

**Clearwater Underground Water Conservation District Meeting**  
**700 Kennedy Court**  
**Belton, TX**  
**Wednesday, November 9, 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, November 9, 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

**Guests**

Keith Elliston – ACA	Vince Clause – ACA	Jerry Fackler
Valleri Bond	Kristen Fancher – Attorney	Joe Plunkett
Laura Plunkett	Sarah Bolton	Rose Chupik
Michael Spano	Cole Ruiz – Lloyd Gosselink	Leah Martinson – TAGD
Billy Conway	Allan Standen – LRE	Session Harwell – SWSC
Judge Blackburn – Bell County	Brad Buckley – State Rep	Bobby Whitson-Bell County Pct 2
Terry Cook-Williamson County Pct 1	Pete Diaz – USFWS	Tomas Reynoso – applicant

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

**Workshop Item #1: Receive presentation and request from Aquifer Conservation Alliance.**

Received presentation from Keith Elliston and Vince Clause regarding ACA and the potential annexation of a portion of Williamson County to CUWCD. Introductions were made of stakeholders related to the ACA. Kristen Fancher, the attorney for ACA, was in attendance as well. Keith and Vince explained who the group is and the reasons for forming this group.

**Break 2:50-3:02**

**Workshop Item #2: Receive a presentation from Pete Diaz (USFWS) concerning the status of the Salado Salamander.**

Pete Diaz presented his annual report on items related to the Salado Salamander and thoughts on the continued study.

**Workshop Item #3: Receive update related to GMA8 DFC determination, per TWC section 36.108, and plans for the next round.**

Dirk updated the Board on items related to GMA8 DFC and plans for the next round. He noted that the draft MAGs are in and the explanatory report has been accepted.

**Workshop Item #4: Receive update related to the 2022 Bell County Water Symposium.**

Dirk noted the changes to the program and speakers. He added a panel discussion of the Aquifer Conservation Alliance and its plan for annexation. Dirk commented that he will be doing another big push for attendance.

**Workshop Item #5: Receive update related to the BELCOR RHCP.**

Dirk gave an update on the BELCOR RHCP. He noted the importance of getting a grant to fund the project and items of interest related to the project.

**Workshop closed and Regular Board Meeting convened with President, Leland Gersbach, at 3:30 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.

**President, Leland Gersbach suggested the Board move to item #9 (Reconvene show cause hearing at 3:32. The Board agreed.**

**9. Reconvene show cause hearing on the following violation:**

***a) Discuss, consider, and take appropriate action necessary, upon receiving testimony related to the violation of District Rule 6.5 by drilling and 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.***

President, Leland Gersbach reconvened the show cause hearing at 3:32 p.m. He gave a brief summary of the details of the hearing and how it came about.

As presiding officer, Leland will take additional evidence, sworn testimony, and rule on any procedural issues. He noted for the record, that the District's legal counsel, Cole Ruiz, is in attendance should there be any procedural questions or concerns.

Leland stated that the continued show cause hearing has undergone administrative and legal review by District Staff and General Counsel.

Dirk noted that Tomas Reynoso, Jr. was here to speak on behalf of his father.

Leland administered oaths to Dirk Aaron, Cole Ruiz, and Tomas Reynoso, Jr.

Dirk gave a summary of the reason for the hearing and the steps that have been taken by the applicant to correct the violation and a recap of the details for extension allowing the applicant more time to complete the process.

Leland addressed Tomas Reynoso and asked if he had an update on why elements of the Order had not been met and asked if he needed more time to complete the elements.

Tomas commented that the agreement his father had worked out with the neighbor had fallen through. The neighbor sold her property without notifying the Reynoso's. Tomas Sr has been in contact with the new neighbors and they have agreed to sell him the portion of property he needs to satisfy the District rules. In the meantime, they requested more time to make all of the working parts happen.

Leland asked if there were any other questions or comments. There were none.

Leland asked for a motion for an additional enforcement order or for a modified list of orders, or an extension of the existing order to February 12, 2023, based on the new findings.

Vice President, David Cole, moved to grant an extension of the existing order to February 12, 2023. Director, Scott Brooks, seconded the motion.

**Motion carried 5-0.**

**3. Approve minutes of the October 12, 2022, Board meeting.**

Board members received the minutes of the October 12, 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 October 12, 2022, Board meeting and Workshop. Vice President, David Cole, seconded the motion.

**Motion carried 5-0.**

**4. Discuss, consider, and take appropriate action, if necessary, to accept the monthly Financial Report for October 2022 (FY23) as presented.**

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

Vice President, David Cole, moved to accept the monthly financial report for October 2022 as presented. Director, Jody Williams, 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 October (FY23) as presented.**

Board members received the monthly Investment Fund account report for October 2022 in their Board packet to review prior to the meeting.

Secretary, Gary Young, moved to accept the monthly investment fund account report for October 2022 as presented. Director, Scott Brooks, 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.**

Dirk and Shelly presented the line-item budget amendments to close out FY22.

1. Payroll – adjustments due to “rounding” numbers.
2. Studies 53105.4 – request to move unexpended funds from reserve to FY23 budget.
3. Facility 54200 – request to adjust deposit of insurance checks for damaged A/C in FY22 to FY23. Repairs are still pending. Parts are on backorder until the end of December 2022. Journal entry in QB will be made moving the deposit to FY23 as a liability adjustment.

