

Milam County Commissioner's Court

February 25, 2013

**AMENDED
NOTICE OF MEETING OF THE
COMMISSIONERS' COURT OF MILAM COUNTY, TEXAS**

Notice is hereby given that a meeting of the above named Commissioner's Court will be held on Monday, the 25th of February, 2013, at 10:00 a.m., in the Commissioner's Courtroom, Milam County Courthouse, 102 S. Fannin, Cameron, Texas, at which time the following agenda items will be covered:

- Prayer
Period of silence followed by presentation of any additional prayers and words of encouragement
(Please complete public participation form prior to meeting)
1. Call Meeting to Order and establish quorum
 2. Pledge of Allegiance - U.S. Flag, Texas Flag. "Honor the Texas Flag, I pledge allegiance to thee, Texas, one State, Under God, one and indivisible"
 3. Approve minutes of previous meetings
 4. Public Participation (Please complete public participation form prior to meeting)
 5. Presentation of MC Historical Commission 2012 yearly report - G. Burnet
 6. Accept resignation of Sandra O'Donnell and Dolores Sonntag from MCHC - G. Burnett
 7. Approve abandonment of county road in Ben Arnold at Waters and 1st St - D. Barkemeyer, J. Redington
 8. Approve bonds for Tank Balch - Sherry Mueck
 9. Approve appointment of Bill Harris to CTCOG as alternate on the Board of Directors - D. Barkemeyer
 10. Approve appointment of John Fisher to HCCAA Head start Committee - D. Barkemeyer
 11. Approve appointment of Jeff Muegge to Health Insurance Committee and Sick Leave Pool Committee - D. Barkemeyer
 12. Approve appointment of Kenneth Hollas to the Solid Waste Advisory Committee - D. Barkemeyer
 13. Approval to go out for bids on Bank Depository- D. Barkemeyer, D. Lara
 14. Approve joint contract between Thorndale ISD, City of Thorndale and Milam County for May 11, 2013 election - Sherry Mueck
 15. Open bids for Reclaimer, Precinct 2 - Kenneth Hollas
 16. Post Oak Savannah Groundwater Conservation District Report - Gary Westbrook
 17. Presentation to Dale Jaecks - Marsha Farney
 18. Approve Tax Refunds - Kolette Morgan
 19. Approve payment of bills
 20. Adjourn

Dated this the 22nd day of February, 2013

Commissioners' Court of Milam County, Texas

By David L. Barkemeyer
David L. Barkemeyer, County Judge

I, the undersigned, County Clerk, do hereby certify that the above Notice of Meeting of the above named Commissioners' Court, is a true and correct copy of said Notice, and that I posted a true and correct copy of said Notice on the bulletin board at the Courthouse door of Milam County, Texas, at a place readily accessible to the general public at all times on the 22nd day of February, 2013, and said Notice remained so posted continuously for at least 72 hours preceding the scheduled time of said Meeting.

Dated this the 22nd day of February, 2013

County Clerk of Milam County, Texas
Barbara Vansa

By Susan Selma

Filed 22 day of FEB
in 2013, At 2:50 P M.
BARBARA VANSA
County Clerk, Milam County, Texas
By Susan Selma
Deputy

If, during the course of the meeting, discussion of any item on the agenda should be held in a closed meeting the Commissioners Court will conduct a closed meeting in accordance with the Texas Open Meetings Act, Government Code, Chapter 551, Subchapters D and E. Before any closed meeting is convened, the presiding officer will publicly identify the section or sections of the Act authorizing the closed meeting. All final votes or decisions will be taken in open meeting.

- Prayer
- Period of silence followed by any additional prayers and words of encouragement (Please complete public participation form prior to meeting)

Item 1

- Call meeting to Order and establish quorum

Item 2

- Pledge of Allegiance
- Texas Flag
 - “Honor the Texas Flag, I pledge allegiance to thee, Texas, one State, Under God, one and indivisible”

Item 3

- Approve minutes of previous meetings

Item 4

- Public Participation
 - Please complete public participation form prior to meeting

RULES OF PROCEDURE, CONDUCT, AND DECORUM AT MEETINGS OF THE MILAM COUNTY COMMISSIONERS' COURT

- IV. The business of Milam County is conducted by and between the members of the Milam County Commissioners Court and by those members of the county staff, elected officials, department heads, consultants, experts and/or members of the public requested to be present and participate. While the public is invited to attend all meetings of the Commissioners Court (except Executive Sessions) the public's participation therein is limited to that of observers unless a member (or members) of the public is requested to address the Commissioners Court on a particular issue or (issues) or unless the member (or members) of the public completes a Public Participation Form and submits same to the County Judge's Secretary or county clerk prior to the time the Court Session is called to order. A sample of the Milam County Commissioners Court Public Participation Form is attached hereto as Exhibit "A".
- Each member of the public who appears before the Commissioners Court shall be limited to a maximum of five (5) minutes to make his/her remarks. Time for each speaker shall be maintained by the County Clerk or such other designated representative of the Commissioners Court.
 - Maximum discussion on any agenda item, regardless of the number of members of the public wishing to address the Commissioners Court on such agenda item (or items) shall be limited to thirty (30) minutes. In the event that more than six (6) members of the public wish to address a particular agenda item (or items), then only the first six (6) members of the public recognized to speak shall be divided equally between those members of the public wishing to speak for the agenda item (or items) and those members of the public wishing to speak against the agenda item (or items).
 - In matters of exceptional interest, the Court may, by the majority vote of the members of the Court in attendance at the meeting, either shorten or lengthen the time allocated for a particular member of the public, all members of the public and/or the amount of time allocated for all agenda items and/or a specific agenda item.
 - It is the intention of the Court to provide an open access to the citizens of Milam County to address the Commissioners Court and to express themselves on issues of county government. Members of the public are reminded that the Milam County Commissioners Court is a Constitutional Court, the Milam County Commissioners Court also possesses the power to issue a Contempt of Court Citation under Section 81.024 of the Texas Local Government Code. Accordingly, all members of the public in attendance at any Regular, Special and/or Emergency meeting of the Court shall conduct themselves with proper respect and decorum in speaking to, and/or addressing the Court; in participating in public discussions before the Court; and in all actions in the presence of the Court. Proper attire for men, women and children is mandatory. Those members of the public who are inappropriately attired and/or who do not conduct themselves in an orderly and appropriate manner will be ordered to leave the meeting. Refusal to abide by the Court's order and/or continued disruption of the meeting may result in a Contempt of Court Citation.
 - It is not the intention of the Milam County Commissioners Court to provide a public forum for the demeaning of any individual or group. Neither is it the intention of the Court to allow a member (or members) of the public to insult the honesty and/or integrity of the Court, as a body, or any member (or members) of the Court, individually or collectively. Accordingly, profane, insulting or threatening language directed toward the Court and/or any person in the Court's presence and/or racial, ethnic, or gender slurs or epithets will not be tolerated. Violation of these rules may result in the following sanctions:
 - Cancellation of a speaker's remaining time;
 - Removal from the Commissioners Courtroom;
 - A Contempt Citation; and/or
 - Such other civil and/or criminal sanctions as may be authorized under the Constitution, Statutes and Codes of the State of Texas.

Item 5

- Presentation of MC Historical Commission 2012
yearly report
 - Speaker
 - G. Burnett

Milam County Historical Commission Year in Review 2012

Report to the Milam County Judge and Commission

By Geri Burnett, 2012 MCHC Chairman

The purpose of the Milam County Historical Commission is to preserve, protect and promote Milam County History.

The Milam County Historical Commission met 6 times during the 2012 year in Rockdale, Gause, Sharp, Salty, Minerva, and Cameron.

We had 18 active members. At our December meeting, two longtime members were honored as they became Members Emeritus: Owen Rachel Graves and Adeline Kohotek.

Certified Local Government: The Certified Local Government completed a Survey of Recorded Texas Historical Landmarks in Milam County requested by the Texas Historical Commission in 2006.

The CLG continues to update the previously published Historical Marker Survey Document.

Two Milam County Historical Markers were moved to the correct locations (Marker for Mission San Ildefonso and the Marker for Mission Candelaria)

Historical Markers were approved:

Two Marker Applications were approved by THC in 2012, one for Apache Pass and one for Sugarloaf Mountain, marker text has been written by THC.

Dedications for these Markers will be planned when the markers are completed.

Historical Markers were submitted:

Two Marker Applications were submitted to THC in 2012, one for The Kay Theater in Rockdale and one for Ledbetter Park in Cameron, both were approved by THC.

Preservation Grant Fund: The PTF awarded \$12,200 in grants to grantees: The Kay Theater Foundation, (restoration); the Milam County Historical Museum, (Restoration); The Rockdale I&GN Depot Museum, (restoration); Gause Community for Sugarloaf Mountain, (signage); St. Monica Catholic Church (history library); Apache Pass (signage) and, The El Camino Real National de los Tejas National Trail Association (Milam County signage).

Milam County will benefit from **\$ 24,400** of preservation effort from the **\$12,200** grant money.

Archeology Month in October:

The Archaeology Committee presented Milam County history to 7th grade students in Milam County with a tour of the Courthouse and grounds, Jail Museum and the Milam County Museum. The Traveling Trunk for Educational History of Milam County is also available to schools and is housed in the Milam County Museum.

MCHC distributed Texas history and archeology materials to libraries in the county.

