



City of Garden Ridge

9400 Municipal Parkway
Garden Ridge, Texas 78266
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AGENDA

SPECIAL JOINT CITY COUNCIL AND CITY WATER COMMISSION MEETING

Monday, October 27, 2014 at 6:00 P.M.

The Garden Ridge City Council and City Water Commission will meet in a special joint session on Monday, October 27, 2014 at 6:00 p.m. in the City Council Chambers, City Hall, 9400 Municipal Parkway, Garden Ridge, Texas. This meeting is open meeting, open to the public, subject to the Open Meetings Law of the State of Texas, and as required by law, notice is hereby posted on Friday, October 24, 2014 before 5:00 p.m., providing time, place, date and agenda thereof. The meeting facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours in advance of this meeting.

1. Call to Order by Mayor Pro tem
2. Roll Call
 - a. City Council
 - b. City Water Commission
3. Business Items

The City Council and City Water Commission may discuss, consider and/or take possible action on the following items:

- a. Presentation of proposed legislation for the creation of the Comal Trinity Groundwater Conservation District
 - b. Discussion on proposed legislation for the creation of the Comal Trinity Groundwater Conservation District
4. Citizen's Participation – 3 minute limit per citizen
Rules for Citizen's Participation:

The City Council and Water Commission welcomes citizen participation and comments at all of their City Council and Water Commission Meetings. As a courtesy to your fellow citizens and out of respect to our appointed officials, we must request that if you wish to speak, that you please follow these guidelines.

 - a. Direct your comments to the entire City Council and Water Commission, not to an individual member, nor to the audience.
 - b. Show the City Council and the Water Commission the same respect and courtesy that you would like to be shown.
 - c. Limit remarks to three (3) minutes per citizen during Item 4.

- d. Citizen comments may be deferred to a specific Business Item set forth in Section 5 and 7, below, if such comments pertain to such Business Item.

*NOTE: The Texas Open Meetings Act permits a member of the public or a member of the governmental body to raise a subject that has not been included in the notice for the meeting. However, any discussion of the subject **must be limited** to a proposal to place the subject on the agenda for a future meeting and any response to a question posed to the Commission is limited to either a statement of specific factual information or a recitation of existing policy. TEX. GOV'T CODE § 551.042.*

5. Business Items (continued)

The City Council and City Water Commission may discuss, consider and/or take possible action on the following items:

- a. Continued discussion on proposed legislation for the creation of the Comal Trinity Groundwater Conservation District

6. Citizen's Participation – Limit remarks to three (3) minutes per citizen

See "Rules for Citizen's Participation" under Item 4.

7. Business Items (continued)

The City Council and City Water Commission may discuss, consider and/or take possible action on the following items:

- a. City Water Commission recommendation to the Garden Ridge City Council concerning support of legislation for the creation of the Comal Trinity Groundwater Conservation District
- b. City Council approval/disapproval of City Water Commission recommendation concerning support of legislation for the creation of the Comal Trinity Groundwater Conservation District to include City Council action on proposed legislation in the best interest of the City of Garden Ridge

8. Adjourn

AGENDA NOTICES:

Decorum Required:

Any disruptive behavior, including shouting or derogatory statements or comments may be ruled out of order by the Presiding Officer. Continuation of this type of behavior could result in a request by the Presiding Officer that the individual leave the meeting, and if refused, an order of removal.

Action by City Council and City Water Commission Authorized:

The City Council and City Water Commission may vote and/or act upon any item within this Agenda. The City Council and City Water Commission reserves the right to retire into executive session

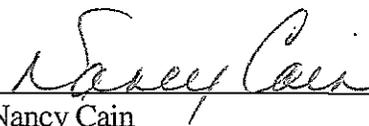
concerning any of the items listed on this Agenda, pursuant to and in accordance with Texas Government Code Section 551.071, to seek the advice of its attorney about pending or contemplated litigation, settlement offer or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflict with the Open Meetings Act and may invoke this right where the City Attorney, the Mayor or a majority of the Governing Body deems an executive session is necessary to allow privileged consultation between the City Attorney and the governing body, if considered necessary and legally justified under the Open Meetings Act. The City Attorney may appear in person, or appear in executive session by conference call in accordance with applicable state law.

