

POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT
Board of Directors Meeting
Milano Community Center
120 West Avenue J
Milano, Texas 76556
May 12, 2009 – 5:30 p.m.
MINUTES

Members Present

Carroll Glaser
Jim Hodson
Jay Tumlinson
Dwayne Jekel
Robert Ware
Lee Alford III
Andy Hovorak
Kerry Starnes
Jay Wilder

Entity

POSGCD
POSGCD
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POSGCD

Gary Westbrook
Elaine Gerren
Drew Gholson
Barney Knight

POSGCD
POSGCD
POSGCD
Knight & Partners

Board Members Absent

Nathan Ausley

POSGCD

Others Present

Jackie Scott
Dwight Mahoney
Scott Carlson
Curtis Chubb
Ross Cummings
Ken Hall
James Miller
Erin Zoch
Bill Graham
Bob Barrie

Entity

BRA
BRA
Metropolitan Water
Cameron Herald
Blue Water System L.P.
Southwest Milam WSC
City of Bastrop
Aqua WSC
Landowner
BVWA

BOARD MEETING

1. Call to Order

Board Vice-President, Dwayne Jekel called the meeting to order @ 5:30 p.m.

2. Public Comment

There was no public comment.

3. Minutes of April 14, 2009 Board Meeting

A motion was made by Director Jim Hodson to approval the minutes of the April 14, 2009 Meeting. The motion was 2nd by Director Jay Wilder. The motion carried unanimously

4. Request from Grant Recipients for amendments to scope of work and pledged participation contained in their 2009 Groundwater Conservation Grant applications, awards, and contracts with the District

- a. **Lyons WSC** - Reduced Scope of Work by % equal to grant amount only
- b. **Clay WSC** - Reduced Scope of Work by % equal to grant amount only
- c. **Cooks Point WSC** - Reduced Scope of Work by % equal to grant amount only
- d. **City of Rockdale** – Reduced Scope of Work by \$ 20,000.00 and applicant portion from \$ 31,915.39 to \$ 16,887
- e. **Marlow WSC** – Reduced Scope of Work by 1/2
- f. **Gause WSC**– Reduced Scope of Work by 1/2
- g. **Minerva WSC**– Reduced Scope of Work by 1/2
- h. **Cade Lakes WSC**- Reduced Scope of Work by % equal to grant amount only
- i. **Deanville WSC** – No Amendment at this time
- j. **City of Snook** – Reduced to just full amount requested in Project A of application.

All entities listed except for Deanville had requested to amend their scope of work in the application and the contract to be summarized as follows:

General Manager, Gary Westbrook addressed the Board and stated that a percentage of the Budgeted Grant amounts were given at this time. A motion was made by Director Jay Tumlinson to approve the requested amendments. The motion was 2nd by Director Jim Hodson. The motion carried unanimously.

5. Authorization to general manager to maintain TCDRS plan provisions

A motion was made by Director Jay Tumlinson to maintain the current TCDRS plan percentages. The motion was 2nd by Director Jim Hodson. The motion carried unanimously.

6. Enforcement actions and direction to the general manager regarding violations of the District Rules by James Eugene Luce for drilling water wells without a license and for drilling water wells for persons without appropriate Certificates To Proceed With Drilling for drilling water wells from the District, and failing to file well logs and completion forms with the District.

General Manager, Gary Westbrook gave a brief overview of the violation. The board discussed this item and instructed General Manager, Gary Westbrook to discuss penalties with Mr. Luce and to return to the Board at the next meeting with a settlement offer.

7. Request for waiver of spacing under District Rule 4.1.1 from Willie Newton

General Manager, Gary Westbrook gave a brief overview of the violation. The board discussed this item and instructed General Manager, Gary Westbrook to instruct Mr. Newton to get a letter of waiver from the neighboring landowner and to return to the Board at the next meeting with this request.

8. Convene into executive session pursuant to Sec. 551.071, Tex. Gov't. Code, and Rule 1.05, Tex. Rules of Professional Conduct, to consider District legal claims against Blue Water Systems, L.P. and potential litigation with Blue Water Systems, L.P.

Vice-President, Dwayne Jekel introduced item # 8 and the Board convened into executive session

at 5:45 p.m.

- 9. Reconvene from executive session and take action, if any, as deemed appropriate in the discretion of the Board regarding legal claims, and potential litigation with Blue Water Systems, L.P.**

The Board reconvened from executive session at 6:23 and moved to item # 10.

- 10. Consider compliance of Blue Water Systems, L.P. with the terms and requirements of Permit No. POS-D&O-0001 and POS-T-0001, set a hearing date and direct the General Manager to give all required notices and take other action necessary for a properly noticed hearing on such date on the issue of considering cancellation of Permit No. POS-D&O-0001 and POS-T-0001.**

A motion was made by Director Jim Hodson to direct the General Manager to give all required notices and take other action necessary for a properly noticed hearing on July 12, 2009 on the issue of considering cancellation of Permit No. POS-D&O/A&M-0001 and POS-T-0001A. The motion was 2nd by Director Lee Alford. The motion carried unanimously.

- 11. Brazos G Regional Water Planning Group Groundwater District Voting Member Vacancy**

A motion was made by Director Jay Tumlinson for General Manager, Gary Westbrook to apply for the Region G Voting Member Vacancy. The motion was 2nd by Director Robert Ware. The motion carried unanimously.

- 12. Received report from District Manager Report on recent District activities and take appropriate actions.**

A. Permit applications filed with the District and possible Hearing Dates for those applications

No permits were filed that required hearings.

B. Emergency Permits Granted, well recordings, & new well applications and completions

District GM Gary Westbrook reported no emergency permits issued, 5 wells recorded, 7 new applications for exempt wells, and 2 exempt wells completed.

C. Recent and future District presentations and activities

1. Legislation filed during current session of State Legislature

General Manager, Gary Westbrook gave an overview of the situation on some of the legislation that had been filed during the current session of the State Legislature.

2. Texas Alliance of Groundwater Districts meeting in Austin April 28-29, 2009

General Manager, Gary Westbrook stated that he had attended the Texas Alliance of Groundwater Districts meeting in Austin April 28-29, 2009 and gave an overview of the meeting.

3. Texas Water Conservation Association conference June 17-19, 2009

General Manager, Gary Westbrook reported that he would attend the Texas Water Conservation Association conference June 17-19, 2009 and the he has asked to be a presenter at the conference.

4. South Central Texas Water Conservation Conference October 3, 2009

General Manager, Gary Westbrook has been asked along with the Burleson County Judge Sutherland to give presentations on the groundwater management and strategies at the October 3, 2009 meeting in Brenham.

5. GMA 12 Future Meeting

General Manager, Gary Westbrook stated that the next scheduled GMA 12 meeting will be June 24, 2009 at the Milano Civic Center at 10:00 a.m.

13. Bills received and current financial status.

A motion was made by Director Jim Hodson to approve payment of the bills as presented. The motion was 2nd by Director Kerry Starnes. The motion passed unanimously.

14. Dates, locations, and times of future meetings.

Vice-President Dwayne Jekel announced that the next regularly scheduled meeting would be June 9, 2009, at the District's offices at 5:30 p.m.

15. Adjourn Board Meeting

Vice-President Dwayne Jekel adjourned the meeting at 6:32 p.m.

THE ABOVE MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS OF THE POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT HELD ON MAY 12, 2008 WERE APPROVED AND ADOPTED BY THAT BOARD ON JULY 14, 2009.

Nathan Ausley, President

Attest:

Kerry Starnes, Secretary/Treasurer

Date_____

A meeting recording of this meeting is available on CD.