



**MINUTES
BRAZOS VALLEY GROUNDWATER
CONSERVATION DISTRICT**

**Public Hearing and Regular Board Meeting
March 5, 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, Pete Brien called the meeting to order at 3:00 p.m.

Directors present: Pete Brien, Vice President
Dave Coleman, Director
John Hicks, Director
David Stratta, Director
Wayne Wilson, Director

Directors absent: Kent Watson, President
Steve Lazarus, Director
Tom McDonald, Director

Staff present: Bill Riley, General Manager
Monique Norman, Attorney
Cynthia Lopez, Administrative Assistant

2. Pledge of Allegiance.

3. Administer the Oath of Office for newly appointed Directors. **Cynthia Lopez, administered the Oath of Office to John Hicks and David Stratta and swore in John Hicks and David Stratta to the Brazos Valley Groundwater Conservation District Board.**

4. Discussion and possible action on the Minutes from the February 5, 2009 Public Hearing and Regular Board Meeting. **A motion was made by Wayne Wilson, second by Dave Coleman to approve the Minutes from the February 5, 2009 Regular Board Meeting. The motion carried unanimously. Director John Hicks abstained from voting because this was his first board meeting to attend.**

5. Review and Authorization of payments made for services rendered during February 2009. **A motion was made by, Dave Coleman, and second by Wayne Wilson, to accept payments made during the month of February 2009. The motion carried unanimously.**

6. Public Hearing for the purpose of taking public comment on the following Drilling / Operating permit applications:

- A. One well for Mark J. Carrabba. The well is located on Steele Store Road, West of FM 50 in Brazos County for a total of 140 acre/feet per year. The water will be used for crop irrigation in the Brazos River Alluvium Aquifer.
 - B. One Well for Heston & Robena Thomas. The well is located on the corner of FM 50 and Sandy Point Road in Brazos County for a total of 85 acre/feet per year. The water will be used for crop irrigation in the Brazos River Alluvium Aquifer.
 - C. One well for Forbin Investments/Sam Morello, Jr. The well is located on the corner of FM 50 and South Astin Road in Robertson County for a total of 133 acre/feet per year. The water will be used for crop irrigation in the Brazos River Alluvium Aquifer. **(There is a typo with the number of acre/feet per year on item C the actual irrigated acre/feet per year is 120, not 133 as stated in item C)**
7. Discussion and possible action on the following Drilling / Operating Permit Applications:
- A. One well for Mark J. Carrabba. The well is located on Steele Store Road, West of FM 50 in Brazos County for a total of 140 acre/feet per year. The water will be used for crop irrigation in the Brazos River Alluvium Aquifer.
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Pete Brien presented the facts concerning the Drilling/Operating Permit Applications on item 7, A-C. A motion was made by David Stratta, second by Wayne Wilson to approve the Drilling/Operating Permits A-C as presented. The motion carried unanimously.

8. General Managers Report
Financial Reports

The District's financial reports were presented to the Board for the month of February 2009.

9. Legal Report
Monique Norman, Attorney for the District had nothing to report.

10. Hear Visitors

James H. McCullough, Attorney representing C.A. Skiles Family Partnership, Ltd. and Cliff Skiles, Jr., DVM objected to the sufficiency of the posted agenda item 8 and 9 as violating section 551.041 of the Texas Open Meeting Act. (see attached letter from Pamos, Russ, McCullough & Russ, LLP, March 5, 2009 that was provided to the Board and Staff of the District for review)

Gary Merriott, voiced his concern on the poor water quality of his well, and wanted to know if the wells being permitted are going to effect the production capacity of his well. Mr. Merriott was advised by Director Pete Brien to contact this District office with his concerns. He should ask the staff to place his concerns on the agenda for further discussion at the next board meeting.

Leon Denena, asked what the procedure is to have an item included on the agenda for discussion. Bill Riley, General Manager replied that the District would forward the information to the Board President for approval to be placed on the agenda.

11. Pete Brien, adjourned the meeting

Signed this 6th, day of March, 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