Executive Sessions Authorized:

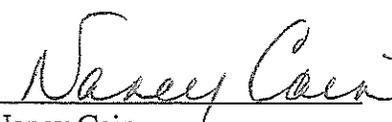
This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

Attendance By Other Elected or Appointed Officials:

It is anticipated that members of other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the boards, commissions and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.


Nancy Cain
City Administrator

This is to certify that I, Nancy Cain, posted this Agenda at 2:00 p.m. on October 24, 2014 on the bulletin board located at the entrance to the Garden Ridge City Hall, 9400 Municipal Parkway, Garden Ridge, Texas.


Nancy Cain
City Administrator

10/13/14

STAKEHOLDER DRAFT

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Comal Trinity Groundwater Conservation District; providing authority to issue bonds; providing authority to impose assessments, fees, or surcharges.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle H, Title 6, Special District Local Laws Code, is amended by adding Chapter 8875 to read as follows:

CHAPTER 8875. COMAL TRINITY GROUNDWATER

CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8875.001. DEFINITIONS. In this chapter:

(1) "Board" means the Board of Directors of the District.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a member of the Board.

(4) "District" means the Comal Trinity Groundwater Conservation District.

(5) "Trinity Aquifer" means the Trinity Group of aquifers. The Trinity Aquifer or Trinity Group is often referred to

as the Upper, Middle and Lower Trinity. The Upper Trinity consists of the upper Glen Rose Limestone, the Middle Trinity consists of the lower member of the Glen Rose Limestone and the Hensell Sand and Cow Creek Limestone and the Lower Trinity consists of the Sligo Limestone and Hosston Sand.

(6) "Retail public utility" means a retail public utility as defined by Section 13.002, Water Code that is providing service in the District.

(7) "Domestic Use" means residential household use.

(8) "Existing Well(s)" means a well drilled into the Trinity Aquifer on or before the effective date of the Act.

(9) "New Well(s)" means a well drilled into the Trinity Aquifer after the effective date of the Act.

(10) Exempt Well(s)" means a well that either:

(a) is used solely for domestic use and does not serve more than five households, or producing water for livestock or poultry regardless of land lot size, and is drilled, completed, or equipped so that it is incapable of producing more than 25,000 gallons of groundwater a day; or

(b) is not capable of producing more than 10,000 gallons of groundwater a day and does not serve more than five households; or

(c) is metered and does not produce more than 10 acre feet of groundwater in a calendar year.

Sec. 8875.002. NATURE OF DISTRICT. The District is a groundwater conservation District in Comal County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8875.003. INITIAL DISTRICT TERRITORY. The initial boundaries of the District are coextensive with the boundaries of Comal County, Texas, except that the District does not include any territory that is included in the boundaries of the Trinity Glen Rose Groundwater Conservation District.

Sec. 8875.004. CONFLICTS OF LAW. This chapter prevails over any provision of general law, including a provision of Chapter 36, Water Code, that is in conflict or is inconsistent with this chapter.

SUBCHAPTER A-1. TEMPORARY PROVISIONS

Sec. 8875.005. APPOINTMENT OF TEMPORARY DIRECTORS.

(a) The Comal County Commissioners Court shall appoint five temporary Directors no later than December 31, 2015, to serve terms not to exceed four years as follows:

(1) one temporary Director shall be appointed from each of the four commissioner precincts in the county to represent the precinct in which the temporary director resides; and

(2) one temporary Director who resides in the District shall be appointed to represent the District at large.

(b) The temporary Directors may adopt rules and assess fees to manage and operate the District. On the election of the permanent Directors, the permanent Directors shall consider and may approve the rules adopted by the temporary Directors. A rule that is not approved by the permanent Directors is not enforceable.

