

POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT
Board of Directors Meeting
POSGCD District Office
310 East Avenue C
Milano, Texas 76556
July 12, 2011 – 5:30 p.m.

MINUTES

Members Present

Andy Hovorak
Kerry Starnes
Jay Tumlinson
Lee Alford
Jim Hodson
Nathan Ausley
Robert Ware

Entity

POSGCD
POSGCD
POSGCD
POSGCD
POSGCD
POSGCD
POSGCD

Gary Westbrook
Drew Gholson
Barney Knight
Steve Young

POSGCD
POSGCD
Knight & Partners
Intera

Board Members Absent

Jay Wilder
Carroll Glaser
Dwayne Jekel

POSGCD
POSGCD
POSGCD

Others Present

Ross Cummings
Paul Terrill
Jackie Scott
Scott Carlson
Dave Barkemeyer
Jay Ermis

Entity

Blue Water
Blue Water
BRA
Metropolitan Water
Milam County
Cameron Herald

PUBLIC HEARING

1.) Call to Order and establish quorum

Nathan Ausley, Board President called the meeting to order and noted that there was a quorum present at 5:32 p.m.

2.) Public Hearing on amendments to Management Plan

President Ausley opened the hearing on the Management Plan at 5:33, and stated that the District is waiting on approval of a pre-review of the Draft version of the Management Plan from the Texas Water Development Board at this time. General Manager, Gary Westbrook noted that the process

should have been completed in time for the hearings, but that due to recent reductions in TWDB staff, the process was delayed, but that comments would still be welcome by the District. Ross Cummings of Blue Water Systems stated that he was concerned that the proposed amendments to the Management Plan indicated a change in management philosophy by the District, noting that the proposed language included the possibility of the District making management decisions based on modeled predictions in addition to actual water level measurements. Mr. Cummings then asked the general manager why the amendments were proposed. Mr. Westbrook advised that we are required to re-adopt our Management Plan every 5 years, and that this July 24 was our five year anniversary, therefore the need to go through the process now. He further explained that the proposed language was crafted to include the methods to be used by the District to manage groundwater resources within the District and based on the joint planning process within GMA 12, and incorporating the adopted Desired Future Conditions of GMA 12 and resulting Managed Available Groundwater into the Plan, as required by State law. Comment was heard from Paul Terrill representing Blue Water Systems on concerns he had with proposed amendments to the Plan and Rules. President Ausley opened agenda item #3, the hearing on the Rules, simultaneous with agenda item #2, the hearing on the Plan. Mr. Terrill stated that he had been away for a month on vacation and that he had not reviewed the District's most recently posted version of the Rules, which had been available for approximately the same amount of time. Mr. Terrill was concerned that the proposed language in the Rules and Plan could lead to the District managing differently than in the past, using modeled predictions of drawdown and estimations of projected pumping, instead of actual data and using measurements of actual drawdown. Mr. Westbrook stated that hearing notices for these hearings had been posted for more than 30 days, and that this process of amending the Rules and Plan had been ongoing for over six months with several Rules Committee meetings, which had been posted as open meetings to the public, as well as specific discussions at several Board meetings, which were also open meetings, and that copies of the proposed language to the Plan and Rules had been available at each meeting. It was then noted that comments had been received from Ridge Kaiser at one of the Rules Committee meetings, and was incorporated into the proposed language. Mr. Westbrook then stated that as he understood the discussions of the Directors in both Rules Committee meetings, and Board meetings, this had not been the District's intent, but rather to simply include a method for using the MAG in accomplishing the District's management goals. Comment was heard from Barney Knight, legal counsel of the District, noting that he did not interpret the proposed language as Mr. Terrill did. President, Nathan Ausley stated that the data is being calculated using the GAM that we are required, by the Texas Water Development Board, to use. Concern was again express by Paul Terrill on the proposed language to use modeled results in addition to drawdown to evaluate DFC's and make adjustments to permits previously issued by the District. Comment was made by Steve Young stating that the intent of the proposed language was that the District would continue to manage based on actual drawdown. Director Jim Hodson asked for clarification from Blue Water Systems on their concerns, and having received additional comment, recommended that the District continue to meet and consider the proposed language while waiting for TWDB to respond to the most recent request for pre-review from the District for pre-review. President Ausley then asked Mr. Terrill for specific comment on the proposed language. Mr. Terrill stated that as he had just returned from 30 days on vacation and was not prepared to offer formal comment in writing, that his further comments at this time would not be a wise use of time. President, Nathan Ausley asked for any further comment. None was offered. He then noted that the Management Plan has to be in amended before the rules can be amended.

3.) Public Hearing on amendment to the Rules as generally referenced in notice posted June 3, 2011

Please see above agenda item #2.

President Ausley the closed the Public hearings on the Amendments to the Management Plan and the Amendments to the Rules at 5:51 p.m.

4.) Public Comment

Board President, Nathan Ausley asked for public comment. No public comment was offered.

5.) Minutes of May 10, 2011 Meeting

A motion was made by Director Jim Hodson to approve the minutes of the May 10, 2011 Meeting as presented. The motion was 2nd by Director Kenny Starnes. The motion carried unanimously.

6.) Amend Management Plan

A motion was made by Director Jim Hodson to table this item. The motion was 2nd by Director Kerry Starnes. The motion carried unanimously.

