

**NOTICE OF MEETING**  
**BRUSH COUNTRY GROUNDWATER CONSERVATION DISTRICT**  
**to be held at the**  
**Brush Country GCD Building**  
**732 West Rice**  
**Falfurrias, Texas**  
**Tuesday, February 22, 2022 at 9:30 am Public Meeting Agenda**

Notice is hereby given that a meeting of the Board of Directors (Board) of the Brush Country Groundwater Conservation District will be held Tuesday, February 22, 2022 at 9:30 a.m. in the District Office, 732 West Rice St., Falfurrias, Texas. The agenda is:

1. Call to order, declare meeting open to the public, and take roll.
2. Pledge of Allegiance
3. Public Comment
4. Discuss, consider, and possibly act on Minutes of the Regular Meeting on January 25, 2022.
5. Discuss, consider, and possibly act on General Manager's Report:
  - a. Report on Kenedy County GCD meeting February 16,2022 & DCGCD Meeting February 23, 2022 @ 6:00 pm.
  - b. Report on TAGD Bootcamp February 8-9,2022.
  - c. Well registrations were 5, in February we have 2 pending, 2 wells were plugged. Total wells registered 3,522.
  - d. Well Plugging registry update
6. Discuss, consider, and possibly act on Brush Country Groundwater Conservation District's employee manual/personnel policies.
7. Discuss, consider, and possibly act on approving application and well plugging payment for the following wells plugged by Stapleton Water Wells, Victor Vasquez, 4-H Drilling:
  - a. Cynthia Villarreal Garcia Brooks County Stapleton
  - b. Richard L. Garcia Jim Wells County, Victor Vasquez
  - c. John Selvig Jim Wells County, 4-H Drilling

8. Discuss, consider, and possibly act on Palmer Drought Index Report.
9. Discuss, consider, and possibly act on Financial Statement 1st Quarter FY 2022.
10. Discuss, consider, and possibly act on proposal from HALFF Associates, Inc for data management services.
11. Discuss, consider, and possibly act on payment of bills.
12. Discuss, consider, and possibly act on legislative report from Robert Howard.
13. Discuss, consider, and possibly act on GMA 16 issues.
14. Discuss, consider, and possibly act on new business and select date for next meeting.
15. Adjourn.

The above agenda schedule represents an estimate of the order for the indicated items and is subject to change at any time. These public meetings are available to all persons regardless of disability. If you require special assistance to attend the meeting, please call (361) 325 5093 at least 24 hours in advance of the meeting to coordinate any special physical access arrangements. At any time during the meeting and in compliance with the Texas Open Meetings Act, Chapter 551, Government Code, Vernon's Texas Codes, Annotated, the Brush Country Groundwater Conservation District Board may meet in executive session on any of the above agenda items or other lawful items for consultation concerning attorney-client matters (§ 551.071); deliberation regarding real property (§ 551.072); deliberation regarding prospective gift (§ 551.073); personnel matters (§ 551.074); and deliberation regarding security devices (§ 551.076). Any subject discussed in executive session may be subject to action during an open meeting.

**MINUTES OF MEETING  
OF  
BOARD OF DIRECTORS**

THE STATE OF TEXAS	§
	§
BRUSH COUNTRY GROUNDWATER	§
CONSERVATION DISTRICT	§

The Board of Directors of Brush County Groundwater Conservation District (the “District”) met at a regular meeting, open to the public, on January 25, 2022 at the Brush Country Groundwater Building 732 W. Rice Falfurrias, Texas, in accordance with the duly posted notice of said meeting.

1. The meeting was called to order at 9:30 a.m. and the roll was called. Board members’ presence at the meeting or absence is as follows:

David Kelly in person  
Bill Botard in person  
Mario Martinez in person  
Robert Scott absent  
A.C. Jones IV absent  
Robert Fulbright absent  
Paul Goranson absent  
Jesse Howell in person  
Mauro Garcia in person

General Manager Luis Pena, Administrative Assistant Marlena Hinojosa, Robert Howard Consultant and Bill Dugat Legal Counsel were also present.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Public Comment:

None

4. Review, discuss, and act on minutes of the November 23rd, 2021 meeting.

With a motion from Mauro Garcia to accept and approve the minutes and a second from Bill Botard minutes were accepted and approved. Unanimous vote to approve. Motion carried.

5. Discuss, consider, and possibly act on General Manager's report.

The General Manager discussed meetings attended of the Kenedy County GCD and Region M; the amount of wells registered and pending; and. well plugging registry. Information purposes only.

6. Discuss, consider, and possibly act on approving the following tax sale resolutions:

- a. Avery Kibbe Ranches' \$3,850 offer to purchase tax sale property Suit No. 10-03-14987-B; Jim Wells County and La Gloria Independent School District and vs. Joe Csurilla and Willian T. Csurilla, Et al ACCT. No. 11560-326-000-00; 5.00 acres, more or less, being Lot 31, Section 15, R.P. Haldeman's Subdivision of the Seeligson Ranch as described in deed dated August 20, 1908, from R.P. Haldeman to Joe Csurilla, in Volume 13, Page 491, Jim Wells County, Texas.
- b. NextLots Properties LLC's \$5,600.00 offer to purchase tax sale property Suit No. 10-03-14986-B; Jim Wells County and La Gloria Independent School District vs. Colleen Joan Croghan and William B. Croghan, Et al Acct. No. 11560-143-000-00; Lots 84 and 93, R.P. Haldeman's Subdivision of the Seeligson Ranch, Section Six, an addition to Jim Wells County, Texas, as described in Volume 14, Page 380, Deed Records of Jim Wells County, Texas.
- c. Avery Kibbe Ranches' \$4,250.00 offer to purchase tax sale property Suit No. 13-03-15985-B; Jim Wells County, La Gloria Independent School District, and Brush Country Groundwater Conservation District vs. Robert O. Metzner, Avery Kibbe Ranches, Ltd, and O.A. Metzner, Et al Acct. No. 11560-333-000-00; 5.00 acres, more or less, being Lot 55, Section 15, R.P. Haldeman's Subdivision of Seeligson Ranch, a subdivision in Jim Wells County, Texas, as described in deed dated November 27, 1934, from Fred G.B. Metzner etux to Robert O. Metzner, in Volume 52, Page 571, Deed Records of Jim Wells County, Texas.
- d. Jonathan Gutierrez's \$3,300.00 offer to purchase tax sale property Suit No. 08-12-14598-B; Premont Independent School District, City of Premont, and Jim Wells County vs. Maria Elena Lozano and Magdalena Farrias, Et al Acct. No. 1235034800000; Lots 21, 22, and 23, Block 73, Town of Premont, Jim Wells County Texas, as described in Volume 130, Page 82, Deed Records of Jim Wells County, Texas.
- e. Sylvia O. Castillo's \$14,000.00 offer to purchase tax sale property Suit No. 09-02-14636-B; Premont Independent School District, Jim Wells County, and City of Premont vs. Daniel Ramirez, Et al Acct. No. 12350-679-001-00; The South 75.00 feet of Lots 1,2,3 and 4, Block 112, Original Townsite Addition, an addition to the Town of Premont, Jim Wells County, Texas, as described in Volume 403, Page 54, Deed Records of Jim Wells County, Texas.

Motion made to approve the tax sale properties by Bill Botard and seconded by Mario Martinez. Motion carries unanimously.

7. Discuss, consider, and possibly act on Brush Country Groundwater Conservation District's employee manual/personnel policies.

General Manager Luis Pena reported that the final draft employee policy manual has been reviewed and all changes have been accepted. Final draft will be sent to Board committee for review and formatting will be done by Administrative Assistant, Marlena Hinojosa. Information purposes only

8. Discuss, consider, and possibly act on resolution to designate Marlena Hinojosa as assistant secretary to the Board.

Motion was made to approve the resolution to designate Marlena Hinojosa as assistant secretary to the board by Mario Martinez and seconded by Jesse Howell, motion carries unanimously.

9. Discuss, consider, and possibly act on approving application and well plugging payment for the following wells plugged by Stapleton Water Wells:

- a. Cynthia Villarreal-Garcia

Motion was made by Mauro Garcia to pay Lynn Stapleton for the Villarreal-Garcia well to be plugged, seconded by Jesse Howell, motion carries unanimously.

10. Discuss, consider and possibly act on 2021 Annual Report. General Manager, Louie Pena, presented the 2021 Annual Report and discussed goals, expectations and accomplishments of the District for the year 2021.

Motion was made to approve the Annual Report for 2021 by Bill Botard and was seconded by Jesse Howell. Motion carries unanimously.

11. Discuss, consider, and possibly act on travel reimbursement payment for attending monthly meetings for Robert Fulbright and Mario Martinez.

Motion was made by Mauro Garcia to approve the reimbursement payment for Robert Fulbright and Mario Martinez and seconded by Jesse Howell. Motion carries unanimously.

12. Discuss, consider, and possibly act on payment of bills and ratify December's bills.

Motion was made to approve payment of bills and ratify payment of December's bills by Bill Botard and seconded by Mario Martinez, motion carries unanimously.

