

Texana Groundwater Conservation District

411 N. Wells, Room 118, Edna, Texas 77957

P.O. Box 1098, Edna, Texas 77957

Phone (361) 781-0624 | Fax (361) 781-0453 | www.texanagcd.org

The meeting of the Texana Groundwater Conservation District Board of Directors convened at 411 N. Wells, Edna, Texas 77957 on Thursday, August 29, 2024, at 6:00 PM.

The following representatives of Texana Groundwater Conservation District attended the meeting:

Precinct 1:	John Boone	Present
Precinct 2:	Michael Skalicky	Absent
Precinct 3:	Clifford Born	Present
Precinct 4:	Charles Marr	Absent
At Large:	Jim Revel	Absent
At Large:	Alfred Tupa	Present
At Large:	Robert Gendke	Present
General Manager:	Tim Andruss	Present
Legal Counsel:	Jim Allison of Allison, Bass & Magee, LLP	Absent

Agenda Item 1: Call the meeting to order and welcome guests.

Meeting Discussion: Mr. Tupa called the meeting to order at approximately 6:00 PM.

Board Action: None.

Agenda Item 2: Receive public comments.

Meeting Discussion: Mr. Tupa offered to accept public comment from attendees.

Board Action: None.

Agenda Item 3: Consideration of and possible action on matters related to groundwater management including the efforts and activities of the District regarding permitting, complaints, investigations, violations, and enforcement cases associated with permitting.

Meeting Discussion: None.

Board Action: None.

Agenda Item 4: Consideration of and possible action on matters related to groundwater protection including complaints, investigations, violations, and enforcement cases related to groundwater contamination and waste.

4.0 – Report regarding Groundwater Protection

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Meeting Discussion: None.

Board Action: None.

4.1 – Texas Well Owner Network Well Screening

Meeting Discussion: Mr. Andruss explained on July 24, 2024, Mr. Pigg, Coordinator of the Texas Well Owner Network of the Texas A&M AgriLife Extension Service notified staff of an upcoming well screening program to be held for Jackson, Calhoun, and Matagorda Counties on September 23 and 24, 2024. The program will consist of AgriLife personnel accepting and processing groundwater samples collected by well owners and an informational meeting to discuss sample results with participating well owners. The samples will be screened/tested for the following constituents: coliform bacteria, E. coli bacteria, nitrates, salinity and pH. The processing fee is \$15.00 per sample.

Detection and awareness of contamination by well owners could lead to better protection of groundwater resources within Jackson County. Wells with bacterial and nitrate contamination will likely require some treatment and possibly corrective actions to safeguard groundwater resources at and near the subject well.

If the district were to provide financial and technical support (assistance with collection and delivery of samples), staff anticipate gaining more access to wells for monitoring and inspection purposes to support the full achievement of the goals and objectives established in the management plan of the district.

Board Action: Mr. Boone moved to pay the processing fee for up to 50 wells at a total authorized cost of \$750.00 contingent upon sponsored well owners 1) registering the well with the district, and 2) authorizing staff to inspect the subject well, measure the water level from the subject well if feasible, and measure water quality field measurement from the subject well if feasible. Mr. Born seconded the motion. The motion passed unanimously.

Agenda Item 5: Consideration of and possible action on matters related to groundwater monitoring.

Meeting Discussion: None.

Board Action: None.

Agenda Item 6: Consideration of and possible action on matters related to groundwater conservation.

Meeting Discussion: None.

Board Action: None.

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Agenda Item 7: Consideration of and possible action on matters related to groundwater resource planning including Groundwater Management Area 15 Joint Planning and regional water planning.

Meeting Discussion: None.

Board Action: None.

Agenda Item 8: Consideration of and possible action on matters related to groundwater policy including the Management Plan of the District and the Rules of the District.

8.0 – Report regarding Groundwater Policy

Meeting Discussion: None.

Board Action: None.

Agenda Item 9: Consideration of and possible action on matters related to administration and management including the minutes of previous meetings, the annual budget of the district, bank accounts, investments, financial reports of the district, bills and invoices of the district, management goals and objectives of the district, administrative policies, staffing, consultant agreements, interlocal cooperation agreements, support services provided to and from other groundwater conservation districts, contracts related to the 2024 election and the potential cancellation of the 2024 election, and vacancies in the office of director of the district.

9.0 – Report regarding Administration and Management

Meeting Discussion: Mr. Andruss explained on July 19, 2024, Mr. Revel resigned from the Board of Directors of the Texana Groundwater Conservation District.

