



Minutes
BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT
Public Permit Hearing and Regular Board Meeting
Thursday, March 10, 2022 at 2:00 p.m.

Stephen Cast called the meeting to order at 2:00 p.m.

Directors present:	Stephen Cast	President
	Pete Brien	Vice-President
	David Stratta	Treasurer
	Jayson Barfknecht	Secretary
	Mark Carrabba	Director
	Linda Pecina	Director
	Gary Mechler	Director
	Chris Zeig	Director
Staff present:	Alan M. Day	General Manager
	Cynthia Lopez	Office Manager
	Megan Lamb	Education Coordinator
	Monique Norman	Attorney

Public Permit Hearing

Call Permit Hearing to order
Roll call of members present

2. Discussion and possible action on the following **Drilling/Operating Permit Application:**

- **One (1) new well for Cula d’Brazos, LLC (Hoelscher):**

Well #6 – German Farm (**BVDO-0290**) Located at: N 30.834060° W 96.648837° 0.51 miles W of the intersection of FM 1644 and Hwy 79 in Robertson County. The well will produce from the Brazos River Alluvium Aquifer. **A motion was made by David Stratta, second by Jayson Barfknecht to approve the Drilling/Operating permit for Cula d’Brazos, LLC as presented to the Board. The motion passed unanimously.**

3. Discussion and possible action on the following **Drilling/Operating Permit Amendment Application:**

- **One (1) existing permit for Aggieland Parks, Inc.:**

Well #1 – (**BVDO-0279**) Located at: N 30.874830° W 96.236060° 0.42 miles ENE of the intersection of Jack Creek Road and FM 974 in Brazos County. The well will produce from the Sparta Aquifer. **A motion was made by Mark Carrabba, second by Pete Brien to approve amending the Drilling/Operating permit for Aggieland Parks, Inc., from one (1) year to five (5) as presented to the Board. The motion passed unanimously.**

5. 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 February 10, 2022 Permit Hearing & Regular Board Meeting. **A motion was made by Pete Brien, second by Chris Zeig to approve of the February 10, 2022 Public Permit Hearing and Regular Board meeting minutes as presented to the Board. The motion passed unanimously.**
2. Review, discussion, and ratification of invoices paid for services rendered for the month of February 2022. **A motion was made by Mark Carrabba, second by Jayson Barfknecht for ratification of invoices paid for services rendered for the month of February 2022 as presented to the Board. The motion passed unanimously.**
3. Financial Report – February 2022 **A motion was made by Jayson Barfknecht, second by Pete Brien for approval of the Financial reports for February 2022 as presented to the Board. The motion passed 7-1 with David Stratta opposing.**
4. Discussion and possible action on a Grant Committee recommendation to initiate grant funding for soil moisture sensors related to agricultural irrigation and amend the FY2022 District Operating Budget allowing the inclusion. **A motion was made by Mark Carrabba, second by Pete Brien to approve a one (1) year soil moisture sensor grant pilot program and a \$10,000 FY2022 budget amendment to fund the new line item.**
5. Executive Session: Texas Government Code 551.071 – For discussion on ligation update, strategies, and expenses related to pending litigation for Case No. 6:18-CV-114; *David Stratta and Anthony Fazzino v. Jan A Roe, et al.* **Executive Session at 2:28 p.m.**
6. Possible Board action regarding ligation update, strategies, and expenses related to pending litigation for Case No. 6:18-CV-114; *David Stratta and Anthony Fazzino v. Jan A Roe, et al.* **(Meeting opened back up at 3:04 p.m.) A motion was made by Jayson Barfknecht, second by Chris Zeig as follows:**

Authorize Alan Day to sign an agreement on behalf of the District with the material terms of:

1. **Payment of a settlement by the District insurer, with no payment being made by the District**
2. **Mutual releases of all claims and dismissed with prejudice of all claims, with no admission or finding of any liability or wrong doing by any party, and**
3. **No changes to or adverse effect on the District's rules or Mr. Fazzino's ability to get a future permit pursuant to the rules.**

The motion passed with seven (7) votes for with David Stratta abstaining.

7. **General Manager's Report - Alan Day, General Manager, gave an update to the Board on the reports listed below.**
 - 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
8. Discussion and possible future agenda items.
9. **Adjourned at 3:14 p.m.**

Signed this 14th day of April 2022

Jayson Barfknecht, 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**