13. Discuss, consider, and possibly act on Tax Summary 1<sup>st</sup> Quarter Report.

General Manager, Louie Pena, presented the Board with the tax summary information for the 1<sup>st</sup> Quarter. Information purposes only.

14. Discuss, consider, and possibly act on 4<sup>th</sup> Quarter Investment report FY 2021 and 1<sup>st</sup> Quarter Investment report.

Motion was made to approve the Investment reports for the 4<sup>th</sup> Quarter in 2021 and 1<sup>st</sup> Quarter in 2022 by Mauro Garcia and seconded by Bill Botard, motion carries unanimously.

15. Discuss, consider, and possibly act on legislative report from Robert Howard.

Robert Howard informed the Board on upcoming elections and who was seeking office and spoke of the American Rescue Plan and possible ways to gain access to assistance with our well plugging program. Information purposes only

16. Discuss, consider, and possibly act on GMA 16 issues.

General manager, Louie Pena, informed the Board that Steve Young prepared the Explanatory Report and provided access to an electronic copy for the Board to review. General manager also stated the next GMA 16 meeting would possibly be held in March. Information purposes only.

17. Discuss, consider, and possibly act on new business and select date for next meeting.

Next meeting was set and agreed upon for February 22, 2022 at 9:30 am. Information purposes only.

18. Adjourn.

Motion was made to adjourn the meeting by Jesse Howell and seconded by Bill Botard, motion carries unanimously. Meeting adjourned at 11:00 am.

Passed and approved this 22nd day of February 2022.

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President, Board of Directors

Attest by:

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Secretary, Board of Directors

[illegible]

[illegible]



# Brush Country Groundwater Conservation District Employee Manual/Personnel Policies

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## INTRODUCTION:

This Employee Manual describes certain employment related policies of Brush Country Groundwater Conservation District (“the District”). These policies are for guidance purposes only and do not create any contractual or other rights. The District reserves the right to modify, amend, terminate, change, disregard, and deviate from any policy as it deems appropriate in its sole discretion.

Please direct any questions you might have about any of the District’s policies to your immediate supervisor or to the Board of Directors at the District Office located in Falfurrias, Texas.

## 1.0 EMPLOYMENT

### 1.1 EMPLOYMENT AT WILL

You and all other employees of the District are employed at-will. As such, you are free to resign at any time for any reason or without reason. Likewise, the District is free to terminate your employment at any time with or without notice or cause. Nothing in this manual or any other document that may be provided to you is intended to be, or should be construed as, a guarantee of employment, as changing your status as an at-will employee, or as creating any contract terms or contract of employment. Thus, for instance, any salary figures provided to you in annual or monthly terms are for convenience only and are not intended nor do they create employment contract in any manner.

Only a written contract signed by the District Board of Directors can alter your at-will employment status.

### 1.2 EQUAL OPPORTUNITY STATEMENT

You, and all other employees of the District, are afforded equal employment opportunity regardless of race, color, sex, age, national origin, religious preference, disability, sexual orientation, gender identification or expression, genetic information, military status, or other legally protected status. This policy of non-discrimination applies to every aspect of the employment relationship including recruitment, selection, placement, training, compensation, benefits, education, promotion, transfer, discipline, and termination.

If you have been subjected to discrimination or witnessed it, you should report it to the supervisor or the Board President. Investigations will be conducted and disciplinary action up to and including termination of employment will be implemented. All employees are required to participate in any workplace investigations. Retaliation for reporting discrimination or participating in investigations is prohibited.

### 1.3 EMPLOYMENT ELIGIBILITY

In addition to satisfying the District's pre-employment requirements as discussed below, under the Immigration Reform and Control Act of 1986 (IRCA), The District is required to verify that newly hired employees are eligible to work in the United States. As such, The District shall require documentation to support an applicant's representation that they are eligible to work in the United States.

### 1.4 NEPOTISM PROHIBITED

The hiring of employees shall not violate the laws against nepotism as contained in the Texas Government Code, Chapter 573 or other applicable laws. The state nepotism statute is applicable to all persons authorized by law to make hiring decision for the District (the District General Manager). Relatives who come within the second degree of affinity (marriage) or third degree of consanguinity (blood) of the General Manager cannot be hired by the District. Moreover, because the District's Board of Directors have authority to appoint the General Manager, this employee may not come within the proscribed degree of affinity or consanguinity of any member of the Board of Directors. If an individual is already employed with the District prior to the appointment or election of a covered relation, then continued employment with the District will depend upon how long the individual was employed prior to the election or appointment, and whether it is possible for the person with hiring authority to recuse him/herself from decisions affecting the employees employment, as detailed in Chapter 573.062 of the Texas Government Code.

#### 1.5 PRE-EMPLOYMENT REQUIREMENTS

The employment application, and other forms completed at the time of employment, are a permanent part of your personnel record. Any misrepresentation of facts or any misstatement made on these records are grounds for disciplinary action up to and including termination.

Depending on the position held, requirements for employment may include, but are not limited to:

- a. Job application;
- b. Skill and aptitude test;
- c. Reference checks;
- d. A drivers license valid in resident state;
- e. Proof of insurability (automobile);
- f. Completed W-4 form;
- g. Proof of appropriate educational requirements and/or experience;
- h. Completed I-9 form;

Periodically, these requirements will be amended to comply with applicable state and federal regulations.

#### 1.6 ORIENTATION/REVIEW PERIOD

Your first 90 calendar days of employment with the District are considered an orientation/review period. During this time, you and the District will evaluate job

requirements and performance, District policies, and attitudes. You and your immediate supervisor will make reviews of this period. Where the working arrangement is not satisfactory to either party the employment relationship can be severed at any time. Successful completion of the orientation/review period does not guarantee continued employment in any position and does not alter the at-will employment relationship between you and the District.

### 1.7 NEW EMPLOYEES

As a new employee, you will be adjusting to a new job and your supervisor will be evaluating whether you can perform the job satisfactorily. If you encounter any difficulty or have any questions, do not hesitate to discuss them with your supervisor. The fact that you are being evaluate does not alter you at-will employment relationship with the District whatsoever.

### 1.8. EMPLOYEE CATEGORIES

A full-time employee is a person who has been employed for what is anticipated to be a permanent position. Such employee is scheduled to work forty (40) hours a week.

A full-time employee is eligible for the benefits described in the section “Employee Benefits.”

A part-time employee is a person who has been employed for what is anticipated to be a permanent position. However, such employee is scheduled to work less than thirty (30) hours a well.

A part-time employee is not eligible for the benefits described in the section “Employee Benefits.”

A temporary or contract employee is a person employed for a specific, limited length of time or for the duration of a particular project.

All employees whether full time, part time, or temporary employees are “at will” employees as described above.

### 1.9 ANTI-HARASSMENT POLICY

#### a. General Policy

The District fosters and is proud of its cooperative work environment in which all individuals are treated with respect and dignity.

The District believes that all employees should be allowed to work in an

environment that is free of discrimination and harassment, including that based on sex, age, race, color, national origin, religion, disability genetic information, military or veteran status, or any other prohibited ground. The making of ethnic, racial, sexual, religious or other improper remarks, joked, and comments or fostering animosity and tension through other conduct, does not belong in our workplace and is strictly prohibited.

b. Sexual Harassment

Sexual Harassment is strictly prohibited by the District. Any employee – male or female – found to have engaged in any form of sexual harassment will be subject to disciplinary action, up to and including termination of employment.

Sexual Harassment can include such things as unwelcome sexual advances and overtures, requests for sexual favors, sexually motivated physical contact, sexually motivated verbal or physical conduct; and the exposure to such conduct is either explicitly or implicitly made a condition of employment, is used as the basis for making employment decisions, or has the effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile work environment.

Examples of unwelcome sexual advances, propositions, or other sexual comments include:

- (1) Sexually oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience directed toward or made in the presence of an employee who either indicates or can reasonably be assumed to consider such conduct to be unwelcome.
- (2) Preferential treatment or the promise of preferential treatment to an employee for participating in or promising to participate in some form of sexual conduct.
- (3) Subjecting an employee to unwelcome sexual attention or intentionally making performance of the employee's job more difficult because of the employee's sex.
- (4) Asking an employee for sex, on a date, other social involvement, when the request is based upon the employee's sex, and the employee either indicates or can reasonably be assumed to consider such requests to be unwelcome.

c. Remedial Action

Any employee who violates this policy is subject to disciplinary action up to and including termination of employment. A non-employee who subjects an employee to harassment in the workplace will be informed of the District's policy and appropriate action will be taken as determined by the investigation of the complaint. District representatives may make follow-up inquiries to ensure that the harassment has not resumed.

#### 1.10 OPEN DOOR POLICY

Although you are encouraged to make initial reports and complaints to your supervisor, you may generally contact any member of the District's management team to discuss any problem or idea that you feel is significant enough and cannot be handled through, or has not been handled by, the normal chain of command. There will be no discrimination, retaliation or other reprisals because of your use of the Open Door Policy, and if requested, the information discussed will be treated as confidentially as possible; bearing in mind that all complaints of harassment will be investigated and an investigation normally requires that some information be disclosed to others.

