

POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT
Board of Directors Meeting
POSGCD District Offices
310 East Avenue C
Milano, TX 76556
November 5, 2019 – 5:30 p.m.

MINUTES

Directors Present

Durwood Tucker
Lee Alford
Becky Goetsch
Sidney Youngblood
Bob Wilson
Jay Wilder
Tommy Tietjen
Chris Whittaker
Ed Savage
Steven Wise

Directors Absent

None

Staff Present

Gary Westbrook
Bobby Bazan
Elaine Gerren
Ralph Sifuentes
Doug Box

Others Present

<u>Others Present</u>	<u>Entity</u>
Gabbo Goetsch	Landowner
Barbara Boulware-Wells	The Knight Law Firm, LLP
Blaire Parker	SAWS
Shan Rutherford	Terrill & Waldrop
Scott Carlson	Metropolitan Water
Judith McGeary	Landowner
Mike Conner	Landowner
Joyce Conner	Landowner
Amy Jurrica Hinnant	Burleson County Landowner
Curtis Chubb	Central Texas Aquifer Coalition
Ronald Rushing	Ind.
Calvin C. Whitely	Landowner
Fred Russell	Landowner
Steve Young	Intera
Nathan Ausley	Landowner
Jarden H.	KMIL
Steve Young	Intera

PUBLIC HEARING

Call to Order

The Public Hearing and meeting were called to order at 5:34 p.m. by President Sidney Youngblood, who noted all Board members present. He then stated he would move to the Pledge of Allegiance and Invocation before opening the Public Hearing.

1. Pledge of Allegiance

President Sidney Youngblood asked Steven Wise to lead the pledges to the flags of the United States and Texas and he did so.

2. Invocation

President Sidney Youngblood asked Ralph Sifuentes to lead the invocation and he did so.

3. Call to Order and establish quorum

The board meeting was called to order at 5:34 p.m. by President Sidney Youngblood.

4. Public Hearing on District 2020 Budget

The Public Hearing on the District 2020 Budget was opened at 5:37 p.m. GM Gary Westbrook presented a overview of the District 2020 draft budget. Director Chris Whittaker asked a question on the Well Assistance Program.

Public Comment was heard from Curtis Chubb stating that he felt that the payroll and benefits are excessive and that he felt that the budget overview needed a breakdown of those expenses.

Public Comment was heard from Fred Russell stated that the pumping cut back cannot be enforced on Vista Ridge. The Supreme Court ruled against it and Post Oak Savannah has over permitted the Aquifer by 6 to 8 thousand acre feet. The Aquifer Conservancy Program only has 3.7% of land in the District, and with permitted acreage, 96% of acreage is not in the program.

President Youngblood asked for additional public comment on this agenda item. None was offered. The Public Hearing on the District 2020 Budget was closed at 5:49 p.m.

5. Public Hearing on District Production Fee Schedule

The Public Hearing on the District Production Fees was opened at 5:50 p.m. GM Gary Westbrook stated that there were no recommended changes from the last years production fees of \$.013/1000 gallons permitted. President Youngblood asked for additional public comment on this agenda item. None was offered. The public hearing was closed at 5:51 p.m.

6. Public Hearing on District Transport Fees

The Public Hearing on the District Transport Fees was opened at 5:51 p.m. GM Gary Westbrook stated that there were no recommended changes from the last year's transport fees of \$.10/1000 gallons permitted.

Public comment was heard from Fred Russell on agenda items 5 & 6. He stated that he feels that the Aquifer Conservancy Program is a waste of money and that the District could have accomplished the same thing with rule changes instead of spending millions on this program.

President Youngblood asked for additional public comment on this agenda item. None was offered. The public hearing on the District Transport Fees closed at 5:53 p.m.

