

MINUTES OF A PUBLIC HEARING AND REGULAR MEETING  
OF  
TRINITY BAY CONSERVATION DISTRICT  
Wednesday, September 13, 2023  
9:00 O'clock A.M.

THE STATE OF TEXAS  
COUNTY OF CHAMBERS

The Board of Directors of Trinity Bay Conservation District met at the offices of the District in Stowell, Texas on Wednesday, September 13, 2023, with the following Directors present:

Victor Caraway	President
Gregg Turner	Vice-President
Lester Hankamer	Secretary
Richard Nicely	Director
Annette Rayburn	Director

Also present were Jerry Shadden, David Hoyt, Crystal Threadgill, Mike Will and Amos Roy, District Employees; Kate Leverett of Germer, LLP, District Counsel; Also present were Brad Moon of the Chambers County Sherriff Department, Gloria Way and Sharisa Nelson of the Seabreeze Beacon, Wade Thibodeaux of The Hometown Press, and Max Smith.

**I. PUBLIC HEARING**

**Agenda Item 1:**

President Caraway called the Hearing to order at 9:00 a.m.

**Agenda Item 2:**

Opened with a prayer by General Manager Shadden who then led the Pledge of Allegiance to the American and Texas flags.

**Agenda Item 3:**

PUBLIC HEARING ON 2023-2024 TAX RATE:

General Manager Shadden – Yes, we lowered the tax rate due to the value of properties that went up. We can only go up 8%. The values went up more than that, so we had to bring it back to 8%. It went from .36 down to .31497, so we actually lowered the tax rate.

**Agenda Item 4:**

PUBLIC COMMENT:

None.

**Agenda Item 5:**

ADJOURN THE PUBLIC HEARING:

Hearing adjourned at 9:02A.M. by President Caraway.

**REGULAR MEETING**

**Agenda Item 1:**

The regular meeting was called to order at 9:02 a.m. by President Caraway.

**Agenda Item 2:**

PUBLIC COMMENT:

Max Smith – I pay my water bill and they turned off my water. I pay my water bill every month. I paid with a paper check from CapitalOne, they sent it to the postal service and Trinity Bay. CapitalOne sent the check, they took it out of my account and either the Post Office or Trinity Bay lost the check. I sent another check for two months payment the next time because that was lost as well. They returned my money, it was not stolen, it was just lost. The second time around they cut my water off. I was outside, hot, sweaty and tired and came back in the house and my water is off. I took my fiancé' home and she said she is not coming back until I turn Trinity Bay's water back on. I checked with CapitalOne and then came up here and spoke with the ladies up here. We talked about alternate payment methods, and they talked about fees and charges and said I can come and pay for free with cash, 30 miles from my house. I am 71 years old today and someday I am going to be older than that, hopefully. The sun came up this morning and it is going to be a great day. So, I came up here and we talked about alternate payments, I was angry, and I told all the ladies up here to go to hell. I was getting ready to leave out, one of



the ladies said that they would turn my water back on in a day or two, and I stopped and I said don't turn my water back on, leave my water off and I left. I went home and I had no water for 4 or 5 days. I bought a pump and I bought filters and water hoses and I piped lake water into my house so I can flush toilets and take a shower and I wash my cloths in lake water. I am not drinking lake water and I do not use it in my ice machine because I am concerned about the lake water, I have a settlement filter and a UV filter and the water has a little odor to it. So, I got another bill and this concerned me a lot because I was concerned that they had turned my water back on and then my lake water could go backwards through my line back through my meter and into Trinity Bay's water system and go to my neighbor's house and my neighbor could be drinking my lake water without their knowledge and without my knowledge. So, I called up here and talked to the lady and she said her supervisor had told them to turn the water back on and that he would contact me, and I was so upset. She said he would call me back and of course he didn't. So, I went to talk to the Justice of the Peace, and they said that they had no control over Trinity Bay Water Authority. So, I went, and I talked to the newspaper and they said I could write a letter to the editor and I did. They may run it, but they may not. I went and talked to the Sheriff at the County Courthouse there in Anahuac, he said I was in the wrong building and unless it was a criminal case, I needed a lawyer to be able to do anything to you people. That you are more important than the law, kind of like Trump.

I went home to work on the water line, and I found that you pulled my meter and you left my lake water running out in the street. I had numerous conversations with these ladies up here and they told me when I talked about that lake water that my valve had never actually been opened unless I opened it so that my water could go back out into Trinity Bay's water lines and my neighbor's house. I was relived about that. I did not like that idea at all. Now they have my water running out into the street, so I go out and buy some stuff and plug off the line and I have lake water running to my house again. So as far as me and Trinity Bay, this is how I want to leave this. This is your water and my money, and if you can leave it alone like that, I would greatly appreciate it.

