

MEETING OF THE BOARD OF DIRECTORS
PLUM CREEK CONSERVATION DISTRICT
CONFERENCE ROOM, COUNTY ANNEX
BUILDING, LOCKHART, TEXAS 78644
January 20th, 2009

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.

- 2:00PM 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), Ben Twidwell (Director), Lucy Knight (Director) and Fred Rotherth (Director). Also present were Karen Bassett (Office Secretary), Bob Wilson (PCCD Attorney), Feathergail Wilson (PCCD Geologist/Consultant), and Josh Grimes (PCCD Groundwater Consultant). Minutes were taken by Karen Bassett.
- 2:00 PM Mr. Johnie Halliburton announced that Caldwell County Commissioners Court had reappointed Mrs. Lucy Knight for another four year term and had appointed Mr. Peter Reinecke for a four year term as a replacement for Mr. Melvin Bain.
- 2:01PM Mr. Halliburton swore in Mrs. Knight and Mr. Reinecke as Directors of the Plum Creek Conservation District and had them sign their oath of office.
- 2:02PM President Holt requested motions or comments on the December minutes. Mrs. Knight made an amendment to the minutes mailed out discussing the difference between legislation council and legislative counsel. Ms. Karen Bassett provided the amended minutes. Mr. James O. Lipscomb made a motion to approve the minutes as amended. Mrs. Knight gave the second and the motion was passed to accept the minutes as amended.
- 2:03PM Mr. Halliburton presented a plaque on behalf of the Plum Creek Conservation District to Mr. Bain in appreciation for his years of service.
- 2:04PM President Holt requested acknowledgment of any unfinished business. Mr. Halliburton announced that there was no unfinished business.
- 2:04PM Mr. Halliburton discussed a previous discrepancy in the November minutes regarding the tax roll for Plum Creek Conservation District flood control. The tax roll was presented and acted upon, but did not appear in the November minutes. Also, the tax roll for the Plum Creek Conservation District underground water was not presented or acted upon in November and needed to be acted upon. Ms. Bassett provided amended minutes showing
- 2:05PM Mrs. Knight made a motion to approve the 2008 Caldwell County Tax Roll resolution for flood control with Mr. Lipscomb providing the second and with the motion being approved.
- 2:05PM Mrs. Knight made a motion to accept the corrected minutes. Mr. Fred Rotherth provided the second and the motion to accept the corrected minutes was approved unanimously.
- 2:09PM Mr. Halliburton informed the Board of Directors that there needed to be a motion to adopt a resolution memorializing the 2008 Appraisal Tax Roll for Plum Creek Underground Water.

- 2:09PM Mrs. Knight made a motion to approve a resolution for the Plum Creek Underground Water District's 2008 tax roll. Mr. Rothert provided the second and the motion was approved unanimously.
- 2:10PM Mr. Dan Ryan discussed the need for a Master Flood Plan for Kyle, Texas due to expansive growth. President Holt asked what authority Plum Creek Conservation District had regarding flood waters outside of the lakes that Plum Creek Conservation District maintains and Plum Creek Conservation District's easements. Mr. Bob Wilson, attorney for Plum Creek Conservation District, stated that Plum Creek Conservation District has very limited regulatory authority. Mr. Wilson stated that Plum Creek Conservation District only has authority to protect its own structures and easements. Mr. Wilson stated that Plum Creek Conservation District is not in the planning business as far as flood plans are concerned. Mr. Wilson stated that the city and/or county government is responsible for the required flood planning.
- 2:26PM Mr. Halliburton introduced Mr. Wes Birdwell with HALFF Associates who had been hired by Hays County to do a study on a Drainage Master Plan Proposal. HALFF Associates was requesting Plum Creek Conservation District's Board of Directors' support. Mr. Birdwell with HALFF Associates gave a presentation on the Drainage Master Plan Proposal for Hays County.
- 3:00PM Mrs. Knight made a motion to support a resolution to endorse the Hays County Drainage Master Plan Proposal. Mr. Lipscomb provided the second and the motion to support a resolution was approved unanimously.
- 3:00PM Mr. Robert Martinez gave a report from the Natural Resources Conservation Service. Mr. Martinez provided answers to previously asked questions by Plum Creek Conservation District's attorney, Bob Wilson, regarding easements and the rehab plan for Site 5. Mr. Martinez also stated that seven flood control structures in Plum Creek Conservation District had come up for formal inspection. He stated that the inspections would be performed by Mr. Martinez and Mr. Rick Mireles, engineer for the Natural Resources Conservation Service, and must be completed by February. Mr. Martinez stated that Brian Wenberg from the Natural Resources Conservation Service's State office would also be coming to help perform inspections. The sites to be inspected by Mr. Martinez are Sites 24, 26, 1, 6, 7, 16, and 21.
- 3:03PM Mr. Joshua Grimes gave his report. Mr. Grimes stated that he had made a phone call to Congressman Lloyd Doggett which had not been responded to. Mr. Grimes stated he had attended Gonzales County Underground Water District's meeting. Mr. Grimes also stated that he had been in contact with City of Luling employee, Chris Powell, in reference to monitoring wells in Luling, Texas. Mr. Grimes stated that he is continuing to work on the Site 5 Emergency Action Plan.
- 3:05PM Mr. Halliburton gave his report. Mr. Halliburton stated that he has sent the well production permits to the City of Luling (4), Aqua Water Supply (3), and the City of Lockhart (7). Mr. Halliburton stated that the Plum Creek Conservation District is waiting on information on one well so that the production permits for Polonia Water Supply can be sent out. Mr. Halliburton stated that the Desired Future Conditions' workshop had been slated for January 22nd, 2009 at 10:00 am in the Scott Annex building's conference room. Mr. Halliburton also stated that there would be equipment removing trees from the water's edge on Site 15 and the brush on the plunge basin on Site 16. Mr. Halliburton also informed the board of the designing and printing of name badges for the employees by Mr. Jimmy Parker. Mr. Halliburton gave a short synopsis of information received from a Texas Association of Watershed Sponsors' meeting that Mr. Halliburton attended in Temple, Texas. Mr. Halliburton told the Board that he was attempting to get in touch with the Hays County Sheriff's Office in reference to a vehicle accident which damaged a corner post on Site 6. Mr. Halliburton informed the Board that repairs will be made to the

