

Lost Pines Groundwater Conservation District

Board of Directors Agenda Minutes

Wednesday, June 15, 2022

The Board of Directors convened at 7:09 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, Attorney and Andy Donnelly, Hydrogeologist.

1. President Smith called the meeting to order and welcomed the public.
2. *Public Comments.* The Board heard public comments. Lynn Collier, whose family has owned property in Bastrop County for 55+ years, reported to the Board that a well on her property had run dry. She also reported that there is new development and a proposed boring company in the vicinity of her property. She stated that General Manager Totten met with her to evaluate why the well had gone dry.
3. *Review and consider approval of the minutes of the May 18, 2022 regular Board meeting.* Director P. Cook, on agenda Item 2, suggested an amendment to the minutes to include the names of who spoke and a summary of comments made during Public Comments. On agenda Item 9, Director P. Cook suggested an amendment to the minutes to include possible future District purchases. Director P. Cook then moved to approve the minutes of the May 18, 2022 regular Board meeting with these changes. Director H. Cook seconded the motion, which carried unanimously.
4. *Consideration of the financial report through May 31, 2022.* General Manager Totten presented the financial report to the Board. Director Cole moved to accept the financial report as presented. Director Schatte seconded the motion, which carried unanimously.
5. *Discussion, consideration of and possible action on a resolution establishing a District Procurement Policy.* President Smith reported that the Board had received a memo from Attorney April Griffin concerning the procurement policy and that this had also been discussed in a meeting with the Governance Committee. The Board went into executive session at 7:22 p.m. on agenda items 5, 7 and 8. At the conclusion of the closed meeting, the Board went back into open meeting. The Board returned to open session at 8:18 p.m. Natasha Martin, Attorney, briefly covered the laws governing the District's procuring practices. Mrs. Martin then answered questions from the

Board. Director Cole moved to approve a resolution establishing a District Procurement Policy. Vice-President Rogers seconded the motion, which carried unanimously.

6. *Presentation by HALFF Associates, Inc. regarding a groundwater data management system.* David Coyer, Director of Software Development for HALFF Associates, Inc. gave an overview to the Board on the database services the company provides and the cost of a groundwater data management system. Mr. Coyer then answered questions from the Board.

7. *Discussion, consideration of and possible action on a proposal from HALFF Associates, Inc. to provide software services for a groundwater data management system as used by other groundwater conservation districts in GMA 12.* Director P. Cook moved to approve the HALFF Associates, Inc. proposal, and authorize President Smith to execute the HALFF contract, upon the condition that legal counsel review existing database service obligations and direct President Smith to sign if there are no conflicting obligations. Director Arsuffi seconded the motion with President Smith, Secretary-Treasurer Hernandez, Directors Arsuffi, Cole, P. Cook and H. Cook voting in favor and Vice-President Rogers, Directors Schatte, Sherrill and Simmang voting against. Motion carries.

8. *Discussion, consideration of and possible action on a Request for Qualifications to provide the District with geoscientific consulting services from a licensed professional geoscientist (hydrogeologist).* Natasha Martin, Attorney, explained to the Board that hydrogeology falls under the Texas Government Code, Chapter 2254, as one of the professional services required to go through the RFQ process. Director P. Cook asked Ms. Martin if the District's hydrogeology contract was in compliance with the state's procurement laws. Ms. Martin responded that there was no documentation to support that the state's procurement laws were followed for this contract. To ensure compliance with these laws, Ms. Martin recommended that the District issue a request for qualifications (RFQ) for a hydrogeologist. She also noted that the existing contract was more than five (5) years out of date. The Procurement Policy adopted under Item 5 recommends revisiting contracts every five (5) years. Director Cole moved to engage in the Request for Qualifications to provide the District with geoscientific consulting services from a licensed professional geoscientist (hydrogeologist). Secretary-Treasurer Hernandez seconded the motion, which carried unanimously.

9. *Discussion, consideration of and possible action on adding an additional designated meeting location in the District at the Bluebonnet Electric Cooperative in Bastrop, Texas.* Secretary-Treasurer Hernandez reported that Bluebonnet Electric Cooperative allows the public to use their meeting room with a one (1) year contract. The meeting space is not set up to have hybrid meetings. After Board discussion, Director Arsuffi moved to add Bluebonnet Electric Cooperative in Bastrop, Texas as an additional designated meeting location. Director Simmang seconded the motion, which carried unanimously.

