

**POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT
Public Hearings & Board of Directors Meeting
POSGCD District Offices
310 East Avenue C
Milano, TX 76556
May 10, 2022 – 5:30 p.m.**

MINUTES

POSGCD Board Members Present

Sidney Youngblood
Steven Wise
Becky Goetsch
Ward Roddam
Bob Wilson
Tommy Tietjen
Jay Wilder
Dana McClaren

Board Members Absent

Lee Alford
Ed Savage

POSGCD Staff Present

Gary Westbrook
Doug Box
Courtney Gentry
Bobby Bazan
Jeff Fisher
Craig Andrews - online

POSGCD Consultants

Barbara Boulware-Wells The Knight Law Firm
Steve Young - online Intera

Public Attendance

Bill Whitmire
Shan Rutherford Terrill & Waldrop
Jaclyn Robertson TAMU AgriLife

Public Attendance via online

Andy Wier SAWDF
Blaire Parker SAWS
Dan Fischer
Liz Ferry RW Harden

Philip Brinson
Stefan Schuster
Craig Andrews
210-602-2220

EPCOR
POSGCD

Board Meeting

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

Board President Sidney Youngblood called the meeting to order at 5:36 pm with eight out of ten directors present in person.

4. Public Comment

President Youngblood asked if there were any public comments. No one attending in person or online offered comments or questions.

5. Public Hearings on Rules: Section 1, Definitions of Terms; Section 14, Hearings; and, Section 15, Investigations and Enforcement.

President Youngblood opened the Public Hearings at 5:37 pm. General Manager Gary Westbrook gave a brief overview of the proposed amendments and comments provided by Shan Rutherford and staff. Barbara Boulware-Wells further clarified the proposed amendments.

In Section 14.10.4.j, clarification was requested of Mr. Rutherford. Mrs. Boulware-Wells invited Mr. Rutherford to speak about the amendments he proposed for the Rules. Mr. Rutherford stated he was looking for flexibility as it seems like the Rules as written contemplate the potential of a settlement. He wanted to make sure the District has not locked itself in to the initial recommended penalty and that there could be back and forth resulting in a different final number or penalty. In Section 15.4.4, Mr. Rutherford noted the use of the word minimum. He would like clarifying language as there can either be guidelines or maximum/minimums, not both. Mrs. Boulware-Wells clarified that the table is what contains maximum and minimums. Penalties cannot go over the \$10,000/day maximum but the Board can choose to go under the minimum penalty at their discretion.

President Youngblood asked for any further questions or comments. No comments or questions were offered.

President Youngblood closed the Public Hearings at 5:51 pm.

6. 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 April 12, 2022 Board Meeting**
- b) Bills received, current financial status, Investment Officer Report**
- c) Update on Aquifer Conservancy Program enrollments and amendments to terms**
- d) Review of Recent Education Efforts and Activities**
- e) Water Well Monitoring Update: Number of wells and frequency of measurements**
- f) Groundwater Well Assistance Program (GWAP) Update: investigations and corrective actions taken**
- g) 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. Recent and future District presentations and activities**
 - a. EarthKind Class with Texas A&M AgriLife of April 30, 2022**
 - b. Classes for Master Gardeners of May 4, 2022**
 - c. Texas Alliance of Groundwater Districts Meeting of May 16-18, 2022**
 - d. Texas Water Conservation Association (TWCA) Conference of June 15-18, 2022**
 - e. Milam and Burleson Counties Groundwater Summit of August 18, 2022**
 - f. Texas Groundwater Summit of August 30 – September 1, 2022**

GM Westbrook provided clarification on the financial report. There was a typo showing \$800,000 to be transferred to the checking account. The amount to be moved to the checking was corrected to \$80,000. A motion was made by Director Steven Wise to approve the corrected Financial Report. The motion was seconded by Director Bob Wilson. The motion passed unanimously.

President Youngblood requested a motion to approve the Consent Agenda as presented. Director Jay Wilder moved to approve the Consent Agenda as presented. The motion was seconded by Director Wilson. The motion passed unanimously.

