

**POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT**  
**Board of Directors Meeting**  
**POSGCD District Office**  
**310 East Avenue C**  
**Milano, Texas 76556**  
**December 8, 2009 – 5:30 p.m.**  
**MINUTES**

**Members Present**

Dwayne Jekel	POSGCD
Jay Wilder	POSGCD
Jay Tumlinson	POSGCD
Robert Ware	POSGCD
Andy Hovorak	POSGCD
Lee Alford III	POSGCD
Nathan Ausley	POSGCD
Carroll Glaser	POSGCD
Kerry Starnes	POSGCD

Gary Westbrook	POSGCD
Elaine Gerren	POSGCD
Drew Gholson	POSGCD
Barney Knight	Knight & Partners
Steve Young	U.R.S.

**Board Members Absent**

Jim Hodson	POSGCD
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**Others Present**

Jackie Scott	BRA
Scott Carlson	Metropolitan Water
Ross Cummings	Blue Water System L.P.
Ken Cooke	Rockdale Reporter
Paul Terrill	Terrill Firm
Steve Box	Environmental Stewardship
Sonya Campbell	Cameron Herald
Frank Summers	Milam County
Kathy C. Johnson	Landowner
Ken Hall	Southwest Milam WSC
Terry Ausley	Landowner- Burleson County
Mary Ausley	Self
Jody Ausley	Landowner- Burleson County

**BOARD MEETING**

**1. Call to Order**

Board President, Nathan Ausley called the meeting to order @ 5:30 p.m.

**2. Public Hearing on amendment to Section 15 of the Rules to provide minimum penalties for violation of the District Rules and non-substantive amendments to Rule 4.2, Rule 7.10, and Rule 7.12**

Board President, Nathan Ausley opened the public hearing on the proposed amendments to the District's Rules, and noted that these proposed rules had been briefly discussed at the October 13, 2009 Board Meeting and that notices of these rules amendments had been properly posted and that copies of the rules had been available on the District's website for approximately 30 days. He also noted that copies of these proposed amendments were available to the public at this time. President Ausley then asked for public comment or questions concerning the proposed amendments to the Rules. There was none.

**3. Public Hearing on District 2010 Budget**

Board President, Nathan Ausley opened the public hearing on the 2010 District Budget, and asked for public comment or questions concerning the proposed budget which was recommended by the Advisory Committee. He noted that the 2010 Budget had been briefly discussed at the October 13, 2009 Board Meeting and that notices of this hearing had been properly posted, and that copies of the proposed 2010 Budget was available to the public at this time. President Ausley then asked for public comment or questions concerning the proposed 2010 District Budget. Milam County Judge Frank Summers asked for clarification of the District's possible fees for 2010. President Ausley gave an explanation of the choices provided to the Directors as listed on the summary page for the 2010 Budget. There was no further comment or question.

**4. Public Hearing on District Production Fees**

Board President, Nathan Ausley opened the public hearing on the District production fees and noted that these the District's production fees had been briefly discussed at the October 13, 2009 Board Meeting and that notices of this hearing had been properly posted. President Ausley asked for public comment or question and none was offered.

**5. Public Hearing on District Transport Fees**

Board President, Nathan Ausley opened the public hearing on the District transport fees and noted that these the District's transport fees had been briefly discussed at the October 13, 2009 Board Meeting and that notices of this hearing had been properly posted. President Ausley asked for public comment or question and none was offered.

**6. Public Hearing on District Fee Schedule**

Board President, Nathan Ausley opened the public hearing on the District Fee Schedule and noted that notices of this hearing had been properly posted. President Ausley asked if there were any proposed changes to the current Fee Schedule. General Manager Westbrook noted that there were none. President Ausley asked for public comment or question and none was offered.

**7. Public Comment**

President Ausley asked for public comment. Terry Ausley of Burleson County read a statement concerning Blue Water Systems and their relationship with Metropolitan Water and Cross County Water Supply. Paul Terrill responded with a statement.

**8. Minutes of October 13, 2009 Board Meeting**

A motion was made by Director Jay Tumlinson to approve the minutes of the October 13, 2009 Meeting. The motion was 2<sup>nd</sup> by Director Robert Ware. The motion carried unanimously.

**9. Amend Section 15 of the Rules to provide minimum penalties for violation of the District Rules and non-substantive amendments to Rule 4.2, Rule 7.10, and Rule 7.12**

Director Wilder asked if a copy of these rules had been mailed to drillers in the area. General Manager Westbrook stated that copies had not been mailed to the drillers, but that some of the drillers receive our emails of notice, and that these proposed rules amendments had been posted on

the District's website since that time. A motion was made by Director Carroll Glaser to approve the amendments to the Rules as presented and posted. The motion was 2<sup>nd</sup> by Director Kerry Starnes. The motion carried unanimously.