THE SAN XAVIER MISSIONS, Report No. 16, Dr. Kathleen Gilmore's research on the three Spanish missions in Milam County, continues to be used as a historical reference and sold as a money making project for the MCHC, as does **The Courthouse and Its People** and the **CLG Survey Book**.

A Website continues at www.milamcountyhistoricalcommission.org . The use of the website continues to grow. We had 16,524 unique visitors to the site in 2012 and these visitors visited the site 22,861 times.

The Milam County Historical Commission planned and hosted an Area County Historical Commission Meeting at Apache Pass with eight surrounding counties attending.

Milam County Historical Commission members attended the Texas Historical Commission Courthouse Restoration Workshop in Austin. Three MCHC members and a CLG member attended the Preservation Conference hosted by Preservation Texas and the Texas Historical Commission held in Austin at the Capital. Members attended and helped with the El Camino Real de los Tejas National Trail Association Annual meeting held at Apache Pass . Members attended a THC and Georgetown CAMP workshop held in Georgetown. The MCHC acted as hosts for the El Camino Real de los Tejas National Trail signage dedication held at Apache Pass in October.

We continue to help Cemetery Foundations with designation and marker information, as well as any individual wishing to write a marker application.

We continue working with Milam County to get the deed record for the Davilla Rosenwald School so that the building can be repaired.

Milam County Historical Commission received the THC Distinguished Service Award in 2012.

The MCHC Strategic Plan continues to be updated annually.

The MCHC continues to be the liaison with the County and THC with Courthouse issues.

Item 6

- Accept resignation of Sandra O'Donnell and Dolores Sonntag from MCHC
 - Speaker
 - G. Burnett

Item 7

- Approve abandonment of county road in Ben Arnold at Waters and 1st St
 - Speakers
 - D. Barkemeyer
 - J. Redington

STATE OF TEXAS
COUNTY OF MILAM

§
§
§

COMMISSIONER'S COURT

ORDER ABANDONING/VACATING ROAD

Pursuant to the authority established by §251.016, §251.051, Texas Transportation Code, the Commissioner's Court of Milam County, upon the receipt of credible evidence that a public road was never established nor used therefore on the property herein described, and further a private road easement has been extended to those parties and persons who require access to lands affected by this Order, the Commissioners, upon their unanimous vote, hereby ORDER and DECREE that in conformity with state law, the road known as "Waters Street" and an alley bisecting same in Ben Arnold, Texas, as described more fully in Exhibit "A" attached hereto, is hereby CLOSED to the public, and that public maintenance of said road shall cease immediately, and said road shall be omitted and deleted from any public map or other record reflecting roads maintained by Milam County, Texas.

Issued by Authority of the Commissioners Court of Milam County, Texas, this _____ day of _____, 2013.

By: _____
County Judge, Milam County

Commissioner, Precinct 1

Commissioner, Precinct 2

Commissioner, Precinct 3

Commissioner, Precinct 4

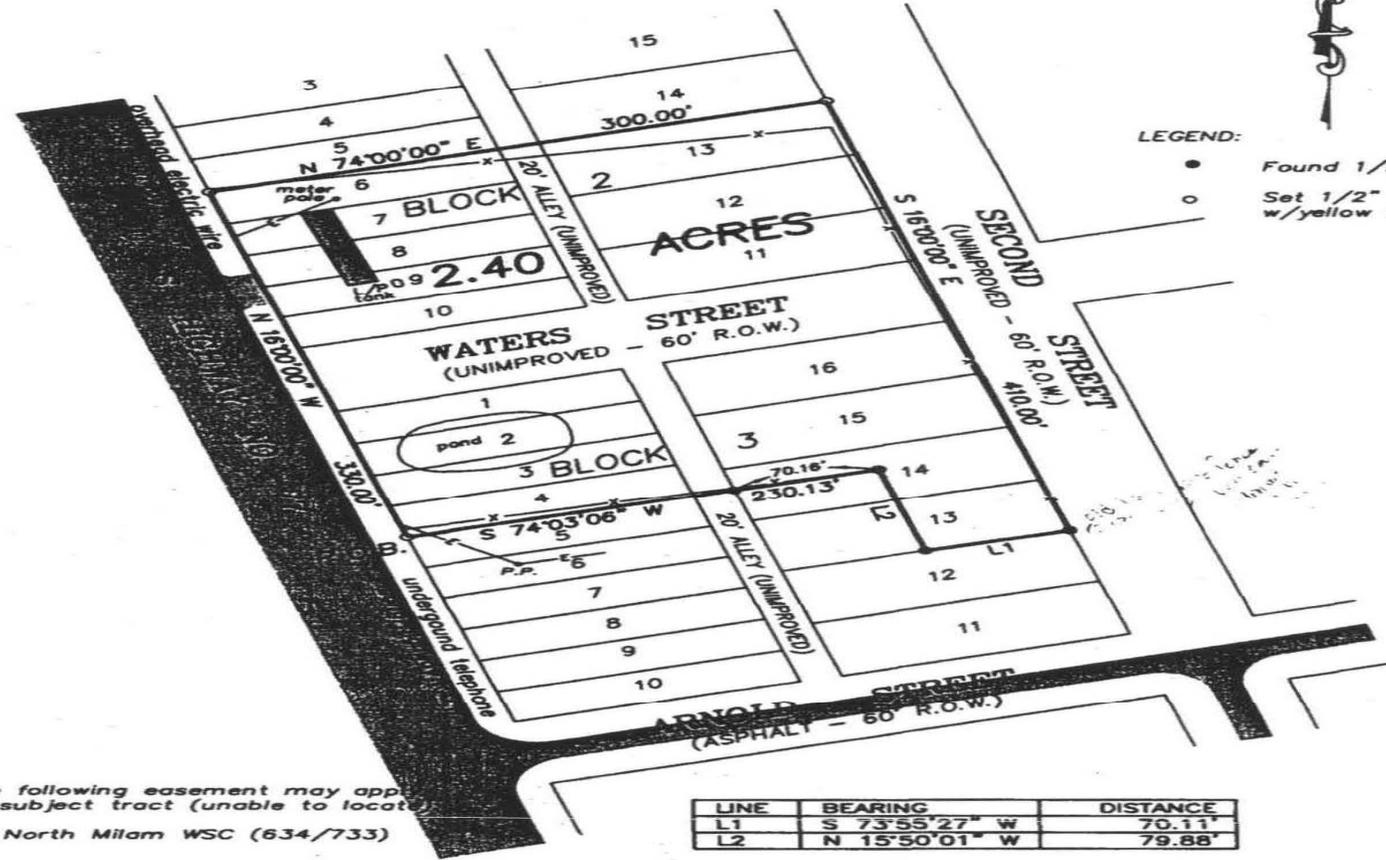
Attest:

Clerk

Exhibit "A"

An unimproved 60'-wide right of way being all of Waters Street in the Town of Ben Arnold, Milam County, Texas, between Block 2 and Block 3, between the East boundary of First Street and the West boundary of Second Street, located as shown on plat of the Town of Ben Arnold of record in Cabinet A, Slide 2-D, Plat Records of Milam County, Texas; all of an unimproved 20'-wide alley in Block 2 beginning at the North boundary line of Lot 6 and Lot 13 and ending at the South boundary line of Lot 10 and Lot 11 in the North boundary line of Waters Street; and all of an unimproved 20'-wide alley in Block 3 beginning at the North boundary line of Lot 1 and Lot 16 and the South boundary line of Waters Street and ending at a line even with the South boundary line of Lot 4 and proceeding a total of 230.13 feet eastward and being the majority of the South boundary of a 2.40 acre tract described more particularly in the survey attached hereto as Exhibit "B".

TOWN OF BEN ARNOLD
 RECORDED IN CABINET A, SLIDE 2-D,
 PLAT RECORDS OF MILAM COUNTY, TEXAS



LEGEND:
 ● Found 1/2" I. R.
 ○ Set 1/2" I. R. w/yellow cap

The following easement may apply to subject tract (unable to locate):
 j. North Milam WSC (634/733)

LINE	BEARING	DISTANCE
L1	S 73°55'27" W	70.11'
L2	N 15°50'01" W	79.88'

All bearings shown hereon are referenced to Geodetic North.
 There are no flood maps available for reference for this area of Milam County, Texas.
 This plat is to accompany a fieldnote description, describing the 2.40 acre tract of land shown hereon.
 I, Don Randall Hughes, do hereby certify that this plat correctly represents a survey made on the ground by me and that there are no apparent discrepancies, conflicts, encroachments, overlapping of improvements or visible utility lines, except as shown hereon.