damaged corner post. Mr. Halliburton stated that Plum Creek Conservation District employees spent Friday, January 16th, 2009 touring A. E. Nicholson's Farm and measuring water wells for which Mr. Nicholson had applied for irrigation production permits.

President Holt asked if Mr. Nicholson had any comments that he wished to share with the Board. Mr. Nicholson stated that he was just learning the processes that the Board takes regarding production permits. Mr. Nicholson asked what Plum Creek Conservation District believed their water well capacity to permit currently stood at. Mrs. Knight informed Mr. Nicholson that the workshop slated for January 22nd, 2009 would be a discussion of capacity figures and the desired future conditions. President Holt said that there had been no final decision made on capacity and/or desired future conditions. Mr. Nicholson questioned as to whether the Board favors local water users or those who plan to export water. Mr. Bob Wilson informed him that the statute doesn't allow the Plum Creek Conservation District Board to discriminate between the two.

3:20PM Mr. Bob Wilson gave his report. Mr. Wilson gave a reminder of the Desired Future Conditions' workshop slated for January 22nd, 2009. Mr. Wilson discussed the updating of Gonzales County Underground Water District's Management Plan which will possibly be adopted in April. Mr. Wilson discussed what effect the Gonzales County Underground Water District's Management Plan would have on Plum Creek Conservation District's desired future conditions in Groundwater Management Area 13 due to overlap. Mr. Wilson also outlined some new dam safety rules newly adopted for 2009. Mr. Wilson discussed the need to publicize and make available these new rules to the public and offer Plum Creek Conservation District's assistance pertaining to these rules. Mr. Wilson stated that there has been very little legislation filed in regard to Plum Creek Conservation District as of this date other than a bill pertaining to export production permits and their terms being increased from five years to thirty years. Mr. Wilson explained that if there was legislation pertaining to Plum Creek Conservation District that there may be a need for a validation bill on Plum Creek Conservation District's behalf stating that everything done by Plum Creek Conservation District up to this point is a legal and valid act as ratified and approved by the legislature. Mr. Wilson stated that up to this point there has been no legislation pertaining explicitly to Plum Creek Conservation District, but, it is still early in the legislative session. Mr. Wilson stated that County Judge H. T. Wright had requested that the Caldwell County District Attorney, Trey Hicks, prepare a request for an Attorney General's opinion on the validity of the annexations in southeastern Caldwell County by the Gonzales County Underground Water District.

President Holt posed a question, asked of him by Mr. Julius Lehman, about whether the playground behind Site 6 could be watered using the water in the plunge basin. Attorney Bob Wilson informed President Holt that the person in question would have to acquire a permit from the Texas Commission on Environmental Quality in order to use that water to irrigate the playground.

3:49PM President Holt informed Ms. Bassett to add restructuring of the board to the agenda for February, 2009 due to the replacement of Mr. Melvin Bain, the previous Secretary, by Mr. Peter Reinecke.

3:50PM President Holt moved the meeting into executive session for yearly employee reviews.

4:15PM President Holt announced that the meeting is out of executive session.

4:15PM Mr. Ben Twidwell made a motion for Ms. Bassett to receive a \$2000 a year

raise. Mr. Rothert provided the second and the motion was approved unanimously.

4:16PM Mrs. Knight made a motion to give Mr. Halliburton, Mr. Schuelke, and Mr. Meyer a five percent raise. Mrs. Knight added that the raises should be retroactive to January 1st, 2009. Mr. Lipscomb provided the second and the motion was approved unanimously.

4:17PM Mr. Twidwell made a motion to adjourn. Mr. Lipscomb provided the second and the meeting was adjourned.

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Vice President

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