10. *Consideration of and possible action on report by and contract with Negrete and Kolar Architects regarding architectural and related services in connection with a District office building project ("Office Building Project").* Director P. Cook, chair of the Infrastructure Committee, reported that the committee had met and unanimously recommend that the District

terminate the contract with Negrete & Kolar Architects. Vice-President Rogers moved to terminate the contract with Negrete & Kolar Architects. Director Cole seconded the motion, which carried unanimously.

11. *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 not met but Assistant General Manager Saenz has published a current newsletter.

b) *Financial Services Committee.* Secretary-Treasurer Elvis Hernandez reported that there was nothing new to report and are waiting on the draft interlocal agreement with Post Oak Savannah GCD from legal counsel. Ms. Martin reported that she will work with Post Oak Savannah GCD to meet and discuss a joint impacts study to assist with the interlocal agreement.

c) *Governance committee.* President Sheril Smith reported that the Governance Committee had met and requested from Bastrop and Lee Counties to consider right of way access for potential monitoring wells to be installed. The committee also discussed the Hydrogeologist RFQ, HALFF database, website update and the Paige property.

d) *Infrastructure Committee.* Director Phil Cook reported that the Infrastructure Committee had met and discussed the Negrete & Kolar contract, website and software.

e) *Management Committee.* Director Melissa Cole reported that the Management Committee had met and discussed draft rule changes, waste definition, vanity ponds, production caps, historical use and management plan revisions.

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

13. *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.

14. *Consideration of conferences, meetings and educational opportunities Board members desire to attend.* There will be a TAGD meeting September 1, 2022.

15. *Consideration of future agenda items, calendar and events.* The next regular board meeting will be held July 20, 2022 in Giddings, Texas.

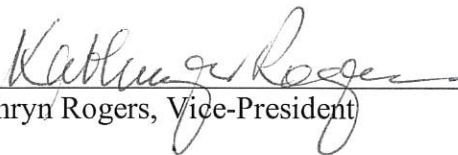
16. *Announcements.* President Smith announced that as the governing body of a political subdivision, Lost Pines GCD Board members do not and cannot endorse political candidates. President Smith also recognized Natasha Martin, Attorney, for receiving the Travis County Women Lawyer's Association 2022 Litigator Award.


17. *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.* The Board went into executive

session at 9:21 p.m. At the conclusion of the closed meeting, the Board went back into open meeting. The Board returned to open session at 9:55 p.m.

President Smith adjourned the meeting at 9:55 p.m.

Approved:


Kathryn Rogers, Vice-President


Elvis Hernandez, Secretary-Treasurer

Lost Pines Groundwater Conservation District

P. O. BOX 1027
Smithville, TX 78957

MEMORANDUM

DATE: June 15th, 2022
TO: President and Board of Directors
FROM: General Manager & Staff
SUBJECT: June 2022 General Manager's Report

1. Statistics Exempt Wells:
LPGCD Form 100's Drilling Permits received
May 1st through May 31st 2022 (12)
LPGCD Form 300's Certificate of Registrations received
May 1st through May 31st 2022 (0)

Wells plugged: 0 Water quality test: 3 Wells gauged: 10

Drought Conditions: Approximately ninety percent of Lee County and eighty five percent 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. The District General Manager has been invited to participate as a panelist at the TAGD summer conference. The panel is titled " Navigating the Journey To and Through a Contested Case Hearing" and will include Bill Hutchinson, Stacey Reece and Blayne Stansberry.
3. The District has begun the search for potential Carrizo monitoring wells in southern Bastrop County in the area likely to be impacted by production from the GBRA and ARWA projects in Caldwell County. This search will be a three pronged approach including fliers posted in the area, coordination with well drillers that commonly work in the area and targeted mailing to owners of registered wells that are in areas where specific data is needed.
4. Pending Permits:
 - i. Manville WSC has submitted an application for a no increase amendment to their existing Blue well field, located near Blue in Lee County, to add an additional well for backup and increased instantaneous production. This permit will likely be ready for consideration in July.
5. 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

