



Bandera County
River Authority & Groundwater District
Protecting & Preserving our Natural Resources

FILED
 AT 8:21 O'CLOCK A.M. ON

NOV 09 2020

TANDIE MANSFIELD, COUNTY CLERK
 BANDERA COUNTY, TEXAS
 BY DEPUTY

Phone: (830) 796-7260 www.bcragd.org

NOTICE

BANDERA COUNTY RIVER AUTHORITY AND GROUNDWATER DISTRICT
CALLED MEETING

November 12, 2020

Notice is hereby given that a Called Meeting of the Board of Directors for Bandera County River Authority and Groundwater District will be held on Thursday, November 12, 2020 at 9:00 am at 440 FM 3240, Bandera County, Texas, at which time the following items will be discussed and possible action taken, to wit:

AMENDED AGENDA

- I. Call to Order, Roll Call, Pledge of Allegiance, Certification of Quorum, and Compliance with the Texas Open Meetings Law.
- II. Public Comment.
- III. Discuss and Consider for Action: Approval of October 8, 2020 Quarterly Meeting Minutes.
- IV. Discuss and Consider for Action: Approval of CNA Surety Bonds for District Directors and Staff.
- V. Swearing In and Oath of Directors Elected November 3, 2020.
- VI. Discuss and Consider for Action: Election of District Officers.
- VII. Discuss and Consider for Action: Memorandum of Understanding with the City of Bandera regarding a Flood Inundation Grant from TWDB.
- VIII. Discuss and Consider for Action: Accepting Donation for Monitor Well.
- IX. Informational Item – Drought Stage, Water Conservation Handouts, Rainwater Harvesting Materials, Future Meeting Date.
- X. Adjournment.

This notice is published pursuant to the Texas Open Meetings Act, Texas Government Code Chapter 551. Dated this 5th day of November 2020.

David Mauk, General Manager

The Board of Directors of Bandera County River Authority and Groundwater District reserves the right to adjourn into Executive Session at any time in the course of this meeting as authorized by the Open Meetings Act, Texas Government Code Chapter Session under Texas Government Code § 551.071, "Consultation with Attorney".

I hereby certify that the above Notice of Meeting of the Board of Directors for Bandera County River Authority and Groundwater District is a true and correct copy of said Notice; that a true and correct copy of said Notice was posted on November 5, 2020 before 4:30 p.m., in its administrative office in Bandera, Bandera County, Texas at a place convenient and readily accessible to the general public at all times; that a true and correct copy of aid Notice was furnished to the County Clerk of Bandera County; and that a copy of said Notice was furnished to each director.

David Mauk, General Manager

Board of Directors

Don Sloan
President

Bob Williams
Vice-President

Jerry Sides
Secretary-Treasurer

Ernest DeWinne
Director

Conrad Striegl
Director

Gene Wehmeyer
Director

Sid Gibson
Director

Neil Boultinghouse
Director

Rachel Mulherin
Director

David Mauk
 General Manager

P.O. Box 177
 440 FM 3240
 Bandera, TX 78003

The principle mission of the Bandera County River Authority & Groundwater District is to protect and preserve the County's water and natural resources for the State of Texas. The District is also tasked with maintaining local accountability of the County's resources to help safeguard the property rights of the citizens of Bandera County

Our Mission

Bandera County River Authority and Groundwater District
Quarterly Meeting
October 8, 2020
MINUTES

START TIME: 9:02 A.M.

PRESENT: D. Sloan, B. Williams, J. Sides, E. DeWinne, N. Boultinghouse, R. Mulherin, C. Striegl, G. Wehmeyer

General Manager: D. Mauk
BCRAGD Staff: H. Phillips

ABSENT: S. Gibson

I. Call to Order, Roll Call, Pledge of Allegiance, Certification of Quorum, and Compliance with the Texas Open Meetings Law.

