

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

Date: Wednesday, June 19, 2013
Time: 6:00 pm
Place: Wimberley Community Center
Located: 14068 RR 12, Wimberley, Texas 78676

6:05 pm: Board Meeting Call to Order

Board Present: Jimmy Skipton-President, Mike Cox-Vice President, Mark Hastings-Secretary Treasurer, Greg Nesbitt & Edward Pope

Staff Present: Rick Broun-General Manager, Tressy Gumbert-Administrative Assistant & 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:
 - All Board Members present
- **General Comments from Board & Staff:**
Rick Broun:
 - There were 12 new well registrations in May, 50 YTD, 73 budgeted.
 - There were 10 public water connections in May, 34 YTD, 56 budgeted.
 - The District's website has undergone multiple updates which include:
 - i. Operating, Renewal & Amendment Permit Applications, Well Modification and Variance Request forms can now be completed on-line and submitted electronically rather than printed and mailed.
 - ii. Permit holders can now see their year-to-date production when they go online to enter their Quarterly Reporting.
 - iii. Fitzhugh Corners has been added to Water Level Monitoring map as a transducer well.
 - iv. Articles written and submitted to the newspaper by the District are now available for viewing on the website under Public Education Outreach – Articles.
 - Request that the Board please inform staff of any meetings, tours, events or lectures you attend concerning groundwater.
 - The District always wants to encourage the use of rainwater collection systems on all new homes, businesses and on existing buildings. We further promote artificial recharge of the aquifer through such means as proper brush management and re-establishing deep rooted native grasses.
- **Public Comments concerning non-agenda items:**
The following provided comments: 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 April 17 & May 16, 2013, Board Meeting Minutes

Motion

Greg Nesbitt: Approve consent items one through three.
Mark Hastings: Seconded
Vote: 5-0 in Favor (Jimmy Skipton, Mike Cox, Mark Hastings, Greg Nesbitt & Ed Pope)

Discussion and Possible Action Agenda Items:

Item #5 – Second Quarter update concerning complaints of waste or possible waste

Public Comments:

No public comments provided

Board & Staff:

Rick Broun:

- Complaints received, none
- Year-to-Date, none
- Board to discuss any recent issues with waste and determine if any amendments to the rules are recommended to prevent waste.

Motion

Jimmy Skipton: District Rules do not need to be amended to prevent waste or possible waste.

Greg Nesbitt: Seconded

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

Discussion and Possible Action Agenda Items:

Item #6 – Drought Briefing

Public Comments:

No public comments provided

Board & Staff:

Rick Broun:

- Water level averages taken between May and June, south of Camp Ben, down 2.8 feet, north of Camp Ben, down 3.3 feet.
 - District triggers indicate that the Pedernales River flow is on day 9 within drought stage Emergency. The Blanco River is still flowing well and is currently on day 25 within drought stage Alarm. The District requires that both rivers run 60 consecutive days above a trigger in order to move out of a drought stage.
 - Drought Stage will remain in Critical.
 - Presented and reported on the latest US Drought Monitor map and the Palmer Drought Severity Index.
 - The Texas Drought Preparedness Council Situation Report for the second quarter, June, will be collected and added to the District's 2013 Annual Report once the report has been posted.
 - District staff is updating the table of water levels measured monthly and will provide the total years collection within the District's 2013 Annual Report.
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Item #7 – Update and Review Telemetry System Project for Wizard Academy

Public Comments:

No public comments provided.

Board & Staff:

Rick Broun:

- Bee Cave Drilling, on June 5th, was not able to remove the existing equipment from the well.
 - Well is being capped.
 - The \$5500 donated by Wizard Academy will be used to install a telemetry system in a different well of the District's choice.
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Item #8 – Review if GMA9 should declare the Ellenberger, Hickory, Marble Falls, Upper Glen Rose Aquifers along with Edwards Aquifer in Bandera County as “non relevant” for regional groundwater planning purposes.

- The GMA9 Committee would like to take action on this matter at its upcoming June/July meeting.

Public Comments:

No public comments provided.

Board & Staff:

Al Broun:

- Presented a memo which included background information, views from other GCD's as well as recommendations in regards to relevance of minor aquifers within the Management area.
- The Ellenberger, Hickory and Marble Falls aquifers are Paleozoic and are limited to Blanco County within GMA9. The Paleozoic aquifers have no bearing on the HTGCD.
- The Edwards Aquifer in Bandera County has no bearing on the HTGCD.
- HTGCD has the option to separate the Trinity sub-aquifers within the District, however there has been no technical discussion on the merits of subdividing the aquifer. Also by breaking up the Trinity we limit our DFC options.

