

LONE STAR GROUNDWATER CONSERVATION DISTRICT

May 9, 2023

MINUTES OF PUBLIC HEARING ON PERMIT APPLICATIONS

The Board of Directors of the Lone Star Groundwater Conservation District (“District”) met in regular session, open to the public and held in person in the Lone Star GCD – James B. “Jim” Wesley Board Room located at 655 Conroe Park North Drive, Conroe, Texas, and remotely via the publicly accessible webinar/telephone conference call within the boundaries of the District on May 9, 2023.

CALL TO ORDER:

President Spigener called to order the Public Hearing on Permit Applications at 6:15 PM announcing the meeting open to the public.

ROLL CALL:

The roll was called of the members of the Board of Directors, to wit:

Jon Paul Bouché
Jonathan Prykryl
Janice Thigpen
Stuart Traylor
Jim Spigener
Garry Dent
Kenneth Earnest

Seven members of the Board were present, thus constituting a quorum of the Board of Directors. Also, in attendance at said meeting were Samantha Reiter, General Manager; Stacey V. Reese, District Counsel; and members of the public. *Copies of the public sign-in sheets and comment cards received are attached hereto as Exhibit “A” to the Regular Board of Directors Meeting minutes.*

PUBLIC COMMENTS:

No comments were received.

Ms. Hein stated there are 15 permit applications before you today. Of those items, eleven (11) include requests for an increase in allocation, two (2) are requested to add a new well and

allocation to an existing permit, two (2) are requests for a change in Water Use Type, and there is one (1) request for a new permit including a new well. I want to bring your attention to items 14 and 15 as those items both required hydrogeological reports as the systems are capable of producing more than 700 GPM. Based on a technical review of the information supplied, it is the General Manager's recommendation to approve that which is requested

1. T & W Water Services (Falls of Wildwood) dba Blue Topaz Utilities

Applicant is requesting an amendment to an Operating Permit OP-07092801-CHEV for an increase in production authorization in the amount of 400,000 gallons for 2023 and annually thereafter. Based on a technical review of the information supplied, it is the General Manager's recommendation to approve that which is requested.

2. T & W Water Services (Millers Crossing) dba Blue Topaz Utilities

Applicant is requesting an amendment to an Operating Permit OP-07092804-CHEV for an increase in production authorization in the amount of 2,500,000 gallons for 2023 and annually thereafter. Based on a technical review of the information supplied, it is the General Manager's recommendation to approve that which is requested.

3. T & W Water Services (Old Mill Lake) dba Blue Topaz Utilities

Applicant is requesting an amendment to an Operating Permit OP-07092805-CHEV for an increase in production authorization in the amount of 6,200,000 gallons for 2023 and annually thereafter. Based on a technical review of the information supplied, it is the General Manager's recommendation to approve that which is requested.

4. T & W Water Services (Thousand Oaks) dba Blue Topaz Utilities

Applicant is requesting an amendment to an Operating Permit OP-07092806-CHEV for an increase in production authorization in the amount of 10,000,000 gallons for 2023 and annually thereafter. Based on a technical review of the information supplied, it is the General Manager's recommendation to approve that which is requested.

5. T & W Water Services (Grand Harbor/Gemstone) dba Blue Topaz Utilities

Applicant is requesting an amendment to an Operating Permit OP-07092802-JSPR for an increase in production authorization in the amount of 15,000,000 gallons for 2023 and annually thereafter. Based on a technical review of the information supplied, it is the General Manager's recommendation to approve that which is requested.

6. Woodland Oaks Utility Co. Inc

Applicant is requesting an amendment to an Operating Permit OP02-0004-CHEV for an increase in production authorization in the amount of 35,000,000 gallons for 2023 and annually thereafter. Based on a technical review of the information supplied, it is the General Manager's recommendation to approve that which is requested.

7. Kim Hoang Tran

Applicant is requesting an amendment to an Operating Permit OP-11012402-CHEV for an increase in production authorization in the amount of 450,000 gallons for 2023 and annually thereafter. Based

on a technical review of the information supplied, it is the General Manager's recommendation to approve that which is requested.

8. Montgomery County MUD #83

Applicant is requesting an amendment to an Operating Permit OP-04042802-CHEV for an increase in production authorization in the amount of 40,000,000 gallons for 2023 and annually thereafter. Based on a technical review of the information supplied, it is the General Manager's recommendation to approve that which is requested.

9. Old Mill Lake Subdivision

Applicant is requesting an amendment to an Operating Permit OP-04040101-CHEV for registration of a new Evangeline Aquifer well. Based on a technical review of the information supplied, it is the General Manager's recommendation to approve that which is requested.

10. MJ Pathway Properties LLC

Applicant is requesting an amendment to an Operating Permit OP-19091801-CHEV for an increase in production authorization in the amount of 296,500 gallons for 2023 and annually thereafter. Based on a technical review of the information supplied, it is the General Manager's recommendation to approve that which is requested.

