

MINUTES OF
October 25, 2023
BOARD MEETING
CENTRAL TEXAS GROUNDWATER
CONSERVATION DISTRICT

The Board of Directors of the Central Texas Groundwater Conservation District held a Show Cause Hearing, a Hearing on Proposed Re-Adoption of District Management Plan, a Permit Hearing, and a Regular Board Meeting on Wednesday, October 25, 2023 at 9:00 a.m. at the District Office, 225 S. Pierce Street, Suite 104, Burnet, TX 78611.

Members Present: Ryan Rowney, President Ricky Bindseil, Vice-President
Kathy Griffis-Bailey, Secretary/Treasurer Homer Will, Director Paul King, Director
Staff and/or Consultants Present: Mitchell Sodek, General Manager Shrader Davis, Groundwater Technician Donnita Coats, Office Manager Bill Dugat, District Legal Counsel
Others Present: 6 Members of the Public

President Rowney declared a quorum present and called the Meeting to order at 9:00 a.m.

President Rowney then called for the Invocation and Pledge of Allegiance to the Flags.

President Rowney then asked for Public Comment. There were no public comments.

President Rowney then called the Show Cause Hearing to order at 9:02 a.m.

President Rowney stated that the well owners/permittees identified below have been noticed to appear before the Board and required to show cause why a suit should not be initiated against the person in a court of competent jurisdiction for failure to comply with the orders or Rules of the Board, the relevant statutes of the State, or failure to abide by the terms and provisions of a permit issued by the District or the operating authority of the District:

OP-18081301 Tributary Sporting Club

General Manager Sodek informed the Board that this hearing was a continuation of the previous hearings on August 21, 2023 and September 15, 2023 and that there had been several conversations between the District and attorneys for Tributary Sporting Club regarding language in the Agreed Order. District Counsel Dugat informed the Board that following the September 15th hearing nothing was heard from Tributary Sporting Club or their attorneys until the end of last week and a draft of proposed language changes to the Agreed Order that they were requesting was received on Monday. President Rowney asked for public comment and a member of the public, who is a neighbor to Tributary Sporting Club, asked the location of pumps on property and what aquifer they were in. General Manager Sodek said that he would meet with her to give her this information.

President Rowney then announced that the Board would go into Executive Session at 9:06 a.m. to consider the agenda item under Texas Open Meetings Act, Chapter 551.071, Government Code, Vernon's Texas Codes, annotated for consultation concerning attorney- client matters.

President Rowney reconvened the Regular Session at 9:25 a.m.

President Rowney then called for consideration and/or action relating to the Show Cause Hearing.

Kathy Griffis-Bailey moved to:

Continue this matter until the November meeting with the date to be decided and to authorize the Board President and General Manager Sodek to negotiate the terms of the Agreed Order.

Second was by Paul King.

Vote on the motion carried.

President Rowney adjourned the Show Cause Hearing and reconvened the regular meeting at 9:26 a.m.

President Rowney then called the Public Hearing on the Proposed Re-Adoption of the District Management Plan to order at 9:26 a.m.

President Rowney then asked for the General Manager's recommendation on proposal to update the District Management Plan. General Manager Sodek informed the Board that the update was to include new Desired Future Conditions (DFC's) and Modeled Available Groundwater (MAG) figures since the last round of planning which was done a few years ago. He stated that a redline draft of the proposed update was posted on the District website for 20 days and he reviewed the proposed updates.

President Rowney asked for public comment on the proposal to update the District Management Plan. A member of the public asked if models and calculations were from the Texas Water Development (TWDB) and the Lower Colorado River Authority (LCRA). General Manager Sodek informed the public that modeling and projections are groundwater based and LCRA is a surface water entity. Groundwater models were approved by the TWDB and MAG figures were provided by the TWDB. No written public comment was received by the District.

President Rowney then asked for consideration and/or action on approval of a Resolution Re-Adopting the District Management Plan.

