

Lost Pines Groundwater Conservation District

Board of Directors Agenda Minutes

Wednesday, May 18, 2022

The Board of Directors convened at 7:00 p.m. in a meeting pursuant to public notice having been given, at Giddings Public Library, Giddings, Texas. The following members of the Board were present: President Sheril Smith; Vice-President Kathryn Rogers; Secretary-Treasurer Elvis Hernandez; Directors: Melissa Cole, Herbert Cook, Larry Schatte, Billy Sherrill and Michael Simmang.

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

Consultants present: Natasha Martin and April Griffin, Attorneys, Greg Ellis, Special Counsel.

1. President Smith called the meeting to order, welcomed the public, and introduced Lee County Judge, Paul Fischer.

2. *Public Comments.* The Board heard comments from the public. Hugh Brown, a Lee County landowner with a Simsboro well, spoke to the Board regarding aquifer recharge and soil conservation. Andy Weir, a resident of Bastrop County with a well in the Simsboro formation and as Executive Director of the Simsboro Aquifer Water Defense Fund, shared that residents of Bastrop and Lee Counties attended the Senate hearings on water and cultural rural affairs regarding with water supply-related interim charges. The residents testified about difficulties with their water supply and suggested changing the strategy of moving rural water to urban areas. Mr. Weir also touched on a project by Texas A & M Extension Service about improving recharge.

3. *Review and approval of the minutes of the April 20, 2022 Board training.* President Smith called for corrections and questions from the Board. There being none, Vice-President Rogers moved to approve the minutes of the April 20, 2022 Board training. Director Cole seconded the motion, which carried unanimously.

4. *Review and consider approval of the minutes of the April 20, 2022 regular Board meeting.* President Smith called for corrections and questions from the Board. There being none, Director Cole moved to approve the minutes of the April 20, 2022 regular Board meeting. Director Schatte seconded the motion, which carried unanimously.

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.* President Smith called for further discussion or questions on the decision previously made on the applications of Lower Colorado River Authority for Operating and Transfer permits for eight wells in Bastrop County, Texas ("Applications") after the rehearing on the Applications. There being none,, Director Cole moved

to approve an Order Adopting a Final Decision and Findings of Fact and Conclusions of Law on the Rehearing on Lower Colorado River Authority's Applications for Operating and Transport Permits. Director H. Cook seconded the motion, which carried unanimously. Vice-President Rogers and Secretary-Treasurer Hernandez were recused from this agenda item.

6. *Consideration of and possible action on the 2021 Annual Audit Report.* Robert Gattilia, with Singleton, Clark and Company, PC, presented the 2021 annual audit report to the Board. After answering questions from the Board, Director Simmang moved to approve the 2021 annual audit report. Vice-President Rogers seconded the motion, which carried unanimously.

7. *Consideration of and possible action on a resolution to adopt a District Investment Policy.* Secretary-Treasurer and Chair of the Financial Services Committee, Elvis Hernandez reported that the financial services committee as well as Special Counsel Ellis and General Manager Totten had reviewed the Investment Policy and that this is a requirement to meet the state audit. General Manager Totten stated that there is a sentence in the policy that needs to be stricken from the bottom of page 5 and the top of page 6 relating to staff and board members banking at the same bank as the District. There being no discussion, Secretary-Treasurer Hernandez moved to pass the resolution to adopt a District Investment Policy with the sentence on pages 5 and 6 stricken. Vice-President Rogers seconded the motion, which carried unanimously.

8. *Consideration of and possible action on a resolution adopting a timeline and requirements for the development of a well monitoring growth and implementation plan.* Secretary-Treasurer Hernandez led the discussion on the resolution and reported that the infrastructure committee had reviewed the resolution. Director Cole moved to approve the resolution adopting a timeline and requirements for the development of a well monitoring growth and implementation plan. Director Schatte seconded the motion, which carried unanimously.

