

Lost Pines Groundwater Conservation District

Board of Directors Agenda Minutes

Wednesday, May 17, 2023

The Board of Directors convened at 7:00 p.m. in a meeting pursuant to public notice having been given, at City of Giddings Council Chambers, Giddings, 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, Larry Schatte and Billy Sherrill.

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

Consultants present: Natasha Martin, Attorney, and Dr. Bill Hutchison and Allan Standen, Hydrogeologists.

President Hernandez called the meeting to order and welcomed the public. President Hernandez recognized Lee County Judge Malinak and Bastrop County Commissioner Glass.

2. *Public Comments.* The Board heard comments from Judge Malinak and Commissioner Glass.

3. *Consent Agenda:*

a. Minutes of the April 19, 2023 rules workshop and regular Board meeting.

b. Financial report through April 30, 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.

President Hernandez pulled the rules workshop minutes from the consent agenda for a correction to the adjourned time. Director Arsuffi moved to approve the remainder of the consent agenda. Director Cole seconded the motion, which carried unanimously. Director Cole then moved to approve the minutes of the rules workshop with the correction made to the adjourned time. Vice-President Rogers seconded the motion, which carried unanimously.

4. *Regular Agenda:*

a. Announcements. Vice-President Rogers commended Greg Ellis for his great work on behalf of the District on Senate Bill 1080.

b. Discussion, consideration, and possible action on Giddings office non-construction related expenses. The financial committee created an itemized list of non-construction related expenses most of which can be authorized by the General Manager to purchase and two items that will need Board approval prior to purchase.

c. *Auditor's presentation of the District's 2022 financial audit and discussion, consideration, and possible action related to the audit.* Robert Gattilia, with Singleton, Clark and Company, PC, presented the 2022 annual audit report to the Board. After answering questions from the Board, Secretary-Treasurer Simmang moved to approve and accept the 2022 annual audit report. Vice-President Rogers seconded the motion, which carried unanimously.

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

i. *Financial Services Committee.* The financial services committee met. Please see attached report.

ii. *Governance Committee.* The governance committee met. Please see attached report.

iii. *Infrastructure Committee.* Director Herbert Cook gave an update on the Giddings office renovations.

iv. *Education Outreach Committee.* The education outreach committee met. Please see attached report.

v. *Management Committee.* President Hernandez reported that the management committee met and reviewed feedback from the rules workshop.

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

4 e (i.) *Hydrogeologist report.* Allan Standen reported that they are on schedule for all tasks assigned. At the June Board meeting, Mr. Standen will give a summary of the tasks timeline.

f. *Discussion of Lost Pines groundwater Conservation District legislation, related legislation and/or activities occurring that affect or pertain to the District and groundwater.* In the absence of Greg Ellis, President Hernandez gave an update on Senate Bill 1080, the mitigation bill. He reported that the bill passed in the House and would be sent back to the Senate for a confirmation of any bill amendments. General Manager Totten noted that a rulemaking would need to occur to establish a mitigation program after the bill becomes law.

g. *Consideration of future agenda items.* There were none at this time.

h. *Discussion, consideration, and possible action related to written feedback received by the District from the Rules workshop and the upcoming hearing for the proposed rules.* President Hernandez acknowledged and thanked those who provided feedback on the rules.

i. *Discussion and possible action 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.* Vice-President Rogers moved to delegate approval authority on settlement documents to the majority of the negotiations committee and authorize President Hernandez to execute settlement documents if so approved by negotiations committee. Director Herbert Cook seconded the motion, which carried unanimously.

j. *Discussion and possible action regarding LCRA v. Lost Pines Groundwater Conservation district, Cause No: 2130-335, Bastrop County District Court.* Director Schatte moved to accept

attorney's recommendation and direct her to proceed as recommended in executive session. Director Cole seconded the motion, which carried unanimously.

k. Discussion, consideration, and possible action on District Board meeting calendar. There will be a rules hearing June 21, 2023 at 6:00 p.m. Location to be determined in Bastrop County.

l. Set date and location of next meeting. The next regular Board meeting will be held June 21, 2023, 7:00 p.m. in Bastrop County.