11. MHC Lake Conroe West RV, LLC

Applicant is requesting amendment to an Operating Permit HUP080-JSPR for a change in use type from Public Water Supply to Irrigation. Based on a technical review of the information supplied, it is the General Manager's recommendation to approve that which is requested.

12. MHC Lake Conroe West RV, LLC

Applicant is requesting amendment to an Operating Permit OP-05110402-JSPR for a change in use type from Public Water Supply to Irrigation. Based on a technical review of the information supplied, it is the General Manager's recommendation to approve that which is requested.

13. THD LLC

Applicant is requesting an amendment to an Operating Permit OP-19072402-JSPR for an increase in production authorization in the amount of 300,000 gallons for 2023 and annually thereafter. Based on a technical review of the information supplied, it is the General Manager's recommendation to approve that which is requested.

14. TRCH Moore Road (Moore Landing)

Applicant is requesting registration of a new Chicot/Evangeline Aquifer operating permit and for production authorization in the amount of 10,408,780 gallons for 2023 and annually thereafter. Due to the combined max gpm of the well system, a hydrogeological report was required for the proposed amendment. LSGCD technical consultants have reviewed the submitted hydrogeological report and found it meets the requirements as detailed in District Rules and guidance documents. Based on a technical review of the information supplied, it is the General Manager's recommendation to approve that which is requested.

15. Texas Water Utilities, LP (Decker Hills/Park Place/Champions Glen)


Applicant is requesting an amendment to an Operating Permit OP03-0018-CHEV for registration of a new Evangeline Aquifer well, and an increase in production authorization in the amount of 11,000,000 gallons for 2023 and annually thereafter. Due to the combined max gpm of the well system for OP03-0018-CHEV, a hydrogeological report was required for the proposed amendment. LSGCD technical consultants have reviewed the submitted hydrogeological report and found it meets the requirements as detailed in District Rules and guidance documents. Based on a technical review of the information supplied, it is the General Manager's recommendation to approve that which is requested.

Treasurer Prykryl motioned to approve item #1-14, as recommended by the General Manager. Director Bouché seconded. Motion passed.

ADJOURN:

There being no further business, President Spigener motioned to adjourn the public hearing on permit applications. The meeting was adjourned at 6:17 pm.

PASSED, APPROVED, AND ADOPTED THIS 13th DAY OF June 2023.



Janice Thigpen, Board Secretary

LONE STAR GROUNDWATER CONSERVATION DISTRICT

May 9, 2023

MINUTES OF REGULAR MEETING

The Board of Directors of the Lone Star Groundwater Conservation District (“District”) met in regular session, open to the public and held in person in the Lone Star GCD – James B. “Jim” Wesley Board Room located at 655 Conroe Park North Drive, Conroe, Texas, and remotely via the publicly accessible webinar/telephone conference call within the boundaries of the District on May 9, 2023.

CALL TO ORDER:

President Spigener presided and called to order the regular Board of Directors meeting at 6:30 PM, announcing that it was open to the public.

ROLL CALL:

The roll was called of the members of the Board of Directors, to wit:

Jon Paul Bouché
Janice Thigpen
Stuart Traylor
Jonathan Prykryl
Jim Spigener
Garry Dent
Kenneth Earnest

All members of the Board were present, thus constituting a quorum of the Board of Directors. In attendance at said meeting were Samantha Reiter, General Manager; Stacey V. Reese, District Counsel; and members of the public. *Copies of the public sign-in sheets and comment cards received are attached hereto as Exhibit "A".*

PUBLIC COMMENTS:

Chris Oliver, director of operations for Quadvest, had some questions on a permit. Ms. Reese stated the board is not allowed to hear any public comments on pending permit matters with the District because they will be the adjudicated body on that permit. Ms. Reese stated that the appropriate thing to do would be to schedule an appointment with the General Manager to discuss the application. She also stated if Mr. Oliver had other public comments to make not related to a permit he could make them at the time. Mr. Oliver stated that when they are making an application for a well, they are being requested to provide CCN maps, public water system calculations,

irrigation usage and ultimate build out numbers. He noted that they cannot find any of those requirements listed out specifically in the rules and would like someone to clarify that. Mr. Oliver also stated they are having issues with matters relating to exempt wells. The rules state that an exempt well is one that produces less than 25,000 gallons a day. Another question posed by Mr. Oliver was why the Chicot and Evangeline aquifers are grouped together. He added that most of the irrigation wells being drilled are at 200 ft, which is the Chico, and his entity is drilling in Evangeline which is 500 ft plus in depth. Written comments were submitted.

DISCUSSION, CONSIDERATION AND POSSIBLE ACTION APPROVING RESOLUTION #23-003 SUPPORTING H.B. 1540, AS AMENDED BY REPRESENTATIVE WILL METCALF:

President Spigener placed this agenda item for discussion and provided a recap. Representative Will Metcalf amended the Sunset Bill with an amendment that asked to remove the General Manager of SJRA from office and make him ineligible to be replaced by himself. That bill made it through the House Committee, was voted on 145 to 2 and is on it's way to the Senate. There is a chance it will make it to the Senate but that no action on it will be taken. This resolution is asking for that bill to be given a chance. It is a local bill specific to Montgomery County. Treasurer Prykryl commented that this was a good move on behalf of Representative Metcalf and this has been a long time coming. He further advocated that the Senate needs to do its part and stay out of local affairs. Ms. Reese stated that this has not yet been assigned but referred to the Senate Water Committee. President Spigener stated that our local contingency are in support.

