

**POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT
Public Hearings & Board of Directors Meeting
POSGCD District Offices
310 East Avenue C
Milano, TX 76556
November 9, 2021 – 5:30 p.m.**

MINUTES

POSGCD Board Members Present

Sidney Youngblood
Steven Wise
Tommy Tietjen
Becky Goetsch
Ward Roddam
Dana McClaren
Ed Savage
Bob Wilson

Board Members Absent

Jay Wilder
Lee Alford

POSGCD Staff Present

Gary Westbrook
Elaine Gerren
Doug Box
Bobby Bazan
Craig Andrews
Jeff Fisher

POSGCD Consultants

Barbra Boulware-Wells
Steve Young

Public Attendance (via online unless otherwise noted)

Blaire Parker	SAWS
Ross Cummings	Blue Water
Stefan Schuster	EPCOR
James Bene	R.W. Harden
Andy Weir	SAWDF
Linda Curtis	League of Independent Voters
Liz Ferry	R.W. Harden

Board Meeting

1. Pledge of Allegiance

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

2. Invocation

President Sidney Youngblood gave the invocation.

3. Call to Order and establish quorum

The Public Hearings and Board meeting was called to order at 5:36 pm. by President Youngblood. He declared a quorum had been established with 8 directors verified by general counsel and staff to be in attendance in person.

4. Public Comment

President Youngblood asked GM Gary Westbrook if anyone had requested to speak under this agenda item. GM Westbrook stated that no one filed a request to speak.

5. Public Hearing on District 2022 Budget

The Public Hearing on the District 2022 Budget was opened at 5:40 pm. GM Westbrook stated that the Draft Budget had been prepared by the Advisory Committee and was reviewed and discussed at the October 12, 2021 Board meeting, with the Board directing the Draft 2022 Budget to be posted for public hearing as presented. President Youngblood asked for public comment. Shan Rutherford, representing Blue Water Systems, stated he would comment on items 5-8, and he was not present to make specific requests. He stated he was not in opposition to the budget but was concerned that the District budget appeared to be revenue based. He expressed concern that brush control and funding for environmental work with the counties were included in the budget. No additional comment was provided. The Public Hearing on the District 2022 budget was closed at 5:43 pm.

6. Public Hearing on District Production Fees

The Public Hearing on District Production Fees was opened at 5:43 pm. GM Westbrook stated that the recommendation from the Advisory Committee is to make no changes to the District Production Fees. District Production Fees are currently set at \$.013 per 1000 gallons permitted. President Youngblood asked for public comment. No public comment was provided. The Public Hearing on the District Production Fees closed at 5:44 pm.

7. Public Hearing on District Transport Fees

The Public Hearing on District Transport Fees was opened at 5:44 pm. GM Westbrook stated that the recommendation from the Advisory Committee is to make no changes to the District Transport Fees. District Transport Fees are currently set at \$.10 per 1000 gallons permitted. President Youngblood asked for public comment. No public comment was provided. The Public Hearing on the District Transport Fees closed at 5:44 pm.

8. Public Hearing on District Fee Schedule

The Public Hearing on District Fee Schedule was opened at 5:45 pm. GM Westbrook stated that the recommendation from the Advisory Committee is to make no changes to the District Fee Schedule with the exception of the effective date. President Youngblood asked for public comment. No public comment was provided. The Public Hearing on the District Fee schedule closed at 5:46 pm.

9. Amendments to District 2021 Budget

GM Westbrook presented a spreadsheet outlining the recommended amendments to the 2021 Budget. After discussion by the board a motion was made by Director Ward Roddam to approve the amendments to the 2021 Budget. The motion was 2nd by Director Bob Wilson. The motion passed unanimously.

10. District 2022 Budget

President Youngblood stated that the advisory committee had reviewed the 2022 Budget and recommended Board adoption. President Youngblood asked for questions and discussion. After brief discussion a motion was made by Director Steven Wise to adopt the 2022 Budget as presented. The motion was 2nd by Director Tommy Tietjen. The motion passed unanimously.

11. District Production Fees

President Youngblood asked for questions and discussion on the District Production Fees. District Production Fees are currently set at \$.013 per 1000 gallons permitted. After brief discussion a motion was made by Director Tommy Tietjen to maintain the Production Fees at \$.013 per 1000 gallons permitted. The motion was 2nd by Director Ed Savage. The motion passed unanimously.

12. District Transport Fees

President Youngblood asked for questions and discussion on the District Transport Fees. District Transport Fees are currently set at \$.10 per 1000 gallons permitted. District General Counsel Barbara Boulware-Wells referenced comments by Shan Rutherford during the public hearing and stated that nothing precludes the Board from future discussion on this item. After brief discussion a motion was made by Ward Roddam to maintain the district Transport Fees at \$.10 per 1000 gallons permitted. The motion was 2nd by Director Becky Goetsch. The motion passed unanimously.

13. District Fee Schedule

President Youngblood asked for questions and discussion on the District Fee Schedule. GM Westbrook stated that no changes were recommended to be made to the District Fee Schedule except for the effective date. A motion was made by Director Bob Wilson to maintain the fee schedule as is. The motion was 2nd by Director Tommy Tietjen. The motion passed unanimously.

14. Introduction of Mr. Jeffrey Fisher as District Field Technician

GM Westbrook introduced Mr. Jeffery Fisher as District Field Technician and welcomed him to the District staff. Director Ward Roddam welcomed Mr. Fisher and thanked him for his public service.

