

Robin Donaldson

From: Avalon Water Sewer Service Cor Avalon <awssc76623@yahoo.com>
Sent: Friday, August 30, 2013 9:49 AM
To: Robin Donaldson, Denice Winbush
Subject: Fw: ADR info letter re TCEQ Docket No. 2013-1507-MWD: Avalon Water Supply and Sewer Service Corporation
Attachments: Commrs_OGC_copier_20130829_115203.pdf

This is an e-mail sent to us yesterday. Please review and be prepared to discuss at the board meeting. I highly recommend we accept mediation. As Mr. Burkey pointed out, a contested hearing can delay our permit by 9-12 months and I am anxious to get that out of the way so we can start other plans.

----- Forwarded Message -----

From: Todd Burkey <todd.burkey@tceq.texas.gov>
To: "awssc76623@yahoo.com" <awssc76623@yahoo.com>, "info@gregwilhelm.com" <info@gregwilhelm.com>
Cc: Celia Castro <celia.castro@tceq.texas.gov>; Dex Dean <dex.dean@tceq.texas.gov>; Vic Mcwherter <vic.mcwherter@tceq.texas.gov>
Sent: Thursday, August 29, 2013 2:22 PM
Subject: FW: ADR info letter re TCEQ Docket No. 2013-1507-MWD: Avalon Water Supply and Sewer Service Corporation

To: Potential ADR Participants

Re. TCEQ Docket No. 2013-1507-MWD: the application by Avalon Water Supply and Sewer Service Corporation for a major amendment to Permit No. WQ0013981001

I am a mediator with the Alternative Dispute Resolution Program of the Texas Commission on Environmental Quality. Attached please find an information letter concerning our program. My office may be able to provide assistance to the parties at this point in the Commission's application process. Please do not hesitate to contact me if you have any questions. Thank you for your attention to this matter.

Todd Burkey, Attorney-Mediator

Phone: 512/239-2941 Fax: 512/239-4015 Email: Todd.Burkey@tceq.texas.gov

Bryan W. Shaw, Ph.D., Chairman
Carlen Rubinstein, Commissioner
Toby Baker, Commissioner
Zak Covan, Executive Director

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 29, 2013

To: Potential ADR Participants

Re: TCEQ Docket No. 2013-1507-MWD: the application by Avalon Water Supply and Sewer Service Corporation for a major amendment to Permit No. WQ0013981001

I am a mediator with the Alternative Dispute Resolution ("ADR") Program of the Texas Commission on Environmental Quality ("TCEQ" or "Commission"). The Commission has received letters concerning the above-referenced application from Carol D. Gillespie (on behalf of herself and Mary Grace Gillespie Bates and Marcia Gillespie), one of which contained a request for the Commission to hold a public hearing. My office may be able to provide assistance to the parties at this point in the Commission's application process. The purpose of this letter is to invite you to consider a voluntary option through which the potential parties may informally resolve this matter and eliminate the need for the Commission to make a determination of whether or not to grant Ms. Gillespie's request to hold a public hearing and, if granted, a potential contested case hearing before the State Office of Administrative Hearings ("SOAH") concerning the relevant and material issues raised in Ms. Gillespie's request.

The ADR procedure which the Commission employs is mediation. Mediation is a form of informal dispute resolution involving the use of an impartial third-party neutral called a mediator, who assists the parties in negotiating their dispute. As a mediator, I have no stake in the outcome of this matter and I will not pressure any party into a settlement agreement. My role is to encourage and facilitate productive communications between the parties, to elicit their true concerns and issues, and ultimately to guide them toward a collaborative resolution of their dispute which addresses those concerns and issues. My function is not to formulate the solutions to a dispute, as that responsibility falls on the parties themselves during mediation. I provide the parties the forum, the tools, and the guidance to formulate their own solutions to address the issues. Please be aware that mediation is not a public meeting. Our practice is to restrict attendance at the mediation to the potential parties (currently the Applicant, Ms. Gillespie and her sisters, the Executive Director, and the Office of Public Interest Counsel). These parties may have representatives, experts or consultants who are necessary to assist the party participants in making decisions during negotiations.

The success of the negotiations depends on the flexibility and good-faith efforts of the participants, as well as their understanding that compromise and creative thinking often play essential roles in reaching a settlement agreement. Mediation participants usually must have some expectation of compromising in order to reach a resolution. However, a big advantage of the mediation process is that the parties are free in a mediation to expand on ways to resolve the parties' issues with the application that are completely outside the Commission's jurisdiction. No party's legal rights are affected by mere participation in mediation. A mediated settlement agreement requires the consent of all parties. If any party wishes to discontinue settlement discussions at any time, the party is free to do so knowing that his or her legal rights in this matter have not been impaired in any way.

Please note also that in an effort to encourage people to negotiate in earnest and to talk openly during the mediation process, all communications (including all phone, email and fax communications either with the mediator or between the parties themselves) made by participants during and leading up to a mediation meeting are, by law, to be kept confidential and cannot be disclosed to outside persons. These described communications also are protected from disclosure to other persons or offices within the TCEQ or SOAH (i.e., TCEQ's Office of the Chief Clerk or SOAH's Docketing Clerk, via filing or other correspondence). I would ask that any party who has any question related to the important confidentiality prohibition please contact me to discuss the matter.

I also want to provide a brief summary of the Commission's hearing procedures for this type of application so that the parties know what to expect if this matter does not settle. The next step in the Commission's process is for the matter to be scheduled for the Commission's consideration of whether or not to grant the hearing requests and/or the requests for reconsideration. Once this matter is scheduled for a Commission Agenda meeting, the Applicant, the Executive Director, and the Office of Public Interest Counsel will have the opportunity to file written responses and the requesters may file written replies. In making the determination of whether to grant the hearing requests, the Commission must determine whether or not the requesters are "affected persons" under the rules and whether or not they raised relevant and material issues concerning the application. If the Commission grants a hearing request, the Commission will refer the relevant and material issues for a contested case hearing at SOAH. The Applicant will have the burden of proof on the referred issues and any protesting parties (assuming you formally seek and are granted party status at the preliminary hearing) would have the opportunity to challenge the Applicant's evidence. If we do not schedule a mediation and informally resolve the dispute, SOAH will issue a notice of hearing, which essentially is the formal notification of the time and date of the preliminary hearing. However, the first hearing will not be the only event to occur in this matter. At the preliminary hearing, the Administrative Law Judge ("ALJ") will take formal jurisdiction over the matter (assuming the notices are correct), name the parties that can participate in the hearing, and potentially rule on any formal motions that may have been filed or asserted the day of the hearing. In order to be granted party status, most ALJs require that the entities seeking such status attend the preliminary hearing and formally participate. The ALJ will establish a procedural schedule that involves a discovery period, the filing of pre-filed testimony for the parties' direct cases, an evidentiary hearing, and the issuance of a proposal for decision that must be considered by the Commission. The ALJ will explain the

parties' legal rights and obligations at the preliminary hearing and in the subsequent order establishing the procedural schedule. Failure to meet those obligations may result in sanctions issued by the ALJ concerning a party's further participation in the hearing. Many contested case hearings take nine months to over a year until a final Commission decision is reached. The following is a link to SOAH's website generally explaining the hearing procedures: <http://www.ssoah.state.tx.us/not-an-attorney/hearings.asp>.