#### 1.11 JOB PERFORMANCE AND EVALUATION

An evaluation of your job performance will be conducted at the completion of your first three months of employment. Performance appraisals will be annually thereafter. A current performance and evaluation will be completed prior to any major change in employment status. The purpose of these evaluations is to provide the opportunity for the General Manager and employee to discuss the employee's performance along with career goals and opportunities. These evaluations may not be for the purpose of salary adjustments. The General Manager will make recommendations to the Board of Directors during the budget review and approval process should any salary adjustments be in order.

#### 1.12 PROMOTIONS



The District seeks to hire or promote the individual best qualified for the position. You are encouraged to prepare for advancement opportunities. Employees are eligible to apply for available positions after six months of service at the District and demonstrating the appropriate background and qualifications necessary for the available position. Below is a list of some factors considered to determine if an individual is qualified for a position. The items include but are not limited to:

- a. Effectiveness in your present assignment;
- b. Qualifications for the position to be filled;
- c. Potential growth in the position to be filled;
- d. Attitude and cooperation toward the organization and your fellow workers;
- e. Attendance and willingness to accept challenges;
- f. Length of service with the District in relation to other candidates; and
- g. Conformance with District policies, procedures and safety regulations.

We hope that you will strive to improve your skills and increase your job responsibilities.

#### 1.13 RESIGNATION/TERMINATION

If you feel it is necessary to resign from your employment your supervisor should be informed as soon as possible. Although we hope this action is a rare occurrence, the transition will be smoother if a minimum two weeks' notice be given. Because employees are "at will" two weeks' notice is not required. However, if able, to minimize misunderstanding, the notice of resignation should be in writing (or email), specifying your reason for leaving and the date you plan to leave, the District reserves the right to waive any notice period provided, in the best interests of the workplace.

#### 1.14 PERSONNEL RECORDS

The District maintains a separate file for each employee which includes the employment application and/or resume, indicates educational experience, and contains experience records and other pertinent information. Any records containing personal health information will be kept in a secured confidential file separate from the regular personnel file. These records are used for complying with government regulations, providing information for payroll deductions, determining individual eligibility for insurance and other personnel related matters.

Maintenance to keep data up-to-date in the file is important to you and the District. It is the employee's responsibility to notify the District General Manager when changes are necessary. Such information included changes in marital status, numbers of dependents, address, telephone number and education.

The information contained in an employee's personnel record is kept confidential to the extent allowed by rules of the Texas Open Records Act. Personnel records may be reviewed by a member of the Board of Directors in the presence of the General Manager following authorization of the review by the Board of Directors at a scheduled meeting of the Board. Employee individual records are available to the employee for review upon request, in the presence of the General Manager.

## 2.0 COMPENSATION

### 2.1 TIMEKEEPING

You are required to accurately record the time that you have worked each day and each week, and to timely submit accurate, signed time sheets to your supervisor. All time that you spend performing work for the District must be recorded and reported by you on your time sheets. Failure to properly record and report your actual time worked, and altering falsifying tampering with the time records, and recording time on another employee's time sheet, is strictly prohibited.

### 2.2 OVERTIME

Due to the nature of this business, it is sometimes necessary to require employees to work overtime. Cooperation of all personnel in this regard is expected.

Depending on whether your job is exempt or nonexempt and upon our job classification, you may be paid for overtime. Overtime work schedules must have prior approval of the General Manager. It is the responsibility of the employee to make certain that overtime has been approved in writing, prior to performing overtime work. For purposes of calculating overtime for nonexempt employees, the District's seven day workweek begins at 12:01 a.m. on Sunday and ends at midnight the following Saturday.

All executive, administrative, and professional employees who are "exempt employees" are exempt from the overtime provision of the Fair Labor Standards Act. All "nonexempt employees" will be paid time and one-half for all hours actually worked in excess of 40 hours per week. Your exempt or nonexempt

status will be reflected in your personnel file. (Time off for personal reasons, illness, holidays, etc. will not be considered as hours worked for purposes of computing overtime.)

### 2.3 PAYDAY

Salaried employees are paid on a semi-monthly basis. Payday is the 15<sup>th</sup> and the last day of each month. If a payday falls on a weekend or a holiday, you will usually receive your check on the workday preceding the weekend or holiday. Each paycheck includes earnings for all work performed through the end of the present payroll period and any overtime from the previous pay period. If your paycheck is lost after receiving it, report it to your supervisor immediately.

Hourly employees are paid on a biweekly basis (every two weeks). Payday is the Wednesday following the Friday which closes the pay period.

The District offers a direct deposit payroll system where all or a portion of your check may be deposited in the bank of your choice. The District encourages all employees to use its direct deposit payroll system to eliminate delays caused by United States mail service or the possibility of losing or misplacing your check.

### 2.4 ADMINISTRATIVE PAY CORRECTIONS

The District takes reasonable steps to ensure that you receive the correct amount of pay in each paycheck and that you are paid promptly on the scheduled payday. However, you are required to review your paycheck to verify that you have been properly paid. In the rare event that there is an error in the amount paid to you, you should promptly bring the discrepancy to the attention of your supervisor or a representative of the District Board, so that corrections can be made as quickly as possible. Overpayments will also be corrected in the next regular paycheck unless this presents a burden to you or where there is substantial amount owed. In that case, the District will attempt to arrange a schedule of repayments with you to minimize the inconvenience to all involved.

### 2.5 PAY DEDUCTIONS

Your payroll deductions are itemized on your payroll stub (see below for explanations). Review your paycheck stub carefully each payday and, if, at any time, you have any questions about the amounts shown on your paycheck or how they are calculated, you should contact your supervisor.

All deductions are made in accordance with the applicable laws and, when required, your consent. Tax withholding is based on the number of dependents

you claim on your completed W-4 form. You are responsible for its accuracy and for updating the information when necessary.

a. Standard Deductions

(1) Income Tax. The amount withheld is regulated by federal law and depends on your base pay and the number of exemptions claimed. All deductions are recorded on each check stub for your information. On or before January 31<sup>st</sup> of each year, you will receive a withholding tax statement, “W-2”, showing your earnings and income tax withheld for the previous year. Review your W-2 and ensure that you do not need to make adjustments for the following year.

(2) Social Security Tax. Social Security Tax is deducted from your pay according to federal law. Its payment is required by federal law and may entitle you to Social Security if and when you are eligible to receive such benefits. The District matches the amount you pay in accordance with the law.

(3) Medicare Tax. Medicare Tax is deducted from your pay according to federal law. Its payment is required by federal law and may entitle you to Medicare benefits if and when you are eligible to receive such benefits. The District matches the amount you pay in accordance with the law.

b. Fixed Deductions

These deductions vary by each employee and may include, for example, deductions authorized for participation in the District’s benefit plans that require employee contributions or court-ordered child support payments.

## 2.6 GARNISHMENT OF WAGES

The District complies with applicable state and federal laws requiring garnishment of wages. A “garnishment” is a court order issued to an employer to withhold funds from an employee’s wages or salary.

## 2.7 WAGE DEDUCTIONS FOR EXEMPT EMPLOYEES

This policy applies when deductions are made from the wages of salaried, exempt employees only. Deductions from accrued leave banks are allowed in partial or full day increments and are not covered by this policy.

Exempt employees paid on a “salary basis” are those who regularly receive a [redetermined amount constituting all or part of the employee’s compensation, which is not subject to deduction due to variations in the quality or quantity of work performed. Exempt employees need not be paid for any workweek in which they perform no work. In order to remain exempt from overtime, salaried employees will receive full salary for any week in which they perform any work without regards to the number of days or hours worked, unless a) the wage deduction is based on legal withholding (such as payroll taxes, authorized insurance payments, legal garnishment, etc.) or, b) the deduction falls under one of the following exceptions:

a. Allowable Wage Deductions

- (1) Pay deductions may be made for an absence of one or more full days for personal reasons (unrelated to sickness or disability) following the employee’s exhaustion applicable accrued paid leave. (For example, if an exempt employee is absent for 1 day, a deduction will be allowed for one day).
- (2) Pay deductions may be made for an absence of one or more full days for sickness or disability in accordance with our written benefit policies regarding sick leave, vacation leave and/or disability leave.
- (3) During a workweek where some work is performed, no deductions will be made for exempt employees’ absence due to jury duty, attendance or testimony as a witness, or for temporary military leave. However, the District may offset the employee’s pay by the amounts received by the employee as jury fees, witness fees or military pay for the applicable week’s salary, beyond that intended to reimburse the employee for travel and parking.
- (4) Pay deductions may be made for unpaid disciplinary suspensions of one or more full days imposed in good faith for violations of written workplace conduct rules including workplace safety rules but not for performance or attendance problems.

