

## MINUTES

**BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT**  
112 West Third Street  
Hearne, TX 77859

Public Hearing and Regular Board Meeting  
Thursday, February 3, 2011 at 3:00 p.m.

1. Call meeting to order.

Board Chairman Pete Brien called the meeting to order at 3:00 p.m.

Directors presented:

Pete Brien,	Chairman
Tom McDonald	Vice Chairman
John Hicks,	Treasurer
Steve Beachy,	Secretary
Bryan F. Russ, Jr.	Director
David Stratta,	Director
Kent Watson,	Director
Wayne Wilson,	Director

Staff present:

Ralph Crum,	General Manager
Cynthia Lopez,	Office Manager
Carlton Smith	Field Technician
Monique Norman,	Attorney

2. Pledge of Allegiance

3. Discussion and possible action on the Minutes from the January 6, 2011, Public Hearing and Regular Board Meeting. **A motion was made by John Hicks, second by Tom McDonald, to approve the Minutes from the January 6, 2011, Public Hearing and Regular Board meeting as presented. Director Wilson asked for clarification on the process used, vs how the minutes read to nominate officers for 2011. After review of the audio recording, it was determined that the officers were appointed by acclamation. With that correction to the minutes the motion carried unanimously.**

4. Review and authorization of payments made for services rendered during the month of December 2010 and January 2011. **A motion was made by Wayne Wilson, second by John Hicks to approve the expenses for the months December 2010 of January 2011 as presented. The motion carried unanimously.**

5. Public Hearing for the purpose of taking Public comment on the following **Drilling/Operating Permit Application:**

A. One (1) well for Maria & Malissa Reistino. The well will be located 3 miles SW of Calvert, TX., for a total of 894 acre/feet per year for crop irrigation on a 447 acre tract. The well will produce from the Simsboro aquifer.

6. Public Hearing for the purpose of taking Public comment on the following **Operating Permit Applications:**

A. Two (2) wells for Jim Briggs. The wells are located on the Briggs Farm in Calvert, TX., for a total of 410 acre/feet per year for crop irrigation on a 205 acre tract. The wells produce from the Brazos River Alluvium aquifer.

B. Four (4) wells for King Ranch. The wells are located at 28132 Tom Moore Road, Navasota, TX., for a total of 1,450 acre/feet per year for sod irrigation on a 725 acre tract. The wells produce from the Brazos River Alluvium aquifer.

7. Public Hearing for the purpose of taking public comment on the following  
**Operating Permit Renewal Applications:**

A. Two (2) wells for the City of College Station-College Station Utilities.

Carrizo well #1. The well is located at 4665 Sandy Point Road, Bryan, TX., for a total of 1,290 acre/feet per year for municipal water supply. The well produces from the Carrizo aquifer.

Sparta well #2. The well is located at 7290 Sandy Point Road, Bryan, TX., for a total of 1,290 acre/feet per year for municipal water supply. The well produces from the Sparta aquifer.

8. Discussion and possible action on the following  
**Drilling/Operating Permit Application:**

**Chairman, Pete Brien recused himself from item #5A (Drilling/Operating) and asked Vice-President Tom McDonald to preside over the meeting until item #5A was addressed.**

A. One (1) well for Maria & Malissa Reistino. The well will be located 3 miles SW of Calvert, TX., for a total of 894 acre/feet per year for crop irrigation on a 447 acre tract. The well will produce from the Simsboro aquifer. **A motion by John Hicks, second by Wayne Wilson to approve the Drilling/Operating Permit application for Maria & Malissa Reistino as presented. The motion carried with (6) Directors voting for, and Chairman, Pete Brien and Director, David Stratta abstaining.**

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

A. Two (2) wells for Jim Briggs. The wells are located on the Briggs Farm in Calvert, TX., for a total of 410 acre/feet per year for crop irrigation on a 205 acre tract. The wells produce from the Brazos River Alluvium aquifer. **A motion by John Hicks, second by Wayne Wilson to approve the Operating Permit application for Jim Briggs as presented. The motion carried unanimously.**

B. Four (4) wells for King Ranch. The wells are located at 28132 Tom Moore Road, Navasota, TX., for a total of 1,450 acre/feet per year for sod irrigation on a 725 acre tract. The wells produce from the Brazos River Alluvium aquifer. **A motion by David Stratta, second by Steve Beachy to approve the Operating Permit application for King Ranch as presented. The motion carried unanimously.**

10. Discussion and possible action on the following  
**Operating Permit Renewal Applications:**

A. Two (2) wells for the City of College Station-College Station Utilities.

Carrizo well #1. The well is located at 4665 Sandy Point Road, Bryan, TX., for a total of 1,290 acre/feet per year for municipal water supply. The well produces from the Carrizo aquifer.

