

LONE STAR GROUNDWATER CONSERVATION DISTRICT

January 15, 2019

MINUTES OF WORK SESSION MEETING

The Board of Directors of the Lone Star Groundwater Conservation District (“District”) met in regular session, open to the public, in the Lone Star GCD - James B. “Jim” Wesley Board Room located at 655 Conroe Park North Drive, Conroe, Texas, within the boundaries of the District on January 15, 2019.

CALL TO ORDER:

President Melder presided and called to order the regular Board of Directors meeting at 1:04 PM, announcing that it was open to the public.

ROLL CALL:

The roll was called of the members of the Board of Directors, to wit:

Jon Paul Bouché
Harry Hardman
Webb Melder
Jonathan Prykryl
Larry A. Rogers
Jim Spigener
Stuart Traylor

All members of the Board were present, with the exceptions of Director(s) Spigener, thus constituting a quorum of the Board of Directors. Also, in attendance at said meeting were Kathy Turner Jones, General Manager; Samantha Reiter, Assistant General Manager; Stacey V. Reese, District Counsel; District staff; and members of the public. *Copies of the public sign-in sheets and comment cards received are attached hereto as Exhibit "A".*

PRAYER & PLEDGES OF ALLEGIANCE:

President Melder called on Director Bouché, for the opening prayer and Director Hardman to lead the Pledge of Allegiance and the Pledge of Allegiance to the state flag.

PRESENTATION BY BOB HARDEN AND MIKE THORNHILL REGARDING THE HYDROGEOLOGY FOR MONTGOMERY COUNTY, THE DISTRICT’S MANAGEMENT PLAN, JOINT PLANNING AND/OR DESIRED FUTURE

CONDITIONS AND DISCUSSION REGARDING SAME:

Bob Harden, District Hydrogeologist, and Mike Thornhill, P.G. of Thornhill Group paired to give a presentation, “Groundwater Conditions in Montgomery County – *Implication for LSGCD Management Plan, GMA 14 Joint Planning and LSGCD Regulations*”. Mr. Harden gave a history for the basis of the LSGCD recharge calculation and District Regulatory Plan and further explained how dipping artesian aquifers work.

Mr. Thornhill discussed the history of GMA 14 Joint Planning Round #2. He emphasized that the Texas Water Development Board says that pumping rates are not DFCs (Desired Future Conditions) rather they are aquifer conditions. The presentation included model data used previously in GMA 14 Joint Planning. Director Hardman asked if the model runs had projected Montgomery County population growth and if a worse-case scenario was discovered. Mr. Harden said that it would be difficult to calculate all the worse-case scenarios and confirmed the model runs did include projected population growth, but only for the current planning period.

Other topics presented included history on the LSGCD DFC petition that was filed, subdivision of reservoirs, a history on groundwater ownership and rights and Chapter 36 of the Texas Water Code.

To conclude the presenters gave recommendations to the LSGCD Board, listed below:

Recommendation #1

- Within GMA 14, identify and delineate the boundary of each “common, subsurface reservoir” for the purpose of adopting a DFC.
- Can create a clear road map for the rest of the LSGCD regulatory program

Recommendation #2

- Consider a storage depletion DFC rather than one based on artesian pressure.
- For any common reservoir where subsidence is of concern, consider an appropriate DFC.

Recommendation #3

- Create monitoring programs to measure aquifer conditions and perform periodic analyses to demonstrate the status of achieving each DFC adopted.
- If analyses indicate that aquifer trends are unlikely to achieve the DFC, then have a hearing process to conduct a DFC review hearing.

Recommendation #4

- For each identified common reservoir, pass well spacing rules and/or production rules as authorized in Chapter 36.116.
- If needed to achieve DFCs, modify production rules, as warranted, for each owner of the common reservoir.

Director Spigener joins meeting at 1:11 PM.