- (5) Pay deductions may be made during the employee's first and last week of employment for the balance of the week before the start date and after the last day of work.

b. Improper Deductions

- (1) Pay deductions of less than one week will not be made for absences made necessary by operating requirements of the business.
- (2) Deductions are not permitted for partial day absences.
- (3) Deductions are not permitted for variations in the quality or quantity of work.

c. Grievance Procedures

It is our policy and practice to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure that you are paid properly for all time worked and that no improper deductions are made, you must record correctly all work time and review your paychecks promptly to identify and to report all errors. You also must not engage in off-the-clock or unrecorded work.

d. Review Your Pay Stub

We make every effort to ensure our employees are paid correctly. Occasionally, however, inadvertent mistakes can happen. When mistakes do happen and are called to our attention, we promptly will make any correction that is necessary. Please review your pay stub when you receive it to make sure it is correct. If you believe a mistake has occurred or if you have any questions, please use the reporting procedure outlined below.

e. Non-exempt Employees

If you are eligible for overtime pay, you must maintain a record of the total hours you work each day. These hours must be accurately recorded on a time card that will be provided to you. Each employee must sign his or her time card to verify that the reported hours worked are complete and accurate (and that there is no unrecorded or "off-the-clock" work). Your time card must accurately reflect all regular and overtime hours worked, any absences, early or late arrivals, early or late departures, and meal breaks. At the end of each week, you should submit your completed time card for verification and approval. When

you receive each pay check, please verify immediately that you were paid correctly for all regular and overtime hours worked each workweek.

Any employee who suspects or believes that improper deductions have been made from the employee's salary should report the possible violation in writing to the General Manager. The District will promptly investigate the complaint/report of any improper deduction. We will not tolerate retaliation against the employee for making a complaint regarding improper pay deductions-regardless of whether the complaint/report is determined to have merit.

If it is determined that improper deductions have been made from one or more employee's pay, we will promptly reimburse the employees(s) for such deductions. Additionally, we will endeavor to assure that no similar improper deductions are made in the future. Questions regarding payroll deductions should be directed to the General Manager.

### 3.0 ATTENDANCE AND TIME OFF

#### 3.1. HOURS OF WORK/TARDINESS

In general, the District establishes work schedules based on the position held by the employee. Once your work schedule has been established, you should adhere to it. You may not begin a work schedule without prior written consent from your supervisor.

Lateness, or tardiness of employees can have a detrimental effect on service. Therefore, it is essential that you be present and ready to begin work during our normal hours of work. Occasionally, situations may arise that will delay you in your effort to get to work at the proper starting time. Lateness or tardiness is defined as reporting to work fifteen minutes or more after normal starting time or leaving fifteen minutes or more before regular closing time. Excessive lateness or tardiness may result in disciplinary action, up to and including termination.

### 3.2 ABSENCE FROM WORK

When you learn you will be absent because of illness or for other valid reasons, you should contact your supervisor as soon as you know and no later than prior to the start of the missed shift or workday. During an absence, because of illness or accident, please keep your supervisor informed on a daily basis of your condition and the anticipated date you will return to active work.

Failure to return to work on the day you have been scheduled to return and excessive absenteeism is a violation of this policy, the District reserves the right to require proof of the need for absence, or a medical release to return from work, at any time. **FAILURE TO CALL IN FOR TWO CONSECUTIVE DAYS (no call/no show) WILL BE CONSIDERED AS A VOLUNTARY TERMINATION ON THE PART OF THE EMPLOYEE,** unless there is some unforeseen incapacitation of the employee.

### 3.3 SICK LEAVE

If you are absent because of illness or accident, your length of service will determine the amount of your compensation, The District has established the following allowances:

- \*Each full-time employee that has accrued 3 months of services receives 10 sick days per year. Running out of paid time off may indicate excessive absence, leading to disciplinary action.
- \*Any deviation from the above policy must be approved by your supervisor.

### 3.4 HOLIDAYS

Due to the purpose of the District, it is impossible to provide a formal holiday schedule. Paid holidays observed will be determined by your supervisor.



### 3.5 VACATION

Vacation time is a discretionary benefit that is currently awarded as follows:

- \*New employees receive 5/6 of one day paid vacation after each full month of employment prior to December 31<sup>st</sup> which may be taken between January 1<sup>st</sup> and December 31<sup>st</sup> of the next year.

- \*After the first calendar year (beginning January 1<sup>st</sup>) of employment, employees receive two weeks of paid vacation (10 working days) on a calendar year basis.

- \*After the fifth calendar year (beginning January 1<sup>st</sup>) of employment, employees receive three weeks paid vacation (15 working days) on a calendar year basis.

Vacation will not accumulate from year to year, and employees will not be compensated for unused vacation days. Vacation days should be taken in whole days and must be scheduled, if possible, with your supervisor at least 30 days prior to the requested vacation day.

Salaried employees who do not turn in time reports should submit a report to their supervisor to document their vacation time. This report should be submitted before the time they plan to take their vacation.

Employees who leave the District for reasons other than being discharged for cause, may at the District's sole discretion, be paid for all or part of any vacation days they had been eligible to take, but not taken, in the current year. The vacation pay contemplated by this section will not be granted to any employee who resigns without due notice, or who is not in good standing (as determined by the District).

### 3.6 LEAVE OF ABSENCE- GENERAL

You may take an unpaid leave of absence for any reason authorized by law, or for any reason found to be acceptable to the District, in its sole discretion.

A leave of absence is an officially approved temporary suspension of employment, not to exceed three months, initiated at your request. During that time your name remains on the payroll and your seniority remains intact.

However, the District cannot guarantee that your job will be held if you are absent for more than ninety (90) days. In order to be eligible for personal leave of absence, you must have completed at least one year of continuous service with the District. This requirement may be waived by the President in an extreme emergency. If you desire to take a leave of absence, you must make a full, detailed, written request stating the purpose and the dates of the leave to your supervisor, who, with the Managing Director and the President, will review the request and approve or disapprove the request according to the needs of the District and the District's policy. If you fail to report to work on the first working day following the expiration of the leave, you will be considered to have voluntarily resigned and the termination date will be the last day worked.

### 3.6.1 FUNERAL LEAVE

The District will generally allow up to three days unpaid leave of absence, if necessary, to attend the funeral of a member of your immediate family (the "immediate family" includes: spouse, child, stepchild, parent, stepparent, parent-in-law, aunts, uncles, siblings, legal guardians or grandparents). You must immediately notify your supervisor of the death of any member of your immediate family. Depending upon circumstances of the death and location, these provisions may be modified by Management. Additional time needed can be covered by vacation, at the employee's request.

### 3.6.2 JURY DUTY

The District considers jury duty service as your civic duty when you are called upon to do so. It is your responsibility to notify your supervisor as soon as the official jury summons is received. In all cases, you are expected to work as many hours as possible, particularly when short-term jury duty assignments are involved, which may not necessitate day-long absences. A copy of the official jury summons should be provided to your supervisor within one week of your completed service.

You will not be retaliated in any manner for serving jury duty, and you will be entitled to full reinstatement into your job upon your timely return

### 3.6.3 ELECTION LEAVE

You are encouraged to vote in all national and local elections. Most polling places allow you to vote outside your normal working hours and you are expected to do so whenever possible. If you are not able to do so, you are allowed to arrive at work not more than one hour late or leave work not more than one hour before the end of the workday. You should notify your supervisor the day before the election if you require election leave on the next day, and explain the reason for the need for extra time. You should not use more time than you actually need in order to vote. You will not be docked for reasonable use of election leave. However, this leave time is not counted as “time worked” for purposes of calculating overtime pay.

### 3.6.4 MILITARY LEAVE

The District complies with all state and national laws relating to employees in reserve or active military service and does not discriminate against employees who serve in the military. The District supports its employees and their service in state and national military units and provides them with a number of military leave benefits. However, temporary employees who have brief or non-recurrent positions with the District and who have no reasonable expectation that their employment with the District will continue indefinitely or for a significant period of time are generally ineligible for reemployment rights under this policy.

## 4.0 AUTOMOBILE POLICY

As a requisite for obtaining automobile liability insurance, the District’s insurance carrier requires all potential drivers covered under the automobile liability policy to have their driving record reviewed and approved annually by the carrier. The period of review will be a rolling three-year period from the employee’s birth date. The criteria to determine a poor driving record is:

- a.** Any driver who has one DWI or DUI will be excluded from coverage; or

- b.** Any driver who has three or more moving violation convictions within a 2- year period will be excluded from coverage.

If you meet or exceed either of the above criteria, you shall not be allowed to drive a District vehicle at any time. If your job requires driving, this will affect the District's ability to continue to employ you. If you are reported for reckless driving while operating a District vehicle, you are also in violation of this policy. It is the responsibility of your supervisor to notify the General Manager in writing of any violation of this policy.

- a. District -Owned Vehicles

The District provides vehicles for certain employees whose jobs require extensive travel in conjunction with their employment. These vehicles are not provided to employees as a "perk" and should be used solely for District business. The District recognizes that occasionally it is necessary to use these vehicles on personal errands within a short distance. However, in no instance should District-owned vehicles be used for purely personal travel without prior written approval from the District Board. No person other than a District employee may drive a District vehicle at any time for any purpose.

