

# Calhoun County Groundwater Conservation District

131-A N. Virginia St., Port Lavaca, Texas 77979

P.O. Box 1395, Port Lavaca, Texas 77979

Phone (361) 482-0357 | Fax (361) 482-0303 | www.calhouncountygcd.org

THE STATE OF TEXAS  
CALHOUN COUNTY

The Board of Directors of the Calhoun County Groundwater Conservation District convened a meeting at the Coastal Center, 131-A N. Virginia St, Port Lavaca TX 77979, Calhoun County, on April 25, 2022, at 5:30 PM.

## Meeting Attendance:

Precinct 1:	Mr. Steven Dierschke, Director	Present
Precinct 2:	Mr. Wesley Brett, Vice-President	Absent
Precinct 3:	Mr. Galen Johnson, Secretary	Present
Precinct 4:	Mr. Michael Hahn, Treasurer	Present
At Large:	Mr. Harold May, President	Present
General Manager:	Mr. Timothy Andruss	Present
Legal Counsel:	Mr. James Allison	Present

## Agenda Items -

### 1. Call the meeting to order and welcome guests.

**Meeting Discussion:** Mr. May called the meeting to order at 5:30 PM. The following guests were present: Thanh Nguyen, Dorina Murgulet, Audrey Douglas, and Donald Goldman.

**Board Action:** None.

### 2. Receive public comments.

**Meeting Discussion:** None.

**Board Action:** None.

### 3. Presentation and discussion regarding potential effects of widening and deepening the Matagorda Ship Channel on groundwater resources.

#### 3.1 – Presentation re Potential Effects of Matagorda Ship Channel Deepening on Groundwater

**Meeting Discussion:** Mr. Andruss explained on January 24, 2022, the Board asked that I attempt to arrange an informal presentation on the report titled *Evaluation of the Proposal for Widening and Deepening the Matagorda Ship Channel* funded by the Matagorda Bay Mitigation Trust due to the concerns

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regarding potential impacts on groundwater resources in Calhoun County identified in the report.

After contacting the Steve Raabe of the Matagorda Bay Mitigation Trust, the District was ultimately directed to Dr. Audrey Douglas as the primary author of the portions of the report addressing groundwater resources and the potential impacts. Dr. Douglas agreed to make a presentation to the Board regarding her findings within the report.

The District informed Mr. Hausmann of the Calhoun Port Authority of scheduled presentation recognizing the District's consideration of this matter may be of interest to him and Authority.

The board was given a presentation along with handouts regarding the potential effects of deepening the Matagorda Ship Channel on groundwater by Dr. Douglas from TAMU-CC.

Mr. Andruss explained that he would contact the Calhoun Port Authority to inquire about plans, if any, to monitor impacts of the expansion project on groundwater resources and would seek proposals for developing a groundwater monitoring plan.

**Board Action:** None

#### **4. Consideration of and possible action on matters related to groundwater management including the efforts and activities of the District regarding permitting, as well as, complaints, investigations, and enforcement cases associated with permitting.**

##### **4.1 – Report regarding Groundwater Management**

**Meeting Discussion:** Mr. Andruss explained the District has initiated 27 permitting request cases (PRCs) since January 2022. As of April 24, 2022, there were 17 pending permitting requests and applications with the District.

**Board Action:** None.

##### **4.2 – Groundwater Production Permits**

**Meeting Discussion:** Mr. Andruss explained as of April 24, 2022, the volume of groundwater production authorized for water wells under production permits is 6,527.97 acre-feet per year.

**Board Action:** None.

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## 4.3 – Groundwater Production

**Meeting Discussion:** Mr. Andruss explained as of January 24, 2022, the District has recorded groundwater production of 119.924 acre-feet during calendar year 2020 from 14 groundwater production reports.

