

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

On the 16th day of June, 2021, at 9:00 AM, a regular meeting of the Kenedy County Groundwater Conservation District was held in the Kenedy County Courthouse Courtroom. Both a phone number, 877-309-2073, and an access code, 284721181, were provided for those who desired to participate in the meeting via telephone.

Directors present:

Chuck Burns, President
Homero Vera, Vice-President
Dave Delaney, Secretary
Danny Butler, Member
Edward Bordovsky, Member

Also present:

Andy Garza, General Manager
Leo Villarreal, Administrative Assistant
Monica Jacobs, La Paloma Ranch (via telephone)
Verl Cash, King Ranch, Inc.
Louie Pena, Brush Country GCD (via telephone)
Mary Sahs, Legal Counsel, (via telephone)
Dr. Venki Uddameri, Hydrology consultant

1. Call Meeting to Order

Chuck Burns, President, called the meeting to order at 9:05 AM with a quorum being present.

2. Public Comments

No comments were received from the public.

3. Discuss & Act on Minutes of May 19, 2021 Regular Meeting

President Chuck Burns presented to the Directors the minutes of the May 19, 2021 regular meeting.

Dave Delaney moved and Homero Vera seconded the motion; the motion passed unanimously that the May 19, 2021 regular meeting minutes be accepted as presented.

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

- a. Communications**
- b. Well registrations**
- c. Brush Country GCD meeting**
- d. Duval County GCD meeting**
- e. TAGD quarterly meeting; June 8-9, 2021**
- f. EDF webinar**
- g. Cybersecurity training**
- h. Leave request**
- i. News articles**
- j. Other**

Andy Garza, General Manager, reported on the following:

a. Communications: Garza reported that since the District's May, 2021 meeting, he had communicated with Bart Dupont, La Paloma Ranch liaison, regarding submittal of paperwork for a replacement well; Julia Stanford, TAGD Programs Assistant, regarding assistance to the Bylaws Committee which Andy Garza chairs; Alie Bynum, Innovative Event Management coordinator, regarding registration for the Groundwater Summit; Louie Pena, Brush Country GCD manager, regarding a seminar that will be offered to water well drillers in July, 2021 in Falfurrias, TX; Ronnie Ramirez, State Conservation Board planner, regarding information relative to management of private water wells; Eddie Barrera, driller for Stapleton Water Wells, regarding the registration of a water well in the Ricardo, TX vicinity and Hampton Pratka, Frost Bank trust manager, regarding his introduction to the Kenedy County GCD office through Joe Stiles.

b. Well registrations: Garza informed the Directors that the District had received paperwork for a replacement well from La Paloma Ranch through Bart Dupont.

c. Brush Country GCD meeting: Garza informed the Directors that the Brush Country GCD had met on May 26, 2021 and reviewed the highlights of the meeting.

d. Duval County GCD meeting: Garza reported that the Duval County GCD had met on May 26, 2021 and reviewed the highlights of the meeting.

e. TAGD quarterly meeting; June 8-9, 2021: Garza discussed with the Directors the highlights of the TAGD quarterly meeting held in Austin, TX on June 8-9, 2021. Garza reported that no groundwater bills affecting Chapter 36 of the Texas Water Code were passed during the 87th Legislative Session.

f. EDF webinar: Garza reviewed the highlights of a webinar sponsored by the Environmental Defense Fund that touched on the importance of the surface water-groundwater interactions in certain parts of Texas.

g. Cybersecurity training: Garza reminded the Directors that June 14, 2021 was the deadline for completing the training.

h. Leave request: Garza requested annual leave for July 6-7, 2021.

i. News articles: Various news articles pertinent to groundwater issues were provided to the Directors.

j. Other: There was nothing to report.

Edward Bordovsky moved and Dave Delaney seconded the motion; the motion passed unanimously to accept the General Manager's report and approve request for annual leave for July 6-7, 2021.

5. Hold Public Hearing on District's Proposed Rule Amendments Regarding Brackish Groundwater Production Permits as Per HB 722

Chuck Burns, at 9:30 a.m., announced that the public hearing on the Proposed District Rules Regarding Brackish Groundwater Production Permits as Per HB 722 was now in session and welcomed members of the public to address the Board of Directors regarding the Proposed District Rules Regarding Brackish Groundwater Production Permits as Per HB 722. Mary Sahs discussed each rule and asked for comments from the Directors, General Manager and the public.

