

THE STATE OF TEXAS * GROUNDWATER CONSERVATION DISTRICT
COUNTY OF KENEDY * OF KENEDY COUNTY, TEXAS

On the 16th day of November, 2011, at 8:00 a.m., a regular meeting of the Kenedy County Groundwater Conservation District was held in Sarita, Texas, at the Kenedy County Courthouse.

Directors present:

Chuck Burns, President
David Delaney, Secretary
Homero Vera, Vice-President
Daniel Y. Butler, Director

Also present:

Leo Villarreal, Administrative Assistant
Mary Sahs
Andy Garza, General Manager
Dr. Venki Uddameri, TAMUK
Craig Weiland
Felix Saenz
Bob Renbarger
Kathryn Miles
Shana Horton

Absent:

None

1. **Call Meeting to Order**

Chuck Burns, President, called the meeting to order at 8:00 am.

2. **Public Comments**

No public comments were received.

3. **Discuss & Act on Minutes of October 19, 2011, Regular Meeting and October 31, 2011, Special Meeting**

Chuck Burns, President, presented to the Board of Directors the Minutes of the October 19, 2011, regular meeting and October 31, 2011, Special Meeting of the Kenedy County Groundwater Conservation District.

Daniel Butler moved and Homero Vera seconded the motion; the motion was unanimously passed that the October 19, 2011, regular meeting minutes and October 31, 2011, special meeting minutes be accepted as presented.

4. **Receive General Manager's Activity Report and Act, If Necessary**

Andy Garza presented to the Board of Directors his October 2011 activity report which addressed the following:

1) well hydrostatic levels were superimposed on the district map based using latitude/longitude coordinates and Mr. Garza will attempt to identify additional wells (one in Nueces County and a few near the Gulf Coast) to add to the monitoring project for the January sampling event,

2) the groundwater quality survey being undertaken by TAMUK now includes sampling of 21 wells and sampling will resume in January, 2012;

3) Daniel B. Stephens & Associate's Phase II water chemistry sampling for the District's uranium exploration background water quality project was completed on October 25 and 26, 2011, and the results are expected early next year;

4) Mr. Garza is officially a Notary Public;

5) conservation education pamphlets have been distributed to the Sarita and Riviera schools and Mr. Garza will distribute them to the Santa Gertrudis schools the following day; and

6) Mr. Garza distributed an excerpt from the South Plains GCD newsletter to the directors.

This being a report only, no vote was needed and none was taken.

5. **Discuss and Act on GMA-16 Joint Planning and Data Needed for Revision of the Desired Future Condition**

Mary Sahs and Andy Garza distributed to the Board of Directors the agenda of the GMA-16 meeting held on October 31, 2011 in Falfurrias, Texas, and a copy of the GMA-16 Subcommittee report and presented the following information: Future model runs may have to be paid by the member districts because of decisions made by the TWDB on funding model runs in the future. Some districts may be asked to pay as much as \$6,000.00 for model runs, if no funding is provided by TWDB. It is a concern regarding which contractor would do the work because there are some concerns about contractors who have, in the past, done work for member districts. It was noted that Andy Garza has been appointed as Administrator for GMA-16. As for future DFCs, each district is being asked to submit realistic pumping values and drawdowns for the next 5 and 45 years. The next GMA-16 meeting will be held on January 17, 2012 in Falfurrias, Texas.

David Delaney moved and Homero Vera seconded the motion; the motion was unanimously passed that the Kenedy County GCD provide up to \$6,000.00 to fund future GMA-16 model runs. However, such \$6,000 funding shall be reduced if TWDB or other sources fund the model runs; or if other GCDs in GMA-16 pay their proportional share set out by the subcommittee recommendation.

6. **Discuss and Act on Need for Contract with Dr. Uddameri Related to GMA-16 Joint Planning**

Mary Sahs, after extensive discussion under Agenda Item No. 5 above, recommended that a new contract be entered with Dr. Uddameri to cover his appearance at this Board meeting; compiling realistic pumping values that meet desired water drawdown for the next 5 and 45 years and beyond; explaining the rationale for different desired future conditions for the up-dip and down-dip areas and the east and west areas of GMA-16; answer the Board's questions about historical use; and provide language as discussed during Agenda Item 8, Rule Work Session. Dr. Uddameri will prepare a scope of work to be presented at the December Board meeting and agreed that \$5,000 would be adequate to begin this work. Dr. Uddameri is to present all information at the December Board meeting except the rationale for separate desired future conditions in the sub-areas of the GMA.

David Delaney moved and Homero Vera seconded the motion; the motion was unanimously passed that a contract not to exceed \$5,000.00 be offered to Dr. Uddameri to cover his appearance at this Board meeting; compiling realistic pumping values that meet desired water drawdown for the next 5 and 45 years and beyond; explaining the rationale for different desired future conditions for the up-dip and down-dip areas and the east and west areas of GMA-16; answer the Board's questions about historical use; and provide language as discussed during Agenda Item 8, Rule Work Session.