For the rest of the people, I would like to see some free water for the elderly, if you can do that. Especially the elderly that live alone or with one caretaker, even if that caretaker is a family member. If they live with the whole family and the whole family is using Trinity Bay water the family can pay for the water. If someone lives alone and they cannot get up here to pay their bill and you shut their water off, for non-payment for some reason, a person can live without water for about 3 days, you could actually kill somebody. I am just asking you to let my people go. There is a lot going on in the world today. We have Covid, and I believe Covid is the second Passover or another Passover. We have a lot of natural events going on in the world today. We have a lot of drought heat, hurricanes, fires in California, Canada, Maui, Eisenhower Park. We have a lot going on and all these natural disasters seem to be like...

President Caraway – Interrupts. Sir we have a 3-minute limit and you are over that.

Max Smith – Yes sir, I quit then.

**Agenda Item 3:**

MINUTES – AUGUST 16, 2023:

Secretary Hankamer, made a Motion to Approve the Minutes of Regular Meeting held August 16, 2023. The motion was seconded by Vice President Turner and it passed by unanimous vote.

**Agenda Item 4:**

FINANCIAL REPORTS:

Secretary Hankamer, made a Motion to Approve the Financial Reports for August 31, 2023. The motion was seconded by Director Nicely and it passed by unanimous vote.

**Agenda Item 5:**

TAX REPORTS

Vice President Turner, made a Motion to approve the Tax Reports for August 31, 2023. The motion was seconded by Secretary Hankamer and it passed by unanimous vote.

**Agenda Item 6:**

ACCOUNTS PAYABLE:

Secretary Hankamer, made a Motion to approve Accounts Payable. The motion was seconded by Director Rayburn and it passed by unanimous vote.



**Agenda Item 7:**

Fiscal budget 2023-2024:

General Manager Shadden – Yes sir, I sent everyone a copy of the Budget for your review. We did a preliminary approval last month. T

he only thing I changed from last month to this month is I added another \$100,000.00 into the vehicles. We have 2- 1 tons, one has 300,000 which is the one that Cooper drives on the other side and Chico is on this side and he has 250,000 miles on it and they are needing to be replaced so that we have good equipment on the road. So, we are asking the Board to adopt the 2023-2024 Fiscal Budget.

Director Nicely, made a Motion to approve the 2023-2024 Fiscal Budget. The motion was seconded by Director Rayburn and it passed by unanimous vote.

**Agenda Item 8:**

RESOLUTION 23-18 ESTABLISHING HOMESTEAD EXEMPTIONS:

General Manager Shadden – The County gives Homestead exemptions and since I have been here, Trinity Bay has always given the Homestead exemption.

Secretary Hankamer, made a Motion to adopt Resolution 23-18 Establishing Homestead Exemptions. The motion was seconded by Vice President Turner and it passed by unanimous vote.

**Agenda Item 9:**

RESOLUTION 23-19 REDUCED TAX RATE 0.31497/\$100:

General Manager Shadden – With what the values were last year and what they are this year, even though it went up in some areas, other areas that affected us, it did not. If you look at it, we actually lost \$38,000.00.

President Caraway – The 8% increase only applies to homestead. So, if it is not a homestead and it is farmland, industrial or commercial their rates did not go up as much as homestead rates, then they are actually going to see a decrease in taxes. The homestead rates will see \$1.00 increase even though the percentage went down.

Vice President Turner, made a Motion to Resolution 23-19 for the Reduced Tax Rate 0.314971/\$100. The motion was seconded by Secretary Hankamer and it passed by unanimous vote.

**Agenda Item 10:**

STATUTORY NOTICE TO PURCHASERS OF REAL PROPERTY ADOPTING THE REDUCED TAX RATE 0.314971/\$100:

General Manager Shadden – We do this for the Relators in the area because they ask for this and it is just a paperwork thing.

Kate Leverett, District Counsel – In all water districts it is in the Water Code, Chapter 49, it sets forth the Statutory Language and all it is saying is that if someone purchases property within Trinity Bay, it is saying that there is a tax rate it talks about any outstanding debt, which you all do not have any, but a lot of municipal utility districts have tax recorded debt so it would list x, y, and z in outstanding debt, your is at 0, it puts your tax rate on there and it is just letting them know that whenever they get their notice from the Appraisal District and it says TBCD, it is a taxing jurisdiction, they have proof, they have been provided notice prior to.