D. Sloan called the Quarterly Meeting to order at 9:02 a.m. The Board did not recite the Pledge of Allegiance due to the meeting being held outside. J. Sides, Secretary, announced that a quorum was present and the meeting complied with the Texas Open Meetings Act. B. Williams arrived at 9:08am.

II. Public Comment.

No public comment.

III. Discuss and Consider for Action: Approval of September 17, 2020 Public Hearing on Budget Minutes, Public Hearing on Tax Rate Minutes, and Called Meeting Minutes.

Motion to approve September 17, 2020 Public Hearing on Budget Minutes, Public Hearing on Tax Rate Minutes, and Called Meeting Minutes made by E. DeWinne and seconded by S. Gibson. Motion passed 7-0.

IV. Discuss and Consider for Action: Approval of Avalon Point Water Services, LLC Well Permit for an Instantaneous Rate of 25 GPM with an Annual Production Limit of 6 Acre-Feet.

D. Mauk stated that this is a pre-existing well and has been there for approximately 20-30 years and that this well just needs a permit.

Motion to approve the Avalon Point Water Services, LLC Well Permit for an Instantaneous Rate of 25 GPM with an Annual Production Limit of 6 Acre-Feet made by J. Sides and seconded by N. Boultinghouse and R. Mulherin. Motion passed 7-0.

V. Discuss and Consider for Action: Approval of DGOGBanderatx 121819, LLC. Well Permit for an Instantaneous Rate of 15 GPM with an Annual Production Limit of 2 Acre-Feet.

D. Mauk stated that this is the same well from the last meeting and they did a test well which yielded 15 GPM initially and leveled out to 10 GPM. They have a septic permit for 160 gallons a day. D. Mauk recommended that the permit be approved for an Instantaneous Rate of 15 GPM with an Annual Production Limit of 0.25 Acre-Feet.

Motion to Approve the DGOGBanderatx 121819, LLC. Well Permit for an Instantaneous Rate of 15 GPM with an Annual Production Limit of 0.25 Acre-Feet made by J. Sides and seconded by E. DeWinne. Motion passed 7-0.

VI. Discuss and Consider for Action: Closing Bandera Bank Account and Moving to Different Banking Institution.

D. Mauk explained that initially there were issues with receiving documentation from Bandera Bank that was required by the State, however the District received that information yesterday so there was no need to take action. However, in the November meeting, D. Mauk will present the information on all of the District's banking institutions for the Board's consideration.

Motion to take no action regarding Closing Bandera Bank Account and Moving to Different Banking Institution made by J. Sides and seconded by G. Wehmeyer. Motion passed 7-0.

VII. Discuss and Consider for Action: BCRA GD Fee/Penalty Schedule for FY 2021 and Review of Professional Services Policy and Approval of Professional Services Agreements for FY 2021.

D. Mauk stated that the only change was to the Professional Services with the addition of Velma Danielson, of Blanton and Associates, who is working on the new DFC plan for GMA-9.

Motion to approve BCRA GD Fee/Penalty Schedule for FY 2021 and Review of Professional Services Policy and Approval of Professional Services Agreements for FY 2021 made by J. Sides and seconded by N. Boultinghouse. Motion passed 8-0.

VIII. Discuss and Consider for Action: Review of Financial Management Policy, Public Funds Investment Policy, Director Code of Ethics, Director Travel, Employee

Manual/Travel, and Public Comment Policy.

D. Mauk stated that on p. 1 of the Financial Management Policy that he recommends removing the language regarding the auditor being familiar with Texas Water Development Board's rules, regulations, standards, and guidelines applicable to water district audits under Section 4 A; and to strike out Texas Water Development Board under Section 4 B as the audits are filed with TCEQ. Additionally on p. 4 of the Financial Management Policy, he recommended removing the words "(6) Plant Fund" from Section 9. E. DeWinne disagreed and suggested that the Plant Fund remain and that the sentence following be altered to read: "Depending on the circumstances, when not all of the money in the funds are not required at any one time, then the money in any of these funds may be deposited in demand deposit or time deposit accounts of the District's depository bank(s), consistent with the District's investment policy." The Board agreed to this change.