On July 22, 2024, Mr. Skalicky resigned from the Board of Directors of the Texana Groundwater Conservation District.

The next meetings of the Board are scheduled for October 17, 2024, with each meeting to convene at 6:00 PM. Regular meetings will be rescheduled as necessary and special meeting may be scheduled to address unforeseen issues.

Board Action: None.

9.1 – FY2025 Budget

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Meeting Discussion: Mr. Andruss explained on July 19, 2024, the Board of Directors of the Victoria Groundwater Conservation District considered the operations of the district and their support services provided to other groundwater conservation district including Texana GCD. Based on this consideration, the VCGCD Board has elected to terminate the existing interlocal agreement with the district (as well as the agreements with RGCD and CCGCD) and offer an agreement intended to improvement of performance of VCGCD staff in providing services to the boards of the VCGCD and cooperating district by increasing VCGCD staffing to 7 full-time employees at a consolidated office for at least a 5-year period. This arrangement would result in significant expenses to be incurred related to additional personnel and associated equipment and office expenses that would be offset by increases to the fees paid to the VCGCD by cooperating districts. (The budgetary information was developed on the presumption that each cooperating district would agree to the arrangement proposed by the VCGCD.)

Staff developed a recommended budget for the fiscal year ending September 30, 2025, that attempts to fund the operations of the District in a manner that provides for 1) the accomplishment of the management plan goals and objectives, 2) the completion of certain projects and tasks associated with the administration of the district, groundwater conservation, groundwater management and permitting, groundwater monitoring, groundwater policy development, groundwater protection, groundwater research, and groundwater resource planning, and 3) avoid a budget deficit in Fiscal Year 2024-2025.

Staff developed the proposed budget anticipating continued cooperation with Victoria County GCD through a new long-term interlocal cooperation agreement.

Staff developed the proposed budget anticipating the commitment of the monies of the Reserve Fund in Fiscal Year 2024-2025 in accordance with the following schedule:

- Groundwater Conservation: 5%
- Groundwater Management: 10%
- Groundwater Monitoring: 25%
- Groundwater Protection: 25%
- Groundwater Research: 5%
- Groundwater Resource Planning: 5%
- Legal Contingencies: 25%

Staff developed the proposed budget anticipating the approval of a tax rate equal to the No-New-Revenue Tax Rate calculated by the Tax Assessor - Collector for Tax Year 2024 and a 5% APY on expected reserved funds. The proposed revenue exceeds the proposed expenses for the operating fund by \$130,500.

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Below is a summary of the expected balances of the Operating and Reserve Funds anticipated under the recommended budget:

- Expected Beginning Balance: \$931,000.00
- Budgeted Revenue: \$324,200.00
- Budgeted Expenses: -\$193,700.00
- Expected Ending Balance: \$1,061,500.00

Staff developed an alternate budget for the fiscal year ending September 30, 2025, that attempts to fund the operations of the District in a manner that provides for 1) the accomplishment of the management plan goals and objectives, 2) the completion of certain projects and tasks associated with the administration of the district, groundwater conservation, groundwater management and permitting, groundwater monitoring, groundwater policy development, groundwater protection, groundwater research, and groundwater resource planning, and 3) avoid a budget deficit in Fiscal Year 2024-2025.

Staff developed the alternate budget anticipating discontinued cooperation with Victoria County GCD. This budget anticipates significant increases in expenses related to full-time employees and decreased expenses related to support services provided by VCGCD.

Staff developed the alternate budget anticipating the commitment of the monies of the Reserve Fund in Fiscal Year 2024-2025 in accordance with the following schedule:

- Groundwater Conservation: 5%
- Groundwater Management: 10%
- Groundwater Monitoring: 25%
- Groundwater Protection: 25%
- Groundwater Research: 5%
- Groundwater Resource Planning: 5%
- Legal Contingencies: 25%

Staff developed the alternate budget anticipating the approval of a tax rate equal to the No-New-Revenue Tax Rate calculated by the Tax Assessor - Collector for Tax Year 2024 and a 5% APY on expected reserved funds. The proposed revenue exceeds the proposed expenses for the operating fund by \$136,900.

Below is a summary of the expected balances of the Operating and Reserve Funds anticipated under the alternate budget:

- Expected Beginning Balance: \$1,088,000.00
- Budgeted Revenue: \$332,100.00
- Budgeted Expenses: -\$195,200.00
- Expected Ending Balance: \$1,224,800.00

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Board Action: Mr. Born moved to adopt the recommended budget for Fiscal Year 2025 by order and authorize the presiding officer to execute the draft interlocal agreements with the Victoria County Groundwater Conservation District. Mr. Gendke seconded the motion. The motion passed unanimously.

