

Lost Pines Groundwater Conservation District

Board of Directors Agenda Minutes

Wednesday, April 20, 2022

The Board of Directors convened at 7:03 p.m. in a meeting pursuant to public notice having been given under the Texas Open Meetings Act, at Elgin Public Library Civic Center – City Council Chambers, Elgin, Texas. The following members of the Board were present: President Sheril Smith; Vice-President Kathryn Rogers; Secretary-Treasurer Elvis Hernandez; Directors: Tom Arsuffi, Melissa Cole, Herbert Cook, Phil Cook, Larry Schatte, Billy Sherrill and Michael Simmang.

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

Consultants present: Natasha Martin and April Griffin, Attorneys.

1. President Smith called the meeting to order and welcomed the public.
2. *Public Comments.* The Board heard public comments.
3. *Review and consider approval of the minutes of the March 9, 2022 Infrastructure Committee Meeting.* Vice-President Rogers moved to approve the minutes of the March 9, 2022 Infrastructure Committee Meeting. Director Herbert Cook seconded the motion, which carried unanimously.
4. *Review and consider approval of the minutes of the March 16, 2022 regular Board meeting.* Director Herbert Cook moved to approve the minutes of the March 16, 2022 regular Board meeting. Director Melissa Cole seconded the motion, which carried unanimously.
5. *Review and consider approval of the minutes of the April 4, 2022 special called meeting of the Board for the LCRA Rehearing.* Director Larry Schatte moved to approve the minutes of the April 4, 2022 special called meeting of the Board for the LCRA Rehearing. Director Tom Arsuffi seconded the motion, which carried unanimously.
6. *Review and consider approval of the minutes of the April 4, 2022 special called meeting of the Board for the public hearing on the City of Bastrop applications.* Director Michael Simmang moved to approve the minutes of the April 4, 2022 special called meeting of the Board for the public hearing on the City of Bastrop applications. Director Larry Schatte seconded the motion, which carried unanimously.
7. *Consideration of and possible action on the applications of the City of Bastrop for Operating Permits for three proposed wells for municipal use in Bastrop County in the Simsboro Aquifer to withdraw 1,333 acre-feet of water per year from each well, with a total production of 3,999 acre-feet of water per year combined from the three wells pursuant to District Rule to 5.2. Applicant*

further requested to aggregate annual and instantaneous withdrawals from the three proposed new wells with existing District Well J pursuant to District Rule 5.3, and a variance to the District's well spacing requirements under District Rule 8.2. General Manager Totten recommended approving the amended draft permit dated April 19, 2022 provided to the Board. After Mr. Totten answered questions from the Board, President Sheril Smith called for a motion. Vice-President Kathryn Rogers moved to approve the applications of the City of Bastrop for Operating Permits, as reflected in the draft permit dated April 19, 2022, for three proposed wells for municipal use in Bastrop County in the Simsboro Aquifer to withdraw 1,333 acre-feet of water per year from each well, with a total production of 3,999 acre-feet of water per year combined from the three wells pursuant to District Rule 5.2, and to approve the request to aggregate annual withdrawals from the three proposed new wells with existing District Well J pursuant to District Rule 5.3, and approve a variance to the District's well spacing requirements under District Rule 8.2. Director Michael Simmang seconded the motion with President Sheril Smith, Vice-President Kathryn Rogers, Secretary-Treasurer Elvis Hernandez, Directors Tom Arsuffi, Melissa Cole, Larry Schatte and Herbert Cook voting in favor and Directors Billy Sherrill and Phil Cook voting against. Motion carried.

