



Minutes

**BRAZOS VALLEY GROUNDWATER
CONSERVATION DISTRICT
112 W 3rd Street
Hearne, TX 77859**

Public Hearing and Regular Board Meeting
Thursday, January 10, 2013, at 3:00 p.m.

Board Chairman Steve Beachy called the meeting to order at 3:00 p.m.

Directors present:	Steve Beachy,	President
	Bryan F. Russ, Jr.	Vice-President
	David Stratta,	Secretary
	Kent Watson,	Treasurer
	Stephen A. Boykin,	Director
	Pete Brien,	Director
	Mark Carrabba,	Director
	Tom McDonald,	Director
Staff present:	Alan M. Day,	General Manager
	Monique Norman,	Attorney
	Cynthia Lopez,	Office Manager
	Carlos Rodriguez,	Field Operations Manager

Call Permit Hearing to order

Roll call of members present

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

- A. One (1) new well for William Terrell. The well will be located at 7855 Terrell Street, Navasota, Texas (N 30.365409° W 96.265916°) for a total of 150 acre/feet per year for agricultural irrigation on a 90.00 acre tract. The well will produce from the Brazos River Alluvium aquifer.
- B. One (1) new well for James and Ellen Brien. The well will be located on FM 1644 five miles northwest of Hearne, Texas (N 30.916389° W 96.694167°) for a total of 542 acre/feet per year for agricultural irrigation on a 271.00 acre tract. The well will produce for the Simsboro aquifer.

Adjourn Permit Hearing

Board Chairman Steve Beachy called the Regular Board meeting to order at 3:03 p.m.

Call meeting to order
Pledge of Allegiance
Roll Call of Board Members
Public Comment
a. Non-agenda items
b. Agenda item

The Honorable Judge Jan Roe administered the oath of office to the reappointed board members Tom McDonald, Stephen Boykin, Kent Watson, and David Stratta to the Brazos Valley Groundwater Conservation District board.

1. Election of officers for calendar the 2013 calendar year as required by District Bylaws. Officers to be elected include: President, Vice-President, Secretary and Treasurer.

Chairman Steve Beachy opened the meeting stating that the nominating committee made recommendations of officers for the 2013 calendar year as required by the District by-laws. He then proceeded by making the recommendation to the Board, for President: Bryan F. Russ, Vice President: Tom McDonald, Secretary: David Stratta, and Treasurer: Kent Watson. A motion was made by David Stratta, second by Pete Brien, to accept the nominations as submitted. The motion passed unanimously. The meeting then proceeded with newly elected President Bryan F. Russ presiding over business.

2. Discussion and possible action on the following
Drilling/Operating Permits:

- A. One (1) new well for William Terrell. The well will be located at 7855 Terrell Street, Navasota, Texas (N 30.365409° W 96.265916°) for a total of 150 acre/feet per year for agricultural irrigation on a 90.00 acre tract. The well will produce from the Brazos River Alluvium aquifer. A motion was made by Tom McDonald, second by David Stratta to approve the Drilling/Operating permit application for William Terrell as presented. The motion carried, with Pete Brien abstaining. Special provisions – None.

- B. B. One (1) new well for James and Ellen Brien. The well will be located on FM 1644 five miles northwest of Hearne, Texas (N 30.916389° W 96.694167°) for a total of 542 acre/feet per year for agricultural irrigation on a 271.00 acre tract. The well will produce from the Simsboro aquifer. A motion was made by Stephen Boykin, second by Steve Beachy to approve the Drilling/Operating permit application for James and Ellen Brien as presented. The motion carried, with Pete Brien and David Stratta abstaining. Special provisions – None.

3. Discussion and possible action the Minutes from the December 11, 2012 Regular Board meeting. A motion was made by Steve Beachy, second by Pete Brien to approve the Minutes from the December 11, 2012 Regular Board meeting as presented. The motion passed unanimously.
4. Review and authorization of payments made for services rendered for the month of December, 2012. A motion was made by Tom McDonald, second by Mark Carraba to approve the authorization of payments made for December 2012. The motion passed with David Stratta opposing.
5. Financial Reports. A motion was made by Stephen A. Boykin, second by Pete Brien to approve the financial reports as presented. The motion passed unanimously.
6. Discussion and possible action on a funding request for Texas Water Development (TWDB) "Development of Treatment, Monitoring and Implementation Protocols for Direct Potable Reuse Projects in Texas" participation. A motion was made by Stephen A. Boykin, given that conservation is one, if not the most important, goal of the District and this direct potable reuse project in Texas participation is definitely a promising effort in the way of a contribution of \$20,000.00, and if we don't have the funds available that the District will amend the budget to make the contribution, second by Kent Watson. The motion passed unanimously.

