

Lost Pines Groundwater Conservation District

Board of Directors Agenda Minutes

Wednesday, April 19, 2023

The Board of Directors convened at 7:23 p.m. in a meeting pursuant to public notice having been given, at Bastrop Convention & Exhibit Center, Bastrop, Texas. The following members of the Board were present: President Hernandez; Vice-President Kathryn Rogers; Secretary-Treasurer Michael Simmang; Directors: Thomas Arsuffi, Melissa Cole, Herbert Cook, Phil Cook, Larry Schatte, Billy Sherrill and Sheril Smith.

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

Consultants present: Natasha Martin, April Griffin and Greg Ellis, Attorneys, and Dr. Bill Hutchison and Allan Standen, Hydrogeologists.

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

2. *Public Comments.* The Board heard public comment from Nancy McKee.

3. *Consent Agenda:*

a. *Minutes of the March 15, 2023 regular Board meeting and special called meeting.*

b. *Financial report through March 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.*

Director P. Cook pulled item a from the consent agenda. Director P. Cook requested additional language be inserted in the March 15, 2023 regular Board meeting minutes. Director Cole moved to approve the changes made by Director P. Cook. Director Smith seconded the motion, which carried unanimously. There being no objections to items b, c, d and e, the remainder of the consent agenda was approved.

4. *Regular Agenda:*

a. *Announcements.* There were no announcements.

b. *Discussion, consideration and possible action on a contract for stakeholder group facilitator services with Collaborative Water Resolution, LLC.* President Hernandez introduced Dr. Votteler and gave background on the contract. There were two changes requested by Dr. Votteler to the contract which were made by April Griffin, Attorney. Dr. Votteler spoke to the Board on past experience and his qualifications. Dr. Votteler then answered questions from the Board. Director

Smith moved to approve the finalized contract with the two changes made with Collaborative Water Resolution, LLC. Vice-President Rogers seconded the motion, which carried nine (9) in favor with Director Sherrill voting against.

c. *Discussion, consideration and possible action on a renewal of a commercial real estate listing agreement with eXp Realty, LLC and realtor Shara Parker.* With the agreement with eXp Realty, LLC set to expire in May on the Paige, Texas property that the District owns, Shara Parker, realtor, is requesting that the agreement be renewed. Ms. Parker then answered questions from the Board. Vice-President Rogers moved to renew the commercial real estate listing agreement with eXp Realty, LLC. Director P. Cook seconded the motion, which carried unanimously.

d. *Discussion, consideration and possible action to create a position and post for candidates for an Education & Conservation Outreach Coordinator.* Director Arsuffi, chair of the Education & Conservation Outreach committee reported that the committee's discussions recognized a need to hire an individual to administer the education program to educate school children and the public and write grants. Director Arsuffi and General Manager Totten answered questions from the Board. After Board discussion, Director Smith moved to approve to create a position and post for candidates for an Education & Conservation Outreach Coordinator. Director Cole seconded the motion. President Hernandez, Directors Arsuffi, Cole, P. Cook and Smith voted in favor, Secretary-Treasurer Simmang and Directors H. Cook, Sherrill and Schatte voted against with Vice-President Rogers abstaining. Motion failed. After further Board discussion, Director Arsuffi moved to accept the job description with the amendment that a candidate not be hired unless they meet the qualifications acceptable to the Board and the education committee. Director P. Cook seconded the motion which carried with President Hernandez, Vice-President Rogers, Directors Arsuffi, Cole, P. Cook, Schatte and Smith voting in favor and Secretary-Treasurer Simmang and Directors H. Cook and Sherrill voting against.

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

- i. *Financial Services Committee.* The financial committee did not meet.
- ii. *Governance Committee.* President Hernandez reported that the governance committee had met. Please see attached report.
- iii. *Infrastructure Committee.* The infrastructure committee did not meet. Director H. Cook gave an update on the District office in Giddings.
- iv. *Education Outreach Committee.* The education outreach committee did not meet.
- v. *Management Committee.* Director Smith reported that the management committee had met. Please see attached report.

f. *General Manager's Report.* President Elvis Hernandez next recognized General Manager Totten to present the General Manager's report. Please see attached.

