

**RESOLUTION
OF THE BOARD OF DIRECTORS OF THE CLEARWATER
UNDERGROUND WATER CONSERVATION DISTRICT
MEETING HELD OCTOBER 12, 2022**

**A RESOLUTION AMENDING BOTH THE PERMIT APPLICATION FEES
AND CIVIL PENALTIES IN THE DISTRICT'S ADMINISTRATIVE
FEE SCHEDULE AND THE CIVIL PENALTIES SCHEDULE**

WHEREAS, the Clearwater Underground Water Conservation District (CUWCD) is a political subdivision of the State of Texas and underground water conservation district created and operating under and by virtue of Article XVI, Section 59, of the Texas Constitution; Texas Water Code Chapter 36; the District's enabling act, Act of May 27, 1989, 71st Legislature, Regular Session, Chapter 524 (House Bill 3172), as amended by Act of April 25, 2001, 77th Legislature, Regular Session, Chapter 22 (Senate Bill 404), Act of May 7, 2009, 81st Legislature, Regular Session, Chapter 64 (Senate Bill 1755), and Act of May 27, 2015, 84th Legislature, Regular Session, Chapter 1196, Section 2 (Senate Bill 1336)(omnibus districts bill); and the applicable general laws of the State of Texas;

WHEREAS, § 36.205 of the Texas Water Code authorizes a groundwater conservation district to set fees for administrative acts of the district, including fees for the filing of applications, and provides that fees set by a district may not unreasonably exceed the cost to the district of performing the administrative function for which the fee is charged;

WHEREAS, § 36.101 of the Texas Water Code authorizes a groundwater conservation district to make and enforce rules to provide for conserving, preserving, protecting, and recharging of the groundwater or of a groundwater reservoir or its subdivisions in order to control subsidence or prevent waste of groundwater and to carry out the powers and duties provided by Chapter 36 of the Texas Water Code;

WHEREAS, the Board of Directors of the District (the "Board") initially adopted an Administrative Fee Schedule for the District on February 1, 2002, and has subsequently amended the Administrative Fee Schedule in accordance with both § 36.205 of the Texas Water Code and District Rule 13.1 Permit Application Fee and Other Fees;

WHEREAS, the Board initially adopted Civil Penalty Schedule for the District effective February 1, 2002, and has subsequently amended the Civil Penalty Schedule in accordance with both § 36.102 of the Texas Water Code for the Enforcement of District Rules and District Rule 12.3 Rule Enforcement;

WHEREAS, District Rule 13.1 authorizes the Board to establish by resolution a schedule of fees for administrative acts of the District, including but not limited to the cost of reviewing and processing permit applications and renewal applications, and the cost of permit hearings, and provides that such administrative fees shall not unreasonably exceed the cost to the District for performing such administrative acts;

WHEREAS, the Board and District's General Manager ("General Manager") have identified necessary revisions to the District's Administrative Fee Schedule and have specifically

identified the need to revise the permit application fees set forth in the District's Administrative Fee Schedule and update the District Civil Penalty Schedule;

WHEREAS, the General Manager has evaluated past, current and anticipated costs of the District to perform the administrative functions associated with processing permit applications submitted to the District, including but not limited to the technical and legal consultant costs associated with processing permit applications, and has considered the District's budget and any impact to permit applicants of imposing increased application fees; and

WHEREAS, the General Manager has reviewed the Civil Penalty Schedule for accuracy, content, and relevance to the amended rules by correcting language and dates associated with compliance matters and water well construction and completion requirements of the District; and

WHEREAS, the General Manager has developed and presented a recommendation on the amount of the permit application fees, administrative fees and civil penalty amounts based upon the above-referenced considerations; and

WHEREAS, the Board desires to amend the District's Administrative Fee Schedule to specifically revise the District's permit application fees, minor amendment application fees and add additional fees for review of groundwater availability study reviews, encumbrance agreement review & recording fees, shared well agreement review & recording fees.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Administrative Fee Schedule and the Civil Penalty Schedule are attached to this resolution and are hereby incorporated into this resolution.
2. The Administrative Fee Schedule and the Civil Penalty Schedules attached to this resolution includes the revisions made to the District's permit application fees and District civil penalty schedule.
3. The Administrative Fee Schedule is revised and adopted in accordance with District Rule 13.1 and § 36.205 of the Texas Water Code.
4. The Board of Directors finds that the fees established in the Administrative Fee Schedule, including the permit application fees, are directly related to the costs of the District to perform the administrative function, and do not unreasonably exceed the costs of the District to perform the administrative function.
5. The Civil Penalty Fee Schedule is revised and adopted in accordance with District Rule 12 Investigations and Enforcement and § 36.102 of the Texas Water Code for the Enforcement of District Rules.
6. The Board of Directors and/or General Manager are further authorized to take any and all action necessary to implement this resolution.
7. The Administrative Fee Schedule for the District is effective as of the date of adoption of this resolution by the Board of Directors.

AND IT IS SO ORDERED.

Upon motion duly made by Scott Brooks and seconded by Jody Williams and upon discussion, the Board voted 5 in favor and 0 opposed, and the motion thereby PASSED on this 12th day of October, 2022.

Attachments: District Administrative Fee Schedule and District Civil Penalty Schedule

CLEARWATER UNDERGROUND WATER CONSERVATION DISTRICT

By: _____
Leland Gersbach,
Board President

ATTEST:

Gary Young,
Board Secretary