

## Lost Pines Groundwater Conservation District

### Board of Directors Agenda Minutes

Wednesday, July 27, 2021

The Board of Directors convened at 7:01 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; Secretary-Treasurer Michael Simmang; Directors: Herbert Cook, Phil Cook, David Fleming, Kay Rogers, Larry Schatte and Billy Sherrill.

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

Consultant's present: Natasha Martin, 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 on items not posted on the agenda.
4. *Reconsideration of and possible action regarding the Board's July 21, 2021 decisions on (i) GateHouse Water, LLC's submission to demonstrate compliance with Special Condition No. 8 of the 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"), (ii) the request of GateHouse Water LLC for a no-increase amendment to Special Condition No. 8 of the GateHouse Permits ("GateHouse Amendment Request"), 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.* Natasha Martin, Attorney, explained to the Board that the agenda item was up for reconsideration to correct an issue with public comment at the July 21, 2021 Board meeting. President Talbot then called for public comments. The Board heard public comments from Lee Kelley, Central Texas Water Supply Corporation, and Gary Brown, landowner. The Board heard a presentation from Ed McCarthy, Attorney for GateHouse Water. Mrs. Martin, District Counsel, then recommended that the Board rescind their July 21, 2021 decisions to clear the record on the three GateHouse (3) items to be reconsidered. Director Fleming, after accepting a friendly amendment from Director Rogers, moved to rescind the actions taken by the Board at the July 21, 2021 Board meeting to remove the prior Board actions from the record and correct the public comment issue. Director Rogers seconded the motion. Directors Fleming, Rogers and P. Cook voted in favor of the action with Secretary-Treasurer Simmang and Directors Schatte and Sherrill voting against. Motion fails. The Board went into executive session at 7:59 p.m. At the conclusion of the closed meeting, the Board went back into open meeting at 8:33 p.m. The Board took up the items separately. President Talbot called for a motion on (4)(i). Secretary-Treasurer Simmang moved that GateHouse failed to comply with Special Condition No.

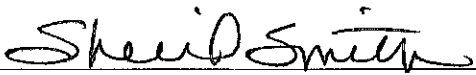
8. Director P. Cook seconded the motion, which carried unanimously. (4)(ii) Secretary-Treasurer Simmang moved to deny the request of GateHouse for a no-increase amendment to Special Condition No. 8. Director P. Cook seconded the motion, which carried with six (6) in favor and Director Fleming voting against. (4)(iii) Director Rogers moved to deny the request to modify the 2016 Monitoring Well Agreement applicable to the GateHouse permits. Secretary-Treasurer Simmang seconded the motion, which carried with six (6) in favor and Director Fleming voting against. Director H. Cook was recused from this agenda item.

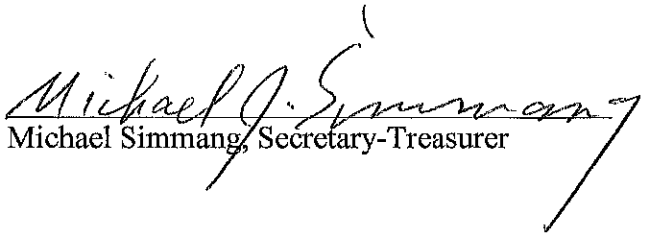
5. *Executive session of the Board pursuant to Tex. Gov't Code section 551.071, or any closed session permitted by law, to consult with its attorneys and seek advice regarding the following item.*

a) *Item 4, Consultation with Attorneys regarding the above posted items related to the GateHouse Permits.*

President Talbot adjourned the meeting at 8:43 p.m.

Approved:

  
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Sheril Smith, President

  
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Michael Simmang, Secretary-Treasurer