15. Consent Agenda

All of the following items on the Consent Agenda are considered to be self-explanatory by the Board and will be enacted with one motion. There will be no separate discussion of these items unless a Board Member requests.

- a) Minutes of October 12, 2021 Board Meeting
- b) Minutes of October 18, 2021 Board Meeting
- c) Resolution to issue debit card to Jeffrey Fisher for District expenses
- d) Bills received, current financial status, Investment Officer Report.
- e) Review of Recent Education Efforts and Activities
- f) Receive report from General Manager on recent District activities and take appropriate actions.
 1. Permit applications filed with the District and Hearing Dates; Emergency Permits Granted
 2. Well Drilling activities: registrations, applications, completions, plugging, inspections
 3. Groundwater Well Assistance Program (GWAP) Update: investigations and corrective actions taken
 4. Recent and future District presentations and activities
 - a. Annual Update to Burleson County Commissioner's Court of November 8, 2021
 - b. Groundwater Management Area 8 Meeting of November 4, 2021
 - c. Groundwater Management Area 12 Meeting of November 12, 2021

GM Westbrook noted two corrections to typos in the consent agenda items and stated corrections had been posted to the District website. A motion was made by Director Wise to approve the consent agenda. The motion was 2nd by Director Tietjen. The motion passed unanimously.

16. Regular Agenda

a) Discussion and possible action to amend Groundwater Well Assistance Program (GWAP)

GM Westbrook presented and reviewed a recommendation by Staff and Intera to amend the qualifying date in the GWAP from January 1, 2021 to January 1, 2022. After discussion a motion was made by Director Becky Goetsch to amend the date. The motion was 2nd by Director Wise. The motion passed unanimously.

b) Recommendations from DFC Committee concerning requirements of monitoring in Rules

GM Westbrook discussed a recommendation from the DFC committee for the Rules Committee to consider amendments to the requirements of monitoring and reporting in the District Rules. After discussion, the Board agreed to forward this recommendation to the Rules Committee for consideration.

c) Update on joint planning process and Desired Future Conditions (DFCs), groundwater resources in the District and future process for evaluating District DFCs for Groundwater Management Area 12 (GMA 12) and Groundwater Management Area 8 (GMA 8)

GM Westbrook provided an update on GMA8 and GMA12 process and timeline for adoption of DFCs.

d) Recommendations from DFC Committee concerning adoption of Desired Future Conditions of Groundwater Management Area 12 (GMA 12) and direction to General Manager

GM Westbrook and Director Wise reported the DFC Committee had reviewed all comments received during this round of joint planning of GMA 12 and noted that some comments had been received during the statutorily required 90-day comment period as required by Chapter 36.108 while some were not. They explained these comments were to be forwarded to GMA 12 for consideration in adoption of DFCs and inclusion in the explanatory report as also required by Chapter 36.108.

They explained the recommendation from the DFC committee to forward the comments received by the District during the 90-day comment period as to GMA 12. After discussion a motion was made by Director Tietjen to forward the comments received during the 90-day comment period to GMA 12. The motion was 2nd by Director Wise. The motion passed unanimously.

Next GM Westbrook presented information reviewed at the October 13, 2021 GMA 12 meeting, as well as additional information and asked the Board to provide guidance to him for the purpose of adopting DFCs at the next GMA 12 meeting of November 12, 2021. GM Westbrook discussed the possibility to support efforts to reduce impacts to the formations in the Carrizo-Wilcox consistent with the District's efforts from earlier this year with results from the anticipated values of the S-19 and S-20 GAM runs. After discussion, Director Roddam moved to instruct GM Westbrook to support those scenarios for adoption of DFCs in GMA 12. Director Goetsch seconded the motion. The motion passed unanimously.

e) Discussion concerning Vista Ridge, LLC's request to discuss production and reporting requirements

GM Westbrook discussed a request from Vista Ridge concerning requirements of production and reporting. General Counsel Barbara Boulware-Wells recommended the Board take this as a request to discuss issues raised by Vista Ridge. After discussion a motion was made by Director Tietjen that staff discuss and resolve these issues with Vista Ridge. The motion was 2nd by Director Wise. Director Roddam requested clarification concerning discussion included in Executive Session. General Counsel Boulware-Wells stated conversations during Executive Session would not be included in the discussions between staff and Vista Ridge. After discussion, the motion passed unanimously

17. Executive Session - Closed session in accordance with Section 551.071 (Advice of Counsel) and Section 1.05 Texas Disciplinary Rules of Professional Conduct regarding:

a) Receive advice concerning the possible violations of District's Rule concerning production and reporting requirements.

No Executive Session was necessary and no action was taken.

18. Reconvene – Reconvene into regular open session and consider action, if any, on items discussed in executive session.

19. Dates, locations, and times of future meetings

No Regular Board Meeting is scheduled at this time for December. Instead, there will be an informal gathering with no business discussed.

20. Adjourn Board Meeting

Director Tietjen moved to adjourn the meeting. The meeting was adjourned at 6:37 pm

THE ABOVE MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS OF THE POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT HELD ON NOVEMBER 9, 2021, WERE APPROVED AND ADOPTED BY THAT BOARD ON JANUARY 11, 2022.

Sidney Youngblood, President

Attest:

Gary Westbrook, Assistant Board Secretary
Date _____