Upon a motion by President Spigener and seconded by Director Bouché, the Board approved Resolution #23-003 as recommended.

APPROVAL OF THE MINUTES:

President Spigener stated the Board would consider the meeting minutes as listed for approval on today's agenda. Without further discussion, upon a motion by Vice-President Traylor and seconded by Treasurer Prykryl, the Board approved the meeting minutes as presented.

- a) April 11, 2023, Public Hearing on Permit Applications
- b) April 11, 2023, Regular Board of Directors Meeting

COMMITTEE REPORTS:

A. Budget & Finance Committee – Jonathan Prykryl, Chair

- 1) Brief the Board on the Committee's activities since the last regular Board meeting - Director Prykryl stated that there was nothing new to report. He anticipates a meeting to take place during the summer.
- 2) Review of unaudited financials for the month of April 2023 – Ms. Reiter reported that for the month of April 2023, income was \$260,445.20 and expenses were \$106,539.90 resulting in a net income of \$153,905.30. Year-to-date net income is \$387,032.11. Total Cash on hand is \$5,267,980.84.

B. External Affairs Committee – Jim Spigener, Chair

- 1) Brief the Board on the Committee's activities since the last regular Board meeting – President Spigener stated that the committee continues to actively communicate with the District's legislative consultants on legislative updates.
- 2) Discussion, consideration, and possible action on any items related to communications and/or legislative matters pertaining to Lone Star GCD – President Spigener had nothing to report at this time. Ms. Reese stated that next month they will talk more about where things stand. Last month we discussed the summary report with the key bills we were tracking. Things are moving very quickly.

C. DFC & Technical Committee – Stuart Traylor, Chair

- 1) Brief the Board on the Committee's activities since the last regular Board meeting – Vice President Traylor stated that the committee met last week to revisit the path forward with regard to Phase 3 of the District's Subsidence Study. Following discussion on potential location, cost analysis and timeframe, the committee would like to move forward with a coring and monitoring program prior to the installation of extensometers. Vice President Traylor gave the floor to James Beach who was online to discuss the program in more detail.
- 2) Discussion, consideration and action regarding the Phase 3 Coring and Monitoring Program- James Beach reiterated that this is not a big change in the plan. This is focusing on trying to get very useful information as quickly as possible. The extensometers are for long term monitoring of subsidence and the core samples the District would like to focus on in Phase 3 of the refined plan is so we can send those samples to the lab, get compaction data, and that compaction data can be used to verify subsidence in all the aquifers in Montgomery County. Therefore, we would have Montgomery County based data for each of the aquifers sooner rather than later. He summarized that the recommendation is to not do the extensometers right now but to get data from cores over the next year to year and half and to be able to incorporate that information into the models of modification and improvement for the GULF 2023 model. We are still working with the Water Development Board on that and feel that this data is the quickest way to get there. It is less expensive as far as the overall extensometer cost as well. The focus of this board is to get Montgomery County data and update the model as best as we can. If the data can be collected within the next two to three years it would potentially have an impact on the next round of joint planning and allow the representatives to move forward with an improved GMA 14 model.

Vice President Traylor stated the next step will be to draft letters on the program and send to multiple entities who may be interested or included in our areas of interest. Following the send out of letters for interest, the District will plan to hold a public stakeholder meeting for those interested to discuss more specific details. Once locations are decided, the District will go back out for bids.

It is the committee's recommendation that the Board approve moving forward with Phase 3 Coring and Monitoring Program and the DFC committee members, James, Stacey or Sam are available to answer any questions the Board may have. Ms. Reese showed the board a visual enclosure that would be included in the mail

out that displays a good visualization and is appealing to the eye and also further explains why the collection of the data is important. This enclosure will also be posted on the website. The one pager is intended to be a reminder to those stakeholders who were at the meeting in December about the project. We are reviewing sites that would be good for coring and monitoring. The feeling is that there were some parties at that meeting that were interested, and they may have some good possibilities. We will not be sure until we hear back from stakeholders where the site will be. We are looking at the southern part of the county, but we are open to areas up in Conroe. It would be best to get a site that has a well on it and that has space to move over 300 feet that could save some time and money as well.

Without further discussion, upon a motion by Director Dent and seconded by Director Earnest, the Board approved the recommendation as presented.

D. Rules, Bylaws & Policies Committee – Jim Spigener, Chair

- 1) Brief the Board on the Committee’s activities since the last regular Board meeting – President Spigener stated that the committee met earlier today to discuss pending enforcement matters and has agreed with the General Manager’s plan regarding overpumpage enforcements for 2022. Further, discussion on potential rule revisions were discussed with a plan to meet again in the next 2 – 3 months. President Spigener stated that Ms. Reese will be discussing the recently closed comment periods for the current rules.