#### **10. District 2010 Budget**

General Manager Westbrook provided clarification comment on the 2010 Budget as recommended by the Advisory Committee and presented at this time. President Ausley moved to adopt the 2010 District Budget as recommended by the Advisory Committee. Director Tumlinson seconded. The motion carried unanimously.

#### **11. District Production Fees**

President Ausley opened items 11 and 12 together, then recused himself from discussion and voting on these items, and handed the meeting over to Vice-President Jekel. Vice-President Jekel gave a summary explanation of the fees combinations which were listed on the Budget Summary page which was handed out and noted that the Advisory Committee had recommended that production fees be set at 1 cent per 1000 gallons permitted, and transport fees be set at either 4 cents or 5 cents per 1000 gallons permitted effective January 1, 2010. Discussion ensued. Director Wilder stated that he would like to see the District Conservation Program expanded to include additional programs. Director Robert Ware moved to set the District production fees be set at 1 cent per 1000 gallons permitted, and transport fees be set at either 4 cents per 1000 gallons permitted effective January 1, 2010. Director Carroll Glaser seconded. After further discussion Director Glaser called for the question. Vice-President Jekel called for the vote. After a voice vote, a show of hands vote was called for. Those voting to support the motion were Directors Jekel, Glaser, Ware, Tumlinson, and Starnes. Those voting against the motion were Directors Alford, Hovarak, and Wilder. The motion passed 5 to 3. Vice-President Jekel then returned the meeting to President Ausley.

#### **12. District Transport Fees**

See above item #11.

#### **13. District Fee Schedule**

Director Tumlinson moved to approve the current District Fee Schedule with the amended fees for production and transport. Director Jekel seconded. The motion carried unanimously.

#### **14. District 2009 Budget**

President Ausley presented the 2009 Budget amendments which were recommended by the Advisory Committee and handed out to the Board, and also available to the public. After a brief discussion for clarification, Director Glaser moved to approve the amendments as presented. Director Tumlinson seconded. The motion carried unanimously.

#### **15. Engagement Letter with Alton Thiele, CPA for auditing services for 2010**

President Ausley presented a letter of engagement from Alton Thiele, CPA for auditing services for the District for 2010. Director Jekel stated that he would abstain from discussion and voting on this agenda item. President Ausley moved to approve the letter of engagement. Director Starnes seconded. The motion carried unanimously.

#### **16. Report and discussion on GMA 12 Stakeholder Meeting of October 30, 2008**

General Manager Westbrook noted that this was to be a report on the District's Stakeholder Meeting of October 13, 2009. He further stated that the District gave two presentations at that meeting, but there were no presentations or comments offered or received from any other persons. The only participation at this meeting was in the form of questions for clarification on the District's presentations.

**17. GMA 12 joint planning process and preliminary DFCs, groundwater resources in the District, and future process for evaluating District preliminary DFCs and DFCs, and identification of possible necessary changes to District Rules and District Groundwater Management Plan**  
Steve Young of URS gave a brief report and handout to the Board on this item.

**18. 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**  
General Manager Westbrook reported that there are no applications filed at this time which require a hearing.

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

General Manager Westbrook reported: 0 emergency permits, 64 well recordings, 10 New well applications, 21 wells completed, and 1 well plugged.

**C. Recent and future District presentations and activities**

**1. Reports to Burleson Co. Commissioner's Court and Milam Co. Commissioner's Court**

General Manager Westbrook reported on the presentation he gave to the Burleson County Commissioner's Court on November 23, 2009, and that he would give a similar report to the Milam County Commissioner's Court on December 14, 2009.

**2. H2O 4 Texas Water Conference, Nov. 16-17, 2009, Fort Worth, TX**

[www.H2O4TEXAS.org](http://www.H2O4TEXAS.org)

General Manager Westbrook reported on his attendance at this conference.

**3. Aquifers of the Upper Coastal Plains Water conference Oct. 13-14, 2009, College Station, TX**

General Manager Westbrook reported on the District's presentation at this conference.

**4. Progress report on requirements of Management Plan**

General Manager Westbrook reported that the District has satisfied all annual requirements of the District's Groundwater Management Plan.

**19. Bills received and current financial status.**

Director Tumlinson moved to approve payment of the District bills. Director Glaser seconded. The motion carried unanimously.

**20. Dates, locations, and times of future meetings.**

President Ausley announced that the next regularly scheduled Board of Director's meeting of the District would be January 12, 2010, 5:30 p.m., at the District offices.

**21. Adjourn Board Meeting**

President Ausley adjourned the meeting at 6:36 p.m.

**THE ABOVE MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS OF THE POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT HELD ON DECEMBER 8, 2009 WERE APPROVED AND ADOPTED BY THAT BOARD ON JANUARY 12, 2010.**

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Nathan Ausley, President

**Attest:**

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Kerry Starnes, Secretary/Treasurer

Date\_\_\_\_\_

A meeting recording of this meeting is available on CD.