- b. Record Keeping

The unit number, mileage, gallons and cost must be filled in on all gasoline tickets either charged directly to the District or included in expense accounts. Non-automotive expenses are not to be charged on gasoline tickets. Gasoline charge tickets that do not have the proper information will be considered a personal charge and will not be reimbursed if turned in on an expense account and will be deducted from pay if charged on a District charge account. All repairs or modifications to a District vehicle is to be cleared with the vehicle fleet managers office prior to the expenditure.

- c. Vehicular Accidents

If you are involved in any accident that involves a District vehicle, or that occurs while you are engaged in business for the District (even while using your personal vehicle), you must notify your immediate supervisor in writing immediately.

If a District vehicle is involved in an accident during an unapproved personal travel, the employee is personally responsible for any and all damages to District property and third parties as a result of the accident.

d. Arrests

If you are arrested while operating a District vehicle or while on District time, you must notify your supervisor as soon as is practical.

e. Operating Under the Influence

The District strictly prohibits employees from being under the influence of intoxicating beverages or other drugs while operating District-owned vehicles, or while operating other vehicles while engaged in business on behalf of the District. The District reserves the right to administer substance abuse testing on any employee who is involved in a vehicular accident. Further, the District reserves the right to pursue direct action for damages against any employee who is involved in an incident in a District vehicle while on personal travel.

f. Seat Belts

Anyone operating a District vehicle or personal vehicle on District business must wear a seat belt. Further, you should ensure that all passengers in District vehicles or personal vehicles on District business wear a seat belt. Failure to do so is a violation of this policy and subjects you to disciplinary action, up to and including termination.

g. No Text or Cell Phone Use While Driving

The use of a cell phone while driving can cause distraction to the driver, and can result in accident and injury. To maintain safety for our employees and others on the road, the use of any cell phone or other handheld communication device while driving a Cooperative vehicle is strictly prohibited. Additionally, employees are prohibited from using any cell

phone or other handheld communication device for Cooperative business purposes, while driving any vehicle. This includes, but is not limited to, answering or making calls, engaging in phone conversations, and, in particular, reading or responding to email and text messages.

If a call or text message comes in while the employee is deriving a vehicle, the employee shall let the call go to voice mail. When it is convenient and safe for the employee to pull off the road, stop and park the vehicle, they may then check the message and return the call, email or text as needed.

Employees are never expected to respond immediately to supervisors or customers who call or text while the employee is driving. Employees with customer relationship duties should inform contact of this policy, and explain that calls or messages may not be returned immediately. Consider also modifying voice mail greetings to indicate that the employee is unavailable to answer calls or return messages while driving.

## **5.0 DISCIPLINE AND RULES**

### **5.1 DISCIPLINARY ACTION POLICY**

As an at-will employee, you may be terminated from your employment for any reason or no reason, with or without notice. Moreover, if you do not abide by the District's policies, disciplinary action can, and likely will, be taken against you. Generally, the purpose of disciplinary action is to impress upon you the need to correct your future performance or conduct. The following non-exclusive list provides examples of the types of conduct that will likely result in disciplinary action being taken against you, up to and including the immediate termination of your employment:

- a. Violation of any District policies.
- b. Dishonesty in dealing with the District, its customers, its vendors or its employees.
- c. Falsification or alteration of any District records including, but not limited to, applications, post-offer medical questionnaires,

performance reviews, work schedules, time cards, paychecks, statements, etc.

- d. Sleeping, gambling, or immoral conduct while on duty.
- e. Conviction of any crime or failure to report an arrest.
- f. Insubordinate conduct towards a supervisor.
- g. Refusal or failure to work as scheduled or to perform assigned duties.
- h. Disorderly or threatening conduct, the use of foul or abusive language, or discourtesy to any customer, vendor or fellow employee.
- i. Unauthorized use or abuse of equipment, property and vehicles belonging to the District, including, but not limited to, computers, telephones, mail system or other employer-owned equipment.
- j. Theft, inappropriate removal or possession of property belonging to other employees, the District, its customers or vendors.
- k. Removing District records or other property without written authorization.
- l. Possession of firearms, weapons, other dangerous or unauthorized materials, cameras or sound recording devices on District property unless prior authorization by the Board.
- m. Unsatisfactory job performance or conduct.
- n. Failure or refusal to cooperate in any District investigations.
- o. Horseplay, fighting, instigating or agitating others to fight.
- p. Leaving the department or workplace during scheduled working hours without notice or not returning to the workplace or the department after a scheduled break.
- q. Violence in the workplace or threats of violence.
- r. Being drunk or otherwise impaired by drugs or alcohol while on work time.

## **5.2 DRESS CODE FOR EMPLOYEES**

It is important that your work attire compliment an environment that reflects an efficient, orderly and professionally operated District. The District expects all of its employees to dress in a manner which reflects the professionalism of both your position and the District.

### **5.3 DRUG AND ALCOHOL-FREE WORKPLACE POLICY**

The District believes that all employees have a right to work in a drug-free and alcohol-free environment. Persons under the influence of drugs and alcohol on the job may pose serious safety, health and security risks to citizens and employees.

**Definition of Prohibited Drug:** (i) prescription drugs or over-the-counter drugs that are not being used as intended, or which were obtained under the false pretenses; (ii) prescription drugs that were not prescribed to the affected employee by a licensed physician; (iii) controlled substances (as defined in either the federal or Texas Controlled Substances Acts; (iv) alcohol; and (v) inhalants.

**Prohibited Work time conduct:** The manufacture, distribution, possession, sale or use of a Prohibited Drug by an employee in a manner not authorized by law is prohibited. Additionally, being at work or on work time under the influence of prohibited drugs or controlled substances is prohibited. Violation of this policy may result in disciplinary action up to and including termination of employment.

**Law Enforcement Involvement:** Depending on the circumstances, other action, including notification of appropriate law enforcement agencies, may be taken by the District. Should an employee be convicted under a criminal drug statute for a violation occurring in the workplace or out of the workplace, the employee must, as a condition of continues employment, notify the District in writing no later than five calendar days after such conviction.

**Proper Use of Prescription Drugs:** If the medically approved and appropriate use of a prescription drug or over-the-counter drug adversely affects the employee's work performance or the safety of the employee or others, the District reserves the right to limit, suspend or modify the employee's work activity, or otherwise reasonably accommodate such adverse effect or risk.



**Condition of Equipment:** Compliance with the District's Drug and Alcohol-Free Workplace Policy is a condition of employment. The failure or refusal of an employee to cooperate full, to sign any document required in the implementation of this policy or to submit to any inspection or test, will be grounds for termination.

**Searches and Inspections:** The District reserves the right to conduct searches or inspections of all district property, including personal property, which is on District premises. Such searches and inspections may be conducted without prior notice. Failure of an employee to cooperate in the implementation of this policy may result in termination of employment. Employees should have no expectation of privacy in a District property and any personal bags brought onto District property.

**Workplace Intervention:** When an employee's ability to perform the job may be impaired by drugs or alcohol, it is the responsibility of the General Manager or designee to remove such employee from the work environment to prevent the endangerment of the employee, fellow employees, and/or the public. If the impaired employee is the General Manager, then the Board President or designee shall perform the General Manager's intervention role under this Policy.

In the event there is reasonable suspicion to believe that an employee's job performance may be impaired by drugs or alcohol, the General Manager or designee shall directly observe the employee's behavior and document the behavior. Indications of impaired behavior include, but are not limited to, staggering or irregular gait, the odor of alcohol on the breath, slurred speech, dilated or constricted pupils, inattentiveness, listlessness, hyperactivity, performance problems, illogical speech and thought processes, poor judgment, or unusual or abnormal behavior.

If the General Manager or designee has a reasonable suspicion the employee is impaired, the General Manager or designee has the discretion to relieve the employee of duties and/or to require the employee to undergo drug testing and/or other medical examination, at District expense. Under no circumstances shall an employee suspected of being impaired be allowed to drive after being relieved of duties. Failure of the employee to take a drug test(s) immediately upon request may be cause for disciplinary action. If the drug test reveals positive results, the employee may be terminated or face

other disciplinary measures. Drug testing or a positive drug test is a tool but is not essential to the District's determination of a violation of this Policy and disciplinary action up to and including termination of employment.

**Reasons for Drug Testing:** Testing is not necessarily limited to these circumstances, but the following are examples of situations where an employee may expect to be tested:

- Pre-employment
- Post accident
- Reasonable suspicion
  - Direct observation of drug use or the physical symptoms of being under the influence of a drug or alcohol;
  - Abnormal conduct or erratic behavior while at work;
  - Absenteeism, tardiness, or deterioration in work performance which is continuous and repeated over time; or
  - Discovery by the District of drug paraphernalia or any detectable amount of a prohibited drugs in a place which would lead to the reasonable suspicion that it was under the employee's ownership, control, or use, or that the employee had failed to report knowledge of the drug paraphernalia or prohibited drug;
- Post Substance Abuse Rehabilitation or Treatment – upon re-entry or periodic thereafter;
- Random:
  - The District reserves the right to perform random testing on safety sensitive positions;
  - Pursuant to Department of Transportation (DOT) requirements for any District positions that require a commercial driver's license and the operation of:
    - a) vehicles over 26,000 lbs.; b) vehicles requiring "hazardous" placards; or c) vehicles carrying 16 or more passengers, including the driver.

