

## Lost Pines Groundwater Conservation District

### Board of Directors Agenda Minutes

Thursday, August 19, 2021

The Board of Directors convened at 7:03 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; Vice-President Sheril Smith; Secretary-Treasurer Michael Simmang; Directors: Herbert Cook, Phil Cook, David Fleming, Kay Rogers, Larry Schatte, Billy Sherrill and Carl Steinbach.

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

Consultant's present: Natasha Martin, Attorney.

1. President Talbot called the meeting to order.
2. Welcome and introductions.
3. *Public Comments.* The Board heard comments from the public on non-agenda items.
4. *Consideration of and possible action to rescind the District Board's July 21, 2021 decisions on GateHouse Water, LLC's Operating Permits for District Well Nos. 5933122, 5933123, 5933217, 5933409, 5933410, 5933411, 5933412, 5933413, 5933504 and 5933505.* Natasha Martin, District Counsel, explained the reason for this agenda item and recommended to the Board that the three decisions made on July 21, 2021 on GateHouse Water, LLC's Operating Permits be rescinded. Director H. Cook was recused from this agenda item. Secretary-Treasurer Simmang moved to rescind the District Board's July 21, 2021 decisions on GateHouse Water, LLC's Operating Permits for District Well Nos. 5933122, 5933123, 5933217, 5933409, 5933410, 5933411, 5933412, 5933413, 5933504 and 5933505. Director Schatte seconded the motion, which carried unanimously.
5. *Consideration of and possible action on findings of fact and conclusions of law related to the District Board's July 21, 2021 and/or July 27, 2021 decisions on GateHouse Water, LLC's Operating Permits for District Well Nos. 5933122, 5933123, 5933217, 5933409, 5933410, 5933411, 5933412, 5933413, 5933504 and 5933505.* Natasha Martin, District Counsel, gave an overview of this agenda item. GateHouse requested Findings of Fact and Conclusions of Law on Board decisions made on the GateHouse Water, LLC's Operating Permits at the July 21, 2021 and July 27, 2021 Board meetings. The decisions made on July 21, 2021 were rescinded so there was no need to adopt Findings of Fact and Conclusions of Law for them. The Board considered adopting Findings of Fact and Conclusions of Law on three decisions made at the July 27<sup>th</sup> Board Meeting on the GateHouse Water, LLC's Operating Permits. Director H. Cook was recused from this agenda item. Director Fleming moved to adopt the first Order Adopting Findings of Fact and

Conclusions of Law on GateHouse Water, LLC's Submission to Comply with Special Condition No. 8 of the Operating Permits. Director Rogers seconded the motion, which carried unanimously. Secretary-Treasurer Simmang moved to adopt the second Order Adopting Findings of Fact and Conclusions of Law on GateHouse Water, LLC's application to Amend Special Condition No. 8 of the Operating Permits. Director P. Cook seconded the motion which carried with seven (7) in favor and Director Fleming voting against. Vice-President Smith moved to adopt the third Order Adopting Findings of Fact and Conclusions of Law on GateHouse Water, LLC's Request to Authorize the General Manager to Finalize an Amendment to the Monitoring Well System Construction and Maintenance Agreement. Director Rogers seconded the motion, with seven (7) in favor and Director Fleming voting against.

6. *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) *Items 4 and 5, Consultation with Attorneys regarding the above posted items related to the GateHouse Water, LLC Permits.*

The Board did not go into executive session.

President Talbot adjourned the meeting at 7:40 p.m.

Approved:

  
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Sheril Smith, President

  
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Michael Simmang, Secretary-Treasurer