D. Mauk recommended the following changes to the Director's Travel Expenditure Policy: Under Section 2 removing the terminology "no less than quarterly" and "provided, however, that approval of statement submitted by the President shall be reviewed by the Vice President prior to payment. No Director shall be entitled to receive reimbursement for expenses unless he submits his statement for the same within thirty days after the quarter in which the expenses were incurred."

D. Mauk recommended removing "or Emergency" from Sick Leave on p. 2 of the Employee Manual and Code of Ethics Table of Contents, and adding "or Emergency Leave" to Leave of Absence and adding "Employee Manual Review."

D. Mauk recommended the following change to Appendix 1 of Employee Manual: EMPLOYEE TRAVEL POLICY AND REIMBURSABLE EXPENSES MANUAL: on p. 4 under Eligible Expenses, striking item 6 "Telephone expenses including personal calls to inform family of arrival and/or departure time and date or emergency calls."

Motion to accept changes to Financial Management Policy, Public Funds Investment Policy, Director Code of Ethics, Director Travel, Employee Manual/Travel, and Public Comment Policy made by E. Dewinne and seconded by B. Williams. Motion passed 8-0.

IX. Discuss and Consider for Action: BCragd Quarterly Budget Report / Public Funds Report.

D. Mauk stated that all of the bank accounts were okay with \$156,442 in the general checking account and that the District did not have to touch the \$76,000 CD that remains in Hondo Bank. With regard to the Designated Funds there is \$25,900 in Building and Property Improvement, as the District needs to do some work to the property. With regards to the Profit/Loss the only thing that went over was the Appraisal District, as their budget was unclear at the beginning of FY 2020.

Motion to approve the BCragd Quarterly Budget Report / Public Funds Report made by J. Sides and seconded by E. DeWinne. Motion passed 8-0.

X. General Manager Report: Activities of the District – 4th Quarter FY 2020.

General Manager, D. Mauk, gave the Board an overview of the District's 4th Quarter FY 2020 Activities which included: Registered and Permitted Well Report Numbers, Nuisance Complaints, Variance Requests, Notice of Violations, Groundwater Tests, Water Well Plugging, Geophysical Logging, and Monitor Well Report.

The report also included Surface Water Evaluation & Reports, In-House Surface Water Quality Monitoring Report, Medina Lake Update, Aquatic Life Monitoring, EAA Sampling, Public Service Announcements, Staff Highlights, Invasive Species Updates, and the Drought Monitor.

Also included in the GM Report were the Education & Outreach Highlights, Social Media Highlights, Flood Early Warning System Update, Rainspotter Data, FY2021 Teams and Staff Positions, and the Activities of the District.

XI. Discuss and Consider for Action: Amending Current Fiscal Budget, Reflect Actual Costs to Date and Projected Future Costs.

D. Mauk recommended taking no action as the District was only 7 days into the new fiscal year.

Motion to take no action regarding Amending Current Fiscal Budget, Reflect Actual Costs to Date and Projected Future Costs made by E. DeWinne and seconded by B. Williams. Motion passed 8-0.

XII. Informational Item – Drought Stage, Water Conservation Handouts, Rainwater Harvesting Materials, Future Meeting Date.

D. Mauk stated that we are currently in a Severe Drought and that conservation handouts are available in the front office if anyone would like them. The next meeting will be November 5, 2020 to swear in officers following the election.

XIII. Adjournment.

Motion to adjourn the October 8, 2020 Quarterly Meeting made by E. DeWinne and seconded by G. Wehmeyer. Motion passed 8-0. Meeting adjourned at 9:36 am.

