

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

On the 20th day of December, 2012, at 8:00 o'clock a.m., a regular meeting of the Kenedy County Groundwater Conservation District was held in Sarita, Texas, at the Kenedy County Courthouse District Courtroom.

**Directors present:**

Chuck Burns, President  
Homero Vera, Vice-President  
Dave Delaney, Secretary  
Craig Weiland, Board Member  
Danny Butler, Board Member

**Also present:**

Leo Villarreal, Administrative Assistant  
Andy Garza, General Manager  
J.D. Head, Laborcitas Ranch  
Shana Horton, La Paloma Ranch  
Felix Saenz, Brush Country GCD

**Absent:**

None

**1. Call Meeting to Order**

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

**2. Receive Public Comments**

No public comments were received.

**3. Discuss and Act on Approval of November 29, 2012, Regular Meeting Minutes**

Chuck Burns presented to the Board the minutes of the November 29, 2012, regular meeting of the Kenedy County Groundwater Conservation District.

Danny Butler moved and David Delaney seconded the motion; the motion was passed unanimously that the November 29, 2012, regular meeting minutes be approved as presented.

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

- a. Outreach and education**
- b. Well registrations**
- c. Brush Country GCD meeting**
- d. Annual report**
- e. Brackish aquifer mapping project**
- f. Communications**
- g. Other**

Andy Garza, General Manager, reported on the following:

a. The General Manager reported that for 2012 he had either made presentations or provided educational materials to the Sarita, Riviera, Santa Gertrudis and San Perlita schools and the county agents in Kleberg, Kenedy and Willacy counties.

b. There were no well registrations to report.

c. The Brush Country GCD met on December 6, 2012 and reported that their management plan had been withdrawn from consideration for approval by the TWDB and will be submitted in the very near future. Work on formulating district rules has been initiated.

d. The General Manager reported that he has started to work on the Annual Report for 2012.

e. The General Manager reported that he had attended a stakeholder meeting pertinent to the Lower Rio Grande Valley BRACS project. Purpose of the project is to delineate brackish water aquifer boundaries in the project area. Manager suggested that the directors should schedule a tour of the desalination plant in Brownsville, TX. The General Manager was authorized to schedule such a tour in either January or February, 2013.

f. The General Manager reported that he had provided assistance to EOG Resources, Newfield Exploration and Steelhead Petroleum on various issues.

g. The directors were provided with a quarterly drought assessment report and a news article.

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

**5. Discuss and Act on Authorization of Execution of All Documents Regarding Leonard May's Petition for Annexation with Corrected Legal Description**

Leo Villarreal reported that the legal description for the Leonard May property had been corrected to exclude that portion of the property that is Jim Wells County. Mr. Villarreal asked the board to authorize him to finalize the annexation process.

**KENEDY COUNTY GROUNDWATER CONSERVATION DISTRICT RESOLUTION  
REGARDING  
ANNEXATION OF PROPERTY  
LEONARD MAY**

THE STATE OF TEXAS

COUNTY OF KENEDY

WHEREAS, on the 17th day of October, 2012, the Kenedy County Groundwater Conservation District Board of Directors passed a Resolution regarding Leonard May's Annexation Request Regarding Leonard May's Property in Kleberg and Nueces County; and

WHEREAS, Chuck Burns informed the Board of Directors that Leonard May had submitted his Petition to Add Land to the Kenedy County Groundwater Conservation District; and

WHEREAS, Leonard May's annexation petition includes tracts of land in Kleberg and Nueces County that are adjacent to the Kenedy County Groundwater Conservation District and are more particularly described in the aforementioned petition to add land which is attached hereto and is incorporated herein for all purposes; and

WHEREAS, the Board of Directors finds that Leonard May owns the land; that the land is contiguous to the District; and that adding the land to the District will be to the advantage of Leonard May and to the District because it will permit more consistent and wide-spread conservation, preservation, protection, recharging and prevention of waste of groundwater and of groundwater reservoirs; and

WHEREAS, after considerable consideration, Homero Vera moved and Danny Butler seconded the motion; the motion was unanimously passed, and it is hereby

**RESOLVED** that Leonard May's Petition to Add Land to the Kenedy County Groundwater Conservation District, as amended, be granted; and

**BE IT FURTHER RESOLVED** that the effective annexation date of Leonard May's tracts of land in Kleberg and Nueces County is October 17, 2012.

**6. Receive Report on Follow-up to Proposal for Education Services from the Nueces River Authority**

Andy Garza reported that he had followed-up as per request from the board to ask the Nueces River Authority if the services could be offered on a prorated basis. The answer was no.

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

**7. Receive Report from Mary Sahs on Chapter 356 Rules**

Chuck Burns presented Mary Sahs report on Chapter 356 Rules to the Board of Directors. The written report stated that many of the recommended changes suggested by the Kenedy County GCD will be in the final version of the rules. The report also contained information on rulemaking efforts by the Railroad Commission related to disposal wells. According to Ms. Sahs, the proposed rule changes are a step in the right direction for ensuring the protection of groundwater resources as it relates to disposal wells, for keeping GCDs informed of waste disposal by injection wells and of open communication between the GCDs and the RRC.

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

**8. Discuss and Act, If Necessary, to Approve District Personnel Policy Manual**

Leo Villarreal provided the board with a copy of the Kenedy County Personnel Policy Manual that had been slightly modified to fit the needs of the District. Villarreal suggested that action on this item be tabled to allow the directors time to review and compare it with the proposed Kenedy County GCD manual that was previously given to them.

David Delaney moved and Homero Vera seconded the motion; the motion passed unanimously to table this item to give the directors ample time to review and compare both manuals.