I hope this letter has provided a helpful introduction to the Commission's ADR Program and how it may assist the potential parties at this point in the hearing process. **I respectfully ask that the Applicant and Ms. Gillespie please contact me via telephone or email to discuss whether mediation is an option you wish to pursue at this time.** If you are interested in mediation, the next step will be to discuss your availabilities for a mediation date. I would anticipate allowing for a full day of negotiations. Because mediation is a voluntary process, both the Applicant and Ms. Gillespie must agree to participate before I may schedule a mediation. If the potential parties have already begun to formulate some potential solutions to the issues raised by the requesters, I am happy to assist the parties in facilitating informal settlement discussions. However, if either the Applicant or Ms. Gillespie prefers to move forward with the Commission's regular process instead of attempting to negotiate a resolution of the issues concerning the application at this time, I will cease the current ADR efforts and this matter will be scheduled for the Commission's consideration of whether or not to grant the hearing request. The decision whether or not to participate in ADR efforts is to remain confidential and not disclosed to the Commission or ALJ because ADR is a voluntary, optional process.

Please do not hesitate to contact me if you have any questions. I look forward to potentially working with the potential parties in seeking a collaborative resolution of this dispute.

Sincerely,



Todd Burkey, Attorney-Mediator

Alternative Dispute Resolution Program, Office of General Counsel

Texas Commission on Environmental Quality

P.O. Box 13087, MC-222, Austin, Texas 78711-3087

Phone: 512/239-2941 Fax: 512/239-4015 Email: Todd.Burkey@tceq.texas.gov

cc: Attached ADR Mailing List

AVALON002114

ADR MAILING LIST

**TCEQ Docket No. 2013-1507-MWD
the application by Avalon Water Supply and Sewer Service Corporation
for a major amendment to Permit No. WQ0013981001**

sent via electronic mail

FOR THE APPLICANT:

David C. Waishes
Ed Hettinger
Avalon Water Supply and Sewer Service
Corporation
PO Box 70
Avalon, TX 76623
Tel: 972-627-0044
awssc76623@yahoo.com

FOR THE REQUESTER:

Greg Wilhelm
Gregory E. Wilhelm, P.C.
206 S Rogers St
Waxahachie, TX 75165
Tel: 972-351-0041
info@gregwilhelm.com

FOR THE EXECUTIVE DIRECTOR:

Celia Castro, Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division MC 173
P.O. Box 13087
Austin, Texas 78711-3087
Tel: 512-239-0600
Fax: 512-239-0606

Dex Dean, Technical Staff
Texas Commission on Environmental Quality
Water Quality Division MC 148
P.O. Box 13087
Austin, Texas 78711-3087

FOR THE PUBLIC INTEREST COUNSEL:

Vic McWherter
Texas Commission on Environmental Quality
Public Interest Counsel MC 103
P.O. Box 13087
Austin, Texas 78711-3087
Tel: 512-239-6363
Fax: 512-239-6377

Robin Donaldson

From: Avalon Water Sewer Service Cor Avalon <awssc76623@yahoo.com>
Sent: Monday, September 02, 2013 4:16 PM
To: Jimmy Brown; David Waishes; Jeremy Langley; Rickey Johnston; Robin Donaldson; Denice Winbush; Manuel Rodriguez

Just to bring everybody up to date on happenings--

The service truck has new tires and a new front end.

Seven customers who have not furnished proof of repairs following the last smoke test have received 10 day notices to make the repairs or the water co will make them, then add the billing for costs and administrative fees to their water bill.

Gregg's helper was terminated, and a new one has been hired.

Thursday there was a surprise inspection by TCEQ. This has never been done before. The reason for the inspection was 2 complaints. The first complaint alleged a meter was being by-passed in the effluent line, and the other complaint alleged a pit at the back of the wwtp was unplugged and could drain raw influent water into the creek. Gregg proved to the inspector the meter was in line and properly working, the showed the inspector a plug in the pit preventing any effluent from draining into the creek. Both of these items had been active under the previous operator, but when Gregg returned to work, he insisted on them being corrected. Only someone who was intimately involved with the wwtp could have had any idea about those matters.

Letter of engagement has been signed for Kendal Stone, and we are gathering the items he asked for in order to conduct an audit and tax return.

Saturday when we attempted to prepare the monthly bills, we found a computer glitch. The bills printed with a 0 balance in all fields, including amount due. We have a call into RVS for assistance, but they are closed for the weekend and holiday, so hopefully they can fix the problem and we can run the bills on Tuesday.

Robin Donaldson

From: Avalon Water Sewer Service Cor Avalon <awssc76623@yahoo.com>
Sent: Monday, September 02, 2013 4:36 PM
To: Jimmy Brown; David Waishes; Jeremy Langley; Rickey Johnston; Robin Donaldson; Denice Winbush; Manuel Rodriguez
Subject: Agenda

The following is proposed for inclusion on the agenda for the next board meeting. If you have changes, additions, or corrections, please let me know promptly.

- 1 Elect new general manager.
- 2 Determine action to take re: multiple services thru one meter.
- 3 Consider joining TRWA
- 4 Determine action to take re: school late charges
- 5 Lane Boyd has asked to have late charges waived. Determine action.
- 6 Consider purchase of lap-top computer for Operations.
- 7 Consider payroll adjustment for Operations Manager
- 8 Minutes of previous meeting
- 9 Financial report
- 10 Operations Managers report
- 11 General Managers report
- 12 Presidents report

This is not the full agenda, merely a summary of the parts for review.

Robin Donaldson

From: Avalon Water Sewer Service Cor Avalon <awssc76623@yahoo.com>
Sent: Wednesday, September 04, 2013 3:34 PM
To: Jimmy Brown; David Waishes; Jeremy Langley; Rickey Johnston; Robin Donaldson, Denice Winbush; Manuel Rodriguez
Subject: TCEQ notice

The attached notice was received this morning in the mail. I don't think it means anything to us, but I am sending it to all directors for their information. Unless someone has other thoughts, I will file this and consider it not applicable.

Ed Hettinger

Bryan W. Shaw, Ph.D., Chairman
Carlos Rubinstein, Commissioner
Toby Baker, Commissioner
Zak Covar, Executive Director



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

NOTICE OF PUBLIC HEARING ON PROPOSED REVISIONS TO 30 TAC CHAPTER 307

The Texas Commission on Environmental Quality (commission) will conduct a public hearing to receive testimony regarding proposed revisions to 30 Texas Administrative Code (TAC) Chapter 307, Texas Surface Water Quality Standards, §§307.2 - 307.4 and 307.6 - 307.10, under the requirements of Texas Government Code, Chapter 2001, Subchapter B. The proposed rulemaking would provide a periodic public review and revision of the Texas Surface Water Quality Standards, as provided for in the Texas Water Code, §26.023, and as required by the Federal Clean Water Act, §303(c).

The commission proposes substantive and editorial changes, the addition of a definition for industrial cooling water areas, clarification regarding the allowance of different mixing zone sizes for specific numeric criteria, and to designate site-specific criteria for: 1) eight additional streams in Appendix D; 2) two additional site-specific toxic criteria in Appendix E; and 3) 11 additional site-specific criteria in Appendix G of §307.10.

The commission will hold a public hearing on this proposal in Austin on October 17, 2013 at 10:00 a.m. in Building E, Room 201S, at the commission's central office located at 12100 Park 35 Circle. The hearing is structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. Open discussion will not be permitted during the hearing; however, commission staff members will be available to discuss the proposal 30 minutes prior to the hearing.

Persons who have special communication or other accommodation needs who are planning to attend the hearing should contact Sandy Wong, Office of Legal Services at (512) 239-1802. Requests should be made as far in advance as possible.

Public Comment for Proposed Rule Revisions

In addition to the hearing, written comments on the proposed revisions to 30 TAC Chapter 307 may be submitted to Michael Parrish, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to (512) 239-4808. Electronic comments may be submitted at: <http://www5.tceq.texas.gov/rules/ecomments/>. File size restrictions may apply to comments being submitted via the eComments system. All comments should reference Rule Project Number 2012-001-307-OW. The comment period closes October 24, 2013. Copies of the proposed rulemaking can be obtained from the commission's Web site at http://www.tceq.texas.gov/nav/rules/propose_adapt.html. For further information, please contact Debbie Miller, Rule Coordinator, Water Quality Planning Division, at (512) 239-1703.