(c) If there is a vacancy on the temporary Board of Directors of the District, the remaining temporary Directors shall select a qualified person to fill the vacancy. If, at any time, there are fewer than three qualified temporary Directors, the Comal County Commissioners Court shall appoint the necessary number of persons to fill all vacancies on the Board.

(d) Temporary Directors or their successors serve until the time the initial Directors are elected as provided by Section 8875.007 and have qualified.

Sec. 8875.006. ORGANIZATIONAL MEETING OF TEMPORARY DIRECTORS. As soon as practicable after all the temporary Directors

have qualified under Section 36.055, Water Code, a majority of the temporary Directors shall convene the organizational meeting of the District at a location within the District agreeable to a majority of the Directors. At the meeting, the temporary Directors shall elect a Chair, Vice-Chair, and Secretary from among the temporary Directors.

(a) The term of a temporary Director may not exceed four years.

(b) If permanent Directors have not been elected under Section 8875.007 and the terms of the temporary Directors have expired, successor temporary Directors shall be appointed or reappointed as provided by Subsection (c) to serve terms that expire on the earlier of:

(1) the date permanent Directors are elected under Section 8875.007; or

(2) the fourth anniversary of the date of the appointment or reappointment.

(c) If Subsection (b) applies, the temporary Directors may submit a petition to the Comal County Commissioners Court requesting that the Commissioners Court appoint as successor temporary Directors the five persons named in the petition. The Commissioners Court shall appoint as successor temporary Direc-

tors the five persons named in the petition.

Sec. 8875.007. INITIAL ELECTION OF PERMANENT DIRECTORS.

(a) On the uniform election date prescribed by Section 41.001, Election Code, no later than November 2018 an election shall be held in the District for the election of five Directors to replace the temporary Directors who shall serve until that election.

(b) The initial permanent Directors shall draw lots to determine which three Directors shall serve a four-year term and which two Directors shall serve a two-year term.

Sec. 8875.008. EXPIRATION OF SUBCHAPTER. This subchapter expires December 31, 2019.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8875.009. DIRECTORS; TERMS.

(a) The District is governed by a Board of five Directors.

(b) Directors serve staggered four-year terms.

Sec. 8875.010. METHOD OF ELECTING DIRECTORS: COMMISSIONERS PRECINCTS.

(a) The Directors of the District shall be elected according to the commissioners' precinct method as provided by this

section.

(b) One Director shall be elected by the voters of the entire District, and one Director shall be elected from each county commissioner's precinct by the voters of that precinct.

(c) Except as provided by Subsection (e), to be eligible to be a candidate for, or to serve as Director-at-Large, a person must be a registered voter of the District. To be a candidate for, or to serve as Director from a county commissioner's precinct, a person must be a registered voter of that precinct.

(d) A person shall indicate on the application for a place on the ballot:

(1) the precinct that the person seeks to represent;

or

(2) that the person seeks to represent the District-at-Large.

(e) When the boundaries of the county commissioners precincts are redrawn after each federal decennial census to reflect population changes, a Director in office on the effective date of the change, or a Director elected or appointed before the effective date of the change whose term of office begins on or after the effective date of the change, shall serve in the precinct to which elected or appointed even though the change in

boundaries places the person's residence outside the precinct for which the person was elected or appointed.

(f) After the first election held after the boundaries of the county commissioners precincts are redrawn, the Directors elected shall draw lots to determine which three Directors shall serve a four-year term and which two Directors shall serve a two-year term.

(g) A Director may not serve more than two consecutive terms and may not serve for a total of more than 12 years.

Sec. 8875.011. ELECTION DATE. The District shall hold an election to elect the appropriate number of Directors on the uniform election date prescribed by Section 41.001, Election Code, in November of each even-numbered year.

