



Minutes
BRAZOS VALLEY GROUNDWATER
CONSERVATION DISTRICT

Public Permit Hearing and Regular Board Meeting
Thursday, April 10, 2018 at 2:00 p.m.

President, Jan A. Roe called the Regular Board Meeting to order at 2:00 p.m.

Directors present:	Jan A. Roe	President
	Mark Carrabba	Vice-President
	Stephen Cast	Treasurer
	Jayson Barfknecht	Director
	Bill L. Harris	Director
Absent:	Bryan F. Russ, Jr.	Director
	David Stratta	Director
	Pete Brien	Director
Staff present:	Alan M. Day	General Manager
	Cynthia Lopez	Office Manager
	Megan Haas	Edu. Coordinator / Water Resource Specialist
	Monique Norman	Attorney

Public Permit Hearing

Call meeting to order

Pledge of Allegiance

Declare quorum present

Public Comment

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

3. Discussion and possible action on the following **Operating Permit Amendment Applications:**

- **One (1) existing well for Bui & Nguyen Poultry, LLC Well #4 (BVDO-0227)** located at N 31.14888141° W 96.50565921° 0.97 miles E of the intersection of FM 979 and FM 2293 in Robertson County for Agricultural use. Permit holder seeks to amend the existing permit lengthening the permit term from one (1) year to five (5) years. The well produces from the Simsboro Aquifer. **A motion was made by Mark Carrabba, second by Bill L. Harris to approve the amendment for the Bui & Nguyen Poultry, LLC permit as presented. The motion passed unanimously.**
- **Three (3) existing wells for Sandra Ryan & Bernadette Sloat:**
 - **Hall Farm Well #1 (BVDO-0055)** - Located at: N 30.92030566° W 96.67945708° 0.51 miles NNE of the intersection of FM 1644 and Providence Road in Robertson County. Applicant is requesting a dual use permit adding industrial use to an existing agricultural use permit. The well produces from the Simsboro Aquifer. No additional production is requested.
 - **Anderson Farm Well #1 (BVDO-0090)** - Located at: N 30.934265° W 96.715276° 2.00 miles SW of the intersection of FM 1644 and New Magnolia Church Road in Robertson County. Applicant is requesting a dual use permit adding industrial use to an existing agricultural use permit. The well produces from the Simsboro Aquifer. No additional production is requested.

- **Anderson Farm Well #2 (BVDO-0091)** - Located at: N 30.929765° W 96.725049° 2.64 miles WSW of the intersection of FM 1644 and New Magnolia Church Road in Robertson County. Applicant is requesting a dual use permit adding industrial use to an existing agricultural use permit. The well produces from the Simsboro Aquifer. No additional production is requested. **A motion was made by Bill L. Harris, second by Mark Carrabba to approve the amendment to the three (3) Sandra Ryan & Bernadette Sloat permits as presented. The motion passed unanimously.**
4. Discussion and possible action on the following **Operating Permit Application:**
One (1) existing well for Moreau Family Investments Well #1 (BVOP-0293) located at N 30.568315° W 96.309217° 0.22 miles SE of the intersection of Gandy Road and Old Wellborn Road in Brazos County for Industrial use. The well produces from the Yegua-Jackson Aquifer. **A motion was made by Mark Carrabba, second by Bill L. Harris to approve the permiy got yhr one (1) existing well for Moreau Family Investments, LLC as presented. 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 from the March 8, 2018 Regular Board Meeting. **A motion was made by Mark Carrabba, second by Jayson Barfknecht to approve the Minutes from March 8, 2018 as presented. The motion passed unanimously.**
2. Review and authorization of payments made for services rendered for the month of March 2018. **A motion was made by Mark Carrabba, second by Bill L. Harris to approve the authorization of payments made for services rendered for the month of March 2018 as presented. The motion passed unanimously.**
3. Financial Reports. **A motion was made by Bill L. Harris, second by Mark Carrabba to approve the Financial Reports for the month of March 2018 as presented. The motion passed unanimously.**
4. Presentation by John Seifert detailing the average artesian head change for each aquifer and comparison of the average artesian head change for each aquifer with the corresponding DFC. **(Presentation attached)**
5. Update on the brief for the Petition for Inquiry filed on Post Oak Savannah Groundwater Conservation District. **Monique Norman briefed the Board on the Petition for Inquiry filed on POSGCD.**
6. Discussion and possible action on items listed as Interim Charges for both the House Natural Resources and Senate Agriculture, Water & Rural Affairs committees and other items relating to groundwater and having possible impact on aquifer management within the District. **No action taken on this agenda item.**
7. Executive session: Texas Government Code 551.071 - To discuss the BVGRA/Fazzino Complaint filed against The City of Bryan Operating Permit BVDO-0003 and the Fazzino lawsuit filed in 82nd District Court. **No action taken on this agenda item.**

