

**Clearwater Underground Water Conservation District Meeting**  
**700 Kennedy Court**  
**Belton, TX**  
**Wednesday, June 8, 2022**  
**Minutes**

The Clearwater Underground Water Conservation District (CUWCD) held a Workshop at 10:00 a.m. and the Regular Board meeting at 1:30 p.m. on Wednesday, June 8, 2022, at the Clearwater UWCD Building, located at 700 Kennedy Court, Belton, Texas.

**Board Members Present:**

Leland Gersbach, President, Pct 1  
David Cole, Vice President, At Large  
Gary Young, Secretary, Pct 2  
Jody Williams, Director, Pct 3  
Scott Brooks, Director, Pct 4

**Absent:**

**Staff:**

Dirk Aaron, General Manager  
Shelly Chapman, Admin Manager  
Brad Eckhart, Intern

**Guest:**

Mike Keester – RWH&A  
Tomas Reynoso, Sr.

Dr. Yelderman – Baylor Univ  
Sandra Blankenship – WCID#1

Tomas Reynoso, Jr.

**Board Meeting convened with President, Leland Gersbach, at 1:30 p.m.**

**1. *Invocation and Pledge of Allegiance.***

Vice President, David Cole, gave the invocation.  
Secretary, Gary Young, led the Pledge of Allegiance.

**2. *Public Comment.***

None.

**3. *Approve minutes of the May 11, 2022, Board meeting.***

Board members received the minutes of the May 11, 2022, Board meeting and workshop in their Board packet to review prior to the meeting.

Secretary, Gary Young, moved to approve the minutes of the May 11, 2022, Board meeting and Workshop.  
Director, Jody Williams, seconded the motion.

**Motion carried 5-0.**

**4. *Discuss, consider, and take appropriate action if necessary, to accept the monthly financial report for May 2022 (FY22) as presented.***

Board members received the monthly financial report for May 2022 in their Board packet to review prior to the meeting.

Vice President, David Cole, moved to accept the monthly financial report for May 2022 as presented. Secretary, Gary Young, seconded the motion.

**Motion carried 5-0.**

**5. *Discuss, consider, and take appropriate action if necessary, to accept the monthly Investment Fund Account report for May 2022 (FY22) as presented.***

Board members received the monthly investment fund account report for May 2022 in their Board packet to review prior to the meeting.

Director, Scott Brooks, moved to accept the monthly investment fund account report for May 2022 as presented.  
Director, Jody Williams, seconded the motion.

**Motion carried 5-0.**

**6. Discuss, consider, and take appropriate action if necessary, to approve the FY22 line-item budget amendments as requested.**

Shelly Chapman presented the request for line-item budget amendments for the purpose of:

1. Paying for legal counsel from Lloyd Gosselink related to general rules and accountability (rule-making changes)
2. Paying consulting fees to RW Harden related to line item 53130.2 (evaluation of rules) for work on management zones and rules.
3. Price increase for Freshbenies from \$18/month per person to \$22/month per person beginning June 1<sup>st</sup> (an increase of \$32 for the remainder of FY22).

The requests are simple adjustments between line items as listed.

Vendor	Line Item	Invoice Amount	Available Funds	Amount Requested	New Balance	From	Available Funds	New Balance
RW Harden	53130.2-Eval of Rules	\$1,500.00	\$0.00	\$1,500.00	\$1,500.00	50250-Contingency	\$37,647.73	\$36,147.73
Lloyd Gosselink	53703-Legal/Gen Rules	\$10,121.25	\$0.00	\$10,121.25	\$10,121.25	50250-Contingency	\$36,147.73	\$26,026.48
Freshbenies	52060-Freshbenies		\$144.00	\$32.00	\$176.00	52045-payroll tax/WC	\$12,072.65	\$12,042.65
	(Increase \$4/per person/month (Total \$8/month increase beginning June 1, 2022 - remaining 4 months of FY22))							

Secretary, Gary Young, moved to approve line-item budget amendments as presented. Vice President, David Cole, seconded the motion.

