POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT
Board of Directors Meeting
POSGCD District Offices
310 East Avenue C
Milano, TX 76556
April 9, 2013 – 5:30 p.m.

MINUTES

Members Present	Entity
Jay Tumlinson	POSGCD
Tommy Tietjen	POSGCD
Jim Hodson	POSGCD
Nathan Ausley	POSGCD
Robert Ware	POSGCD
Dwayne Jekel	POSGCD
Lee Alford	POSGCD
Carroll Glaser	POSGCD
Kerry Starnes	POSGCD

Board Members Absent	
Jay Wilder	POSGCD

POSGCD Staff	
Gary Westbrook	POSGCD
Elaine Gerren	POSGCD
Bobby Bazan	POSGCD

Others Present	Entity
Barney Knight	McKamie Krueger
Steve Young	Intera
Barbra Boulware-Wells	McKamie Krueger
Alton Thiele	Alton Thiele, CPA
Dave Barkemeyer	Milam County
Jackie Scott	BRA
Bill Graham	Land Owner
Dan Fisher	Home Owner
Fred Runnell	Home Owner
Ken Hall	SWMWSC
Roby Jekel	D&L Services
Ross Cummings	Blue Water

BOARD MEETING & PUBLIC HEARINGS

1.) Call to Order and establish quorum

Nathan Ausley, Board President called the Board Meeting to order and established a quorum at 5:30 p.m.

2 Public Comment

Board President Nathan Ausley asked for public comment. No Public comment was offered.

3 Minutes of February 12, 2013 Meeting

A motion was made by director Jay Tumlinson to approve the minutes of February 12, 2013 Board Meeting. The motion was 2nd by Director Jim Hodson. The motion carried unanimously.

4 District 2012 Audit

The District's Audit for 2012 was presented by Alton Thiele, PC. Mr. Thiele reported a favorable and clean audit of the District. After board discussion and questions, a motion was made by Director Robert Ware to approve the District 2012 Audit as presented. The motion was 2nd by Director Lee Alford. The motion carried unanimously.

5 Agreement and contract for monitoring well location with Texas Department of Transportation

General Manager Gary Westbrook presented a proposed contract between the District and Texas Department of Transportation, and a Board Resolution to enter into that contract, for the District to drill and maintain a monitor well in the right-of-way of State Highway 21 near the Brazos River. Mr. Westbrook noted that District General Counsel Barney Knight had reviewed the contract and approved of the necessary language, and that the District's hydrogeologist was in agreement that this location would be of benefit to the District as a monitor well site. After brief discussion, a motion was made by President Nathan Ausley to adopt the resolution as presented and enter into the contract with the Texas Department of Transportation to drill and maintain a monitoring well on their Highway 21 Right of Way. The motion was 2nd by Director Carroll Glaser. The motion carried unanimously.

6 Request for City of Caldwell for amendments to Groundwater Conservation Grant applications, awards, and contracts with the District

President Nathan Ausley opened this item for discussion and explained that in the past the District had worked with local water utilities in the District in this manner to take advantage of the opportunity for the utility to accomplish more work of conservation by expanding the scope of the project and agreements within the same amount of money that was originally awarded. However, he also reminded the Board that in the past the District had only funded the replacement of like-size pipe in these situations, and that the utility had been required to pay the difference if it desired to increase the size or capacity of their project. He then presented a recommendation from the Grant Committee to approve the request for the City of Caldwell for amendments to Groundwater Conservation Grant applications, awards, and contracts with the District, as follows: The District would fund the request in an amount consistent with replacement of like size of pipe, and allow the City of Caldwell to upgrade the size of the pipe and any other improvements at its own expense. A motion was made by Director Tommy Tietjen to approve the recommendation of the Grant Committee. The motion was 2nd by Director Kerry Starnes. The motion passed unanimously.

7 Groundwater Conservation Grants

Director Robert Ware and Director Dwayne Jekel abstained from participating in the discussion and voting on this item due to their affiliation with Birch Creek Rec. WSC, North Milam WSC and Marlow WSC. President Nathan Ausley presented the recommendations from the Grant Committee for award of funds of the District's Groundwater Conservation Grant Program. A motion was made

by Director Lee Alford to award the following Groundwater Conservation Grants for the 2013 year. The motion was 2nd by Director Carroll Glaser. The motion carried 7 to 0 with 2 abstaining.

City of Rockdale	74,000.00
Southwest Milam WSC	156,000.00
HDU Services-Yegua	221,073.20
North Milam WSC	96,200.00
City of Somerville	212,075.00
Birch Creek Rec. WSC-1	176,096.80
Clay WSC	139,816.36
Marlow WSC-Phase 1	41,440.00

8 Receive report from District Manager on recent District activities and take appropriate actions

A. Permit applications filed with the District and Hearing Dates; Emergency Permits Granted

General Manger Gary Westbrook reported that no application had been filed which would require hearings, and that no emergency permits had been issued. He also reported that the City of Rockdale had filed an application to drill a water well for municipal use and that under the District's Rule 5.5 he would issue a permit for this well upon the application being reviewed and found consistent with the District's Rules and administratively complete.