8. *Consideration of and possible action on the applications Aqua Water Supply Corporation for a new Drilling and Operating Permit for Jacobs Well in Bastrop County for municipal use in the Simsboro Aquifer for a total combined withdrawal amount of 1,532 acre-feet of water per year aggregated with Aqua's existing S Well Field pursuant to District Rules 5.2.B and 5.3.C. The application does not seek to withdraw any amount of water in addition to the aggregated permitted annual withdrawal amount of the S Well Field. The application seeks a variance to the District's well spacing requirements under District Rule 8.2.* General Manager Totten summarized the application by Aqua WSC on the Jacobs Well. Mike Gershon, Attorney for Aqua WSC, addressed the Board and answered questions as did Dacy Thomas, Engineering Manager for Aqua WSC, Mike Keester, Hydrogeologist for Aqua WSC and Dave McMurray, General Manager for Aqua WSC. After the General Manager and Aqua WSC representatives answered the Board's questions, General Manager Totten recommended approval of the draft permit dated April 20, 2022 provided to the Board. Director Michael Simmang moved to approve the applications, as reflected in the draft permit dated April 20, 2022, of Aqua Water Supply Corporation for a new drilling and operating permit for the Jacobs Well in Bastrop County for municipal use in the Simsboro Aquifer for a total combined annual withdrawal amount of 1,532 acre-feet of water per year aggregated with Aqua's existing S Well Field pursuant to District Rules 5.2.B and 5.3.C, and approve a variance to the District's well spacing requirements under District Rule 8.2. Vice-President Kathryn Rogers seconded the motion with President Sheril Smith, Vice-President Kathryn Rogers, Secretary-Treasurer Elvis Hernandez, Directors Tom Arsuffi, Melissa Cole, Phil Cook, Larry Schatte, Herbert Cook and Michael Simmang voting in favor and Director Billy Sherrill voting against. Motion carried.

9. *Consideration of and possible action on the Resolution Amending Authorized Representatives for TexPool removing Doug Prinz and Carl Steinbach and adding Secretary-Treasurer Elvis Hernandez and Vice-President Kathryn Rogers.* General Manager Totten reported that the Board had previously approved removing former Board members and adding current Board members to

the TexPool Signatory and that this Resolution is required by TexPool to do so. Director Melissa Cole moved to approve the Resolution Amending Authorized Representatives for TexPool removing Doug Prinz and Carl Steinbach and adding Secretary-Treasurer Elvis Hernandez and Vice-President Kathryn Rogers. Director Tom Arsuffi seconded the motion, which carried unanimously.

10. *Consideration of and possible action on a Resolution adopting a District Management Information Policy regarding the management of financial information.* Secretary-Treasurer Elvis Hernandez reported to the Board that a District Management Information Policy is necessary to satisfy a deficiency documented in the State Audit Report. He noted that the policy formalizes the District's financial practices already in place. The financial services committee recommended adopting the policy. Director Michael Simmang moved to approve the Resolution adopting a District Management Information Policy regarding the management of financial information. Vice-President Kathryn Rogers seconded the motion, which carried unanimously.

11. *Consideration of and possible action on a District employee manual.* The District employee manual was provided to the Board and reviewed by the Governance Committee. Director Phil Cook questioned language used in the sections related to direct deposits and employee attendance during inclement weather.. After Board discussion, Director Melissa Cole moved to approve the District employee manual with the two changes suggested by Director Phil Cook. Director Herbert Cook seconded the motion, which carried unanimously.

12. *Consideration of and possible action on report Negrete and Kolar Architects regarding architectural and related services in connection with a District office building project ("Office Building Project").* Director Phil Cook reported that the Infrastructure Committee met and decided to close out the building project in Paige and move forward. Director Cook noted that the traffic impact study was incomplete and the architects had not fulfilled their contract. After Board discussion, Director Phil Cook moved to table this agenda item pending further contract review by legal counsel General Manager Totten. Director Tom Arsuffi seconded the motion, which carried unanimously.

13. *Consideration of and possible action to amend the Resolution Establishing Authorizations for District Real Property Acquisition.* The Infrastructure Committee discussed having a unanimous vote versus a majority vote or even a vote by the whole board in relation to making an earnest money offer on real property. After Board discussion, Vice-President Kathryn Rogers moved to amend the Resolution Establishing Authorizations for District Real Property Acquisition to require a majority vote of the Infrastructure Committee plus the General Manager to take action pursuant to the Resolution. Secretary-Treasurer Elvis Hernandez seconded the motion with President Sheril Smith, Vice-President Kathryn Rogers, Secretary-Treasurer Elvis Hernandez, Directors Tom Arsuffi, Melissa Cole, Herbert Cook and Michael Simmang voting in favor and Directors Larry Schatte, Billy Sherrill and Phil Cook voting against. Motion carried.

