

## Lost Pines Groundwater Conservation District

### Board of Directors Agenda Minutes

Wednesday, September 16, 2020

The Board of Directors convened at 7:05 p.m. in a telephonic/video conference meeting pursuant to public notice having been given, pursuant to the Office of the Governor's temporary suspension of certain open meetings act laws due to the novel coronavirus. The following members of the Board were present: President, Michael Talbot; Secretary-Treasurer Michael Simmang; Directors: Herbert Cook, Phil Cook, Kay Rogers, Larry Schatte, Sheril Smith and Carl Steinbach.

Staff members present: Jim Totten, General Manager; Peggy Campion.

Consultants present: Natasha Martin and Matt Kutac, Attorneys and Greg Ellis, Governmental Relations and Board Attorney.

The following members of the public attended the meeting: see attachment one (1).

1. President Talbot called the meeting to order.
2. Welcome and introductions.
3. *Public Comments.* The Board heard comments from the public.
4. *Review and approval of the minutes of the August 19, 2020 regular Board meeting.* Director P. Cook moved to approve the minutes of the August 19, 2020 regular Board meeting. Director Steinbach seconded the motion, which carried unanimously.
5. *Receive briefing from the District's legal counsel to the Board on legal issues and developments in groundwater case law and regulatory activity related to Stratta v. Roe, No. 18-50994 (United States Court of Appeals for the Fifth Circuit, May 29, 2020), Neches and Trinity Valleys Groundwater Conservation District v. Mountain Pure TX, LLC (Tex. App. – Tyler, 2019), and Petition for Inquiry of Starr County Groundwater Conservation District, TCEQ Docket No. 2019-1092-MIS.* This agenda item was heard after agenda item 12. The Board went into executive session at 8:08 p.m. to receive legal counsel on legal issues and developments in groundwater case law and regulatory activity related to *Stratta v. Roe*, No. 18-50994 (United States Court of Appeals for the Fifth Circuit, May 29, 2020), *Neches and Trinity Valleys Groundwater Conservation District v. Mountain Pure TX, LLC* (Tex. App. – Tyler, 2019), and *Petition for Inquiry of Starr County Groundwater Conservation District*, TCEQ Docket No. 2019-1092-MIS. At the conclusion of the closed meeting, the Board went back into open meeting. After returning to open session, President Talbot announced the time to be 8:44 p.m. and that no votes had been taken in the closed session.



6. *Consideration of the financial report for the period of August 1, 2020 through August 31, 2020.* General Manager Totten presented the financial report. Secretary-Treasurer Simmang moved to accept the financial report as presented. Director Schatte seconded the motion, which carried unanimously.

7. *General Manager's Report.* Present Talbot next recognized General Manager Totten for presentation of the General Manager's report. There was Board discussion concerning items covered in the General Manager's report and General Manager Totten answered questions from the Board.

8. *Discussion of Lost Pines Groundwater Conservation District legislation, related legislation and/or activities occurring that affect or pertain to the District and Groundwater.* Greg Ellis gave a legislative update to the Board. He also discussed working with the other water districts creating a uniform process of the Groundwater Management Area (GMA) Desired Future Condition (DFC) process. Director Smith moved to authorize Greg Ellis to work on behalf of the Lost Pines GCD to create a uniform process of the GMA DFC process. Director H. Cook seconded the motion, which carried unanimously.

9. *Consideration of conferences, meetings and educational opportunities Board members desire to attend.* There were none at this time.

10. *Consideration of agenda calendar and events.* The next regular meeting of the Board of Directors will be a telephonic/video conference meeting October 21, 2020.

11. *Consideration of and take action on certification and ratification of Board actions at the August 19, 2020 meeting to approve the minutes of the July 15, 2020 regular Board meeting and approve the addition of Secretary-Treasurer Michael Simmang to the bank signatory.* There not being a motion made on these two items during the July 15, 2020 Board meeting, Director Steinbach moved to certify and ratify the minutes of the July 15, 2020 regular Board meeting and the addition of Secretary-Treasurer Michael Simmang to the bank signatory. Director P. Cook seconded the motion, which carried unanimously.

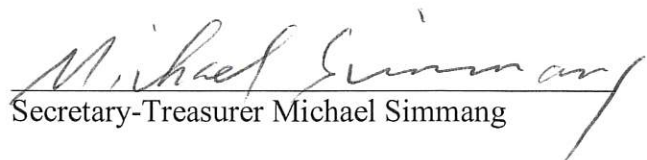
12. *Discussion on the Zoom video and phone conferencing platform and review how to use the platform.* The Board was provided written instructions and Natasha Martin, Attorney also gave oral instructions.

President Talbot adjourned the meeting at 8:44 p.m.

Approved:



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President Michael Talbot



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Secretary-Treasurer Michael Simmang