



**Minutes**  
**BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT**  
**Public Rules Hearing & Regular Board Meeting**  
**District Office**  
**112 W 3<sup>rd</sup> Street - Hearne, Texas 77859**  
**Thursday, September 11, 2025 | 2:00 p.m.**

**Jayson Barfknecht, President called the meeting to order at 2:00 p.m.**

Directors present:	Jayson Barfknecht	President
	Jeff Kennedy	Secretary
	Mark Carrabba	Director
	John Elliott	Director
	Lisa Rolke	Director
	Chris Zeig	Director
Director Absent:	Stephen Cast	Director
	Gary Mechler	Director
Staff present:	Alan M. Day	General Manager
	Cynthia Lopez	Office Manager
	Monique Norman	Attorney

**Public Rules Hearing**

The **Brazos Valley Groundwater Conservation District (District)**, in compliance with Chapter 36 of the Texas Water Code and its Rules, will receive public comments on proposed amendments to the Rules of the District or District policies during a Public Rules Hearing at 2:00 p.m. on Thursday, September 11, 2025, at the Brazos Valley Groundwater Conservation District Office in Hearne, Texas (112 W. 3<sup>rd</sup> Street). The proposed amendments include but are not limited to District Rules associated with statutes enacted during the 89<sup>th</sup> Texas Legislative Session and a new Rule 7.1(f) related to minimum tract size and production rate requirements for wells located within a platted subdivision.

**No comments received either written or oral.**

The Public Rules Hearing was adjourned.

**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 August 14, 2025, Regular Board Meeting. **A motion was made by John Elliott, second by Lisa Rolke to approve the Minutes for August 14, 2025, Regular Board meeting as presented to the Board with one correction (attendance of Chris Zeig). The motion passed unanimously.**

2. Financial Report – August 2025 **A motion was made by Mark Carrabba, second by Chris Zeig for the approval of the Financial Reports as presented to the Board. The motion passed unanimously.**
3. Presentation of the 2024 District Financial Audit by Seidel Schroeder, Certified Public Accountants. **Michele Kwiatkowski and Taylor Boeker from Seidel Schroeder gave a presentation to the Board on the 2024 District Financial Audit.**
4. Discussion and possible action on the adoption of the FY2024 District Financial Audit. **A motion was made by John Elliot, second by Chris Zeig to approve the adoption of the FY2024 District Financial Audit as presented to the Board from Seidel Schroeder, Certified Public Accountants. The motion passed unanimously.**
5. Discussion and possible action on establishing a District Capitalization policy. **No action taken.**
6. Discussion and possible action on a 2026 proposed build-out of the well mitigation segment of the District database hosted by Halff Associates. **No action taken.**
7. Discussion and possible action on matters related to incorporating of the former H&R Block property into the District Office facility. **No action taken.**
8. Discussion and possible action on amendments to the 2025 District Operating Budget including BVWaterSmart, hydrogeological services, and legal services. **A motion was by Mark Carrabba, second by John Elliott on the amendments to the 2025 District Operating Budget as presented to the Board. The motion passed unanimously.**
9. Executive Session: **Went into Executive Session @ 3:03 p.m.**
  - Texas Government Code 551.071 – To receive attorney-client privileged information regarding:
    - pending lawsuit Fazzino Investments, LP v. Brazos Valley Groundwater Conservation District, CASE NO. 6:25-cv-00001, filed in the United States District Court for the Western District of Texas, Waco Division;
    - establishing Desired Future Conditions for all aquifers within the boundaries of the BVGCD and related statutory considerations; and
    - District Rules
10. Discussion and possible action on the proposed revisions to the District Rules including but not limited to District Rules associated with statutes enacted during the 89<sup>th</sup> Texas Legislative Session, new Rule 7.1(f) related to minimum tract size and production rate requirements for wells located within a platted subdivision, and other minor amendments. **No action taken.**
11. Discussion and possible action on items listed and deliberated in Executive Session, as noticed above in Agenda Item 9. **Returned from Executive Session @ 4:00 p.m.**
  - Fazzino Investments LLC v. BVGCD
  - District Rules & Rules Hearing date

- Matters related to the adoption of Desired Future Conditions

**A motion was made by Jayson Barfknecht, second by John Elliot to approve setting a Public Hearing for Thursday, October 9, 2025, for proposed District Rules revisions. The motion passed unanimously.**

12. General Manager's Report, **Alan Day**, briefly gave the Board an update on the items listed below.
  - a) Drought Monitor Report
  - b) Wells permitted pursuant to District Rule 8.3(j)(1) & (2)
  - c) District Business & Activities
  - d) Management Plan Update
13. Discussion and possible future agenda items.
  - **Rules Hearing**
  - **District Capitalization Policy**
  - **Budget Committee**
14. Adjourn @ 4:05 p.m.

**Signed this 9th day of October 2025**

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**Jeff Kennedy**  
**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**