Kathy Griffis-Bailey moved to:

Adopt the resolution re-adopting the District Management Plan as amended.

Second was by Paul King.

Vote on the motion carried.

President Rowney adjourned the hearing and reconvened the regular meeting at 9:34 a.m.

President Rowney then called a Permit Hearing to order at 9:34 am. He asked for the General Manager's recommendation on Permit Application OP-10101915-A - Sunset Water Utilities/Ricky and Sandra Rowe. The Permit Application has been determined to be administratively complete and are in accordance with District Rules.

General Manager Sodek informed the Board that the permit would be for Skyline Terrace Subdivision which already has a Grandfathered Use Permit with the District that includes two wells, #3714 and #3715, and that they were requesting an additional 7 acre feet of water to be associated with only well #3714. They have contiguous groundwater rights to produce the water from the lot that has the well #3714 on it. Because contiguous groundwater rights are for well #3714 only, General Manager Sodek recommended approving an Existing Well Operating Permit 6.7 acre feet for well #3714 which will also remain on the grandfathered use permit.

President Rowney opened the hearing for public comment on the Permit Application. One member of the public asked where the wells were located in the county. The wells are located west of Burnet off of Highway 29. President Rowney ended the public comment on this permit application.

President Rowney then asked for consideration and/or action on Permit Application OP- 10101915-A- Sunset Water Utilities/Ricky and Sandra Rowe/Skyline Terrace Subdivision.

Paul King moved to:

Approve Operating Permit OP-10101915-A - Sunset Water Utilities/Ricky and Sandra Rowe/Skyline Terrace Subdivision.

Second was by Kathy Griffis-Bailey.

Vote on the motion carried.

President Rowney adjourned the permit hearing and resumed the regular meeting at 9:41 a.m.

President Rowney then asked for consideration and/or action on FY 24 USGS Joint Funding Agreement for Spring Monitoring. General Manager Sodek reviewed the standard agreement to monitor and measure Delaware Springs.

Paul King moved to:

Approve the FY 24 USGS Joint Funding Agreement for Spring Monitoring. Second was by Ricky Bindseil.

Vote on the motion carried.

President Rowney then asked for consideration and/or action on setting a Rule Making Hearing for Proposed Rule Change § 7.83 Petition for Adoption or Modification of Rules. General Manager Sodek reviewed a rule created by new legislation from the last legislative session requiring adoption of the rule. The rule must be adopted by December 1, 2023 following a mandatory hearing on the rule change which requires a 20 day published notice.

Ricky Bindseil moved to:

Set a Rule Making Hearing on Proposed Rule Change § 7.83 Petition for Adoption or Modification of Rules for November 17, 2023 at 9:00 a.m.

Second was by Homer Will.

Vote on the motion carried.

President Rowney then asked for consideration and/or action on Requests for Waiver of Penalty and Interest on Taxes – Consuelo & Jaime Villalon; Matt DeBow & Partners.

Kathy Griffis-Bailey moved to:

Deny the Request for Waiver of Penalty and Interest on Taxes for Consuelo & Jaime Villalon.

Second was by Ricky Bindseil.

Vote on the motion carried.

Ricky Bindseil moved to:

Deny the Request for Waiver of Penalty and Interest on Taxes for Matt DeBow & Partners.

Second was by Kathy Griffis-Bailey.

Vote on the motion carried.

President Rowney then asked for consideration and/or action on Determination of the Drought Stage. General Manager Sodek reviewed Palmer Hydrogeologic Drought Index graphics which show extreme drought. Even with recent rainfall the water levels are still below average. A hearing would have to be held by December 31, 2023 to continue a 15% mandatory reduction of permitted volume imposed on permit holders for 2024. He recommended no change from the Stage 4 Critical Drought Stage. No action was taken.

President Rowney then asked for consideration and/or action on Minutes of the Regular Board Meeting held on September 15, 2023.

Kathy Griffis-Bailey moved to:

Approve the minutes of the Regular Board Meeting held on September 15, 2023.

Second was by Ricky Bindseil.

