

POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT

Board of Directors Meeting

POSGCD District Offices

310 East Avenue C

Milano, TX 76556

November 10, 2020 – 5:30 p.m.

MINUTES

Directors Present

Sidney Youngblood-in person
Lee Alford-in person
Becky Goetsch-in person
Steven Wise-in person
Dana McClaren-in person
Bob Wilson-in person
Tommy Tietjen-in person
Ed Savage- via phone
Ward Roddam-in person
Jay Wilder-in person

Directors Absent

None

Staff Present

Gary Westbrook- in person
Doug Box- in person
Bobby Bazan-in person
Craig Andrews – via online
Elaine Gerren- via online

Others Present

Steve Young- in person
Barbara Boulware-Wells- in person
Others via online or telephone
Jaelyn Robertson
Liz Ferry
James Bene`
Ross Cummings
Shan Rutherford
Blair Parker
Clover Cochran
Judith McGeary
Michael Hoadley
Natasha J. Martin

Entity

Intera
The Knight Law Firm, LLP
TAMU AgriLife
R.W. Harden & Associates
R.W. Harden & Associates
Blue Water
Terrell & Waldrop
SAWS
Burleson County Citizen
Milam County Landowner

Board Meeting

President Youngblood welcomed everyone and thanked them for their attendance. He stated the meeting was being recorded and the recording would be available on the District's website.

1. Pledge of Allegiance

Director Becky Goetsch led the pledges to the flags of the United States and Texas.

2. Invocation

Director Steven Wise gave the invocation.

3. Call to Order and establish quorum

The Board meeting was called to order at 5:36 p.m. by President Sidney Youngblood. He proceeded to call the roll of the Board and he declared a quorum had been established, with directors verified by general counsel and staff to be in attendance either in person, by telephone or online.

4. Public Comment

President Youngblood asked General Manager, Gary Westbrook if anyone had requested to speak under this agenda item or on any of the items posted for public hearings. GM Westbrook stated he had received no requests to speak on any item of the agenda. President Youngblood invited public comment from anyone online. No public comment was requested.

President Youngblood asked GM Westbrook if this meeting and all hearings notices had been properly posted. GM Westbrook stated they had. President Youngblood stated he would open and close each of the following public hearings in succession.

5. Public Hearing on District 2021 Budget

President Youngblood opened this Public Hearing at 5:38 p.m. GM Westbrook stated that all the information shown on the screen is also on the Website. He reviewed the Draft 2021 Budget and stated that the 2021 budget amounts include estimated incurred amounts brought forward from the 2020 budget. The budget is consistent with the previous year's budget with the exception of the monitoring and professional fee items. This has been reviewed by the advisory committee and recommended to the Board. With no public comment requested or offered, President Youngblood closed the public hearing at 5:42 p.m.

6. Public Hearing on District Production Fees

The Public Hearing was opened at 5:42 p.m. GM Westbrook stated that the production fees were currently 1.3 cents per one thousand gallons permitted and there were no changes recommended to the production fees. With no public comment requested or offered, President Youngblood closed the public hearing at 5:43 p.m.

7. Public Hearing on District Transport Fees

The Public Hearing was opened at 5:44 p.m. GM Westbrook stated that the transport fees were currently 10 cents per one thousand gallons permitted and there were no changes recommended to the transport fees. With no public comment requested or offered, President Youngblood closed the public hearing at 5:45 p.m.

8. Public Hearing on District Fee Schedule

The Public Hearing was opened at 5:46 p.m. GM Westbrook stated that there were no changes recommended to the District Fee Schedule. With no public comment requested or offered, President Youngblood closed the public hearing at 5:47 p.m.

9. District 2021 Budget

GM Westbrook stated that the 2021 Budget is before the Board to consider for adoption. President Youngblood stated the 2021 Draft Budget was recommended by the Advisory Committee. He opened the floor for comment or discussion. After brief discussion a motion was made by Director Tommy Tietjen to adopt the 2021 Budget. The motion was 2nd by Director Bob Wilson. The motion carried unanimously.

10. District Production Fees

President Youngblood stated the Production Fees were not recommended to change. He opened the floor for comment or discussion. After brief discussion a motion was made by Director Jay Wilder to maintain the current Production Fee of 1.3 cents per one thousand gallons permitted. The motion was 2nd by Director Steven Wise. The motion carried unanimously.

11. District Transport Fees

President Sidney Youngblood stated that the Transport Fees were not recommended to change. He opened the floor for comment or discussion. After brief discussion a motion was made by Director Ward Roddam to maintain the current Transport Fees of 10 cents per one thousand gallons permitted. The motion was 2nd by Director Tommy Tietjen. The motion carried unanimously.

