

RESOLUTION NO. 20170322-A

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A RESOLUTION OF THE HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT

Whereas, the Hays Trinity Groundwater Conservation District (HTGCD) is a political subdivision of the State of Texas, created in Chapter 1331, Acts of the 76th Legislature, Regular Session, 1999 (S.B. 1911) and amended by Act of May 27, 2001, 77th Legislature, Regular Session, Chapter 966, Part 3, 2001 Texas General Laws 1880 (S.B. 2) collectively codified as Chapter 8843, Special District Local Laws Code; and

Whereas, HTGCD has as its purpose the conservation, preservation and protection of the Trinity Aquifer in western Hays County; and

Whereas, in the 85th Texas Legislative Session, State Senator Juan "Chuy" Hinojosa filed S.B. No. 1814 and State Representative Kyle Kacal filed House Bill Number 4122 relating to the transference of certain territory from one groundwater conservation district to another; and

Whereas, this legislation, as filed, would allow property owners who own more than 1,000 acres of land included in the territory of two or more groundwater conservation districts to petition to have the entire property included in a single district; and

Whereas, this legislation, as filed, would require any such petition to include a statement that the groundwater conservation district is willing to accept the property; and

Whereas, this legislation, as filed, would allow the affected districts to enter into an agreement to transfer the property into a single district; and

Whereas, Section 36.351, Water Code, already allows adjacent districts to consolidate portions of either district if one district relinquishes land within that district to the jurisdiction of the other district; and

Whereas, Section 36.351, Water Code, applies to all landowners without providing special privileges or authority to any particular set of landowners based on the amount of property they own; and

Whereas, transferring property from one groundwater conservation district to another entails not only ensuring any district debt is properly addressed, but potentially requires consideration of using different tax assessors and collectors, property tax appraisal districts, election administration and potential Voting Rights Act impacts; and

Whereas, protecting groundwater resources and private property rights requires reasonable regulation supported by the regulated community, and any groundwater conservation district requires both the cooperation and support of the entire community, and groundwater conservation districts should be responsive to the needs and desires of their constituents; and

Whereas, the Board of Directors of the Hays Trinity Groundwater Conservation District supports reasonable regulation of groundwater resources to protect private property rights through rules adopted by locally elected board members.

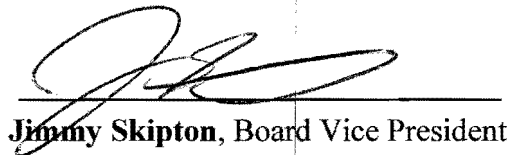
NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF DIRECTORS OF THE HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT:

- 1) The Board of Directors urges State Senator Juan "Chuy" Hinojosa and State Representative Kyle Kacal to work with groundwater conservation districts toward achieving the goals of protecting groundwater resources and private property rights without providing special privileges to certain landowners.
- 2) The Board of Directors urges State Senator Juan "Chuy" Hinojosa and State Representative Kyle Kacal to amend Section 36.351 if necessary to allow all landowners to petition their groundwater conservation districts to help achieve both protection of their property rights but also the best protections for groundwater resources and the property rights of other landowners.
- 3) The Board of Directors urges the Legislature to ensure all groundwater conservation districts have proper regulatory tools and adequate funding to accomplish the goals of Chapter 36, Water Code, and the individual enabling Acts that govern those districts.
- 4) The Board of Directors hereby instructs the District General Manager, Board President Linda Kaye Rogers and General Counsel (up to \$1,000) to work with State Senator Juan "Chuy" Hinojosa and State Representative Kyle Kacal and the rest of the Legislature to ensure protection of the groundwater resources of Hays County.

PASSED and APPROVED on this 22nd day of March, 2017



Linda Kaye Rogers, Board President



Jimmy Skipton, Board Vice President