



May 5, 2017

Director Jimmy Skipton
P.O. Box 1648
Dripping Springs, Texas
78620

via email: jimmyskipton@gmail.com

Dear Director Skipton,

It has come to our attention that you were recently elected to serve on the Board of the Dripping Springs Water Supply Corporation (DSWSC). Given your recent election to the DSWSC Board, we are respectfully requesting that you step down from your position as Board Director of the Hays Trinity Groundwater Conservation District (HTGCD). While we understand your desire to serve the public, we believe that serving on both boards gives rise to an appearance of a conflict of interest. DSWSC is currently the largest permit holder within HTGCD's jurisdiction.

Section 36.051 of the Texas Water Code actually prohibits a groundwater conservation district board member from serving on the board of a water supply corporation, likely to avoid this appearance of a conflict of interest. This section does not apply, however, to groundwater districts with populations less than 50,000 because in smaller counties, it is difficult to find individuals willing to serve on groundwater district boards.

Because Chapter 36 does not define "population," we must turn to the the Code Construction Act, which defines "population" as the figure based on the most recent decennial census. The most recent decennial census from 2010 estimated the population within HTGCD to be approximately 36,000. However, the Texas State Demographic Center estimates that the current population within HTGCD is approximately 85,000.

While technically, it may be legal for you to serve on both the HTGCD board and the DSWSC board, doing so is not consistent with Section 36.051's intent—to avoid conflicts of interests in areas where the population is large enough to support a variety of individuals to serve on public boards. The current population within HTGCD surpasses the population limit in 36.051, and we are confident that there are numerous, well qualified individuals who would be

willing to replace you. The public interest is certainly better served by a diverse group of representatives serving on the HTGCD Board.

We hope that you will seriously consider our request and step down from your position on the Board of HTGCD so that the citizens of Hays County can have confidence that their interests are being served.

Respectfully,



Vanessa Puig-Williams
Executive Director and General Counsel, TESP
www.tespatexas.org

cc: Greg Ellis, General Counsel, HTGCD
Rick Broun, General Manager, HTGCD
Linda Kaye Rogers, President, HTGCD