Don Randall Hughes
 February 5, 2013
 Don Randall Hughes, Registered Professional Land Surveyor, No. 5345



JARRARD SURVEYING
 LAND SURVEYOR

212 N. CENTRAL AVENUE, P. O. BOX 1135
 CAMERON, TEXAS (254) 697-3646 - FAX (254) 697-8776



SCALE: 1" = 100'	BOUNDARY SURVEY	DATE: 2-5-13
F.B. 85/35	ON A 2.40 ACRE TRACT OF LAND, PART OF BLOCKS 2 AND 3, TOWN OF BEN ARNOLD, MILAM COUNTY, TEXAS.	JOB NO. 4301

EXHIBIT _____
 Page ____ of ____ Pages

**FIELDNOTE DESCRIPTION
FOR: AARON & KATHERINE BERTRAM**

STATE OF TEXAS }
COUNTY OF MILAM }

2.40 ACRE TRACT

Being a 2.40 acre tract of land in the Town of Ben Arnold, Milam County, Texas, and being all of Lots 6, 7, 8, 9, 10, 11, 12 and 13, Block 2 and Lots 1, 2, 3, 4, 15 and 16, Block 3; part of Lots 13 and 14, Block 3; and part of Waters Street, an unimproved 60 feet wide right-of-way and an unimproved 20-foot wide alley, both lying adjacent to above said lots, according to a plat of record in Cabinet A, Slide 2-D of the Plat Records of Milam County, Texas. Said 2.40 acre tract being shown on attached plat and more particularly described by metes and bounds as follows;

BEGINNING at a set ½" iron rod with yellow cap for the southwest corner of Lot 4, Block 3, same being the northwest corner of Lot 5, Block 4, located in the easterly right-of-way line of U. S. Highway No. 77;

THENCE along the easterly right-of-way line of said highway, North 16 degrees 00 minutes 00 seconds West a distance of 330.00 feet to a set ½" iron rod with yellow cap at the northwest corner of Lot 6, Block 2;

THENCE North 74 degrees 00 minutes 00 seconds East a distance of 300.00 feet to a set ½" iron rod with yellow cap for the northeast corner of Lot 13, Block 2, located in the westerly right-of-way line of Second Street, an unimproved, 60 feet wide platted right-of-way;

THENCE along the westerly right-of-way line of Second Street, South 16 degrees 00 minutes 00 seconds East a distance of 410.00 feet to a found ½" iron rod at the southeast corner of Lot 13, Block 3;

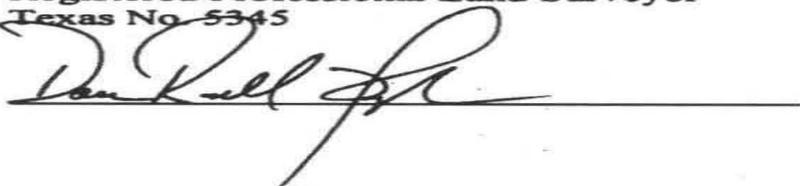
THENCE along a common line of said Lots 12 and 13, South 73 degrees 55 minutes 27 seconds West a distance of 70.11 feet to a found ½" iron rod;

THENCE North 15 degrees 50 minutes 01 seconds West a distance of 79.88 feet to a found ½" iron rod;

THENCE South 74 degrees 03 minutes 06 seconds West at a distance of 70.16 passing a found ½" iron rod in the easterly line of above mentioned unimproved 20 feet wide alley, continuing a total distance of 230.13 feet to the **POINT OF BEGINNING**, and containing 2.40 acres of land.

All bearings recited herein are referenced to Geodetic North.

Surveyed February 5, 2013
Don Randall Hughes
Registered Professional Land Surveyor
Texas No. 5345



Item 8

- Approve Bonds for Tank Balch
 - Speaker
 - Sherry Mueck

Item 9

- Approve appointment of Bill Harris to CTCOG as alternate on the Board of Directors
 - Speaker
 - D. Barkemeyer

Milam County Judge

David L. Barkemeyer
102 South Fannin Ave.
Cameron, Texas 76520



Phone 254-697-7000
Fax 254-697-7002
info@milamcounty.net

February 19, 2013

Jim Reed, Executive Director
CTCOG
PO Box 729
Belton, Tx 76513

RE: Appointment of Bill Harris to COG Board of Directors

Mr. Reed,

The Commissioners Court hereby appoints Bill Harris, Mayor Pro-Tem and At-Large City Council Member of the City of Cameron, as Milam County alternate to the Central Texas County of Governments Board of Directors replacing George Tomek who has resigned as Commissioner of Precinct 1.

David Barkemeyer, Milam County Judge

Tank Balch, Commissioner Precinct 1

Kenneth Hollas, Commissioner Precinct 2

John Fisher, Commissioner Precinct 3

Jeff Muegge, Commissioner Precinct 4

Item 10

- Approve appointment of John Fisher to HCCAA Head Start Committee
 - Speaker
 - D. Barkemeyer

Milam County Judge

David L. Barkemeyer
102 South Fannin Ave.
Cameron, Texas 76520



Phone 254-697-7000
Fax 254-697-7002
info@milamcounty.net

RECEIVED FEB 13 2013

February 13, 2013

To: The HCCAA Board of Directors:

I would like to appoint John Fisher to represent Milam County as the Private Sector representative to serve on the Hill country Community Action Association, Inc. Board of Directors.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Barkemeyer", is written over a light blue horizontal line.

Judge Dave Barkemeyer
Milam County Judge



Hill Country Community Action Association, Inc.
Executive Director – Tama Shaw

2905 W. Wallace, P.O. Box 846, San Saba, TX 76877
Telephone: 325.372.5167 FAX: 325.372.3526
e-mail: hccaainc@centex.net website: www.hccaa.com

Case Management, Outreach, Energy, Weatherization, Aging, Nutrition, RSVP, Head Start

February 14, 2013

John Fisher
102 S. Fannin
Cameron TX 76520

Dear Mr. Fisher:

Congratulations on being appointed by Judge David Barkemeyer to serve as a member of the Hill Country Community Action Association, Inc. (HCCAA) Governing Board representing the private sector of Milam County. Your membership will be ratified by the HCCAA Governing Board at their regularly scheduled meeting on Monday, February 25, 2013. We hope you can attend the meeting. It will be held at the Lampasas Multi-Service Center, 901 South Live oak, Lampasas, Texas. Committee meetings begin at 4:00 P.M. The Board Meeting will begin directly following the Committee meetings. A draft agenda and minutes from the previous meeting will be mailed out prior to the meeting and detailed information packets will be handed out at the meeting.

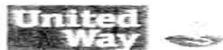
Following Board approval, you will receive further information concerning this position. Hill Country's continued success depends on individuals from the communities we serve taking an active role in our operation. We feel that you will be a great asset to our Agency. Thank you for your support. We look forward to your participation.

Sincerely,

Tama Shaw
Executive Director

Dedicated to providing opportunities and resources to improve the lives of Central Texans.

A United Way Agency



Item 11

- Approve appointment of Jeff Muegge to Health Insurance Committee and Sick Leave Pool Committee
 - Speaker
 - D. Barkemeyer

Milam County Judge

David L. Barkemeyer
102 South Fannin Ave.
Cameron, Texas 76520



Phone 254-697-7000
Fax 254-697-7002
info@milamcounty.net

February 19, 2013

RE: Appointment of Jeff Muegge to Health Insurance Committee and Sick Leave Pool Committee

The Commissioners Court hereby appoints Jeff Muegge, Milam County Commissioner Precinct 4, to the Health Insurance Committee and the Sick Leave Pool Committee, replacing George Tomek who has resigned as Commissioner of Precinct 1.

David Barkemeyer, Milam County Judge

Tank Balch, Commissioner Precinct 1

Kenneth Hollas, Commissioner Precinct 2

John Fisher, Commissioner Precinct 3

Jeff Muegge, Commissioner Precinct 4

Item 12

- Approve appointment of Kenneth Hollas to the Solid Waste Advisory Committee
 - Speaker
 - D. Barkemeyer

Milam County Judge

David L. Barkemeyer
102 South Fannin Ave.
Cameron, Texas 76520



Phone 254-697-7000
Fax 254-697-7002
info@milamcounty.net

February 7, 2013

Jim Reed, Executive Director
CTCOG
PO Box 729
Belton, Tx 76513

RE: Solid Waste Committee Assistant from Milam County

Jim,

As you know George Tomek is resigning as Commissioner of Precinct 1 in Milam County effective February 14, 2013. He has been serving on CTCOG's Solid Waste Committee. I would like to ask that Kenneth Hollas, our Precinct 2 Commissioner be appointed as his replacement on that committee.

Best Regards,

David L. Barkemeyer
Milam County Judge

Item 13

- Approval to go out for bids on Bank Depository
 - Speakers
 - D. Barkemeyer
 - D. Lara

INVITATION TO BID:

The Commissioner's Court of Milam County, Texas will receive sealed bids until 12:00 p.m. Friday, March 8th, 2013 and they will be opened and publicly read on Monday, March 11th in the Commissioner's Courtroom for designation of County Depository for a period of TWO (2) years. Further information and forms may be obtained from the County Judge's office. Please specify "BID" on the envelope and address to: Danica Lara, Milam County AUDITOR, 103 W. MAIN STREET, SUITE A, CAMERON, TEXAS, 76520.

DAVID BARKEMEYER

MILAM COUNTY JUDGE

DATE _____

BANK _____

ADDRESS _____

County Depository of Milam County, Texas

In reply to the published notice, we the undersigned bank, hereby make application for the designation as the depository for the various Milam County Funds, for the ensuing two year period, beginning May 1st, 2013, as provided by Article 2544 et seq. Revised Civil Statutes of Texas and Article 2558 et seq. Revised Civil Statutes of Texas.

1. The County expects the Depository to supply all rubber stamps and safety deposit box at the banks normal charge.
2. The County expects the Depository to supply all checks and deposit slips at no cost to the County.
3. Service charge on accounts of Milam County, including charge for collecting out of town checks.

-
4. Attach a certified check in the amount of \$10,000.00 as a good faith deposit, guaranteeing that you will enter into a depository contract with Milam County should you be selected as the County Depository. We cannot accept a cashier's check.

(Attach check here)

5. Attach a copy of your Statement of Condition as of the date of your application letter. Said statement must show your amount of paid up capital stocks and permanent surplus as of the application letter date.

