



## MINUTES

### Brazos Valley Groundwater Conservation District

#### Public Hearing and Regular Board Meeting

August 7th, 2008 at 3:00 p.m.

Brazos Valley Groundwater Conservation District Office

112 West Third Street

Hearne, TX 77859

1. Call meeting to order.

**Board President Kent Watson called the meeting to order at 3:00 p.m.**

**Directors present:**

Kent Watson,	President
Pete Brien,	Vice, President
Dale Johnson,	Secretary
Carl Cotropia,	Treasurer
Dave Coleman,	Director
Tom McDonald,	Director
Wayne Wilson,	Director
Steve Lazarus,	Director

**Staff present:**

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

**Others Present:**

Mary Sahs	Attorney
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2. Pledge of Allegiance.
3. Discussion and possible action on the Minutes from the July 16th, 2008 Public Hearing and Regular Board Meeting. **A motion was made by Tom McDonald, and second by Wayne Wilson to approve the Minutes from the July 16th, 2008 Board Meeting. The motion carried unanimously.**
4. Review and Authorization of payments made for services rendered during the month of July, 2008. **A motion was made by Pete Brien, second by Dale Johnson, to accept payments made during the month of July, 2008. The motion carried unanimously.**

5. Discussion and possible action to confirm that attorney Monique Norman will represent the BVGCD staff during the contested case hearing of Dr. Cliff A. Skiles and the C.A. Skiles Family Partnership, Ltd. **A motion was made by Dave Coleman, second by Tom McDonald, confirming that Monique Norman will represent BVGCD staff during the contested case hearing of Dr. Cliff A. Skiles. The motion carried unanimously.**
  
6. Discussion and possible action on a contract with the State Office of Administrative Hearings (SOAH), to conduct an administrative hearing before a quorum of the board for the contested case hearing of Dr. Cliff A. Skiles and the C.A. Skiles Family Partnership, Ltd. **A motion was made by Wayne Wilson, second by Dale Johnson, to accept the interlocal contract with SOAH, and set a limit of \$5,000.00 towards attorney fees for Mary Sahs. The motion carried unanimously.**
  
7. Discussion and possible action on contracting with Mary Sahs, an attorney with the firm of Carls, McDonald & Dalrymple, LLP to provide legal counsel to the Board during the contested case hearing of Dr. Cliff A. Skiles and the C.A. Skiles Family Partnership, Ltd. **A motion was made by Wayne Wilson, second by Dave Coleman, to retain Mary Sahs to represent the Board in the contested case hearing of Dr. Cliff A. Skiles and the C.A. Skiles Family Partnership, Ltd. The motion carried unanimously.**
  
8. Public Hearing for the purpose of taking Public comment on the following Drilling/Operating Permit Application.
  - A. One well for Circle X Land & Cattle Company Ltd. The well will be located at 1415 East OSR, Bryan, TX., for a total of 40 acre/feet per year for industrial use. The well will be located in the Queen City Aquifer.
  
9. Discussion and possible action on the above Drilling/Operating Permit Application. **A motion was made by Wayne Wilson, second by Steve Lazarus, to grant the Drilling/Operating permit for Circle X Land & Cattle Company. The motion carried unanimously.**
  
10. Public Hearing on the District's revocation, pursuant to District Rule 8.8 (6), and inclusion in a contested case hearing of the following Historic Use Permits:

- A. Eight (8) wells for the C.A. Skiles Family Partnership, Ltd. Two (2) wells are located at Brazos Barton Farms, 4026 FM 1644, Hearne, TX., and Six (6) wells are located at Goodland/ Harlan Farms, North of FM 485, and West of Hwy 6 extending East of the Brazos River, Hearne, TX. All eight wells are in the Simsboro Aquifer and total 20,481 acre/feet per year for agricultural irrigation on 8,509 acres.
- B. Fifty-five (55) wells for Cliff A. Skiles, Jr., D.V.M. Fifteen (15) wells are located at Brazos Barton Farms, 4026 FM 1644, Hearne, TX., and Forty (40) wells are located at Goodland/Harlan Farms, North of FM 485, and West of Hwy 6 extending East of the Brazos River, Hearne, TX., for agricultural irrigation. All Fifty-five (55) wells are in the Brazos River Alluvium Aquifer, and total 27,481 acre/feet per year for agricultural irrigation on 8,509 acres.
11. Discussion and possible action on the District's revocation, pursuant to District Rule 8.8 (6), and inclusion in a contested case hearing the above listed Historic Use Permits for the C.A. Skiles Family Partnership, Ltd. and Cliff A. Skiles Jr., D.V. M. **A motion made by Wayne Wilson, second by Dave Coleman, to include the historic use permits of the C. A. Skiles Family Partnership Ltd. and Dr. Cliff A. Skiles, D.V.M., in the contested case hearing for amendment or revocation. The motion carried unanimously.**
12. General Managers Report:  
**General manager Bill Riley provided financial statements for July, 2008. Income totaled \$39,901.49. The balance sheet for July reflected assets of \$678,491.74.**
13. Legal Report:  
**Monique Norman, provided an update on the Guitar and Aspermont cases.**
14. Hear Visitor:  
**None at this time**

15. Adjourn:

Mr. Kent Watson, Board President adjourned the meeting at 5:10 p.m.

Signed this day of August 29, 2008



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**