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 section 551.071, or any closed session permitted by law, to consult with its attorneys and seek advice regarding LCRA v. Lost Pines Groundwater Conservation District, Cause No: 2130-335, Bastrop County District Court.

c. 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 see advice regarding Item 4(h) above.

The Board went into executive session at 7:43 p.m. pursuant to Texas Government Code Sec. 551.071, or any closed session permitted by law, to consult with its attorney 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 section 551.071, or any closed session permitted by law, to consult with its attorney and seek advice regarding *LCRA v. Lost Pines Groundwater conservation District*, Cause No: 2130-335, Bastrop County District Court and pursuant to Tex. Gov't Code section 551.071, or any closed session permitted by law, to consult with its attorney and seek advice regarding Item 4(h) above. President Hernandez and Vice-President Rogers were recused from 5 b.

At the conclusion of the closed meeting, the Board went back into open meeting at 8:44 p.m. No votes were taken during the closed meeting.

President Hernandez adjourned the meeting at 8:47 p.m.

Approved:



Elvis Hernandez, President



Michael Simmang, Secretary-Treasurer

Lost Pines Groundwater Conservation District

P. O. BOX 1027
Smithville, TX 78957

MEMORANDUM

DATE: May 17th, 2023
TO: President and Board of Directors
FROM: General Manager & Staff

SUBJECT: May 2023 General Manager's Report

1. Statistics Exempt Wells:
LPGCD Form 100's Drilling Permits received
April 1st through April 30th 2023 (15)
LPGCD Form 300's Certificate of Registrations received
April 1st through April 30th 2023 (0)

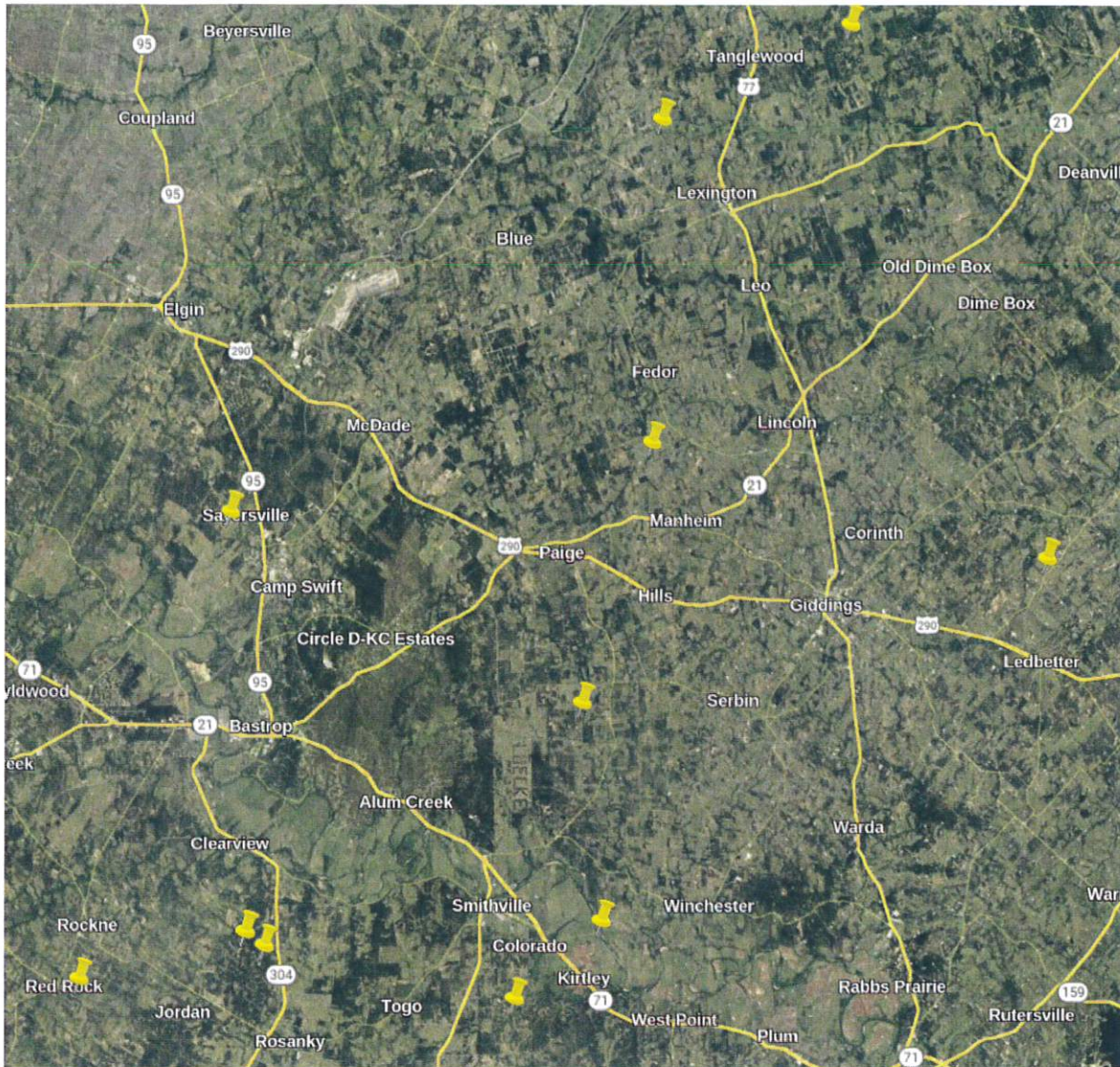
Wells plugged: 0 Water quality test: 4 Wells gauged: 20