As of April 24, 2022, the District has recorded groundwater production of 203.729 acre-feet during calendar year 2021 from 15 groundwater production reports. The District mailed out 32 notices regarding the groundwater production reporting for non-exempt use wells registered in the CCGCD database. Per the rules of the District, required groundwater production reports for calendar year 2021 should be submitted by January 31, 2022.

On or before May 15, 2022, the District will send a letter and second notice to each well owner requesting that he or she either 1) report the groundwater production of the subject well for calendar year 2021, or 2) amend the registration with the District of the subject well indicating the well is no longer used for non-exempt purposes.

**Board Action:** None.

## 4.4 – Groundwater Production Permit Renewals

**Meeting Discussion:** Mr. Andruss explained the District has three pending Applications to Renew a Production Permit.

The following applications are administratively complete but do not currently satisfy the requirements related to production permit renewal established by the Rules of the District:

1. CCGCD - GMa - Pe - Permitting Request Cases - PRC-20220317-01 -ARPP-20220317-01 - POC Park 1 LP - Pending
2. CCGCD - GMa - Pe - Permitting Request Cases - PRC-20220323-02 - ARPP-20220323-02 - Olivia Community Association - Pending

The following applications are administratively complete and satisfy the requirements related to production permit renewal established by the Rules of the District:

1. CCGCD - GMa - Pe - Permitting Request Cases - PRC-20220323-01 - ARPP-20220323-01 - Buffalo Creek RV Retreat - Pending

**Board Action:** Mr. Hahn moved to authorize the general manager to issue production permit renewals for the permits associated with the following renewal requests:

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1. CCGCD - GMa - Pe - Permitting Request Cases - PRC-20220323-01 - ARPP-20220323-01 - Buffalo Creek RV Retreat - Pending

Mr. May seconded the motion. The motion passed unanimously.

## 4.5.1 – Permitting Request Case PRC-20220307-01 – Jr’s Aquaculture Farm Inc.

**Meeting Discussion:** Mr. Andruss explained Mr. Thanh V. Nguyen for Jr's Aquaculture Farm, Inc. seeks, under permitting request case PRC-20220307-01, a historic use production permit authorizing production of groundwater for fish farm uses at rates not to exceed 250 gallons per minute or 280 acre-feet per year from grandfathered well GW-00041. The subject well is located on a 204.29-acre tract of land near the intersection of FM 3280 and Highway 35 South in Calhoun County, Texas.

The application and supplemental information associated with this permitting request case are considered administratively complete and contain sufficient information evaluate the request relative to the Rules of the District. Provided the resulting permit is properly conditioned, the proposed operation of the subject well would satisfy the requirements established within the Rules of the District without a waiver or variance.

On March 14, 2022, the public notice related to the consideration of the permit case was completed.

As of March 24, 2022, the District had not received notice of intent to contest the permitting request.

Mr. Nguyen submitted an Affidavit of Past Production in support of the historic use validation request for well GW-00041 in which historic use production for year 2008 was estimated to be 280 acre-feet based on an average 4-foot water depth in 10 ponds of 7 acres.

**Board Action:** Mr. Dierschke moved to 1) cancel the permit hearing and proceed with the permitting case as an uncontested matter; 2) issue a historic use validation permit to Jr's Aquaculture Farm, Inc. under application AVW-20220304-01 with the following conditions in accordance with the Rules of the District:

Authorized Purpose of Use: fish farm uses;

Authorized Maximum Rate of Production per Year: 280 acre-feet per year.

Mr. Johnson seconded the motion. The motion passed unanimously.

## 4.6 – Report on POCID Permitting Request

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**Meeting Discussion:** Mr. Andruss explained on January 24, 2022, the Board moved to 1) establish a fee for processing waiver application WV-20220107-08 submitted by POCID at \$6,500.00; and 2) and move to accept and approve the proposal (CCGCD - Golder WSP Proposal to review POCID Applications - 20220121) submitted by Golder/WSP for the review the permitting request submitted by POCID upon designation of the applications as administratively complete.