Secretary Hankamer, made a Motion to approve the Statutory Notice to Purchasers of Real Property adopting the reduced tax rate 0.314971/\$100. The motion was seconded by Director Rayburn and it passed by unanimous vote.

**Agenda Item 11:**

UPDATING SIGNATURE CARDS AT EAST CHAMBERS COUNTY BANK:

General Manager Shadden – We are updating our accounts for people that have the authority to sign checks and to remove Scott. I had asked Annette and Victor since they are around here most of the time and it makes it easier to find someone most of the time.

Director Nicely, made a Motion to update the signature cards at East Chambers County Bank authorizing Victor Caraway, Precinct #3 President of the Board and Annette Rayburn, Precinct #5 Board member to sign on accounts and transfers and to remove the previous President of the Board, Scott Kahla. The motion was seconded by Secretary Hankamer and it passed by unanimous vote.



**Agenda Item 12:**

**RE-ROUTING DITCH FOR KELLY TOUCHET:**

General Manager Shadden – If you look at the map here this is on Meneley close to 1406, just north of that. The ditch belongs to the County and State until it gets down to Haze and then it turns off of a street road and goes through Kelly and Reed Touchet's property and comes out on Mike McBride's property and goes down and ends up into Spindletop. At one time they asked to re-route this ditch down the front and turn back and tie in to the existing at McBride's. Now they are asking if we can re-route it through the pond, at the top it would be 150 feet of 36" pipe would run it into the pond and at the bottom it would take about 50 feet of 36" pipe to run it there and then fill in the existing ditch. I talked to Kelly about it and I do not see where it would benefit Trinity Bay. He made the comment that the pond would be some more detention, but if the pond is full, that is really not any detention. So, it is up to the Board, they are asking us if we would re-route this ditch and fill the old ditch in.

Vice President Turner – You are saying we do not have an easement on that ditch?

General Manager Shadden – Yes, we do have an easement it is where the red line is and across, but it would be a matter of buying 200 feet of 36" pipe and filling in the existing ditch. David put the cost together and the possible cost is \$38,169.70. That would be to buy the pipe and have the machine come in there, they would have to dig the dirt out of the pond to fill the old ditch in and as you can see there are tree lines along the pond, so these would have to be taken down to get to the middle of the ditch.

Secretary Hankamer – What is the reason he wants the ditch re-routed?

General Manager Shadden – My understanding is that I think they are trying to sell the property and they fill like the ditch across the front of the property is taking away from the desire for anyone to want to buy it.

Vice President Turner – I understand that we are in a drought situation and you don't think you need that ditch because it is dry. But during a rain situation you need every bit of ditch you can have.

General Manger Shadden – It would still flow through the pond, but the main cost would be filling in the old ditch.

President Caraway – Your putting in 36" so the most you are going to gain is about 24" there. That is about the most that the pond would hold. So, you are not talking about very much, I mean it is about a 4 acre pond.

Director Nicely – What is the benefit for Trinity Bay?

General Manager Shadden – I do not see any benefit for Trinity Bay. There was problems with the ditch at McBride's driveway and we dug that up and re-poured the driveway. So that is the only problem that we have had with that ditch that I know of. The County has gone through and dug out the road ditch on the side and we have sprayed it and cleaned it. I just do not see any advantage to Trinity Bay to fill it in.

Vice President Turner – What part of the district is this in?

General Manager Shadden – This belongs to, it is in Victor's.

Director Nicely – So this isn't going to help the drainage at all, it is just going to benefit the gentleman wanting it done.

General Manager Shadden – I am afraid so.

President Caraway – We would be opposed to them doing it themselves would we?

General Manager Shadden – No sir, I wouldn't be opposed at all. I called our engineer on my own and had a conversation with him about if it would be alright to run it through there he said it would be alright to flow it through the pond. In fact, where the veterinary clinic is Kelly Hayes is, we have a bridge going across and it flows through a pond over by SWAT on I10.

President Caraway – If we allowed them to run that through the lake, would we incur more liability with it running through the lake if someone had an accident in the lake getting hurt or possible killed?

Kate Leverett, General Counsel – No.

Secretary Hankamer – We would retain our easement, wouldn't we?



Kate Leverett, District Counsel – You could allow them to fill it in, but I would tell Trinity Bay to keep and retain the easement so that if somewhere down the road flooding is an issue and you realize that you are going to need the ditch you wouldn't have to go back and acquire the easement again. You can basically say, it is still going to be our easement however we will allow you to fill it in. That way if you have to go back and put it in, you will not incur the additional expense of obtaining the easement again.

President Caraway – I would be on board with giving them the opportunity to do it themselves. But us incurring the cost of \$40,000 or so to do it, with no benefit, does not make sense.