14. *Consideration of and possible action on the potential purchase of real property located in Giddings, Lee County, Texas for District office and meeting space.* Director Phil Cook reported that the Infrastructure Committee recommended that the District no longer consider the Giddings property as a potential office space for the District. Director Phil Cook moved no longer consider

the Giddings property, and Director Herbert Cook seconded the motion, which carried unanimously.

15. *Discussion of the existing lease contract for the District's office space in Smithville, Bastrop County, Texas and discussion of future needs of the District for office and meeting space.* Regarding future needs, President Sheril Smith discussed holding the Board's monthly meetings in Elgin in order to have hybrid meetings to accommodate traveling Board members and the public. Vice-President Rogers suggested modifying the District office lease in Smithville to a two (2) year lease. No action was taken on this item.

16. *Discussion of the District's Professional Services Policy and the request for qualifications and requests for proposals processes.* April Griffin, Attorney, covered the District's Professional Services Policy and the processes for requests for qualifications and proposals. Ms. Griffin will provide a report to the Board by mid-May reviewing the District's professional services contracts. No action was taken on this item.

17. *Discussion, consideration of and possible action on changing the time for the regular Board meetings.* After Board discussion, no motion was made.

18. *Consideration of and possible action on a proposed amendment to the legal services contract for the law firm of Graves Dougherty Hearon & Moody, PC.* Natasha Martin, Attorney covered the contract changes provided to the Board and reported that Greg Ellis, Attorney and the Governance Committee had reviewed the contract. Director Melissa Cole moved to approve the amendment to the legal services contract for the law firm of Graves Dougherty Hearon & Moody. Vice-President Kathryn Rogers seconded the motion, which carried unanimously.

19. *Committee Reports with possible Board discussion. No action will be taken on any reports.*

a) *Education Outreach Committee.* Director Tom Arsuffi reported that the Education Outreach Committee had met and is reviewing marketing, District brochures, power point presentations, education in the schools, press releases, a calendar and photo contest, new logo for the District, newsletter, social networking, grants and the well registration program.

b) *Financial Services Committee.* Secretary-Treasurer Elvis Hernandez reported that the Financial Services Committee had met and he updated the Board on direct deposit for the Board members, dating all financial reports, an End Of Year financial report presented every February, and having the financial reports on the District's website. Also discussed were the bond coverage and surety bonds.

c) *Governance committee.* President Sheril Smith reported that the Governance Committee had met and discuss a new mission statement for the District and looked a salary comparisons provided the Texas Alliance of Groundwater Districts. Committee priorities are the General Manager complete a 3-year monitoring plan, database, management plan, rule changes, District goals, financial controls and outreach.

d) *Infrastructure Committee.* Director Phil Cook reported that the Infrastructure Committee had met and priorities of the committee are monitoring, network, database, an office building, and selling the Paige property. Director Hernandez provided a presentation to

the Board on the Lost Pines GCD well database and on his meeting with DB Stephens regarding the Lost Pines GCD well database.

e) *Management Committee.* Director Melissa Cole reported that the Management Committee had met and discussed and export fee, groundwater management, production caps and an annual report.

20. *General Manager's report.* President Sheril Smith next recognized General Manager Totten to present the General Manager's report. Please see attachment A.

21. *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 legislation report given. The Board heard a comment from the public.

22. *Consideration of conferences, meetings and educational opportunities Board members desire to attend.* General Manager Totten reminded the Board of the Public Hearing of the Senate Committee on Water, Agriculture and Rural Affairs on May 10, 2022 at 9:00 a.m. at the State Capitol.

23. *Consideration of agenda items, calendar and events.* The next regular board meeting will be held May 18, 2022 in Giddings, Texas.

President Smith adjourned the meeting at 9:38 p.m.

