

# POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT

## Board of Directors Meeting

### POSGCD District Offices

310 East Avenue C

Milano, TX 76556

October 13, 2020 – 5:30 p.m.

## MINUTES

### Directors Present

Sidney Youngblood- in person  
Lee Alford- in person  
Becky Goetsch- in person  
Steven Wise- via online  
Dana McClaren- via phone  
Bob Wilson- via online  
Tommy Tietjen- via online  
Ed Savage- via phone  
Ward Roddam – via online  
Jay Wilder – via phone

### Directors Absent

None

### Staff Present

Gary Westbrook- in person  
Doug Box- in person  
Bobby Bazan- via online  
Elaine Gerren- via online

### Others Present

All via online or phone  
Liz Ferry  
Steve Young  
Paul Terrill  
James Bene`  
Barbara Boulware-Wells  
Ross Cummings  
Liz Ferry  
Jaelyn Robertson  
Shan Rutherford  
Amy Hinnant  
Stefan Schuster  
Blair Parker  
Bob Harden

### Entity

R.W. Harden & Associates  
Intera  
Terrell & Waldrop  
R.W. Harden & Associates  
The Knight Law Firm, LLP  
Blue Water  
R.W. Hardin & Associates  
Agrilife  
Terrell & Waldrop  
Burleson County Landowner  
EPCOR  
SAWS  
Harden Hydrology, LLC

## **Board Meeting**

President Youngblood welcomed everyone and thanked them for their attendance. He stated the meeting was being recorded and the recording would be available on the District's website.

### **1. Pledge of Allegiance**

Becky Goetsch led the pledges to the flags of the United States and Texas.

### **2. Invocation**

Gary Westbrook gave the invocation.

### **3. Call to Order and establish quorum**

The board meeting was called to order at 5:34 p.m. by President Sidney Youngblood. He proceeded to call the roll of the Board and he declared a quorum had been established, with directors verified by general counsel and staff to be in attendance either in person, by telephone or online.

### **4. Public Comment**

President Youngblood asked General Manager, Gary Westbrook if anyone had requested to speak under this agenda item. GM Westbrook stated he had received no requests to speak. President Youngblood invited public comment from anyone online. No public comment was requested.

### **5. Minutes of September 8, 2020 Board Meeting**

After brief discussion, a motion was made by Director Lee Alford to approve the minutes of September 8, 2020. The motion was 2<sup>nd</sup> by Director Becky Goetsch. The motion passed unanimously.

### **6. Request of Extension for time to complete 2019 Conservation Grants**

GM Westbrook stated that 3 entities have come near completing the 2019 Grants but will not be complete within the required time. These 3 have asked for extensions.

#### **a. Birch Creek Rec**

After discussion by the Board a motion was made by Director Tommy Tietjen to grant Birch Creek Rec. an extension for 6 months. The motion was 2<sup>nd</sup> by Director Bob Wilson. The motion passed unanimously.

#### **b. Deanville WSC**

A motion was made by Director Tietjen to grant Deanville WSC an extension for 6 months. The motion was 2<sup>nd</sup> by Director Wilson. The motion passed unanimously

#### **c. Tunis WSC**

Director Ed Savage stated he would be abstaining from discussion and voting on the request from Tunis WSC. A motion was made by Director Lee Alford to grant Tunis an extension for 6 months. The motion was 2<sup>nd</sup> by Director Tietjen. The motion passed 9 to 1 with Director Savage abstaining from discussion and voting.

### **7. Review of 2020 Budget**

GM Westbrook provided an overview of the 2020 budget to date, with explanations of items where the budget may be exceeded. He stated that he will not be asking for amendments at this time but will return with those recommendations at the November meeting. After brief discussion, no action was taken.

### **8. Review of First Draft of 2021 Budget**

General Manager Westbrook provided an overview of the draft 2021 Budget. He stated the Advisory Committee had reviewed this budget and desired it to be discussed at this meeting. He stated there were some items that will need to be reviewed and updated by the Advisory Committee before it is posted for public hearing to be considered by the Board for adoption at the November meeting. A motion was made by Director Ward Roddam to empower the Advisory Committee to complete work on the 2021 Budget and post the Budget for public hearings at the November Board Meeting. The motion was 2<sup>nd</sup> by Director Jay Wilder. The motion was approved unanimously.

