileage.
- o Adjusting cost of vehicle should move budget from red to black

Mark Key

- o 2012 election expenses should be less than proposed budget indicates.

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**8:15 p.m. Meeting Adjourned**

Approved: \_\_\_\_\_

Jimmy Skipton, President

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

10-20

2011

Approved \_\_\_\_\_

Mark Key, Secretary/Treasurer

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

10-20

2011