

Minutes from the November 16th, 2010 PCCD regular scheduled meeting to be presented on December 21st, 2010 for Board approval and subject to corrections, additions, deletions and approval.

November 16th, 2010

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 Holt, with the following Board members present: James O. Lipscomb (Vice President), Peter Reinecke (Secretary/Treasurer), Lucy Knight (Director), Ben Twidwell (Director) and Fred Rotherth (Director). Also present were Johnnie Halliburton (Executive Manager), Bob Wilson (PCCD Attorney) Feathergail Wilson (PCCD Geologist) and PCCD staff Karen Bassett, Korey Schuelke and Dan Meyer. Minutes were taken by Karen Bassett.
- 2:00PM President Holt called the meeting to order and opened the public hearing for park land acquisitions from the City of Kyle.
- 2:01PM Mr. Bob Wilson then gave an explanation of the reason for the public hearing regarding the park land acquisition from the City of Kyle for temporary and permanent easements necessary for the Site 5 rehabilitation project. Mr. Bob Wilson also described the publication requirements necessary for the acquisition of park land from the City of Kyle. Mr. Bob Wilson asked the public in attendance if there were any public comments regarding the park land acquisition from the City of Kyle. There were no public comments from the members of the public in attendance. Mr. Halliburton then gave the Board of Directors and public in attendance a statement regarding the necessity of the park land acquisition from the City of Kyle and explained that the Plum Creek Conservation District had no other alternatives in order to rehabilitate the Site 5 Flood Control Structure. Mr. Bob Wilson then discussed other lands necessary for the Site 5 rehabilitation project.
- 2:13PM President Holt then closed the public hearing regarding park land acquisitions from the City of Kyle. Mrs. Knight made a motion to adopt the park land acquisition from the City of Kyle by resolution with the determination that there is no feasible and prudent alternative to the acquisition and proposed use and that the project includes all reasonable planning to minimize harm to the land, as required by Section 26.001 of the Texas Parks and Wildlife Code. Mr. Lipscomb provided the second and the motion passed unanimously.
- 2:16PM President Holt requested motions or comments regarding the minutes of the Plum Creek Conservation District's Regular Board of Directors' Meeting held on October 19th, 2010. Mr. Lipscomb made a motion that the minutes of the Plum Creek Conservation District's Board of Directors' Meeting held on October 19th, 2010 be accepted as mailed out. Mrs. Knight provided the second and the motion passed unanimously.
- 2:19PM President Holt requested any unfinished business requiring the Board of Directors' attention. Mr. Bob Wilson then discussed two property acquisitions that the Plum Creek Conservation District is involved in regarding who is authorized to sign the contracts and the title company involved. Mrs. Knight informed the Board of Directors that if they wished to use Countywide Abstract Company, she would sign an affidavit and abstain from voting. Mr. Twidwell made a motion that Mr. Johnnie Halliburton be authorized to sign the contract regarding the property acquisition from the City of Lockhart. Mr. Lipscomb provided the second and the motion passed with five assenting votes (Mr.

Holt, Mr. Lipscomb, Mr. Reinecke, Mr. Twidwell, and Mr. Rothert) and one abstaining (Mrs. Knight). Mr. Bob Wilson then discussed a contract being drafted regarding the berm that Mr. Danny Green had requested to build to protect his property. It was the opinion of the Board of Directors that a draft copy of the contract be sent to Mr. Danny Green for his perusal.