## **9. Report from Rules Committee**

### **a. Discussion of possible draft language in Rule 7.8, Amendment of a Permit**

President Youngblood recognized Director Goetsch, chair of the Rules Committee, to discuss this item. Director Goetsch asked GM Westbrook to outline the issue. Mr. Westbrook reviewed the issue of dealing with a dispute over property rights in groundwater, and the process followed to date. He stated this draft language is an attempt to address this process and formalize it in the Rules. He stated the Rules Committee recommends this language be set for Public Hearings. After brief discussion, a motion was made by Director Goetsch for this language be set for Public Hearings. The motion was 2<sup>nd</sup> by Director Alford. The motion carried unanimously.

### **b. Consideration to possible future amendments to Rule 13**

GM Westbrook stated that there have been discussions by the Rules Committee to add additional language to the Rules dealing with the definition of waste and beneficial use. He asked Barbara Boulware-Wells to briefly discuss the draft language, and she did. GM Westbrook stated the Rules Committee wanted this item on the agenda to advise the Board and public of efforts to date concerning this issue and is not asking this language to be posted for hearings at this time. After brief discussion, no action was taken.

## **10. Report from DFC Committee: Evaluation of Compliance with Desired Future Conditions (DFC's) And Protective Drawdown Limits (PDL's)**

President Youngblood recognized Director Steven Wise, DFC Committee chair, who introduced this subject and asked Dr. Steve Young with Intera to lead this discussion. Dr. Young gave a presentation titled, "Update on Compliance with Desired Future Conditions (DFCs) and Protective Drawdown Limits (PDLs)". GM Westbrook reminded all that the District is performing and evaluating studies on the impacts seen in the Sparta Aquifer as required by the Rules. After brief discussion, no action was taken.

## **11. Joint Planning process and Desired Future Conditions, groundwater resources in the District, and future process for evaluating District DFC's for Drawdown Groundwater Management Area 12 and Groundwater Management Area 8**

GM Westbrook provided an update on GMA 8 and GMA 12. He stated that GMA 12 has submitted improvements to the Central Carrizo-Wilcox Queen City/Sparta Groundwater Availability Model (GAM) as part of an update, and the update has been set for public comment by the Texas Water Development Board. He also stated the updated GAM should be available for use in the next set of model runs to be considered. He stated both GMA 12 and GMA 8 have covered 6 of the 9 items that must be considered in the adoption of DFCs. The next meeting for GMA 12 will be October 22, and for GMA 8 will be October 27. Agendas and information are available on the District's website. No action was taken.

## **12. Adopt Resolution for bank signatures**

GM Westbrook stated that former Director Chris Whittaker, after submitting his resignation, will need to be removed from the banking signature cards. He presented and read a resolution to release him of his duties. After discussion by the Board a motion was made by Director Goetsch to adopt the resolution. The motion was 2<sup>nd</sup> by Director Alford. Director Wise abstained from discussion and voting. The motion passed unanimously with one abstention.

## **13. Consider updates to District Website**

GM Westbrook stated that we are at the end of life expectancy for our current website. We have estimates from our current website consultant to replace our current website with a new site that will cost approximately \$12,000. Doug Box, Education Coordinator, explained the situation more thoroughly and noted estimates from other sources which were \$20,000 to \$24,000 for the same work. He stated our current consultant, iWebcrafter, is willing to do a completely new website and can have this completed in 30 days. He also stated that updating it at this time is recommended to prevent any loss of service. After discussion, a motion was made by Director Wilson to ask for a formal contract to be reviewed by the General Manager and our General Counsel and then submitted to the Advisory Committee for approval and execution not to exceed \$13,000. The motion was 2<sup>nd</sup> by Director Alford. The motion carried unanimously.

**14. Report on recent activities of groundwater level monitoring from Water Resource Management Specialist**

A presentation was given by Bobby Bazan, Water Resource Manager, with updates on the monitoring network. Bobby Bazan stated the Fall measurement campaign has begun and that we have collected water level measurements from 122 wells to date, with the balance to be completed soon.

