



**MINUTES
BRAZOS VALLEY GROUNDWATER
CONSERVATION DISTRICT**

**Regular Board Meeting
April 2, 2009 at 3:00 p.m.
Brazos Valley Groundwater Conservation District Office
112 West Third Street
Hearne, Texas 77859**

1. Call meeting to order.
Board Chairman Kent Watson called the meeting to order at 3:00 p.m.

Kent Watson, welcomed new board member Dan Kyle.

Directors present:

Kent Watson,	Chairman
Pete Brien,	Vice Chairman
Dave Coleman,	Director
John Hicks,	Director
Dan Kyle,	Director
David Stratta,	Director
Tom McDonald,	Director
Wayne Wilson,	Director

Staff present:

Bill Riley,	General Manager
Ralph Crum,	Assistant General Manager
Monique Norman,	Attorney
Cynthia Lopez,	Administrative Assistant

2. Pledge of Allegiance.
3. Discussion and Possible action on the Minutes from the March 5, 2009 Public Hearing and Regular Board Meeting, and the March 18, 2009 Special Session of the Board of Directors. **A motion was made by John Hicks, second by Pete Brien to approve the minutes as presented from the March 5, 2009 Public Hearing and Regular Board Meeting. The motion carried unanimously.**

David Stratta stated that there was a problem with the March 18, 2009 minutes. He further stated that he had made 2 motions to table items 4 & 6 because of Seve Lazarus resignation, and those motions were not reflected in the March 18 minutes.

A motion was made by Pete Brien, and second by John Hicks to postpone action on the March 18th, 2009 Minutes until the tape can be reviewed, and corrections made. Mr. Brien stated it would be appropriate to have done before the next meeting. The motion carried unanimously.

4. Review and Authorization of payments made for services rendered during March 2009. Kent Watson, Chairman asked Bill Riley, General Manager, if the Dell Marking LP the approval of the two new computers. Bill Riley stated that it was for the two new computers for the District. Dave Coleman, questioned Brown & Massing ill, Bill Riley, responded as Sabrina Brown being the Legislative Representative for the District. **A motion was made by Wayne Wilson, and second by Pete Brien, that the expenses for March 2009 be approved as presented. The motion carried unanimously.**
5. Discussion and possible action on five-year review, possible revision, and re-adoption of the District's Management Plan as required by Texas Water Code §36.1072(e), including a possible review of pump age by metered wells within the District and water availability determination.

Director David Stratta, presented information to the board regarding the Palmer Drought Index. He would like for the District to monitor the Palmer Drought index as it states in the Management Plan, and use it to notify permit holders during drought conditions. Mr. Stratta noted that the District's Board needs to have a look at the annual reports that outline the District' management goals. Mr. Stratta stated there should be four of these annual reports on hand. Those annual reports also need to brought before us so we can monitor the management goals and make sure we're meeting all of them.

Kent Watson, Chairman appointed a committee of four (4) board members to start the process of reviewing the District's Management Plan. Committee appointed members are: Wayne Wilson, John Hicks, David Stratta, and Tom McDonald. John Hicks was appointed chairman of the committee. The committee members are to meet as many times as necessary. Make it convenient on them as to when they can meet at the District Office, for them to work on the District's Management Plan. Kent Watson, Chairman stated that Bill Riley, General Manager will work with the committee and provide any necessary information that might be needed. The committee will bring the District's Management Plan back to the Board when they are comfortable with it. At that time they will adopt the District's Management Plan.

6. Closed Session: Government Code 551.071 – Consultation with Attorney regarding: Cliff A. Skiles, Jr., D.V.M. v. William H. Riley, Cause No. CI-098-056, in the District Court of Deaf Smith County, Texas, 22nd Judicial District.

The board convened into Closed Session at 3:37 p.m.

7. Discussion regarding matters discussed in Closed Session regarding Cliff A. Skiles, Jr., D.V.M. v. William H. Riley, Cause No. CI-098-056, in the District Court of Deaf Smith County, Texas, 22nd Judicial District.

Kent Watson, Chairman opened the floor for discussion. There was no further discussion by the Board on this item.

8. Closed Session: Government Code 551.071 – Consultation with Attorney regarding: Cause No. 09 03-18,322 CV, State of Texas vs. Wayne Wilson in the District Court of Robertson County, Texas, 82nd Judicial District.

The board convened into Closed Session at 3:59 p.m.

9. Discussion regarding matters discussed in Closed Session regarding Cause No. 09 03-18,322 CV, State of Texas vs. Wayne Wilson in the District Court of Robertson County, Texas, 82nd Judicial District.

Kent Watson, Chairman opened the floor for discussion. There was no further discussion by the Board on this item.

10. Closed Session: Texas Government Code 551.071 – Consultation with Attorney regarding: C.A. Skiles Family Partnership LTD and Cliff Skiles, Jr., D.V.M. contested case hearing before the Brazos Valley Groundwater Conservation District; and Brazos Barton Farming Partnership, et al. v. Brazos Valley Groundwater Conservation District, et al, Cause No. CI-08L-103, in the District Court of Deaf Smith County, Texas, 222nd Judicial District.

Mary Sahs, announced on the record that there are still two directors who have recused themselves. David Coleman and Pete Brien who will not be joining them in executive session. There was a motion to have Mr. Stratta recuse himself. His decision has been served on all the parties this afternoon and he has decided not to recuse himself. He considered all of the motions and responses and also the comments that were made at the last meeting and he also conferred with John Paschall, District Attorney for Robertson County and considered his opinion. Based on that, he believes there's no disqualification to serve as alleged, and he declines to recuse himself. So he will be going into executive session.

The board convened into Closed Session at 5:55 p.m.

11. Discussion and possible action regarding matters discussed in Closed Session regarding C.A. Skiles Family Partnership LTD and Cliff Skiles, Jr., D.V.M. contested case hearing before the Brazos Valley Groundwater Conservation District; and Brazos Barton Farming Partnership, et al. v. Brazos Valley Groundwater Conservation District, et al, Cause No. CI-08L-103, in the District Court of Deaf Smith County, Texas, 222nd Judicial District. **A motion was made by Wayne Wilson, second by David Stratta authorizing John Vay to issue an order referring the parties to alternative resolution. As provided in the Texas Water Code §36.406(h). The motion passed with Dave Coleman recusing himself on this issue.**

12. General Managers Report
 - Financial Report

Bill Riley, General Manager presented the Financial Reports to the Board.

13. Hear Visitors

Jim Mathews, made a recommendation to consider allowing the Protestants to consider his idea of allowing Mr. Brien and Mr. Coleman to participate on behalf of the Board in mediation or, to waive the *ex parte* contact rule in order to allow representatives of the Board who will subsequently deliberate and vote in this matter to participate in mediation.

14. Kent Watson, adjourned the board meeting at 6:08 p.m.

Signed this 3rd, day of April, 2009

Cynthia Lopez
Administrative Assistant

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