Kate Leverett, District Counsel – What I would do is not make any formal decision on it today, but let Jerry go back to Mr. Touchet and say look, we have discussed it and we are not willing to fill it in, and we will retain our easement and he may realize that it is not worth it if he is going to have to incur the costs and the District continues to retain the easement.

Director Nicely, made a Motion to TABLE rerouting a ditch for Kelly Touchet. The motion was seconded by Secretary Hankamer and Director Rayburn and it passed by unanimous vote.

## **II. DRAINAGE REPORT:**

Amos Roy presented the drainage report on various areas of the District:

### **SPINDLETOP BAYOU N. OF SH65:**

Dragline – Going to take care of both small forks North of Franzen Road.

### **SPINDLETOP BAYOU S. OF SH65:**

Komatsu Dozer – This machine is reworking the right of way and old spoils of Spindletop.

Old Fecon: This machine is cutting the right of way on Spindletop.

Long Reach 324' – This machine is cutting what the short reach cannot get on the bank.

### **DOUBLE BAYOU TRIBUTARY:**

Newest Fecon- This machine is cutting on one of the several tributaries that we have in this area.

Komatsu Short Reach – Using this machine to dip the ditches that were cut with the Fecon.

### **OYSTER BAYOU:**

Long Reach (324) – This machine is experiencing mechanical issues. As of now we are waiting on details from diagnostic testing to determine what is happening with the engine.

### **SPINDLETOP TRIBUTARY / MR. LOIACANO LWC:**

Komatsu Grinder – Finished mowing and dipping the tributary on 09-05-2023. Moved it to Mr. Loiacano's low water crossing on 09-06-2023.

### **ONION BAYOU:**

Komatsu Mower – Recently go the repairs to the cylinder done and it is currently on Onion Bayou dipping out vegetation that has built up in front of the salt check.

### **SPRAY CREWS:**

1. We have dropped to one ground crew for the herbicide applications and they covered about 30 miles of ditch this month. We are also still mowing right of way.

## **II. UTILITIES REPORT:**

Mike Will reported on Water and Wastewater.

- We have been working on water and sewer line repairs since the August meeting. On the Winnie Stowell siter we have repaired approximately 35 water main leaks and 27 sewer line breaks. On the West side we have repaired approximately 24 water main leaks and

27 sewer line breaks. We have not been able to do much on the new installations due to line repairs.

- The TCEQ will be performing a wastewater inspection at the Smith Point WWTP on September 27, 2023.
- We have collected all the lead and cooper samples on the West side of the District and submitted them to the lab for testing. Those results will be back to us in a couple of weeks.

**IV. EXECUTIVE SESSION**

GOVERNMENT CODE 551, SUBCHAPTER D  
SECTION 551.071 - CONSULTATION WITH DISTRICT'S ATTORNEY REGARDING POSSIBLE LITIGATION  
SECTION 551.072 - DELIBERATION ABOUT REAL PROPERTY  
SECTION 551.074 - MATTERS OF PERSONNEL  
SECTION 551.075 - CONFERENCE WITH EMPLOYEE  
SECTION 551.076 - TO DELIBERATE THE DEPLOYMENT OR SPECIFIC OCCASIONS FOR IMPLEMENTATION OF SECURITY PERSONNEL OR DEVICES

If, during the course of the meeting covered by this Notice, the Board should determine that a closed or executive session of the Board should be held or is required in relation to any agenda item included in this Notice, then such closed or executive meeting or session, as authorized by the Texas Open Meetings Act, will be held by the Board at the date, hour, and place given in this Notice concerning any and all subjects for any and all purposes permitted by §551.071-551.084 of the Texas Government Code and the Texas Open Meetings Act, including, but not limited to, §551.071—for the purpose of a private consultation with the Board's attorney on any or all subjects or matters authorized by law.

**V. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION.**

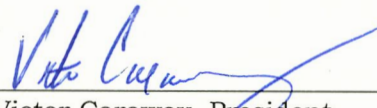
**VI. BOARD MEMBER REPORTS.**

**VII. ADJOURN.**

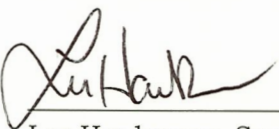
Vice-President Turner made a Motion to Adjourn. The motion was seconded by Secretary Hankamer and it passed by unanimous vote.

Meeting Adjourned at 9:47 a.m.

READ AND APPROVED:

  
\_\_\_\_\_  
Victor Caraway, President

Attest

  
\_\_\_\_\_  
Les Hankamer, Secretary

Date: \_\_\_\_\_