**15. Review of Recent Education Efforts and Activities**

Education Coordinator Doug Box provided an update on the District's educational efforts. We are working with a new company to send out the water conservation packets to the schools. Rainwater Harvesting classes are being held virtually and will be scheduled through early spring. The website has average daily views of 76 and average new visitors of 19 for last month.

**16. Update and status of discharge of water by San Antonio Water Systems into Mud Creek**

GM Westbrook provided a timeline of events that have transpired. He stated that we had filed comment with TCEQ and had received response from them, and those responses and all correspondence for this issue are current on our website at <https://posgcd.org/vista-ridge-discharge/>. We are anticipating to hear from TCEQ in the future. We have received confirmation that we have been approved to go to the SAWS office October 29<sup>th</sup> and October 30<sup>th</sup> to review documents. GM Westbrook and Barbara Boulware-Wells will review the documents together and will return results to the Board.

**17. Receive report from District Manager on recent District activities and take appropriate actions.**

**A. Permit applications filed with the District and Hearing Dates; Emergency Permits Granted**

GM Westbrook stated that there were no applications received which require a hearing and no emergency applications granted.

**B. Well Drilling activities: registrations, applications, completions, plugging, inspections**

GM Westbrook stated that there were 15 registrations, 10 new applications, 14 well completions, 2 wells plugged, and 0 well inspection.

**C. Recent and future District presentations and activities**

**1. Notice of Rules Violation and enforcement action**

GM Gary Westbrook stated that one small business in our District with a Historic Use permit to produce less than 10-acre feet per year had reported production during 2019 in excess of that amount. District staff reviewed the issue with the permit holder to verify the reported production was correct and the applicable Rules for administrative fines. The permit holder has paid the fine for over production.

**2. Office staffing, protection of staff and public, social distancing**

GM Gary Westbrook stated that staff is still social distancing and that we continue to service the public with continuing to maintain social distancing guidelines while alternating staff in the office, as well as working remotely.

**3. Posting of Field Technician Position**

GM Westbrook stated District Field Tech Ralph Sifuentes had submitted his retirement notice and will be leaving the District October 31, 2020. He stated the District has posted notice to receive applications for that position in local newspapers and on the District's website. President Youngblood and members of the Board expressed deep appreciation to Mr. Sifuentes for his services to the District. GM Westbrook stated he will bring a recommendation to the Advisory Committee to fill this position as soon as appropriate.

**4. Discuss possible term limits for officers of Board**

President Youngblood introduced this subject and stated he had discussed this with the Advisory Committee with the basis of this idea being to provide the best processes within the District to train persons for leadership positions. GM Westbrook stated that District General Counsel is willing to do some investigations to see if other councils or boards have any qualifications for certain committees or positions in place. Director Alford expressed concerns about term limits. Director Wise stated that there are pros and cons to this, and the focus is on developing new ideas and new leadership which might prevent the same way of thinking. President Youngblood asked if there was any other discussion. None was offered so he asked the Board members to continue to consider this item for discussion at a future meeting. No action was taken.

**18. Bills received, current financial status, Investment Officer Report.**

After discussion by the Board, a motion was made by Director Goetsch to approve the bills and current financial statement. The motion was 2<sup>nd</sup> by Director Wilder. The motion passed unanimously.

**19. Dates, locations, and times of future meetings**

The next meeting will be November 10, 2020 @ 5:30 at the District Offices and held virtually. President Sidney Youngblood again extended a thank you to Mr. Ralph Sifuentes for his services to the District.

**20. Adjourn Board Meeting**

A motion was made by Director Alford to adjourn the meeting at 7:16 p.m.

**THE ABOVE MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS OF THE POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT HELD ON OCTOBER 13, 2020 WERE APPROVED AND ADOPTED BY THAT BOARD ON NOVEMBER 10, 2020.**

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Sidney Youngblood, President

**Attest:**

\_\_\_\_\_  
Gary Westbrook, Assistant Board Secretary

Date \_\_\_\_\_