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
April	Abnormally Dry (D0) 98% Moderate Drought (D1) ~0.2%	Abnormally Dry (D0) 57% Moderate Drought (D1) ~0.1%
May	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 framing for the new walls in the office has been set. District staff did a walk through with the electricians to point out locations for network drops and additional power outlets. Based on the space available in the kitchen/breakroom the staff has recommended removing the stove from the plans. Additional changes to the interior structure have been recommended by board members who are also overseeing the construction process.
3. The General Manager was unable to attend the most recent Education and Outreach committee meeting but will continue to work with the EO committee to finalize the posting for the education coordinator position.
4. The staff and consultants continue to work on finalizing the structure and process for creating a stakeholder group that will carry out a review and propose potential revisions to the District rules.
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 G, May 31st 10 a.m. BRA Central Office, Waco TX
- ii. Region K, July 12th 10 a.m. location TBD



New well applications (4.1.23 - 4.30.23)

Governance Committee
May Report

Attachment

The Governance Committee met by Zoom at 9:00 AM, on May 3rd, 2023.

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

- Greg Ellis and the Committee discussed the status of the mitigation bill and other proposed groundwater related bills.
- The Committee discussed updating the mitigation program application and processes.
- The Committee discussed that creating a historic use permit application and processes will be based upon any new rules and will be brought to the Management committee for their input.
- The Committee discussed and authorized the creation of RFQ and RFP templates for future use. Once the templates are created, the staff will begin to use these templates and they will be uploaded to the District's website.
- The Committee discussed the Giddings office non-construction related itemized expenses created by the Financial Committee. The GM is already authorized to purchase those listed items under \$5,000 as needed. The two items which are over \$5,000 - the outdoor signage and Audio/Video services, the GM will need to bring them to the Board for approval.
- Stakeholder invitations are planned to be sent in early June, for a July meeting.
- The Committee planned and discussed the items for the May board meeting agenda.

Financial Committee
May Report

Attachment

The Financial Committee met by Zoom at 9:00 AM, on April 25th, 2023.

Attending: Elvis Hernandez, Kay Rogers, Michael Simmang, Phil Cook and James Totten (GM).

