

Lost Pines Groundwater Conservation District

Board of Directors Agenda Minutes

Wednesday, February 15, 2023

The Board of Directors convened at 7:01 p.m. in a meeting pursuant to public notice having been given, at City of Giddings Council Chambers, Giddings, Texas. The following members of the Board were present: President Elvis Hernandez; Vice-President Kathryn Rogers; Secretary-Treasurer Michael Simmang; Directors: Thomas Arsuffi, Herbert Cook, Phil Cook, Larry Schatte, Billy Sherrill and Sheril Smith.

Staff members present: Jim Totten, General Manager, Javier Saenz, Peggy Campion and Dana Goertz.

Consultants present: Natasha Martin, Attorney and Allan Standen and Vince Clause, Hydrogeologists.

President Hernandez called the meeting to order and welcomed the public.

2. *Public Comments.* The Board heard public comments from Kermit Heaton, Terry Wilson, Jeff Asmussen and Hugh Brown.

4. *Consent Agenda:*

a. *Minutes of the January 18, 2023 regular Board meeting.*

b. *Financial report through January 31, 2023*

c. *Invoices received and payments greater than \$5,000.00*

d. *Water well monitoring update.*

e. *Recent and future educational opportunities, calendar and events.*

Secretary-Treasurer Simmang pulled item 4a. from the consent agenda for an addition to the January 18, 2023 minutes under Agenda Item 4a. With this addition made, Secretary-Treasurer Simmang moved to approve the minutes of the January 18, 2023 regular Board meeting. Director Sherrill seconded the motion, which carried unanimously. Director Schatte moved to approve the remainder of the consent agenda. Director H. Cook seconded the motion, which carried unanimously.

5. *Regular Agenda:*

a. *Announcements, including committee appointments and rulemaking stakeholder group.*

President Hernandez named the committees for 2023 and has also established a rulemaking stakeholder group. Committees and their members are: Governance and Legislative Committees, President Hernandez, Chair, Vice-President Rogers and Secretary-Treasurer Simmang; Financial Services Committee, Secretary-Treasurer Simmang, Chair, Directors P. Cook, Sherrill and Vice-President Rogers; Infrastructure Committee, Director P. Cook, Chair, Directors H. Cook, Sherrill and President Hernandez; Management Committee, Director Smith, Chair, Directors Cole,

Schatte, Arsuffi and President Hernandez; Education Outreach Committee, Director Arsuffi, Chair, Directors Cole, Smith and Assistant General Manager Saenz.

b. Presentation by Austin Water regarding Aquifer Storage and Recovery (ASR). Representatives from the City of Austin, Teresa Lutes, Helen Gerlach and Christy Shaw gave a presentation on the Austin Storage and Recovery Project. The presentation can be found on the Lost Pines website.

c. Discussion and possible action on establishing a communications policy for legal counsel. President Hernandez updated the Board that the policy presented to the Board had been reviewed and unanimously recommended by the Governance Committee. Natasha Martin, Legal Counsel, provided the Board with a slip sheet amending section IV(C)(ii), Director Communications on page 3. After discussion between board members and legal counsel, Vice-President Rogers moved to approve the policy as amended by the slip sheet provided by legal counsel. Director Smith requested an amendment to the motion to add the following to section I, Purpose: "Nothing in this communications policy is intended to deny legal advice to any District board members or staff." Vice-President Rogers accepted the amendment to her motion. Director Smith seconded the motion, which carried with Secretary-Treasurer Simmang voting against.

d. Discussion and possible action on 2022 Financial Year-End Report and possible budget amendment. General Manager Totten reviewed the 2022 Financial Year End Report for the Board went over the line items in the Budget Amendment. Vice-President Rogers moved to approve Budget Amendment #1-2023. Director Schatte seconded the motion, which carried unanimously.

e. Committee Reports with possible Board discussion. No action will be taken.

i. Financial Services Committee. The financial services committee has not met.

ii. Governance Committee. President Hernandez, Chair, gave the governance committee report. Please see attached.

iii. Infrastructure Committee. Director P. Cook, Chair, gave the infrastructure committee report. Please see attached.

iv. Education Outreach Committee. Director Arsuffi, Chair, reported that the committee had not met and reported that at an upcoming meeting the committee will work on finalizing drafts from last year, the second brochure draft, newspaper article describing groundwater services finish the job description for the outreach educator position.