Ms. Reese stated that we posted our current rules for public comment to solicit information that the Rules Committee could use to help guide any potential changes that we would be making. A couple of comments were received, and the period has formally closed. There will be a meeting with the Rules Committee in the future to discuss the comments and whether we think any changes are warranted based on them. Once we see what bills ultimately become law and changes that we are required to make we will share that with the Rules Committee. There is also a running list of items that the Rules Committee has been looking at that are a part of ongoing discussions. We are on pace to have draft rules for consideration sometime in the early fall with a hope that we will have a hearing on the rules by the end of the year.

RECEIVE INFORMATION FROM DISTRICT’S TECHNICAL CONSULTANTS REGARDING SUBSIDENCE STUDIES AND/OR DISCUSSION REGARDING THE SAME:

- 1) Discussion, consideration, and possible action regarding the authority of the General Manager to solicit funds for the Subsident Study.

Ms. Reiter stated the District received interest from entities regarding helping to fund the District’s Subsidence Study and this item will allow for District staff to work with the various entities to obtain further funding. Vice President Traylor motioned to approve the action. Treasurer Prykryl seconded the motion. The motion passed.

GROUNDWATER MANAGEMENT AREA 14 - UPDATE THE BOARD ON THE ISSUES RELATED TO JOINT PLANNING ACTIVITIES AND DEVELOPMENT OF DESIRED FUTURE CONDITIONS IN GMA 14:

Ms. Reiter stated the GMA 14 will be meeting on May 23rd at 10am at the Cleveland Civic Center in Cleveland, TX

Discussion, consideration, and possible action on any items related to Lone Star GCD's proposal(s) to and/or participation in GMA 14 – No action will be taken at this time.

GENERAL MANAGER'S REPORT:

Ms. Reiter stated her manager's report is included in the packets. A few items highlighted were the hiring of the District's second Field Operations employee. Wayne Joe will be training with Gary as our Field Operations Coordinator for the next 3-6 months. We are preparing to post a new position for the Policy & Communications Director and Ms. Reiter stated she was close to making an offer for the Education & Conservation Outreach Coordinator. Staff and Ms. Reiter have been working hard to finalize 2022 overproduction violations and have plans to get those Notice of Violations out by the end of the week. Ms. Reiter also noted a few upcoming conferences should the board have an interest in attending.

GENERAL COUNSEL'S REPORT:

Ms. Reese stated she had nothing to report at this time.

NEW BUSINESS:

Nothing to report on currently.

EXECUTIVE SESSION:

The Board recessed at 7:10 PM into a closed Executive Session pursuant to Texas Government Code, Sections 551.074 to discuss personnel matters and annual review of the General Manager, and 551.071 to consult with the District's attorney regarding pending or contemplated litigation, settlement offers, or on matters 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 clearly conflicts with the Texas Open Meetings Act, Chapter 551, Government Code regarding any agenda item on any of the Board meetings or hearing posted for today.

No action will be taken in Executive Sessions.

RECONVENE IN OPEN SESSION:

Following Executive Session, the Board reconvened in Open Session and President Spigener declared it open to the public at 8:32 PM

ADJOURN:

There being no further business, Vice-President Traylor motioned to adjourn the meeting and Director Bouche seconded. The meeting was adjourned at 8.33 PM.

PASSED, APPROVED, AND ADOPTED THIS 13th DAY OF JUNE 2023.



Janice Thigpen, Board Secretary

RESOLUTION NO. #23-003

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE LONE STAR
GROUNDWATER CONSERVATION DISTRICT SUPPORTING H.B. 1540, AS
AMENDED BY REPRESENTATIVE WILL METCALF**

THE STATE OF TEXAS

§
§
§

LONE STAR GOUNDWATER CONSERVATION DISTRICT

WHEREAS, the Lone Star Groundwater Conservation District ("District") was created by the Texas Legislature through the enactment of House Bill 2362, Chapter 1321, Acts of the 77th Legislature, Regular Session, 2001 (together with subsequent legislative amendments, the "Act"), pursuant to the authority of Article XVI, § 59 of the Texas Constitution, as a groundwater conservation district operating under Chapter 36, Texas Water Code, Section 59, Article XVI of the Texas Constitution, and the Act;

WHEREAS, the creation of the District was confirmed by the voters of Montgomery County on November 6, 2001, and as required by Chapter 356 of Title 31 of the Texas Administrative Code as in effect at the time, the District's original management plan was adopted and submitted to the Texas Water Development Board within two years of the confirmation election and subsequently amended and re-adopted in 2008 and again on November 12, 2013;

WHEREAS, the San Jacinto River Authority (SJRA) is a river authority subject to Sunset Review by the Texas Legislature;

WHEREAS, SJRA sunset legislation in the 83rd Regular Session is H.B. No. 1540;

