

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

On the 25th day of July, 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.

**Directors present:**

Chuck Burns, President  
David Delaney, Secretary  
Craig Weiland, Board Member

**Also present:**

Leo Villarreal, Administrative Assistant  
Andy Garza, General Manager  
Mary Sahs  
Kathryn Miles  
Sean Sahs  
Shana Horton, La Paloma Ranch  
J.D. Head, Laborcitas Ranch  
Dr. Venki Uddameri  
Vince Sullivan

**Absent:**

Danny Butler, Board Member  
Homer Vera, Vice-President

**1. Call Meeting to Order**

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

**2. Hold Public Hearing Regarding District's Proposed Rule Amendments**

Chuck Burns, at 8:05 a.m. announced that the public hearing was now in session and welcomed members of the public to address the Board of directors regarding the Proposed Amended District Rules.

No comments were received from the public.

Mary Sahs and Andy Garza informed the Board that the District had not received any written comments on the proposed rule amendments. Mary Sahs proceeded to review each section of the rules.

Chuck Burns read the proposed Resolution through which the proposed rule amendments will be adopted by the Board.

Chuck Burns closed the public meeting and reopened the regular meeting.

### **3. Discuss and Act on Proposed Rule Amendments**

Chuck Burns, after closing the Public Hearing, presented to the Board of Directors the District's proposed rule amendments and recommended that they be adopted District Rules and become effective on the date the Board chairman would sign the order.

Craig Weiland moved and David Delaney seconded the motion; the motion was passed unanimously that and be it

**RESOLVED** that the District Rules be adopted as amended; be incorporated herein and made a part hereof for all purposes; and

**BE IT FURTHER RESOLVED** that the District Rules shall be effective on the date the Order is signed by the Board Chairman.

### **4. Hold Public Hearing Regarding District's Amended Management Plan**

Chuck Burns, at 8:20 a.m., announced that the public hearing on the District's Amended Management Plan was now in session and welcomed members of the public to address the Board of Directors regarding the proposed amended District Management Plan.

No comments were received from the public.

Mary Sahs and Andy Garza informed the Board that no written comments had been received. Mary Sahs recommended that on page 7, Section III(C) be added to include a section on Taxing Authority. David Delaney asked what the procedure would be if the set tax rate was exceeded. Leo Villarreal responded that an election would be held to let the voters decide on the tax rate exceedance. Mary Sahs also proposed that on page 32, the wording on the Fees section be modified to include a reference to ad valorem taxes.

With no further comments, Chuck Burns closed the public hearing at 8:45 a.m. and reopened the regular meeting.

### **5. Discuss and Act on District's Amended Management Plan**

Chuck Burns, after closing the Public Hearing, presented to the Board the District's Amended Management Plan with the proposed amendments from Mary Sahs thereto and

recommended that the amended Management Plan be adopted as the District's Management Plan and become effective on the date the Chairman would sign the order.

David Delaney moved and Craig Weiland seconded the motion; the motion passed unanimously that and be it

**RESOLVED** that the District's Management Plan be adopted as amended; be incorporated herein and made a part hereof for all purposes; and

**BE IT FURTHER RESOLVED** that the District's Management Plan shall be Effective on the date the Order is signed by the Board Chairman.

**6. Receive Public Comments**

No public comments were offered.

**7. Discuss & Act on Minutes of June 20, 2012, Regular Meeting**

Chuck Burns presented to the Board the minutes of the June 20, 2012, regular meeting of the Kenedy County Groundwater Conservation District

David Delaney moved and Craig Weiland seconded the motion; the motion was passed unanimously that the June 20, 2012, regular meeting minutes be passed as presented.

- 8. Receive General Manager's Activity Report and Act, If Necessary, Regarding:**
- a. Communications with Tecpetrol, Sage Consulting, Ben Vaughan, Charles Porter**
  - b. Texas Water Summit, August, 2012**
  - c. Summer Hydrostatic level measurements and water sampling**
  - d. 2<sup>nd</sup> Quarter drought assessment report**
  - e. State Auditor's Office post-audit survey**
  - f. News articles**
  - g. Other**

Andy Garza informed the Board of Directors on the following:

- a. Tecpetrol has submitted its water usage report for 2011; Sage Consulting Engineers requested and received information on water quality for Kenedy County; Ben Vaughan requested and received a copy of the proposed rule amendments; and Charles Porter, professor at St. Edwards University, requested and received budget information for a survey he is conducting for TAGD.
- b. Board of Directors received a copy of the agenda for the Texas Water Summit scheduled for August, 2012 in Austin, TX.

- c. Summer hydrostatic level measurements will be taken during the month of July, 2012.
- d. A copy of the of the latest drought situation report prepared by the TWDB was distributed to the directors.
- e. A post-audit survey, conducted by the State Auditor's Office, was completed by the General Manager.
- f. Water-related news articles were distributed to the directors.
- g. The Kenedy County GCD has received well monitoring data from TAMUK.

**9. Discuss and Act on District Memorandum of Understanding with the Texas Department of Licensing and Regulation Regarding Water Well Plugging**

Mary Sahs explained to the Board of Directors that the District had adopted an identical resolution in November, 2007, however, because a copy could not be located in the records of the TDLR, it was necessary for the District to readopt the resolution.

Craig Weiland moved and David Delaney seconded the motion; the motion was passed unanimously to readopt the resolution and order entering the Kenedy County GCD into a MOU with the Texas Department of Licensing and Regulation regarding water well plugging.

**10. Receive Report on New Texas Water Development Board Regional and State Water Planning Rules**

Mary Sahs gave the directors a summary of recent changes to TWDB rules as they relate to regional and state water planning as per chapters 355, 357 and 358.

