



Minutes
BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT
Public Rules Hearing, Public Permit Hearing and Regular Board Meeting
VIRTUAL ZOOM MEETING
Thursday, September 10, at 2:00 p.m.

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|--------------------|-------------------|---------------------------|
| Directors present: | Stephen Cast | President |
| | Jan A. Roe | Vice-President |
| | Mark Carrabba | Treasurer |
| | Pete Brien | Secretary |
| | Jayson Barfknecht | Director |
| | Bill L. Harris | Director |
| | Linda Pecina | Director |
| | David Stratta | Director |
| Staff present: | Alan M. Day | General Manager |
| | Cynthia Lopez | Office Manager |
| | Megan Haas | Education Coordinator/WRS |
| | Monique Norman | Attorney |

Rules Hearing

The proposed District Rule amendments relate to renumbering, correcting typographical errors, and clarification of existing rules (Rules 1.1, 7.2(d)(3)(G)(v), 11.1(d), and 8.6).

Rule 1.1 DEFINITIONS OF TERMS – Correctly numbering the definitions beginning at #12. **A motion was made by Mark Carrabba, second by Jan Roe to approve the corrections to Rule 1.1. The motion passed unanimously.**

Rule 7.2(d)(3)(G)(v) ACTIONS BASED ON AQUIFER RESPONSE TO PUMPING – Correction of a typographical error (singled permitted to singly permitted). **A motion was made by Jan Roe, second by Bill Harris to approve the correction to Rule 7.2(d)(3)(G)(v). The motion passed unanimously.**

Rule 8.6 AGGREGATION OF WITHDRAWAL – The proposed wording more accurately defines how the District accepts and processes applications for wells seeking to aggregate annual production. The proposed wording also clarifies the expectations of annual production from aggregated wells. **A motion was made by Jayson Barfknecht, second by Bill Harris to approve the changes to Rule 8.6. The motion passed 7-1; David Stratta voting no.**

SECTION 11 REWORKING AND REPLACING A WELL ; Rule 11.1(d) PROCEDURES - At 11.1(d), correcting a typographical error making an inaccurate reference. Reference to “Rule 5.1” should be corrected to reference “Rule 6.1” which relates to spacing. **A motion was made by Jayson Barfknecht, second by Bill Harris to approve the correction to Rule 11.1(d). The motion passed unanimously.**

Adjourn Rules Hearing

Public Permit Hearing

Call Permit Hearing to order
Roll call of members present
Declare a Quorum

2. Discussion and possible action on the following **Drilling/Operating Permit Application**:
 - **One (1) new well for Joe A. Stratta (BVDO-0276)** located at N 30.837665° W 96.595369° 0.78 miles E of the intersection of FM 50 and Degelia Road in Robertson County for Agricultural, Industrial, and Commercial uses. The well produces from the Brazos River Alluvium Aquifer. **A motion was made by Jayson Barfknecht, second by Bill Harris to approve the Drilling/Operating permit application for Joe A. Stratta as presented to the Board. The motion passed 6-0; Pete Brien and David Stratta abstaining.**

Adjourn Permit Hearing

Regular Board Meeting

Call meeting to order
Pledge of Allegiance
Declare quorum present
Public Comment

- a) Non-agenda items
- b) Agenda items

1. Discussion and possible action on the Minutes of the August 13, 2020 Virtual Regular Board Meeting. **A motion was made by Pete Brien, second by Mark Carrabba to approve the minutes for August 13, 2020 as presented to the Board. The motion passed 6-0; Stephen Cast and Jan Roe not voting.**
2. Review, discussion, and ratification of invoices paid for services rendered for the month of August, 2020. **A motion was made by Bill Harris, second by Pete Brien to approve the ratification of invoices paid for the month of August, 2020 as presented to the Board. The motion passed unanimously.**
3. Financial Report – August, 2020. **A motion was made by Pete Brien, second by Mark Carrabba to approve the financial reports for the month of August, 2020 as presented to the Board. The motion passed unanimously.**
4. Discussion and possible action on recommendations from the Education/Conservation Committee to the District Water Conservation Plan following annual review. **A motion was made by Jayson Barfknecht, second by David Stratta to adopt the suggested revisions to District Water Conservation Plan with one additional revision. The motion passed unanimously.**
5. Discussion and possible action on a recommendation from the Education/Conservation Committee to the District Drought Contingency Plan following annual review. **A motion was**