On February 2, 2022, the POCID submitted a payment of \$6,500.00 as the application processing fee.

On March 23, 2022, the District was contacted by Mr. Mike Thornhill regarding the permitting requests submitted by POCID.

On March 30, 2022, Mr. Froehlick of BGE Inc, serving as a consulting engineer for POCID, notified the District that his involvement would be diminishing in the future with Mr. Thornhill and Mr. Bill Kotlan taking on primary representation rolls for POCID.

**Board Action:** None.

## 4.7.1 – Investigations related to Groundwater Management

**Meeting Discussion:** Mr. Andruss explained as of April 25, 2022, the District had three active investigations related to groundwater management.

The District has two active investigations associated with well drillers apparently failing to provide notice to the District of intent to place casing into a new well boreholes. Item 39 of Rule 4.2: PERMITTING POLICIES AND PROCEDURES RELATED TO DRILLING PERMITS went into effect on April 18, 2018, and states "A person drilling a well shall provide the District with notice of intent to place casing in the borehole at least two hours and not more than three hours before placing casing in the borehole." Since April 2018, the District has recorded 112 well drillers logs.

On January 24, 2022, the Board authorized the General Manager to notify the well driller associated with each investigation, by certified mail, of the requirement to provide notice under Rule 4.2 of the Rules of the District and that future investigations identifying potential violations of Rule 4.2 will result in the District engaging in enforcement proceedings and possibly levying fines; and authorized the General Manager to close the investigations upon receiving the associated mail receipt.

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On April 4, 2022, the District mailed the notice to the subject well drillers by certified mail.

The District has one active investigation associated with well drillers apparently failing to provide notice to the District of intent to place casing into a new well boreholes that occurred since the last meeting of the Board of Directors.

The well driller associated with investigation INV-20220322.1425 was not associated with investigations INV-202180501-01 or INV20210910-01.

**Board Action:** Mr. Dierschke moved to 1) authorize the General Manager to notify the well driller associated with investigation INV-20220322.1425, by certified mail, of the requirement to provide notice under Rule 4.2 of the Rules of the District and that future investigations identifying potential violations of Rule 4.2 will result in the District engaging in enforcement proceedings and possibly levying fines; and 2) authorize the General Manager to close the investigations upon receiving the associated mail receipt. Mr. Johnson seconded the motion. The motion passed unanimously.

## 4.8.1 – Report regarding Groundwater Management Enforcement Cases

**Meeting Discussion:** Mr. Andruss explained as of March 24, 2022, the District had no active enforcement cases related to groundwater management.

**Board Action:** None.

## 5. Consideration of and possible action on matters related to groundwater protection including complaints, investigations, violations and enforcement cases related to contamination and waste.

### 5.1 – Report regarding Groundwater Protection

**Meeting Discussion:** Mr. Andruss explained as of March 29, 2022, the District was notified by Ms. Henke that the leaking oil and gas well was plugged in October 2021. The District closed the investigation without evidence of a violation of the Rules of the District or contamination of groundwater.

**Board Action:** None.

## 6. Consideration of and possible action on matters related to Groundwater Monitoring.

### 6.1 – Report regarding Groundwater Monitoring

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**Meeting Discussion:** Mr. Andruss explained the District completed the synoptic water level and water quality monitoring efforts in February 2022.

**Board Action:** None.

## 6.2 – Drought Monitoring

**Meeting Discussion:** Mr. Andruss explained the U.S. Drought Monitor, produced through a partnership between the National Drought Mitigation Center at the University of Nebraska-Lincoln, the United States Department of Agriculture, and the National Oceanic and Atmospheric Administration, indicates that all portions of Calhoun County were experiencing moderate to severe drought conditions as of April 19, 2022.

**Board Action:** None.

## 7. Consideration of and possible action on matters related to groundwater conservation including cost-sharing on a conservation education project.