v. Management Committee. Director Smith, Chair, gave the management committee report. Please see attached.

f. General Manager's Report. President Elvis Hernandez next recognized General Manager Totten to present the General Manager's report. Please see attached. At the conclusion of the General Manager's report, Allan Standen, Hydrogeologist, gave a report on Tasks 1, 2 and 3.

g. Discussion of Lost Pines groundwater Conservation District legislation, related legislation and/or activities occurring that affect or pertain to the District and groundwater. There was no legislative report.

h. Discussion, consideration, and possible action on District Board meeting calendar. President Hernandez reported that from March through June, public hearings will be held the same day as

board meetings with the public hearing beginning at 6:00 p.m. and the regular board meeting beginning at 7:00 p.m.

i. *Set date and location of next meeting.* There will be a public hearing on the rules March 15, 2023 beginning at 6:00 p.m. with the regular board meeting to follow at 7:00 p.m., Elgin Public Library Civic Center – City Council Chambers, Elgin, Texas.

j. *Consideration of future agenda items.* There were none at this time.

k. *Discussion and possible action regarding GateHouse Water, LLC v. Lost Pines Groundwater Conservation District, et al., Cause No: 1:22-cv-00132, United States District Court of the Western District of Texas.* The Board went into executive session at 8:59 p.m. pursuant to Texas Government Code Sec. 551.071, or any closed session permitted by law, to consult with its attorneys and seek advice regarding *GateHouse Water, LLC v. Lost Pines Groundwater Conservation District, et al., Cause No: 1:22-cv-00132, United States District Court of the Western District of Texas.* At the conclusion of the closed meeting, the Board went back into open meeting at 9:13 p.m. No votes were taken during the closed meeting. President Hernandez called for a motion. Vice-President Rogers moved to request legal counsel to proceed as recommended in the meeting. Director H. Cook seconded the motion, which carried unanimously.

6) Executive Session:

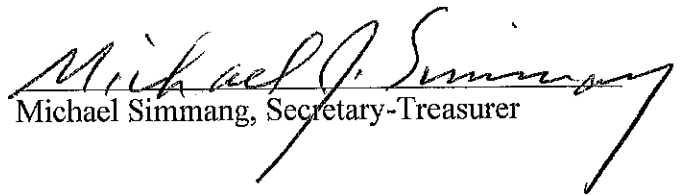
a) Executive session of the Board pursuant to Tex. Gov't Code section 551.071, or any closed session permitted by law, to consult with its attorneys and see advice regarding *GateHouse Water, LLC v. Lost Pines Groundwater Conservation Dsitric, et al., Cause No: 1:22-cv-00132, United States District Court of the Western District of Texas.*

President Hernandez adjourned the meeting at 9:14 p.m.

Approved:



Elvis Hernandez, President



Michael Simmang, Secretary-Treasurer

Lost Pines Groundwater Conservation District

P. O. BOX 1027
Smithville, TX 78957

MEMORANDUM

DATE: February 15th, 2023
TO: President and Board of Directors
FROM: General Manager & Staff
SUBJECT: February 2023 General Manager's Report

1. Statistics Exempt Wells:
LPGCD Form 100's Drilling Permits received
January 1st through January 31st 2023 (9)
LPGCD Form 300's Certificate of Registrations received
January 1st through January 31st 2023 (0)

Wells plugged: 0 Water quality test: 2 Wells gauged: 4

Drought Conditions: Approximately forty-nine percent of Lee County is reported as experiencing abnormally dry conditions. Less than one percent of Bastrop County is experiencing moderate drought conditions while eighty-one percent of the county is reporting abnormally dry conditions.
(Drought.gov)

1. GMA 12 has not been active since the last board meeting.
2. The District office has received questions regarding how the District would process applications for brackish groundwater operating permits. There are at least two paths that such applications could proceed through and the District will need to evaluate potential rules for each possible track.
3. The TWON "Well Educated" program is schedule for the end of the month for Bastrop County residents. The program has been promoted on the District website and through the Bastrop County extension agent. Water samples need to be dropped off at the county extension office by 9 a.m. on the 27th and the educational program is scheduled for 8 a.m. on the 28th.
4. Pending Permits:
 - i. District staff has begun sending requests for additional information to the applicants for currently pending permits. Once the additional requested information is received and the permits are administratively complete we will begin scheduling hearings for the permits later in the spring.
5. Upcoming meetings
 - i. None at this time