Approved by:

Don Sloan (*BCRAGD President*)

Jerry Sides (*BCRAGD Secretary/Treasurer*)

Date

Date

MAIL ADDRESS:
P.O. Box 997
Bandera, Texas 78003



D. Kirk McMullan, C.I.C.
Patricia S. McMullan, C.I.C.

7/29/2020

Bandera County River Authority
and Groundwater District
PO Box 177
Bandera, TX 78003

Re: Policy #18159038 07/02/20-07/02/21

Dear Prari,

Below is a list per the bond referenced above.

Jerry Sides	Director	\$10,000	\$35
Larry Thomas	Chief Data Officer	\$10,000	\$35
Donald G. Sloan	Director	\$10,000	\$35
Gene Wehmeyer	Director	\$10,000	\$35
Rachel Mulherin	Director	\$10,000	\$35
Ernest Dewinne	Director	\$10,000	\$35
Dave Mauk	General Manager	\$10,000	\$35
Neil Boultinghouse	Director	\$10,000	\$35
Sid Gibson	Director	\$10,000	\$35
George J. McEwen	Field Technician	\$10,000	\$35
Bob Williams	Director	\$10,000	\$35
Conrad Striegl	Director	\$10,000	\$35
Levi L. Sparks	River Authority Operations Manager	\$10,000	\$35
Corrina Fox	Education & Outreach Manager	\$10,000	\$35
Prari Blair	Office Manager	\$10,000	\$35
Charley Curd	Office Coordinator	\$10,000	\$35
Clinton Carter	Natural Resources Specialist	\$10,000	\$35
Hayli Phillips	Intergovernmental Affairs	\$10,000	\$35
Alyssa Balzen	Groundwater District Operations Manager	\$10,000	\$35

Sincerely,

Sonya Graves

285 St. Hwy 16 South
Bandera, TX 78003
830-796-3725
830-796-4254 (fax)

www.McMullanInsurance.com
service@mcMullaninsurance.com



**Form 2204 - Oath of Office
(General Information)**

The attached form is designed to meet minimal constitutional filing requirements pursuant to the relevant provisions of the Texas Constitution. *This form and the information provided are not substitutes for the advice and services of an attorney.*

Execution and Delivery Instructions

An Oath of Office that is required to be filed with the Office of the Secretary of State is considered filed once it has been received by this office. The Oath of Office may be administered to you by a person authorized under the provisions of Chapter 602 of the Texas Government Code. Authorized persons commonly used to administer oaths include notaries public and judges.

Mail: P.O. Box 12887, Austin, Texas 78711-2887.

Overnight mail or hand deliveries: James Earl Rudder Officer Building, 1019 Brazos, Austin, Texas 78701.

Fax: (512) 463-5569. If faxed, the original Oath should also be mailed to the appropriate address above.

Email: Scanned copies of the executed Oath may be sent to register@sos.texas.gov. If sent by email, the original Oath should also be mailed to the appropriate address above.

NOTE: Do not have the Oath of Office administered to you before executing and filing the Statement of Officer (Form 2201 – commonly referred to as the “Anti-Bribery Statement”) with the Office of the Secretary of State.

Commentary

Pursuant to art. XVI, Section 1 of the Texas Constitution, the Oath of Office *may not* be taken until a Statement of Officer (see Form 2201) has been subscribed to and, as required, filed with the Office of the Secretary of State. Additionally, gubernatorial appointees who are appointed during a legislative session *may not* execute their Oath until after confirmation by the Senate. Tex. Const. art. IV, Section 12.

Officers Required to File Oath of Office with the Secretary of State:

Gubernatorial appointees

District attorneys

Appellate and district court judges

Officers appointed by the supreme court, the court of criminal appeals, or the State Bar of Texas

Associate judges appointed under subchapter B or C, chapter 201 of the Texas Family Code

Directors of districts operating pursuant to chapter 36 or 49 of the Texas Water Code file a duplicate original of their Oath of Office within 10 days of its execution. Texas Water Code, Sections 36.055(d) and 49.055(d)

Officers Not Required to File Oath of Office with the Secretary of State:

Members of the Legislature elected to a *regular* term of office will have their Oath of Office administered in chambers on the opening day of the session and recorded in the appropriate Journal. Members elected to an *unexpired* term of office should file their Oath of Office with either the Chief Clerk of the House or the Secretary of the Senate, as appropriate.