Dirk reminded the Board that this is a simple adjustment between line items.

	Line Item	Over Budget	Amount Requested	New Balance	From	Available Funds	New Balance
<b>IN-HOUSE Line item adjustments for FY22 Close</b>							
Payroll	52005-Admin Assist	\$0.04	\$0.04	\$0.00	52055-payroll exp	\$48.23	\$48.19
	52010-Education Coord complia	\$0.04	\$0.04	\$0.00	52055-payroll exp	\$48.19	\$48.15
	52025-Field Tech	\$0.04	\$0.04	\$0.00	52055-payroll exp	\$48.15	\$48.11
Studies - FY22	53105.4-GMM	(Budget Amend	\$10,077.25	\$0.00	53105.4-MMG FY23	\$74,000.00	\$84,077.25
Facility - FY22	54200-Bldg rep maint	(Journal Entry- adjust liability)	\$6,153.31	\$474.62	54200-Bldg Rep FY23	\$6,153.31	\$13,633.31

40010 BellCAD Current Year Tax **-\$27,618.34**  
 40015 BellCAD Delinquent Tax **-\$1,795.34**  
**(uncollected taxes) -\$29,413.68**

**Adjust line item 53760 - Reserves for uncollected taxes - AMEND budget from \$20,000 to \$29,413.68**

53760 - Reserves for uncollected tax (original budget) **\$20,000.00**  
 (adjustment for uncollected tax) **-\$29,413.68**  
 (return to Contingency Fund) **-\$9,413.68**

50250 Current Contingency Fund **\$2,848.48**  
 Return to Contingency Fund **-\$9,413.68**  
 Adjusted Contingency Fund **-\$6,565.20**

Secretary, Gary Young, moved to approve line-item budget amendments as presented. Director, Scott Brooks, seconded the motion.

**Motion carried 5-0.**

**7. Discuss, consider, and take appropriate action, if necessary, to close out FY22 Budget as presented.**

Dirk and Shelly presented the close-out numbers for the FY22 Budget year.

**Original Budget set for FY22 \$ 839,606.00** (projected income and expenses)

The following describes the year-end close out for FY22

Actual income: **\$ 778,970.76**  
 Other income – sale of assets (property) **\$ 50,000.00**  
**Adjusted income: \$ 828,970.76**

**Total Expenses:** \$ 717,690.36  
**Gross Return to Fund Balance:** \$ 111,280.40  
**Less Sale of Assets (property):** \$ 50,000.00  
**Net Return to Fund Balance:** \$ 61,280.40

Staff recommended approving budget close out as presented, closing the year with a net return to fund balance of \$61,280.40

Vice President, David Cole, moved to close out the FY22 Budget year as presented. Director, Jody Williams, seconded the motion.

**Motion carried 5-0.**

**8. Discuss, consider, and take appropriate action, if necessary, to approve the FY23 line-item budget amendments as requested.**

Dirk and Shelly presented the line-item budget amendments for FY23 for the purpose of:

1. Moving unexpended funds for line item 53105.4 (Studies – GMM) from the FY22 budget to the FY23 budget.
2. Deferring insurance proceeds for work not complete in FY22 to FY23.

Vendor	Line Item	FY23 Budgeted Amount	Amount Requested	FY23 Amended Budget	From	Available Funds	New Balance
(In house adj)	FY23 53105.4-GMM	\$74,000.00	\$10,077.25	\$84,077.25	FY22 53405.4-GMM	\$10,077.25	\$0.00
		(unexpended funds from FY22)					
(In house adj)	FY23 54200-Bldg Repair Maint		\$6,153.31		FY22 54200-Bldg repair Maint	\$6,153.31	
		(deferred insurance proceeds not complete in FY22)					

Staff recommends making adjustments as presented.

Director, Scott Brooks, moved to approve line-item budget amendments as presented. Secretary, Gary Young, seconded the motion.

**Motion carried 5-0.**

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

- Dirk discussed a new monitor well program and new devices.
- Discussed drought issues.
- Information on Dog Ridge WSC and property owners wanting to put in private wells.

**11. 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.)

**12. Director’s comments and reports.**

- **Leland Gersbach:** None
- **Jody Williams:** None
- **Gary Young:** Thanked Dirk for everyone for all of their work on the Wilco presentation by the Aquifer Conservation Alliance.
- **Scott Brooks:** None
- **David Cole:** None

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


- Petition from ACA
- Oaths of Office for Precincts 2,4, and At-Large
- Christmas reception prior to Board meeting

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

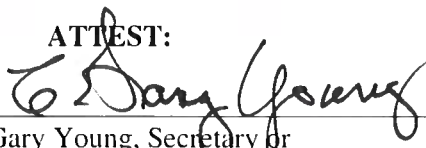
Wednesday, December 14, 2022, at 1:30 p.m. at the CUWCD office.

**15. Adjourn.**

**Board Meeting closed with President, Leland Gersbach, at 4:43 p.m.**

  
Leland Gersbach, President

ATTEST:

  
Gary Young, Secretary or  
Dirk Aaron, Assistant Secretary