6. Certificates of Deposits of \$100,000 or more with maturity of 14 or more days.

A floating rate is requested. The floating rate bid will be basis points over and under the "ask" quote as published in the Wall Street Journal on the day of deposit for the U.S. Treasury Bill maturing on, or immediately prior to, the maturity date of the certificate.

Floating rate (Plus or minus) _____%

7. Interest bearing checking account

Bid amount should be plus or minus the weekly auction discount on 91 day treasury bills as quoted in the Wall Street Journal on each Tuesday. _____
*Interest should be paid on all accounts, regardless of account balance.

8. Loan Interest Rate

At what interest rate will the bank loan money to Milam County, if needed? _____%

9. Provide securities to cover funds held in trust by the Milam County District Clerk.

Item 14

- Approve joint contract between Thorndale ISD, City of Thorndale and Milam County for May 11, 2013 election
 - Speaker
 - Sherry Mueck

Item 15

- Open bids for Reclaimer
 - Speaker
 - Kenneth Hollas

Item 16

- Post Oak Savannah Groundwater Conservation District Report
 - Speaker
 - Gary Westbrook

Post Oak Savannah Groundwater Conservation District Annual Update



Presented to

Milam Co. Commissioner's Court
February 25, 2013

By Gary Westbrook, POSGCD General Manager

Office: 512-455-9900

Cell: 979-571-5761

[Email: gwestbrook@posgcd.org](mailto:gwestbrook@posgcd.org)

[Website: www.posgcd.org](http://www.posgcd.org)

Serving the citizens of Milam and Burleson Counties

District Education Program

- Public presentations (groups, service clubs, Co. Extension events, Big Spring Clean, etc.)
- Local Water Utilities Annual Workshops
- Website- *www.posgcd.org*
- Newspapers
- Schools- Public and private
 - Water Wise- 4th and 5th grades
 - In person presentations- 6th & 7th grade science
 - Additional resources- Water IQ for all levels
 - Extension Service (beginning 2013)

District Groundwater Conservation Grants

History (since 2006)

- Awarded 47 grants
- 21 different Local Water Utilities (All 7 in Milam Co.)
- Approximately \$5.7 Million
- 2012 Recipients (\$1,177,012)
 - North Milam WSC \$195,000 Burl. Co. MUD #1 \$350,600
 - City of Caldwell \$213,644 City of Snook \$120,793
 - Milano WSC \$167,000 Marlow WSC \$129,975
- 2013 Budgeted amount of \$1 Million

Groundwater Management

- Protection of water levels
 - Overall Desired Future Conditions
 - Shallow zones restrictions
 - District Monitor well network
- Respect for Property Rights
 - To produce
 - When not producing**

Ownership of Groundwater

TWC 36.002 states: The groundwater ownership and rights described by this section: (1) entitle the landowner,... to drill for and produce the groundwater below the surface of real property, subject to Subsection (d), without causing waste or malicious drainage of other property or negligently causing subsidence, but does not entitle a landowner,... to the right to capture a specific amount of groundwater below the surface of that landowner's land; and (2) do not affect the existence of common law defenses or other defenses to liability under the rule of capture.

Subsection (d), mentioned above, states:

This section does not... prohibit a district from limiting or prohibiting the drilling of a well by a landowner for failure or inability to comply with minimum well spacing or tract size requirements adopted by the district,... (or) affect the ability of a district to regulate groundwater production as authorized... under this chapter...

Groundwater Management Areas (GCD Joint Planning)

When considering the adoption of Desired Future Conditions it is important to remember Section 36.108(d-2) of Chapter 36, which states:

The desired future conditions ... must provide a balance between the highest practicable level of groundwater production and the conservation, preservation, protection, recharging, and prevention of waste of groundwater and control of subsidence ...

****GCDs can protect existing wells****

District Rules

RULE 4.1. REQUIRED SPACING

2. In the Simsboro formation the spacing of a new well shall be as provided in (a) or (b), at the election of the owner exercised when the application for a new well permit is filed:
 - a. the spacing of a new well from any well existing in that formation shall be a distance of one foot per one gallon per minute of production capacity and one-half foot per gallon per minute from the property line of each adjoining landowner; or

RULE 5.1. MAXIMUM ALLOWABLE PRODUCTION

2. Excluding wells operated pursuant to an historic use permit, in no event may a non-exempt well or well system be operated such that the total annual production exceeds 2 acre feet of water per contiguous acre owned or controlled by the landowner, well owner, or well operator, as applicable. If the production of water for a Management Zone reaches the level at which reductions in the permitted amounts are made under Section 16, the maximum amount of groundwater that is authorized by a permit within that Management Zone shall be reduced by the percentage amount that the permitted production is reduced for that Management Zone under Section 16, unless the Board finds the reduced production will likely be for a limited period. [Amended April 8, 2008]

District Rules

RULE 16.3. MONITORING OF WATER AVAILABILITY. The District will monitor estimated total annual production, water quality, and the water levels. An analysis of the monitoring data will be reported at least once every three years. If, within a Management Zone, the drawdown based on monitored groundwater levels, or total estimated annual production, or projected average water level drawdowns, reach a threshold established in Rule 16.4, then, as determined appropriate by the Board, the District will give notice to well permittees in the affected Management Zone(s) as provided in Rule 16.4. The District will take action as found appropriate by the Board, based on the analysis of measured water levels, projected average water level drawdowns, permitted production, current and projected total estimated annual production and relevant hydrogeologic and water resource information including, but not limited to surface water availability and drought conditions, and review and evaluate the current and predicted water availability. The District may reduce both the maximum acre feet of water per acre of land for which the District may issue a permit and/or the volume of water authorized to be produced under any permit issued by the District for a Management Zone, as a result of the groundwater availability, total estimated annual production, or groundwater level drawdown within a Management Zone. The District may also adopt rule changes for a Management Zone if production in that Management Zone is shown to adversely impact groundwater conditions in another Management Zones. [Amended July 12, 2005] [Amended June 12, 2012]

District Rules

RULE 16.4. ACTIONS ON AQUIFER OR PRODUCTION LEVELS.

4. The **threshold levels will be administered and applied separately to each Management Zone**. As part of the evaluations and determinations, the District will consider the pumping-induced impacts to groundwater resources that occur between or among management zones. The evaluation will determine if pumping or production in one management zone is contributing to adverse impacts to groundwater conditions in another management zone.
[Amended June 12, 2012]

RULE 16.5. REDUCTIONS REQUIRED BY REGULATORY ACTION. Notwithstanding any other term or provision of these rules, the **Board may proportionately reduce the maximum amount of water that may be permitted per acre and volume of water authorized to be produced under any permit issued by the Board, and may adjust the thresholds** established in Rule 16.4, ******as required by state law ***** or ******by a regional plan or an area or regional agreement mandated by state law ****** and which, by authority of state law, requires water availability or production to be limited or regulated based on water availability within a geographic area that includes land in more than one groundwater conservation district.

District Rules

RULE 16.6. ADJUSTING MAXIMUM PRODUCTION PERMITTED. The maximum groundwater production permitted per acre, the permitted production under any permit issued by the District, and the water drawdown level for a Management Zone **may be adjusted as follows:**
[Amended July 12, 2005]

1. If the water drawdown level within a Management Zone, or in an adjacent zone in which the water drawdown level is impacted by production in such Management Zone, exceeds the water drawdown Threshold Level 3 in Rule 16.4, the maximum water production permitted per acre for the Management Zone and the water authorized to be produced under any permit issued by the District for that zone may be reduced. **The required reduction will be determined by the Board based on the evaluation and the evidence received by the Board.** The production in one Management Zone may be reduced to the extent that production in that Management Zone is impacting water drawdown levels in an another zone.
[Amended July 12, 2005] [Amended June 12, 2012]

2. The **maximum allowable production of 2 acre feet of groundwater per acre of land, provided in Rule 5.1.2, may be reduced,** and the **maximum allowable production may be established or reduced for any one, or more than one, Management Zone(s).** [Amended July 12, 2005]

District Rules

RULE 16.6. ADJUSTING MAXIMUM PRODUCTION PERMITTED (cont.).

3. **Production authorized under permits issued by the District for any Management Zone may be reduced on a schedule to**, when considered together with future permits for which the authorized production per acre will be at the lower maximum allowable production per acre, generally over a period not to exceed 40 years, reduce groundwater production by an amount required to return the water level in the Management Zone to levels deemed acceptable by the Board based on evidence provided by the general manager, in consultation with the district geohydrologist. [Amended July 12, 2005] [Amended June 12, 2012]

4. The Board may adjust permitted production within a Management Zone, based upon the results of a review, evaluation, study, and monitoring, and any evidence presented at a public hearing, if it finds the adjustment is appropriate. [Amended July 12, 2005] [Amended June 12, 2012]

District Rules

RULE 16.7. PERMIT LIMITATIONS AND REDUCTIONS. The maximum allowable production of water authorized by a permit may be limited, adjusted and reduced as follows:

1. If the maximum allowable production of 2 acre feet of groundwater per acre of contiguous land is reduced for a Management Zone, or if any such reduced maximum of allowable production is thereafter reduced again, a new permit may not be issued for the production of more water than is established under this Section 16 as the maximum allowable production of water per acre of land for the Management Zone; [Amended June 12, 2012]
2. Excluding production authorized by a historic use permit, and production authorized by wells exempt under Rule 7.10(1), the production of water authorized by any permit issued by the District for the production of water is subject to limitation, adjustment and reduction;
3. The **volume of water authorized by permit to be produced in a Management Zone may be reduced by up to two percent per year** with the reduction beginning twelve months after a decision by the Board that such reduction is reasonably required for the conservation and preservation of groundwater, or the protection of the aquifer or groundwater users, within the Management Zone; and [Amended June 12, 2012]
4. **If the Board finds it is necessary to reduce the maximum allowable production per acre, or the permitted production for any Management Zone, more quickly than is provided in Rule 16.7(3), to preserve and conserve groundwater or protect groundwater users within a Management Zone, or to implement reductions required under Rule 16.5, the Board shall establish a schedule for a phased reduction in the maximum allowable production or permitted production for the zone.** [Amended July 12, 2005]

Ways to protect water levels

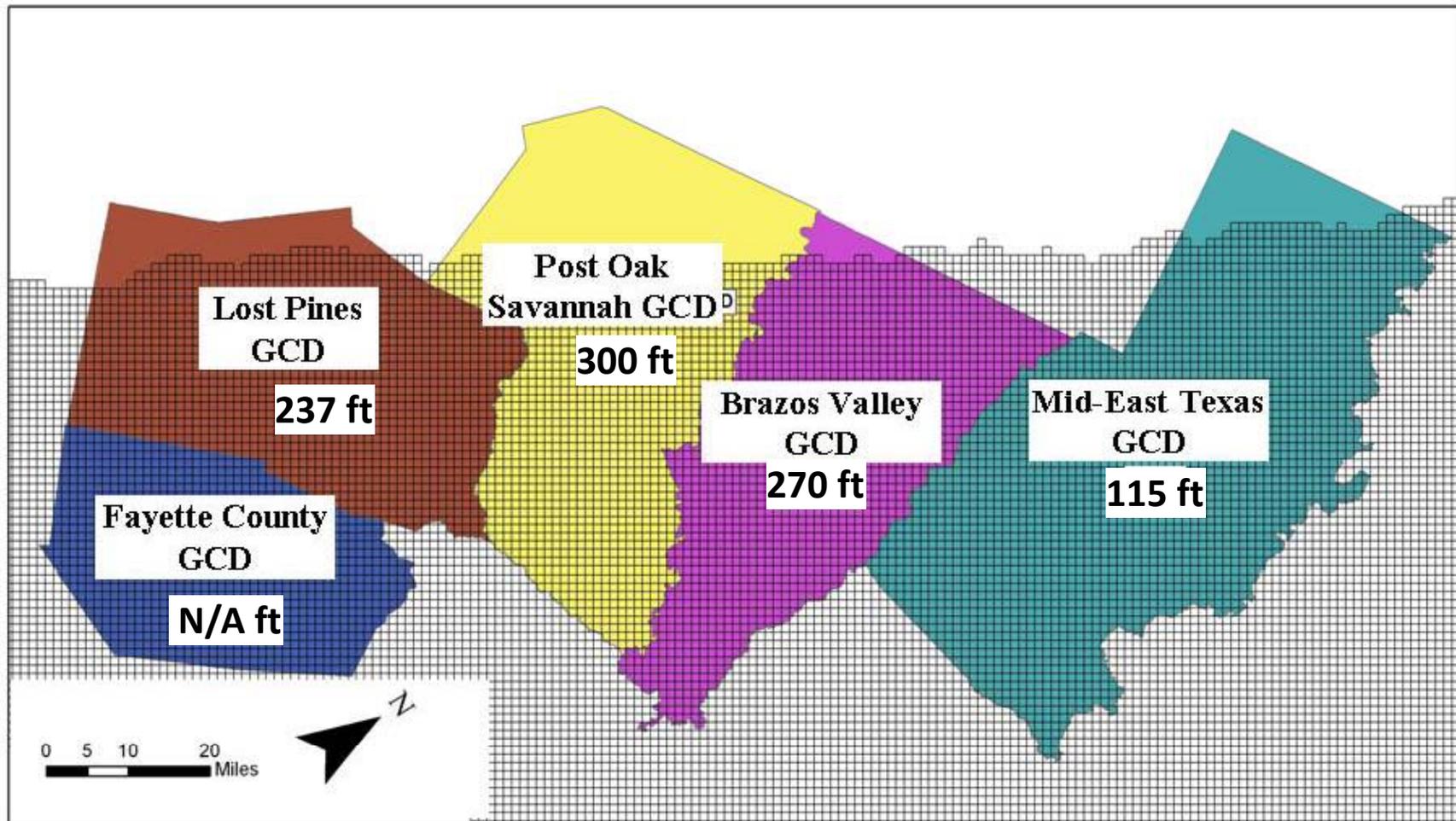
- Well Spacing
- Contiguous Acreage requirements
- Management Zones
- Production per acre
- Total permitted
- Permit requirements
- Five year reviews
- DFC Process (GMA and District)
- Thresholds and Monitoring

Summary of POSGCD Management Strategies

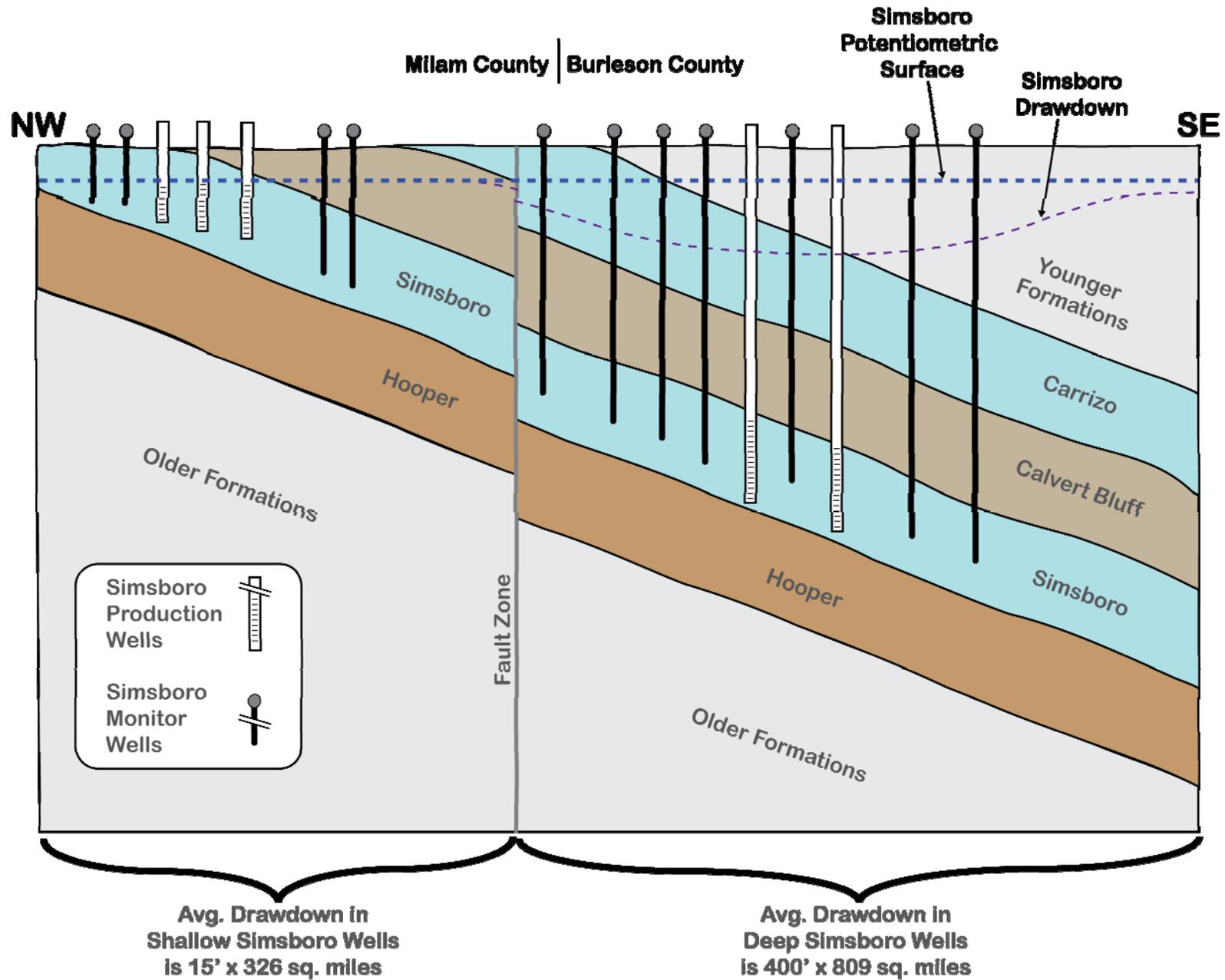
<u>Aquifer/Formation</u>	<u>Over all DFC</u>	<u>DFC- Unconfined Area</u>
Sparta	30	10
Queen City	30	10
Carrizo	65	20
Calvert Bluff	140	20
Simsboro	300	20
Hooper	180	20
Yegua/Jackson	100	15

(These DFCs are expressed as average drawdowns for a 60-year period beginning January 2000 and ending December 2059, for the area covered by each aquifer in Milam and Burleson Counties.)