All other persons should file their Oaths locally. Please check with the county clerk, city secretary or board/commission secretary for the proper filing location.

As a general rule, city and county officials do not file their oath of office with the Secretary of State—these officials file at the local level. The Legislature amended the Texas Constitution, Article 16, Section 1, in November 2001 to no longer require local level elected officials to file with our office.

The Office of the Secretary of State does NOT file Statements or Oaths from the following persons: Assistant District Attorneys; City Officials, including City Clerks, City Council Members, Municipal Judges, Justices of the Peace, and Police/Peace Officers; Zoning/Planning Commission Members; County Officials, including County Clerks, County Commissioners, County Judges (*except County Court of Law Judges who file with the Elections Division*), County Tax Assessors, and District Clerks; and Officials of Regional Entities, such as, Appraisal Review Districts, Emergency Service Districts, and School Districts (ISD's). Questions about whether a particular officer is a state-level officer may be resolved by consulting relevant statutes, constitutional provisions, judicial decisions, and attorney general opinions.

All state or county officers, other than the governor, lieutenant governor, and members of the legislature, who qualify for office, are commissioned by the governor. Tex. Gov't Code, Section 601.005. The Secretary of State performs ministerial duties to administer the commissions issued by the governor, including confirming that officers are qualified prior to being commissioned. Submission of this oath of office to the Office of the Secretary of State confirms an officer's qualification so that the commission may be issued.

Questions about this form should be directed to the Government Filings Section at (512) 463-6334 or register@sos.texas.gov.

Revised 9/2017

Form #2204 Rev 9/2017
Submit to:
SECRETARY OF STATE
Government Filings Section
P O Box 12887
Austin, TX 78711-2887
512-463-6334
FAX 512-463-5569
Filing Fee: None

This space reserved for office use



OATH OF OFFICE

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS,
I, _____, do solemnly swear (or affirm), that I will faithfully
execute the duties of the office of _____ of
the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws
of the United States and of this State, so help me God.

Signature of Officer

Certification of Person Authorized to Administer Oath

State of _____

County of _____

Sworn to and subscribed before me on this _____ day of _____, 20____.

(Affix Notary Seal,
only if oath
administered by a
notary.)

Signature of Notary Public or
Signature of Other Person Authorized to Administer An
Oath

Printed or Typed Name

**Form 2201 - Statement of Officer
(General Information)**

The attached form is designed to meet minimal constitutional filing requirements pursuant to the relevant provisions. *This form and the information provided are not substitutes for the advice and services of an attorney.*

Execution and Delivery Instructions

A Statement of Officer required to be filed with the Office of the Secretary of State is considered filed once it has been received by this office.

Mail: P.O. Box 12887, Austin, Texas 78711-2887.

Overnight mail or hand deliveries: James Earl Rudder Officer Building, 1019 Brazos, Austin, Texas 78701.

Fax: (512) 463-5569.

Email: Scanned copies of the executed Statement may be sent to register@sos.texas.gov

NOTE: The Statement of Officer form, commonly referred to as the "Anti-Bribery Statement," must be executed and filed with the Office of the Secretary of State before taking the Oath of Office (Form 2204).

Commentary

Article XVI, section 1 of the Texas Constitution requires all elected or appointed state and local officers to take the official oath of office found in section 1(a) and to subscribe to the anti-bribery statement found in section 1(b) before entering upon the duties of their offices.