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- Recommends that the HTGCD Board give the District representative authorization to vote yes for declaring the Ellenberger, Hickory and Marble Falls aquifers "not-relevant". (This is business best left to the BPGCD Board and staff) and;
- Vote yes for declaring the Edwards Aquifer in Bandera County "not-relevant". (Again, this is best left to the District) and;
- Vote no for any declaration that the Upper Glen Rose aquifer be classified "not-relevant" or that the Upper Glen Rose aquifer be separated from the Hill County Trinity Aquifer within the GMA9.
- If all the aquifers to be classified as "not-relevant" are bundled together in a single vote, the HTGCD should vote no.

Motion

Mike Cox: Accept Al Broun's recommendation in voting yes to declare the Ellenberger, Hickory and Marble Falls aquifer and the Edwards Aquifer within Bandera County as not-relevant and vote no to declare the Upper Glen Rose aquifer as not-relevant.

Ed Pope: Seconded

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

Item #9 – Update on HB 3903

Public Comments:

No public comments provided.

Board & Staff:

Jimmy Skipton:

- House Bill 3903 was approved. District will begin updating rules to reflect changes made in the HB.
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Item #10 – Replace GMA9 representative Jimmy Skipton with Rick Broun

- Resolution 20130619

Public Comments:

No public comments were provided.

Board & Staff:

Jimmy Skipton:

- As Board President, would like to appoint General Manager, Rick Broun to be the District's GMA9 representative.
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Motion

Greg Nesbitt: To approve Resolution 20130619 to make Rick Broun the District's GMA9 representative.

Mark Hastings: Seconded

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

Discussion Only: Agenda Items

Item #11 – Update on monthly Water Balance Report concerning pending permit applications, renewal applications and amendment applications.

Public Comments:

None provided

Board & Staff:

Rick Broun:

Pending Operating Permit Applications:

- Elder Hill Cottages – JP & LP Rentals
 - No formal Contested Case Letters were submitted to the District office by the deadline date.
 - The permit was completed and mailed to the applicant.
- Whisenant & Lyle – Cedar Cove Investments, L.P.:
 - No formal Contested Case Letters were submitted to the District office by the deadline date.
 - The permit was completed and mailed to the applicant.
- Hays Municipal Utility District #5 - Highpointe Subdivision Strom Water Ponds
 - Requesting 50 acre feet per year to fill 8 ponds
 - Lots of discussion between General Manager, applicant and interested parties. Meeting with applicant continues.

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- Twisted "X" Brewery – Key Enterprises Inc / Howard Land & Cattle LTD
 - Requesting 6 acre feet per year to brew beer and use for landscaping
 - Staff recommendations were posted in the newspaper on June 6, 2013
 - Deadline date to submit formal contested case letters to the District is Tuesday, June 25, 2013. No contested case letter filed at this time.
- Riverwild Subdivision
 - Has contacted the District in regards to an operating permit. Meetings with applicant continue.
 - No application has been completed and submitted at this time.

Item #12 – District staff will be updating 2007 Bylaws and Policies.

Public Comments:

No public comments provided

Board & Staff:

Rick Broun:

- Per recommendation from the State Auditor's Office, staff will be updating District Bylaws and Policies.
- A future public hearing will take place for the Board to discuss and take possible action on updated documents.

Mike Cox:

- Requests that changes to the documents are tracked for easier review.

Item #13 – Review Financial Audit for years 2010, 2011, and 2012

Public Comments:

No public comments provided

Board & Staff:

Rick Broun:

- The Financial Audits are still being worked on by Neffendorf, Knopp, Horry & Doss.

Item #14 – Review State Auditor's Office Audit for years 2011 and 2012

Public Comments:

No public comments provided

Board & Staff:

Rick Broun:

- In working with the State Auditor's Office as they conduct audits for 2011 and 2012 the District learned that Bylaws and Policy changes are needed.
- The audit has been a positive and educational experience.
- The State Auditor's Office has provided letters to the Board and General Manager

Discussion and Possible Action Agenda Item:

Item #4 – Update on Contested Case Lawsuit: Plaintiffs vs. HTGCD

- Wimberley Valley Watershed Association
- Johanna L. Smith, H.K. Acord, Janet Acord, James R. McMeans and David Glenn

Public Comments:

The following provided comments: Jon Cobb

Board & Staff:

Jimmy Skipton:

- Was present during the hearing earlier today. The Judge heard both sides and with no new findings announced that his previous ruling still stands.

6:45 p.m. Into Executive Session


7:15 p.m. Out of Executive Session, Reconvene Regular Meeting

Board & Staff:

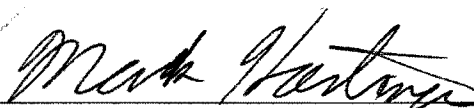
Jimmy Skipton:

- No action taken during Executive Session.
- District will be calling a special meeting within the next couple of weeks in regards to the lawsuit.

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7:16 p.m. Meeting Adjourned
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Approved: 
Jimmy Skipton

President: 7-31-2013

Approved: 
Mark Hastings

Secretary/Treasurer 7-31-2013