



**Minutes**  
**BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT**  
**Public Permit Hearing & Regular Board Meeting**  
**VIRTUAL ZOOM MEETING**  
**Thursday, June 11, 2020 at 2:00 p.m.**

**Stephen Cast called Public Permit Hearing and Regular Board Meeting to order at 2:07 p.m.**

|                    |                   |                           |
|--------------------|-------------------|---------------------------|
| 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                  |

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

2. Discussion and possible action on the following **Historic Use & Operating Permit Amendments:**

- **One (1) existing well for Major Oak Power, LLC - TOP PWW Well #1 (BVHU-0044)** located at N 31.09186823° W 96.69643300° 1.05 miles E of the intersection of SH-6 and Plant Road in Robertson County for Public Supply use. General Manager seeks to amend the existing permit to properly identify the aquifer of origin. The well produces from the Hooper Aquifer. **A motion was made by Mark Carrabba, second by Pete Brien to approve the permit amendment for the Major Oak Power, LLC existing well as present to the Board. The motion passed unanimously.**
- **One (1) existing well for Circle X Camp Cooley, Ltd. - Artesian Lake Well #3 (BVOP-0001)** located at N 31.20532096° W 96.32030505° 3.30 miles NNE of the intersection of Varvel Road and Camp Cooley Road in Robertson County for Agricultural use. General Manager seeks to amend the existing permit to properly identify the aquifer of origin. The well produces from the Calvert Bluff Aquifer. **A motion was made by Pete Brien, second by Jayson Barfknecht to approve the permit amendment for the Circle X Camp Cooley, Ltd. existing well as presented to the Board. The motion passed unanimously.**

- **One (1) existing well for Bart Lockhart - Well #1 (BVHU-0142)** located at N 30.92820429° W 96.59607214° 0.81 miles N of the intersection of SH-79 and Old Franklin Hwy in Robertson County for Agricultural use. General Manager seeks to amend the existing permit to properly identify the aquifer of origin. The well produces from the Calvert Bluff Aquifer. **A motion was made Pete Brien, second by Mark Carrabba to approve the permit amendment for the Bart Lockhart existing well as presented to the Board. The motion passed unanimously.**

### 3. Adjourn Permit Hearing

#### **Regular Board Meeting**

Call meeting to order

Pledge of Allegiance

Declare quorum present (Roll call all present)

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

1. Discussion and possible action on the Minutes from May 14, 2020 Virtual Regular Board Meeting. **A motion was made by Bill Harris, second by Mark Carrabba to approve the Minutes of May 14, 2020 Virtual Regular Board meeting as presented. The motion passed unanimously.**
2. Review, discussion and ratification of invoices paid for services rendered for the month of May 2020. **A motion was made by Jayson Barfknecht, second by Mark Carrabba to approve the ratification of payments for the month of May 2020 as presented to the Board. The motion passed unanimously.**
3. Discussion and possible action regarding payment of legal fees related to demand letters and possible related litigation sent to directors regarding discussion at the November 14, 2019 Board meeting. **A motion was made by Jayson Barfknecht , second by Mark Carrabba to approve the payment of legal fees related to the demand letters and possible related litigation sent to Directors regarding the discussion at the November 14th, 2019 Board meeting stating that the payment of the legal fees serves the public interest and defends the public's official immunity and the need to protect officials, and the alleged action of the matter was committed while the Directors were performing discretionary acts in good faith and it's in the scope of their official authority. The motion passed with a 4-2 vote. Brien and Stratta voting against; Harris and Roe abstained.**
4. Discussion and possible action regarding payment of legal fees regarding Stratta and/or Fazzino litigation against the District. **A motion was made by Bill Harris, second by Jayson Barfknecht to approve payment of legal fees associated with the Stratta and/or Fazzino litigation against the District stating that the payment of legal fees in this matter serves a public interest in defending the districts legally authorized actions to adopt rules and process permit applications, as well as official immunity and the need to protect officials who are required to exercise discretion and the related public interest in encouraging the vigorous exercise of official authority and the alleged actions of the matter were committed while the directors performing discretionary acts in good faith and within the**

**scope of their official authority. The motion passed with a 6-2 vote. Brien and Stratta voting against.**

5. Financial Report – May 2020 **A motion was made by Pete Brien, second by Linda Pecina to approve the financial reports for the month of May, 2020 as presented to the Board. The motion passed unanimously.**
6. Discussion and possible action on proposed amendments to the District Bylaws on language relating to public comment resulting from statutory changes during the 86<sup>th</sup> Legislative Session. **A motion was made by Mark Carrabba, second by Bill Harris to approve the proposed amendments to the District Bylaws as presented to the Board. The motion passed unanimously.**
7. Discussion and possible action on the re-adoption of the District Investment Policy following the annual review. **A motion was made by Pete Brien, second by Mark Carrabba to approve the re-adoption of the District Investment Policy as presented to the Board. The motion passed unanimously.**
8. General Manager's Report
  - a) Drought Monitor Report
  - b) Wells permitted pursuant to District Rule 8.3(j)
  - c) GMA 12 DFC Update
  - d) District Business & Activities (Including COVID-19 response)
  - e) Management Plan Update

**Alan Day, general manager presented a brief discussion on the report and the items listed above.**

9. Discussion and possible future agenda items.
10. Adjourn at 3:27 p.m.

**Signed this 9<sup>th</sup> day of July, 2020**

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**Pete Brien, Secretary**

The 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**