

TEXANA GROUNDWATER CONSERVATION DISTRICT MEETING

Meeting Minutes
August 6, 2010
Jackson Co. Services Bldg.

Members Present: Michael Skalicky, Robert Martin, Jim Revel, Ray Brundrett

Members Absent: Bo Malek

Guests Present: Carl Critendon, Fredrick Woodland, Johnny Dugger, Zac Ferguson, Darrell Ferguson, Alton Hermes, Chris Lundstrom, Hensley Weaver, Ronnie Childs, Theodore Kallus, Lee Hafernick, Lindsey Bradford, Bobby Genke, Jr., Mike Greer, Don Frels, R.G. Terry, Kelvin Morton, Fred Westhoff, Morris Sadler, David Meek, David Frankson, Jr.

The meeting was called to order by Mr. Skalicky, President of the Board, at 8:05 A.M.

The minutes of the July 23, 2010 board meeting were read by Mr. Skalicky, Board President. Mr. Brundrett moved that the minutes be approved as read; Mr. Martin seconded the motion and the motion carried.

Mr. Revel provided info about the November ballot pertaining to the ad valorem tax. Someone on the Board needed to attend the County Commissioners' Court (CCC) meeting on August 9th to be available to address the ad valorem proposition, which was listed as an action item on their agenda. Mr. Scalicky volunteered. In addition a contract between the Board and the CCC will have to be executed for the County to add the proposition to the ballot and conduct the election. Mr. Revel also informed the Board about discussions with the County Clerk's office and the Texas Secretary of State Office concerning election of Board members. Per the Secretary of State's Office, election of Board members cannot occur until May, 2011. Their office will get back with the TGCD Board about procedures to follow for position applications and the election ballot.

It was mentioned by Ms. Bradford that the Edna ISD will have a tax initiative on the November ballot also.

A bonding application was handed out to each Board member to complete when the meeting was adjourned.

There was a discussion about Mr. Malek's continued participation on the Board or was he going to resign due to employment conflicts. No one could provide any information about his status and it was recommended that a Board member contact Mr. Malek to ascertain his status.

Mr. Revel presented a schedule and copies of Public notices that will be posted for Public Meetings in August and September. He also mentioned that he would have an ad placed in the Edna Newspaper in August and September announcing the meetings.

Mr. Skalicky stated that he would contact the Jackson Co. Soil and Water Conservation District to follow-up on their donation of \$1500 to the TGCD.

Mr. Revel introduced a DRAFT TGCD Management Plan for consideration and review at the Public meetings. He reviewed the 12 performance objectives and standards, as well as the major topics in the plan. It was generally agreed that the plan submitted would be the DRAFT Management Plan presented to the citizens for public comment.

Mr. Martin introduced the TGCD Rules for consideration and review at the Public meetings. A discussion pursued about inclusion of the previously presented Board resolutions. Comments from guests indicated a desire to keep the rules simple, but similar to the VGCD rules. Mr. Revel presented a version of the resolutions that could be incorporated with Mr. Martin's version of the rules that was similar to VGCD rules. It was generally agreed that Mr. Revel's version and Mr. Martin's version be merged to become the Draft TGCD Rules presented to the citizens for public comment.

Mr. Revel agreed to finalize the DRAFT TGCD Management Plan and the DRAFT TGCD Rules, as agreed to by the Board. Mr. Brundrett offered to have sufficient copies available for the first public meeting scheduled for August 11 in Ganado. Mr. Revel stated that he also would work with Ms. Kim Vasquez, Jackson County Auditor's Office, to finalize the TGCD website and have copies of both documents on the website with a comment sheet for citizens' input.

The next TGCD business meeting was verified to be August 19, 2010. Mr. Skalicky stated that the meeting would begin at 8:00 A.M at the County Services Bldg.

There being no further business, Mr. Brundrett moved that the meeting be adjourned. Mr. Martin seconded the motion and the motion carried. The meeting was adjourned at 10:35A.M.

James (Jim) L. Revel – Board Secretary

Texana Groundwater Conservation District
Public Meeting
August 11, 2010

Location: Assumption Parish Hall, Catholic Church, Ganado, Texas

Board Members present: Michael Skalicky, Robert Martin and Ray Brundrett

Public attendees: 13 people attended the meeting.

At 7:15PM, the meeting was called to order by Michael Skalicky, President of the TGCD. At this time, copies of the Management Plan and the Rules and Regulations were passed out to those attending.

The purpose of the public meetings was presented by Mr. Skalicky, President of the Board. The main purpose is to get input from the public so that the Management Plan Rules can be adopted that meets the needs of Jackson County's citizens. It was emphasized that the Plan and Rules are needed to manage, conserve, preserve and protect the groundwater in Jackson County for the benefit of all citizens. They will be adopted by the Board after full consideration of the public's input.

