



STATE OF TEXAS §
COUNTY OF COMAL §

RESOLUTION #2010-11

A RESOLUTION OF THE COMAL COUNTY COMMISSIONERS COURT SUPPORTING THE JOINING OF THE AREAS OF THE HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT WITH THE AREAS OF SOUTHWEST TRAVIS AND WESTERN COMAL COUNTIES THAT ARE ALSO WITHIN THE HILL COUNTRY PRIORITY GROUNDWATER MANAGEMENT AREA BUT DO NOT HAVE GROUNDWATER CONSERVATION DISTRICTS AS REQUIRED UNDER TEXAS WATER CODE, CHAPTER 36

WHEREAS, Groundwater Conservation Districts (GCDs) as created by Chapter 35 and 36 of the Texas Water Code (TWC 35 and 36) are the State's preferred method of groundwater management through local control; and

WHEREAS, Priority Groundwater Management Areas (PGMA) as specified by the Texas Commission on Environmental Quality (TCEQ) define a region that is experiencing critical groundwater problems or is expected to experience such problems within the next 25 years; and

WHEREAS, in recognition of the groundwater supply limitations of the Trinity aquifer, (the then) Texas Water Commission designated the Hill Country PGMA in June 1990 to include Bandera, Blanco, Gillespie, Kendall and Kerr, parts of western Comal, western Hays, and southwestern Travis counties; and

WHEREAS, the Hays Trinity Groundwater Conservation District (HTGCD) was the last GCD created within the Hill Country PGMA, being confirmed by popular election on May 3, 2003 and western Comal and southwestern Travis have remained without GCDs since the designation of the Hill Country PGMA; and

WHEREAS, in accordance with Texas Water Code (TWC), Chapters 35 and 36, and Title 30 Texas Administrative Code (30TAC) §293.44, TCEQ staff has prepared a report ("Groundwater Conservation District Recommendation for Hill Country Priority Groundwater Management Area.") that conveys the Executive Director's petition to the commission for actions to establish groundwater management in Hill Country PGMA territories that are not part of a GCD; and

WHEREAS, the report considers various alternative approaches for creating a single multi-county GCD or multiple GCDs for southwest Travis, western Hays and western Comal counties; and

WHEREAS, a multi-county GCD including southwest Travis, western Hays and western Comal counties accomplishes the state's preferred approach to new GCD creation for multi-county GCDs managed by locally elected boards, with greater administrative efficiency and greater capacity to fund operations at lower cost to rate payers; and

WHEREAS, the Hays Trinity Groundwater Conservation District's board endorses the report's recommendation to create a new multi-county Trinity GCD to include both southwest Travis and western Comal and the PGMA portion of Hays County; and

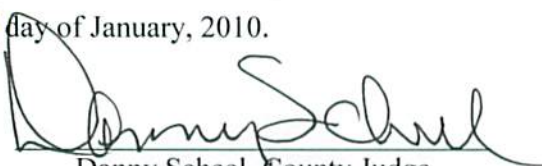
WHEREAS, the Hays County Commissioners Court additionally supports the TCEQ report recommendations to create a new multi-county Trinity GCD including southwest Travis, western Comal and the PGMA portion of Hays County; and

WHEREAS, the Board of Directors of the Trinity Glen Rose Groundwater Conservation District has advised the TCEQ that they do not support the conclusion and recommendation for the Commission to issue an order to add the Western Comal County PGMA territory to the Trinity Glen Rose Groundwater Conservation District in their letter dated January 7, 2010; and

WHEREAS, on December 7, 2009, Texas State Senator Jeff Wentworth (Senate District 25) requested that the TCEQ take no immediate further action on establishing a GCD (in part) in Comal County pending Texas Senate Natural Resources Committee action to Lieutenant Governor David Dewhurst's interim legislative charges concerning water management issues in our state.

NOW THEREFORE BE IT RESOLVED THAT, pending the decision by the TCEQ to Senator Wentworth's request to defer immediate consideration of forming additional GCDs in the Hill Country PGMA, that the Commissioners Court of Comal County, Texas does hereby respectfully requests the TCEQ to support effective groundwater management authority and regulation for all portions of the Trinity within the Hill Country PGMA, including western Hays County, western Comal County, and southwestern Travis County; that the Court continues to support regional solutions to water challenges in Comal County and the adjoining counties; and that the TCEQ, in cooperation with local stakeholders and/or legislators work to implement a solution that will address local needs within a regional context while maintaining locally elected boards, including the options and alternatives discussed in the TCEQ director's draft report.

ADOPTED THIS, the 11th day of January, 2010.


Danny Scheel, County Judge

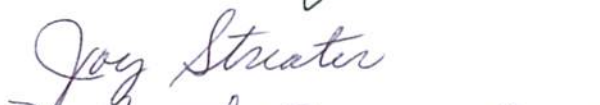


Donna Eccleston, Commissioner, Precinct 1


Jay Millikin, Commissioner, Precinct 2


Gregory Parker, Commissioner, Precinct 3


Jan Kennady, Commissioner, Precinct 4




ATTEST: 
Hon. Joy Streater, County Clerk