

Fayette County Groundwater Conservation District

255 Svoboda Lane, Room 115
La Grange, Texas 78945
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MINUTES Of the November 7, 2011 Board of Directors Meeting

Directors Present: Robert Leer, Leo Wick, Sr., Harvey Hayek, Charles Richter, Terry Hays
Directors Absent: None
Others Present: David Van Dresar, General Manager; Wendi Denton, Administrative Assistant; Monique Norman, Legal Council; Andy Donnelly, DBS&A; Paul Kirby, DBS&A; Cindy Rodibaugh

The meeting was called to order by President Wick at 8:30 a.m. on November 7, 2011, at the Fayette County Agricultural Building Conference Room 104 located at 255 Svoboda Lane, in La Grange, Texas, immediately following the public hearing. A quorum to conduct business was declared to be present.

President Wick asked for public comments. There were none.

Minutes from the October 3, 2011, board of directors meeting were presented. Mr. Hays made the motion to accept the minutes as presented. Mr. Leer seconded the motion and the motion was approved.

The October financial statement and all outstanding bills to be paid were presented. Mr. Leer made the motion to accept the financial statement and to pay the bills presented. Mr. Hayek seconded the motion and it was approved.

Mr. Van Dresar gave the District Manager's report to the board. Mr. Van Dresar stated that the following presentations and meetings were:

- On October 12, the Texas Groundwater Protection Committee held its quarterly meeting in Austin at the TCEQ Campus. Reports were given by the subcommittees. New fact sheets regarding oil and gas disposal wells were presented and approved. These fact sheets will be available for use in newsletters and general information inquiries. The current drought situation was also discussed. Dr. Vincent Nathan presented a slide show to the TGPC regarding a new training program offered by the School of Rural Public Health, Texas A&M Health Science Center for privately owned water wells.
- On October 13, the Drought Preparedness Council held a meeting in Austin. During that meeting the TCEQ reported a record number of public water systems being affected by the drought. Of note, the TCEQ has compiled a list of those water systems that are facing a complete loss of

water supply within the next 180 days. Currently, there are 23 systems on the list and, fortunately, no system in Fayette County is present on the list; however the City of Burton is on the list and is in Washington County, and unprotected county, very near to our jurisdiction. We will be monitoring this list from TCEQ and activities occurring near our boundaries.

- On October 23, I spoke to a gathering of the Warda Neighborhood Watch, in Warda. Approximately 75 people were in attendance. Topics discussed included a background of the district, water supplies in Texas and Fayette County, and groundwater ownership. The information was well received and several questions were asked

Mr. Van Dresar informed the Board that no complaints were received in October.

Mr. Van Dresar then discussed:

- Update on the GMA 12 Petitions
 - A letter from the attorney representing End/Op was received on October 6, 2011.
 - The letter outlines End/Op's protest of the current schedule and process for appeals of the desired future conditions in GMA 12.
 - No response from the TWDB regarding the letter has been received to date.
 - Mrs. Norman stated that the TWDB may hold a hearing by February 2012.
- Update on Uranium mining and Countywide Sampling
 - On October 20, the Fayette County Groundwater Conservation District, working with the Texas AgriLIFE Extension office, took in over 50 samples from countywide participants of the annual water sampling event.
 - 50 bacteriological samples were also received at that time.
 - Results of the bacteriological tests were received the week of 10/24/2011.
 - 10 of the 50 samples indicated coliform present in the sample. One of these positive samples also indicated E-Coli bacteria present.
 - I feel that these may be false positive samples, as often is the case in such sampling, and informed the county agent that my first recommendation would be to have the well owner resample their well.
 - The second round of sampling in the proposed uranium mining region of the county is scheduled for November 14.
 - Paul Kirby and I have been in contact and will have a report for the board regarding our activities at the next meeting.
- Update on Drought Conditions
 - The state continues to be in exceptional drought with no short term relief in the forecast.
 - All state and national forecasts indicate a persistence of the drought patterns, with above average temperatures and below average rainfall through December.
 - The recent rains in October did little to affect the overall deficiencies in the area.
 - The current drought map shows some improvement but this is primarily due to the weather events that occurred in October.
- Update Legislative and News Article Update
 - Nothing to report

Upcoming meetings and seminars were presented.