7. **Discuss and Act on Registration and Permitting and Related Issues**

Mary Sahs distributed and summarized to the Board of Directors the registration and permitting report. She asked Homero Vera about progress being made on KMF well coordinates. Homero Vera informed the Directors that KMF is close to completing its report and it will be completed no later than the end of the year. Mary Sahs informed the Board that some of the training scheduled for Andy Garza in November, 2011 would be done today after the meeting. Mary Sahs further reported that Andy Garza will send notice letters to Cabot, Reveille and TechPetrol, oil and gas operators; that there were no hearing requests for the LMBI PWS permit which is now in effect; and that a notice of deficiency was sent to LMBI regarding its application for irrigation permits. Those applications should be on the December, 2011 agenda.

This being a report only, no vote was needed and none was taken.

8. **Conduct Rulemaking Work Session, and Act, If Necessary**

Mary Sahs and the Board of Directors worked on proposed rule revisions. Rule revisions including sections on general provisions, construction standards, recordkeeping and reporting and in situ uranium exploration and mining were reviewed with directors. In considering proposed language for Rule 4.5, the Board requested that Dr. Uddameri propose language to accomplish the goals under discussion. This will be part of the contract approved under Agenda Item No. 6.

This being a work session only, no vote was needed and none was taken.

9. **Receive Report on Litigation of Interest to the District**

Mary Sahs informed the Board of Directors regarding the status of the Aspermont case where the local GCD had tried to collect transportation fees from the town of Aspermont, Texas. The GCD was not successful in Court; however, under new legislation that became effective on September 1, 2011, the GCDs will be able to do what it was unable to do prior to September 1, 2011.

This being a report only, no vote was needed and none was taken.

10. **Discuss and Act on Renewal of Resolution to Appoint Mary Sahs as an Alternate to Andy Garza or Kenedy County GCD Directors at TAGD Meeting**

Mary Sahs informed the Board of Directors of the need to pass a Resolution appointing her as an alternate voting person at the TAGD meetings.

David Delaney moved and Daniel Butler seconded the motion; the motion was unanimously passed and it hereby:

**RESOLUTION
KENEDY COUNTY GROUNDWATER CONSERVATION DISTRICT'S**

November 16, 2011

WHEREAS, on March 31, 2010, the Texas Alliance of Groundwater Conservation Districts (TAGD) amended their bylaws as follows:

Article 8.0

B. The vote of any voting member district may be cast by a director, a general manager, or a Designated Representative of the member District. A representative may be designated in writing by the board president or general manager. The written notice must be presented to the Secretary of the Alliance and remains in effect until October 1 of odd numbered years. The voting representative of a member district must be present to vote at any scheduled or called meeting of the Alliance.

WHEREAS, TAGD bylaws require written notice of a Designated Representative under Article 8.0 B.

WHEREAS, Mary Sahs represented the Kenedy County Groundwater Conservation District on the TAGD Bylaws Committee as it addressed these changes, which were urged by this District.

WHEREAS, Mary Sahs represented the Kenedy County Groundwater Conservation District on the TAGD Bylaws Committee as it began to consider legislative policies, which were urged by this District; and

WHEREAS, this District desires that Mary Sahs continue as its representative to the TAGD Bylaws Committee.

NOW, THEREFORE, BE IT RESOLVED that Mary Sahs is authorized to serve as the Kenedy County Groundwater Conservation District as its Designated Representative and to attend, to represent the Kenedy County Groundwater Conservation District, and to vote at the Texas Alliance of Groundwater District meetings and committee meetings as its Designated Representative in the event that neither the District's General Manager nor any Directors are present; and

FURTHER, BE IT RESOLVED that Mary Sahs is authorized to serve as the Kenedy County Groundwater Conservation District as its Designated Representative and to attend, to represent the District, and to vote at the Texas Alliance of Groundwater District Bylaws Committee meetings.

Signed this 16th day of November, 2011.

11. Discuss and Act Regarding Participation at TAGD Bylaws Committee Meeting Related to Setting Legislative Agendas

Mary Sahs informed the Board of Directors that the new TAGD Executive Director wants a method of setting policy in bylaws and believes TAGD should serve as a resource to the legislature and not take positions on legislative matters.

David Delaney moved and Daniel Butler seconded the motion; the motion was unanimously passed that Mary Sahs continue to represent the district on TAGD Bylaws Committee as it begins to consider legislative policies.