7. Public Hearing on District Fee Schedule

The Public Hearing on the District Fee Schedule was opened at 5:53 p.m. GM Gary Westbrook reviewed the recommended draft Fee Schedule. He stated that the only changes from the last year's fees are the staff time charges dealing with public information requests, and this change was made according to the Texas Government Code # 552. The cost for the CD copy of information will remain \$1 and the charge for a flash drive of information will change to \$6.72. GM Gary Westbrook request that these changes be made effective immediately upon adoption.

Public comment was heard from Fred Russell stating that he feels that the \$50.00 staff time charge was a deterrent for people requesting public information.

Public comment was heard from Judith McGeary stating that she was disturbed about our fee for the open records and stated that the fee for staff time can be no more that \$15.00 per hour. She stated that our actions are illegal. She stated that she had sent a letter over a year ago addressing this and had received no reply.

Public comment was heard from Curtis Chubb asking if our Attorney knows that the District is breaking the law. He stated that other Groundwater Districts only charge \$15.00 per hour for public information request staff time and the State Code # 552 states that no charge will be made for time less than 2 hours. He wants a response to his questions by November 29, 2019 or he is going to contact the AG's office.

President Youngblood asked for additional public comment on this agenda item. None was offered.

The Public Hearing on the District Fees closed at 6:07 p.m.

8. Public Hearing on Rules: Rule 1.1, Definitions and Concepts; Rule 4.1, Required Spacing; Rule 5.4.2 Emergency Permits; Rule 7.13.8(b), Drilling or Altering a Well; Rule 7.14.6 Historic Use Permits; Rule 7.15.7, Operating Permits; Rule 7.16.5 (c), Operating Permit Renewal; Rule 7.18.10, Hydraulic Fracturing; Rule 8.6, Reporting; Rule 8.7, Extension of Transport Permit; Rule 16.3, Monitoring of Groundwater; and Rule 16.4, Actions Based on Monitoring Results.

The Public Hearing on Rules was opened at 6:07 p.m. GM Gary Westbrook presented an overview of the recommended District rule changes to be considered, with those changes presented in red. Director Chris Whittaker asked what mechanism is used to notify everyone of the reporting. President Sidney Youngblood commended the Rules Committee for their efforts on the Rule changes and their committee participation.

Curtis Chubb passed out a document containing his comments and stated that he would like the Board to consider changing days mentioned in the Rules to calendar days. He questioned reasons for requiring monthly reporting. Mr. Chubb feels that this will put undo work on the people reporting the water use and also the staff at Post Oak Savannah. Director Chris Whittaker commented that the City of Rockdale has to do the reporting and he sees no issue in the monthly reporting.

President Youngblood asked for additional public comment on this agenda item. None was offered.

The Public Hearing on the Rules closed at 6:24 p.m.

9. Public Comment

Judith McGeary urged the Board to look at the pending Vista Ridge application in its entirety and examine all leases for the possibility of permitted wells that are producing water and are also included in the Vista Ridge application lease schedule. She warned about the possibility of fraud against landowners, not by the District. She also addressed use of Modeled Available Groundwater in permitting. She asked the Board to require Vista Ridge to come forward with all leases. She addressed the automatic renewal of leases and stated that our Lobbyist never told the Legislature that the District was against this. She stated that she had attended the Commissioners meeting to address some of her concerns.

10. District 2020 Budget

After discussion by the Board a motion was made by Director Chris Whittaker to approve the 2020 Budget as presented. The motion was 2nd by Director Lee Alford. The motion passed unanimously.

11. District Production Fees

After discussion by the Board a motion was made by Director Durwood Tucker to approve maintaining the District Production Fees at \$.013/1000 gallons permitted, as recommended as presented. The motion was 2nd by Director Tommy Tietjen. The motion passed unanimously.

12. District Transport Fees

After discussion by the Board a motion was made by Director Tommy Tietjen to approve maintaining the District Transport Fees at \$.10/1000 gallons permitted, as recommended. The motion was 2nd by Director Becky Goetsch. The motion passed unanimously.