Approved:



Sheril Smith, President



Elvis Hernandez, Secretary-Treasurer

Lost Pines Groundwater Conservation District

P. O. BOX 1027
Smithville, TX 78957

Attachment A

MEMORANDUM

DATE: April 20th, 2022
TO: President and Board of Directors
FROM: General Manager & Staff

SUBJECT: April 2022 General Manager's Report

1. Statistics Exempt Wells:
LPGCD Form 100's Drilling Permits received
March 1st through March 31st 2022 (20)
LPGCD Form 300's Certificate of Registrations received
March 1st through March 31st 2022 (0)

Wells plugged: 0 Water quality test: 2 Wells gauged: 21

Drought Conditions: Approximately half of Lee County and a third of Bastrop County are experiencing abnormally dry conditions with the south eastern portions of both counties reporting moderate drought. (Drought.gov)

1. The member District of GMA will meet on the 22nd of April at the POSGCD offices in Milano, TX. The GMA will hear a presentation from Dr. Robert Mace and have discussions on data sharing between districts. Additional further discussions on how to progress the joint planning process this cycle are also on the agenda.
2. The Texas Alliance of Groundwater Districts will be conducting its second GCD boot camp virtually on the 25th of April from 1 p.m. to 3 p.m. The District has signed up multiple board members to attend the virtual session.
3. This is placeholder item on the GM report for any further discussion of activities at the committee level.
4. Pending Permits:
 - i. None
5. Upcoming meetings
 - i. GMA 12, April 22nd, 10 a.m. POSGCD Offices Milano, TX and online
 - ii. Region K, April 27th, 10 a.m. LCRA Dalchau Center Austin, TX

LOST PINES GROUNDWATER CONSERVATION DISTRICT

REPORT FOR BOARD MEETINGS
Drilling Permits and Well Registration

PERIOD March 1, 2022 through March 31, 2022

APPLICANT NAME	Well No.	APPLICATION DATE	FORM 100/300	Type of Well	Driller	COUNTY
Evan and Jessica Weese	58 62 7 0118	3/1/2022	100	Domestic	Jackson	Bastrop
FM Land Holdings, LLC	58 64 4 0030	3/2/2022	100	Domestic	Relaint	Bastrop
FM Land Holdings, LLC	58 64 4 0031	3/2/2022	100	Domestic	Relaint	Bastrop
FM Land Holdings, LLC	58 64 4 0032	3/2/2022	100	Domestic	Relaint	Bastrop
James Morris & Barbara Newitt	58 53 5 0079	3/2/2022	100	Domestic	Jimmy's	Bastrop
Derek Smith	67 07 1 0006	3/4/2022	100	Domestic	Richter	Bastrop
CCJ Investments	67 05 3 0028	3/7/2022	100	Domestic	Jackson	Bastrop
Donte McGee	58 62 8 0034	3/7/2022	100	Domestic	Jimmy's	Bastrop
Rebekah and Travis McPhaul	58 55 5 0043	3/8/2022	100	Domestic	Jimmy's	Bastrop
Imperial Construction	67 07 6 0009	3/8/2022	100	Domestic	Jimmy's	Bastrop
Elizabeth Pamplin	58 39 5 0016	3/14/2022	100	Domestic	Relaint	Lee
Vicki Brochtrup	58 61 4 0016	3/14/2022	100	Domestic	Jackson	Bastrop
Brian Watson	58 48 8 0018	3/14/2022	100	Irrigation	J&S	Lee
Jose Rogel	67 04 2 0001	3/21/2022	100	Domestic		Bastrop
Esteban Diaz	67 04 2 0002	3/21/2022	100	Domestic		Bastrop
Reece Roberts	58 53 2 0029	3/21/2022	100	Domestic	Jimmy's	Bastrop
Severene Cushing	58 54 7 0048	3/21/2022	100	Domestic	Jimmy's	Bastrop
Frank Wise	58 62 2 0061	3/25/2022	100	Domestic		Bastrop
Seth Jewell	58 47 7 0022	3/28/2022	100	Domestic	Jackson	Bastrop
Gary Dickens	58 55 2 0039	3/31/2022	100	Domestic	Jackson	Bastrop
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