

Lost Pines Groundwater Conservation District

Board of Directors Agenda Minutes

Wednesday, June 16, 2021

The Board of Directors convened at 7:02 p.m. in a meeting pursuant to public notice having been given, at Aqua Water Supply Corporation, Bastrop, Texas. 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, Billy Sherrill and Carl Steinbach.

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

Consultant's present: Matt Kutac, Attorney; Andy Donnelly, Hydrogeologist.

1. President Talbot called the meeting to order.
2. Welcome and introductions.
3. *Public Comments.* There were no comments from the public. Director Steinbach addressed the Board prior to commencement of the remainder of the agenda to express frustration with the timeliness of written materials that he received immediately prior to the meeting. Director Steinbach requested that an item be placed on a future agenda to address such matters.
4. *Review and approval of the minutes of the May 19, 2021 regular Board meeting.* Director P Cook moved to approve the minutes of the May 19, 2021 regular Board meeting. Director Rogers seconded the motion, which carried unanimously. Director Fleming abstained. Director P Cook asks that in the future that all names of those who speak be included in the minutes.
5. *Review and approval of the minutes of the May 26, 2021 special Board meeting.* Director Steinbach moved to approve the minutes of the May 26, 2021 special Board meeting. Director Rogers seconded the motion, which carried unanimously. Director P Cook abstained.
6. *Consideration of the financial report for the period of May 1, 2021 through May 31, 2021.* Director Steinbach moved to accept the financial report as presented by General Manager Totten. Director P Cook seconded the motion, which carried unanimously.
7. *Consideration and possible action on adopting guidance to post audio or video minutes online within 72 hours of the meeting.* Vice-President Smith explained the request to have audio or video posted online within a certain amount of time and asked questions of General Manager Totten. Director P Cook then brought up his concern that not everyone may be able to hear those speaking and inquired if the District had an audio system. General Manager Totten confirmed the District does have a PA system. President Talbot stated that the system be brought to each meeting. After Board discussion, Vice-President Smith moved to approve posting audio or video on the District's

website within three (3) business days of the meeting. Director P Cook seconded the motion, which carried with Director Fleming opposed.

8. *Consideration of and possible action on amendments to the District budget to establish a mitigation fund, and creation of a well assistance program for well owners in the District.* General Manager Totten will bring a budget amendment to the Board for approval at the next scheduled Board meeting with a line item on the financial report for the mitigation fund.

9. *Public hearing regarding the application of Manville Water Supply Corporation for operating permits for two wells located in Lee County under District Well Nos. 58 39 6 0019 (Well No. 1); 58 39 6 0020 (Well No. 2) in the Hooper Aquifer to withdraw no more than 564 acre-feet of water per year from each well, with a total production of 1,128 acre-feet of water per year combined from the two wells, to be used for municipal purposes in the Manville Water Supply Corporation Service Area in Lee County (the "Manville Water Supply Corporation Applications").* Matt Kutac, Attorney, addressed the Board concerning a letter from Environment Stewardship and SAWDF and the contested case filed by the City of Hutto. Andy Weir with SAWDF, addressed the Board concerning a mistake that was in the letter sent to the District. At 7:52 p.m., President Talbot opened the public hearing. Jack Atterstrom, President of the Manville WSC Board and Tony Graf, General Manager of Manville WSC addressed the Board and answered questions from the Board. General Manager Totten then spoke to the Board on the Manville permits and answered questions. The Board then heard public comment from Andy Weir with SAWDF. Andy Donnelly, hydrogeologist, answered questions from the Board. Director P. Cook then moved to continue the public hearing to the next scheduled regular Board meeting. Director Fleming seconded the motion, which carried unanimously.

10. *Consideration of and possible action on the request for operating permits in the Manville Water Supply Corporation applications.* Director Fleming moved to table this agenda item. Vice-President Smith seconded the motion, which carried unanimously.

11. *General Manager's Report.* President Talbot next recognized General Manager Totten for presentation of the General Manager's report. General Manager Totten stated that 13 new wells were being drilled in the District in the month of May. Of those wells, 12 were domestic with 2 of those in Lee County and 10 in Bastrop County. There was one test well to be drilled in Lee County. General Manager Totten reported that Greg Ellis is working with Robert Mace at Texas State University on a proposed groundwater study evaluating the accuracy of testimony provided by hydrogeologists in a permit issue in Gonzales County. General Manager Totten sought Board guidance on scheduling the DFC hearing for either late July or August. Director Rogers suggested considering dates in early August. Director P Cook requested that the hearing be scheduled closer to the August Board meeting. The only upcoming meeting is the GMA 12 meeting to be held June 24, 2021 at the Post Oak Savannah GCD offices in Milano, Texas. This meeting can be attended in person or virtually.

12. *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 legislative report given.

13. *Consideration of a Board workshop, conferences, meetings and education opportunities Board members desire to attend.* There were none at this time.

14. *Consideration of agenda calendar and events.* The LCRA hearing will be held July 14, 2021 at the Bastrop Convention Center. The next regular Board meeting will be held July 21, 2021 at Giddings Public Library, Giddings, TX.

At 8:40 p.m., the Board took a recess. The Board returned from recess at 8:47 p.m.

15. *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 the following item.*

- a) *Consultation with attorneys 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. 5833122, 5933123, 5933217, 5933409, 5933411, 5933412, 5933413, 5933504, and 5933505 from the Simsboro aquifer located in Alee 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.*

The Board went into executive session at 8:49 p.m. At the conclusion of the closed meeting, the Board went back into open meeting at 9:12 p.m. President Talbot announced that no action had been taken.

President Talbot adjourned the meeting at 9:13 p.m.

Approved:



Michael Talbot, President



Michael Simmang, Secretary-Treasurer