Hays Trinity Groundwater Conservation District

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

**Date: Thursday, May 7, 2020**
**Time: 6:00 pm**
**Teleconference**

**6:04 p.m.: Board Meeting Called to Order**

**Board Present:** Linda Kaye Rogers - President, Holly Fults – Vice President, John Worrall – Secretary/Treasurer, Doc Jones, and Jeff Shaw

**Board Absent:** None

**Staff Present:** Charlie Flatten – General Manager, Kayla Shearhart – Assistant General Manager, Philip Webster - Hydrogeologist, Keaton Hoelscher – Geo-Technician

**Legal Counsel Present:** Greg Ellis

**Commissioner Present:** Lon Shell

- **Board Roll Call:**
  Charlie Flatten:
  - Roll call, a quorum of the Board is present.
- **General Public Comment(s):** Cynthia Marion
- **General Comments and Announcements from Board & Staff:** None

**General Manager's Report:**
Charlie Flatten:
- District is adapting to working from home, following State and Local authority directives.
- By order of the Governor, the District Office has been closed to visitors.
- Staff will take calls and conduct business as long as practicably able.
- Implemented a remote meeting platform that conforms to the Attorney General's relaxation of the Open Meetings Act.
- Online/Phone call meetings
  - BRATWURST
  - Kinder Morgan Pipeline
  - Rule 3.10
  - Some meetings are being postponed
- Financial Audits are in progress.
- Education and Outreach: Webpages are being updated and articles have been written for the Wimberley View.
- Continuing work on updating forms.
- Rule 15 Implementation will roll-out soon.
  - Currently developing list of Stakeholders.
  - Implementation starting the week of May 11th.
- 3 new well registrations in April 2020.
- 12 new public water supply connections in April 2020 (1 – Aqua TX; 1 – WWSC; 10 – DSWSC).
- Kinder Morgan Pipeline
  - Communication with Hays County and Commissioner's Court
  - Communication with Neighboring GCDs
  - Providing resources
  - Made staff available to answer questions
- Encourage rainwater harvesting and proper brush management and alternative water sources.

**Status of Drought Briefing:**
Charlie Flatten:
- Pedernales River and Blanco River remain below drought levels.
- The trigger for the new JWGMZ indicates we should be in 20% curtailment; the 10-day running average discharge is 4.35 cubic feet per second (cfs).
- PWS are within 2% of historic use for the last two months.

**Science Update:**

Keaton Hoelscher:

- On April 7, District received notice of the Dripping Springs Shopping Center. District sent comments to send back to TCEQ.
- On April 10, District received notice of the Big Sky Ranch Phase 2 (residential subdivision) project. District sent comments to send back to TCEQ.
- On April 24, District received notice of the RM 12 road improvement project. District sent comments to send back to TCEQ.

Philip Webster:

- Burton Well Report
  - Log, pump test, geology, etc.
- Groundwater Modeling
  - BRATWURST meeting
  - Edwards-Trinity GAM meeting

**Board Comments:**

Linda Kaye Rogers:

- Legislative Committee Appointment
  - Jeff Shaw, Holly Fults, Lon Shell, and Walt Smith

Holly Fults:

- Asked Charlie to give an update on the Rule 13 Stakeholder's Process.

Charlie Flatten

- Stakeholder Process is bound to the 3.10 process.
- Gathering permittees and exempt well owners to spend next year collecting input.
- Goal is to make better drought rules moving forward for the next 10 years.
- Developing timeline.
- Plan to bring in outside expertise on Case Law and Chapter 36 TWC.

*Some further discussion between the Board of Directors and Charlie Flatten on Rule 13 stakeholder's invitation (whose being invited, how many will be invited, and why).*

---

**Consent Items**

**Item #1: Approval of Bank Reconciliations & Monthly Invoices**

**Item #2: Approval of March Financial Report, Balance Sheet, and Budget to Actual Report**

**Item #3: Approval of April 2, 2020 Board Meeting Minutes**

**Board & Staff Discussion:**

John Worrall:

- Income (Jan-March) was $61,000; less than projected.
- $821,000 in MM; $17,000 in checking; $838,000 total assets.
- Expenses (Jan-March) were 175,000; almost exactly as budgeted.
- Net Income: $-114,000.
- Staff-controlled expenses are under control.
- By next meeting, hopefully will have some strategies to address lower income.

**Motion:**

Doc Jones: Motion to approve Bank Reconciliations and Monthly invoices and approve of March's Financial Report, Balance Sheet, and Budget to Actual Report.

Holly Fults: Seconded

**Vote:** 5-0 In Favor (Doc Jones, John Worrall, Holly Fults, Jeff Shaw, and Linda Kaye Rogers); motion passed

**Motion:**

Doc Jones: Motion to approve minutes from April 2, 2020.

Jeff Shaw: Seconded.

**Vote:** 5-0 In Favor (Doc Jones, John Worrall, Holly Fults, Jeff Shaw, and Linda Kaye Rogers; motion passed

---

**Discussion and Possible Action**

ıy 7, 2020

**ɜm #1: Approval of 2019 HTGCD Annual Report**

**Board and Staff Discussion:**

*Board of Directors and Staff discussed the HTGCD 2019 Annual Report.*

**Motion:**

John Worrall: Motion to approve the 2019 HTGCD Annual Report.
Doc Jones: Seconded.