P.O. Box 13087 • Austin, Texas 78711-3087 • 512-239-1000 • tceq.texas.gov

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printed on recycled paper

AVALON002119

Robin Donaldson

From: Avalon Water Sewer Service Cor Avalon <awssc76623@yahoo.com>
Sent: Thursday, September 05, 2013 5:02 PM
To: Jimmy Brown; David Waishes; Jeremy Langley; Rickey Johnston; Robin Donaldson; Denice Winbush; Manuel Rodriguez
Subject: Fw: agenda
Attachments: Avalon Regular Agenda August 2013.doc

The following is proposed to be on the agenda for the coming board meeting. Please review and advise if you have any additions, changes, or comments.

Please let me have them quickly. Friday am as soon as I get in the office, I will print the agenda, then take it to Robin for a signature. Then I will take it to the county clerks office to be filed and marked and a copy of the stamped notice will be posted in the court house and in the Avalon Post Office.

AVALON WATER AND SEWER SERVICE CORP

PO Box 70

Avalon, Texas 76623
Phone: 972-627-0044

AGENDA

Officers

David Walshes, President
Jimmy Brown, Vice-President
Robin Donaldson, Secretary/Treasurer

Directors

Denice Wimbish
Manuel Rodriguez
Jeremy Langley
Rickey Johnston

Notice of Monthly Meeting for September 12, 2013

To All Members:

The Annual meeting of Avalon Water and Sewer Service Corporation for September 2013 will be held at the First Baptist Church, 206 Giles St., Avalon, Texas, on Thursday September 12, 2013 at 7:00 p.m. The governing body of Avalon Water Supply and Sewer Service Corporation reserves the right to adjourn into closed/executive session at any time during the course of this meeting to discuss any matter listed in this agenda, deemed appropriate, and authorized by Texas Government Code 551, also known as the Texas Open Meetings Act, or to seek the advice of an attorney on any matter. The agenda for the meeting is as follows:

1. Presiding director calls the meeting to order at 7:00 p.m., and requests verification of quorum being present.
2. Visitors comments and concerns.
3. Review and approve regular meeting minutes for August 8, 2013.
4. Secretary/Treasurer's report.
5. Review and approve financial report.
6. Elect new general manager.
7. Operations manager's report
8. General manager's report.
9. Determine course of action for correcting multiple services through one meter.
10. Determine course of action re-school late fees.
11. Consider joining TRWA.
12. Consider purchase of lap-top for operations manager.
13. Consider purchase of pressure tracking gauge.
14. Consider adjustment of compensation for operations manager. (May require executive session.)
15. Presidents report.
16. Adjourn.

Robin Donaldson, Secretary/Treasurer

AVALON002121

Robin Donaldson

From: Avalon Water Sewer Service Cor Avalon <awssc76623@yahoo.com>
Sent: Friday, September 06, 2013 8:53 AM
To: Robin Donaldson
Subject: Re: Prairielands Fee

Thanks, that should be a help.

From: Robin Donaldson <RDonaldson@fsbrice-tx.com>
To: "jan_hettinger@yahoo.com" <jan_hettinger@yahoo.com>
Cc: Avalon Water Sewer Service Cor Avalon <awssc76623@yahoo.com>
Sent: Friday, September 6, 2013 8:52 AM
Subject: Prairielands Fee

Morning! Scanned my Nash/Forreston water bill so we would have proof that other rural systems pass on the Prairielands Fee to the customers. Just a thought!

Robin Donaldson
First State Bank, Italy Branch
Personal Banker
972-483-6326
fax 972-483-6924
rdonaldson@fsbrice-tx.com

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Robin Donaldson

From: David Waishes <david.waishes@gmail.com>
Sent: Monday, September 09, 2013 10:54 AM
To: Robin Donaldson
Cc: jan_hettinger@yahoo.com; Avalon Water Sewer Service Cor Avalon; Denice Wimbish
Subject: Re: august meeting minutes
Attachments: AVALON wsc minutes 8.2013.docx

Please find attached edited minutes. Added a few words to the last bullet under the President's Report. Looks good.

Thanks!

On Mon, Sep 9, 2013 at 10:43 AM, Robin Donaldson <RDonaldson@fsbrice-tx.com> wrote:

Please take a look at theses minutes and not any corrections or additions, so Jan & Ed can make copies for the meeting this week.

One part in particular item #7 bullet 6. Director of what? I am still in question about this.

Robin Donaldson

First State Bank, Italy Branch

Personal Banker

972-483-6326

fax 972-483-6924

rdonaldson@fsbrice-tx.com

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--
David C. Waishes
1957 FM 55
Blooming Grove, TX 76626
972-921-7113

Robin Donaldson

From: Robin Donaldson
Sent: Monday, September 09, 2013 11:21 AM
To: 'David Waishes'
Subject: RE: august meeting minutes

Thanks, David. Have forwarded the minutes with your addition to Jan & Ed, also to Denice. Don't have other email addresses at this time.

See you Thursday!

Robin Donaldson
First State Bank, Italy Branch
Personal Banker
972-483-6326
fax 972-483-6924
rdonaldson@fsbrice-tx.com

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From: David Waishes [mailto:david.waishes@gmail.com]
Sent: Monday, September 09, 2013 10:54 AM
To: Robin Donaldson
Cc: jan_hettinger@yahoo.com; Avalon Water Sewer Service Cor Avalon; Denice Wimbish
Subject: Re: august meeting minutes

Please find attached edited minutes. Added a few words to the last bullet under the President's Report. Looks good.

Thanks!

On Mon, Sep 9, 2013 at 10:43 AM, Robin Donaldson <RDonaldson@fsbrice-tx.com> wrote:

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Robin Donaldson

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Personal Banker

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David C. Waishes
1957 FM 55
Blooming Grove, TX 76626
972-921-7113

Robin Donaldson

From: Robin Donaldson
Sent: Monday, September 09, 2013 11:33 AM
To: 'jan_hettinger@yahoo.com'
Cc: 'Avalon Water Sewer Service Cor Avalon'
Attachments: AVALON wsc minutes 8.2013.docx

Hopefully this is okay. Thanks for all of your help!

Robin Donaldson

First State Bank, Italy Branch

Personal Banker

972-483-6326

fax 972-483-6924

rdonaldson@fsbri-ce-tx.com

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Robin Donaldson

From: Avalon Water Sewer Service Cor Avalon <awssc76623@yahoo.com>
Sent: Monday, September 09, 2013 5:35 PM
To: Jimmy Brown; David Waishes; Jeremy Langley; Rickey Johnston; Robin Donaldson; Denice Winbush; Manuel Rodriguez
Subject: Minutes 8/8/13
Attachments: Scan0027.pdf

Attached are minutes from the last meeting.

Robin Donaldson

From: Avalon Water Sewer Service Cor Avalon <awssc76623@yahoo.com>
Sent: Monday, September 09, 2013 5:45 PM
To: Jimmy Brown; David Waishes; Jeremy Langley; Rickey Johnston; Robin Donaldson;
Denice Wirbisch; Manuel Rodriguez
Subject: Info for Directors meeting
Attachments: Scan0028.pdf; Scan0029.pdf

Attached are 2 forms. The first(5 pages) is a monthly comparative operating statement from 1-1-13 thru today. The second is a cash flow statement from 8-1-13 thru today. We will bring one to the meeting that is thru Thursday.

If you have any questions, let me know.