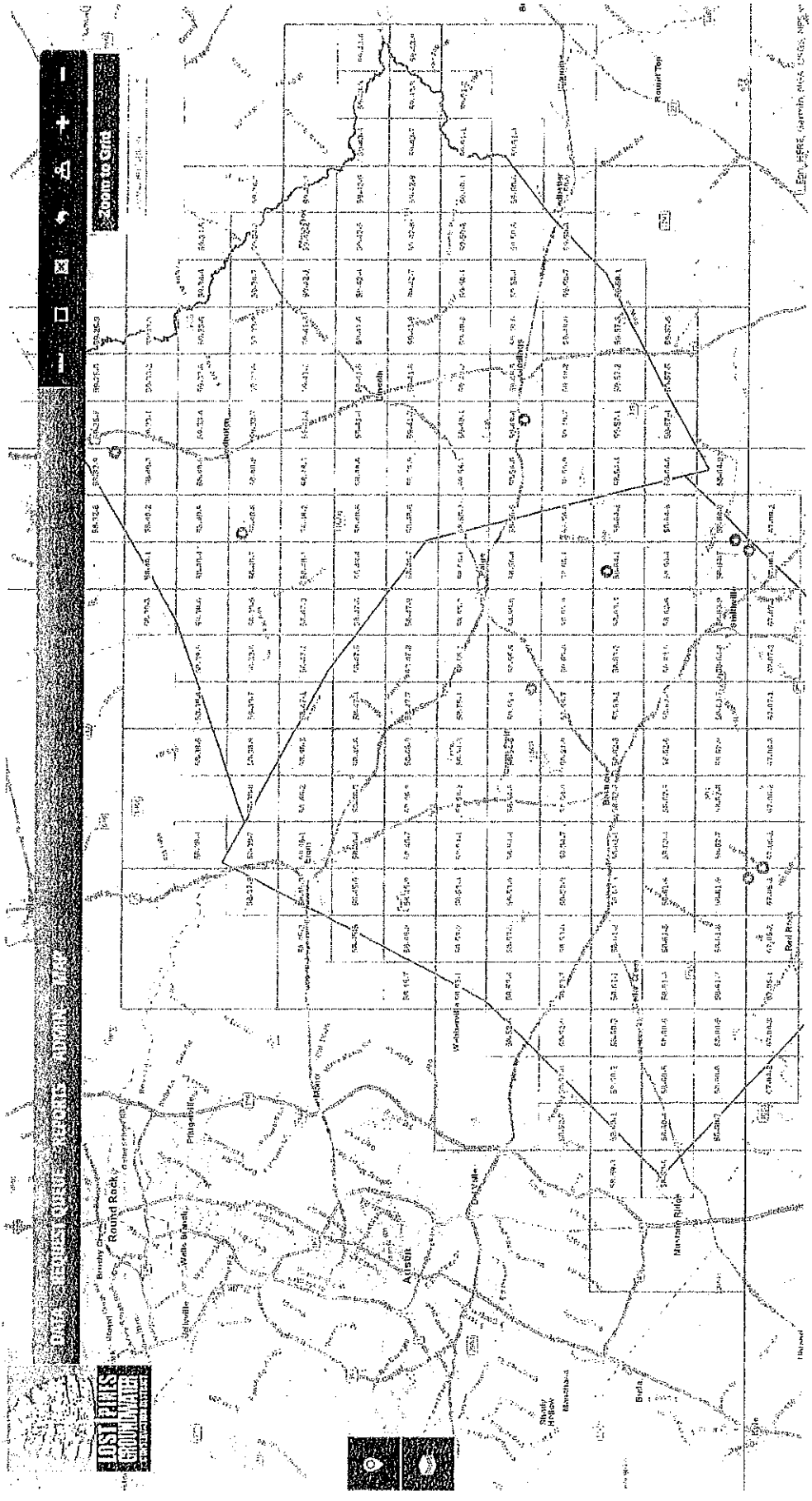
LOST PINES
GROUNDWATER
CORPORATION

DATE: 12/15/2011 10:00 AM
PROJECT: LOST PINES GROUNDWATER ADMIN. MAP

Zoom to Grid

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LEED 2009, GREENING THE GROWTH