



Minutes

BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT
Public Permit Hearing and Regular Board Meeting
District Office

112 W 3rd Street - Hearne, Texas 77859
Thursday, August 8, 2024 | 2:00 p.m.

Jayson Barfknecht, President called the meeting to order at 2:00 p.m.

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|--------------------|-------------------|---------------------------------|
| Directors present: | Jayson Barfknecht | President |
| | Gary Mechler | Vice-President |
| | Jeff Kennedy | Secretary |
| | Chris Zeig | Treasurer |
| | Mark Carrabba | Director |
| | Stephen Cast | Director |
| | Lisa Rolke | Director |
| Absent: | John Elliott | Director |
| Staff present: | Alan M. Day | General Manager |
| | Cynthia Lopez | Office Manager |
| | Megan Lamb | Education Coordinator |
| | Monique Norman | Attorney |
| | Chris Drabek | Professional Geoscientist - AGS |

Public Permit Hearing

Call Permit Hearing to order
Roll call of members present

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

- **Two (2) existing Operating permits for CSWR – Texas Utility Operating Company:**

Well #1 (**BVHU-0302 & BVOP-0134**) Located at: N 31.34861389° W 96.34220278° 2.82 miles NE of the intersection of FM 937 and Sterling Robertson Dam Road in Robertson County. Total maximum annual production from the water well is 40.32 ac-ft/yr at a maximum rate of 60 gpm for Retail Public Water Supply use. Permit holder seeks to amend the existing permits increasing the maximum production rate of the well from 60 gpm to 115 gpm. No additional water production is being requested. The well produces from the Simsboro Aquifer. **A motion was made by Lisa Rolke, second by Chris Zeig for approval an amendment to two (2) existing Operating permits for CSWR – Texas Utility Operating Company increasing the maximum production rate of the wells from 60 gpm to 115 gpm as presented to Board. The motion passed unanimously.**

3. Adjourn Permit Hearing

Public Rules Hearing

Public Comment

Paulina Williams, Attorney, UW Brazos Valley Farm, LLC

Lynn Sherman, Texas A&M System, Legal Counsel

Eddie McCarthy, McCarthy & McCarthy, Legal Counsel

Joe Freeland, City of Bryan and City of College Station, Legal Counsel

David Stratta

The **Brazos Valley Groundwater Conservation District (District)**, in compliance with Chapter 36 of the Texas Water Code and its Rules, will receive public comment on proposed amendments to the Rules of the District or District policies during a Public Rules Hearing at 2:00 p.m. on Thursday, August 8, 2024 at the Brazos Valley Groundwater Conservation District Office in Hearne, Texas (112 W. 3rd Street). The proposed amendments relate to District Rules 2.2, 5.2(f) & (g), 6.1, 6.2, 7.1(c), 8.1, 8.3(h) & (j), 8.4, 8.5(b), 8.7, 8.8, 8.9, 9.1, 10.3, 10.4(d), 14.2, 14.3.5, 14.4, 14.6 and new Section 16.

Regular Board Meeting

Call meeting to order

Pledge of Allegiance

Declare quorum present

Public Comment

a) Non-Agenda Items

b) Agenda Items, Mark Holescher, #6, Ed McCarthy, #5 & #6, Paulina Williams, #5 & #6
Lynn Sherman, #5 & #6

1. Discussion and possible action on the minutes of the July 11, 2024 Regular Board Meeting. **A motion was made by Mark Carrabba, second by Gary Mechler to approve the minutes of the July 11, 2024 Regular Board Meeting as presented to the Board. The motion passed unanimously.**
2. Financial Report – July 2024 **A motion was made by Mark Carrabba, second by Lisa Rolke to approve the financial report for July 2024 as presented to the Board. The motion passed unanimously.**
3. Executive Session: **@ 2:35 p.m.**
 - Texas Government Code 551.071 – To receive attorney-client privileged information regarding District rule amendments including, but not limited to, amendments to District Rules 2.2, 5.2(f) & (g), 6.1, 6.2, 7.1(c), 8.1, 8.3(h) & (j), 8.4, 8.5(b), 8.7, 8.8, 8.9, 9.1, 10.3, 10.4(d), 14.2, 14.3.5, 14.4, 14.6, and Section 16.
 - Texas Government Code 551.071 – To receive attorney-client privileged information regarding Board actions taken during the following regular Board meetings that were properly noticed under the District Rules, but were later determined to lack a quorum: February 9, 2023, March 9, 2023, June 8, 2023, August 10, 2023, September 14, 2023, October 12, 2023, November 16, 2023, May 16, 2024, and June 3, 2024.