Ed

Deposits	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
	4,042.24	7,695.73	837.34	736.26	35.42	53.12	4,455.53	1,121.57	4,635.49				23,613.20
	1,347.22	1,970.07	1,335.93	1,306.44	749.76	1,394.07	3,568.03	1,550.23					13,687.75
	3,868.22	3,476.81	1,692.52	5,861.46	1,079.13	3,449.93	2,363.72	1,816.99					24,239.16
	6,813.79	4,713.34	1,850.82	123.00	35.42	1,348.49	1,366.51	4,802.87					20,754.24
	2.00	1,511.66	5,088.53	4,227.80	2,482.31	1,327.47	238.83	3,077.77					16,756.37
	12,275.33	1,015.44	1,346.61	5,144.54	3,310.56	2,517.34	83.92	805.88					26,499.83
	2,181.69	1,878.99	5,602.19	124.00	4,356.78	2,785.54	1,571.94	1,547.36					20,347.49
	1,405.08			6,673.73	2,254.43	3,321.29	1,958.58	2,338.66					13,483.33
	415.26			123.00	80.00	3,558.89	1,792.48	4,440.73					16,970.99
				998.52	1,059.04	2,708.11	3,572.36	246.00					7,804.51
					2,910.67		844.29	75.00					4,828.48
					3,021.26		2,738.36	2,954.12					8,713.76
							206.93	267.86					474.79
								2,806.25					2,806.25
								317.92					317.92
Total Deposits	32,374.97	21,682.10	18,357.34	27,620.54	21,374.80	21,274.05	26,264.98	28,367.21	4,635.49	0.00	0.00	0.00	302,931.89

Disbursements

Insurance													
AIA Insurance													
Clapps Insurance Agency													
Total Insurance	0.00	1,223.00	0.00	0.00	0.00	0.00	919.00	0.00	0.00	0.00	0.00	0.00	1,323.00
Utilities													
AT&T	212.50	208.05	222.78	223.28	222.69	224.29	222.09	222.01	227.41				1,985.10
NU Electric	473.54	3,622.95	6,015.56	2,242.35	0.00	3,349.06	3,428.83	5,725.42	4,382.64				29,640.75
Windstream Communications	105.87	130.17	132.75	265.50	0.00	128.24	265.21	138.35					1,157.04
Total Utilities	791.86	3,961.17	6,371.09	2,731.53	222.69	3,501.59	3,817.13	6,075.78	5,210.05	0.00	0.00	0.00	32,782.88

AVALON002130

Payroll

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Bond, Rebecca	288.75	637.50											926.25
Brocker, Shawn	1,087.50	600.00	1,390.00	765.00	1,200.00								4,942.50
Buchanan, Justin		0.00											0.00
Carrill, Cameron	1,087.50	30.00	1,807.50	1,837.50	5,330.00	855.00							8,947.50
Carrill, Dean	1,230.49	780.00	3,450.00	3,450.00	3,450.00	3,855.00	3,450.00						20,685.49
Frank, Wendy	1,320.00	2,825.00	400.00										4,525.00
Hayes, Justin													450.00
Henderson, Justin	215.97	480.00	210.00	300.00	165.00	380.00							1,822.50
Hopkins, Jacob	215.97	1,490.00											1,706.97
McCandland, Clint	90.00	210.00	400.00	440.00	530.00								2,110.97
Walker, Sheldic	197.44	30.00											227.44
Woodbridge, Tony	316.78												316.78
Rodriguez, Gregg - Payroll	2,853.74	3,631.72	2,687.32	2,687.32	4,213.58	2,439.82	2,997.21	3,180.61	1,453.75				26,205.17
Rodriguez, Gregg - Insurance	79.00	275.00	150.00	150.00	225.00	150.00	150.00	150.00	75.00				1,358.00
Daniel, Justin													513.99
Valdez, Joe													158.99
Texas Workforce Com						60.00							158.99
Total Payroll	9,957.15	10,999.22	10,294.82	9,839.87	13,308.58	8,642.32	7,947.81	3,844.60	1,814.86	0.00	0.00	0.00	76,649.18

Bank Charges

Returned Checks	64.07	176.32	197.22	25.00									462.61
Charge Back Bank Fee	5.00	5.00	5.00	5.00									20.00
Bank Adjustments													(1,687.00)
Debit Check Charge	42.00												42.00
Citizens State Bank													198.03
Bank Charges	111.07	(1,066.65)	(43.78)	30.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	(1,687.00)

Property Taxes

Elgin County Tax Assessor (Truck Tag)	62.75												62.75
Total Property Taxes	62.75	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	62.75

USDA

USDA Loan Payment	1,447.00	1,447.00	1,447.00	1,447.00	1,447.00	1,447.00	1,447.00	1,447.00					11,576.00
USDA Loan Payment	1,449.00	1,449.00	1,449.00	1,449.00	1,449.00	1,449.00	1,449.00	1,449.00					11,592.00
Total USDA Loan Payment	2,896.00	2,896.00	2,896.00	2,896.00	2,896.00	2,896.00	2,896.00	2,896.00	0.00	0.00	0.00	0.00	23,168.00

Waste Disposal

City of Italy													
CC Landfill	48.10												48.10
Richland Sanitation						75.00							75.00
Total Waste Disposal	0.00	48.10	0.00	1,225.00	0.00	75.00	0.00	150.00	75.00	0.00	0.00	0.00	1,573.10

AVALON002131

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Office Expense													
Boyd, Becky - Office Supplies			193.14										193.14
Card Services	1,530.25		603.52	1,885.35		341.98	1,772.88	1,134.47					7,518.45
Carnell, Dean						86.02							86.02
Hettinger, Ed							603.23		362.24				965.47
Petty Cash													
Rodriguez, Gregg		165.00						100.00					100.00
RVS Software	441.70						275.70						165.00
Secretary of State Filing Expenses							10.00	5.00					670.40
Waxahachie Daily Light													5.00
Total Office Expense	2,072.95	165.00	996.66	1,885.35	684.03	427.98	2,584.81	1,229.47	362.24	0.00	0.00	0.00	684.03
													10,387.49

Office Maintenance

Total Office Maintenance	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
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Office Repairs

Total Office Repairs	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
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AVALON002132

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Maintenance Water													
Avalon Fuel Distributors		237.24						679.80					679.80
Blackland Building Supply								73.61					73.61
Bowles Sand & Gravel							183.28						183.28
Britton Water Supply Inc.		759.05	282.75	742.53	181.55		1,050.00	1,678.35					5,232.23
Cal Fire Boring		1,000.00											1,000.00
Crip Analytical Laboratories													
Environmental Monitoring Lab	493.00	574.00	493.00	493.00		493.00	493.00	639.00					3,800.00
Hach								41.70	46.25				87.95
Helena Chemical													
J J Williams - repair fire hydrant	431.61	97.45	292.37	348.07	605.00	487.29	417.68	278.46					2,850.93
K D Water Service		200.00											200.00
K W Utilities		675.00	30.00	1,071.31	522.60		756.33	305.60	35.00				3,445.84
Lonestar Maintenance Inc	30.00												30.00
Lower Colorado River Authority													
Onithia McCarthy Sewer Plant tank													
Morrison Supply Company						500.00		324.98					824.98
Napa Auto Supply						1,073.69	1,050.00						2,123.69
OK Lumber	281.13	362.14		102.81	82.11								828.19
Pravilelands Ground Water	1,101.58			161.16	357.42	106.64		50.48	19.85				1,736.03
Buster Russell			327.16		740.50								1,067.66
Russell Bros. Contracting, LTD		579.60		750.00									1,329.60
Smith Pump Company						381.50							381.50
Texas DS&S	50.00						1,343.50						1,393.50
Trinity River Authority		186.00	186.00	93.00	93.00	93.00	93.00	93.00	93.00				930.00
Total Maintenance Water	2,387.32	4,776.48	2,109.28	3,011.88	3,127.18	3,142.52	5,886.80	4,774.98	194.21	0.00	0.00	0.00	28,914.65
Maintenance Sewer													
DCI Sanitation - Bumpster								127.00					127.00
													0.00
													0.00
													0.00
													0.00
													0.00
													0.00
													0.00
													0.00
Total Maintenance Sewer	0.00	0.00	0.00	0.00	0.00	0.00	0.00	127.00	0.00	0.00	0.00	0.00	127.00