8. General Manager's Report

- Drought Monitor Report
- Monitoring Well Report
- Wells permitted pursuant to District Rule 8.3(j)
- District Activities
- Management Plan Update

Alan M. Day, General Manager, and Megan Haas briefed the Board on the general manager reporting listed above.

9. Discussion and possible future agenda items.

10. Adjourn

Signed this day of Thursday, May 10th, 2018

David Stratta, 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**



Minutes
BRAZOS VALLEY GROUNDWATER
CONSERVATION DISTRICT

Special Board Meeting
Wednesday, April 18, 2018 at 10:00 a.m.

Vice-President, Mark Carrabba called the Special Board Meeting to order at 10:00 a.m.

Directors present:	Mark Carrabba Stephen Cast David Stratta Pete Brien Jayson Barfknecht Bill L. Harris	Vice-President Treasurer Secretary Director Director Director
Absent:	Jan A. Roe Bryan F. Russ, Jr.	President Director
Staff present:	Alan M. Day Cynthia Lopez Monique Norman	General Manager Office Manager Attorney

Special Board Meeting

Call meeting to order

Pledge of Allegiance

Declare quorum present

Public Comment

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

1. Executive session: Texas Government Code § 551.071—to discuss the Fazzino lawsuit filed in the 82nd District Court, the Fazzino and Stratta lawsuit filed in the United States District Court for the Western District of Texas, Waco Division, and related matters. **Executive Session 10:05 a.m. – 10:32 a.m.**
2. Discussion and possible action regarding the engagement of Mike Gershon and Lloyd Gosselink Rochelle & Townsend, P.C., to represent the District, including its staff and Board members, in the Fazzino lawsuit filed in the 82nd District Court, the Fazzino and Stratta lawsuit filed in the United States District Court for the Western District of Texas, Waco Division, and all other pending and future litigation matters; to work in association with the District's General Counsel, Monique Norman, as wells attorneys that may represent the District through its insurance policies. **A motion was made by Bill L. Harris, second by Jayson Barfknecht to approve the engagement of Mike Gershon and Lloyd Gosselink Rochelle & Townsend, P.C., to represent the District, including its staff and Board members, in the Fazzino lawsuit filed in the 82nd District Court, the Fazzino and Stratta lawsuit filed in the United States District Court for the Western District of Texas, Waco Division, and all other pending and future litigation matters; to work in association with the District's General Counsel, Monique Norman, as well as attorneys that may represent the District through its insurance policies. The motion passed with abstentions from Directors David Stratta and Pete Brien.**

3. Discussion and possible action regarding appointment of a litigation subcommittee of the Board of Directors; authorize communication between Board members, consultants, staff, and attorneys; and delegate authority to engage consultants/expert, as needed for litigation. **A motion was made by Bill L. Harris, second by Jayson Barfknecht to appoint a litigation subcommittee of the Board of Directors, and number 2, to authorize communication between Board Members, consultants, staff and attorneys, and number 3, to delegate authority to the general manager to engage consultants or experts as needed for litigation. The motion passed with a roll call, Stephen Cast, Mark Carrabba, Bill L. Harris and Jayson Barfknecht voted for. Pete Brien and David Stratta abstained.**
4. Adjourned

Signed this day of Thursday, May 10th, 2018

David Stratta, 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**