Elected and appointed state-level officers required to file the anti-bribery statement with the Office of the Secretary of State include members of the Legislature, the Secretary of State, and all other officers whose jurisdiction is coextensive with the boundaries of the state or who immediately belong to one of the three branches of state government. Questions about whether a particular officer is a state-level officer may be resolved by consulting relevant statutes, constitutional provisions, judicial decisions, and attorney general opinions. For more information, see Op. Tex. Att’y Gen. No. JC-0575 (2002) (determining the meaning of “state officer” as it is used in Article XVI).

Effective September 1, 2017, Senate Bill 1329, which was enacted by the 85th Legislature, Regular Session, amended chapter 602 of the Government Code to require the following judicial officers and judicial appointees to file their oath and statement of officer with the secretary of state:

Officers appointed by the supreme court, the court of criminal appeals, or the State Bar of Texas; and Associate judges appointed under Subchapter B or C, Chapter 201, Family Code.

Local officers must retain the signed anti-bribery statement with the official records of the office. *As a general rule, city and county officials do not file their oath of office with the Secretary of State— these officials file at the local level. The Legislature amended the Texas Constitution, Article 16, Section 1, in November 2001 to no longer require local level elected officials to file with our office. **The Office of the Secretary of State does NOT file Statements or Oaths from the following persons:** Assistant District Attorneys; City Officials, including City Clerks, City Council Members, Municipal Judges, Justices of the Peace, and Police/Peace Officers; Zoning/Planning Commission Members; County Officials, including County Clerks, County Commissioners, County Judges, County Tax Assessors, and District Clerks; and Officials of Regional Entities, such as, Appraisal Review Districts, Emergency Service Districts, and School Districts (ISD’s).*

Questions about this form should be directed to the Government Filings Section at (512) 463-6334 or register@sos.texas.gov

Revised 05/2020

Form #2201 Rev. 05/2020
Submit to:
SECRETARY OF STATE
Government Filings
Section P O Box 12887
Austin, TX 78711-2887
512-463-6334
512-463-5569 - Fax
Filing Fee: None



STATEMENT OF OFFICER

Statement

I, _____, do solemnly swear (or affirm) that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.

Title of Position to Which Elected/Appointed: _____

Execution

Under penalties of perjury, I declare that I have read the foregoing statement and that the facts stated therein are true.

Date: _____

Signature of Officer

TEXAS WATER CODE SECTION 15.005 MEMORANDUM OF UNDERSTANDING

This is a Memorandum of Understanding (MOU) between the City of Bandera and the Bandera County River Authority and Groundwater District.

WHEREAS, pursuant to Texas Water Code § 15.005 and 31 Texas Administrative Code § 363.408, if the Executive Administrator determines that an application has flood control as one of its purposes and that the watershed in which the project is located is partially located within the jurisdiction of another entity other than the political subdivision making the application, the applicant must submit a written memorandum of understanding relating to the management of the watershed in which the project is to be located, signed by all governing bodies of eligible political subdivisions located in the project watershed; and

WHEREAS, the City of Bandera has filed an application with the Texas Water Development Board for funding a project that has flood control as one of its purposes; and

WHEREAS, the City of Bandera has determined that the watershed in which the project is located is partially located within the jurisdiction of the Bandera County River Authority and Groundwater District; and

NOW THEREFORE, in consideration of the benefits to Medina River Watershed and the State of Texas, the City of Bandera and the Bandera County River Authority and Groundwater District agree to the following:

1. The City of Bandera will provide monthly progress updates to the Bandera County River Authority and Groundwater District as the project develops and changes.
2. The City of Bandera will notify the Bandera County River Authority and Groundwater District of any potential change in impacts to the Bandera County River Authority and Groundwater District within the month of the identified change.

3. The Bandera County River Authority and Groundwater District will provide constructive input and guidance to the City of Bandera as the project develops and changes.
4. City of Bandera and the Bandera County River Authority and Groundwater District will work cooperatively for the management of the Medina River Watershed.

Suzanne Schauman, Mayor
City of Bandera

Don Sloan, Board President
Bandera County River Authority and Groundwater District