Vote on the motion carried.

President Rowney then asked for consideration and/or action on Expenditures for September 2023; Budget Line-Item Adjustments; Review of 2022-2023 Budget and Quarterly Report on Investments. General Manager Sodek reported that the following line item adjustments were made to the budget:

Moved \$9500.00 from Expenses – Payroll Expenses – Intern and/or PTE to Expenses – Payroll Expenses – Salary & Wages

Moved \$1463.83.00 from Expenses – Payroll Expenses – Retirement Fund to Expenses – Payroll Expenses – Salary & Wages

Moved \$613.77 from Expenses – Payroll Expenses – Retirement Fund to Expenses – Payroll Expenses – Health Insurance

Moved \$216.08 from Expenses – Payroll Expenses – Payroll Expenses Other to Expenses - Payroll Expenses – Health Insurance

Public Funds Investment Officers, Mitchell Sodek and Donnita Coats, gave the Board a Quarterly Report on the Investment Position of the District for the quarter ending September 30, 2023 in accordance with Section IV of the Public Funds Investment Policy of the District.

Kathy Griffis-Bailey moved to:

Approve the Expenditures for September 2023 and the Budget Line Item Adjustments as reported.

Second was by Ricky Bindseil.

Vote on the motion carried.

President Rowney then called on the General Manager for the General Manager and/or Staff Report and Update.

a. Well Registrations & Permitting

Well Applications are averaging 30 per month.

b. Stakeholder Committee on District Rules

The fifth and final meeting of the committee was held on October 17, 2023. A final report is being written by the Stakeholder Committee Facilitator and a draft of proposed rule changes has been prepared by General Manager Sodek and District Legal Counsel Dugat. The Stakeholder Committee report and a draft of the proposed rule changes will be presented at a Work Session on November 7, 2023 at 1:00 p.m. at the District Office. A rulemaking hearing will be held in the future before any changes are made to the District Rules.

c. INTERA County Groundwater Study

General Manager Sodek reviewed the groundwater study presentation given to the Burnet County Commissioners Court by Dr. Neil Deeds, Intera Inc. The study was conducted for the county and the data in the study will help the District manage groundwater with a new conceptual model.

d. HHW October Event

Homer Will and Ricky Bindseil reported that the event was a success and thanked Kathy Griffis-Bailey and Paul King for helping at the event. No figures on collections were available at this time.

President Rowney then called for Director Comments. Paul King and Kathy Griffis-Bailey reviewed suspicious emails that they had received on their District email accounts. General Manager Sodek will report the suspected emails to the email host for the District.

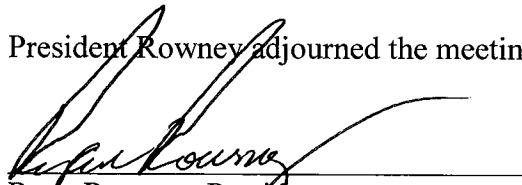
Ricky Bindseil noted the county burn ban had been lifted by the county.

President Rowney then called for agenda items for the next Regular Board Meeting.
Continued Show Cause Hearing for Permittees in violation of Rules if needed
Rulemaking

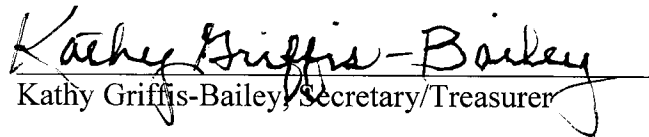
Directors may contact the General Manager or Board President prior to the deadline for posting notice of the next meeting if they have a suggested agenda item.

President Rowney then set the date for a Work Session for November 7, 2023 at 1:00 p.m. and the next Regular Board Meeting, Rule Making Hearing, and continued Show Cause Hearing if needed for November 17, 2023 at 9:00 a.m. at the District Office.

President Rowney adjourned the meeting at 10:38 a.m.



Ryan Rowney, President



Kathy Griffis-Bailey, Secretary/Treasurer