12. District Fee Schedule

President Youngblood stated that the District Fee Schedule was recommended to remain the same. He opened the floor for comment or discussion. After brief discussion a motion was made by Director Lee Alford to maintain the current District Fee Schedule. The motion was 2nd by Director Jay Wilder. The motion carried unanimously.

13. Minutes of October 13, 2020 Board Meeting

After brief discussion, a motion was made by Director Becky Goetsch to approve the Minutes of October 13, 2020. The motion was 2nd by Director Steven Wise. The motion passed unanimously.

14. Amend District 2020 Budget

GM Westbrook reviewed the 2020 Budget amendments as recommended by the Advisory Committee. He stated that Hydrology and Monitoring went above the estimated budgeted amounts. The Hydrology expenses going above is not uncommon due to efforts to approve permits and the Hydrology amounts are often reimbursed; the Monitoring overages were due to installing more well intel. The District also went over on Telephone due to the installation of the new system. Office supplies also exceeded the budgeted amount. After discussion by the Board a motion was made by Director Tommy Tietjen to approve the amended 2020 Budget. The motion was 2nd by Director Ed Savage. The motion carried unanimously.

15. Consider Letter of engagement with Alton Thiele for 2020 District Audit

GM Westbrook presented an engagement letter from Alton Thiele for the 2020 District Audit. GM Westbrook stated that this agreement is consistent with previous audits and fees. Director Wise requested in the future the District request bids for a 3-year agreement which might offer more favorable terms and costs to the District. President Youngblood agreed and directed staff to follow up on this request. After brief discussion a motion was made by Director Wise to accept the letter of engagement with looking into a 3-year bid package. The motion was 2nd by Director Tommy Tietjen. The motion carried unanimously.

16. Resolution to issue debit card to Craig Andrews for District expenses

GM Westbrook welcomed Craig Andrews to the staff and stated he has been working as independent contractor until last week when he was hired by the District on November 1st, 2020. He will be taking the position vacated by Ralph Sifuentes. He presented a resolution approving issuance of a debit card to be used for District expenses. After brief discussion a motion was made by Jay Wilder to adopt the resolution to approve issuance of a debit card to Craig Andrews to be used for District expenses. The motion was 2nd by Bob Wilson. The motion passed unanimously.

17. Issuance of an Operating Permit pursuant to Rule 5.5.3 to Cooks Point Water Supply Corporation, P.O. Box 43, for operation of a groundwater well to be used for municipal water supply to the Cooks Point Water Supply Corporation, to produce less than or equal to 60 gallons per minute, with total production from the well not to exceed 10 acre feet per year

GM Westbrook stated that this permit has been issued under rule 5.5.3 and this agenda item is to serve as notification to the Board. No Board action is needed.

18. Report on recent activities of groundwater level monitoring from Water Resource Management Specialist

A presentation was given by Bobby Bazan, Water Resource Manager, with updates on the monitoring network. GM Westbrook stated that all this information is either on the website or will be on there shortly. Bobby stated that the Fall measurement campaign is in progress with 221 wells being measured to date. He has assigned Craig Andrews to continue to measure the Carrizo monitoring wells to get additional measurements. After brief discussion, no action was taken.

19. Report from Staff on Groundwater Well Assistance Program work preformed

Mr. Bazan stated that this has been priority for the last 2 weeks. The District has been getting calls from landowners and staff are addressing issues that have risen. The District has funds budgeted for the Groundwater Well Assistance Program (GWAP). To date the District has investigated 31 wells, with 29 of them being Carrizo wells. Seven of the wells have been approved to be serviced, and 5 additional wells will be serviced in the next couple of weeks. Most of the additional wells will need servicing in the future. All but one has simply been an issue of lowering the pumps. Staff has established criteria based on the model provided by Intera. The pump depth has been calculated based on 80' below where the projected water levels will be in the year 2050. In return for the assistance the landowner has to agree to allow the District to monitor water levels in the well. Most of the wells are in the area of Hwy 36 and CR 316 to the Yegua creek on Hwy 21 west of Caldwell. Director Ed Savage asked if some of the pumps going to larger sizes and wanted to know if more power is required would we take that cost into consideration. Bobby Bazan stated the GWAP does not add consideration for additional power. GM Westbrook clarified that any materials and work are covered but not any additional expenses such as cost of additional electrical service. No action was taken.

