

Minutes

BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT

Public Hearing and Regular Board Meeting
Tuesday, December 11, 2012, at 3:00 p.m.
at
Brazos County Commissioners Courtroom
200 South Texas Avenue, Suite 106
Bryan, TX 77803

Board Chairman Steve Beachy called the meeting to order at 3:07 p.m.

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

Recall for the purpose of amending two (2) existing Operating Permits for Wellborn Special Utility District (BV-DO-0014 and BV-OP-0136) to remove the special provision.

Special provision reads as follows:

This permit amendment is effective for 5 years following the date of issuance. The increased production authorized by this permit amendment is subject to cancellation, nonrenewal, or a reduction in production if total production from the Carrizo-Wilcox Aquifer exceeds or is anticipated to exceed modeled available groundwater (MAG) or the District's Availability Goal, as appropriate, during the permit term. In February of each calendar year the Board shall determine, for the proceeding calendar year, the total quantity of groundwater produced from all wells within the District in the Carrizo-Wilcox Aquifer. If the Board determines the total quantity of groundwater produced in the preceding year exceeds the MAG or District's Availability Goal for the Carrizo-Wilcox Aquifer, the production authorized in the current year by this permit amendment shall be reduced to an amount less than the pumping under this permit amendment in the preceding year. The reduction in production may be established on a pro rata basis among all permits issued after the total permitted amount exceeds MAG or the District's Availability Goal, as appropriate. Alternatively, the reductions in production may be

specified on an individual permit basis for all permits issued after the total production exceeds MAG or the District Availability Goal after taking into consideration the preferences stated in Texas Water Code §11.024 and the efforts of the permit holder to implement water conservation plans.

1. Increased water production for each well and aggregation of the two wells authorized by the BVGCD Board of Directors on 11-3-11 will be incorporated into the body of the permits and will distinctly segregate historic use acre footage and operating use acre footage in permit **BV-OP-0136**.

Well sites: **BV-DO-0014** located at **N 30° 51.06'** and **W 096° 30.23'** producing from the Simsboro aquifer. **BV-OP-0136** located at **N 30° 45.99'** and **W 096° 27.85'** producing from the Simsboro aquifer.

2. Discussion and possible action on recall for the purpose of amending two (2) existing Operating Permits for Wellborn Special Utility District (**BV-DO-0014** and **BV-OP-0136**) to remove the special provision as described in Agenda Item #1 above. **A motion was made by Kent Watson, Second by, Tom McDonald to remove the special provision language from the permit for Wellborn Special Utility District (BV-DO-0014 and BV-OP-0136). The motion passed unanimously.**

BVOP-0136 – Producing from the Simsboro Aquifer

Special Provisions/Notes

The production from the Well may be aggregated with production from Permittee's other wells (Permit Nos. **BV-HU-0058** and **BV-DO-0014**) so that the combined permitted amount from wells may be pumped from either well, or split between the wells, as circumstances may require as allowed by District Rule. The production amount is in addition to the 278.35 acre feet/year granted under Historic Use Permit No. **BV-HU-0058** that is also in effect, totaling a maximum annual production for this well under both permits to be 1,153.35 acre feet/year.

BVDO-0014 – Producing from the Simsboro Aquifer

Special Provisions/Notes

The production from the Well may be aggregated with production from Permittee's other well (Permit Nos. **BV-HU-0058** and **BV-OP-0136**) so that the combined permitted amount from wells may be pumped from either well, or split between the wells, as circumstances may require as allowed by District Rule.

Adjourn Permit Hearing

Board Chairman Steve Beachy called the Regular Board meeting to order at 3:17 p.m.