President Melder called a 15-minute recess from 2:15 PM – 2:30 PM. Meeting reconvened at 2:31 PM

DISCUSSION REGARDING THE JANUARY 30, 2019 MEETING OF GROUNDWATER MANAGEMENT AREA 14 (GMA14):

Vice President Hardman presided over this item as President Melder exited meeting from 2:31-2:33 PM. After some discussion and input from Bob Harden, concern was voiced in protection of personal property rights and balancing the rules between the groundwater districts. Director Hardman will be working with District consultants on a statement to be presented at the GMA 14 meeting on January 30, 2019.

DISCUSSION REGARDING HOUSE COMMITTEE ON NATURAL RESOURCES’ “INTERIM REPORT TO THE 86TH LEGISLATURE” DATED DECEMBER 2018, THE SENATE COMMITTEE ON AGRICULTURE, WATER AND RURAL AFFAIRS’ “INTERIM REPORT TO THE 86TH LEGISLATURE” DATED DECEMBER 2018, GROUNDWATER BILLS, AND DISTRICT’S RFQ FOR A LOBBYIST:

President Melder asked Directors to review both reports in order to discuss drafting a response back to the committees at the next scheduled meeting.

RECESS AND EXECUTIVE SESSION:

After a proper and legally sufficient announcement to the public by President Melder, the Board of Directors recessed into a Closed Executive Session at 2:45 PM pursuant to Texas Government Code, Sections 551.071, to consult with the District’s attorney regarding pending or contemplated litigation, a settlement offer and/or a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act, Chapter 551, Government Code.

RE-CONVENE OPEN ACTION MEETING AT 4:00 P.M.

CALL TO ORDER:

President Melder reconvened the Special Board of Directors meeting and called to order the open action meeting at 4:00 PM, announcing that it was open to the public.

ROLL CALL:

The roll was called of the members of the Board of Directors, to wit:

Jon Paul Bouché
Harry Hardman
Webb Melder
Jonathan Prykryl
Larry A. Rogers
Jim Spigener
Stuart Traylor

All members of the board were present, thus constituting a quorum of the Board of Directors. Also, in attendance at said meeting were Kathy Turner Jones, General Manager; Samantha Reiter, Assistant General Manager; Stacey V. Reese, District Counsel; District staff; and members of the public.

PRAYER & PLEDGES OF ALLEGIANCE:

President Melder called on Director Traylor for the opening prayer and Director Hardman to lead the Pledge of Allegiance and the Pledge of Allegiance to the state flag.

APPROVAL OF THE MINUTES:

President Melder stated the Board would consider the meeting minutes as listed for approval on today's agenda. Without further discussion, upon a motion by Director Hardman seconded by Director Prykryl, the board approved the meeting minutes as presented.

- a) January 9, 2019, Special Board Meeting
- b) January 9, 2019, Public Hearing on Permit Applications
- c) January 9, 2019, Regular Board of Directors Meeting

CONSIDER AND TAKE ACTION AS NECESSARY REGARDING DESIRED FUTURE CONDITIONS, MANAGEMENT PLAN, AND JOINT PLANNING:

Director Bouché motioned that there be no action taken at this time. Director Rogers seconded. Motion passed.

CONSIDER AND TAKE ACTION AS NECESSARY TO AUTHORIZE AND APPROVE FORMAL STATEMENT TO MEMBERS OF GMA14 ON BEHALF OF LSGCD:

Director Hardman motioned that no action be taken at this time. Director Spigener seconded. Motion passed.

CONSIDER, AND TAKE ACTION AS NECESSARY TO APPROVE COMMUNICATION TO THE HOUSE COMMITTEE ON NATURAL RESOURCES IN RESPONSE TO THE "INTERIM REPORT TO THE 86TH LEGISLATURE" DATED DECEMBER 2018 AND/OR THE SENATE COMMITTEE ON AGRICULTURE, WATER AND RURAL AFFAIRS' "INTERIM REPORT TO THE 86TH LEGISLATURE" DATED DECEMBER 2018:

Director Rogers motioned that no action be taken at this time. Director Traylor seconded. Motion passed.

