

**MINUTES OF MEETING
OF MAY 11, 2022, 10:00 A.M.
MATAGORDA COUNTY CONSERVATION
AND RECLAMATION DISTRICT NO. 1**

- Item 1: Those present at the meeting were Dwight Vavra, Chairman, Gary W. Koeppen, Commissioner, absent was Willie Younger, Commissioner, and non-members present being Kevin Cadenhead, with KM&L, Accountants, Jonathan Vavra, David Sheblak, C&R District Engineer, and B. Allen Cumbie, Attorney.
- Item 2: The meeting began at approximately 10:00 o'clock a.m. The meeting was called to order by Chairman, Dwight Vavra. Mr. Vavra called the agenda item concerning recognize and hear from visitors and including visitor's comments. No visitors comments were made.
- Item 3: The Minutes for the meeting of April 2022 were tabled as no Minutes had been prepared or submitted to the Commissioners.
- Item 4: The presentation and approval of the financial report for April 2022 was approved by the District upon motion by Gary Koeppen and seconded by Dwight Vavra, and the Commissioners unanimously approved the financial report.
- Item 5: There was no specific report and update on the Matagorda Ring Levee other than Gary Koeppen indicated that the Ring Levee had been mowed and cleaned. Additionally, Dwight Vavra stated that the United States Army Corp of Engineers may want to come for an inspection sometime in late May or June. Dwight indicated that he would be in contact with the Corp to determine when the inspection would occur.
- Item 6: No report or update on the Colorado River Levees occurred other than the discussion that Mr. James Kinard had left a small area approximately 100 feet or so next to Highway 35 to complete the clearing and cleaning of the C&R District's Levee to the west of LeTulle Park. No one had heard from Mr. Kinard recently as to when he will begin his additional levee work of cleaning. Dwight indicated that he had been contacted by Eric Scheibe, who has prepared a study on the Colorado River for Wharton and Matagorda Counties, and that Mr. Scheibe indicated to Mr. Vavra that he would be coming to the City of Bay City sometime in the near future to make a presentation to the City Council regarding his findings. It was Dwight Vavra's understanding that he would also suggest that the City participate in the acquisition and replacement of any missing flap gates on the east Colorado River Levee that the C&R District manages. Dwight indicated that he would try to attend the meeting when it occurred.
- Item 7: The Conservation and Reclamation District Report by KM&L Accounting was presented by Kevin Cadenhead. Mr. Cadenhead indicated that he was a partner with KM&L and that the audit report was a clean report meaning that there were no issues that the accounting firm found regarding the 2021 Audit of the C&R District's financials. Mr. Cadenhead did indicate that he believed that Ellen Dodd does a great job which was confirmed by all the Commissioners and the report was presented without issue or question. Upon motion by Dwight Vavra and seconded by Gary Koeppen, the Audit Report was approved by the Commissioners and Allen Cumbie was authorized to notarize the Filing Affidavit and forward a hard copy of the Audit Report and the Filing Affidavit to the Texas Commission on Environmental Quality.
- Item 8: David Sheblak, the C&R District's Engineer, made a presentation concerning the status of the proposed C&R Pump Stations. Mr. Sheblak indicated that all of the funding will be available in

June for all of the various projects, with the exception of the C&R District's Pump Station Project on the Matagorda Ring Levee. The C&R District Pump Station Project will require a 408 Permit as indicated by Mr. Sheblak. Mr. Sheblak also discussed the fact that there will be fees associated with the 408 Permit Application and that the fees will have to be paid to the Corp of Engineers prior to submission of the plans for the 408 determination. Mr. Sheblak stated that he would complete the forms for the 408 Application. Mr. Sheblak did state that he believed that based upon what had been told to him that the 408 Application would be a simple 408. Mr. Sheblak expounded further stating that no one at the Corp told him that it would be a "simple 408" but that he had been led to believe that it would not be complicated. Following the presentation on the 408 issue, David Sheblak indicated that he believed that the C&R District had a 214 account which was still active and that the money that would be required to be paid would be sent through the 214 account that the Corp controls. Mr. Vavra made a motion to approve David Sheblak's completion of the 408 Application for the Corp of Engineers, and the motion was seconded by Gary Koeppen and the motion passed unanimously.