**11. Discuss and Act on Resolving Database Problems and Moving Database to Williams Solutions Server, Including Authorization of Payment of Williams Invoice and Proposal**

Mary Sahs informed the Board of Directors that it was unnecessary to send letter to Brant Winterbottom because a response from Mr. Winterbottom had been received on the very day that the Board met in June, 2012. Mr. Winterbottom did provide some assistance in rectifying some of the problems encountered in uploading data in the database. Williams Solutions did agree to maintain the database for the District.

David Delaney moved and Craig Weiland seconded the motion; the motion passed unanimously to accept proposal from Williams Solutions and authorize payment to Brilliant Solutions for work on database.

**12. Discuss and Act on Draft of Brush Country GCD Management Plan**

The directors had received a copy of the draft of the Brush Country GCD management plan prior to the meeting. David Delaney, Mary Sahs, Andy Garza and Dr. Uddameri provided comments on the plan as written. It was agreed that the District would submit written comments to the Brush Country GCD as soon as possible.

David Delaney moved and Craig Weiland seconded the motion; the motion passed unanimously to authorize Mary Sahs to compile all comments into a letter and send to the Brush Country GCD as soon as possible.

**13. Discuss and Act on GMA-16 Joint Planning Activities**

Mary Sahs and Andy Garza gave a report on GMA-16 Joint Planning meeting held on July 24, 2012. Both reported that the contract with Bar W to determine a revised Desired Future Condition had been approved by the committee. Pumping numbers being proposed by the member districts were reviewed with the Board.

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

**14. Discuss and Act on Registration and Permitting Report, Including Update From Sean Sahs Regarding Well Data Entry into District Database**

Mary Sahs reported that this would be her last registration and permitting report. Sean Sahs gave a thorough report on data entry into the District database. Sahs reported that the well registrations for the Kenedy Memorial Foundation had been rectified and entered into the database. Additionally, King Ranch water quality reports and historical data on 38 wells provided by DBSA has been entered into the database.

**15. Receive Report on TAGD Amended Bylaws and Adopted Legislative Policy**

Mary Sahs and Andy Garza reported that the amended bylaws and Legislative Policy had been approved at the last TAGD meeting in June, 2012.

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

**16. Discuss and Act on Legislation, Litigation and Agency Rules of Interest to the District, Including 31 Texas Administrative Code, Chapter 356 and 30 Texas Administrative Code, Chapter 293**

Mary Sahs reported that the TWDB would be having a stakeholders hearing on August 22, 2012, to review proposed revised Chapter 356 joint-planning rules. Ms. Sahs stated that the

District had submitted comments relative to Chapter 293. An interim Senate Committee on Natural Resources will also be reviewing the proposed rules.

David Delaney moved and Craig Weiland seconded the motion; the motion passed unanimously to authorize Mary Sahs to attend the August 22, 2012 meeting provide comments on behalf of the District if needed.

**17. Discuss and Act on District's Bylaws**

Leo Villarreal and Andy Garza reviewed the proposed changes to the bylaws. Most changes were considered minor.

Craig Weiland moved and David Delaney seconded the motion; the motion passed unanimously that the bylaws be approved as presented.

**18. Receive Report on District Personnel Policy Manual**

Leo Villarreal informed the Board that the Personnel Manual that will be adopted by Kenedy County will be tailored to meet the needs of the District. It will be presented for adoption at a later date.

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

**19. Receive Report on 2009, 2010 and 2011 Tax Office Commission Fee**

Leo Villarreal reported that the Kenedy County Tax Assessor/Collector's Office collection fee had been increased from 2% to 3%; that the 2011 Budget worksheets had the 3% collection fee; however, the final figures had been calculated on 2%. The 2013 budget will reflect the 3% collection fee.

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

**20. Discuss and Act on Amending the 2012 Budget**

Leo Villarreal informed the Board of Directors the following amendments to the 2012 Budget should be considered:

Transfer \$3,500.00 from Computer Software to Tax Office Commission  
Transfer \$3,500.00 from Computer Software to Public Notices  
Transfer \$7,429.88 from Computer Software to Legal  
Transfer \$8,000.00 from Well Monitoring to Legal

Craig Weiland moved and David Delaney seconded the motion; the motion passed unanimously that the 2012 budget be amended as follows:

Transfer \$3,500.00 from Computer Software to Tax Office Commission  
Transfer \$3,500.00 from Computer Software to Public Notices  
Transfer \$7,429.88 from Computer Software to Legal  
Transfer \$8,000.00 from Well Monitoring to Legal

**21. Conduct Workshop on 2013 Budget**

Leo Villarreal and Andy Garza led the discussion on the proposed 2013 budget. An amount was assigned to each line item. David Delaney recommended that a line item for Joint Planning be added to the budget. The proposed amount for the 2013 budget was \$211,550. The proposed budget will be considered at the August, 2012 meeting.

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

**22. Discuss and Act on Date of Next Board meeting**

Chuck Burns informed the Board of Directors that a date for the August, 2012 meeting needed to be determined. Leo Villarreal recommended that the meeting be held on August 15, 2012 so as to meet the requirement for calling the 2012 directors election.

Craig Weiland moved and David Delaney seconded the motion; the motion passed unanimously that the next regular meeting be held at 8:00 a.m. on Wednesday, August 15, 2012.

**23. 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 Craig Weiland seconded the motion; the motion passed unanimously that the bills be paid as presented.

**24. Adjournment**

There being no other business to come before the Board of Directors, Craig Weiland moved and David Delaney seconded the motion; the motion passed unanimously that the meeting be adjourned at 11:25 a.m.

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David Delaney, Secretary

ATTESTED TO:



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Chuck Burns, President