**Voluntary Self-Identification:** The District encourages any employee who has an alcohol or other drug problem to seek treatment before the problem manifests itself in a violation of this Policy. Employees are

encouraged to voluntarily seek confidential assistance for alcohol or other drug problems. To avoid disciplinary action or termination of employment, an employee must give notification and seek treatment with an approved rehabilitation program before the District discovers the employee has violated this Policy.

The District maintains a list of possible providers of treatment programs, and that information is available to employees and their families. Any cost of such treatment that is not covered by an employee benefit plan shall be the sole responsibility of the employee, and the District shall have no obligation to pay any part of the cost of treatment.

An employee who is being treated for a substance problem may be placed on leave of absence by the District, and will be subject to all rules, policies, and procedures governing such leaves of absence.

These guidelines apply to only one requested leave of absence. Any request for an additional leave of absence under this provision will be handled on a case-by-case basis and granted only at the sole discretion of the General Manager, and as required by law.

#### **5.4 NO SMOKING POLICY**

The District has adopted a no smoking policy in all District facilities, vehicles and family properties, except in those areas where smoking is specifically permitted.

#### **5.5 TELEPHONE AND COMPUTER POLICY**

##### **a. District Telephones, Computers, and Networks:**

The District maintains its telephone and computer facilities for business purposes.

You should not use District computers for personal business. Also, you should not use District long distance, or local cellular service for personal phone calls. However, employees

should keep their personal calls and personal email communications to a minimum, and as brief as possible.

Business use of home phones or personal cellular phones will be reimbursed if they are submitted in the regular course of the employee's expense account.

The District maintains the right to monitor and/or search all telephone calls, email communications, and other electronic communications made using the District's equipment and systems. There should be no expectation of privacy in the use of the District's computer, phone or other equipment. Communications covered by this policy include email, voicemail, text messages, instant messages, and on-line applications and postings.

- All business equipment, electronic and telecommunication systems, computer passwords, etc. are District property.
- All communications and information transmitted, downloaded, stored or received over or in the District's business equipment and electronic and telecommunication systems are District property.
- The District business equipment and electronic and telecommunication systems are to be used for District business only, except as otherwise provided by this policy.
- The District may monitor, search, access, retrieve, intercept, read and delete any use or communication on its business equipment and electronic and telecommunication systems, including e-mail.
- E-mails or other communications on District business equipment may be subject to various provisions of the Public Information Act and the Records Retention Act and Policies. All correspondence and internal memoranda must be saved for a scheduled period of time, except for routine messages, internal meeting notices, routine slips, incoming transmittal letters that add nothing of substance to enclosures, and similar routine information used for communication, but not for the documentation of, a specific transaction. E-mail or other electronic documents that need to be saved should be either printed and kept in the

appropriate file, or downloaded and kept electronically in the appropriate file. Further any District business conducted on a personal device is also subject to the Public Information Act.

- In addition, if you believe, or if the District informs you, that e-mails or other written communications are relevant to litigation or potential litigation (i.e., a dispute that could result in litigation), then you must preserve those records until counsel for the District notifies you that those e-mails or communications are no longer needed, even if they don't seem otherwise important.
- Inappropriate use of District business equipment and electronic and telecommunication systems includes but is not limited to the following: transmitting, accessing, displaying posting, recording, downloading or distributing obscene, harassing, sexually explicit, racially offensive, or any other material that would violate the District's policies, and transmitting any confidential or proprietary information.
- Employees who post material on social networking and other internet sites, blogs, or other public forums must take extreme caution not to appear to be representing the District in any manner, whether during or after their working hours, on-line behavior, whether on or off duty, must not speak for or misrepresent the District or its interests in any manner. Harassing or disparaging coworkers through online posting violates this policy. The District has the right to monitor such sites and protect its interest, however, this policy does not prohibit an employee's right to speak out on matters of public concern or report any violation of law to appropriate law enforcement authorities.
- Incoming and outgoing telephone calls may be monitored throughout the business day. Personal calls are not monitored except to the extent necessary to determine that a call is personal in nature.
- Employees who violate this policy are subject to discipline, up to and including termination of employment.

**b. Telephone Etiquette**

- (1) Try to always answer the phone by the third ring. Always be sure to identify yourself to the caller.
- (2) Always be sure to show respect for others by using the words "Yes or No Sir" and "Yes or No Mam," "Please," "Thank You" and "May I".

- (3) Make certain that messages are given to and received by the person they are directed to. Be scrupulously correct when taking messages. Take time to confirm information.
- (4) Be courteous to people you place on hold. Never leave someone on hold too long (no longer than thirty seconds) without getting back to them. Always say “Thank you for waiting” when you pick up the line.
- (5) Remember when someone calls and asks for someone else, be sure not to immediately transfer the call without acknowledging them in a polite way. Let the person know who is on the line.
- (6) Never slam down the receiver on the phone, always place it gently in its cradle or hit the cancel button. Always remember to hit the cancel button on the phone once you have completed an interoffice page.
- (7) Do not hang up until your caller has done so first.

**ABOVE ALL, REMEMBER THAT THE DISTRICT IS STRIVING TO ACHIEVE THE HIGHEST LEVEL OF QUALITY. YOU REPRESENT OUR DISTRICT BY YOUR ACTIONS. ALWAYS CONDUCT YOURSELF ON THE PHONE OR IN THE OFFICE IN A PROFESSIONAL AND POLITE MANNER.**

## **5.6 BUSINESS CONDUCT/CONFLICT OF INTEREST**

Business should be conducted free of actual or potential conflicts of interest. The purpose of these guidelines is to provide general direction so that you can seek further clarification on issues related to the subject of acceptable standards of operation.

An actual or potential conflict of interest occurs when you are in a position to influence a decision that may result in a personal gain for yourself or for a relative as a result of the District’s business dealings. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

No “presumption of guilt” is created by the mere existence of a relationship with outside companies utilized by the District. However, to avoid even the appearance of impropriety, if you have any influence on transactions involving purchases, contracts, or leases, it is imperative that you immediately disclose actual or potential conflicts of interest to a member of the District Board so that safeguards can be established to protect all parties.

Personal gain is prohibited and will result in disciplinary action up to and including termination of employment. Personal gain results in cases where you or a relative has an ownership interest in a company or business with which the District does business, but also when or where you or a relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealing involving the District.

The materials, products, designs, plans, ideas, and data of the District are the property of the District and should never be given to an outside firm or individual. Any improper transfer of material or disclosure of information, even though it is not apparent that you have personally gained by such action, constitutes unacceptable conduct. If you participate in such a practice, you will be subject to disciplinary action, up to and including termination of employment.

#### **Confidential Information –**

During the course of employment, you may obtain information that the District considers to be confidential, including information that has not been communicated to the public. Maintaining this confidentiality is very important for the District's success. Subject to the applicable provisions of the Texas Public Information Act, you must protect this confidential information by safeguarding, not discussing it unless it is discussed with only those individuals who have a legitimate business necessity for the information.

The protection of confidential business information is vital to the success of the District. Such confidential information includes, but is not limited to, the following examples:

- a. Compensation data;
- b. Financial information;
- c. Pending projects and proposals;

If you disclose confidential business information, you will be subject to disciplinary action, up to and including termination of employment. Any written requests for public records must be immediately forwarded to the

General Manager for leg review and response.

### **5.7 DATING POLICY – CUSTOMERS OR SUPPLIERS**

The District strongly discourages dating between its employees and any customers or suppliers. These situations could seriously jeopardize business relationships and may create the appearance of impropriety on your part. Tell the District immediately if such a relationship develops so that the appearance of impropriety may be minimized to the extent possible. In no circumstances is any supervisor permitted to date subordinates and such behavior will result in termination of employment.

### **5.8 POLICY ON WORKPLACE VIOLENCE**

The District is concerned about providing you with a safe and productive work environment. Accordingly, the District has taken certain steps to help prevent incidents of violence from occurring in the workplace. The District expressly prohibits any acts or threats of violence by or against District employees, customers, vendors, or other visitors on District premises or at any time or while they are engaged in business with or on behalf of the District, either on or off District premises.

As used in this policy, violence is defined to include the following:

**Physical attack** is an unwanted or hostile contact, such as hitting, fighting, pushing, shoving, or throwing objects.

**Threat** is stating a present or future intention to cause physical or mental harm. Any expression of intent to cause physical or mental harms is considered to be a threat.

**Harassment** is behavior or communication designed to intimidate, menace or frighten another person.



**Property damage** is behavior or acts that contribute to the destruction, sabotage, or damage of another's property, whether physical, digital, or electronic.

**a. Procedure**

- (1) If you experience or witness acts, conduct, behavior or communication of violence, you must immediately contact your supervisor.
- (2) Any supervisor or manager who receives a complaint of violence, threats, harassment, or property damage or who has reason to suspect that these acts or behaviors are occurring, must notify the Falfurrias Office.
- (3) Upon being informed of an allegation of violence, threat or harassment, the District will investigate the matter. Upon the conclusion of the investigation, the District will determine how to respond. In the interim, the District will respond as it deems appropriate and if violence is witnessed and investigation is not necessary, violence in the workplace can lead to immediate termination of employment.
- (4) Appropriate disciplinary action, up to and including termination, will be taken in instances of misconduct, as judged by the District.
- (5) If you knew of information about violence, threats, or harassment, but did not notify an appropriate person consistent with this procedure, you will be subject to appropriate discipline, up to and including termination.
- (6) You will not be retaliated against by the District for reporting violence, threats harassment or property damage.

