

MEETING OF THE BOARD OF DIRECTORS
PLUM CREEK CONSERVATION DISTRICT
CONFERENCE ROOM, COUNTY ANNEX
BUILDING, LOCKHART, TEXAS 78644
December 16th, 2008

Notices of this regular meeting were posted in the Hays and Caldwell County Courthouses at least 72 hours prior to the meeting. Receipts of the notices are on file in the office of Plum Creek Conservation District.

Checks were reviewed and signed, just prior to the call to order, by Vice President, James O Lipscomb.

2:00 PM The meeting was called to order by President of the Board, James A. Holt, Jr. with the following Board members present: James O. Lipscomb (Vice President), Melvin Bain (Treasurer), Ben Twidwell (Director), Lucy Knight (Director) and Fred Rothert (Director). Also present were Johnnie Halliburton (Executive Manager), Karen Bassett (Office Secretary), Bob Wilson (PCCD Attorney), Josh Grimes (PCCD Consultant), and PCCD staff members Korey Schuelke and Dan Meyer. Minutes were taken by Karen Bassett.

2:00PM Ms. Knight made a motion to approve the minutes as corrected for the November 18th meeting. Mr. Lipscomb seconded. Motion approved.

2:01PM Mr. Halliburton introduced Mr. Danny Green who is a landowner above our site #5 at Kyle in Hays County to the Board. He explained that Mr. Green owns approximately 25 acres with the majority of the property lying within PCCD's easement. He stated that Mr. Green was requesting permission from the Board to allow him to construct some type of berm around the 3 homes on his property to prevent flood waters from inundating them. Mr. Halliburton explained to the Board that he had been previously informed by Mr. Green that there was never anything said about the property being in any type of flood plain or easement when he had purchased it. Mr. Halliburton said that Fred Bell (previous PCCD manager) was the first person to tell Mr. Green that his property would be flooded. He also explained to the Board that Mr. Green had modified the plan of his original request to a much smaller one. Mr. Green told the Board he planned on taking material from the creek channel area and raising the ground level (berm) two and one-half feet at maximum. The Board discussed with Mr. Green.

Mr. Holt asked Mr. Isidro Morales with NRCS if the Engineers had looked at the property. Mr. Morales explained that the Engineers had looked at the property and said that as long as the soil was coming from the easement area there should not be a problem.

Mr. Bob Wilson asked Mr. Morales if there would be a change in the back water effect if the dam was rehabilitated. Mr. Morales explained that he had not heard of anything that said it would be.

Mr. Bob Wilson asked Mr. Green if he had talked to anyone about what height the elevation of the berm would need to be built. Mr. Green responded by saying that he had spoken with some Engineers in San Marcos and that they had given him some ideas. Mr. Holt explained to Mr. Green that PCCD would need to see some kind of engineering report before granting permission. Also, Mr. Wilson stated that an engineering draft, an agreement releasing PCCD from the change, and a covenant running with the land would need to be brought before the Board.

2:25PM Mr. Twidwell made a motion to allow Mr. Green to move forward with his plan contingent on the three requests recommended by PCCD, and then to bring it back to the Board for their possible final approval. Mr. Lipscomb seconded. Motion carried.

- 2:26PM Mr. Jim Jansen discussed with the Board the Independent Auditors Report which showed everything to be correct and that Plum Creek Conservation District had complied with all of the rules and laws in the state of Texas.
Mr. Jansen discussed the assets, expenses, accounting, physical assets and liabilities with the Board. He also explained that PCCD needed a written capitalization policy. The Board discussed with Mr. Jansen.
- 2:35PM Mr. Bain made a motion to approve the audit and Mr. Lipscomb seconded. Motion carried.
- 2:36PM Mr. Isidro Morales with NRCS told the Board that Mr. Halliburton had requested information regarding the original costs of all of the flood control structures in order to determine a current value of the structures. After explaining that all of the sites could be determined by PCCD except for seven structures, Mr. Morales told the Board that the NRCS Engineers would relay the requested information to PCCD as soon as possible. The Board discussed with Mr. Morales.
- 2:41PM Mr. Grimes told the Board that he had a GMA 10 meeting in Uvalde just prior to last month's PCCD meeting.
Mr. Grimes let the Board know that he, Ms. Knight, and Mr. Bob Wilson had a meeting with State Representative Patrick Rose on November 25th and that it was very informative. Mr. Grimes informed the Board that Representative Patrick Rose definitely let it be known that he was going to introduce legislation to change the PCCD Board from being appointed to being elected and maybe expanding PCCD's boundaries to include everywhere that's not included in Plum Creek now except for the Gonzales County Groundwater District.
Mr. Grimes also discussed with the Board that he had a conversation with Congressman Lloyd Dogget concerning the federal funding for site #5. Mr. Grimes explained that Congressman Dogget took the information and was very interested in working with PCCD on that matter.
Mr. Grimes told the Board that he had a meeting on December 10th with Judge H.T. Wright concerning groundwater issues in the county. The Board discussed with Mr. Grimes.
Mr. Grimes let the Board know that he had attended a hearing in Gonzales for their Management Plan. Mr. Grimes explained that it appeared that Gonzales County wanted to permit up to 86,000 ac/ft per year and that they were willing to accept a 100 ft. draw down in the Wilcox and in the Carrizo. Mr. Grimes explained that at the meeting he had let Gonzales County know that PCCD thought that there was only 21,000 to 25,000 ac/ft per year available in Caldwell County. The Board discussed with Mr. Grimes.
Mr. Wilson discussed with the Board and suggested that PCCD should have a workshop on (DFCs) so that the Board could see what direction they should go in participating with GMA 13 on establishing DFC's. Mr. Holt recommended to the Board that PCCD have a workshop possibly in mid January. The Board discussed with Mr. Holt and Mr. Wilson.
- 3:04PM Mr. Halliburton told the Board that he had participated on a tour of the Plum Creek Watershed with the Federal Environmental Protection Agency and explained that they were the ones at the federal level that sign the checks and determine who receives the money at the state level. He also stated that the Plum Creek Watershed Protection Plan group wanted to make sure that the EPA group received a good tour of the District in order for the WPP group to receive possible funding for the clean up of Plum Creek.
Mr. Halliburton let the Board know that PCCD staff went out and checked on a possible PCCD monitoring well owned by the City of Lockhart. Mr. Halliburton explained that PCCD had asked the City of Lockhart if they could use their #8 water well that was abandoned, for a monitoring well. Mr. Halliburton told the Board that the City of Lockhart had requested an agreement between Plum Creek and themselves. Mr. Halliburton explained that Mr. Bob Wilson was in the process of drawing up an agreement for City of Lockhart's review..