**Motion carried 5-0.**

**Reconvene Show Cause Hearing from March 9, 2022, with President, Leland Gersbach at 1:36 p.m.**

- 7. Reconvene show cause hearing on the following violation:**
- a) Discuss, consider, and take the appropriate action if necessary, upon receiving testimony related to the violation of District Rule 6.5 by drilling & completing a well on January 22, 2022, without a formal CUWCD permit on a tract of land less than 10 acres and greater than or equal to 2 acres, Latitude 30.930066/ Longitude -97.701384 by both Raul Zavala (“Driller”)(TDLR License #54363) officed at 1910 S. Wheeler St., Jasper, TX 76951 and Mr. Tomas Reynoso (“Property Owner”), located at 15731 Cedar Valley Rd., Salado, TX*

As presiding officer of the hearing, President, Leland Gersbach, called to order the continuance of the show cause hearing related to Agenda Item 7 at 1:36 p.m.

Leland stated that the hearing is the result of a formal notice by the General Manager of violations of district rule 12.3.2 (a)(b). Leland gave a brief explanation of the procedural issues. He confirmed a quorum of the Board was in attendance to participate in the ruling on the alleged violations. He noted for the record that Cole Ruiz, legal counsel for the District would be available by telephone should there be procedural questions or concerns.

Leland reviewed the procedures that would apply to the show cause hearing and stated that the hearing has undergone administrative and legal review by District staff and General Counsel.

Leland stated anyone wishing to participate in the hearing, in support or protest, would be given the opportunity.

(No public comments made.)

Leland asked if all parties were present? Dirk noted that Raul Zaval was not able to attend. Dirk has been in communication with Mr. Zaval. Dirk commented that Tomas Reynoso and his son are in attendance. All fines have been paid and are awaiting the next steps.

Leland administered an oath to all participants (Dirk Aaron, Tomas Reynoso Sr, and Tomas Reynoso Jr.

Dirk gave a recap of the show cause hearing and violations associated with the hearing. He also gave an update related to the case. Dirk stated that both parties have complied and are working through the process. Dirk recommends the Board continue the hearing at the August 10<sup>th</sup> meeting. That would give them roughly 60 more days to complete the requirements.

Tomas Reynoso gave his testimony and explained the steps he has taken to remedy the violations and where things stand at this time. He is still waiting for the approved plat to be completed.

Leland asked if the Board members had any other questions or concerns. There were none.

Leland asked the Board to make a motion for an additional enforcement order, a modified list of orders, or an extension of the existing order to August 10, 2022, based on the findings of today's continued hearing.

Director, Scott Brooks, moved to allow an extension of the existing order to August 10, 2022, based on today's findings. Vice President, David Cole, seconded the motion.

**Motion carried 5-0.**

**Show Cause Hearing closed and Workshop convened with President Leland Gersbach at 1:52 p.m.**

***Workshop Item #1: Discuss the process for implementing management zones within Bell County and potential rule changes.***

The Board discussed questions related to amending the rules, affirmed purposes, reviewed the "redlined" changes, discussed administrative fees, and discussed the date for the final rulemaking hearing on August 24<sup>th</sup>. They also discussed the stakeholders meeting time and location. The meeting is to be held on June 30<sup>th</sup> at the Harris Community Center in Belton at 3:00 and 6:00.

***Workshop Item #2: Review current administrative fees and discuss potential changes.***

Dirk presented his thoughts related to the current administrative fees. Brad demonstrated the analytical tool he created based on Scott's spreadsheet. Dirk explained how the fee structure will work.

***Workshop Item #3: Review items of interest related to the FY2023 budget development process.***

Dirk presented items of interest related to the FY23 budget development process.

***Workshop Item #4: Discuss items of interest related to the Development of the RHCP with Karst Coalition.***

Dirk gave the Board an update on the RHCP.