B. Well recordings and registrations, New well applications and completions, Wells plugged

General Manger Gary Westbrook reported that there were 8 wells registered, 12 new well applications, 5 new wells completed, and 1 wells plugged

C. Recent and future District presentations and activities

1.) **District Monitor Well Network and Water Level Monitoring**

The Board received a presentation from Bobby Bazan, Water Resource Manager for the District and Dr. Steve Young of Intera with the current monitor well water level readings for the 2013 year and future work and evaluations to be returned to the Board.

2.) **Brazos Region G Water Planning Group Meeting of March 19, and April 17, 2013**

General Manager, Gary Westbrook gave a brief report of these meetings.

3.) **Presentation to the Little River Basin Master Gardeners of March 27, 2013**

General Manager, Gary Westbrook reported that he presented an educational program covering the state's water resources and water planning process, as well as duties and responsibilities of groundwater conservation districts and management strategies of the District to the Little River Basin Master Gardeners to satisfy their educational requirements in these areas on March 27, 2013 in Cameron, Texas.

4.) **Discussion and review of issues concerning recent public information request**

General Manager, Gary Westbrook reported that response to a recent extensive public information request had been completed after much effort on the part of the District, including considerable time in conference with the office of the District's General Counsel to ensure that the District responded appropriately. Mr. Westbrook reported that upon taking possession of the requested information, the requestor commented that he did not receive all of the information requested. Mr. Westbrook reported that after brief

discussion with the requestor he offered to assist in composing a new request which might assist the requestor in obtaining additional information, and that the District would be able to provide that additional information at that time. The requestor declined to provide a new request at that time. Barney Knight, General Counsel for the district, stated that the request had been satisfied according to the information that was requested. Mr. Westbrook also reported that he had credited part of the time the District had spent, and therefore had billed, in answering this request.

5.) **Legislation filed during the 83rd Session of the Texas State Legislature**
Mr. Westbrook reported on several groundwater issues being addressed by legislation in the current Texas legislative session, including term limits and renewal of permits, defining and management of brackish groundwater, permitting and use of groundwater for oil and gas use, and extension of time for GMAs to adopt new DFCs. He also noted that he had been working with legislators and their staff through the District's lobbyist and the Texas Alliance of Groundwater Districts to monitor and have input on behalf of the District on legislation filed. He stated that unless instructed otherwise, he would continue these efforts through these resources until such a time as legislation were to surface which would require his providing more input or testimony. After brief discussion the Board was in agreement with this approach.

6.) **Texas Alliance of Groundwater Districts quarterly meeting of February 26-27, 2013**
General Manager, Gary Westbrook reported that he and Bobby Bazan attended the Texas Alliance of Groundwater Districts quarterly meeting of February 26-27, 2013, and that at that meeting he and Dr. Steve Young of Intera, the District's hydrogeologist, had presented to TAGD on the process the District had followed in considering the applications filed by ALCOA during 2012.

7.) **Recent request for information from BEFCO Engineering on behalf of Southwest Milam WSC**
General Manager, Gary Westbrook reported that the District's hydrogeologist, Dr. Steve Young, had provided assistance on behalf of the District to Southwest Milam WSC through their engineering firm, BEFCO, by providing aquifer characteristics in certain areas of the District in response to their request.

9 Bills received and current financial status.
After discussion of the current bills, a motion was made by Director Jim Hodson to approve payment of the bills. The motion was 2nd Director Kerry Starnes. The motion carried unanimously.

10 Dates, locations, and times of future meetings.
President Nathan Ausley announced that the next regularly scheduled meeting would be, June 11, 2013, at the District Office at 5:30 p.m.

11 EXECUTIVE SESSION
Convene into executive session at 6:30 p.m. pursuant to Texas Government Code, Section 551.071 (consultation with attorney) and 1.05 Texas Disciplinary Rules of Professional Conduct to consult with legal counsel regarding:
Post Oak Savannah Ground Water Conservation District v. Roy David Crush, Jr.; Cause No. 34,979 in the District Court of Milam County, Texas, the 20th Judicial District.

The Board reconvened back into regular session at 6:42 p.m. No action was taken.

12 Adjourn Board Meeting

President Nathan Ausley adjourned the meeting at 6:43 p.m.

THE ABOVE MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS OF THE POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT HELD ON APRIL 9, 2013 WERE APPROVED AND ADOPTED BY THAT BOARD ON JUNE 11, 2013.

Nathan Ausley, President

Attest:

Kerry Starnes, Secretary/Treasurer

Date 6-11-13

A meeting recording of this meeting is available on CD.