- Texas Government Code 551.071 – To receive attorney-client privileged information regarding pending transport permit applications for groundwater from the Simsboro Aquifer.
 - Texas Government Code 551.071 - To receive attorney-client privileged information regarding 2024 & 2025 export permit fee structure.
4. Discussion and possible action, following noticed Public Rules Hearing, on proposed District rule amendments including, but not limited to, amendments to District Rules 2.2, 5.2(f) & (g), 6.1, 6.2, 7.1(c), 8.1, 8.3(h) & (j), 8.4, 8.5(b), 8.7, 8.8, 8.9, 9.1, 10.3, 10.4(d), 14.2, 14.3.5, 14.4, 14.6, and Section 16. **Executive Session opens @ 3:55 p.m. A motion was made by Mark Carrabba, second by Jeff Kennedy to approve the District Rules as presented to the Board. The motion failed with three (3) votes for and four (4) votes opposing.**

Mark Carrabba, Chris Zeig, and Jeff Kennedy for approval

Jayson Barfknecht, Stephen Cast, Gary Mechler, and Lisa Rolke in opposition

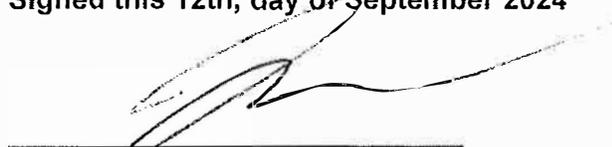
5. Discussion and possible action on the ratification of Board actions taken during the following regular Board meetings that were properly noticed under the District Rules, but were later determined to lack a quorum: February 9, 2023, March 9, 2023, June 8, 2023, August 10, 2023, September 14, 2023, October 12, 2023, November 16, 2023, May 16, 2024, and June 3, 2024. The listed past agenda items to be voted on are attached to this notice. **A motion was made by Mark Carrabba, second by Chris Zeig to approve the ratification of Board actions taken during board meetings and hearings that lacked a quorum. The motion passed unanimously. (The listed past agenda items voted on are attached to this agenda item #5).**
6. Discussion and possible action on the following pending aggregated transport permit applications for groundwater from the Simsboro Aquifer: (BVTP-002) for RH2O LLC; (BVTP-003) for Clifford A. Skiles III; (BVTP-004) for James C. Brien; (BVTP-005) for L. Wiese Moore LLC; (BVTP-006) for Fazzino Investments LP; (BVTP-007) for Ely Family Partnership LP; and (BVTP-008) for Cula d'Brazos LLC, all of whom are co-applicants with UW Brazos Valley Farm LLC. **No action taken.**
7. Discussion and possible action on matters involving GMA 12 including but not limited to submitting revised pumping files to GMA 12 for consideration during the fourth round of Desired Future Conditions planning and individual district financial responsibility regarding the Explanatory Report. **No action taken.**
8. General Manager's Report **Alan Day, General Manager, gave the Board an update on the items listed below.**
- a) Drought Monitor Report
 - b) Wells permitted pursuant to District Rule 8.3(j)
 - c) Simsboro Mitigation Management Zone Update
 - d) GMA 12 DFC Update
 - e) District Business & Activities
 - f) Management Plan Update

9. Discussion and possible future agenda items.

- September, Item #4 Revisions
- SOAH, Monique Norman
- BVGCD, Audit 2023
- RFP's

10. Adjourn @ 4:26 pm.

Signed this 12th, day of September 2024



Jeff Kennedy
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**