Dwight Vavra indicated that he had been invited to a Drainage District No. 1 meeting which has three new Commissioners for the Drainage District. Dwight stated that County Commissioner Pollard was present along with Lisa Krobot was Wade Schultz. The Commissioners requested that Dwight advise them as to what jurisdiction the C&R District has concerning drainage inside the Matagorda Ring Levee. Dwight stated that the only jurisdiction that the C&R District has over the Ring Levee is to keep the Ring Levee repaired and to control the borrow pits and easements that the Ring Levee sits on inside the Townsite of Matagorda. Dwight also informed the Drainage District Commissioners that a flood study was prepared by Halff Engineering several years ago when the Ring Levee Certificate was approved. Finally, the Drainage District Commissioners discussed the current problem with flooding inside the Ring Levee and determined that some of the problem was the result of Don Simon's dirt work from digging pits, ponds, and roads on the property ponding area that Mr. Simons currently owns. Commissioner Pollard was apparently ready to act but Lisa Krobot indicated that she was reluctant to take any action without further study. Dwight stated that Mr. Kirche was a property owner inside the Ring Levee and indicated that the flooding at his property has increased recently and the only explanation that he can come up with is the possible dirt work that Don Simons has been doing. Dwight stated that Drainage District No. 1 indicated that they would take some type of action at some point in the future.

Item 9: A discussion occurred from David Sheblak concerning the hiring of Insituform for the purposes of inspecting and videotaping the drainage structures and culverts under the Matagorda Ring Levee. A motion was made by Gary Koeppen to approve and seconded by Dwight Vavra and the motion was approved. David Sheblek is to have Dwight sign the contract and presented it to David who is to obtain the signature of Insituform and forward a copy of the contract to back to B. Allen Cumbie.

Additionally, David stated that he would check with the Corp of Engineers to determine if they would accept Insituform's TV video of the inside of the various drainage pipes that are under the Ring Levee that allow the water to drain from inside the Ring Levee to the outside. David stated that he believed that the Corp would accept the video information and any report from Insituform. Additionally, David stated that the videotaping would show only the upper half of the drainage pipes because some of the pipes may have water in them and that the cost to dewatering the pipes would be much more significant than the cost for videotaping the upper half of the pipes which are essentially the main thing the Corp will be interested in.

- Item 10: The item to discuss, consider, and possibly act upon submitting an application for funding through the Coastal Barrier's Act was tabled since Mr. Younger was not present.
- Item 11: Discuss and possibly act on any new requests in April/May 2022 to cross the C&R District Colorado River East and West Levees. B. Allen Cumbie reported that he had received no inquiries nor had he received any requests to cross the Colorado River Levees.
- Item 12: The Commissioners approved the Investment Report for March 2022 but took no action on the April Report since no report has been submitted.
- Item 13: No report was made from Dan Delich, but Dwight Vavra did indicate that he believed that Mr. Delich planned to come to the C&R District meeting in June 2022.
- Item 14: B. Allen Cumbie reported that he had talked to Lane Hollister concerning the Bonds and that Lane had two questions about the Bonds – one being the amount of the Bonds which are \$10,000.00 each and the term for the Bonds which are a period of two years from the date of appointment by the Commissioners Court. B. Allen Cumbie also indicated that he believed from talking to Lane Hollister that the Bonds would be completed and forwarded to Mr. Hollister sometime within the next week to two-week period.
- Item 15: There was no additional discussion or additional reports from the C&R District's attorney, B. Allen Cumbie, for May.
- Item 16: The bills of the District were read and, upon motion of Gary Koeppen and seconded by Dwight Vavra, the bills were authorized to be approved and paid.
- Item 17: The next meeting for the C&R District was scheduled for the third Wednesday in June, being June 15, 2022. B. Allen Cumbie will be checking with the County person in charge of the scheduling to determine if the 15th, i.e., the third Wednesday of June, would be available for the District's meeting at the 4th floor of the Matagorda County Office Building.

At approximately 11:40 a.m., the meeting was adjourned upon motion by Gary Koeppen and seconded by Dwight Vavra, which Motion passed.

Dated this 12th day of May, 2022.

/s/ B. Allen Cumbie

B. Allen Cumbie, Attorney for The Matagorda
County Conservation and Reclamation District
Number One