**9. Discuss and Act on Signing of New Banking Resolution, Certificate of Deposit and Checking Account Signature Cards and Renewal of Certificate of Deposit No. 50492 (\$155,777.93)**

Leo Villarreal informed the Board of Directors that the District's signature cards were outdated and that the District's Certificate of Deposit No. 50492 (\$155,777.93 balance) had matured on November 18, 2012 and needed to be renewed.

Craig Weiland moved and David Delaney seconded the motion; the motion was passed unanimously and it is hereby RESOLVED as follows:

**KENEDY COUNTY GROUNDWATER CONSERVATION DISTRICT  
BANKING RESOLUTION**

On the 20<sup>th</sup> day of December, 2012 at 8:00 o'clock a.m., KENEDY COUNTY GROUNDWATER CONSERVATION DISTRICT's Regular Meeting of the Board of Directors was held at the Kenedy County Courthouse located at 101 Mallory, Sarita, Texas.

I, David Delaney, certify that I am Secretary of the Kenedy County Groundwater Conservation District whose Federal I.D. Number is 51-0610368; that said District is engaged as a governmental public entity under the name of Kenedy County Groundwater Conservation District; and that the following is a correct copy of Resolution adopted at a meeting of the Board of Directors of the District duly and properly held on December 20, 2012. This Resolution appears in the minutes of this meeting and has not been rescinded or modified.

**BE IT RESOLVED**, that:

1. Kleberg First National Bank, is designated as a depository for the funds of this District; and
2. This resolution shall continue to have effect until express written notice of its rescission or modification has been received and recorded by Kleberg First National Bank; and
3. All transactions, if any, with respect to any deposits, withdrawals, rediscounts and borrowings by or on behalf of this District with Kleberg First National Bank prior to the adoption of this resolution are hereby ratified, approved and confirmed; and
4. Any two of the persons named below, so long as they act in a representative capacity as agents of this District, are authorized to make any and all other contracts, agreements, stipulations and orders which they may deem advisable for the effective exercise of the powers indicated below, from time to time with Kleberg First National Bank; and
5. Concerning funds deposited in Kleberg First National Bank, moneys borrowed from Kleberg First National Bank or any other business transacted by and between this District and Kleberg First National Bank subject to any restrictions stated below; and
6. Any and all prior resolutions adopted by the Board of Directors of this District and certified to Kleberg First National Bank as governing the operation of this District's accounts are in full force and effect, unless supplemented or modified by this authorization; and
7. This District agrees to the terms and conditions of any account agreement, properly opened by any authorized representatives of this District, and authorizes Kleberg First National Bank at any time, to charge this District for all checks, drafts, or other orders, for the payment of money, that are drawn on Kleberg First National Bank regardless of by whom or by what means the facsimile signatures may have been affixed so long as they resemble the facsimile signature specimens in section C (or the facsimile signature specimens that this District files with Kleberg First National Bank from time to time) and contain the required number of signatures for this purpose.

If indicated, any of two persons listed below (subject to any expressed restrictions) is authorized to exercise all of the following powers:

1. Open any deposit or checking accounts in the name of the District;
2. Endorse checks and orders for the payment of money and withdraw funds on deposit with Kleberg First National Bank (number of authorized signatures required for this purpose is 2);

3. Enter into written lease for the purpose of renting and maintaining a Safe Deposit Box in Kleberg First National Bank (number of authorized signatures required for this purpose is 2).

<u>Name and Title</u>	<u>Signature</u>
Chuck Burns, President	_____
David Delaney, Secretary	_____
Homero Vera, Vice-President	_____
Daniel Butler, Board Member	_____
Craig Weiland, Board Member	_____

I further certify that the Board of Directors of the District has, and at the time of adoption of this Resolution had, full power and lawful authority to adopt the foregoing Resolution and to confer the powers granted to the persons named who have full power and lawful authority to exercise the same.

**IN WITNESS WHEREOF**, I have hereunto subscribed my name and affixed the seal of the District on the \_\_\_\_\_ day of December, 2012.

**BE IT FURTHER RESOLVED** that Certificate of Deposit No. 50492 be renewed for 12 months and that new signature cards for the checking account and the certificate of deposit be executed by the Board of Directors.

**10. Discuss and Act on Reimbursement of 2012 Mileage to Board of Directors and Staff**

Leo Villarreal reported that the 2012 mileage reimbursements for Chuck Burns, Daniel Butler and Leo Villarreal needed approval. The amounts were \$663.78 for Chuck Burns, \$444.00 for Daniel Butler and \$317.46 for Leo Villarreal.

David Delaney moved and Homero Vera seconded the motion; the motion was passed unanimously to approve 2012 mileage reimbursements as presented.

**11. Discuss and Act on Date of Next Meeting**

Chuck Burns informed the Board of Directors that a date for the January, 2013 needed to be determined.

David Delaney moved and Danny Butler seconded the motion; the motion passed unanimously to hold the next meeting on January 16, 2013 at 8:00 a.m.

**12. Discuss and Act on Payment of Bills**

Chuck Burns presented the bills to the Board of Directors for consideration and payment.

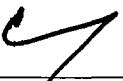
David Delaney moved and Danny Butler seconded the motion; the motion passed unanimously that the bills be paid as presented.

**13. Adjournment**

There being no other business to come before the Board of Directors, Danny Butler moved Craig Weiland seconded the motion; the motion passed unanimously that the meeting be adjourned at 8:45 a.m.

  
\_\_\_\_\_  
David Delaney, Secretary

ATTESTED TO:

  
\_\_\_\_\_  
Chuck Burns, President