AVALON002133

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Vehicle Expense													
Bruckner, Shawn repair					800.00	10.00							810.00
First State Bank (cash to fix tire)								56.95					56.95
Hudson Brothers								435.99					435.99
Warner final/Avalon	477.33	191.87	149.53	392.90	578.06	802.44	444.56						3,783.34
Washachae Auto Supply	120.29					299.59							420.88
Vehicle Expense	597.62	191.87	149.53	392.90	1,378.06	1,112.03	444.56	434.94		0.00	0.00	0.00	5,072.17
Legal Fees													
The Murgis Law Firm PLLC	300.00				250.00								550.00
Wray, Willett & Stoffler - Cancell release								450.00					450.00
Total Legal Fees	300.00	0.00	0.00	0.00	250.00	0.00	0.00	0.00	450.00	0.00	0.00	0.00	1,250.00
Total Disbursements	19,175.73	23,188.19	22,173.00	22,012.48	21,846.54	19,797.44	24,586.11	19,092.77	8,617.02	0.00	0.00	0.00	180,905.87
Operation Profit/Loss	13,199.25	(1,526.09)	(4,416.26)	5,608.06	(491.74)	2,475.61	1,678.87	5,275.44	(3,781.13)	0.00	0.00	0.00	27,022.01
Beginning Balance for Month	7,332.67	20,531.52	19,065.83	14,549.37	20,197.63	19,705.89	22,182.50	23,861.37	33,135.73	29,354.60	29,354.60	29,354.60	
Adjustment								(3.08)					
Ending Bank Balance	20,531.92	19,095.63	14,549.87	20,197.63	19,705.89	22,182.50	23,861.37	33,135.73	29,354.60	29,354.60	29,354.60	29,354.60	

AVALON WATER SUPPLY AND SEWER SERVICE CORPORATION
Statement of Cash Transactions
August 2013

Bank Balance as of July 31, 2013

First State Bank Italy - Special Account	\$24,400.64
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Total Bank Balance as of July 31, 2013	\$24,400.64
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August 2013 Cash Receipts

Special Account

Accounts Receivable	\$28,256.22
Memberships	
Tap Fees	
Water Rights	
Transfers	
Insurance Proceeds	
Other - Miscellaneous Revenue	

Total August 2013 Cash Receipts & Income	\$28,256.22
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\$52,656.86

August 2013 Disbursements

Bank -Special Account	\$15,176.19
USDA Loan Payments	\$2,896.00
Returned Checks	\$207.52
Bank Charge Back Fee	\$10.00
	\$18,289.71

Ending Bank Balance August 31, 2013	\$34,367.15
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WATER PURCHASED & SOLD

Total Gallons Pumped in August 2013:	3,788,000
Total Gallons Sold in August 2013:	3,451,600
Water Used for Fire and Flushing Line	30,000
Water Loss	306,400
Water Loss Percent	8.09%

Robin Donaldson

From: Robin Donaldson
Sent: Friday, September 13, 2013 9:06 AM
To: 'Avalon Water Sewer Service Cor Avalon'
Subject: RE: special meeting 9/16/2013

I will be there, sir. 7:00 pm?

Robin Donaldson
First State Bank, Italy Branch
Personal Banker
972-483-6326
fax 972-483-6924
rdonaldson@fsbrice-tx.com

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From: Avalon Water Sewer Service Cor Avalon [mailto:awssc76623@yahoo.com]
Sent: Friday, September 13, 2013 8:54 AM
To: Jimmy Brown; David Waishes; Jeremy Langley; Rickey Johnston; Robin Donaldson; Denice Winbush; Manuel Rodriguez
Subject: special meeting 9/16/2013

I would like to have a special meeting Monday night 9/16/2013 to discuss and decide on mediation on the contested hearing matter before TCEQ. Please advise if you can make the meeting, as we must have a quorum. I will take the notice to the county clerks office at noon today so there will be at least 72 hours notice. The only thing to be on the agenda is the mediation matter. Please respond promptly.

Ed Hettinger

Robin Donaldson

From: Avalon Water Sewer Service Cor Avalon <awssc76623@yahoo.com>
Sent: Friday, September 13, 2013 10:05 AM
To: Jimmy Brown; David Waishes; Jeremy Langley; Rickey Johnston; Robin Donaldson; Denice Winbush; Manuel Rodriguez
Subject: agenda
Attachments: agenda 9-16-2013a.docx

didn't attached the new agenda. will try again

AVALON WATER SUPPLY & SEWER SERVICE CORP.

213 N FM 55

AVALON, TX 76623

972-627-0044

September 13, 2013

**Notice of Special Meeting of the Board of Directors of Avalon
Water Supply And Sewer Service Corp.**

On September 16, 2013, at 7:00 pm, at First Baptist Church, 206 Giles St. Avalon, TX., the Avalon Water Supply And Sewer Service Corp. will hold a special meeting of the Board of Directors to decide whether or not to accept TCEQ's offer of mediation in the contested hearing regarding the Water Company's filing for an amended and renewed Waste Water Treatment Plant permit.

This is the only item to be on the agenda.

Robin Donaldson, Secy.-Treas.

Robin Donaldson

From: Avalon Water Sewer Service Cor Avalon <awssc76623@yahoo.com>
Sent: Friday, September 20, 2013 3:42 PM
To: Jimmy Brown; David Waishes; Jeremy Langley; Rickey Johnston; Robin Donaldson;
Denice Winbush; Manuel Rodriguez
Subject: weekly update

Yesterday, Sept 19, we had a large leak in front of Gregg's house. After purchasing some materials, he & Joe, along with James, Joe's brother-in-law, were able to get the repairs done by about 6:30, at which time Gregg had to open some flush valves and clear out the dirty water. I think he finished after 10pm.

This morning we had a power outage at well #3 but an electrician was able to get it repaired and back in service after a short time.. It probably had something to do with last night's storms.

Tuesday I sent an e-mail to Todd Burkey re the mediation. I also called him. Wednesday he returned my call and we discussed going forward. I explained we would be happy to use mediation only, but were sure the opposing side would not. He is to advise me when he has heard from them and has either scheduled a mediation hearing or has other plans based on their response.

Today we received a Freedom of Information request from Carol Gillespie for a copy of the minutes from board meetings held on 11/11/10, 9/13/11, & 10/13/11. All were mailed to her the same day.

I have just received an e-mail from Dean Carrell who has asked to return the mixer on Wednesday, September 25 at 1:30 pm. I accepted the appointment, but would very much appreciate it if one or two board members could be in attendance at that time.

That is it for now. If anyone has any response, please advise.

Ed Hettinger

Robin Donaldson

From: Avalon Water Sewer Service Cor Avalon <awssc76623@yahoo.com>
Sent: Monday, September 23, 2013 4:23 PM
To: Robin Donaldson
Subject: Re: checks

Please go ahead and order 2 boxes

Thank you.

From: Robin Donaldson <RDonaldson@fsbrice-tx.com>
To: "jan_hettinger@yahoo.com" <jan_hettinger@yahoo.com>
Cc: Avalon Water Sewer Service Cor Avalon <awssc76623@yahoo.com>
Sent: Monday, September 23, 2013 3:20 PM
Subject: checks

We ordered 2 boxes of checks last time. Do we want to do that again or just one box? 150 checks per box.