The following members of the public were present and some of the public comments were received from La Paloma Ranch on rules 3 and 14 relative to changes recommended to these rules:

Monica Jacobs, La Paloma Ranch (via telephone)

Verl Cash, King Ranch, Inc.

Louie Pena, Brush Country GCD (via telephone)

Chuck Burns closed the public hearing at 9:54 a.m.

6. Discuss & Act to Adopt District's Proposed Rule Amendments Regarding Brackish Groundwater Production Permits as Per HB 722

Chuck Burns, after closing the Public Hearing, presented to the Board of Directors the Proposed District Rules Regarding Brackish Groundwater Production Permits as Per HB 722 and recommended that they be adopted as District's Rules and become effective on the date the Board of Director Chairman would sign the Order.

Dave Delaney moved and Edward Bordovsky seconded the motion; the motion passed unanimously that and be it

RESOLVED that the Proposed District Rules Regarding Brackish Groundwater Production Permits as Per HB 722 be adopted as amended; be incorporated herein and made part hereof for all purposes; and

BE IT FURTHER RESOLVED that the Proposed District Rules Regarding Brackish Groundwater Production Permits as Per HB 722 shall be effective on the date the Order is signed by the Board of Director's Chairman.

**ORDER ADOPTING PROPOSED DISTRICT RULES REGARDING BRACKISH
GROUNDWATER PRODUCTION PERMITS AS PER HB 722**

WHEREAS, on January 15, 2020, the Kenedy County Groundwater Conservation District commenced drafting the Proposed District Rules Regarding Brackish Groundwater Production Permits as Per HB 722; and

WHEREAS, the District, pursuant to notices as required by the Open Meetings Act, held rule-drafting sessions on June 17, 2020, September 16, 2020, October 21, 2020, January 25, 2021, February 17, 2021, March 17, 2021, April 21, 2021; and

WHEREAS, on May 19, 2021, the Board of Directors voted to hold a Public Hearing on June 16, 2021 on the Proposed District Rules Regarding Brackish Groundwater Production Permits as Per HB 722; and

WHEREAS, on May 11, 2021, which was at least 20 days prior to June 16, 2021, the District gave notice of a Public Hearing on the Proposed District Rules Regarding Brackish Groundwater Production Permits as Per HB 722 by: 1) posting the notice at the District's office in a place readily accessible to the public; 2) by providing a copy of the Notice of Public Hearing to the County Clerks of Brooks, Hidalgo, Jim Wells, Kenedy, Kleberg, Nueces and Willacy counties; 3) by providing a copy of the Notice of the Public Hearing to individuals who requested such notice; and by 4) by providing a copy of the Proposed District Rules Regarding Brackish Groundwater Production Permits as Per HB 722 to the public during the District's office normal business hours; and

WHEREAS, at least 20 days prior to June 16, 2021, the District published Notices of the Public Hearing regarding the Proposed District Rules Regarding Brackish Groundwater Production Permits as Per HB 722 on the following dates in the following newspapers:

Dates of Publication: May 11 and 18, 2021
Name of Newspaper: Valley Morning Star
Counties of Circulation: Willacy and Hidalgo

Dates of Publication: May 12 and 19, 2021
Name of Newspaper: Corpus Christi Caller Times
Counties of Circulation: Kenedy, Kleberg, Jim Wells, Brooks and Nueces

WHEREAS, such Notice of Public Hearing invited oral and written public comments on the Proposed District Rules Regarding Brackish Groundwater Production Permits as Per HB 722; and

WHEREAS, the Notice of Public Hearing was posted pursuant to the Open Meetings Act; and

WHEREAS, ON June 16, 2021, commencing at 9:30 a.m., the Board of Directors held a Public Hearing on the Proposed District Rules Regarding Brackish Groundwater Production Permits as Per HB 722; and

WHEREAS, on June 16, 2021, after the Public Hearing, the Board of Directors voted to adopt the Proposed District Rules Regarding Brackish Groundwater Production Permits as Per HB 722 and to incorporate into the Proposed District Rules Regarding Brackish Groundwater Production Permits as Per HB 722, the public changes made during the Public Hearing; and

NOW, THEREFORE, on June 16, 2021, the Board of Directors considered the public comments regarding the Proposed District Rules Regarding Brackish Groundwater Production Permits as Per HB 722, and by a vote of 5 to 0, voted to adopt the Proposed District Rules Regarding Brackish Groundwater Production Permits as Per HB 722, as part of the District Rules, and the following Order:

THEREFORE, BE IT ORDERED that the District Rules Regarding Brackish Groundwater Production Permits as Per HB 722 attached hereto are the Kenedy County Groundwater Conservation District Rules Regarding Brackish Groundwater Production Permits as Per HB 722 with the effective date of June 16, 2021.