- 2:24PM President Holt requested discussion of Item VII on the agenda. President Holt then discussed a recent meeting with Senator Hegar regarding the Texas Attorney General's Opinion GA-0795 and the southeastern portion of Caldwell County involved in the dispute. The Board of Directors then discussed the Groundwater Management Area-13 Draft Report GAM Run 10-012 MAG from the Texas Water Development Board. The Board of Directors then discussed possible solutions to the dispute over the land in the southeastern portion of Caldwell County.
- 2:36PM President Holt then requested discussion of Item IX on the agenda. Mr. Halliburton then discussed, with the Board of Directors, Mr. Pal Lester's water well production permit request of 25 acre feet per year for poultry production on a well field of three wells. Mr. Meyer then discussed the permit application and a request for a deviation from the Plum Creek Conservation District's Rule 19. After much discussion, Mr. Twidwell made a motion that Mr. Pal Lester's water well production permit request be approved as requested for an amount of 25 acre feet per year for poultry production on a well field of three wells with an approved deviation from the Plum Creek Conservation District's Rule 19. Mr. Lipscomb provided the second to the motion. Mr. Reinecke requested that if the motion was approved that the well be metered. Mr. Twidwell denied any amendment to the motion. The motion passed with five votes assenting (Mr. Holt, Mr. Lipscomb, Mrs. Knight, Mr. Twidwell, and Mr. Rothert) and one vote dissenting (Mr. Reinecke).
- 2:49PM President Holt requested discussion of Item X on the agenda. Mr. Halliburton then discussed the recent Plum Creek Watershed Partnership meeting regarding implementation of their plan. President Holt then gave an overview of the discussions at the meeting. The Board of Directors then discussed the structure of the Plum Creek Watershed's funding and plan. It was the opinion of the Board of Directors that the Plum Creek Conservation District could possibly contribute an amount up to twenty thousand dollars (\$20,000.00) monetarily or in-kind per year for a 3-year period pending a favorable agreement being constructed.
- 3:07PM President Holt then requested discussion of Item XI on the agenda. Mr. Halliburton informed the Board of Directors that the Caldwell/Travis Soil and Water Conservation District was requesting their yearly donation in the amount of four thousand dollars (\$4,000.00). Mrs. Knight made a motion that the Plum Creek Conservation District contribute four thousand dollars (\$4,000.00) to the Caldwell/Travis Soil and Water Conservation District. Mr. Twidwell provided the second and the motion was approved unanimously.
- 3:10PM President Holt then requested Item VIII on the agenda. Mr. Halliburton informed the Board of Directors that to repair deficiencies noted by the Texas State Auditor's Office, the Plum Creek Conservation District needed to create several different policies. Mr. Halliburton then called upon Mr. James Jansen, with the certified public accounting firm of Jansen and Gregorczyk, to explain the policies that had been written for the Plum Creek Conservation District. Mr. Jansen then read and explained the policies for the code of ethics for District directors, officers, employees, and persons engaged in handling investments for the District. Then, Mr. Jansen explained policies on travel expenditures, District investments, procedures for selection, monitoring or review and evaluation of professional services, and policies that ensure a better use of management information, including budgets, audits, and uniform reporting requirements. The Board of Directors will review the policies and revisit them at the next meeting.

- 3:45PM President Holt requested a report from the Plum Creek Conservation District's Geologist, Mr. William Feathergail Wilson. Mr. Feather Wilson then gave a report on water availability versus amount permitted. Mr. Feather Wilson discussed a recent presentation he had given regarding aquifer recharge. Mr. Feather Wilson then gave a presentation to the Board of Directors regarding aquifers and parcel size in the county using maps and handouts. Mr. Feather Wilson then discussed the effect of the oil and gas industry on the fresh water supply.
- 4:05PM President Holt then requested a report from the Plum Creek Conservation District's GIS/IT, Mr. Daniel Meyer. Mr. Meyer then gave a presentation and demonstration of the water level monitoring section of the Plum Creek Conservation District's website that he had recently created.
- 4:10PM President Holt requested a report from the Plum Creek Conservation District's Executive Manager, Mr. Johnie Halliburton. Mr. Halliburton discussed the Site 2 assessment report that he had recently provided to the Board of Directors. Mr. Halliburton informed the Board of Directors that he had responded to the Hays County Soil and Water Conservation District's letter regarding operation and maintenance grant money. Mr. Halliburton also discussed a proposal by Murfee Engineering regarding a water quality enhancement project with a possibility for application at the Plum Creek Conservation District's Site 10 Flood Control Structure. It was the decision of the Board of Directors to hear a future presentation from Murfee Engineering regarding this subject.
- 4:20PM President Holt requested a report from the Natural Resources Conservation Service's District Conservationist, Mr. Isidro Morales. Mr. Morales informed the Board of Directors that the Natural Resources Conservation Service was in the process of performing its yearly maintenance inspections of the Plum Creek Conservation District's flood control structures. Mr. Morales also reported that the grass planting at Site 8 was a complete failure and will have to be reattempted in the spring.
- 4:27PM President Holt requested a report from the Plum Creek Conservation District's Attorney, Mr. Bob Wilson. Mr. Bob Wilson stated that he had discussed all he needed to already.
- 4:22PM President Holt requested any public comments of which there were none.
- 4:23PM Mr. Twidwell made a motion to adjourn. Mr. Lipscomb provided the second and the motion passed unanimously.

President

Vice President