Adopted DFCs: Expressed in Average across District Simsboro (2000 to 2060)



Schematic Cross Section Simsboro Drawdown



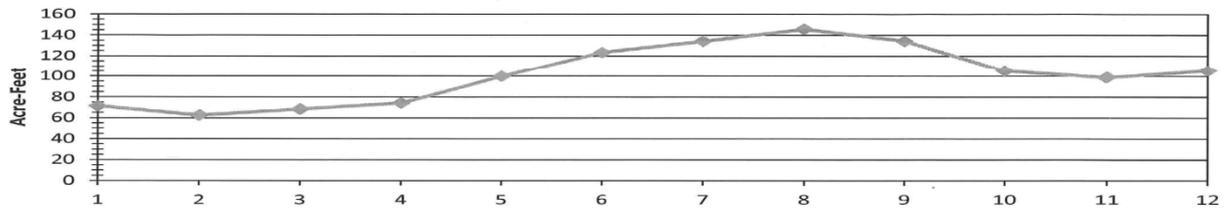
Summary Points

- POSGCD has a Monitoring Network in place for District's Management Zones and is capable of achieving District Management goals
- POSGCD has authority and management plan and rules in place to protect existing wells and users

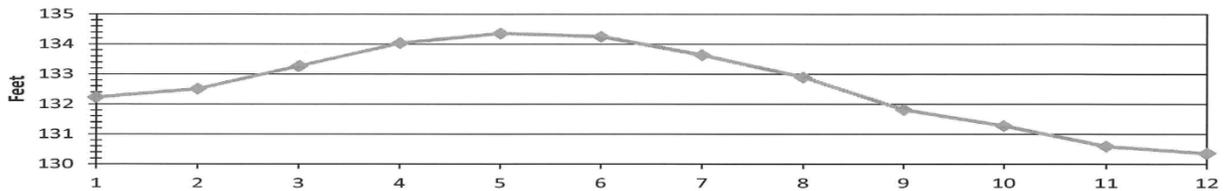
2012 Monitoring in the Deep Simsboro

Draft work- work in progress

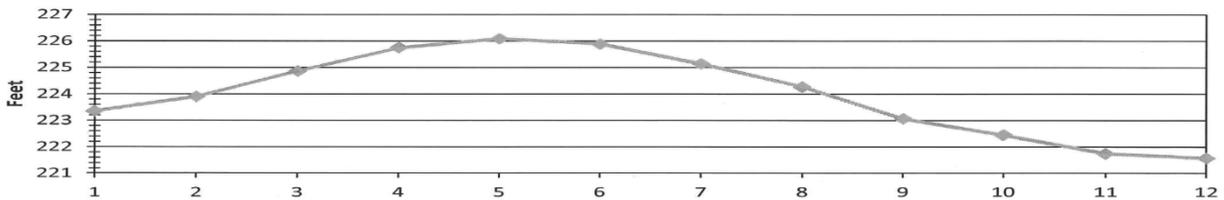
Blue Water Systems, Inc. - Monthly Production