*Robin Donaldson
First State Bank, Italy Branch
Personal Banker
972-483-6326
fax 972-483-6924
rdonaldson@fsbrice-tx.com*

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Robin Donaldson

From: Avalon Water Sewer Service Cor Avalon <awssc76623@yahoo.com>
Sent: Saturday, October 12, 2013 10:07 AM
To: Jimmy Brown; David Waishes; Jeremy Langley; Rickey Johnston; Robin Donaldson;
Denize Wimbish; Manuel Rodriguez
Subject: ADR

I have just received an e-mail from the TCEQ atty doing the ADR. I have it copied and my comments, but I can't seem to get it to e-mail to you. I have copies here at the office if you will come by and pick them up.

Thanks,
Ed

Robin Donaldson

From: Avalon Water Sewer Service Cor Avalon <awssc76623@yahoo.com>
Sent: Saturday, October 26, 2013 9:47 AM
To: Jimmy Brown; David Waishes; Jeremy Langley; Rickey Johnston; Robin Donaldson; Denice Wimbish; Manuel Rodriguez
Subject: Update
Attachments: Directors update 10=25=13.docx

Attached is an update on the Water Co operation, etc. for this week. Please review carefully. A response is required.

To Avalon Water Supply & Sewer Service Corp. Directors:

Our next meeting will be Nov. 14th.

At this time there are 2 important items to discuss:

1. Drought Contingency Plan-This is to be approved annually and has not been done in the past year. I am unaware of any changes needed, so we just need someone to move to approve the Drought Contingency Plan as it was last year, get a second and vote for it.
2. According to the by-laws, our annual meeting should be on the second Monday in March, which will be March 10th, 2014. Since actions start 75 days prior to the meeting, that means things start at approximately December 12th. At the first meeting after the new directors were installed last, they should have established a Credentials Committee consisting of the Secretary/Treasurer who is the chair person, one other board member, and one other person who is a member. The minutes do not reveal this was done therefore it must be done immediately. Please be prepared to handle this matter.

We have found that some records have been changed, so that what is showing as the owner is actually a renter. We must complete a survey of all accounts prior to 12/12/13 so that we will have an accurate list of eligible voters for the mailing that takes place then. If any of you know of any instances of someone renting, please let me know so we can make sure the records are correct. We must have in the office at that time an up-to-date list of all members with addresses and phone numbers (if available) for anyone who wishes to see or copy them.

We need at least 35 votes in order to hold a valid election, so be prepared to solicit proxies.

I am forwarding a document I received Friday afternoon late concerning our upcoming hearing at TCEQ. I will send it in another e-mail as that will be easier than trying to attach it to this. The hearing on 11/20 is actually a hearing to see if Gillespie gets a hearing in front of an administrative judge, but in reading the attached, and after talking to the author, Vic McWherter, I feel sure she will get a hearing. I asked Mr. McWherter if we should have an attorney with us for the first hearing and he said most of the time both sides have legal counsel, so that if and when it goes to a court hearing, the attorney will be familiar with the situation. You directors need to talk among yourselves and determine if you want counsel, and if so, who you want to represent you. **YOU MUST SELECT COUNSEL , IF YOU WANT ONE.** After you select one, if you desire, I will contact him and bring him up to date. Quick action is necessary in order to give him time to get up to date on everything that has happened.

Robin Donaldson

From: Avalon Water Sewer Service Cor Avalon <awssc76623@yahoo.com>
Sent: Saturday, October 26, 2013 9:48 AM
To: Jimmy Brown; David Waishes; Jeremy Langley; Rickey Johnston; Robin Donaldson; Denice Wimbish; Manuel Rodriguez
Subject: Fw, Avalon WSC; TCEQ Docket No. 2013-1507-MWD; hearing request response
Attachments: avalonHRopic.pdf

Please review the attached doc from TCEQ relative to the 11/20 hearing.

On Friday, October 25, 2013 2:33 PM Vic Mowherter <vic.mowherter@tceq.texas.gov> wrote:
Attached please find the Office of Public Interest Counsel's Response to Hearing Request.

MAILING LIST
AVALON WATER SUPPLY AND SEWER SERVICE CORPORATION
TCEQ DOCKET NO. 2013-1507-MWD

FOR THE APPLICANT:

David Waishes, President
Avalon WSSC
P.O. Box 70
Avalon, Texas 76623
Tel: 972/627-0044 Fax: 254/687-2428

Scott Hoelzle, P.E.
KSA Engineers
8875 Synergy Drive
McKinney, Texas 75070
Tel: 972/542-2995 Fax: 972/542-6750

FOR THE EXECUTIVE DIRECTOR

Celia Castro, Staff Attorney
Texas Commission on Environmental
Quality
Environmental Law Division, MC-173
P.O. Box 13087
Austin, Texas 78711-3087
Tel: 512/239-0600 Fax: 512/239-0606

Dex Dean, Technical Staff
Texas Commission on Environmental
Quality
Water Quality Division, MC 148
P.O. Box 13087
Austin, Texas 78711-3087
Tel: 512/239-4570 Fax: 512/239-4430

Brian Christian, Director
Texas Commission on Environmental
Quality
Small Business and Environmental
Assistance Division
Public Education Program, MC-108
P.O. Box 13087
Austin, Texas 78711-3087
Tel: 512/239-4000 Fax: 512/239-5678

FOR ALTERNATIVE DISPUTE
RESOLUTION

Kyle Lucas
Texas Commission on Environmental
Quality
Alternative Dispute Resolution, MC-222
P.O. Box 13087
Austin, Texas 78711-3087
Tel: 512/239-4010 Fax: 512/239-4015

FOR THE CHIEF CLERK:

Bridget Bohac
Texas Commission on Environmental
Quality
Office of Chief Clerk, MC-105
P.O. Box 13087
Austin, Texas 78711-3087
Tel: 512/239-3300 Fax: 512/239-3311

REQUESTERS:

Carol D. Gillespie
3921 Bobbin Lane
Addison, Texas 75001

Carol D. Gillespie
P.O. Box 2049
Waxahachie, Texas 75168

Gregory E. Wilhelm
Gregory E. Wilhelm, PC
PO Box 2539
Waxahachie, Texas 75168-8539

Robin Donaldson

From: Avalon Water Sewer Service Cor Avalon <awssc76623@yahoo.com>
Sent: Monday, October 28, 2013 12:18 PM
To: Jimmy Brown; David Waishes; Jeremy Langley; Rickey Johnston; Robin Donaldson;
Denise Wimbish; Manuel Rodriguez
Subject: tariff
Attachments: Intro to rate increase docx

Please review the attached and let me know your thoughts. Remember, we have to give 60 days notice before implementing any changes to tariff. If we approve the attached at the November meeting, it would not go into effect until the February billing.

Robin Donaldson

From: Avalon Water Sewer Service Cor Avalon <awssc76623@yahoo.com>
Sent: Monday, October 28, 2013 9:01 PM
To: Jimmy Brown; David Waishes; Jeremy Langley; Rickey Johnston; Robin Donaldson;
Denice Wimbish; Manuel Rodriguez
Subject: TECQ information

This afternoon I received by e-mail a packet from TCEQ. It is 2 forms, one 14 pages, and the other 90 pages. Due to the size of the packet, I am not sending it by e-mail, but have made a copy for each of you. Would you please drop by the office at your earliest convenience and pick up your copy. I also made a few extra copies so that we will have one for whatever attorney you select. You really need to look this over promptly and be prepared to discuss it with the attorney

Thank you.

Ed

Board Members:

While our finances have improved since July, keep in mind that there is no compensation being paid to either Jan or myself. This is our preference and we have no desire to change it, however neither do we expect to be here indefinitely. Therefore you must plan for our replacements.

Furthermore we have several substantial expenses on the horizon. First is the repair of well #2. That could be anywhere from \$15,000 to \$40,000 depending on how we choose to do it.

