

## Lost Pines Groundwater Conservation District

### Board of Directors Agenda Minutes

Wednesday, March 17, 2021

The Board of Directors convened at 7:00 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; Vice-President Sheril Smith; Secretary-Treasurer Michael Simmang; Directors: Herbert Cook, Phil Cook, David Fleming, Kay Rogers, Larry Schatte, and Billy Sherrill.

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

Consultant's present: Natasha Martin and Matt Kutac, Attorneys; Greg Ellis, Legislative Representative; Andy Donnelly, Hydrogeologist.

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 January 20, 2021 Board meeting.* Director Fleming moved to approve the minutes of the January 20, 2021 Board meeting. Secretary-Treasurer Simmang seconded the motion, which carried unanimously.
5. *Review and approval of the minutes of the January 28, 2021 LCRA Hearing.* Director Fleming moved to approve the minutes of the January 28, 2021 LCRA hearing with one correction being made. Secretary-Treasurer Simmang seconded the motion, which carried unanimously.
6. *Consideration of the financial report for the period of February 1, 2021 through February 28, 2021.* General Manager Totten presented the financial report. Director P. Cook moved to acknowledge acceptance of the financial report as presented. Secretary-Treasurer Simmang seconded the motion, which carried unanimously.
7. *Consideration of and possible action regarding proposed Board Member conflict of interest policy.* Matt Kutac, Attorney, gave a general overview of the proposed conflict of interest policy. Mr. Kutac then answered questions from the Board. Director Fleming moved to table this agenda item to the April Board meeting. Director P. Cook seconded the motion, which carried unanimously.
8. *Consideration of and possible action on proposed Resolution Establishing Authorizations for District Office Building Project delegating certain authority and responsibilities to the Board, the*

*Board's Building Committee, and the District General Manager.* General Manager Totten explained to the Board the idea of the Resolution Establishing Authorizations for District Office Building Project. After Board questions and discussion, Director P. Cook moved that this item is tabled and reviewed by the Building Committee and bring to the Board their recommendations. Director Rogers seconded the motion, which carried unanimously.

9. *Discussion of and possible action on the hiring of an Assistant District General Manager.* General Manager Totten covered the job description of the Assistant District General Manager and answered questions from the Board. Director P. Cook moved to table this agenda item to the April Board meeting. The motion was seconded, and carried with Director Fleming voting against.

10. *Consideration of and possible action regarding (i) the request of GateHouse Water, LLC for a no-increase amendment to Special Condition No. 8 of Operating Permits for District Well Nos. 5933122, 5933123, 5933217, 5933409, 5933410, 5933411, 5933412, 5933413, 5933504, and 5933505 from the Simsboro aquifer located in Lee County ("GateHouse Permits") ("GateHouse Amendment Request"), (ii) GateHouse Water, LLC's submission to demonstrate compliance with Special Condition No. 8 of GateHouse Permits, and (iii) GateHouse Water, LLC's request to modify the 2016 Monitoring Well Agreement applicable to the GateHouse Permits to address certain District monitoring network issues raised by the District Board.* Ed McCarthy, Attorney for GateHouse, briefed the Board on the no-increase amendment to Special Condition No 8 of the Operating Permits, GateHouses's submission to demonstrate compliance with Special Condition No. 8 and GateHouse's request to modify the 2016 Monitoring Well Agreement applicable to their permits to address issues raised by the District Board. The Board then heard comments from the public. At 8:25 p.m., the Board went into executive session. 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 9:29 p.m. On the recommendation of Natasha Martin, Attorney, Director Fleming moved to leave the suspension of Special Condition 8 in place. Direct Legal Counsel to draft amendments to GateHouse Operating Permits and Monitoring Well agreement as discussed in executive session for consideration at the April Board meeting. Director P. Cook seconded the motion, which carried unanimously.

11. *Discussion and possible action to provide guidance to the District General Manager and District Hydrogeologist on the proposed desired future conditions (DFCs) being considered by Groundwater Management Area 12.* Andy Donnelly, Hydrogeologist, gave an update on the GMA 12's schedule for the development of the proposed DFC's. General Manager Totten then gave an update detailing where GMA 12 stood in the development of the DFC's. The Board then heard public comments. Director Fleming moved that General Manager Totten and Andy Donnelly, Hydrogeologist proceed with their methodology regarding the current DFC cycle. Director P. Cook seconded the motion, which carried unanimously.

12. *General Manager's Report.* President Talbot next recognized General Manager Totten for presentation of the General Manager's report.

13. *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.

14. *Consideration of a Board retreat or workshop, conferences, meetings and educational opportunities Board members desire to attend.* The Board retreat will be discussed at the April Board meeting. There were no conferences or meetings at this time.

15. *Consideration of agenda calendar and events.* The next regular meeting of the Board of Directors will be April 21, 2021.


16. *Executive session pursuant to Tex. Gov't Code section 551.071 so that the Board may seek the advice of its Attorneys regarding pending or contemplated litigation, including, but not limited to the following:*


- a) *Item 10, Consultation with Attorneys regarding the above-posted items related to the GateHouse Permits.*

The Board went into executive session during Agenda Item 10.

President Talbot adjourned the meeting at 10:21 p.m.

Approved:

  
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Michael Talbot, President

  
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Michael Simmang, Secretary-Treasurer