4 f (i.) Hydrogeologist report. Allan Standen reported on identifying monitoring wells for use within the District.

g. *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.

h. Discussion, consideration, and possible action on District Board meeting calendar. There will be a management plan update May 17, 2023 at 6:00 p.m..

i. Set date and location of next meeting. There will be a management plan hearing May 17, 2023, 6:00 p.m. at the City of Giddings Council Chambers, Giddings, Texas. The next regular Board meeting of the Lost Pines Groundwater Conservation District will be held May 17, 2023, 7:00 p.m at City of Giddings Council Chambers, Giddings, Texas.

j. Future agenda items. Director P. Cook requested an agenda item for non-construction related expenses.

k. Discussion, consideration and possible action on the District's property for sale in Paige, Texas. President Hernandez called for a motion. Director P. Cook moved to adjust the sales price on the property in Paige, Texas to \$200,000.00. Director Smith seconded the motion, which carried unanimously.

l. Discussion, consideration and possible action on a resolution ratifying the District Board's previous action on the General Manager's performance evaluation. President Hernandez called for a motion. Secretary-Treasurer Simmang moved to approve the resolution ratifying the District Board's previous action on the General Manager's performance evaluation. Director Sherrill seconded the motion, which carried unanimously.

m. Discussion, consideration and possible action on a resolution amending the Employee Manual to provide a process for the General Manager's annual performance evaluation. President Hernandez called for a motion. Vice-President Rogers moved to approve the resolution amending the Employee Manual to provide a process for the General Manager's annual performance evaluation. Director Smith seconded the motion, which carried unanimously.

5. 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 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.

b. Executive session of the Board pursuant to Tex. Gov't Code sections 551.072 and 551.071, or any closed session permitted by law, to consult with its realtor and attorneys and seek advice regarding Item 4k above.

c. Executive session of the Board pursuant to Tex. Gov't Code sections 551.074 and 551.071, or any closed session permitted by law, to consult with its attorneys and seek advice on personnel matters under Item 4l and 4m above.

The Board went into executive session at 8:44 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:122-cv-00132, United States District Court of the Western District of Texas, pursuant to Tex.*

Gov't Code sections 551.072 and 551.071, or any closed session permitted by law, to consult with its realtor and attorneys and seek advice regarding Item 4k above and pursuant to Tex. Gov't Code sections 551.074 and 551.071, or any closed session permitted by law, to consult with its attorneys and seek advice on personnel matters under Item 4l and 4m above.

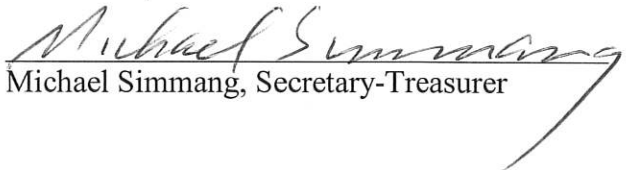
At the conclusion of the closed meeting, the Board went back into open meeting at 9:45 p.m. No votes were taken during the closed meeting.

President Hernandez adjourned the meeting at 9:47 p.m.

Approved:



Elvis Hernandez, President



Michael Simmang, Secretary-Treasurer

Lost Pines Groundwater Conservation District

P. O. BOX 1027
Smithville, TX 78957

MEMORANDUM

DATE: April 19th, 2023
TO: President and Board of Directors
FROM: General Manager & Staff
SUBJECT: April 2023 General Manager's Report

1. Statistics Exempt Wells:
 LPGCD Form 100's Drilling Permits received
March 1st through March 31st 2023 (15)
 LPGCD Form 300's Certificate of Registrations received
March 1st through March 31st 2023 (1)

Wells plugged: 0 Water quality test: 11 Wells gauged: 34

Drought Conditions: Approximately fifty-seven percent of Lee County is reported as experiencing abnormally dry conditions and approximate .1% of the county is in stage D1, moderate drought. Approximately 0.2% of Bastrop County is experiencing moderate drought conditions while ninety-eight percent of the county is reporting abnormally dry conditions.