Mr. Halliburton told the Board that in their folders was a desired future conditions survey for our groundwater management area that was requested to be completed by each Director by Rima Petrossian who is the Groundwater Technical Assistant Manager for the Texas Water Development Board. He explained that Ms. Petrossian was requesting assistance from the Board in her research at the University of Texas. Mr. Halliburton explained to the Board that their participation in the survey was only voluntary and not required by the TWDB. The Board discussed with Mr. Halliburton.

Mr. Halliburton also told the Board that Ms. Knight, Mr. Bain, and Mr. Holt's four year terms as PCCD Directors would end as of December 31st, 2008. He let the Board know that a couple of weeks prior to the Board meeting he had sent letters to both Hays and Caldwell County Commissioners Courts explaining that their terms were up for review. He told the Board that the agenda item was tabled in Caldwell County at their first meeting and at the second meeting held the day before the PCCD Board meeting that Ms. Knight was re-appointed to the PCCD Board for another four year term and Mr. Peter Reinecke was appointed to take over Mr. Melvin Bain's position as of January 1st, 2009 for a four year term also. Mr. Halliburton explained that he had not received any information from Hays County concerning Mr. Holts reappointment. The Board discussed with Mr. Halliburton.

3:11PM

Ms. Knight told the Board that she, Mr. Grimes and Mr. Bob Wilson had a meeting with State Representative Patrick Rose. She explained that some of the subjects they discussed with Senator Hegar had been communicated to Patrick Rose's office. For instance, because PCCD felt left out of the process of the legislation two years ago, it felt like a slap in the face to the Board. Ms. Knight explained that Representative Patrick Rose was very defensive through out the meeting. Ms. Knight let the Board know that they did ask if he was going to introduce legislation to make this Board elected rather than appointed. She explained that in the meeting they suggested the interim Board concept that they had included in the last legislation. Ms. Knight explained that he then proceeded to tell Ms. Knight, Mr. Grimes, and Mr. Bob Wilson that it was really their Legislative Counsel who wrote the Bill trying to find a way to transition it from the way they were are all appointed in small areas they represent to something that would be a fair representation. Ms. Knight let the Board know that Representative Rose said he was going to have some new legislation. The Board discussed with Ms. Knight.

Mr. Bob Wilson explained to the Board that Representative Rose did invite PCCD to submit to him any ideas on how they thought the bill should look.

Ms. Knight told the Board that during the meeting they conveyed to Representative Rose that they did have a cap on the tax rate and that it was one of the problems on the last bill because basically it was going to be .03 cents for both entities and that it would not work. Ms. Knight explained that Representative Rose and his staff said there was not going to be any caps on this Bill. Ms. Knight felt that PCCD needed to make contact with Representative Rose and to be more aggressive in what we are wanting for PCCD. The Board discussed with Ms. Knight and Mr. Bob Wilson.

Mr. Bob Wilson explained to the Board that they (PCCD) recommended in the meeting a real simple bill if Representative Rose wanted elected Directors, to expand Plum Creek to all of Caldwell County, to have one Director from each of the County Commissioners Precinct, to still go into Hays County with one elected Director in that area, and then to leave everything else the way it is. Mr. Bob Wilson felt that Representative Rose would not go for this simple plan. The Board discussed with Mr. Wilson. Ms. Knight explained that during the meeting she had asked Representative Rose if, in his bill, he would let this Board stay in existence until that time when whoever is elected is sworn in. A response from Representative Rose was not mentioned. The Board discussed with Ms. Knight.

- 3:25PM Mr. Dan Meyer discussed with the Board that he had been communicating with Aqua, Luling and Lockhart in getting their pumpage data.
Mr. Meyer also mentioned that he went to the Caldwell County Appraisal District and spoke with Mathew Allen. Mr. Allen had offered to loan PCCD their scanner so that all of the original engineer drawings of the flood control structures could be put on the computer. The Board discussed with Mr. Meyer.
- 3:27PM Mr. Korey Schuelke explained to the Board that he had been spraying mesquite and repairing fences. The Board discussed with Mr. Schuelke
- 3:28PM Ms. Knight made a motion that reimbursement expenses be paid to each of the employees in the amount of \$300.00. Mr. Twidwell seconded. Motion passed.
- 3:29PM Mr. Grimes expressed to Mr. Melvin Bain how much we appreciated his years of service on the Board.
- 3:29PM Mr. Halliburton introduced Mr. Peter Reinecke to the Board and explained that he would be replacing Mr. Melvin Bain on the Board as a Director.
- 3:30PM Mr. Twidwell made a motion to adjourn. Mr. Lipscomb seconded. Motion carried. Meeting adjourned.

President

Vice President

3:49 PM

3:56 PM

3:57 PM

3:58 PM

3:58 PM

4:08 PM

5:15 PM

5:15 PM

5:17 PM