The board considered action on a request for consideration of reappraisal of property from the Fayette County Appraisal District (FCAD). Mr. Van Dresar presented a memo to the board which contained an email received on October 6 from the FCAD regarding nine homes in the Nechanitz area that were burned by the recent wildfire. The properties in question have been declared a natural disaster. FCAD stated in the email that the County Judge would like to authorize a reappraisal of the nine properties. The email asked if the Fayette County Groundwater Conservation District would like to do the same. After a brief discussion, Mr. Richter made the motion to approve the reappraisal of the properties presented in the email. Mr. Hays seconded the motion and it was approved.

The board considered action on rerate and continued coverage from insurance provider TMLIEBP. Mrs. Denton presented the board with the rerate breakdown and continued coverage agreement from the Texas Municipal League Intergovernmental Employee Benefits Pool. Mrs. Denton stated that the rates will go up approximately \$16.00 for each employee and \$30.00 for family coverage. Mr. Leer made the motion to accept the rerate and continued coverage agreement. Mr. Hayek seconded the motion and it was approved.

The board considered action on a GMA 12 common interest in legal defense joint participation agreement. The agreement was presented to the board and Mrs. Norman stated that the purpose of the agreement was to allow GMA 12 districts and their legal counsels prepare jointly for the administrative proceedings and potential litigation regarding the petitions filed against GMA 12 during the Desired Future Conditions process. After a brief discussion, Mr. Hayek made the motion to accept the agreement. Mr. Hays seconded and the motion was approved.

The board considered action on documentation of eminent domain authority in Texas. Mr. Van Dresar presented the Required Documentation of Eminent Domain Authority in Texas form from the Texas Comptroller's office for the board's approval. Mr. Van Dresar stated that Senate Bill 18 passed during the 82nd Legislature requires all public and private entities to submit this documentation if they are authorized to exercise the powers of eminent domain in Texas. Mr. Van Dresar stated that the Texas Water Code Chapter 36.105 grants eminent domain authority to groundwater conservation districts. This authority requires the district to submit the form. Mrs. Norman stated that she would review the district's enabling legislation to ensure there was no other language regarding eminent domain specific to the FCGCD in that enabling bill. Mr. Leer made the motion to authorize the staff to respond to the state prior to the deadline. Mr. Hays seconded the motion. The motion was approved.

The board considered action on the 2012 board meeting schedule. Mr. Richter made the motion to approve the schedule as presented. Mr. Hays seconded and the motion was approved.

The board considered action on the 2012 holiday schedule. Mr. Leer requested that ½ day off on December 21 be added to the schedule for the holiday. Mr. Hayek made the motion to approve the holiday schedule as amended. Mr. Hays seconded the motion and it was approved.

The board considered action on one bid received for FCAD unsold properties. Being Gar-Zap Frc of Block K, 0.440 acres, in Flatonia, Texas, cause number 3284, located in the Flatonia ISD, Fayette County, City of Flatonia, and Fayette County Groundwater Conservation District jurisdictions, from

Weldon Davis in the amount of \$692.11. Mr. Hays made the motion to accept the bid. Mr. Hayek seconded the motion. The motion was approved, with Mr. Leer voting Nay.

Mr. Van Dresar updated the Board on the District Goals and Management Objectives.

Items were identified for the next meeting s'agenda. The next meeting is scheduled for Monday, December 5, 2011 in Room 104 of the Fayette County Agricultural Building located at 255 Svoboda Lane, La Grange, Texas 78945.

There being no further business, Mr. Richter made the motion to adjourn the meeting. Mr. Hayek seconded the motion and the meeting was adjourned at 09:52 a.m.

Leo Wick, Sr., President

Harvey Hayek, Secretary Treasurer