13. District Fee Schedule

After discussion by the Board a motion was made by Director Bob Wilson to approve the District Fee Schedule as presented, effective immediately. The motion was 2nd by Director Ed Savage. The motion passed unanimously. Director Chris Whittaker made a motion to go back 2 years and refund any charges deemed inappropriate from records requests charged by the District. The motion was 2nd by Director Becky Goetsch. The motion passed 8 to 2 with Directors Bob Wilson and Jay Wilder voting against.

14. Consider Rules: Rule 1.1, Definitions and Concepts; Rule 4.1, Required Spacing; Rule 5.4.2 Emergency Permits; Rule 7.13.8(b), Drilling or Altering a Well; Rule 7.14.6 Historic Use Permits; Rule 7.15.7, Operating Permits; Rule 7.16.5 (c), Operating Permit Renewal; Rule 7.18.10, Hydraulic Fracturing; Rule 8.6, Reporting; Rule 8.7, Extension of Transport Permit; Rule 16.3, Monitoring of Groundwater; and Rule 16.4, Actions Based on Monitoring Results.

After discussion by the Board a motion was made by Director Chris Whittaker to approve amendments to the Rules as presented and to have the Rules Committee look at changing “days” to “calendar days” for consistency. The motion was 2nd by Director Tommy Tietjen. The motion passed unanimously.

15. Minutes of October 1, 2019 Board Meeting

After brief discussion a motion was made by Director Tommy Tietjen to approve the minutes of the October 1st, 2019 meeting. The motion was 2nd by Director Jay Wilder. The motion carried unanimously.

16. Minutes of October 3, 2019 Public Hearing Board Meeting

After brief discussion a motion was made by Director Lee Alford to approve the minutes of the October 3rd, 2019 Public Hearing and Board Meeting. The motion was 2nd by Director Jay Wilder. The motion carried unanimously

17. Groundwater Well Assistance Program Annual Needs Assessment to October Board Meeting

An update was provided by Director Steven Wise who stated that a review of the Draft report was presented at the DFC Workshop. He also noted several possible inconsistencies with information contained in the report and noted these would be addressed within the next 30 days and the report would be finalized and made available. No further action was taken.

18. Response to comments received from public to Staff and or/Board, during public meetings

GM Gary Westbrook said he was instructed by the Advisory Committee to create a spreadsheet of the comments received by the District through many means, and to include responses to each. He reviewed several of the comments, including a statement by one resident of the District at a recent Milam County Commissioner's Court meeting that District hydrogeologist Dr. Steve Young of Intera testified in a recent court proceeding that he was not an expert in groundwater-surface water interactions. President Youngblood asked Dr. Young to respond, and Dr. Young responded he did not testify to that affect, and he was indeed presented as an expert witness in that area. President Youngblood asked for discussion. Directors Steven Wise, Chris Whittaker, and Sidney Youngblood agreed this was a valuable process to ensure documentation that all comments are considered, and responses issued. All directors were in approval of continuing this practice. No further action was taken.

19. Amend Board Policies-parties executing contracts

GM Gary Westbrook stated that our Board Policy requires the General Manager and the Board President to sign all contracts. With the ACP and family members of District Board members and staff applying, it is not appropriate for family members to sign contracts with other family members within one degree of kinship, therefore, there is a need to amend the Board Policies to accommodate this. A motion was made by Director Jay Wilder to add language allowing the Board Vice-President to sign in place of the President and the Board Secretary to sign in place of the general manager in such instances. The motion was 2nd by Director Ed Savage. The motion passed unanimously.

20. Update on recessed hearings of October 3, 2109

President Sidney Youngblood asked for an update from the Districts Legal Counsel, Barbara Boulware-Wells, Knight Law Firm. She stated that she had received a request from the Applicant on October 7, 2019 to have the remaining portion of the preliminary hearing to determine standing moved to the State Office of Administrative Hearings (SOAH). SOAH had contacted her today with the contract and fees. After discussion by the Board a motion was made by Director Chris Whittaker to empower the contract to the Advisory Committee to review and execute the contract. The motion was 2nd by Director Jay Wilder. The motion passed unanimously.