9.2 – Tax Rate for TY2024

Meeting Discussion: Mr. Andruss explained the District completed the public notice requirements related to the required public hearing regarding the proposed tax rate for tax year 2024.

Based on calculations completed by the Jackson County Tax Assessor-Collector, the following tax rates exist for the District for Tax Year 2024:

- No-New-Revenue Tax Rate: \$0.0072/\$100
- Voter-Approval Tax Rate: \$0.0077/\$100

Board Action: Mr. Gendke moved to open the public hearing regarding the proposed tax rate at 7:24 PM. Mr. Boone seconded the motion. The motion passed unanimously.

Mr. Gendke moved to close the public hearing after receiving no public comment regarding the proposed tax rate at 7:25 PM. Mr. Boone seconded the motion. The motion passed unanimously.

Mr. Gendke moved to approve and adopt the No-New-Revenue Tax Rate as the adopted tax rate by order. Mr. Boone seconded the motion. The motion passed unanimously.

9.3 – Appraisal Roll for Tax Year 2024

Meeting Discussion: None.

Board Action: Mr. Born moved to accept and approve the appraisal roll for Tax Year 2024 and adopt the Order Approving the 2024 Appraisal Roll. Mr. Gendke seconded the motion. The motion passed unanimously.

9.4 – JCTAC Interlocal Agreement for FY2025

Meeting Discussion: Mr. Andruss explained On June 3, 2024, staff received a copy of the interlocal cooperation agreement from the Jackson County Tax Assessor-Collector regarding tax collection services for Tax Year 2024.

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Previously, Mr. Allison had identified an error in the agreement in paragraph 6 regarding the payee of a bond to be signed by the JCTAC. Property Tax Code 6.29(b) reads "(b) A taxing unit whose taxes are collected by the collector for another taxing unit, by an officer or employee of another taxing unit or of an appraisal district, or by any other person other than the unit's own collector may require that collector, officer, employee, or other person to give bond conditioned on the faithful performance of his duties. To be effective, the bond must be made payable to and must be approved by and paid for by the governing body of the unit requiring bond in an amount determined by the governing body. The governing body may prescribe additional requirements for the bond."

Board Action: Mr. Boone moved to authorize the president of the district to execute the agreement with the Jackson County Tax Assessor-Collector for Tax Year 2024 contingent upon the revision of the agreement and determination that the agreement is legally sufficient by general counsel of the district. Mr. Born seconded the motion. The motion passed unanimously.

9.5 – Review of Consultants

Meeting Discussion: Mr. Andruss explained the District previously reviewed and considered the services provided by consultants on January 18, 2024. The District has obtained services from Jim Allison of Allison, Bass and Magee, Dr. Venkatesh Uddameri as well as Steve Young of Intera, Inc. in the past. The services provided by each consultant have been considered acceptable by the District. The services provide by Dr. Venkatesh Uddameri and Steve Young of Intera, Inc. have been obtained through interlocal cooperation agreements with the VCGCD.

Board Action: Mr. Boone moved to continue the authorization for the General Manager to obtain proposals and services from Dr. Venkatesh Uddameri, Steve Young of Intera, Inc., and other consultants contracted with the VCGCD in accordance with the conditions established in the agreements between VCGCD and the consultants as appropriate. Mr. Gendke seconded the motion. The motion passed unanimously.

9.6 – FY2025 Budgetary Authorizations

Meeting Discussion: Mr. Andruss explained In order to efficiently administer the operations of the district, the board has granted limited authority to the general manager to spend funds on certain expenses that are referred to regular and routine expenses within the constraints of the approved budget. This authorization applies to expenses such as subscription services, lease payments and so on. Other expenses require board consideration and explicit authorization from the board to pay such as invoices from technical consultants and contractors.

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Regardless of the procedure under which authorization is obtained to spend funds, all expenditure transactions (as well as revenue transactions) are presented to the board for review and oversight within the meeting packets of regular meetings.

When appropriate, the authorization to make payment on non-routine expense is obtained when the associated financial obligation is authorized by the board. This frequently occurs when the Board accepts a proposal from a technical consultant.

However, in some instances, this procedure proves to be inefficient and hinders management's ability to administer the projects of the district designed to achieve the operational objectives of the district. This circumstance frequently arises in instances where the district seeks to sponsor external activities such as proposals to promote water conservation or have a technical matter addressed by a consultant.