7. Regular Agenda

a) Discussion and possible action on Amending the Rules: Section 1, Definitions of Terms; Section 14, Hearings; Section 15, Investigations and Enforcement

President Youngblood asked Director Goetsch if she had any comments for this agenda item. Director Goetsch requested guidance from counsel and asked Mrs. Boulware-Wells if the Board can incorporate the comments made to amend the Rules today or does the Board need to wait. Mrs. Boulware-Wells stated this is an opportunity to discuss and make modifications, if desired, to these amendments. Mrs. Boulware-Wells stated that these Rules have been out for comment period for a while and the Board has had many discussions about these Rules. Decisions can be made from the dais at this point.

Director Goetsch suggested striking the first sentence in Section 14.10.4.j. For Section 14.10.4.e., Director Goetsch stated she did not agree with the proposed changes. She believes, at this point, the Enforcement Committee does not need to reach an agreement for penalties. Mrs. Boulware-Wells agreed that it is not needed to reach an agreement.

GM Westbrook summarized the amendments to the Rules. For Rule 1.1, the word members will be changed to Directors. In Section 14.10.4, subparagraphs numbered 1. and 2. will become a) and b). In Section 14.10.4.j., first sentence will be removed. The other draft amendments will be considered as posted.

After discussion, Director Ward Roddam moved to approve the draft amendments to the Rules as discussed, and clarified by GM Westbrook and General Counsel Barbara Boulware-Wells. The motion was seconded by Director Tommy Tietjen. The motion passed unanimously.

b) Texas Water Conservation Association Groundwater Committee Meeting of April 20, 2022

GM Westbrook gave a report on the TWCA Groundwater Committee Meeting of April 20th, 2022 and what topics were discussed. GM Westbrook reported he was one of 14 persons, 7 of which are representing groundwater, appointed to a state-

wide joint taskforce created by TWCA to develop a white paper on waste of water for use in preparation for the next legislative session. Other topics discussed at the meeting included: Senate Bill 152 filed last session by Senator Perry, support for improvements to groundwater availability modeling (GAMs), contract language that includes groundwater conservation districts in the TREC, mitigation, funding mechanisms for joint planning including GMA work, efforts to protect groundwater in place, issues that stemmed from the discharge of water into Mud Creek by San Antonio Water Systems, examination of the standards for sustainability and the balancing test contained in Chapter 36.108, providing minimum standards for setting and monitoring DFCs, and standards that would limit the change that could be discussed & adopted during the final discussion and adoption of DFCs.

c) Approve and execute agreement with Texas A&M AgriLife for District Education Programs

Director Wise abstained from discussion and voting of this item due to his daughter being an employee with Texas A&M AgriLife.

GM Westbrook introduced this item and noted this will be a new agreement with AgriLife, replacing the previous agreement, and will add other education opportunities to rainwater harvesting education efforts. The new efforts will include workshops in irrigation. The new agreement focuses on efficiency and center pivots as well as flood irrigation. The Education Committee considered the scope of work as well as the budget for this agreement, and recommended approval. The Advisory Committee also reviewed the contract with General Counsel, and the scope of work and budget. After considering the scope of work, budget and entire agreement, the Advisory Committee unanimously recommends to the Board to execute the agreement. The agreement will begin June 1st and takes the place of the prior AgriLife agreement that ends May 31st.

After discussion, Director Wilson moved to approve and execute the agreement. The motion was seconded by Director Tietjen. The motion passed unanimously with Director Wise abstaining.

8. Executive Session – *Closed session in accordance with Texas Government Code, Section 551.071 (Advice of Counsel) and Section 551.072 (Real Estate), and Section 1.05 Texas Disciplinary Rules of Professional Conduct regarding:*

a) Discussion concerning future needs of the District's property and/or buildings

b) Discussion concerning Petition for Inquiry filed against the District by Curtis Chubb with Texas Commission on Environmental Quality

- c) Discussion concerning litigation over water rights and ramifications on permits issued by the District
- d) Discussion concerning possible legislation during upcoming Legislative Session

President Youngblood moved The Board into executive session at 6:26 pm. He stated there would be no action taken during the executive session.

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

The Board reconvened at 7:23 pm. No action was taken after reconvening.

10. Dates, locations, and times of future meetings

The next Board Meeting will be held on June 14th, 2022 at 5:30 pm.

11. Adjourn Board Meeting

The Board Meeting was adjourned at 7:26 pm.

THE ABOVE MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS OF THE POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT HELD ON MAY 10, 2022 WERE APPROVED AND ADOPTED BY THAT BOARD ON JUNE 14, 2022

Sidney Youngblood, President

Attest:

Gary Westbrook, Assistant Board Secretary
Date _____