Sparta well #2. The well is located at 7290 Sandy Point Road, Bryan, TX., for a total of 1,290 acre/feet per year for municipal water supply. The well produces from the Sparta aquifer.

**After discussion by the Board, no action was taken pending the recommendation of a newly formed permit review subcommittee. College Station's renewal applications will be brought forth at a future Board meeting. Until that time the City of College Station is authorized to continue producing water at their permitted rates.**

11. Discussion and possible action on providing District staff with a retirement plan administered through the Texas County & District Retirement System.

**After a lengthy discussion no action was take on this agenda item #11. Chairman, Pete Brien appointed a three member committee to investigate details and specifics and make a recommendation to the Board when they felt comfortable with reporting. Appointed to the committee are Kent Watson as Chair, John Hicks and Wayne Wilson.**

12. Update by the Request For Proposal (RFP) Committee, followed by discussion and possible action on the committee's recommendations. **A motion by John Hicks, second by Steve Beachy to accept the committee's recommendation of renewing all existing professional services contracts for 2011, which included the requirement that the Legislative Services monthly invoice contain a detailed accounting of expenses. Additionally, that a different auditor within the accounting firm of Durst, Milberger, Nesbitt & Ask LLP conduct the 2010 audit. The motion carried unanimously.**
13. Discussion and possible action on providing District funding for Board approved water Conservation, and Public Education related projects. **A motion by Wayne Wilson, second by Kent Watson to approve including a letter to the recipient of a grant outlining the expectations of the District. The intent is to ensure the funds are used appropriately, and hold the recipient accountable for the use of the grant funds. A vote was taken on the motion which resulted in a split of 4 voting for, and 4 voting against. No action was taken.**

**After additional discussion, another motion directly related to agenda item 13 was made by Bryan Russ, Jr., second by John Hicks, to take away funding that had previously been approved for the Robertson County Fair Association and The Children's Museum. Director Russ stated that his reason for making the motion was that in his view, a governmental entity cannot provide funding for those projects because it is illegal. He also stated that both are worthy causes, but that does not make it legal. A vote was taken on the motion which resulted in a split of 4 voting for, and 4 voting against. No action was taken.**

14. Discussion and possible action on providing the Texas Water Development Board (TWDB), historically updated irrigated acreage, and irrigated water use estimates for years 2003-2008. **A motion was made by David Stratta, second by Bryan Russ, Jr. to submit to the Texas Water Development Board the Historically updated irrigated acreage information, and irrigated water use estimates for years 2003-2008 as presented. The motion carried unanimously.**
15. Discussion and possible action on the 2011 Capital Budget for the District. **A motion by John Hicks, second by Wayne Wilson to accept the 2011 Capital Budget for the District as presented. The motion carried unanimously.**

16. Generals Managers Report:

- Financial Reports
- Palmer Drought Index Status and Map
- Number of Wells Measured for the month of January
- Number of Exempt Well Registrations received for the month of January
- Currently Permitted / Available Per Aquifer for the month of January
- Texas Water Development Board (TWDB) Grant Funding Submission update
- State Auditor's Office (SAO) recommendations update
- Annual Report update
- Texas Rural Water Association (TRWA) conference update
- Groundwater Management Area (GMA-12) meeting update
- Upcoming Groundwater Day at the Capitol meeting with Representative Marva Beck

General Manager Ralph Crum presented the Board with the financial reports for the months of December 2010 and January 2011. He updated the board on the Palmer Drought Index Status and for the month of January there were 55 (fifty-five) wells monitored and the District received 12 (twelve) Exempt well registrations, also updated the Board on the submission of the Grant Funding application to the Texas Water development Board (TWDB), and mentioned the certified letter to the State auditor's and briefed the Board on the Annual Report. He also reported on the attendance of the Texas Rural Water Association (TRWA) and the Groundwater Management Area (GMA-12) meetings. Lastly, he mentioned the upcoming meeting he would be attending at the Capital for Groundwater Day with Representative Marva Beck on February 9<sup>th</sup>.

17. Legal Report

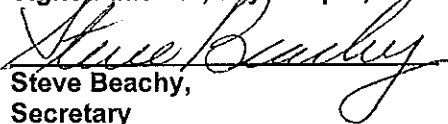
- Briefing on Texas legislation that effects the Brazos Valley GCD and groundwater districts, in general, and related information such as State recommendations and legislative relations.

Monique Norman, briefed the Board on current legislative issue that could effect the District.

18. Hear Visitors

19. Adjourn at 5:17 p.m. by Chairman Pete Brien.

Signed this 7th, day of April, 2011

  
Steve Beachy,  
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