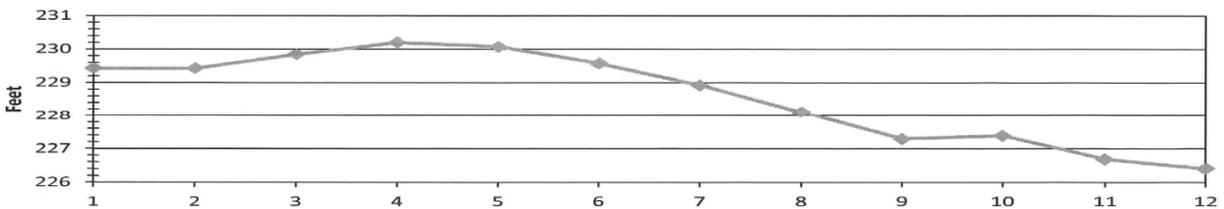
Total Head - Frederick Jackson well



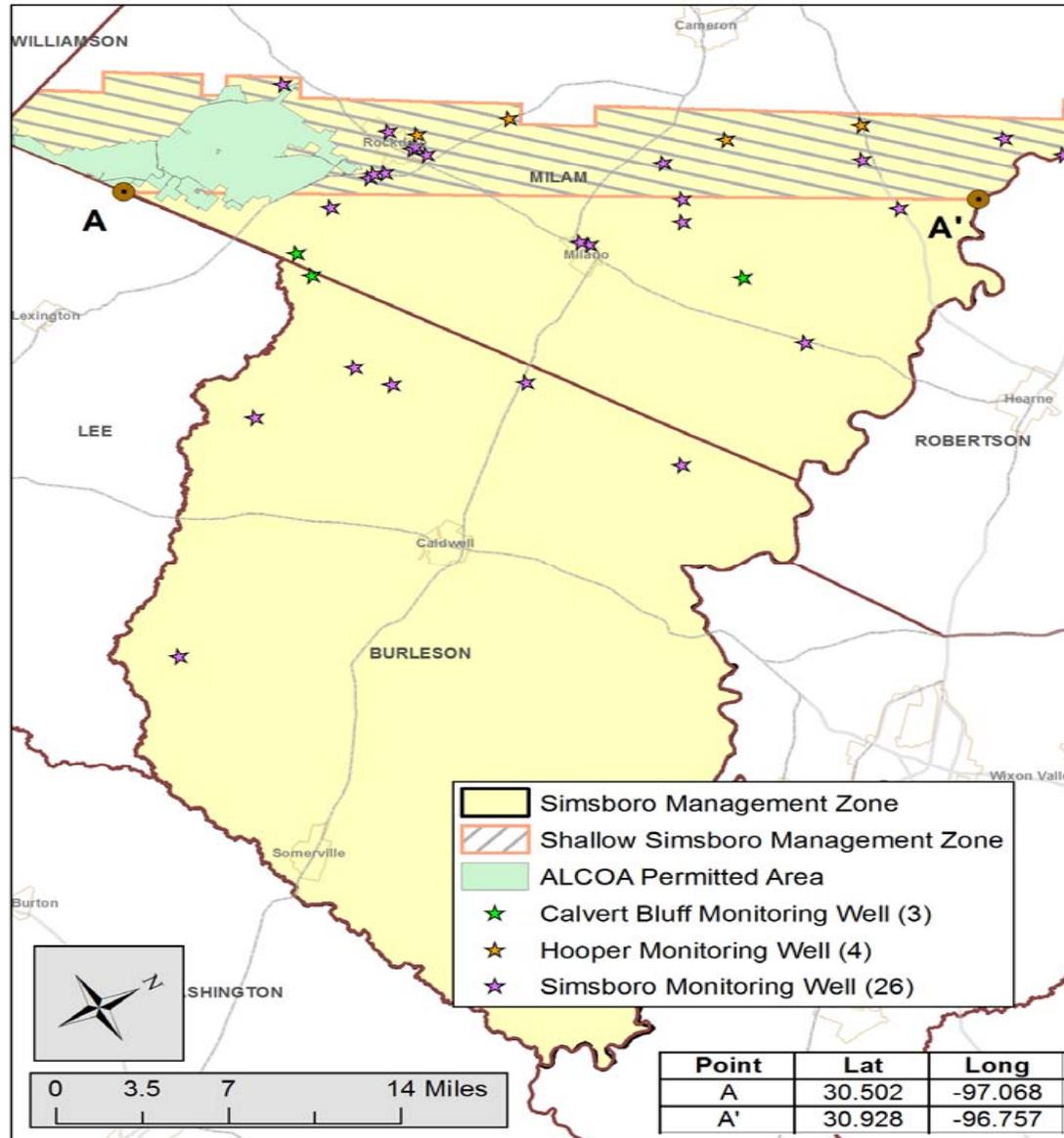
Total Head - Joel A. Cowan well



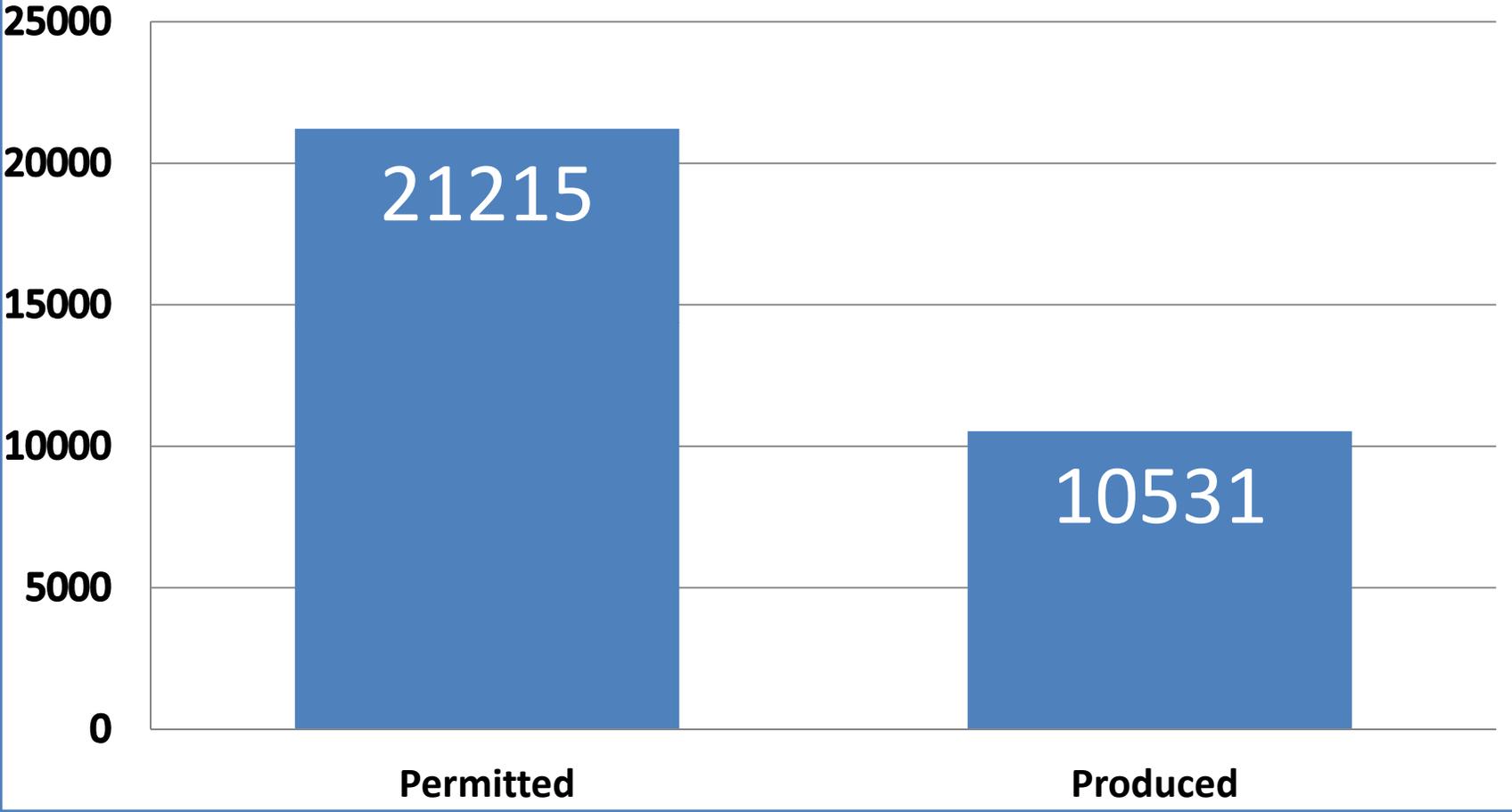
Total Head - Terry Ausley well



POSGCD Monitoring Locations for Wilcox Aquifer



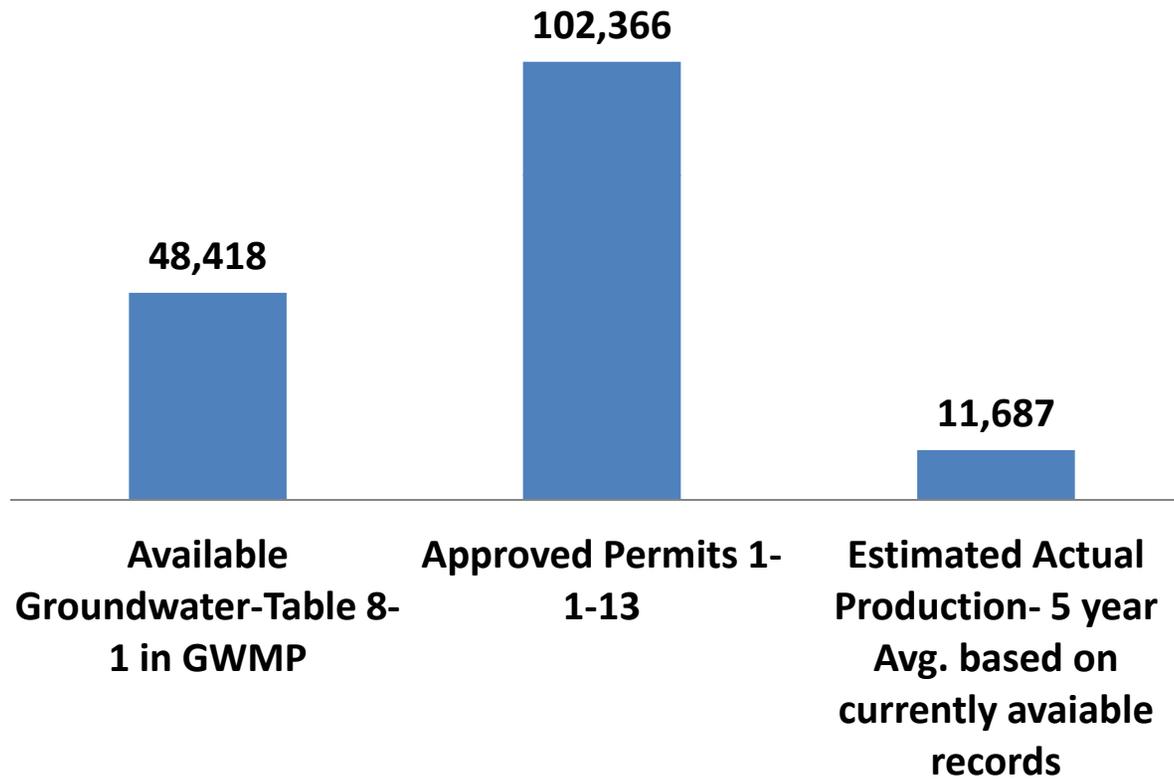
**Simsboro- Permitted vs. Produced
Average 2008-2011 (acre-ft)**



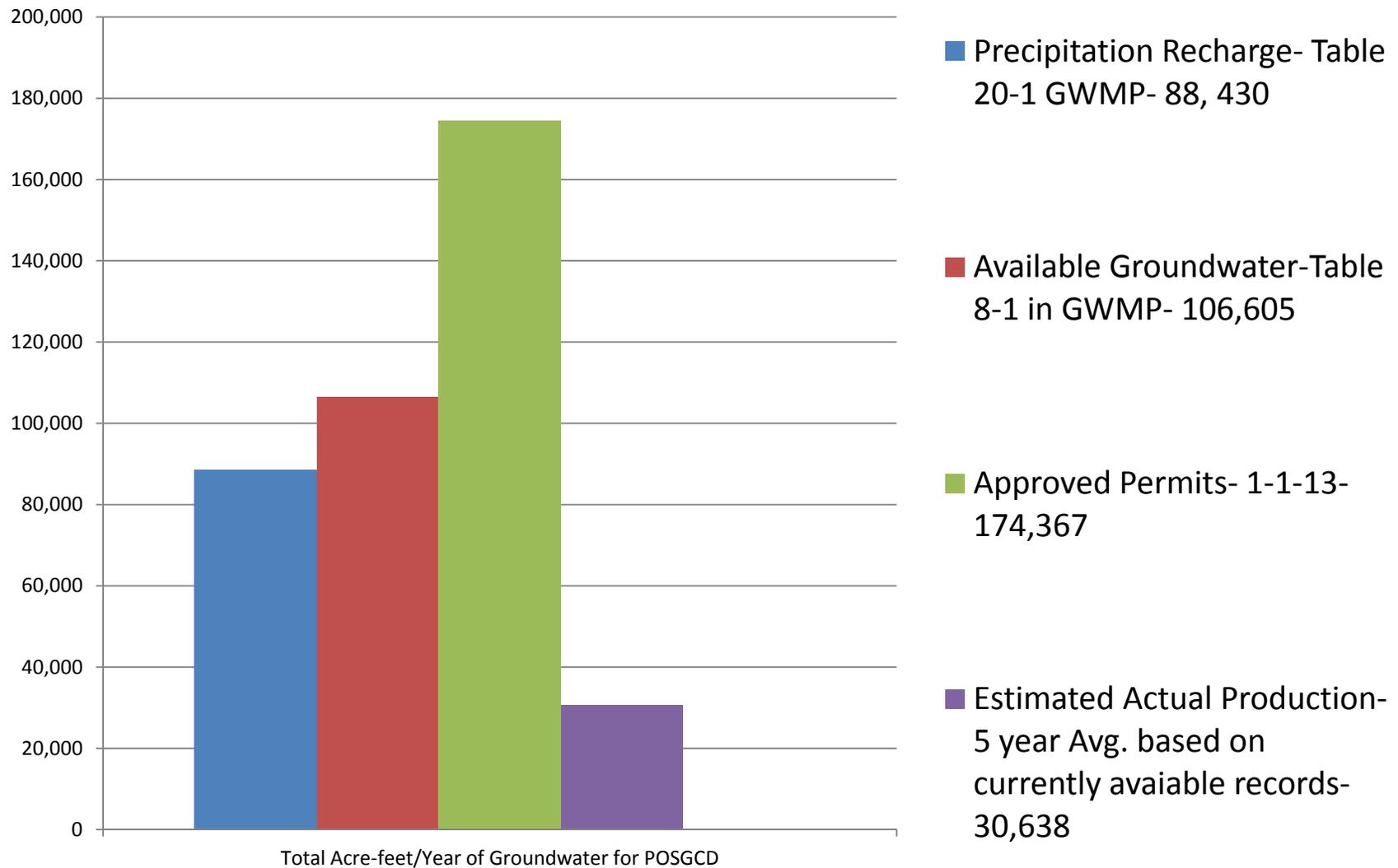
**Does not include BWS and new ALCOA (2012) amounts of 80,993 A/F permitted

Total Acre-feet/Year of Groundwater for Simsboro

■ Total Acre-feet/Year of Groundwater for Simsboro



POSGCD Total A-F/Year Evaluation



POSGCD Simsboro

Predicted Drawdown Over Time

Year	2020	2040	2060
Drawdown	196	254	306

Note: Draft work in progress; all results are preliminary.

Average Drawdown over entire District from year 2000 to 2060

Questions?