made by Bill Harris, second by Mark Carrabba to adopt the suggested revisions to the District Drought Contingency Plan with one additional revision. The motion passed unanimously.

6. Update and discussion of Education/Conservation Committee review of current educational budget and proposed funding for FY 2021. **No action taken.**
7. Discussion and possible action on suggestion(s) for a District Groundwater Conservationist of the Year recipient. **No action taken.**
8. Update and discussion of Grant Committee review of current grant projects and proposed funding for FY 2021. **No action taken.**
9. Discussion and possible action on the Personnel Committee recommendations for FY 2021 contract services and budgetary needs. **A motion was made by Bill Harris, second by Jan Roe to engage with all the current contractors for FY 2021. A motion to amend was made by David Stratta, second by Jan Roe to vote on the contracts individually. The motion passed with a 6-2 vote; Stephen Cast and Bill Harris voting no.**

Poll Votes for Individual FY 2021 Contractors:

- GW Consultants (John Seifert) – Hydrogeological Services, **(Approved Unanimously)**
 - Monique Norman, Legal Services **(Passed with a 5-3 vote; Mark Carrabba, Pete Brien and David Stratta voting no)**
 - Half Associated, Database Hosting/ArcGIS **(Approved Unanimously)**
 - Milberger, Nesbitt, & Ask – Audit Services **(Approved Unanimously)**
 - Jeff Skelton – IT Services **(Approved Unanimously)**
10. Executive Session to consult with attorneys regarding matters relating to pending litigation for Case No. 6:18-CV-114; *David Stratta and Anthony Fazzino v. Jan A Roe, et al.*
 11. Possible Board action regarding plaintiff's proposed settlement offer in pending litigation for Case No. 6:18-CV-114; *David Stratta and Anthony Fazzino v. Jan A Roe, et al.* **A motion was made by Jayson Barfknecht, second by Bill Harris to direct legal counsel to make a counteroffer. Mr. Fazzino is encouraged to make a permit application consistent with the District Rules for a new well to obtain up to 821 acre-feet from the Simsboro Aquifer depending on the location of the well on the approximate 27 acres he owns. The motion passed 5-0; Jan Roe absent not voting; Pete Brien and David Stratta abstaining.**
 12. General Managers' Report
 - a) Drought Monitor Report
 - b) Wells permitted pursuant to District Rule 8.3(j)

- c) GMA 12 DFC Update
- d) District Business & Activities
- e) Management Plan Update

13. Discussion and possible future agenda items.

14. Adjourn

Signed this 8th day, of October, 2020

Alan M. Day, General Manager

Board of Directors may meet in closed session, pursuant to the Texas Open Meetings Act, Texas Government Code §§ 551.071-551.076, to:

- (1) consult with attorney ;
- (2) deliberate regarding the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the District in negotiations with a third person;
- (3) deliberate a negotiated contract for a prospective gift or donation to the District if deliberation in an open meeting would have a detrimental effect on the position of the District in negotiations with a third person;
- (4) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a Board member or District employee;
- (5) to receive information from employees or question employees, but not deliberate public business or agency policy that affects public business; and
- (6) to deliberate the deployment or specific occasions for implementation of security personnel or devices.

The Board may also meet in open session on these matters as required by the Texas Open Meetings Act, Texas Government Code § 551.102.

Agenda items may be taken out of order at the discretion of the Board Chairman