### 7.1 – Report regarding Groundwater Conservation

**Meeting Discussion:** Mr. Andruss explained the VCGCD Board approved the proposal submitted by professors Teresa La Sage-Clements and Dmitri Sobolev for professional teacher development and associated student camp focusing on groundwater conservation. The District requested that Dr. Le Sage-Clements attempt to reach out to invite ag teachers in the four-county area to participate. Dr. Le Sage informed the District on March 31, 2022, that the professional development sessions are being planned for June 7, 2022, and the purchase of supplies were underway. The District will participate in the professional development sessions.

**Board Action:** None.

## 8. Consideration of and possible action on matters related to groundwater resource planning.

### 8.1 – Report regarding Groundwater Resource Planning

**Meeting Discussion:** Mr. Andruss explained The 2026 Regional and 2027 State Water Plan draft population and water demand projections have been released by TWDB. This information can be viewed using an interactive dashboard at the following address:

<http://www.twdb.texas.gov/waterplanning/data/dashboard/index.asp>.

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There were two graphics attached. The first illustrating historic and projected water demands for Calhoun County. Mr. Andruss explained TWDB project a total water demand for 73,004 acre-feet in year 2070. The second illustrating historic and projected population for Calhoun County. Mr. Andruss explained TWDB projected a population of 24,037 for year 2020 (2020 Census population equals 20,106) and a population of 37,454 in year 2070.

Mr. Andruss explained the District will participate in the Region L Regional Water Planning Group Meeting on May 5, 2022.

The District participated in the Management Area 15 Meeting on April 14, 2022. The next meeting of GMA 15 is scheduled for July 14, 2022.

The representatives of Management Area 15 met on April 14, 2022, to continue its joint planning efforts. At the meeting, the representatives considered accomplishments of member districts and management plans of certain member districts. In additions, the members were notified that the Desired Future Condition submitted to TWDB in December 2021 have been determined to be administratively complete and new groundwater availability model (GAM) for the Central Gulf Coast Aquifer is nearing completion.

**Board Action:** None.

## 9. Public Hearing regarding the proposed Management Plan of the District

### 9.1 – Hearing re Draft Management Plan

**Meeting Discussion:** Mr. May opened the public hearing regarding the draft management plan at 6:42 PM.

Mr. Andruss explained the District revised and adopted the current management plan on May 31, 2017. The District is required to revise and adopt its management plan periodically. The current management plan is scheduled to expire on July 18, 2022.

A draft plan was developed that referenced the most current technical data provided by TWDB, the adopted DFC of GMA 15 while maintaining it reference to the current Modeled Available Groundwater values developed in relation to the previous Desired Future Condition.

The draft management plan has been submitted to TWDB for pre-review.



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The District anticipated similar MAG values (7,565 AFY in 2069) being calculated by TWDB for Calhoun County in relation to the Desired Future Conditions adopted in December 2021.

There were no public comments.

Mr. Johnson moved to close the public hearing at 6:44 PM. Mr. May seconded the motion. The motion passed unanimously.

**Board Action:** Mr. Hahn after conducting the hearing and accepting public comment moved to adopt the management plan as drafted as the Management Plan of the District.

Mr. Dierschke seconded the motion. The motion passed unanimously.

## **10. Consideration of and possible action on matters related to groundwater policy including the Management Plan of the District and draft revisions to the Rules of the District and fee schedule.**

### **10.1 – Report regarding Groundwater Policy**

**Meeting Discussion:** Mr. Andruss explained the staff of the District are currently drafting revision to the Rules of the District for the purposes of eliminating unnecessary regulations, streamlining procedures, improving groundwater regulation and long-term management of groundwater resources within Calhoun County.

To improve the readability of the rules, the sentence structure has been standardized to be consistent throughout the document (sentence structure: <the relevant persons> <shall, shall not, or may> <requirement>) and the items reorganized in terms of sequence and location within the document.