WHEREAS, when the Texas House of Representatives was set to debate SJRA sunset legislation, Representative Will Metcalf, and other House Representatives, offered an amendment to H.B. 1540 that would require the SJRA Board of Directors to appoint a new general manager and would prohibit the current general manager from being re-appointed;

WHEREAS, on a record vote, the amendment was adopted by a supermajority of the House of Representatives;

WHEREAS, the Lone Star Groundwater District Board of Directors ("Board") supports the amendment to H.B. 1540 requiring an appointment of a new general manager of the SJRA. The Board believes that the current SJRA general manager is an obstacle to the Montgomery County community coming together and solving the high-water bill problems that our community has been facing for years; and

WHEREAS, the Board wishes to thank Representative Metcalf (and Representatives Cecil Bell and Steve Toth who Representative Metcalf has recognized for providing assistance), as well as Senator Brandon Creighton and Senator Robert Nichols, for their leadership in this legislation and their unwavering commitment to do what is best for the citizens of Montgomery County.

RESOLUTION NO. #23-003

WHEREAS, the Board would like to see H.B. 1540 heard and voted out of the Senate Committee and ultimately heard by the full Senate. H.B. 1540 is a local bill and deference should be given to the local Montgomery County delegation who know what is best for the citizens of Montgomery County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS THAT:

1. The above recitals are true and correct.
2. The Board hereby adopts this Resolution 23-003 and fully supports H.B. 1540 as amended by Representative Metcalf.
3. This Resolution shall be provided to Representative Metcalf with a copy to all of the Montgomery County delegation.
4. This Resolution shall be posted on the District's website and in its office.

AND IT IS SO ORDERED.

PASSED AND ADOPTED FOR SUBMISSION TO THE TEXAS LEGISLATURE.

LONE STAR GROUNDWATER CONSERVATION DISTRICT

By: _____

Jim Spigener, President

ATTEST:

Janice Thigpen, Board Secretary



By: Holland, Clardy, Canales, Goldman,
Bell of Kaufman

H.B. No. 1540

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the San Jacinto River Authority, following
3 recommendations of the Sunset Advisory Commission; specifying
4 grounds for the removal of a member of the board of directors.

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

6 SECTION 1. Section 1A(a), Chapter 426, Acts of the 45th
7 Legislature, Regular Session, 1937, is amended to read as follows:

8 (a) The District is subject to review under Chapter 325,
9 Government Code (Texas Sunset Act), but may not be abolished under
10 that chapter. The review shall be conducted under Section 325.025,
11 Government Code, as if the District were a state agency scheduled to
12 be abolished September 1, 2035 [~~2023~~], and every 12th year after
13 that year.

14 SECTION 2. Section 6, Chapter 426, Acts of the 45th
15 Legislature, Regular Session, 1937, is amended to read as follows:

16 Sec. 6. The management and control of all the affairs of
17 said District shall be vested in, and the powers, rights,
18 privileges, and functions of the District shall be exercised by a
19 Board of Directors consisting of seven [~~six-(6)~~] members, all of
20 whom shall be freehold property taxpayers and legal voters of the
21 State of Texas and four (4) of whom shall be residents of a county
22 wholly encompassed by the District. Members of such Board of
23 Directors shall be appointed by the Governor for terms of four [~~six~~
24 ~~-(6)~~] years. [~~Provided, the present Board of six (6) directors of~~

1 ~~said District, appointed by the State Board of Water Engineers~~
2 ~~under authority of House Bill No. 1094, Chapter 613, Acts of the~~
3 ~~Regular Session of the Forty-seventh Legislature, amending Section~~
4 ~~6 of Chapter 426, Acts of the Regular Session of the Forty-fifth~~
5 ~~Legislature, as amended by House Bill No. 828, Chapter 480, Acts of~~
6 ~~the Regular Session of the Forty-seventh Legislature, for terms of~~
7 ~~two (2), four (4), and six (6) years, shall continue to serve as~~
8 ~~such until the expiration of the respective terms for which they~~
9 ~~were appointed. Upon the expiration of the terms for which the~~
10 ~~present members of the Board of Directors were appointed, the~~
11 ~~successors of each and all of them shall be appointed by the~~
12 ~~Governor for a term of six (6) years.]~~

13 The Directors shall hold office after their appointment and
14 qualification until their successors shall be appointed and
15 qualified. Should any vacancy occur in the Board of Directors, the
16 same shall be filled in like manner by the Governor for the
17 unexpired term. The Directors appointed shall, within thirty (30)
18 days after their appointment, qualify by taking the official oath
19 required of County Commissioners, and shall execute bond in the sum
20 of Five Thousand Dollars (\$5,000) payable to the District, the
21 sufficiency of which bond shall be determined by the Governor,
22 which bonds after being recorded in the official bond records of the
23 county in which the District maintains its office shall be
24 deposited with the depository selected and approved for the deposit
25 of the funds of the District.

26 The Governor shall designate a Director as the President of
27 the Board to serve in that capacity at the pleasure of the Governor.