(Drought.gov)

	Bastrop County	Lee County
March	Abnormally Dry (D0) 98% Moderate Drought (D1) 6%	Abnormally Dry (D0) 56% Moderate Drought (D1) ~1%
April	Abnormally Dry (D0) 98% Moderate Drought (D1) ~0.2%	Abnormally Dry (D0) 57% Moderate Drought (D1) ~0.1%

1. GMA 12 has not been active since the last board meeting.
2. The results of the asbestos survey for the new District offices came negative back yesterday (4.18.23). The demolition work had been on hold pending the results of the survey. The demolition and renovation work should be able to move forward now.
3. The Texas Water Development reporter well in Lexington is now online and providing daily measurements of water levels in the Carrizo formation using a retired city of Lexington well.
4. The District has received a set of proposed Simsboro monitoring well locations from Recharge LLC. The District staff and consulting hydrogeologists are reviewing the proposed locations and will work with Recharge to optimize the locations if needed.
5. Pending Permits:
 - i. District staff and consultants continue to process the responses for additional information and have begun to conduct the modelling . Once the additional requested information is received and the permits are administratively complete we will begin scheduling hearings for the permits starting in June.
6. Upcoming meetings
 - i. Region K, April 26th 10 a.m. LCRA Dalchau Center, Austin TX

Governance Committee
April Report

The Governance Committee met by Zoom at 9:00 AM, on April 5th, 2023.

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

- The Committee discussed the status of Gatehouse litigation
- Greg Ellis and the Committee discussed the status of the mitigation bill and other proposed groundwater related bills
- April Griffin and the Committee discussed the Stakeholder Group facilitator and Realtor contracts
- The Committee discussed the April Rules Workshop. The deadline for written public feedback, on the proposed workshop rules, be 2 weeks after the Workshop on April 19th, namely on May 3rd.
- The Committee discussed the GM annual performance review process and resolution
- The Committee discussed the Thomas Turfgrass irrigation permit request
- The Committee planned and discussed the items for the April board meeting agenda

lpgcd@lostpineswater.org

From: Sheril Smith <bluetxgirl@gmail.com>
Sent: Wednesday, April 19, 2023 9:39 AM
To: James Totten; Peggy Campion
Subject: Management Committee minutes April 11, 2023

For distribution at tonight's meeting.

1. Discussed LRE draft report utilizing pump tests to determine permit amounts. This is not currently under consideration.
2. Reviewed proposed draft rules on production limits, curtailment, historic use, and water quality. Discussed importance of identifying historical use production that includes beneficial use less water loss. And to consider adding to the Water Quality section TCEQ/EPA water quality standards, the importance of establishing baseline water quality in wells, and monitoring of water temperature changes. Note that the EPA recently established a new standard for PFAS.
3. Reviewed GM's draft Management Plan report, which provides performance standard data from 2022. It was noted that the Lee County Carrizo Groundwater Management Zone study by LRE is still in progress and any recommendations for a new rule setting up this GMZ are expected later this year.
4. The Committee approved providing a letter of support to Texas Parks and Wildlife grant application for research on "thicketization" of the Post Oak Savannah.
5. Consideration of an updated Management Plan is expected before the board at our May meeting.
6. Consideration of proposed rules is expected before the board at our June meeting, prior to the June 30 expiration of the moratorium.
7. Natasha noted that there are no GCDS that currently have rules prohibiting ASR.
8. Natasha provided an update on status of TCEQ consideration of Boring/McKinney Roughs waste water permit requests.