Secondly, there will be unknown expenses in connection with our TCEQ hearing and resolution. I have no idea what that will be, but at the very least there will be an attorney's cost. Probably there will be some expense for correcting the effluent situation and perhaps a cost of purchasing an additional right of way from Gillespie.

Also TCEQ is expecting us to establish a plan for determining which of our sewer lines need replacing and how we plan to handle that matter. Documentation from Hilco in the past indicates the USDA, which has been our best source of funds in the past, says the sewer part of the system should be self-sustaining before granting any additional funding.

We also need to consider an additional vehicle since we now have 2 employees in the field.

We need to do some replacement fencing at the waste water plant and at the lift station per TCEQ requirements. We also need to buy several new tools for field use. There are several other items that need to be addressed, that can be brought up later

The purpose of this is to bring up our income. We are treading water right now, but that can't continue. We must have more income and the sewer system must contribute more to the income. Therefore I am proposing a rate increase as follows:

Base water rate of \$40.00 and a base sewer rate of \$45.00. The tiered gallonage pricing will remain the same at this time except for higher users where the tiered pricing will be raised as follows

1000 Gal	Included
9000 Gal	\$4.60 per thousand
10,000 Gal	\$4.85 per thousand
20,000 Gal	\$5.10 per thousand from here up is what is in place
30,000 Gal	\$5.35 per thousand from here down is proposed
40,000 Gal	\$5.60 per thousand
50,000 and above	\$5.85 per thousand

While this may be distasteful, the fact remains that we must have more income to continue operating. I think we are operating about as economically as we can. I am open to any suggestions, but at this time, this is my best recommendation.

Robin Donaldson

From: Robin Donaldson
Sent: Tuesday, October 29, 2013 11:29 AM
To: 'Avalon Water Sewer Service Cor Avalon'
Subject: RE: Avalon WSSC permit application, ADR efforts

I am unable to attend the ADR during weekdays, hrs 8-5. I have no days left due to my mom's illness and death. I did read over Todd's emails and do understand that we cannot be influenced by past actions or statements of either party. It is my desire that we settle the issues with the Gillespie girls as quickly as possible. It has gone on far too long. We need to be able to focus on running the water department/sewer service in the best manner possible and finding someone to be trained to take over for you guys. We are so blessed to have you, but we cannot take advantage of you either.

Life is too short for all of this bickering. We want to run a well managed company and to be legal/compliant to the state in all respects. The Gillespie family will have to put forth a valiant effort to GO FORWARD as well.

From: Avalon Water Sewer Service Cor Avalon [mailto:awssc76623@yahoo.com]
Sent: Tuesday, October 29, 2013 11:03 AM
To: Jimmy Brown; David Waishes; Jeremy Langley; Rickey Johnston; Robin Donaldson; Denise Wimbish; Manuel Rodriguez
Subject: Fw: Avalon WSSC permit application, ADR efforts

This was just received from Todd Burkey with TCEQ who will be handling the ADR. Please review and let me hear back from you by tomorrow morning, so I can respond to Todd. I need to know who will be going to the ADR and if there are any dates not acceptable. I plan on going, but do not have to. Someone from the board must attend or we will enter the contested hearing with egg on our face.

Ed

On Tuesday, October 29, 2013 10:01 AM, Todd Burkey <todd.burkey@tceq.texas.gov> wrote:

Hi Ed! I am out of the office until Wednesday, but I did receive your email from Saturday about adding the easement issue to the list of issues. I want to make sure that we are on the same page. I had not heard back on the below email in which I had suggested some refocus on Avalon's issues. Please review the below email and let me know if those five issues are how you would like to proceed. Then I can forward the list to the Hearing requesters. In addition, I would like to get a feel for whether you would prefer to schedule a mediation before or after 11/20. If the hearing requests are granted, then we would have plenty of time to schedule a meeting after that date. Some applicants prefer to wait in order to narrow the issues. However, I am happy to try and schedule something before if that is your preference. If you want to schedule before 11/20, I will need your group's unavailable dates in order to try to schedule a meeting. Thanks for your efforts!

Todd
From: Todd Burkey
Sent: Monday, October 21, 2013 2:22 PM
To: Avalon Water Sewer Service Cor Avalon
Subject: RE: Avalon WSSC permit application, ADR efforts

Hi Ed,

I wanted to touch base with you before I send Avalon's preferred scope for the mediation to the Gillespies. I noted that the two attachments had very different focuses: 1) easement concerns going forward and 2) past allegations raised by the Gillespies at Board meetings. The two issues concerning the easements are good additional issues to discuss. At this point, I would recommend that the issues list that Avalon sends have slightly less detail in an effort to maintain Avalon's negotiating flexibility. Highlighting the general issue you would like to address is important.

I do have a word of caution after reading the attached PFD document that lists complaints about allegations made by the Gillespies. Participants in the ADR process need to focus on several concepts to increase the likelihood of reaching a collaborative settlement. One of the most important in situations like the one between Avalon and the Gillespies is the parties need to maintain a future mindset. Participants often become fixated and angry over past communications and proving that the other side has been unreasonable at past meetings. A mediated settlement agreement can establish the framework for the parties' interactions as neighboring landowners into the future; however, the agreement can never alter how a party acted in the past. I know that past interactions often frame the reasons for the current dispute, but I just want to make sure that Avalon's representative at any mediation keep in mind this important concept. No one at the mediation will be making a determination of who was right and who was wrong at past situations, so focusing issues on past allegations will probably not lead to a resolution. A better focus the issues in the allegations document may be coming up with ways to promote better communication or procedures at the Board meetings.

In attempting to help Avalon frame its issues, am I correct that you desire to look at the following:

- 1) Resolving the Gillespies' protest of the application and obtaining the amended TPDES permit;
- 2) The size and location of an easement over the Gillespie property to better facilitate access and repair to the facility;
- 3) The ability to remove vegetation from the easement and plant grass in its place;
- 4) More productive communications during Board meetings between Board members and the Gillespies;
- 5) Better methods to directly address Gillespie complaints.

Please let me know what you think or if you have different language or issues you would like to submit. I drafted these issues by making assumptions from your information, so please correct them as needed.

I will go ahead and forward you desire to not join in any continuance request of the Agenda setting to the Gillespies

Thanks for your attention to these issues.

Todd

From: Avalon Water Sewer Service Cor Avalon [mailto:awssc76623@yahoo.com]
Sent: Friday, October 18, 2013 2:42 PM
To: Todd Burkey
Subject: Re: Avalon WSSC permit application, ADR efforts

I was just about to send our issues to you when I saw your e-mail. Hopefully I can attach them to this for your review. We do not wish to delay the hearing. Since it is set, lets get it on. We appreciate all your help. Please let us know what the next step is.

On Friday, October 18, 2013 1:54 PM, Todd Burkey <todd.burkey@iccg.texas.gov> wrote
Hi Ed,

Any updates on the scope of issues and continuance interest? Thanks.

Todd

Robin Donaldson

From: Avalon Water Sewer Service Cor Avalon <awssc76623@yahoo.com>
Sent: Tuesday, November 05, 2013 8:05 PM
To: Jimmy Brown; David Waishes; Jeremy Langley; Rickey Johnston; Robin Donaldson;
Denice Wimbish; Manuel Rodriguez
Subject: agenda info
Attachments: director info 11-5-13.docx

To the Directors:

We will have our regular board meeting on Thursday, Nov. 14th. I would appreciate it if each of you could let me know if you will be able to attend. Also please let me know if there is anything you wish to place on the agenda for that meeting.

The most important thing I see is discussion and adoption of new rate schedule. I have previously submitted my recommendation to you, but I've had no response from any of you yet. Please let me know how you are leaning in this matter.

I have reviewed our Drought Contingency Plan and find no areas needing changing. We need to re-adopt the plan, as it is to be renewed annually and was last done in the spring of 2012. Someone please be prepared to move to re-adopt the Drought Contingency Plan as it stands.