1 The Board of Directors shall organize by electing one of its members
2 [~~President, one~~] Vice-President, one Secretary, and one Treasurer.
3 Four (4) members, including the President [~~presiding officer~~],
4 shall constitute a quorum to transact business. The President
5 shall preside at all meetings of the Board and shall be the chief
6 executive officer of the District. The Vice-President shall act as
7 President in case of the absence or disability of the President.
8 The Secretary shall act as Secretary of the Board and shall be
9 charged with the duty of keeping a record of all proceedings and all
10 orders of the Board. The Treasurer shall receive and receipt for
11 all moneys received by the District and shall keep books and records
12 of all moneys received and expended. In case of the absence or
13 inability of the Secretary to act, a Secretary pro tem shall be
14 selected by the Directors.

15 The domicile of the District shall be in the City of Conroe,
16 in the County of Montgomery, Texas, where the District shall
17 maintain its principal office. The Board of Directors shall have
18 authority to fix the time, place and number of meetings of such
19 Board by proper resolutions, regulations and bylaws passed by said
20 Board. Said Board shall cause to be kept complete and accurate
21 accounts conforming to approved methods of bookkeeping. Said
22 accounts and all contracts, documents, and records of the District
23 shall be kept at said principal office, and same shall be open to
24 public inspection at all reasonable times.

25 SECTION 3. Chapter 426, Acts of the 45th Legislature,
26 Regular Session, 1937, is amended by adding Sections 6A, 6B, 6C, 6D,
27 6E, and 6F to read as follows:

1 Sec. 6A. (a) It is a ground for removal from the Board of
2 Directors that a Director:

3 (1) does not have at the time of taking office the
4 qualifications required by Section 6 of this Act;

5 (2) does not maintain during service on the Board the
6 qualifications required by Section 6 of this Act;

7 (3) is ineligible for directorship under Chapter 171,
8 Local Government Code;

9 (4) cannot, because of illness or disability,
10 discharge the Director's duties for a substantial part of the
11 Director's term; or

12 (5) is absent from more than half of the regularly
13 scheduled Board meetings that the Director is eligible to attend
14 during a calendar year without an excuse approved by a majority vote
15 of the Board.

16 (b) The validity of an action of the Board is not affected by
17 the fact that it is taken when a ground for removal of a Director
18 exists.

19 (c) If the general manager has knowledge that a potential
20 ground for removal exists, the general manager shall notify the
21 President of the Board of the potential ground. The President shall
22 then notify the Governor and the Attorney General that a potential
23 ground for removal exists. If the potential ground for removal
24 involves the President, the general manager shall notify the next
25 highest ranking Director, who shall then notify the Governor and
26 the Attorney General that a potential ground for removal exists.

27 Sec. 6B. (a) A person who is appointed to and qualifies for

1 office as a Director may not vote, deliberate, or be counted as a
2 Director in attendance at a meeting of the Board of Directors until
3 the person completes a training program that complies with this
4 section.

5 (b) The training program must provide the person with
6 information regarding:

7 (1) the law governing District operations;

8 (2) the programs, functions, rules, and budget of the
9 District;

10 (3) the scope of and limitations on the rulemaking
11 authority of the District;

12 (4) the results of the most recent formal audit of the
13 District;

14 (5) the requirements of:

15 (A) laws relating to open meetings, public
16 information, administrative procedure, and disclosing conflicts of
17 interest; and

18 (B) other laws applicable to members of the
19 governing body of a river authority in performing their duties; and

20 (6) any applicable ethics policies adopted by the
21 District or the Texas Ethics Commission.

22 (c) A person appointed to the Board is entitled to
23 reimbursement for the travel expenses incurred in attending the
24 training program regardless of whether the attendance at the
25 program occurs before or after the person qualifies for office.

26 (d) The general manager of the District shall create a
27 training manual that includes the information required by

1 Subsection (b) of this section. The general manager shall
2 distribute a copy of the training manual annually to each Director.
3 Each Director shall sign and submit to the general manager a
4 statement acknowledging that the Director received and has reviewed
5 the training manual.

6 Sec. 6C. The Board of Directors shall develop and implement
7 policies that clearly separate the policy-making responsibilities
8 of the Board and the management responsibilities of the general
9 manager and the staff of the District.

10 Sec. 6D. (a) The District shall maintain a system to
11 promptly and efficiently act on complaints filed with the District.
12 The District shall maintain information about parties to the
13 complaint, the subject matter of the complaint, a summary of the
14 results of the review or investigation of the complaint, and its
15 disposition.

16 (b) The District shall make information available
17 describing its procedures for complaint investigation and
18 resolution.

19 (c) The District shall periodically notify the complaint
20 parties of the status of the complaint until final disposition,
21 unless the notice would jeopardize an investigation.

22 Sec. 6E. The Board of Directors shall develop and implement
23 policies that provide the public with a reasonable opportunity to
24 appear before the Board and to speak on any issue under the
25 jurisdiction of the District.

