

Lost Pines Groundwater Conservation District

Board of Directors Agenda Minutes

Wednesday, April 21, 2021

The Board of Directors convened at 7:13 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, Billy Sherrill and Carl Steinbach.

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

Consultant's present: Natasha Martin, Mary Keeney 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 March 17, 2021 Board meeting.* Director P. Cook moved to approve the minutes of the March 17, 2021 Board meeting subject to review of the video recording of Agenda Item 11 and there may be a potential revision to the minutes at a later meeting. Director Smith seconded the motion, which carried unanimously.
5. *Consideration of the financial report for the period of March 1, 2021 through March 31, 2021.* General Manager Totten presented the financial report. Director Schatte moved to acknowledge acceptance of the financial report as presented. Secretary-Treasurer Simmang seconded the motion, which carried unanimously.
6. *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.* Matt Kutac, Attorney, reviewed changes to the resolution for the Board. After receiving suggestions, answering questions and Board discussion, Director Rogers moved to table this agenda item until the May Board meeting to provide the Building Committee time to look at other potential sites and bring a recommendation to the Board. Director P. Cook seconded the motion. The motion carried with Director Fleming opposed.
7. *A presentation by the City of Bastrop regarding its plans to develop the well field at XS Ranch in Bastrop County, Texas.* Trey Job, City of Bastrop, gave a presentation to the Board that covered

Bastrop's Existing Water System, their future growth, the new water source for the City, project components, groundwater modeling and recommendations, well spacing, being a good neighbor and their project schedule. Mr. Job and Mr. O'Rourke answered questions from the Board.

8. *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.* At 8:13 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 9:09 p.m. Director Fleming requested a recommendation from Natasha Martin, Attorney. Ms. Martin recommended that the District meet with GateHouse and enter into informal discussions and consider amendments to the operating permits and the monitoring well agreement to add additional monitoring in Lee County to address drawdown concerns in the best interest of the aquifer and existing wells. Director Fleming the moved to accept the recommendation of Natasha Martin, Attorney. Director Steinbach seconded the motion, which carried unanimously.

9. *Discussion of and possible action to provide guidance to the District General Manager and District Hydrogeologist on the desired future conditions (DFCs) being considered by Groundwater Management Area 12 and its member groundwater conservation districts.* At 9:11 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, Vice-President Smith announced the time to be 9:46 p.m. President Talbot excused himself from executive session and the Board meeting. Director Fleming did not participate in this executive session. Vice-President Smith called for a motion and hearing none, proceeded to the next agenda item.

10. *General Manager's Report.* Vice-President Smith next recognized General Manager Totten for presentation of the General Manager's report. The following was covered in the General Manager's report:

- a) New well activity: 12 new wells, 0 registrations
- b) Venues and logistics for future meetings
- c) Upcoming Budget, Building and Monitoring Committee meetings
- d) Pending Permit: Manville WSC ~1100 af/yr

11. *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.

12. *Consideration of a Board retreat or workshop, conferences, meetings and educational opportunities Board members desire to attend.* There are none at this time.

13. *Consideration of agenda calendar and events.* The next regular meeting of the Board of Directors will be May 19, 2021.

14. *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 8, Consultation with Attorneys regarding the above-posted item related to the GateHouse Permits.*

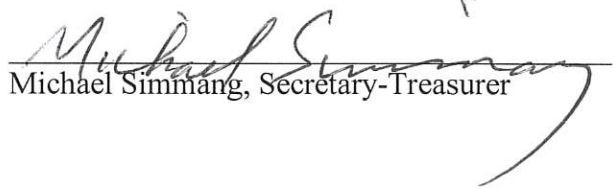
The Board went into executive session during Items 8 and 9.

Vice-President Smith adjourned the meeting at 10:13 p.m.

Approved:



Michael Talbot, President



Michael Simmang, Secretary-Treasurer