21. Board Dashboard, Committee Reports

President Youngblood asked for updates to the Dashboard. He then gave brief reports on behalf of the Advisory Committee and Building Committee. Director Becky Goetsch stated that the Rules Committee would meet again soon. President Youngblood invited Mr. Mike Conner to attend and provide a presentation. Director Wise noted the DFC Committee had held a workshop earlier in the day to receive information from Intera on recent groundwater availability runs being prepared for the next GMA 12 meeting. No action further was taken.

22. Aquifer Conservancy Program ACP update

Doug Box, District Education Coordinator, reported preliminary estimates show the ACP enrollment is approaching 40,000 acres in more than 500 parcels enrolled in the program. GM Westbrook stated that all information is still being compiled and entered into the database, and an updated amount will be available when this practice is completed.

23. Review of Recent Educational Efforts and Activities

Educational Coordinator Doug Box presented a report on the recent educational efforts and activities. No action was taken.

24. Joint planning process and Desired Future Conditions (DFC's), groundwater resources in the District, and future process for evaluating District DFC's for Groundwater Management Area 12 (GMA12) and Groundwater management Area 8 (GMA8)

GM Gary Westbrook stated that the GMA 12 will have their next meeting on November 15th, 2019 at the District offices with main topics of discussion to include results of recent model runs, and will include a discussion of similar rules among GCDs in GMA 12.

GMA 8 will have their next meeting on November 22, 2019 in Cleburne and include a discussion of similar rules among GCDs in GMA 8.

25. 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

GM Westbrook stated that the Blue Water/Vista Ridge Hearing was in recess until receiving recommendations from SOAH and that no emergency permits had been issued.

B. Well Drilling activities: registrations, applications, completions, plugging, inspections

There were 18 wells registered, 9 new well applications, 0 wells completed, 0 wells plugged and 1 well inspection.

C. Recent and future District presentations and activities

1. Appearance on KBTX TV, October 14, 2019

GM Gary Westbrook stated that he and Amy Jurica Hinnant had appeared on a broadcast of KBTX TV to promote the ACP.

2. Burleson County Farm Bureau Annual Meeting of October 15, 2019

GM Gary Westbrook stated that he and Doug Box had attended this meeting with good response to discussions of the ACP.

3. Texas Water Conservation Association of October 16-18, 2019

GM Gary Westbrook stated that he had attended this meeting and received beneficial updates.

4. Interviews with KMIL and KRXT Radio concerning ACP

GM Gary Westbrook stated that he did radio interviews with each station prior to the ACP ending with a good response.

5. Presentations to Milam and Burleson County Commissioner's Court October 28, 2019

GM Gary Westbrook stated that he gave a presentation on the State of the District in Milam Count at the Commissioners Court and that Doug Box attended the Burleson County Commissioners court giving an update on the ACP program.

6. 2019 Employee Evaluations

GM Gary Westbrook stated that employee evaluations will be conducted in the next couple of weeks.

26. Bills received, current financial status, Investment Officer Report.

After review and discussion of the financial report and status by the board, a motion was made by Director Ed Savage to approve payment of bills and accept the financial report. The motion was 2nd by Director Jay Wilder. The motion passed unanimously.

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

The next scheduled regular meeting will be on December 3, 2019 at the District Office at 5:30 pm.

19. Adjourn Board Meeting

A motion was made by Director Lee Alrord to adjourn the meeting. The motion was 2nd by Director Jay Wilder. President Sidney Youngblood adjourned the meeting at 7:30 p.m.

THE ABOVE MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS OF THE POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT HELD ON NOVEMBER 5, 2019 WERE APPROVED AND ADOPTED BY THAT BOARD ON DECEMBER 3, 2019.

Sidney Youngblood, President

Attest:

Tommy Tietjen, Secretary/Treasurer

Date _____