***Workshop Item #5: Receive information related to Groundwater Management Area 8, per the Joint Planning and Development of the Round 3 Desired Future Conditions.***

Nothing new to report. Still waiting on TWDB.

**Workshop closed at 4:43 p.m. and the Regular Board meeting reconvened with President, Leland Gersbach.**

8. ***Discuss, consider, and take appropriate action if necessary, to direct the District General Manager to take appropriate action necessary to meet the statutory requirements related to the upcoming general election for Precincts 2, 4, and At-Large.***

Dirk briefed the Board on the November 8th general election for Precincts 2, 4, and At-Large. He laid out the timeline with deadlines for Candidates interested in filing for a place on the ballot.

Dirk noted that the Board will need to approve the contract with the Bell County Interim Elections Administrator in August. The anticipated cost to CUWCD will be approximately \$5,000. Dirk will also prepare an election order to be on the August 2022 agenda.

Dirk stated that applications for a place on the ballot will be available to applicants on July 22. All applications must be submitted by the close of business on August 22<sup>nd</sup>.

Shelly and Tristin are notaries and can notarize the applications as needed when they are submitted to the District office.

Vice President, David Cole, moved to direct the General Manager to take appropriate action related to the requirements of the upcoming general election for Precincts 2, 4, and At Large.

**Motion carried 5-0.**

9. ***General Manager's report concerning office management and staffing related to District Management Plan.***

- TAGD has a working subcommittee on the elements of SB152 from the last session. Dirk is part of that committee. They will be addressing petitions for rulemaking, notice of permit applications, and attorney's fees.
- Dirk and Brad will be attending the TWCA Summer Conference in Round Rock.
- Dirk gave an update on the County facility to be built on the property the District sold to the City of Belton.
- Corey Dawson has been busy investigating plats. He has reviewed 70 plats, 6 of which required the District's signature.
- Stage 2 will be declared in the next few days. Dirk is working closely with SWSC to make the determination.

10. ***Review monthly report and possible consideration and Board action on the following:***

- a) ***Drought Status Reports***
- b) ***Education Outreach Update***
- c) ***Monitoring Wells***
- d) ***Rainfall Reports***
- e) ***Well Registration Update***
- f) ***Aquifer Status Report & Non-exempt Monthly Well Production Reports***

(Copiers of the Monthly Staff Reports were given to the Board Members to review. No action is required. Information items only.)

11. ***Director's comments and reports.***

- **Leland Gersbach:** Thanked Dirk for all of the work and effort he has put in on the rule-making changes. He has spent a lot of time on this.
- **Jody Williams:** Welcomed the new intern.
- **Gary Young:** Thanked Dirk, Brad, and Scott for the work they did related to the rule-making changes. They presented a lot of good information.
- **Scott Brooks:** He has been asked to sit on a panel at the Water Summit this year along with Mike Keester. He is looking forward to it.
- **David Cole:** Thanked Dirk and the others that have put so much time into working on the rule-making changes.

**12. Discuss agenda items for the next meeting.**

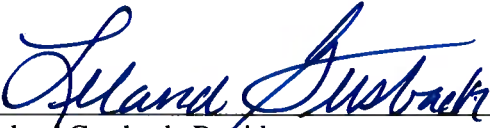
- Possible permit hearing
- Security Benefit quarterly report
- Budget Development workshop

**13. Set the time and place of the next meeting.**

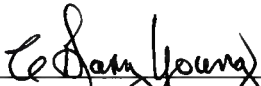
Wednesday, July 13, 2022, at 1:30 p.m. at the CUWCD office.

**14. Adjourn.**

**Board Meeting closed with President, Leland Gersbach, at 5:10 p.m.**

  
Leland Gersbach, President

**ATTEST:**

  
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Gary Young, Secretary or  
Dirk Aaron, Assistant Secretary