Mr. Skalicky explained the purpose and mission of the TGCD, what it will do for Jackson County and how it will perform its functions. The Mission is to manage, conserve, preserve and protect the groundwater resources of the District.

Twelve (12) goals in the Management Plan of the TGCD were explained. Each goal has an objective and performance standards to meet the goal. Performance standards are audited by a state agency to determine if the TGCD is functioning properly.

The Rules were explained. Most of the explanation was relative to domestic wells and that they were exempt from regulation under the rules that being considered.

In the proposed Rules, the issues of eminent domain and governance by a locally elected Board of Directors were explained by Robert Martin. If the TGCD does not come into compliance, the State can appoint another organization to run the TGCD. The organization might be an adjacent groundwater conservation district or a river authority. Several citizens attending the meeting emphasized the importance of not having another organization managing groundwater in the District.

Mr. Jim Fowler asked if each rule change would require legislature action. It was explained that the answer was no and the Board can make rule changes after getting public input.

Chris Lundstrom commented that at the recent GCD directors meeting, Jackson County had no representative and there was discussion about the use of groundwater in Jackson County by outside interests.

Mr. Martin explained well spacing requirements and the cone of depletion and how well spacing requirement would protect owners of domestic and other wells. Without spacing regulations, a number of larger wells could be drilled on a small acreage and the wells would lower the water level in the aquifer around those wells. This could result in the need for domestic wells to be lowered.

Mr. Skalicky read the Director's Policy Positions and explained each one.

A question was asked regarding the amount of money the ad valorem tax would generate. It was explained that the income would be about \$100,000 to \$125,000 for the District.

Another question was if the Board had sought the advice of surrounding GCD executive directors. Advice has been received from VGCD and from CBGCD regarding the Management Plan and the Rules.

An attendee asked for the compliance process to be explained. Mr. Skalicky explained the process and what was required to meet each date in the timeline. In January, the final version of the documents must be submitted. The first draft is due in October and a revised draft is due in December.

Mr. Martin explained the Groundwater Management Area and that the GMA has a cap of 178,000 acre feet that can be withdrawn from Jackson County. He stated that the most that has been produced in a single year was about 140,000 acre feet. Today, about 40,000 acre feet is produced per year.

One public comment was that the 35,000 gallon per day limit under Policy Position #6 might need to be increased. No potential value was recommended.

Another public comment was related to using casing size in the rules. It was explained that casing size could not be used in the rules.

Mr. John Taylor asked about the budget and if the District had a potential budget. The treasurer, Ray Brundrett, explained that in general, the District has a budget. He presented the current funds that were received and how they have been used to purchase Errors and Omissions Insurance. In answer to a question regarding getting funds from non-profit and government organizations, it was suggested that Traci Sweeney might be able to help with any proposals to be written.

Several attendees discussed what would be required to get the Ad Valorem tax passed in the November election and how they could support it in the community. Suggestions included posting signs around town, support of the local newspaper, radio station, tables with information at public activities such as county fair, speakers at civic organizations such as Lions, Rotary, K of C, etc.

The meeting was adjourned at 9:00 P.M.

TEXANA GROUNDWATER CONSERVATION DISTRICT MEETING
Meeting Minutes
August 20, 2010
Jackson Co. Services Bldg.

Members Present: Michael Skalicky (late in arriving), Bo Malek, Robert Martin, Jim Revel, Ray Brundrett

Members Absent: None

Guests: Dr. Bitter

The meeting was called to order by Mr. Revel, since Mr. Skalicky was not present at start of meeting, at 10:00 A. M.

The minutes of the August 19, 2010 board meeting were not available for review and approval. Mr. Martin would provide the meeting minutes for review and approval at the next scheduled business meeting.

Mr. Revel provided the order form for the Ad Valorem Tax proposition for the November 2, 2011 election to the board for approval and signing. Mr. Brundrett moved that the order be approved. The motion was seconded by Mr. Skalicky and unanimously approved. All Directors signed the Order, which was subsequently provided to the County Clerk's office and the County Tax Collector/Assessor later that day by Mr. Revel.

Mr. Revel provided a copy of a contract with the County Commissioners' Court that provides election services by the county in administering the election in November on behalf of the TGCD Board. The contract will be presented to the County Commissioners' Court meeting on September 13, 2010 for approval and signing.

Mr. Brundrett provided a sample form for use by Directors for any out of pocket expenditure record. He will email the form to each director for their use.

Mr. Revel discussed his meeting that week with the attorney for VCGCD, Mr. Jim Allison, and a contract that he was willing to enter into in representing the District. Mr. Skalicky suggested that any contracting for services be delayed for consideration until after the November election.