26 Sec. 6F. The Board of Directors shall develop and implement
27 a comprehensive policy that provides a structure for public

1 engagement in advance of major actions and projects. The policy
2 must include a clear and detailed description of how the District
3 will seek to actively engage stakeholders, including the possible
4 use of:

- 5 (1) advisory committees;
6 (2) community panels;
7 (3) town hall meetings;
8 (4) surveys; and
9 (5) other strategies on a recurring basis.

10 SECTION 4. The member of the board of directors of the San
11 Jacinto River Authority whose term expires in November 2027 shall
12 continue in office until the member's successor is appointed to and
13 qualifies for a term of four years beginning in October 2027.

14 SECTION 5. (a) Except as provided by Subsection (b) of
15 this section, Section 6B, Chapter 426, Acts of the 45th
16 Legislature, Regular Session, 1937, as added by this Act, applies
17 to a member of the board of directors of the San Jacinto River
18 Authority appointed before, on, or after the effective date of this
19 Act.

20 (b) Notwithstanding Section 6B, Chapter 426, Acts of the
21 45th Legislature, Regular Session, 1937, as added by this Act, a
22 person serving on the board of directors of the San Jacinto River
23 Authority may vote, deliberate, and be counted as a director in
24 attendance at a meeting of the board until December 1, 2023. A
25 director may not vote, deliberate, or be counted as a member in
26 attendance at a meeting of the board held on or after December 1,
27 2023, until the member completes the training required by that

1 section.

2 SECTION 6. Not later than the 30th day after the effective
3 date of this Act, the board of directors of the San Jacinto River
4 Authority shall appoint the general manager of the authority. The
5 board of directors may not appoint or reappoint an individual as
6 general manager if the individual was appointed or employed by the
7 authority as general manager during the six months preceding the
8 effective date of this Act.

9 SECTION 7. (a) The legal notice of the intention to
10 introduce this Act, setting forth the general substance of this
11 Act, has been published as provided by law, and the notice and a
12 copy of this Act have been furnished to all persons, agencies,
13 officials, or entities to which they are required to be furnished
14 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
15 Government Code.

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

19 (c) The Texas Commission on Environmental Quality has filed
20 its recommendations relating to this Act with the governor, the
21 lieutenant governor, and the speaker of the house of
22 representatives within the required time.

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

27 SECTION 8. This Act takes effect September 1, 2023.

SB 926 ON SECOND READING
(Thimesch - House Sponsor)

SB 926, A bill to be entitled An Act relating to certain temporary sales by a mixed beverage permit holder.

SB 926 was considered in lieu of HB 1542.

SB 926 was read second time and was passed to third reading.

HB 1542 - LAID ON THE TABLE SUBJECT TO CALL

Representative Thimesch moved to lay HB 1542 on the table subject to call.

The motion prevailed.

MAJOR STATE CALENDAR
HOUSE BILLS
SECOND READING

The following bills were laid before the house and read second time:

HB 1540 ON SECOND READING
(by Holland, Clardy, Canales, Goldman, and K. Bell)

HB 1540, A bill to be entitled An Act relating to the San Jacinto River Authority, following recommendations of the Sunset Advisory Commission; specifying grounds for the removal of a member of the board of directors.

Amendment No. 1

Representatives Metcalf, Shaheen, Cole, Talarico, Patterson, Bonnen, VanDeaver, Buckley, Hefner, Cain, Toth, Meyer, Vasut, Goldman, Slawson, Schaefer, K. King, Wilson, Hunter, Cook, Burrows, Anchfa, Bucy, Frank, Hinojosa, DeAyala, Manuel, C.J. Harris, and Hernandez offered the following amendment to HB 1540:

Amend HB 1540 as follows:

(1) On page 8, between lines 1 and 2, insert the following appropriately numbered SECTION:

SECTION _____. Not later than the 30th day after the effective date of this Act, the board of directors of the San Jacinto River Authority shall appoint the general manager of the authority. The board of directors may not appoint or reappoint an individual as general manager if the individual was appointed or employed by the authority as general manager during the six months preceding the effective date of this Act.

(2) Renumber any subsequent SECTIONS accordingly.

AMENDMENT NO. 1 - REMARKS

REPRESENTATIVE METCALF: This is an amendment that will require the board of directors of the San Jacinto River Authority to appoint a general manager no later than 30 days to the effective date of this act. They may not appoint a general manager who was appointed or employed by SJRA during the six months preceding the effective date of this act.

Amendment No. 1 - Point of Order

Representative T. King raised a point of order against further consideration of Amendment No. 1 under Rule 11, Section 2, of the House Rules on the grounds that the amendment is not germane.

(C.J. Harris in the chair)

The point of order was withdrawn.

AMENDMENT NO. 1 - REMARKS

METCALF: I understand we like to keep some of these bills like this on the floor clean. Many of you have probably never even heard of the San Jacinto River authority before this very moment. Members, let me be very clear. This is not like the PUC, the Water Development Board, TCEQ, or any other huge state government agency that taxpayers across this great state pay into. River authorities do not receive appropriations from the State of Texas. This river authority is largely funded in large part by my constituents, and I ask for your support in this important amendment for my district.