As mentioned in my previous memo, we should have a credentials committee in place. Robin, as Secy/Trea is the chairperson. There should be one other director and one non-director member filling out the 3 place committee. Please be prepared to establish this committee. This is very important, as we have already started planning for next year's election since there is a 75 day lead time and the election, according to our by-laws should be in March.

I plan to post the agenda by this Friday, so if there is anything you wish added, please let me know immediately.

Robin Donaldson

From: Robin Donaldson
Sent: Wednesday, November 06, 2013 9:01 AM
To: 'Avalon Water Sewer Service Cor Avalon'
Subject: RE: agenda info

Okay, I was thinking the third person could be the judge. Oh, well I have slept since then.

Robin Donaldson
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From: Avalon Water Sewer Service Cor Avalon [mailto:awssc76623@yahoo.com]
Sent: Wednesday, November 06, 2013 8:53 AM
To: Robin Donaldson
Subject: Re: agenda info

I think Susan Clark was the election judge, at least according to the records we have found. We will need an election judge for the coming election also.

On Wednesday, November 6, 2013 7:37 AM, Robin Donaldson <RDonaldson@fsbrice-tx.com> wrote:
Last year before the election we had the committee you mentioned. It consisted of me, Denice Wimbish and Susan Clark or so I thought.

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rdonaldson@fsbrice-tx.com

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From: Avalon Water Sewer Service Cor Avalon [<mailto:awssc76623@yahoo.com>]

Sent: Tuesday, November 05, 2013 8:05 PM

To: Jimmy Brown; David Waishes; Jeremy Langley; Rickey Johnston; Robin Donaldson; Denice Wimbish; Manuel Rodriguez

Subject: agenda info

Robin Donaldson

From: Avalon Water Sewer Service Cor Avalon <awssc76623@yahoo.com>
Sent: Thursday, November 07, 2013 8:59 PM
To: Jimmy Brown; David Waishes, Jeremy Langley; Rickey Johnston, Robin Donaldson; Denice Wimbish; Manuel Rodriguez
Subject: Agenda for 11-14
Attachments: Agenda for 11-14-13.docx

Attached is my proposed agenda for the next meeting. Please review and give me any changes by tomorrow before noon. I plan on going to the clerks office at lunch time to have this file stamped and posted. I will then post a copy in the Avalon Post Office..

Ed

Avalon Water Supply And Sewer Service Corp.

PO Box 70

Avalon, TX. 76623

Agenda

Officers

Davis Waishes, President

Jimmy Brown, Vice-President

Robin Donaldson, Secretary/Treasurer

Directors

Denice Wimbish

Manuel Rodriguez

Ricky Johnston

Jeremy Langley

Notice of Monthly Meeting for November 14, 2013

To All Members:

The regular meeting of Avalon Water Supply And Sewer Service Corp. will be held at the First Baptist Church, 206 Giles St., Avalon, Texas on Thursday November 14, 2013 at 7:00PM. The governing body of Avalon Water Supply And Sewer Service Corp reserves the right to adjourn into closed session at any time during the course of this meeting to discuss any of the matters listed in this agenda, in the order deemed appropriate, and authorized by Texas Government Code 551, or to seek the advice of an attorney on any matter in which the duty of the attorney to Avalon Water Supply And Sewer Service Corporation under Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Texas Government Code Chapter 551 or as otherwise may be permitted under 551.

The agenda for the meeting is as follows:

- 1 Call meeting to order, verify presence of quorum and declare notices legally posted according to TOMA.
- 2 Recognition of guests and visitors and invitation to express any questions and/or concerns.
- 3 Read minutes of previous meeting and accept or amend.
- 4 Review financials and approve or amend.
- 5 Review and re-adopt Drought Contingency Plan.
- 6 Establish Credentials Committee preparatory to annual elections.
- 7 Discussion and acceptance of new rate schedule. If accepted, will be effective with billing at end of January
- 8 Discussion of attorney selection.
- 9 Operations Managers report.
- 10 General Managers report.
- 11 Presidents report.
- 12 Open forum
- 13 Adjournment

Robin Donaldson, Secretary/Treasurer

AVALON002156

Robin Donaldson, Secretary/Treasurer

AVALON002157

AVALON002158

Texas Water Development Board

P.O. Box 13231, 1700 N. Congress Ave.
Austin, TX 78711-3231, www.twdb.texas.gov
Phone (512) 483-7847, Fax (512) 475-2053

Public Hearing Notice on the Draft Preliminary Recommendation regarding Resolution of the Interregional Conflict between the 2011 Region C and the Region D Regional Water Plans

The Texas Water Development Board will hold a public hearing on the draft preliminary recommendation regarding resolution of the interregional conflict between the 2011 Region C and the Region D Regional Water Plans. The hearing will begin at 2:00 p.m. on April 30, 2014, at the Bob Duncan Center, 2800 S. Center Street, Arlington, Texas, 76014.

The draft preliminary recommendation contains the Texas Water Development Board Executive Administrator's proposed recommendation to the Board members of the Texas Water Development Board to resolve the interregional conflict between the 2011 Region C and Region D regional water plans by instructing the Region C Regional Water Planning Group to readopt its current regional water plan with Marvin Nichols Reservoir as a recommended water management strategy and instructing the Region D Regional Water Planning Group to amend its plan to reflect that the conflict has been resolved. The full draft recommendation may be found by going to the Board's website at <http://www.twdb.texas.gov> and clicking on the Hot Topic, "Region C and Region D Interregional Conflict, Timeline and Proposed Resolution." Background, references, and timeline information are also available at that site.

Interested persons are encouraged to attend the hearing and to present relevant and material comments concerning the draft preliminary recommendation. In addition, persons may submit written comments to Office of General Counsel, Attn: Connie Sanders, 1700 North Congress Avenue, Austin, Texas 78701 or may email comments to RegionCandD@twdb.texas.gov. Comments and supplemental information will only be accepted by:

- electronic mail submission at RegionCandD@twdb.texas.gov,
- written comments to Office of General Counsel, or
- at the public hearing on April 30, 2014.

Any comments and supplemental information must be received by 5:00 p.m. central standard time, May 2, 2014, to be considered. It is not necessary to attend a public hearing in order for your comments to be considered; mailed or emailed comments will be considered equally.

Please note that time limits on public comments may be imposed to allow all members of the public to be heard.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are requested to contact Merry Klonower at (512) 463-8165 two (2) working days prior to the hearing so that appropriate arrangements can be made.

Our Mission

To provide leadership, planning, financial assistance, information, and education for the conservation and responsible development of water for Texas

Board Members

Carlos Rubinstein, Chairman | Beth Bruun, Member | Kathleen Jackson, Member

Kevin Patterson, Executive Administrator

AVALON002159

Robin Donaldson

From: Robin Donaldson
Sent: Monday, March 17, 2014 4:19 PM
To: 'Avalon Water Sewer Service Cor Avalon'
Subject: RE: Gillespie property

Yay! Woo hoo, cartwheel and somersault! Praise the Lord!

*Robin Donaldson
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Personal Banker
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fax 972-483-6924
rdonaldson@fsbrice-tx.com*

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From: Avalon Water Sewer Service Cor Avalon [mailto:awssc76623@yahoo.com]
Sent: Monday, March 17, 2014 4:08 PM
To: Jimmy Brown; David Walshes; Jeremy Langley; Rickey Johnston; Robin Donaldson; Denice Wimbish; Manuel Rodriguez
Subject: Gillespie property

I have in my hot little hand our Rule 11 agreement giving us permission to enter Gillespie property, with surveyors, for the purpose of determining exactly where we wish to buy. The surveyor has been contacted and will let me know when he expects to do the survey. He said probably later this week or early next week.

We're on the way!!!

Ed