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

1. Discussion and possible action on the Minutes from the November 8, 2012 Regular Board meeting. **A motion was made by David Stratta, second by, Pete Brien, to approve the Minutes from the November 8, 2012 as presented. The motion passed unanimously.**
2. Review and authorization of payments made for services rendered for the month of November, 2012. **A motion was made by Pete Brien, second by, Mark Carrabba, to approve the authorization of payments made for services rendered for the month of November 2012 as presented. The motion passed with a three (3) to two (2) vote.**
3. Financial Reports. **Cynthia Lopez, Office Manager presented the Financial Reports to the Board of Directors.**
4. Presentation of the 2011 Audit presented by Russell Armagost, CPA from Durst, Milberger, Nesbitt, and Ask, L.L.P. **A motion was made by Mark Carrabba, second by, Tom McDonald to accept the 2011 Audit as presented by Russell Armagost, CPA from Durst, Milberger, Nesbitt, and Ask, L.L.P. The motion passed unanimously.**
5. Discussion and possible action on proposed District Employee Retirement Plan with Texas County and District Retirement System. Recommendations from committee of Tom McDonald, Bryan Russ, and Kent Watson. **A motion was made by Kent Watson, second by, David Stratta to approve the retirement plan with Texas County and District Retirement System recommendation from the committee at an employee rate of seven (7) percent, District matching rate 235 percent and prior service a hundred percent and eight-year eligibility option on vesting, the rule of 75, which would also include retirement at 30 years at any age. With the cost of the District would be about 12.38 percent each month, depending on salaries at that percentage and then it approves an unfunded liability of \$9,413.00. The committee recommendation is that the District approve and pay \$9,413.00. This commences from the date the employee starts employment. The motion passed unanimously.**
6. Discussion and possible action on adopting the proposed 2013 District Budget. **A motion was made by Pete Brien, second by, David Stratta to accept and approve the proposed 2013 District Budget as presented. The motion passed unanimously.**
7. Discussion and possible action on Resolution 12-13-12.7 to adopt the 2013 water production fee schedule. **A motion was made by Tom McDonald, second by Pete Brien to adopt Resolution 12-11-12.7 for the 2013 water production fee schedule. The motion passed unanimously.**
8. Discussion and possible action on recommendations offered by the Management Committee regarding the District operating permit review process. **A motion was made by Pete Brien, second by David Stratta to postpone agenda item #8 until the next Board meeting January 10, 2013. The motion passed unanimously.**
9. Discussion and possible action on Resolution 12-11-12.9 to allow the General Manager to make non-substantive corrections to permits and updating non-historic operating permits to comply with the most recently adopted permit form. **A motion was made by Pete Brien, second by David Stratta to postpone agenda item #9 until the next Board meeting January 10, 2013. The motion passed unanimously.**

10. Discussion and possible action on Resolution 12-11-12.10 to approve a permit checklist to be used by staff during the review process. . A motion was made by David Stratta, second by Pete Brien to postpone aenda item #10 until the next Board meeting January 10, 2013. The motion passed with a three (3) to two (2) vote.

11. Discussion and possible action on rule changes relating to Resolution 12-11-12.9 for corrections by the General manager to existing permits (Rule 8.9) and renewal of operating permits (Rule 8.9) and renewal of operating permits (Rule 8.5). A motion was made by David Stratta, second by Pete Brien to postpone agenda item #11 until the next Board meeting January 10, 2013. The motion failed with a three (3) to three (3) vote.

12. General Manager's Report
 - Drought Monitor Report
 - Well Monitoring Report
 - Brazos River Alluvium Aquifer status report
 - Short term goals update
 - Monthly Management Plan Progress Report

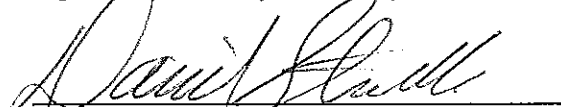
General Manager, Alan M. Day, presented the Board with the above reports for the month of December 2012. (See attached report from the General Manager)

Carlos Rodriguez presented the Board with the 102 wells monitored, a total of forty-six (46) wells monitored in Brazos County and (56) in Robertson County.

13. Discussion and possible future agenda items.

14. Adjourn, A motion by Pete Brien, to adjourn, second by, David Stratta meeting adjourned.

Signed this 10th, day of January, 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.

** Agenda items may be taken out of order at the discretion of the Board Chairman