9. *Consideration of and possible action on the sale of District owned property located in Paige, Texas, including, but not limited to, retaining a real estate broker for the sale.* President Smith, Vice-President Rogers, Secretary-Treasurer Hernandez and Director P. Cook met with Shara Parker, a real estate broker, concerning the sale of the District's property located in Paige, Texas and also to purchase property if the decision is made to do so in the future. After Board discussion, Vice-President Rogers moved to sell the property located in Paige, Texas and retain real estate broker Shara Parker. Director H. Cook seconded the motion, which carried unanimously.

10. *Consideration of and possible action on a resolution adopting a Board travel policy.* President Smith led the discussion on a travel policy applicable only to Board Directors. After adoption, each director will sign the policy which will be effective May 20, 2022. There being no discussion, Director Cole moved to authorize a resolution adopting a Board travel policy. Secretary-Treasurer Hernandez seconded the motion, which carried unanimously.

11. *General Manager's Report.* President Smith next recognized General Manager Totten for presentation of the General Manager's report. Please see Attachment A.

Due to the public joining the meeting by zoom not having audio or video, the meeting could not continue and the remainder of the agenda not heard.

12. *Discussion and update from Legal Counsel regarding District contracting and the Professional Services Policy.* Meeting adjourned prior to this item.

13. *Discussion of Lost Pines Groundwater Conservation District legislation, related legislation and/or activities occurring that affect or pertain to the District and groundwater.* Meeting adjourned prior to this item.


14. *Consideration of, conferences, meetings and education opportunities Board members desire to attend.* Meeting adjourned prior to this item.

15. *Consideration of agenda items, calendar, events and announcements.* Meeting adjourned prior to this item.

16. *Executive session of the Board pursuant to Texas. Gov't Code section 551.071, or any closed session permitted by law, to consult with its attorney and seek advice regarding Item No. 5 above.* The Board did not go into executive session on any items.

President Smith adjourned the meeting at 7:56 p.m.

Approved:


Kathryn Rogers, Vice-President


Elvis Hernandez, Secretary-Treasurer

Lost Pines Groundwater Conservation District

Attachment A

P. O. BOX 1027
Smithville, TX 78957

MEMORANDUM

DATE: May 18th, 2022
TO: President and Board of Directors
FROM: General Manager & Staff
SUBJECT: May 2022 General Manager's Report

1. Statistics Exempt Wells:
LPGCD Form 100's Drilling Permits received
April 1st through April 30th 2022 (14)
LPGCD Form 300's Certificate of Registrations received
April 1st through April 30th 2022 (0)

Wells plugged: 0 Water quality test: 4 Wells gauged: 39

Drought Conditions: Approximately a third of Lee County and a half of Bastrop County are experiencing moderate drought conditions with the remainder of each county experiencing abnormally dry conditions. (Drought.gov)

1. The member District of GMA met on the 22nd of April at the POSGCD offices in Milano, TX. The meeting included presentation from Dr. Robert Mace regarding his latest works on groundwater sustainability. There were further discussions on data sharing between districts either through the creation of a shared database or through expanded use of existing TWDB resources. A follow up meeting was scheduled, posted and conducted on the 6th of May for the purpose of approving responses to questions raised by TWDB during the review of the explanatory report.
2. At the request of members of the board the assistant General Manager will deliver a brief update on his activities.
3. The District has received communications from TCEQ that indicate that the TWDB is taking longer to review and approve updates to District management plans than it has in the past. TCEQ recommended submitting updates to the management plan earlier than in previous rounds. Follow up communication with TWDB did not confirm the slower processing but did include some 'tips' to improve review and processing time. Based on these conversations it remains my recommendation that we pursue making the mandated changes to the management plan this year while working on a more extensive set of revisions that can be submitted after the update is approved.
4. This is placeholder item on the GM report for any further discussion of activities at the committee level.
5. Pending Permits:
 - i. None
6. Upcoming meetings
 - i. GMA 12, June 24th, 10 a.m. POSGCD Offices Milano, TX and online
 - ii. Region K, July 27th, 10 a.m. LCRA Dalchau Center Austin, TX