7.) Amend Rules

A motion was made by Director Jim Hodson to table this item. The motion was 2nd by Director Kerry Starnes. The motion carried unanimously.

8.) Amend Board Policy

Proposed amendments to the Board Policies were presented and discussed. A motion was made by Director Jim Hodson to accept the amendments to the Board policy as presented. The motion was 2nd by Director Jay Tumlinson. The motion carried unanimously.

9.) Authorization to maintain Texas County & District Retirement Systems Plan provisions.

A motion was made by Director Jay Tumlinson to maintain the current Texas County & District Retirement Systems Plan provisions. The motion was 2nd by Director Jim Hodson. The motion carried unanimously.

10.) Nomination for Region 10 Board of Trustees Texas Municipal league Intergovernmental Employee Benefits Pool

A motion was made by Director Robert Ware to nominate the nominee from the City of Caldwell, Texas as soon as that person was named. The motion was 2nd by Board President, Nathan Ausley. The motion carried unanimously.

11.) GMA 8 and GMA 12 joint planning process and Desired Future Conditions (DFCs), groundwater resources in the District, and future process for evaluating District DFCs, and identification of possible necessary changes to District Rules and District Groundwater Management Plan

An update was given on the GMA 8 and the GMA 12 process. A motion was made by Director Jim Hodson to use the Texas Water Development Board estimates as a basis for the Exempt Use Models. The motion was 2nd by Board President, Nathan Ausley. The motion carried unanimously. A petition filed by End OP, LLC appealing the DFCs of GMA 12 was briefly discussed, with the direction to President Ausley to discuss this with the GMA 12 Board and that the District would offer no response at this time.

12.) Petition of Environmental Stewardship appealing of the DFC's of GMA 12

A summary of this petition was presented by Steve Young of Intera. Comment was made by Board President, Nathan Ausley concerning the State mandated DFC process. President, Ausley stated that we are using what the State mandated us to use and the information requested was

outside of that use. Comment was held by the Board and comment was heard from Barney Knight, Legal Counsel for the Board. The Board advised President Nathan Ausley to discuss this with the GMA 12 Board and that the District would offer no response at this time.

13.) Improvements to current Central Carrizo Groundwater Availability Model

General Manager Gary Westbrook asked for feedback from the Board for guidance at the upcoming GMA 12 meeting for discussion of this item. Specifically he asked if the Board were still willing to commit District resources of approximately \$200,000 over a 3 to 5 year period towards this endeavor.

14.) Request from Clay WSC for amendments to dates and deadlines contained in their 2009 and 2010 Groundwater Conservation Grant applications, awards, and contracts with the District

Clay WSC is requesting to extend the deadlines on completion of these projects past the normal extension of time. After brief discussion, a motion was made by Director Robert Ware to grant the general manager authority to extend the deadlines of contracts between the District and grant recipients as needed, and as long as progress is being made by grant recipients towards the intent of the grant program. The motion was 2nd by Director Jim Hodson. The motion carried unanimously.

15.) 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

There were no application filed with the District that required Hearings. There were no emergency permits granted.

B. Well recordings and registrations, New well applications and completions, Wells plugged

There were 38 well recorded, 11 new well applications, 13 completed wells and 1 well plugged.

C. Recent and future District presentations and activities

1. Legislation

General Manager gave brief summary report on groundwater legislation which passed this past session.

2. Voting membership for Water Districts category on Region G Water Planning Group

A motion was made by Director Jim Hodson to advise the General Manager to apply for the voting position on Region G Water Planning Group. The motion was 2nd by Director Jay Tumlinson. The motion carried unanimously.

3. Texas Water Conservation Association conference of June 15-17

General Manager, Gary Westbrook stated that he attended this meeting, and gave a brief report.

4. Texas Alliance of Groundwater Districts meetings of June 28-29, 2011

General Manager, Gary Westbrook stated that he and Drew Gholson attended this meeting, and gave a brief report.

5. Public Funds Investment Training of June 29, 2011

General Manager, Gary Westbrook stated that he had taken his training in Austin and that He thought Director Dwayne Jekel was taking his training this week and this would bring us up to date.

6. District Website (www.posgcd.org)

General Manager Gary Westbrook gave an overview of our current website, and introduced a proposal submitted by The Creative Cup for creation of a new District Website. A motion was made by Director Kerry Starnes to retain the Creative Cup to create a new website, logo, business cards and e-mail setup with expenditures up to \$ 5,000.00. The motion was 2nd by Jim Hodson. The motion carried unanimously.

16.) Bills received and current financial status.

A motion was made by Director Robert Ware to approve payment of the bills. The motion was 2nd by President, Nathan Ausley. The motion carried unanimously.

17.) Dates, locations, and times of future meetings.

President Nathan Ausley announced that the next regularly scheduled meeting would be August 9, 2011, at the POSGCD District Offices at 5:30 p.m.

18.) Adjourn Board Meeting

President Nathan Ausley adjourned the meeting at 6:37 p.m.

THE ABOVE MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS OF THE POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT HELD ON JULY 12, 2011 WERE APPROVED AND ADOPTED BY THAT BOARD ON AUGUST 9, 2011.

Nathan Ausley, President

Attest:

Kerry Starnes, Secretary/Treasurer

Date_____

A meeting recording of this meeting is available on CD.