



Minutes

BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT

Public Permit Hearing and Regular Board Meeting

District Office

112 W 3rd Street - Hearne, Texas 77859

Thursday, September 12, 2024 | 2:00 p.m.

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

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

Public Permit Hearing

Call Permit Hearing to order

Roll call of members present

Contested case requests received from:

- UW Brazos Valley Farm LLC
- Badgerjack Resource Holding LP
- High Timber Resources LP
- Corpora – Mumford Farms
- DTB Investments LP
- Ely Family Partnership
- Fazzino Investments LP
- L. Wiese Moore LLC
- Cula d'Brazos, LLC (Hoelscher)
- RH2O LLC (Lutz)
- Clifford A. Skiles III
- James C. Brien

1. Permit Hearing on the following **Drilling/Operating Application:**

Public comment received from:

- Paulina Williams – UW Brazos Valley Farm LLC
2. Discussion and possible action on the following **Drilling/Operating Permit Application:**
 - **One (1) Drilling/Operating permit for The Texas A&M University System**
Well #9 – (BVDO-0421) Located at: N 30.63030829° W 96.48108076° 1.59 miles WSW of the intersection of Goodson Bend Road and SH-47 in Brazos County. Total maximum annual production from the water well will be 1,934.80 ac-ft/yr at a maximum rate of 2,800 gpm for Public Water Supply use. The well will produce from the Simsboro Aquifer. **No action taken.**
 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, 10 & 11
- Jim Matthews, City of Bryan and City of College Station, Legal Counsel
 - Paulina Williams, Attorney, UW Brazos Valley Farm, LLC
 - Nick Lutz, RH20, LLC
 - Eddie McCarthy, McCarthy & McCarthy, Legal Counsel
 - Lynn Sherman, Texas A&M Systems, Legal Counsel
1. Discussion and possible action on the minutes of the August 8, 2024 Rules, Hearing, Public Permit Hearing and Regular Board Meeting. **A motion was made by Chris Zeig, second by Lisa Rolke to approve the minutes of the August 8, 2024 Rules Hearing, Public Permit Hearing and Regular Board Meeting as presented to the Board. The motion passed unanimously.**
 2. Financial Report – August 2024 **A motion was made by Mark Carrabba, second by Chris Zeig to approve the financial report for August 2024 as presented to the Board. The motion passed unanimously.**
 3. Presentation of the 2023 District Financial Audit by Russell Armagost CPA from Milberger, Nesbitt, and Ask, LLP. **Item postponed.**

4. Discussion and possible action on the adoption of the FY2023 District Financial Audit. **Item postponed.**
5. Discussion & possible action to amend the 2024 District Operating Budget. **A motion was made by Gary Mechler, second by Chris Zeig to approve the amended 2024 District Operating Budget as presented to the Board. The motion passed unanimously.**
6. Presentation by Mark Nickels updating the Board on progress related to the Brazos River Alluvium Aquifer groundwater/surface water interaction study sponsored by the Brazos Valley GCD and being conducted by Baylor University. **Mark Nickels presented an update related to the Brazos River Alluvium Aquifer groundwater/surface water interaction study.**
7. Discussion and possible action to ratify payment to Albo LLC for the contracted demolition of the building at 213 S. Magnolia Street, Hearne, Texas. **A motion was made by Mark Carrabba, second by Chris Zeig to ratify the payment to Albo, LLC once the invoice has been submitted for payment. The motion passed unanimously.**
8. Discussion and possible action on the Personnel Committee recommendation for contracted services for FY2025. **A motion was made by John Elliott, second by Chris Zeig to approve the recommendation from the Personnel Committee for contracted services for FY2025 as presented.**
9. Executive Session: @ 3:15
 - 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 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.
10. 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 at 4:00 p.m. A motion was made by Chris Zeig, second by**

Mark Carrabba to approve the District Rules amendments as listed above and presented to the Board. The motion passed with John Elliott, Director, opposing.

11. 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. **A motion was made by Jayson Barfknecht, second by Chris Zeig to approve the ILA with State Office of Administration Hearing (SOA) and the general manager to set up a SOAH Preliminary Hearing for the October meeting to determine party status.**
12. 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 (GAM Run presentation for GMA 12)
 - e) District Business & Activities
 - f) Management Plan Update
13. Discussion and possible future agenda items.
14. Adjourn

Signed this 10th day of October 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