7. Discussion and possible action on adoption of the amended 2012 District budget. **A motion was made by Tom McDonald, second by Kent Watson to adopt the amended 2012 District budget. The motion passed unanimously.**
8. Discussion and possible action on adoption of 2009 Annual Report.
9. Discussion and possible action on adoption of 2010 Annual Report.
10. Discussion and possible action on adoption of 2010 Annual Report.

A motion was made by David Stratta, second by Tom McDonald to adopt the 2009, 2010, and 2011 Annual Reports. The motion passed unanimously.

11. Discussion and possible action on Resolution 1-10-13.11 to allow the General Manager to make non-substantive correction to permits and updating non-historic operating permits to comply with the most recently adopted permit form. **A recommendation from President Bryan F. Russ, that the Board consider passing the proposal of the rule committee making these changes, be considered. A motion by Stephen Boykin, second by Tom McDonald to post the proposed rule changes the prescribed 20 day period for a public hearing in February. The motion passed unanimously.**
12. Discussion and possible action on Resolution 1-10-13.12 to approve a permit checklist to be used by staff during the review process. **A motion was made by Pete Brien, second by Tom McDonald on Resolution 1-10-13.12 to approve a permit checklist to be used by the General Manager in reviewing permits for renewal. The motion passed unanimously.**
13. Discussion and possible action on rule changes relating to Resolution 1-10-13.11 for corrections by the General Manager to existing permits (Rule 8.9) and renewal of operating permits (Rule 8.5). **A recommendation from President Bryan F. Russ, that the Board consider passing the proposal of the rule committee making these changes, be considered. A motion by Stephen Boykin, second by Tom McDonald to post the proposed rule changes the prescribed 20 day period for a public hearing in February. The motion passed unanimously.**
14. Discussion and possible action on providing the Texas Water Development Board (TWDB), with updated irrigated acreage and irrigated water use estimates for year 2011. **A motion was made by David Stratta, second by Stephen A. Boykin, to accept the updated irrigated acreage and irrigated water use estimated for year 2011 to be provided to the TWDB as presented. The motion passed unanimously.**
15. General Manager's Report
 - Drought Monitor Report
 - Well Monitoring Report
 - Brazos River Alluvium Aquifer status report
 - Short/Long Term goals update
 - Monthly Management Plan Progress report
 - District Activities

General Manager, Alan M. Day, presented the Board with the above reports for the month of January 2013. (See attached report from the General Manager). Carlos Rodriguez presented the Board with the 83 wells monitored, a total of fifty-one (51) wells monitored in Robertson County and thirty-two (32) in Brazos County. John Seifert, Hydrologist with LBG-Guyton presented the Board with a presentation on the recovery of the aquifers. (see attached presentation). A motion was made by Stephen A. Boykin, second by Tom McDonald to accept the General Manager's report with special thanks to Mr. Day and Staff for their hard work and how professionally it's done and how it gives the Board the sort of

information that helps them to make decisions in a timely manner. The motion passed unanimously.

16. Discussion and possible action on recommendations from the Recommendations for Proposals committee on audit, hydrology, and legal contracts. (see attached)

A motion was made by David Stratta, second by Pete Brien, to accept the committee's recommendation to retain Durst, Milberger, Nesbitt for the 2012 District's Audit. The motion passed unanimously.

A motion was made by Steve Beachy, second by Tom McDonald to approve the annual contract for LBG-Guyton Associates for hydrological work for the District. The motion passed unanimously.

A motion was made by Mark Carraba, second by David Stratta to go with the recommendations from the Request for Proposals Committee (RFP), do not place an attorney on retainer, do not have an attorney present at each boarding meeting, contract with attorneys on a per hour basis, have access to any one of three attorneys, Monique Norman, Gregg Ellis and J.D. Head (Fritz Burn Head and Harrison) and to allow the General Manager to use any one of the three attorneys on an as needed basis. A vote of three (3) in favor, and five (5) opposed. The motion failed.

A motion by Tom McDonald, second by Steve Beachy that the District continue to hire Ms. Norman on an annual contract, at the current set rate and that she attends the meetings. A vote of five (5) in favor and three (3) opposed. The motion passed.

A motion was made by Pete Brien, second by Tom McDonald to keep the court reporter for the District Board meetings until further notice. The motion passed unanimously.

17. Discussion and possible action future agenda items.

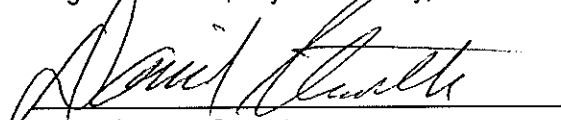
Alan M. Day, General Manager, to hold a Public Hearing for February 14, 2013 on Rules (20 days)

Monique Norman, add Legislative updates under Legal Report through July 2013

Tom McDonald, The State Bar of Texas Water Law seminar to be held in San Antonio, TX, highly recommends board members to attend. (see attached handout)

18. Adjourn, President Bryan F. Russ adjourned the Board meeting at 4:42 p.m.

Signed this 14th, day of February, 2013



David Stratta, 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.