Board Action: Mr. Boone moved to 1) authorized general manager to engage and pay consultants under the agreements approved by the board and 2) authorize the general manager to award sponsorships and pay the corresponding expenses in accordance with the approved operational budget of the district. Mr. Gendke seconded the motion. The motion passed unanimously.

9.7 – Budget Amendments

Meeting Discussion: Mr. Andruss explained based on a review of the financial transactions recorded by the district through May 31, 2024, and correction of assignment of expenses to budget programs and budget categories, the following amendments are recommended for consideration by the Board.

If approved, the budget surplus anticipated at September 30, 2024, would increase from \$36,700 to \$128,700.

Board Action: Mr. Boone moved to approve the recommended amendments to the FY2024 Budget. Mr. Gendke seconded the motion. The motion passed unanimously.

9.8 – Bills and Invoices

Meeting Discussion: Mr. Andruss explained the District has outstanding bills and invoices that are not considered regular and routine for which the District has received the goods and services billed for under the invoices.

Board Action: Mr. Born moved to:

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1: move to authorize the General Manager to pay the outstanding bills and invoices for goods and services received by the District.

2: move to authorize the General Manager to pay the invoice ILA-202501-01-T from the Victoria County GCD for the Regular and Routine Fees for FY2025 and the Office and Equipment Fees for FY2025 - FY2029 if the board approves and the presiding officer executes the new interlocal agreement with VCGCD, contingent upon agreement execution by the presiding office of the Victoria County GCD.

Mr. Boone seconded the motion. The motion passed unanimously.

9.9 – Election Matters and Director Vacancies

Meeting Discussion: Mr. Andruss explained The the Secretary of State Office has published Election Advisory 2024-17. See November 5, 2024 Election and December 14, 2024 Runoff Election Law Calendar (state.tx.us). Within the advisory, a number of key dates are identified regarding the upcoming elections:

- Monday, August 19, 2024 (78th day before Election Day)
 - Political Subdivisions Other Than Counties: 5:00 p.m. — Last day for a candidate in a political subdivision (other than a county) to file an application for a place on the ballot for general election for officers for most political subdivisions, except as otherwise provided by the Texas Election Code. (Secs. 143.007(c), 144.005(d), Election Code; Sec. 11.055, Education Code; Chapter 286, Health & Safety Code). See Candidacy Filing outline for more details.
 - Political Subdivisions Other Than Counties (General Election): Deadline for political subdivisions to order a general election to be held on Tuesday, November 5, 2024. (Sec. 3.005).
- Friday, August 23, 2024 (74th day before Election Day)
 - Political Subdivisions Other Than Counties: 5:00 p.m. — Deadline for write-in candidates to file Declarations of Write-In Candidacy (PDF) for regular officers for city, school district, library district, junior college district, hospital district, common school districts, Chapter 36 and 49 Water Code districts, and other political subdivision elections, unless otherwise provided by law. (Secs. 144.006(b), 146.054(b), 146.055, Election Code; Secs. 11.056, 11.304, 130.0825, Education Code; Secs. 326.0431, 326.0432, Local Government Code; Sec. 285.131, Health and Safety Code; Secs. 36.059, 49.101, 63.0945, Water Code). See Candidacy Filing outline and Local Candidates' Guide for more information.
- Monday, August 26, 2024 (71st day before Election Day)
 - Political Subdivisions Other Than Counties: Recommended first day that a general or special election must be cancelled if all filing deadlines have passed, each candidate for an office listed on the

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ballot is unopposed (except as discussed below), and write-in votes may be counted only for names appearing on a list of write-in candidates. The Certification of Unopposed Candidates for Other Political Subdivisions (PDF) may be used to certify candidates as unopposed. Also, see our Sample Order of Cancellation (PDF).

The terms of the following offices are scheduled to expire in November 2024:

- Director, Precinct 1; (currently held by Mr. Dierschke)
- Director, Precinct 3; (currently held by Mr. Johnson)

As of August 19, 2024, the District had not received applications for a place on the ballot.

Board Action: Mr. Boone moved to cancel the election for all positions effective August 26, 2024. Mr. Gendke seconded the motion. The motion passed unanimously.

Agenda Item 10: Consideration of and possible action on matters related to legal counsel report.

Meeting Discussion: None.
Board Action: None.

Agenda Item 11: Adjourn

Meeting Discussion: None.
Board Action: Mr. Born moved to adjourn the meeting after concluding all business of the District, at approximately 7:42 PM. Mr. Gendke seconded the motion. The motion passed unanimously.

The above and foregoing minutes were read and approved on this the 17th day of October, 2024.

ATTEST:

Acton J. Tupa
District Director

Ronnie M. Mullen
District Director