



MINUTES
**BRAZOS VALLEY GROUNDWATER
CONSERVATION DISTRICT**

Public Hearing and Regular Board Meeting
June 17, 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.

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 May 7, 2009 Public Hearing and Regular Board Meeting. **A motion was made by John Hicks, second by Wayne Wilson to approve the Minutes from the May 7, 2009 Public Hearing and Regular Board Meeting as presented. The motion carried unanimously.**

4. 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, including proposed Mediated Settlement Agreement.

5. Closed Session: Government Code 551.071 – Consultation with Attorney regarding: Cause No. CI-098-056, Cliff A. Skiles, Jr., D.V.M. v. William H. Riley, in the District Court of Deaf Smith County, Texas, 22nd Judicial District; Cause No. 09 03-18,322 CV, State of Texas vs. Wayne Wilson in the District Court of Robertson County, Texas, 82nd Judicial District; Cause No. 09-03-18339CV, C.A. Skiles Family Partnership, Ltd., and Cliff A. Skiles, Jr., D.V.M. v. Brazos Valley Groundwater Conservation District, in the District Court of Robertson County, Texas, 82nd Judicial District, including proposed Mediated Settlement Agreement.

6. Discussion and possible action on Mediated Settlement Agreement related to the C.A. Skiles Family Partnership Ltd. and Cliff Skiles, Jr., D.V.M. contested case hearing before the Brazos Valley Groundwater Conservation District; Cause No. CI-098-056, Cliff A. Skiles, Jr., D.V.M. v. William H. Riley, in the District Court of Deaf Smith County, Texas, 22nd Judicial District; Cause No. 09 03-18,322 CV, State of Texas vs. Wayne Wilson in the District Court of Robertson County, Texas, 82nd Judicial District; Cause No. 09-03-18339CV, C.A. Skiles Family Partnership, Ltd., and Cliff A. Skiles, Jr., D.V.M. v. Brazos Valley Groundwater Conservation District, in the District Court of Robertson County, Texas, 82nd Judicial District.

Mary Sahs, made a statement that two Directors Pete Brien and Dave Coleman have recused themselves from this item and will not be actively involved in the discussion or voting. Monique Norman, Attorney for the District and Renea Hicks went through the details of the Mediated Settlement Agreement from June 5, 2009 with the Board in order to tie up loose ends. After much discussion from the parties the board went into closed session.

Kent Watson, Chairman, reconvened from Closed Session into Open Session and opened the floor taking up item 6. Discussion and Possible action on the *Mediated Settlement Agreement* concerning the Skiles Partnership and all parties. Renea Hicks, discussed the *Joint Understanding of the Mediated Settlement Agreement*. (see attached)

A motion by Wayne Wilson, second by John Hicks that the *Order* be approved with attachments to the *Mediated Settlement Agreement* and the *Joint Understanding of the Mediated Settlement Agreement*. The motion was carried with Director Dan Kyle opposing.

Kent Watson wanted to say Hat's off to the Skiles family partnership, his council, the city of Bryan and College Station, Optimum Energy and their council. The mediation is something that's hard to go through, and it was long and very tedious. It's been a long process getting to this point but hats off to all parties involved.

7. Review and Authorization of payments made for services rendered during May 2009. A motion was made by Dave Coleman, second by Dan Kyle that expenses for the month of May 2009 be approved as presented. The motion carried unanimously.
8. Public Hearing for the purpose of taking Public comment on the following Operating Permit Application:

Chairman Kent Watson announced that he would be abstaining from items 8 and 9. (see attached)

Vice Chairman, Pete Brien, presided over the meeting for these items.

- A. One (1) existing well for Wickson Creek Special Utility District. The well is located at 9375 Harris Lane, Bryan, TX. The well is in the Sparta Aquifer and used for Retail Public Water Supply.

Vice-Chairman Pete Brien opened the Public Hearing and invited anyone wanting to speak to item 8, to do so.

Jimmy McCullough, asked to address the Board regarding the Wickson Creek Permit Application. His concern was the amount of water used in 2008 versus the amount of additional water requested with this application.

Vice-Chairman Pete Brien then closed the Public Hearing.

9. Discussion and possible action on the following Operating Permit Application.

- A. One (1) existing well for Wickson Creek Special Utility District. The well is located at 9375 Harris Lane, Bryan, TX. The well is in the Sparta Aquifer and is used for Retail Public Water Supply.

John Hicks made the motion, second by Dan Kyle to approve the Wickson Creek Operating Permit Application for 600 gallons per minute of production, and delay approval of the requested 500 acre feet per year until the revised Management Plan is approved. Presentation of the revised Management Plan to the board is expected within the next two months. The motion was carried with Director Wayne Wilson opposing.

Chairman Kent Watson, returned to preside over the meeting.

10. Discussion and possible action on sending a letter supporting the appointment of Gary Westbrook, General Manager of Post Oak Savannah Groundwater Conservation District to the Brazos G Regional Planning Group.

There was no action taken by the Board on item number 10.

11. Discussion and possible action on the draft of the updated Management Plan.

A motion was made by John Hicks, second by Tom McDonald to table item 11 until the committee can meet on June 25, 2009 to make additional revisions. The motion carried unanimously.

12. Discussion and possible action on the Desired Future Condition of Aquifers to be presented to GMA 12.

John Seifert, with LBG-Guyton and Associates made a presentation to the Board with a recommendation for the Desired Future Conditions for the Brazos Valley Groundwater Conservation District. (see attached)

A motion was made by Dave Coleman, second by John Hicks to approve the recommendations from the presentation, and authorize Wayne Wilson to take to the GMA 12 meeting. The motion carried unanimously.

13. General Manager's Report
- Financial / Budget Reports

Bill Riley, General Manager presented the financial report to the board.

14. Legal Report
- Legislative update about Groundwater Conservation District Bills in the 81st Legislative Session

Monique Norman, provided an update regarding the 81st Legislative Session, and changes that affect Groundwater Districts. Specifically, a change to the Texas Water Code, Section 36.102, that pertains to enforcement of the rules of a groundwater district.

15. Hear Visitors

16. Kent Watson, adjourned the board meeting at 6:35 p.m.

Signed this, 18th, day of June, 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**