Contact info:

Gary Westbrook

General Manager

Post Oak Savannah GCD

Phone: 512-455-9900

Fax: 512-455-9909

Email: gwestbrook@posgcd.org

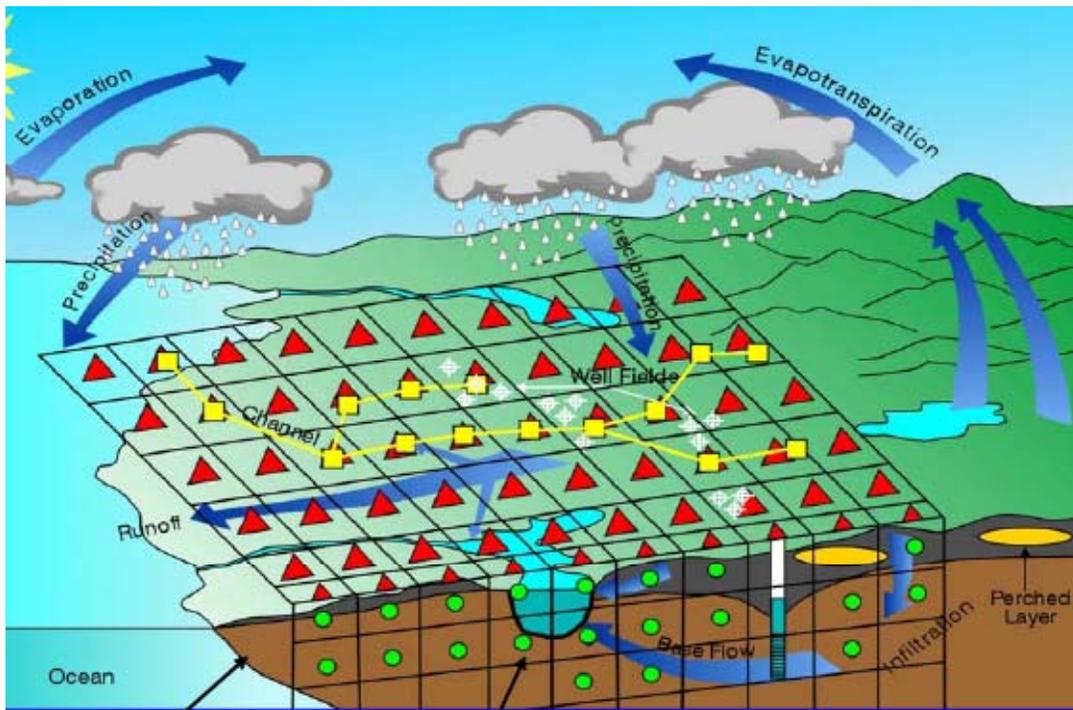
Website: www.posgcd.org



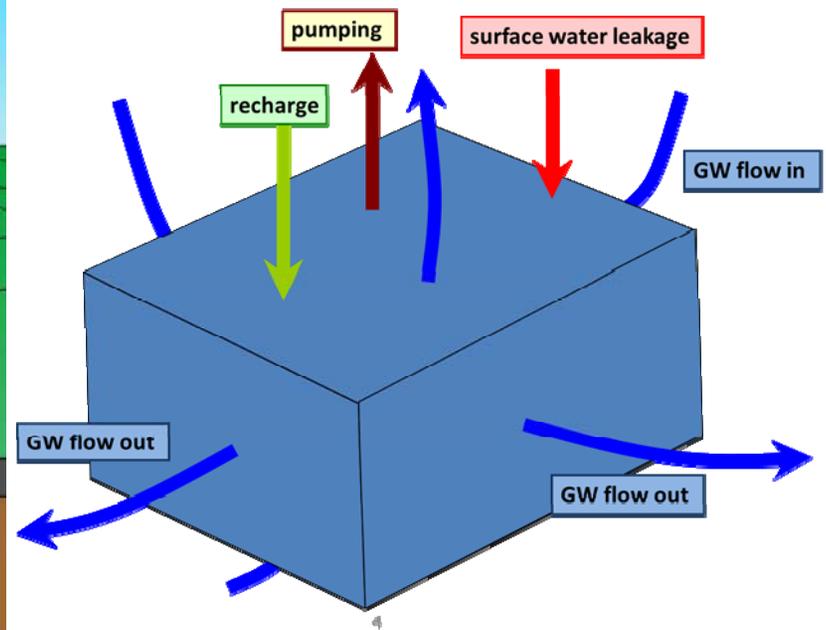
Serving the Citizens of Milam and Burleson Counties

Description of Groundwater Model

- a tool that integrates data and hydrology to predict groundwater flow
- the tool acts like a big Excel spreadsheet where grid cells physically represent “blocks” of aquifer material
- water levels are predicted by solving for a water balance at each block using equations describing groundwater flow



Note: Schematic from MODHMS MODFLOW Manual



Item 17

- Presentation to Dale Jaecks
 - Speaker
 - Marsha Farney

Item 18

- Approve Tax Refunds
 - Speaker
 - Kolette Morgan

Refunds Due Report

MILAM COUNTY TAX OFFICE

Entity: GMC

Owner	Name	Year	Property	Statement	Code	Reason	Taxes	P & I	Attorney	Discount	Overage	Total
81068	CHAMPION ROBERT N JR & CAROL E	2011	11705	4308	C	APPLY OV65 TO PROPERTY	36.00	0.00	0.00	0.00	0.00	36.00
81068	CHAMPION ROBERT N JR & CAROL E	2012	11705	4264	C	APPLY OV65 TO PROPERTY	36.00	0.00	0.00	0.00	0.00	36.00
82481	HORKHEIMER WAYNE	2012	20511745	11748	DEL	PROPERTY WAS SET UP IN ERROR AS A SPLIT OFF OF 20050.	27.84	0.00	0.00	0.00	0.00	27.84
12079	KELM WILLIAM	2012	26320	13406	C	CHANGE VALUE ACCORDING TO ARBITRATOR ORDER.	108.72	0.00	0.00	0.00	0.00	108.72
55264	PAYNE WILLIAM DWAIN	2012	26176	18970		Multiple adjustments exist for this refund.	2.34	0.00	0.00	0.00	0.00	2.34
88953	SORENSEN JUDY C	2011	18904	23070	C	APPLY OV65 TO PROPERTY	36.00	0.00	0.00	0.00	0.00	36.00
88953	SORENSEN JUDY C	2012	18904	23113	C	APPLY OV65 TO PROPERTY	36.00	0.00	0.00	0.00	0.00	36.00
20168	WHITE JOE	2011	25154	26997	C	APPLY OV65 TO PROPERTY	36.00	0.00	0.00	0.00	0.00	36.00
20168	WHITE JOE	2012	25154	27071	C	APPLY OV65 TO PROPERTY	36.00	0.00	0.00	0.00	0.00	36.00
Totals For Entity: GMC							354.90	0.00	0.00	0.00	0.00	354.90
Grand Totals:							354.90	0.00	0.00	0.00	0.00	354.90

Item 19

- Approve payment of bills

Prepaid General Fund Utilities

AT&T	\$188.91
Atmos Energy	\$2,301.96
Progressive Waste Solutions of TX	\$777.55
Reliant Energy Solutions	\$17,050.41
Verizon Southwest	\$213.98
Verizon Wireless	\$1,912.04

Grand Total

\$22,444.85

Unpaid Bills to Approve Over \$2,500

General Fund

American Medical Response Inc	\$23,024.21
Climate Control AC & Heating	\$3,361.46
CTWP Leasing	\$2,561.54
Purchase Power	\$5,469.99
Quill Corporation	\$3,397.99
St Joseph Regional Health Ctr	\$3,827.11
TAC Risk Management Pool	\$96,806.00
Texas Fleet Fuel	\$5,160.34
Travis Co. Med Examiner	\$7,800.00
General Fund Total	\$177,263.15

Unpaid Bills to Approve Over \$2,500

R&B Fund, Pct. 1

All American Diesel and Tire	\$4,336.32
TAC Risk Management Pool	\$7,041.00
Tex FAC Comm FSPP	\$4,500.00

R&B Fund, Pct. 1 Total \$17,548.53

Unpaid Bills to Approve Over \$2,500

R&B Fund, Pct. 2

Caterpillar Financial Svces Corp	\$6,077.42
Lhoist North America of Texas LTD	\$3,307.38
TAC Risk Management Pool	\$6,232.00

R&B Fund, Pct. 2 Total \$16,860.66

Unpaid Bills to Approve Over \$2,500

R&B Fund, Pct. 3

Caterpillar Financial Svces Corp	\$3,339.89
TAC Risk Management Pool	\$4,090.00
Texas Fleet Fuel	\$5,290.51

R&B Fund, Pct. 3 Total \$16,052.83

Unpaid Bills to Approve Over \$2,500

R&B Fund, Pct. 4

Anderson Machinery Austin Inc	\$3,394.11
Cleveland Asphalt Products Co Inc	\$9,004.51
Contech Const Products	\$6,680.20
Romco Equipment Co	\$4,345.60
TAC Risk Management Pool	\$3,496.00
Texas Fleet Fuel	\$2,815.89

R&B Fund, Pct. 4 Total \$33,838.27

Unpaid Bills to Approve Over \$2,500

C.O. '04 Debt Svce Fund

Citizens National Bank

\$226,107.93

C.O. '04 Debt Svce Fund Total

\$226,107.93

Unpaid Bills to Approve Over \$2,500

Transaction Fees

McCreary, Veselka, Bragg & Allen PC	\$4,599.00
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Transaction Fees Total	\$4,599.00
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Unpaid Bills to Approve

Grand Total

\$506,685.76

Item 20

- Adjourn