**6.0 INJURY REPORTING PROCEDURE**

You must immediately notify your supervisor whenever you suffer any work-related injuries or illnesses and you must complete all necessary forms concerning your injury or illness. Failure to do so will result in disciplinary action, up to and including termination of your employment.

If, because of the nature of your injury or illness, or the need to obtain medical attention, you are unable to provide such immediate notification or to complete such forms, you should do so as soon as possible.

## EMPLOYEE ACKNOWLEDGMENT

“MY SIGNATURE HEREON INDICATES THAT I HAVE RECEIVED A COPY OF THE EMPLOYEE MANUAL/PERSONNEL POLICIES TO THE DISTRICTS EMPLOYEES. I AFFIRM I HAVE READ AND I UNDERSTAND THE HANDBOOK AND I WILL ABIDE BY ITS RULES AND PROCEDURES. I FURTHER UNDERSTAND THAT IT IS MY RESPONSIBILITY TO REQUEST CLARIFICATION FROM MY SUPERVISOR OR THE GENERAL MANAGER IF I HAVE ANY QUESTIONS OR I DO NOT UNDERSTAND ANY OF THE CONTENTS OF THESE POLICIES AND PROCEDURES.

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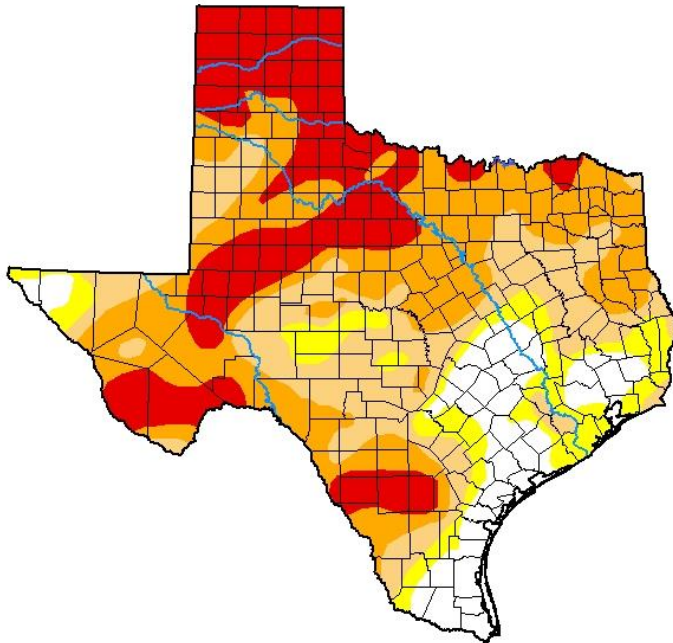
EMPLOYEE’S SIGNATURE

DATE

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EMPLOYEE’S PRINTED NAME

# U.S. Drought Monitor Texas



**February 8, 2022**  
(Released Thursday, Feb. 10, 2022)  
Valid 7 a.m. EST

Drought Conditions (Percent Area)

	None	D0-D4	D1-D4	D2-D4	D3-D4	D4
<b>Current</b>	11.83	88.17	78.09	55.02	23.88	0.00
<b>Last Week</b> 02-01-2022	7.04	92.96	83.79	69.20	31.56	0.00
<b>3 Months Ago</b> 11-09-2021	38.58	61.42	32.22	5.62	0.00	0.00
<b>Start of Calendar Year</b> 01-04-2022	7.58	92.42	79.83	54.25	16.69	0.00
<b>Start of Water Year</b> 09-28-2021	45.57	54.43	7.26	0.27	0.00	0.00
<b>One Year Ago</b> 02-09-2021	25.73	74.27	46.98	30.24	18.16	5.56

## Intensity:

None	D2 Severe Drought
D0 Abnormally Dry	D3 Extreme Drought
D1 Moderate Drought	D4 Exceptional Drought

The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. For more information on the Drought Monitor, go to <https://droughtmonitor.unl.edu/About.aspx>

## Author:

Deborah Bathke  
National Drought Mitigation Center



[droughtmonitor.unl.edu](https://droughtmonitor.unl.edu)

Good afternoon Louie,

Here is the estimate! We can import your Excel data and have the basic system running in a matter of a couple of weeks. My suggestion is to start with the base GMS, the online well application, plus at least the Query Tool and Water Quality options. The online permit application can be added as a separate task order later. I'm happy to talk about any of this with you, Marlena, and Felix. Let me know how you want to proceed.

**Base GMS \$10,000**

- This gets your district the database with wells, permits, owners, drillers, a public map, and a private map.

**Optional Components**

**Query Tool \$5,000**

- Build queries and run them against the entire database for any data you need. Examples:
  - Upcoming permit renewals
  - Well production not reported
  - How much production reported for Q3 from irrigation wells
- Query the full details about wells, owners, or permits and export them to Excel as a backup.

**Field Inspections \$2,750**

- Provides an interface for notes, attachments, and other details about well inspections. This information can be accessed by the Query Tool. In one of our meetings, it was brought up that a well owner applied for a permit on a deteriorating well. You mentioned it would be nice to have a picture attached with your inspection notes.

**Water Quality Recording \$2,750**

**Virtual Bore Tool \$2,000**

**Drag and Drop Shapefiles as temporary layer on Web Map \$1,100**

**Well Completion \$1,100**

**Base GMS + all options above discounted to \$20,000**

**Import Data from Excel \$4,400**

**One day of on-site training \$1,200**

**Online Well Applications \$12,100**

- Allow users to fill out the form online (or download a PDF)
- Allow user to save the online form and return to it later
  - Notify the district of new applications by email
- Provide a table on the district's dashboard page to see incoming applications
- Provide the ability for the district to edit, approve, or deny applications

**Online Permit Applications \$12,100** \* Based on our discussions and the documents, I believe the fields required to be filled in by the user are nearly identical to the well application. If anything about the online permit application process differs this estimate will need to be adjusted.

- Allow users to fill out the form online (or download a PDF)
- Allow user to save the online form and return to it later
  - Notify the district of new applications by email
- Provide a table on the district's dashboard page to see incoming applications
- Provide the ability for the district to edit, approve, or deny applications

**Estimated cost: \$49,800**

**Matthew Cestarte, MCSA**  
Software Development Team Leader  
Halff Associates, Inc.

**O:** (830) 455-6222

**February 2022**

## **Legislative Report**

### **Elections**

Election Day is March 1<sup>st</sup>, one week from today! You probably haven't helped but notice the massive flood of political advertisements coming across the air waves. In-person early voting began on February 14<sup>th</sup> and continues until February 25<sup>th</sup>. The last day for a mail-in ballot to be received is on Election Day by 7:00 p.m. if it is not postmarked or Thursday, March 3<sup>rd</sup>, if it is postmarked by Election Day. Be sure to include your driver's license or Social Security number, whichever you used when you registered.

The candidates are raising money and campaigning at a break-neck pace. In most cases, the incumbents up and down the ballot appear to be leading their primaries, but there are a few notable exceptions. Some established incumbents who are involved in our issues are in danger of being thrown into a run-off, which is always particularly dangerous for incumbents. As I've mentioned before, the circumstances are even more interesting because of the new districts that were drawn as a result of 2020 census data. As a reminder, in our area, most of the changes occurred in House districts, which are illustrated on page 38 in the following link:

[https://data.capitol.texas.gov/dataset/71af633c-21bf-42cf-ad48-4fe95593a897/resource/e8a63cb9-001b-4b1f-a7f8-9106cce80706/download/planh2316\\_map\\_report\\_package.pdf](https://data.capitol.texas.gov/dataset/71af633c-21bf-42cf-ad48-4fe95593a897/resource/e8a63cb9-001b-4b1f-a7f8-9106cce80706/download/planh2316_map_report_package.pdf)

As I have reported, I am following races all over the state, but I've again included a chart summarizing the races in our region. The senators and representatives who directly represent our counties should ultimately remain the same as they are now, although Ryan Guillen may be having a little bit harder time because his district now includes some more voters further away from the border.

Recently, I particularly enjoyed attending an event for Senator Drew Springer where I had the opportunity to visit with him one-on-one and answer a question he had about permitting for municipal vs. agricultural water use. Senator Springer, of the Wichita Falls area, won a high profile special election last year against the hairdresser woman who got national attention for defying Gov. Abbott's early pandemic shutdown order. As a House member, Senator Springer chaired the Agriculture Committee and is now vice-chair of the Senate Water, Agriculture, and Rural Affairs Committee. He and Tracy King were the only legislators who showed up in-person

at our TAGD summit last fall. Fortunately, he has no opponents, but is trying to retire his campaign debt from last year.