Sec. 8875.012. VACANCIES. Except as provided in Subchapter A-1, a vacancy on the Board shall be filled by appointment of the Board until the next regularly scheduled Directors' election. The person appointed to fill the vacancy shall serve only for the remainder of the unexpired term. The person appointed to fill an unexpired term shall be considered to have served a full term, as it relates to Sec. 8875.009 (g), provided service exceeds half of a term.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8875.013. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES. The District has the rights, powers, privileges, functions, and duties provided by the general law of this state, including Chapter 36, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8875.014. CONTRACTS. The District may contract with a state agency or political subdivision, including, but not limited to, a county, a river authority, or another district, to carry out any function of the District.

Sec. 8875.015. BEST MANAGEMENT PRACTICES.

(a) The District may participate in the development and implementation of best management practices for water resource management in the District and may engage in and promote the acceptance of best management practices through education efforts sponsored by the District.

(b) Development and implementation of best management practices must address water quantity and quality practices such as brush management, prescribed grazing, recharge structures, water and silt detention and retention structures, plugging of abandoned wells, rainwater harvesting, and other treatment

measures for the conservation of water resources.

(.c) The District may not adopt or implement a best management practice that is in conflict with, or duplicative of, a best management practice adopted by a groundwater conservation district whose territory covers any part of Comal County.

Sec. 8875.016. LIMITATIONS ON DISTRICT POWERS.

(a) The District may not:

(1) require the owner of an exempt well to install a meter or measuring device;

(2) except as provided by Subdivision (3), and notwithstanding Section 36.122, Water Code, allow the sale, transport, or export of groundwater produced from a well inside the District to a person or location outside the District;

(3) prohibit the sale, transport, or export of groundwater produced from a well inside the District to a person located inside the territory covered by the well owner's certificate of public convenience and necessity if the owner of a well with a certificate of public convenience and necessity obtains a permit from the District; or

(4) assess and collect a production fee on exempt wells.

(b) The District does not have the authority granted by Sections 36.020 and 36.201-36.204, Water Code, relating to taxes.

Sec. 8875.017. WITHDRAWAL PERMITS.

(a) Existing Wells. Notwithstanding Section 36.117(j), Water Code, an existing well, is exempt from the requirement to obtain a withdrawal permit from the District.

(b) New Wells. Notwithstanding Section 36.117(j), Water Code, a new well that is not exempt must obtain a withdrawal permit from the District.

Sec. 8875.018. MEASURING DEVICES.

(a) The owner of an existing or new well, that is not an exempt well, shall install and maintain a water well meter, or alternative measuring device or method approved by the District, designed to indicate the flow rate and cumulative amount of water withdrawn by that well, on each individual well no later than 36 months after the effective date of the Act enacting this chapter.

(b) A well owner is responsible for the costs of installing, operating, and maintaining measuring devices.

Sec. 8875.019. NO EMINENT DOMAIN. The District may not

exercise the power of eminent domain.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8875.020. FEES.

(a) ADMINISTRATIVE FEES. The District may set fees for administrative acts of the District, such as filing applications. Fees set by the District may not unreasonably exceed the cost of the District of performing the administrative function for which the fee is charged. The District may set fees for administrative management on exempt wells not to exceed \$15 per year per well.

(b) PRODUCTION FEES. The District may impose reasonable production fees, based on the amount of groundwater actually withdrawn, on new and existing wells that are not exempt. The District may not impose a production fee in an amount greater than:

(1) \$1 per acre-foot per year for groundwater used for agricultural purposes; or

(2) \$40 per acre-foot for groundwater used for any other purpose.

(c) The District may use money collected from fees:

(1) in any manner necessary for the management and operation of the District;

(2) to pay all or part of the principal of and interest on District bonds or notes; and

(3) for any purpose consistent with the District's approved water management plan.

SECTION 2. LEGAL NOTICE

(a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the Governor, the Lieutenant Governor, and the Speaker of the House of Representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 3. EFFECT This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.