Mr. Skalicky presented a Mission Statement for each members' review. It was suggested that it be placed on the District's website.

There being no further business, Mr. Martin moved that the meeting be adjourned. Mr. Brundrett seconded the motion and motion carried. Meeting was adjourned at 10:40 AM.

Jim Revel
TGCD Secretary

Texana Groundwater Conservation District (TGCD)
Public Meeting
August 25, 2010

Location: Jackson Electric Co-Operative Offices, Edna, TX

Board Members Present: Michael Skalicky, Robert Martin, Jim Revel and Ray Brundrett

Board Members Absent: Bo Malek

Public Attendees: 66 people attended the meeting (sign-in attached).

The meeting was called to order at 7:10PM by Michael Skalicky, President of the TGCD. At that time, copies of the Draft Management Plan, the Draft Rules, and Comment Forms were passed out to those in attendance and the TGCD Board of Directors were introduced.

Mr. Skalicky stated the purpose of public meeting which was to get input from the public so that the Management Plan and Rules can be drafted to meet the needs of Jackson County's citizens. It was emphasized that the Management Plan and Rules are needed to manage, conserve, preserve and protect the groundwater in Jackson County for the benefit of all citizens. A Draft copy of the Management Plan and Rules, incorporating the public's input, will be submitted to TCEQ by October 15, 2010, per the TCEQ Compliance Agreement.

Mr. Skalicky explained the purpose and mission of the TGCD, what it will do for Jackson County and how it will perform its functions. The Mission is to manage, conserve, preserve and protect the groundwater resources of the District.

Twelve (12) goals in the Management Plan of the TGCD were discussed. Each goal has an objective and performance standards to meet the goal. Performance standards are audited by a state agency to determine if the TGCD is functioning properly.

The Rules were explained. Most of the explanation was relative to the policies developed by the TGCD Board and the Advisory Group. Specific discussion centered around the first few policies, eminent domain, exempt wells, and grandfathered wells. A question was raised about modifying the grandfathering of wells so that issues such as Alcoa wells could be addressed.

In the proposed Rules, the issues of eminent domain and governance by a locally elected Board of Directors were explained by Mr. Skalicky. If the TGCD does not come into compliance, the State can appoint another organization to run the TGCD. The organization might be an adjacent groundwater conservation district or a river authority. Several citizens attending the meeting emphasized the importance of not having another organization managing groundwater in the District.

Mr. Revel, Board Secretary, presented information about the Board's website, its content, and how to access it. Copies of all the Board activities, Draft Plan and Draft Rules can be downloaded from the website. Email comment sheets can be submitted online also.

An individual asked about open positions on the TGCD Board and how the Board plans to fill them. Mr. Revel explained the positions, election requirements/plans, and the need to appoint two more Board members this fall.

Mr. Skalicky indicated that the Board has sought the advice of surrounding GCD executive directors. Advice has been received from VGCD and from CBGCD regarding the Management Plan and the Rules.

An attendee asked for the compliance process to be explained. Mr. Revel explained the process and what was required to meet each date in the timeline. The first draft is due October 15, 2010 and a revised draft is to be reviewed with surrounding legal entities in December. In January, the final version of the documents must be adopted by the Board and submitted to TCEQ.

A question was asked regarding the amount of money the ad valorem tax would generate. It was explained that the revenue would be about \$115,000 for the District, based on last year's appraised property values. The increased tax to an individual would be \$.01 per \$100 of property value or \$10 per \$100,000 valuation. A follow-on question was asked if that would be enough revenue to sustain the District. Mr. Revel responded that it was conservative but thought the District could sustain itself at that level by leveraging off surrounding districts and other water agencies.

Several questions were asked about the budget and if the District had a potential budget. The treasurer, Ray Brundrett, explained that in general, the District has a budget. Mr. Skalicky presented the current funds that were received and that the Jackson county Commissioners would pick up the cost of Errors and Omissions Insurance and bonding for the Directors. He also indicated that additional funding sources such as LNRA, Grants, and County Commissioners will be pursued. Mr. Brundrett added that donations would also be accepted.

Several attendees discussed what would be required to get the Ad Valorem tax passed in the November election and how they could support it in the community. Suggestions included posting signs around town, letters to the editor of the Edna newspaper, radio station, tables with information at public activities such as county fair, speakers at civic organizations such as Lions, Rotary, K of C, inserts in city water billings, etc.

Several attendees presented accounts of people serviced by city/community water systems that were not aware that their water comes from Groundwater. It was emphasized that information needs to be provided to that target group to help educate them and gain more support for the Ad Valorem Tax within the cities/towns.

Two comment sheets were returned with suggestions.

The meeting was adjourned at 9:00 P.M.

Jim Revel
TGCD Secretary