



## Minutes

BRAZOS VALLEY GROUNDWATER  
CONSERVATION DISTRICT  
112 W 3<sup>rd</sup> Street, Hearne, TX 77859

### Public Permit Hearing and Regular Board Meeting Thursday, February 9, 2017 at 2:00 p.m.

President, Jan A. Roe called the Board Meeting to order at 2:00 p.m.

Directors present:	Jan A. Roe	President
	Mark J. Carrabba	Vice-President
	David Stratta	Secretary
	Stephen Cast	Treasurer
	Jayson Barfknecht	Director
	Pete Brien	Director
	Bill L. Harris	Director
	Bryan F. Russ, Jr.	Director

Staff present:	Alan M. Day	General Manager
	Monique Norman	Attorney
	Cynthia Lopez	Office Manager
	Megan Haas	Education Coordinator / WRS

#### Public Permit Hearing

##### Public Comment:

- a) Non-agenda items
- b) Agenda items (1)

#### 2. Discussion and possible action on the following **Operating Permit Amendment Applications:**

- **One (1) existing well for John Sharp Well #1 (BVDO-0156)** located at N 30.81126336° W 96.21197669° 0.92 miles NE of the intersection of Democrat Road and Plagens Road in Brazos County producing from the Sparta Aquifer for Industrial use. The applicant requests an amendment to add Agricultural use to the existing permit. No additional water production is being requested. **A motion was made by Mark J. Carrabba, second by Bill L. Harris to approve the amendment for existing well for John Sharp to add Agricultural use to the existing permit. The motion passed with Bryan F. Russ, Jr. voting no and Pete Brien abstaining.**
- **Two (2) existing wells for the Estate of Harold Frank (Roger Foley, Exr.) Well #1 & Well #2 (BVDO-0202, BVDO-0203)** located at:

**BVDO-0202** - N 31.065567° W 96.803167° 2.00 miles S of the intersection of FM 1373 and Hardin Slough Road in Robertson County producing from the Brazos River Alluvium Aquifer lengthening the permit term to five (5) years for Agricultural use.

**BVDO-0203 - N 31.064967° W 96.814317° 2.06 miles SSW of the intersection of FM 1373 and Hardin Slough Road in Robertson County producing from the Brazos River Alluvium Aquifer lengthening the permit term to five (5) years for Agricultural use. A motion was made David Stratta, second by Bryan F. Russ, Jr., to approve the amendment for two existing wells for the Estate of Harold Frank (Roger Foley, Exr.) lengthening the permit term to (5) years for Agricultural use. The motion passed with abstention from Pete Brien.**

### 3. Adjourn Permit Hearing

#### Regular Board Meeting

Call meeting to order

Pledge of Allegiance

Declare quorum present

Public Comment

a) Non-agenda items

b) Agenda items #8, Jim Mathews, Attorney and Doug Caroom, Attorney

1. Discussion and possible action on the Minutes from the January 12, 2017 Public Permit Hearing/ Regular Board Meeting. **A motion was made by Bill L. Harris, second by Pete Brien to approve the Minutes for January 12, 2017 as presented. The motion passed unanimously.**
2. Review and authorization of payments made for services rendered for the month of January, 2017. **A motion was made by David Stratta, second by Bryan F. Russ, Jr., to approve the authorization of payments for the month of January 2017 as presented. The motion passed unanimously.**
3. Financial Report. **A motion was made by Bill L. Harris, second by Mark J. Carrabba to approve the financial reports as presented. The motion passed unanimously.**
4. Discussion and possible action on the adoption of the 2016 Annual Report. **A motion was made by David Stratta, second by Pete Brien to approve the adoption of the 2016 Annual Report with revisions discussed. The motion passed unanimously.**
5. Discussion and possible action regarding legislation relating to Aquifer Storage and Recovery projects. **A motion was made by Bryan F. Russ, Jr., second by Pete Brien, to support the proposed legislation with regard to the use injection wells, applications, permitting, notice, et cetera. Bryan F. Russ, Jr., amended his motion that the District support the intent of the proposed legislation, not necessarily this proposed language. The motion passed on a vote of 5-3.**
6. Discussion and possible action on developing Board positions on legislation filed during the 85<sup>th</sup> Legislative Session with potential impact on the District.

- A motion was made by Pete Brien, second by David Stratta to support HB180 by Lucio. The motion passed unanimously.
  - A motion was made by David Stratta, second by Pete Brien to support HB 645 and HB 1318 by Lucio and leave HB 35 alone. The motion failed with a 4-4 vote resulting no action.
  - A motion was made by Mark J. Carrabba, second by Bill L. Harris to support SB189 by Uresti, Mark J. Carrabba amended his motion to support legislation that provides notice to a district for injection wells applications received from the Railroad Commission or Texas Commission on Environmental Quality (TCEQ). The motion passed unanimously.
  - A motion was made by David Stratta, second by Mark J. Carrabba to support SB 774 by Perry. The motion passed unanimously.
7. Executive session: Texas Government Code 551.071 - To discuss a complaint filed against The City of Bryan Operating Permit BVDO-0003. **Executive Session at 3:45 p.m.**
8. Discussion and possible action on matters relating to a complaint filed against The City of Bryan Operating Permit BVDO-0003. **The Board chose to defer any action on the complaint until additional legal representation can be acquired and some guidance received. A motion was made by Jan A. Roe, second by David Stratta to authorized the General Manager, Alan M. Day, to hire Mike Gershon, and to grant Monique and Mike the authority to represent and defend the District. The motion passed unanimously.**
9. General Manager's Report
- Drought Monitor Report
  - Well Monitoring Report
  - Wells permitted pursuant to District Rule 8.3(j)
  - District Activities
  - Management Plan Update
- Alan M. Day, General Manager and Megan Haas briefed the Board on the reports stated above. (see attached)**
10. Discussion and possible future agenda items.
11. **Adjournment**, Jan A. Roe, a motion to adjourn, Mark J. Carrabba, so moved Bill L. Harris second, all unanimously. Regular Board meeting concluded at 4:58 p.m.

Signed this 9<sup>th</sup> day of March, 2017



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**