Below is a listing of the intentional policy changes for which the draft language of the rules is being developed:

1. elimination of provisions related to drilling permits while maintaining the provisions such as certain well spacing requirements, requiring notice of casing placement;
2. replacement of the standard 50-foot property line offset for non-grandfathered wells with a with a production-capacity based offset ratio – 1 foot per GPM;
3. develop a hierarchical method for differentiating between permitting cases associated with relatively low-impact groundwater production (i.e., standard-capacity production) and high-impact groundwater production (high-capacity production) that includes a significant increase to the thresholds used for differentiating cases (from 250 GPM to 500 GPM or 250

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- AFY) and the examination of proposed and existing permitting on all associated contiguous tracts of groundwater ownership;
4. clarification of the effects of plugging a permitted well;
  5. development of procedures for petitioning for changes to the rules of the District;
  6. clarification of policies related to permitting public water supply systems and the use of CCN as boundaries of groundwater control for permitting purposes;
  7. development of policy and procedure for special well construction areas as special groundwater management zones;
  8. expansion of the authority of the general manager to issue standard-capacity production permits;
  9. incorporation of the provisions of the enforcement policy into the rules;
  10. addition of rules related to curtailment and reduction of groundwater production.

**Board Action:** None.

## **11. Consideration of and possible action on matters related to performance management including management goals and objectives of the District and the annual report for FY2021.**

### **11.1 – Report regarding Performance Management of the District**

**Meeting Discussion:** Mr. Andruss on February 10, 2022, the District compiled the annual performance report for the fiscal year ending September 30, 2021. The report was forwarded to the directors prior to the meeting. Based on the review of the activities and projects of the Calhoun County Groundwater Conservation District Management Plan between October 1, 2020 and September 30, 2021, the District has determined that all of the goals and associated objectives have been fully achieved the fiscal year ending September 30, 2021.

**Board Action:** Mr. Johnson moved to accept and approve the annual performance report for the fiscal year ending September 30, 2021. Mr. May seconded the motion. The motion passed unanimously.

## **12. Consideration of and possible action on matters related to meeting management including minutes of previous meetings.**

### **12.1 – Report regarding Meeting Management**

**Meeting Discussion:** Mr. Andruss explained the next meetings of the Board are scheduled for April 25, 2022, July 25, 2022, August 22, 2022 (Budget and Tax

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Rate Matters), and October 24, 2022 with each meeting to convene at 5:30 PM. Special meeting may be scheduled to address unforeseen issues.

**Board Action:** None.

## 12.2 – Minutes of Previous Meeting

**Meeting Discussion:** Mr. Andruss explained the minutes for the meeting held on January 24, 2022, were sent the board members prior to the meeting.

**Board Action:** Mr. Dierschke moved to accept and approve the meeting minutes for January 24, 2022, as drafted. Mr. Hahn seconded the motion. The motion passed unanimously.

## 13. Consideration of and possible action on matters related to financial management including the annual budget of the district, financial reports of the district, bills and invoices of the district.

### 13.1 – Report on Financial Management

**Meeting Discussion:** Mr. Andruss explained the financial records for March 2022 have been compiled, reviewed, and sent to the board members prior to the meeting.

**Board Action:** Mr. Hahn moved to accept the financial records for March 2022. Mr. Johnson seconded the motion. The motion passed unanimously.

#### 13.1.1 – Review of Financial Transactions

**Meeting Discussion:** Mr. Andruss explained as of April 25, 2022, there were 20 accounts payable transactions recorded since January 1, 2022, and 19 accounts receivable transactions recorded.

**Board Action:** None.

### 13.2 – Unpaid Accounts Payable

**Meeting Discussion:** Mr. Andruss explained the District has outstanding accounts payable invoices that are not considered regular and routine for which the District has received the goods and services billed for under the invoices.

**Board Action:** Mr. Hahn moved to authorize the general Manager to pay the listed 8 invoices. Mr. May seconded the motion. The motion passed unanimously.