Management Committee Minutes Feb. 13, 2023

1. LRE members Alan Standen, Bill Hutchison, and Vince Clause joined our meeting to discuss timeline for deliverables on scope of work. They mentioned some gaps in rules for smaller amounts of water and pumpage rates that should be addressed. They will prepare a document on pros and cons on various rules for production caps, and other methods to manage groundwater, to be delivered to this committee.
2. Certain landowners in north east Lee County are experiencing apparent groundwater temperature increases occurring along with drawdown in the Carrizo Aquifer, possibly due to upward leakage from Calvert Bluff or Simsboro aquifers. LRE joined the discussion and recommended the best technology is to use a transducer, and to measure water levels, conductivity, and temperature at the same time. The challenge is being able to access the groundwater in these exempt wells.
3. Natasha prepared a brief document of rules of production limits and historic use. Elvis further updated the document with more detail and tentative threshold levels and Sheril updated the historic use section.
4. ASR was discussed briefly. The only aspect a GCD has over an ASR project is to require a permit for any water extracted over and above what was injected.
5. Environmental Stewardship provided a report to this committee on the presence of PFA contaminants in the Colorado River. There is a potential for some contaminants to filter into local aquifers where surface water and groundwater interface in the alluvium. The committee discussed ES request that LRE set up a monitoring network for the Colorado alluvium, which is already included in Phase two, task five scope of work.
6. Various Bureau of Reclamation grants were discussed for water conservation, brush management and applied science. Elvis, Tom, and Jim will coordinate and make recommendations going forward.
7. The next round of possible revisions to the Management plan and timeline were discussed.
8. Elvis noted that the "winter rules" that were originally considered in 2022 were revised and due to be reconsidered at an upcoming public hearing.

Governance Committee
Meeting Report

The Governance Committee met by Zoom at 1:00 PM, on February 1st, 2023.

Attending: Elvis Hernandez, Kay Rogers, Michael Simmang, Natasha Martin, Greg Ellis and James Totten (GM).

- Greg Ellis and the Committee discussed the proposed Senate Bills 638 and 156.
- The Committee was presented with the 2023 committee assignments and their chairs.

Governance/Legislative

Elvis Hernandez - chair
Michael Simmang
Kay Rogers

Financial

Michael Simmang - Chair
Phil Cook
Billy Sherrill
Kay Rogers

Infrastructure

Phil Cook - chair
Herb Cook
Billy Sherrill
Elvis Hernandez

Management

Sheril Smith - chair
Melissa Cole
Larry Schatte
Elvis Hernandez
Tom Arsuffi

Education Outreach

Tom Arsuffi - chair
Melissa Cole
Sheril Smith
Javier Saenz

- The Committee discussed the Stakeholder group

The Lost Pines Groundwater Conservation District ("District") Rulemaking Stakeholder Advisory Committee ("Stakeholder Committee") is established by the District Board President pursuant to District Rules 2.1.C and 14.1.J to discuss, consider, and recommend to the District Board rules related to groundwater production limits, historic use permitting, and district-wide curtailment. The

Stakeholder Committee members will represent different interests and affiliations within the District. Following presentations on hydrogeology and legal framework, a facilitator will guide discussions among the group and assist the group in providing draft rules for the District's Management Committee to consider for recommendation to the District Board. The Stakeholder Committee serves only in an advisory role and has no rule-making authority.

- The Committee reviewed the revised Communications Policy for Legal Counsel. The Committee unanimously approved the Communications Policy for Legal Counsel.
- The Committee planned and discussed the items for the February agenda.
- The Committee reviewed the GM annual performance review.

Infrastructure Committee
Meeting Report

The Infrastructure Committee met by Zoom at 2:00 PM, on Jan. 25, 2023.

Attending: Phil Cook (Chair), Herb Cook, Billy Sherrill, Elvis Hernandez, James Totten (GM).

The purpose of the meeting was to discuss and finalize for submission and publication the Request for Proposal (RFP) for renovations to the District's new office/meeting building, 317 E. Hempstead, Giddings.

A previous draft of the RFP was updated and amended, to be submitted to attorney April Griffin for review and final editing, and for publication.

The Committee discussed options for housing the District's office until the new building's renovations could be completed and the building occupied.

Respectfully submitted,
Phil Cook
1/29/23