- The Committee itemized the Giddings office non-construction related expenses. Most expenses are below \$5,000 and can be purchased directly by the GM. Only two items are over \$5,000 which will require Board approval.

Additional Renovation Expenses 4/25/23
Prepared for the Financial Committee meeting scheduled for 4/25/23

This is a list of items that are needed to finish our new office and make it ready for occupancy. They have not been included in the Gaeke contract. As I have not anticipated all the items needed I would appreciate your help in completing the list with your comments and cost estimates.

We will need to present this list, and the cost estimates to the full Board at the May meeting, along with an action plan and time line.

A-V equipment, TV monitors for Zoom remote meetings - Need bids

Phil's comment: Jim, Elvis, can you advise us on this?

Total: ? _____

Power wash building, paint outside metal awnings

Phil's comment: I recommend power washing all exterior walls and repainting the metal awning. I estimate a cost of

Total: \$1,800

Remove outside shrubs and plants

Remove the Burford holly on the west and south sides, and all other weeds and volunteer plants from around the building. Spray with weed killer.

Remove 4" of dirt in the planting beds, put in plastic barrier, and fill with decorative rock

My estimate

Total: \$3,000

Office signs

Elvis has put some thought into this. Some considerations that come to my mind:

- Signs to indicate the handicap entrance
- Lights above all entrances
- Street address sign near main entrance
- Sign for the meeting room entrance
- Lost Pines GCD signs on both streets
- Lettering on entrance door with office hours, phone, PO Box, etc.

Total: \$10,000

Kitchen appliances

— Refrigerator

Whirlpool Stainless steel side by side, 21.4 cf

\$1,250

Frigidaire	"	"	, 25.6 cf	\$1,200	
Samsung	"	"	, 27.4 cf	\$1,300	
Amana	"	freezer above,	18.2 cf	\$650	
Phil's comment: There are plenty of other frigs in this price range.					Total: \$1,400

Range					
Samsung Stainless steel, smooth top surface 5 element				\$750	
Phil's comment: Plenty of ranges like this. I suggest budgeting					Total: \$850

Vent hood					
GE 36" Stainless steel, unvented, under cabinet, charcoal filter, 1 cf				\$340	
Phil's comment. There are plenty of others. All require a 36" cabinet, not included in the Gaeke bid. The cabinet will cost about \$300. I suggest budgeting					Total: \$700

Microwave					
LG 2 cf stainless steel					Total: \$260
GE " " "				\$240	
GE 1 cf " " "				\$200	
Phil's comment: I suggest budgeting					Total: \$300

Bath and kitchen fixtures - check with janitorial supply vendor

Bath mirrors, 30" x 36"	\$80 x 2	\$200	
Toilet paper holder/dispenser, Georgia-Pacific	\$30 x 2	\$80	
Paper towel dispensers	\$75 x 3	\$240	
Waste cans, Kohler	\$50 x 3	\$180	
Vanity lights	\$100 x 2	\$200	
Miscellaneous		\$400	
Exhaust fans	\$60 x 2	\$120	
Phil's comment: there are many options in these price ranges			Total: \$1,460

Window coverings - Blinds check w vendor in Giddings

Total: \$2,000

Office furniture and fixtures

Office furniture and furnishings. 4 desks; 8 filing cabinets 4 chairs; meeting room chairs.	Total: \$4,000
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Final cleaning	Total: \$500
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Contingency for installations, change orders, cost overruns, etc.	Total: \$5,000
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All the assigned totals: \$31,270

LPGCD O/E Committee May 2023
May 15th Minutes

Attendance: Tom Arsuffi and Melissa Cole. Lack of full committee due to family medical, car mechanical issues and a miscommunication.

1. The committee discussed O/E Coordinator Position (timeline, reporting, advertising).
2. The committee discussed scheduling Water Conservation Outreach Programs (TCEQ, TWDB, others)
 1. Targets: Cities, HOAs, County Subdivisions
3. The committee discussed Topics for future news articles (EPA Water Sense, DFCs, others) and welcomes input from board and public.