### **Administrative Action**

The Railroad Commission has been designated as the administrative entity for \$343 million in federal funds to be dedicated to plugging abandoned oil and gas wells. We are currently researching the status of those funds in actually reaching the state and the possibility that the Commission might consider enlisting Brush Country to assist in carrying out that program. Last week, I had a conversation with someone in the Corpus office of the Railroad Commission who works with their orphaned well program. He said they've been told not expect those extra funds, which will enhance the ongoing state program, until next year.

(Have we signed on to the MOU between TDLR and TCEQ on abandoned water wells?)

### **Interim Charges**

There have been no indications that House and Senate interim charges will be released other than after the March 1<sup>st</sup> primaries. We remain hopeful that these charges in both Chambers will be at least potentially more helpful than harmful to GCDs.

### **TAGD Legislative Committee**

Louie and I attended the TAGD legislative committee meeting that preceded the regularly called TAGD business meeting in Austin on February 8<sup>th</sup>. Their by-laws say the vice-president is responsible for designating subcommittee topics and membership. So far the VP has specified subcommittees for Sunset Review, since both TWDB and TCEQ are up for review this cycle, and Petition for Rulemaking to consider draft model rules. (This subcommittee is an effort to get ahead of Chmn. Perry's reintroduction of SB 152, which he apparently intends to do.) The remaining subcommittees will be named after the interim charges are released. I will probably ask to participate on all subcommittees, as I've done in the past. Even though I am only eligible to be an associate TAGD member and am officially unable to vote, I can participate in the discussions.

## **State Legislative Races of Interest**

**2022**

House District	Democrat	Republican
31	Martha Gutierrez	Ryan Guillen (i) Alena Berlanga Michael Monreal
32		Todd Hunter (i)
34	Abel Herrero (i)	James Hernandez Carolyn Vaughn
35	Oscar Longoria (i)	Oscar Rosa
36	Sergio Muñoz (i)	
39	Armando “Mando” Martinez (i)	
40	Terry Canales (i)	
41	Robert “Bobby” Guerra (i)	
42	Richard Peña Raymond (i)	
43		J.M. Lozano (i)
74	Eddie Morales (i)	Katherine Parker
80	Tracy King (i)	
83		Dustin Burrows (i), Austin Jordan
Senate District		
27	Alex Dominguez, Morgan LaMantia Sarah Stapleton-Barrera, Salomon Torres	Adam Hinojosa, Israel Salinas, Raul Torres



Bills & Invoices For February 22, 2022 Meeting				
		Description		Due
Bickerstaff Heath Delgado Acosta		Legal Services Rendered thru 1/15/2022		2/22/2022
C. Ray Martinez & Co. P.C.	207879	auditServices Rendered thru 01/31/2022	\$623.16	2/22/2022
ITC Corporation	317039	Web System Maintenance	\$104.99	2/22/2022
ITC Corporation	8450	Web/ data base hosting	\$187.50	2/22/2022
ITC Corporation	8484	Web System Maintenance #2	\$227.75	2/22/2022
Brite Star Services LTD	64541	Janitorial Floor Mat Rental	\$55.56	2/22/2022
Ray L. Perez	222	Yard Maintenance	\$150.00	2/22/2022
Gloria Almendarez	222	Janitorial Cleaning Services	\$800.00	2/22/2022
Robert Howard Incorporated		Legislative Lobbying/Consulting	\$2,500.00	2/22/2022
Xerox Business Solutions	IN3365518	Miscellaneous Monthly Base Rate	\$50.00	2/22/2022
Hidalgo Co Appraisal District	3882	Appraisal Fee 1st Quarter		2/22/2022
Jim Wells Appraisal District		Tax Collection Fee 4th quarter		
Jim Wells Appraisal District		Appraisal Fee 4th quarter		
Jim Hogg Appraisal District		Appraisal Fee 1st Quarter		
Jim Hogg TAC		Tax Collection Fee 4th quarter		
Brooks Co Appraisal District		Appraisal Fee 1st Quarter		
Brooks Co TAC	tax yr.2021	Tax Collection Fee 2nd quarter		
Stapleton Water Wells				
Victor Vasquez Water Wells		Ricardo L Garcia JW	\$1,500.00	2/22/2022
Department of Treasury		IRS Adjustment for 941 (Sept)		
		<b>Total Bills Paid</b>	<b>\$4,698.96</b>	
JPMorgan Chase Health Care	ACH	BlueCross/BlueShield Premium	\$1,180.47	1/28/2022
TCDRS	ACH	Retirement & Group Life	\$1,140.06	2/2/2022
Cirro Energy	ACH	Electricity Invoice for 12-28-1-27-2022	\$244.46	2/14/2022
Spectrum Time Warner Cable	ACH	Internet Monthly Service	\$64.99	2/23/2022
Texas Workforce Commission	ACH	Unemployment tax services		
Fal Utility Board	Credit Card	Sewer, Garbage,Water Sept Bill	\$148.56	1/28/2022
AVR Processing	Credit Card	Sewer credit card Fee	\$4.46	1/28/2022
HEB	Credit Card	Miscellaneous Office Supplies	\$37.24	1/25/2022
Walmart	Credit Card	Miscellaneous Office Supplies	\$30.36	1/27/2022
Texas Best Hwy281 Gasoline	Credit Card	Gasoline Trip to Austin TAGD	\$74.45	2/7/2022
Sonesta Bee Cave Austin	Credit Card	Breakfast Tacos TAGD	\$8.66	2/9/2022
Whataburger San Marcos	Credit Card	Lunch Trip to Austin	\$10.49	2/9/2022
Chick Fil A Bee Cave	Credit Card	Lunch Trip to Austin	\$8.22	2/8/2022
Kwik Pantry	Credit Card	Gasoline Trip to Austin TAGD	\$50.00	2/10/2022
Saltgrass Steakhouse	Credit Card	Dinner Trip to Austin	\$85.97	2/8/2022
The League	Credit Card	Dinner Trip to Austin	\$38.63	2/7/2022
Speedy's Termite & Pest Control	Credit Card	Pest Control	\$110.00	2/10/2022
Stripes Riveira Gasoline	Credit Card	Gasoline Trip to Sarita Meeting	\$74.00	2/16/2022
			<b>3,311.02</b>	
F Saenz salary for pp 3,4	elec pay	2 pay periods	1,188.20	
L Pena Salary for pp 3,4	elec pay	2 pay periods	4,141.50	
M.Hinojosa for pp 3,4	elec pay	2 pay periods	2,302.02	
		<b>salary total</b>	<b>\$7,631.72</b>	
		EFTPS deposit for February (PP 1,2 &3)	<b>\$3,240.11</b>	<b>13</b>
		Total Transfer needed on 12/22/2021	<b>#REF!</b>	

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**BRUSH COUNTRY GROUNDWATER CONSERVATION DISTRICT**

**FINANCIAL STATEMENT**

**and**

**SUPPLEMENTARY INFORMATION**

**with**

**ACCOUNTANT'S COMPILATION REPORT**

**R THE MONTH AND THE THREE MONTHS ENDING DECEMBER 31, 2021**

	<b>Totals</b>	<b>Totals</b>
	<b>Decemembr 2021</b>	<b>12/30/2021</b>
1 <b>TAX REVENUE</b>	\$27,156.05	\$78,237.49
2 <b>INTEREST EARNED</b>	\$78.65	\$233.18
3 <b>OTHER INCOME</b>	\$0.00	\$0.00
4 <b>TOTAL INCOME</b>	<b>\$27,234.70</b>	<b>\$78,470.67</b>
5 <b>BUDGETED EXPENSES</b>	\$30,632.42	\$81,677.57
6 <b>OTHER EXPENSES, WELL PLUG</b>	\$1,500.00	\$12,000.00
7 <b>TOTAL EXPENSES</b>	<b>\$32,132.42</b>	<b>\$93,677.57</b>
8 <b>INCOME OVER EXPENSES</b>	<b>-\$4,897.72</b>	<b>-\$15,206.90</b>
9		
10 <b>BANK STATEMENT OP ACCT</b>	\$50,693.34	same
11 <b>FINANCIAL STMT OP ACCT</b>	\$34,291.89	same
12 <b>UNCLEARED CHECKS</b>	\$16,401.45	same
13 <b>FINANCIAL STMT + UNCLEARED</b>	\$50,693.34	same
14		
15 <b>BANK STATEMENT TAX ACCT</b>	<b>\$411,034.91</b>	same
16 <b>FINACIAL STMT TAX ACCT</b>	<b>\$411,034.91</b>	same
17		
18 <b>BANK STMT RESERVE ACCT</b>	<b>\$1,851,756.02</b>	same
19 <b>FINACIAL STMT RESERVE ACCT</b>	<b>\$1,851,756.02</b>	same
20		
21 <b>BALANCE FOR ALL ACCOUNTS</b>	<b>BANK STMT</b>	<b>\$2,313,484.27</b>
22 <b>BALANCE FOR ALL ACCOUNTS</b>	<b>FIN STMT</b>	<b>\$2,297,082.82</b>
23	<b>DIFFERENCE</b>	<b>\$16,401.45</b>