12. Discuss and Act on Need to Compile Historical/Realistic Groundwater Pumping Values that Meet Desired Drawdown for Next Five Years and Beyond

Mary Sahs informed the Board that there will be a need for the district to compile realistic pumping values that meet a desired drawdown as the DFC is revised for the 5 years and beyond; that a contract with Dr. Uddameri will be needed to compile such figures; and that, as of today, some preliminary work has been done. This Agenda item was taken up at the same time as Item Nos. 5 and 6. Dr. Uddameri was requested to include this required work in his scope of work and proposed contract and to present his conclusions to the Directors at the December Board meeting.

This being a report only, no vote was need and none was taken.

13. Review Region N Water Planning Group Meeting Held on November 3, 2011 in Robstown

Andy Garza reported that he had attended the November 3, 2011, Region N Water Planning meeting in Robstown. He distributed a copy of the agenda and some information on water demand projections for the 2017 State Water Plan. Andy Garza informed the Board of Directors that projections on irrigation for Kleberg County would have to be revisited and that a subcommittee to review irrigation and livestock compilations was named at the last Region N meeting.

This being a report only, no vote was needed and none was taken.

14. Discuss and Act on Approving Resolution to Cast Vote(s) for Election of Directors of the Kenedy County Central Appraisal District

Leo Villarreal informed the board of the need to approve a Resolution whereby the district would cast votes for a candidate(s) seeking a position on the board of directors of the Kenedy County CAD.

David Delaney moved and Homero Vera seconded the motion; the motion was unanimously passed and it hereby

RESOLVED to cast the District's 51 votes for Chuck Burns to serve on the Kenedy County Central Appraisal District Board of Directors.

15. Discuss and Act on Approving Resolution to Cast Vote(s) for Election of Directors of the Kleberg County Appraisal District

Leo Villarreal informed the Board of Directors that the Kenedy County GCD had 5 votes it could cast by a Resolution for any of the candidates seeking a position on board of directors of the Kleberg County Appraisal District.

Daniel Butler moved and Homero Vera seconded the motion; the motion was unanimously passed and it is hereby

RESOLVED to cast the District's 5 votes for Daniel Morales to serve on the Kleberg County Appraisal District Board of Directors.

16. Discuss & Act on Approving Purchase of Hanna Portable pH/EC/TDS/Temp Meter at Cost Not to Exceed \$550

Andy Garza informed the board of the need to purchase a Hanna Portable Meter to test well water for pH, electrical conductivity, total dissolved solids and temperature. He noted that DBSA had positive comments about their Hanna meter. Chuck Burns asked about a maintenance agreement and Andy Garza responded that he would check on it.

David Delaney moved and Daniel Butler seconded the motion; the motion was unanimously passed that Andy Garza is authorized to purchase the Hanna Portable Meter at a cost not to exceed \$650.

17. Discuss and Act on Changing Date of Elections from May to November Commencing in 2012

Leo Villarreal informed the board that it would be advantageous and cost-saving to move the elections, as per section 41.0052(a)(a-1) of the Texas Election Code, from May, 2012 to the General Elections in November, 2012. Directors whose terms are expiring in May, 2012 are Chuck Burns and Daniel Butler, thus their terms would be extended to November, 2012.

David Delaney moved and Homero Vera seconded the motion; the motion was unanimously passed that, pursuant to section 41.0052(a)(a-1) of the Texas Election Code, that all of the District's future elections, including but not limited to the May 2012 elections, be held in November.

18. Receive Report on Audit by Texas State Auditor

Andy Garza and Leo Villarreal informed the Directors that the District had complied with the Texas State Auditor's requests within schedule and that they had not heard from the State Auditor since the District's submission.

This being a report only, no vote was needed and none was taken.

19. Receive Report on Redistricting

Leo Villarreal informed the board that the new boundaries and metes and bounds descriptions for the precincts would be reconsidered at the December, 2011 meeting. He noted that Bill Lothrop was doing a thorough job in validating new boundaries for the precincts

This being a report only, no vote was needed and none was taken.

20. Discuss and Act on Date of Next Board Meeting

Chuck Burns informed the Board of Directors that a date needed to be designated for the next meeting.

Daniel Butler moved and David Delaney seconded the motion; the motion was unanimously passed to hold the District's next meeting on December 22, 2011, at 8:00 a.m.

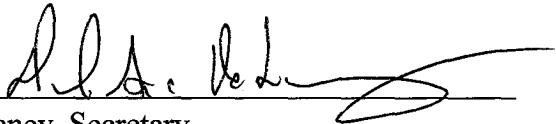
21. Discuss & Act on Payment of Bills

Chuck Burns presented the Board of Directors the October, 2011 bills for consideration and payment.

Homero Vera moved and David Delaney seconded the motion; the motion was unanimously passed that the bills be paid as presented.


22. **Adjournment**

There being no other business to come before the Board of Directors, David Delaney moved and Daniel Butler seconded the motion; the motion was unanimously passed that the meeting be adjourned at 10:51 a.m.



David Delaney, Secretary

ATTESTED TO:



Chuck Burns, President