

## Lost Pines Groundwater Conservation District

### Board of Directors Agenda Minutes

Monday, April 4, 2022

The Board of Directors convened at 2:00 p.m. for an in person/telephonic/video conference meeting pursuant to public notice having been given in accordance with the Texas Open Meetings Act. The following members of the Board were present: President Sheril Smith; Directors: Thomas Arsuffi, Melisa Cole, Herbert Cook, Larry Schatte, Michael Simmang and Billy Sherrill.

Recused board members: Vice-President Kathryn Rogers, Secretary-Treasurer Elvis Hernandez and Director Phil Cook.

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

Consultants present: Natasha Martin, Attorney and Greg Ellis, Special Counsel.

1. President Smith called the meeting to order.
2. Welcome and introductions.
3. *Public Comments.* The Board heard comments from the public.
4. *Rehearing on the District's decision on the Applications of Lower Colorado River Authority for Operating Permits and Transfer Permits for Eight Wells in Bastrop County; SOAH Docket No. 952-19-0705.* The Board heard from Emily Rogers, Attorney for Lower Colorado River Authority, Cole Ruiz, Attorney for City of Elgin, Mike Gershon, Attorney for Aqua WSC, Shan Rutherford, Attorney for Recharge Water, Don Grissom, Attorney for Brown Landowners, Marissa Perales, Attorney for Environmental Stewardship and Natasha Martin, Attorney for General Manager Totten. Each of the attorneys answered questions from Special Counsel Greg Ellis.
5. *Consideration of and possible action on the rehearing on the District's decision on the Applications of Lower Colorado River Authority for Operating Permits and Transfer Permits for Eight Wells in Bastrop County; SOAH Docket No. 952-19-0705.* The Board went into executive session at 3:26 p.m. pursuant to Sec. 551.071, Government Code (consultation with an attorney regarding pending or contemplated litigation). At the conclusion of the closed meeting, the Board went back into open meeting at 4:15 p.m. President Smith announced that no votes were taken during the closed meeting.

Director Cole moved to approve the permit with the changes recommended by General Manager Totten. Director Arsuffi seconded the motion.

Director Cole moved to sever the question to address each proposed change separately. Director Arsuffi seconded the motion, which carried unanimously.

1. Director Arsuffi moved to retain condition one (1) regarding installation of groundwater and surface water monitoring equipment. Director H. Cook seconded the motion. The motion passed with President Smith, Directors Arsuffi, Cole, H. Cook, Sherrill and Schatte in favor and Director Simmang voting against.
2. Director Simmang moved to retain condition three (3) regarding additional information required prior to renewing the permit. The motion died for lack of a second.
3. Director Cole moved to instruct Special Counsel Ellis to draft written justifications for the changes to the Administrative Law Judge's Proposal for Decision. Director Arsuffi seconded the motion. The motion passed with President Smith, Directors Arsuffi, Cole, H. Cook, Schatte and Simmang in favor, and Director Sherrill voting against.

Director Simmang then moved to table the motion to approve the permit as amended to the next Board meeting. Director Schatte seconded the motion, which carried unanimously.

President Smith adjourned the meeting at 4:22 p.m.

Approved:

  
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Sheril Smith, President

  
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Elvis Hernandez, Secretary-Treasurer