

THE STATE OF TEXAS

COUNTY OF KENDALL

COW CREEK GROUNDWATER CONSERVATION DISTRICT

March 20, 2024

The Board of Directors of the Cow Creek Groundwater Conservation District (CCGCD) convened the Regular Meeting in the District Board Room located at 9 Toepperwein Road, Boerne, Texas.

Directors Present: Milan J. Michalec – District 2 (President)
Bob Webster – District 1 (Vice President)
Curt Campbell – District 4 (Treasurer).
Ben Eldredge – District 3 (Asst. Secretary/Treasurer) *arrived during agenda item 4.*

Directors Absent: Allan P. Bloxsom III – At Large (Secretary)

1. **Call to Order:** Meeting called to order at 6:01 PM.
2. **Pledge of Allegiance:** Led by Director Michalec.
3. **Establishment of a Quorum:** A quorum was established with 3 out of 5 directors present.
4. **Public comment:** No public comments.

The executive session began at 6:04 PM and ended at 6:18 PM.
The board moved to item 8 on the agenda.

5. **Consent Agenda:** Motion to approve Items B through F made by Director Webster, seconded by Director Eldredge. Approved 4-0.
Motion to approve Item A made by Director Campbell, seconded by Director Michalec. Approved 3-0-1.
 - a. **Approval of minutes from the January 11th, 2024 Workshop**
 - b. **Approval of minutes from the February 12th, 2024 Regular Meeting and Public Hearing**
 - c. **Approval of minutes from the February 23rd, 2024 Special Meeting and Public Hearing**
 - d. **Payroll, employee benefits, operational expenses, and payment of such**
 - e. **Monthly financial report(s)**
 - f. **Monthly operations report**

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6. Public Hearing - The District will receive public comment on the proposed amendments Wells; 5.6: Reporting and Recordkeeping; and 8.3: Actions on Drilling and Operating Permits.

The Public Hearing began at 7:22 PM. GM Voulgaris and Attorney Monique Norman explained the proposed changes. The Public Hearing ended at 7:42 PM.

7. Discussion and action on Rulemaking.

Motion to approve changes made by Director Campbell, seconded by Director Webster. Approved 4-0.

8. Enforcement Hearing - Public Hearing on the Notice of Violation and Enforcement related to the City of Fair Oaks Ranch operating its groundwater Well No. W2760 without a permit issued by the District. Well no. W2760 is located at 205 Cibolo Ridge Trail (Jose Ramon Arocha Survey No. 171, Abstract No. 2 Kendall County, Cibolo Ridge Subdivision, Unit 1, Lot 4). Section 36.113 of the Texas Water Code mandates that the District require a permit for the operation of Well No. W2760 by the City of Fair Oaks Ranch. The City of Fair Oaks Ranch does not have a permit for its Well No. W2760, and is, therefore, in violation of Texas law and the District's Rules, which are expressly authorized by Chapter 8838 of the Texas Special District Local Laws Code and Chapter 36 of the Texas Water Code.

The Public Hearing began at 6:18 PM.

The City of Fair Oaks Ranch submitted an administratively complete application, and the Enforcement Hearing has been cancelled.

Dean Schultz - What happens now about the water usage from the last twenty years?

What's the difference between exempt wells and permitted wells? Are they still exporting water?

Tom Tunney - The variance to request more water was denied. Can property owners contest a permit?

Cathy Diamond - Do they have an export permit? When are they required to have one?

Susan Trizinsky - How do they have an easement on private property? Does it affect the landowners' well?

Alex Rudd - Did Fair Oaks Ranch know the well was un-permitted? What is the overall percentage of water this well will provide for the City of Fair Oaks Ranch? Are there any studies about water use and production in that area?

Barbara Treybig - Are there any other subdivisions requesting permits? Is Cow Creek running out of water? Will there ever be a moratorium on well drilling?

The Public Hearing ended at 7:11 PM.

There was a 10 minute break before continuing with item 6.

9. Discussion and possible action to assess a reasonable civil penalty against the City of Fair Oaks, pursuant to Section 36.102 of the Texas Water Code, for operating its Well No. W2760 without the requisite permit, which is located at 205 Cibolo Ridge Trail (Jose Ramon Arocha Survey No. 171, Abstract No. 2 Kendall County, Cibolo Ridge Subdivision, Unit 1, Lot 4).


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No action will be taken.

10. **Discussion and action related to ordering the cancelation of the General Election for the District 2 and District 3 Director's positions of the Cow Creek GCD Board. The incumbent Directors were unopposed.**
Motion to cancel the General Election made by Director Campbell, seconded by Director Eldredge. Approved 4-0.
11. **Rainwater harvesting.**
The City of Boerne is interested in incentives for the public to become involved in rainwater harvesting.
12. **District activities & subcommittee updates:**
 - a. **Monthly report:** GM Voulgaris presented the staff's monthly report.
 - b. **Discussion and action on the current drought stage:** Remaining in Stage 4.
 - c. **Status updates on:**
 - (1) **Pending enforcement issues:** The district has not received any applications from Alazfar Shrine.
 - (2) **Pending permit applications**
 - (3) **GMA9 activities:** GMA 9 meeting on Wednesday, March 27th at 10:00 AM. James Beach of AGS will attend.
 - (4) **Region L activities:** Director Campbell gave an update on the February 14th meeting.
 - (5) **District Monitor Well Expansion Project:** GM Voulgaris met with County Commissioners Andra Wisian and Richard Champman two weeks ago. They county has two potential sites.
 - (6) **Camp Bullis Sentinel Landscape Project:** No updates.
13. **Correspondence:** A letter will be sent from our attorney to Alzafar Shrine.
14. **Future meeting dates and meeting topics:** The next GMA 9 meeting is scheduled for Wednesday, March 27th at 10:00 AM. The next Board Meeting is scheduled for Monday, April 15th at 6:00 PM.
15. **Adjournment:** Meeting was adjourned at 8:16 PM.

MINUTES APPROVED:


_____, Director


_____, Director