

ORIGINAL

MINUTES OF THE
COMMISSIONERS' COURT
WORKSHOP MEETING - AUGUST 18, 2015

On the 18th day of August, 2015, there was a Workshop Meeting of the Commissioners' Court in the Courthouse, Rockport, Aransas County, Texas, with the following members present: C. H. "Burt" Mills, Jr., County Judge; Jack Chaney, Commissioner, Precinct 1; Leslie "Bubba" Casterline, Commissioner, Precinct 2; Charles Smith, Commissioner, Precinct 3; Betty Stiles, Commissioner, Precinct 4; and Valerie K. Amason, County Clerk.

Other interested citizens present:

Rocky C. Sanders, Former Water District Member in Victoria, Texas, owns a residence in Aransas County

Vicki Buck, President of ACMUD #1

Tom Callen, Co-Chair, Aransas Pathways

Ed Hegen, Retired Rockport Resident

Barbara Gurtner, Ward 4 Council Member, City of Rockport

The Meeting was convened at 10:00 a.m. at which time a quorum was declared by County Judge Mills, WHEREUPON, the following proceedings were had and done to wit:

ITEM FOR DELIBERATION

Discussion on implementation, purpose and use of Special District Local Laws regarding a Water District as passed by the Legislature.

Ty H. Embrey, Attorney with Lloyd Gosselink Rochelle & Townsend, P.C. in Austin, Texas, appeared before the Court to give a

presentation and answer questions regarding Groundwater Conservation Districts.

Aransas County is the 100th Groundwater District in the State of Texas. Basically, when we are talking groundwater in Aransas County, we are talking about the Gulf Coast Aquifer. Water wells are ground water as opposed to surface water regulated by TCQ (Texas Commission on Environmental Quality) which includes lakes, rivers, and reservoirs. People ask the question, when do you own groundwater, is it when you bring it to the surface, when you capture it, or do you own it in place? The Texas Supreme Court in a 2011 case, Edwards Aquifer Authority vs. Dave McDaniel ruled if you own land you own the water underneath. Shortly thereafter, the Legislature passed Senate Bill 332 confirming that ruling. Aransas County lies in the General Management Area (GMA) #15 and is the only county that does not have a groundwater district in that area. If the Court decides to go forward and the voters approve the creation of the GCD, you will be able to regulate and manage the groundwater use within your local area. In order to have a seat and a vote in the GMA Regional meetings, you must have a groundwater district which requires the Commissioners' Court to meet, adopt a resolution and appoint Temporary Directors within 10 days of the effective date, being between September 1, 2015 and September 10, 2015. These directors will consist of one director from each precinct and one at large person residing in the District. They as a board would order a confirmation election with the imposition of an ad valorem tax at a rate not to exceed one cent for each \$100.00 of assessed valuation. This election to be held on a uniform election day in May 2016 and if the voters approve the creation of the District the Temporary Directors will run on

the Ballot in November 2016 to be voted in as Permanent Directors. If the creation of the District is not confirmed before September 1, 2019, the District will be dissolved. If the District is confirmed the board will then locate existing wells, create a Management Plan with rules and regulations concerning registration of wells, the spacing and drilling of new wells, and managing amounts of water extracted for domestic, livestock and irrigation. They should also monitor licensed drillers and their practices making sure they follow the law and should also monitor open pit mining to prevent them from depositing materials back into the well and potentially contaminating the water system. Commissioner Smith voiced his concerns over giving absolute authority of our groundwater to a few individuals which may result in unintended consequences.

No further business presenting, the Court adjourned at 11:33 a.m. on a motion made by Commissioner Smith and duly seconded by Commissioner Casterline.

C. H. "BURT" MILLS, JR., COUNTY JUDGE

VALERIE K. AMASON, COUNTY CLERK &
EX-OFFICIO CLERK OF THE
COMMISSIONERS' COURT