20. Report from DFC Committee on recent studies

President Youngblood recognized Director Wise, DFC Committee Chair, who introduced this subject and he asked Dr. Steve Young with Intera to lead this discussion. Dr. Young gave a presentation titled, "Update on Evaluation of Monitoring." After brief discussion, Director Wise stated that the Board will have to address the DFC's at the GMA 12 level and that the next public DFC committee meeting will be in December to review the work performed by Intera to date and provide an opportunity for comment. GM Westbrook stated staff has done quite a bit of research when you consider the fact that the District has had the GWAP Annual Needs Assessment (GANA) report that is an important tool for the District. What will be added after the GANA are two new reports. The DFC Committee continues to approach these issues in a very forward thinking manner. The other 2 reports shown will lend themselves to make it clearer on management choices for decisions in the future. There will be some tools that are developed using this science and data to help guide the Board in making decisions. This will give permit holders and landowners even more confidence moving forward. GM Westbrook noted that decisions on DFCs will have to be made by the Board in the near future, during January to March, so that in May our DFC's can be adopted and set for hearings. Ed Savage thanked Dr. Young for the data provided. GM Westbrook expressed appreciation to the Board for their support. No action was taken.

21. Executive Session- The Board will convene into Executive Session pursuant to Section 551.071, Texas Government Code and 1.05 Texas Disciplinary Code to consult with Legal Counsel on the following:

- a. Consider enforcement actions due to violation of District Rules in waste of groundwater
No action will be taken in Executive Session.**

The Board convened into executive session at 6:45 p.m.

22. Reconvene into Open Session- The Board will reconvene into Open Session to take any action deemed necessary and desired, if any, concerning matters discussed in Executive Session:

The Board reconvened into Open Session at 8:17 p.m.

a. Consider enforcement actions due to violation of District Rules in waste of groundwater

After brief discussion, Director Wise moved that the President appoint an Ad-Hoc committee to continue the next investigations and return recommendations to the Board for action. Director Tommy Tietjen 2nd the motion. The motion passed unanimously. President Youngblood asked for volunteers to be part of a 4-person committee to finalize investigations and return recommendations to the Board for action. After brief discussion, President Youngblood appointed a 4-person committee which will consist of himself, Ward Roddam, Jay Wilder and Becky Goetsch.

23. Review of Recent Education Efforts and Activities

Doug Box, Education Coordinator for the District stated that he is working on a video for the GWAP that will provide information on this program and the progress being made. He also reported the newsletter will be out soon. He stated the District had 54 participants for last RWH class that was held virtually. He is working with Howard Sandler on the new website. The school educational programs are going well, and we are working with a new company on the school individual conservation packets.

24. 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 there were no applications received which require a hearing and no emergency applications granted.

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

GM Westbrook stated that there were 24 registrations, 4 new applications, 0 well completions, 0 wells plugged, and 31 well inspections.

C. Recent and future District presentations and activities

1. Texas Water Conservation Association Interim Groundwater Committee Discussions

GM Westbrook noted the District is part of the Texas Water Conservation Association and they are the oldest and one of the most well-respected organizations in the State and looked to by the legislature for leadership in drafting legislation on Groundwater issues as well as other issues. He stated that he is active on three committees. He co-chaired one committee and participated on 2 others. One committee dealt with petitions for an unreasonable DFC; also, a Bed and Banks committee to consider whether to amend the parts of Chapter 36 which deal with the permit that is required if you want to put groundwater into a surface water course of the state and withdraw it later; and the committee he co-chaired, the Mitigation Committee, to deal with mitigation from Groundwater Conservation Districts. He was asked to co-chair this because of our GWAP program. No consensus was reached by any of these committees so there is no draft legislation pending from those committees moving forward to be submitted to the Legislature at this time. We had hoped to do some clarification in Chapter 36, but because of pending litigation several of the entities indicated they would vote against it, and a 90% consensus is required to advance draft legislation. Due to this none of the committees advanced draft legislation to be taken to a vote.

2. Office staffing, protection of staff and public, social distancing

All staff intends to return to a normal schedule next week practicing social distancing and continuing to monitor and control traffic into the office. An enhancement to the District's AC system for sanitation of COVID-19 has been added. GM Westbrook stated that he will keep watch on the rising cases and will adjust based on the County data and recommendations.

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

After discussion by the Board, a motion was made by Director Tietjen to approve the bills and current financial statement. The motion was 2nd by Director Wise. The motion passed unanimously.

26. Dates, locations, and times of future meetings

Currently there is not a regular Board meeting scheduled for December.

27. Adjourn Board Meeting

A motion was made by Director Tommy Tietjen to adjourn the meeting at 8:28 p.m.

THE ABOVE MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS OF THE POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT HELD ON NOVEMBER 10, 2020 WERE APPROVED AND ADOPTED BY THAT BOARD ON JANUARY 12, 2021.

Sidney Youngblood, President

Attest:

Gary Westbrook, Assistant Board Secretary

Date _____

DRAFT