Vote: 5-0 In Favor (John Worrall, Doc Jones, Jeff Shaw, Holly Fults, Linda Kaye Rogers); motion passed

**Item #2: Approve Publication of DRAFT Rule 1.7 and Direct GM to Schedule Public Hearing**

**Motion:**

John Worrall: Motion to put Rule 1.7 out for public comment.
Holly Fults and Doc Jones: Seconded.

**Vote:** 5-0 In Favor (John Worrall, Doc Jones, Jeff Shaw, Holly Fults, Linda Kaye Rogers); motion passed

**Item #3: Approval of Document giving HTGCD Financial Support of Cypress Creek Watershed Protection Plan Groundwater Quality Monitoring**

**Board and Staff Discussion:**

Charlie Flatten:

- Reviewed minutes from November Board Meeting.
- Asked Nick Domak to develop a document outlining his request from the Board.
- Annual bill of $155 every 6 months.

**Motion:**

Jeff Shaw: Motion to accept invoice and agree to pay $155 semi-annually.
Holly Fults: Seconded.

Vote: 5-0 In Favor (John Worrall, Jeff Shaw, Holly Fults, Doc Jones, Linda Kaye Rogers); motion passed

**Item #4: Kinder Morgan Permian Highway Pipeline Strategy**

**Board and Staff Discussion:**

Linda Kaye Rogers:

- Invited Commissioner Shell to participate in this discussion.

Charlie Flatten:

- Putting together a package of information to use as tools moving forward.
  - GIS mapping.
- Gave multiple resources for well owners to contact for water quality testing services for benchmark testing.
- Well owners are calling the District asking how to protect their well.

Linda Kaye Rogers:

- There has already been a leak into the aquifer during boring under the Blanco River in Blanco County; probability will occur again.

Charlie Flatten:

- Reached out to Commissioner's Court via letter; offered District staff (hydrogeological staff) and resources.
  - Collecting TRRC and other information to stay up to date
  - Moving forward: would like to stay in contact with BPGCD and BSEACD to have unified voice.

Commissioner Lon Shell:

- County rescinded permit to bore under county roads.
- Asked Kinder Morgan to identify karst features and development karst plan.
  - No comments from Kinder Morgan.
- Looking for HTGCD and BSEACD to make staff available to evaluate and review KM plans.

- If there is risk, Kinder Morgan should notify well owners within a ½-mile radius.
- Asking GCDs to be the experts.

*Discussion regarding the authority of Hays County and Kinder Morgan's requirements before bore drilling between Commissioner Lon Shell and Board of Directors*

**Motion:**

Linda Kay Rogers: Motion to Authorize District GM to represent the District to work on the Kinder Morgan project with the Hays Commissioner's Court and to use his judgment on how the District can assist.

Holly Fults: Would like to recuse herself from voting due to her livelihood in oil and gas (from this and any future vote/issue before the Board).

Vote: 4-0 In Favor (John Worrall, Doc Jones, Jeff Shaw, Linda Kaye Rogers); Holly Fults abstained; motion passed

**Item #5: Waiver of Some or all Curtailment in the Jacob's Well Groundwater Management Zone due to COVID-19 Conditions**

**Board & Staff Discussion:**

Linda Kaye Rogers:

- Asked Charlie Flatten to present information about pumping.

Charlie Flatten:

- Brief survey of pumping from the large PWS.
  - Comparing current production to historic production.
- Gave forecast of precipitation from NOAA.

Linda Kaye Rogers:

- Trigger indicates JWGMZ should be in 20% curtailment for May.
- Wimberley Water Supply Corporation has been 10% drought since last August.

*Discussion among Board of Directors and Staff about how a curtailment would be implemented*

Garrett Allen (Wimberley Water Supply Corporation):

- How would wells in the zone and out of the zone operate under this curtailment?

*More discussion among Board of Directors about whether to enact a curtailment*

**Motion:**

Doc Jones: Motioned to go into 20% curtailment as required by rule, but use permitted amount instead of baseline (clarification by Greg Ellis)

Vote: 4-1 In Favor (Yay = John Worrall, Doc Jones, Jeff Shaw, Linda Kaye Rogers; Nay= Jeff Shaw); motion passed

**Item #6: "Stand Still" Agreement in Dripping Springs WSC Fee Dispute**

.....

**8:10 pm: The Board recessed into Executive Session to consult with their Attorney (Texas Government Code Section 551.071)**

**8:55 pm: Reconvened from Executive Session**

No decisions were made, and no action was taken.

.....

**Board and Staff Discussion:**

*Greg Ellis discussed stand-still agreement and situation with DSWSC.*

**Motion:**

Holly Fults: Motion to approve the "Stand Still" agreement as presented, contingent upon current fees that are from quarter 1 to be pated by Dripping Springs Water Supply Corporation by May 29, 2020.

Vote: 5-0 In Favor (John Worrall, Doc Jones, Holly Fults, Jeff Shaw, Linda Kaye Rogers); motion passed

---

**Future Agenda Items**

- Discussion and Possible Action: 2019 Annual Notice of Alleged Violation Actions

---

**Adjournment**

**Motion:**

Doc Jones: Motion to adjourn.
Jeff Shaw: Seconded

**Vote:** 5-0 In Favor (Linda Kaye Rogers, Holly Fults, John Worrall, Jeff Shaw, and Doc Jones); motion passes.

**9:00 p.m.: Meeting Adjourned**

---

Approved: Linda Kaye Rogers, President; June 17, 2020
Linda Kaye Rogers

Approved: John Worrall, Secretary/Treasurer; June 22, 2020
John Worrall