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## 13.3 – Financial Audit for FY2021

**Meeting Discussion:** Mr. Andruss explained the Board authorized Goldman, Hunt and Notz to conduct a financial audit of the District for the fiscal year ending September 30, 2021, on October 25, 2021.

The District initiated the project associated with the financial audit of the District for the fiscal year ending September 30, 2021, on December 20, 2021.

Mr. Cox of Goldman, Hunt, and Notz has informed the District that Mr. Goldman intends to present the findings of the financial audit of the District for the fiscal year ending September 30, 2021, at this meeting.

Mr. Goldman presented his findings to the board, as well as, gave written reports to each board member regarding the annual audit for fiscal year ending September 30, 2021.

**Board Action:** Mr. Hahn moved to accept the annual audit as presented for fiscal year ending September 30, 2021. Mr. Dierschke seconded the motion. The motion passed unanimously.

## 14. Consideration of and possible action on matters related to office administration and management including administrative policies, election of officers of the board, personnel, staffing, employment agreements, consultant agreements, interlocal cooperation agreements, and support services provided to and from other groundwater conservation districts.

### 14.1 – Report regarding Administration and Management

**Meeting Discussion:** Mr. Andruss explained that the District is required to submit certain reports to the Texas Comptroller on an annual basis. The District submitted the required reporting to the Texas Comptroller regarding 1) finances and tax and 2) eminent domain authority on March 30, 2022.

The District completed the 2022 Census of Governments, Survey of Public Employment and Payroll on April 13, 2022.

**Board Action:** None.

### 14.2 – Review of Administrative Policies

**Meeting Discussion:** Mr. Andruss explained the Board considered and re-adopted the administrative policies of the District on January 25, 2021. The

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District has not identified any required or recommended changes to the administrative policies.

**Board Action:** Mr. Johnson moved to re-adopt the enforcement policy, investment policy and by-laws of the District. Mr. Dierschke seconded the motion. The motion passed unanimously.

## 14.3 – Disposal of Surplus Assets

**Meeting Discussion:** Mr. Andruss explained the District replaced its office computer in March 2022. The replaced computer (Optiplex 3050) was purchased in 2016 and has no value to the District.

**Board Action:** Mr. Dierschke moved to authorize the General Manager to surplus or dispose of the computer identified as 338-BHUS. Mr. May seconded the motion. The motion passed unanimously.

## 14.4 – Election of Officers of the Board

**Meeting Discussion:** Mr. Andruss explained the By-Laws of the District require the election of four officers, President, Vice-President, Secretary, and Treasurer, each January. Currently, Mr. May serves as President; Mr. Brett serves as the Office of Vice-President; Mr. Johnson serves as Secretary; Mr. Hahn serves as Treasurer.

**Board Action:** Mr. Dierschke moved to 1) elect Mr. May to serve as President; Mr. Brett to serve as Vice-President; Mr. Johnson to serve as Secretary; Mr. Hahn to serve as Treasurer; and 2) authorize the General Manager to submit an updated district information form to TCEQ. Mr. Johnson seconded the motion. The motion passed unanimously.

## 15. Consideration of and possible action on matters related to legal counsel report.

**Meeting Discussion:** Mr. Allison explained that he would be monitoring upcoming hearings related to interim charges of the legislature.

**Board Action:** None.

## 16. Adjourn

### 16.1 – Adjourn Meeting

**Meeting Discussion:** None.

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**Board Action:** Mr. Johnson moved to adjourn the meeting after concluding all business of the District. Mr. May seconded the motion. The motion passed unanimously.

Prepared by: Caitlynn Davenport, Administrative Coordinator  
Calhoun County Groundwater Conservation District Official

THE ABOVE AND FOREGOING MINUTES WERE READ AND APPROVED ON THIS

THE 25 DAY OF July A.D. 2022.



Director of the Calhoun County Groundwater Conservation District

ATTEST:



Director of the Calhoun County Groundwater Conservation District