This is an entity that affects my constituents more so than any other agency that we legislate matters on. This amendment address a local matter and I hope you will stick with me on this amendment, as we always support and respect fellow members on local bills. This is a local entity. This is in my very own backyard. Montgomery County San Jacinto River Authority has forced the Groundwater Reduction Program to build a surface water treatment plant on Lake Conroe, where I live. They're forcing entities in Montgomery County to pay fees for this very plan. There are roughly over 80 entities in this GRP plan and only seven receive water from the San Jacinto River Authority. Members, that makes 73 entities in Montgomery County paying fees to this river authority and not one of them receives a single drop of water. Members, put yourselves in my constituents' boots. Put your constituents in my constituents' position. I can assure that you would be offering the same very amendment that I am today. I am passionately advocating for my constituents. My family settled into Montgomery County in 1846. I am a sixth-generation resident of Montgomery County. I put my heart, I put my soul, and everything I have into representing my beloved community. This is exactly what I'm trying to do here today for the betterment of my community that I am so very honored to represent.

Last I checked, this body is meant for each and every one of us to represent our individual districts, and that is what I am here doing here today. Just because five members serve on Sunset doesn't mean the 145 rest of us get silenced on this floor. There is precedent in this body to do this very same thing. We did this last session with the Racing Commission. It was a debacle. We did this on this house floor, the government appointed a new board, and it is doing great things. Members, I respectfully ask that you vote with me on this amendment for my constituents.

A record vote was requested.

Amendment No. 1 was adopted by (Record 642): 112 Yeas, 19 Nays, 3 Present, not voting.

Yeas — Allison; Anchfa; Bell, C.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Cole; Cook; Cortez; Craddick; Darby; Davis; DeAyala; Dorazio; Flores; Frank; Frazier; Gámez; Gates; Gerdes; Geren; Goldman; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harrison; Hayes; Hefner; Hernandez; Herrero; Hinojosa; Howard; Hull; Isaac; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; Klick; Lalani; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lozano; Lujan; Martínez; Martínez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Noble; Oliverson; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Raney; Raymond; Reynolds; Rosenthal; Schaefer; Schofield; Shaheen; Sherman; Slaton; Slawson; Smith; Smithee; Spiller; Swanson; Talarico; Tapper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Walle; Wilson; Zwiener.

Nays — Anderson; Ashby; Bailes; Bell, K.; Campos; Clardy; Cunningham; Dutton; Garcia; Holland; King, T.; Kitzman; Kuempel; Lambert; Ordaz; Ramos; Rogers; Rose; Stucky.

Present, not voting — Mr. Speaker; Collier; Harris, C.J.(C).

Absent, Excused — Gervin-Hawkins.

Absent — Allen; Bernal; Canales; Dean; González, J.; Hunter; Jetton; Lopez, R.; Manuel; Neave Criado; Romero; Schatzline; Shine; Vo; Wu.

STATEMENTS OF VOTE

When Record No. 642 was taken, I was in the house but away from my desk. I would have voted yes.

Allen

When Record No. 642 was taken, I was shown voting no, I intended to vote yes.

Anderson

When Record No. 642 was taken, I was shown voting no, I intended to vote yes.

Ashby

When Record No. 642 was taken, I was in the house but away from my desk. I would have voted yes.

Bernal

When Record No. 642 was taken, I was in the house but away from my desk. I would have voted no.

Canales

When Record No. 642 was taken, I was temporarily out of the house chamber. I would have voted no.

Dean

When Record No. 642 was taken, I was in the house but away from my desk. I would have voted yes.

Hunter

When Record No. 642 was taken, I was in the house but away from my desk. I would have voted yes.

Jetton

When Record No. 642 was taken, I was shown voting no. I intended to vote yes.

Kuempel

When Record No. 642 was taken, I was shown voting no. I intended to vote yes.

Lambert

When Record No. 642 was taken, I was temporarily out of the house chamber. I would have voted no.

Shine

When Record No. 642 was taken, I was shown voting no. I intended to vote yes.

Stucky

When Record No. 642 was taken, I was in the house but away from my desk. I would have voted yes.

Vo

HB 1540, as amended, was passed to engrossment.

CSHB 6 ON SECOND READING

(by Goldman, Thimesch, Harless, Cook, Lujan, et al.)

CSHB 6, A bill to be entitled An Act relating to the designation of poisoning with a controlled substance included in Penalty Group 1-B for purposes of the death certificate and to the criminal penalties for certain controlled substance offenses; creating criminal offenses; increasing a criminal penalty.

Amendment No. 1

Representative Moody offered the following amendment to CSHB 6:

Amend CSHB 6 (house committee report) on page 1, line 16, by striking "or" and substituting "and".

(Speaker in the chair)

Amendment No. 1 was adopted.

A record vote was requested.

CSHB 6, as amended, was passed to engrossment by (Record 643): 121 Yeas, 24 Nays, 1 Present, not voting.