SIGNED AND ENTERED THIS DATE: June 16, 2021

7. Hold Public Hearing and Receive Comments on Proposed Desired Future Conditions For Relevant Aquifers in GMA-16

Chuck Burns closed the regular meeting and opened the public hearing at 9:55 AM.

Dave Delaney expressed two concerns about the proposed DFC for the Kenedy County GCD. One concern had to do with the amount of acre-inches per surface acre available to the landowners in the Kenedy County GCD and the other concern was whether the proposed DFC would have an impact on the production limit per acre currently set at 0.75 acre inches per surface acre. Dr. Uddameri responded to both concerns, reiterated how the current DFC process works and concluded that the proposed DFC would not impact either concern in a negative way.

Delaney concluded his comments by recommending that the drawdowns for each aquifer layer be spelled out when the District plan is revised in 2022. Garza assured Delaney that it would be done.

Chuck Burns closed the public hearing and returned to the regular meeting at 10:25 AM.

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

8. Discuss & Act to Accept Legislative Report from Mary Sahs

Andy Garza informed the Directors that there was no legislative report from Mary Sahs for this meeting. Garza noted that no bills that would impact Chapter 36 of the Texas Water Code were passed by the Legislature.

No vote was needed and none was taken.

9. Discuss & Act on Date for Next Regular Board Meeting

Chuck Burns informed the Directors that a date needed to be set for the next regular meeting.

Danny Butler moved and Homero Vera seconded the motion; the motion passed unanimously to hold the next regular at 10:30 AM on July 16, 2021.

10. Discuss & Act on Payment of Bills for June, 2021

Chuck Burns presented the bills from June, 2021 to the Directors for consideration and payment. Burns noted that the transfer of investment funds to New York Life and Mainstay Investments were included in the list of bills.

Homero Vera moved and Danny Butler seconded the motion; the motion passed unanimously to pay the bills for June, 2021 as presented.

11. Discuss & Act to Accept Chuck Burns' Resignation as Director of Precinct 3

Chuck Burns, Precinct 3 Director, submitted his letter of resignation to the Directors effective at the conclusion of the meeting.

Homero Vera moved and Danny Butler seconded the motion; the motion passed unanimously to accept Chuck Burns' resignation as Director of Precinct 3.

12. Discuss & Act to Appoint New Director for Precinct 3

Chuck Burns recommended that Charles Burns II be appointed as the new Director of Precinct 3. Chuck Burns II does reside in Precinct 3.

Dave Delaney moved and Edward Bordovsky seconded the motion; the motion passed unanimously to appoint Charles Burns II as the new Director of Precinct 3.

13. Discuss & Act to Accept Dave Delaney's Resignation as Director of Precinct 5

Dave Delaney, Precinct 5 Director, submitted his letter of resignation to the Directors effective at the conclusion of the meeting.

Homero Vera moved and Edward Bordovsky seconded the motion; the motion passed unanimously to accept Dave Delaney's resignation as Director of Precinct 5.

14. Discuss & Act to Appoint New Director for Precinct 5

Dave Delaney recommended that Verl Cash be appointed as new Director of Precinct 5. Cash is currently employed as Natural Resources Manager by the King Ranch and does reside in Precinct 5.

Edward Bordovsky moved and Danny Butler seconded the motion; the motion passed unanimously to appoint Verl Cash as the new Director of Precinct 5.

15. Discuss & Act to Elect Officers

Homero Vera, in consultation with Leo Villarreal and Andy Garza, presented a slate of officers for consideration by the Directors. The slate included Homero Vera as President, Edward Bordovsky as Vice-President and Verl Cash as Secretary.

Danny Butler moved and Edward Bordovsky seconded the motion; the motion passed unanimously to elect the slate of officers put forth by Homero Vera.

16. Adjournment

There being no other business to come before the Board of Directors, Danny Butler moved and Edward Borsdovsky seconded the motion; the motion passed unanimously that the meeting be adjourned at 10:55 AM.

Verl Cash, Secretary

ATTESTED TO:



Homero S. Vera, President