CONSIDER AND TAKE ACTION AS NECESSARY REGARDING THE DISTRICT'S RFQ FOR A LOBBYIST:

At this time, President Melder invited public comments.

John Wertz, resident, spoke out against taxpayer lobbyist for the District. He said that District should use local representatives, attorney and staff to monitor legislative bills.

Kelli Cook, resident, also urged the Board to reject taxpayer-funded lobbyists and consider using volunteer services as a watchdog for the District. She prompted directors to stay committed to the mission and campaign platform that each director ran on.

Bob Bagley, resident of Chateau Woods, voiced his disagreement in hiring a lobbyist. He suggested the use of staff, hire a “watchdog” or use assistance from the community to monitor Texas Senate and House bills.

Eric Yollick, resident, added his strong opposition to hiring a lobbyist for the District.

Each director responded to this item. Directors Melder, Hardman and Traylor discussed the merit in hiring a legislative representative to get legislation passed to fix the water code. Directors Rogers and Spigener advocated for more of a “watchdog” approach while Directors Prykryl and Bouché were against the district hiring anyone and suggested staff be tapped to fulfill the responsibility of monitoring bills filed in Austin.

Director Spigener motioned that the Board take no action in hiring a lobbyist at this time. Director Traylor seconded. The motion passed.

DISCUSS, CONSIDER, AND TAKE ACTION AS NECESSARY TO EFFECTUATE COMPLETE TERMINATION OF SLEDGE LAW GROUP PLLC’S SERVICES FOR THE DISTRICT:

Director Spigener motioned to authorize the General Manager to send a letter to Sledge Law Group PLLC to officially terminate services and request all LSGCD related documents. Director Bouché seconded. The motion passed.

DISCUSS, CONSIDER, AND TAKE ACTION AS NECESSARY REGARDING PENDING LITIGATION BY CITY OF CONROE ET AL. V. LONE STAR GROUNDWATER CONSERVATION DISTRICT (AND THE DISTRICT’S DIRECTORS AND GENERAL MANAGER IN THEIR OFFICIAL CAPACITIES), INCLUDING WITHOUT LIMITATION SETTLEMENT OFFERS:

After some discussion, Director Hardman motioned that the Board take no action on this item. Director Traylor seconded. Motion passed.

NEW BUSINESS:

President Melder recognized Simon Sequeira of Quadvest to address the Board in support of agenda item 17 and the termination of Sledge Law Group. In closing, Mr. Sequeira added his encouragement in support of the District hiring a lobbyist, emphasizing it is a team effort.

President Melder set the next meeting for Tuesday, January 22nd at 6:00 PM and noted it would include an Executive Session. It was requested that item #6 from this meeting's agenda would be placed on next week's agenda. Director Rogers suggested that USGS services and agreement be reviewed by our hydrogeology consultants and asked they report back findings to District. Director Hardman recognized President Melder's milestone birthday.

ADJOURN:

There being no further business, upon a motion made by Director Hardman and seconded by Director Spigener, the meeting was adjourned at 4:49 PM.

PASSED, APPROVED, AND ADOPTED THIS 22nd DAY OF JANUARY 2019.



Stuart Traylor, Board Secretary



SIGN IN SHEET

January 15, 2019
Work Session – 1 PM & 4 PM

Do you wish to speak on an agenda item?	NAME	CITY, STATE, ZIP	E-Mail	Would you like to receive LSGCD updates & information?
	M. Thornhill	Round Rock, TX	mthornhill@fyi-wake.com	
W	Bill BERAN	Montgomery TX	wberan@consolidated.net	
	BOB HARDEN	AUSTIN, TX	bob@hardenhydrology.com	
	JENNIFER SEALE	CONROE TX		
	JIM SEALE	CONROE TX		
	GLENNA SLOAN	SHENANDOAH 77381		
	Joshua Bennink	Hockley Texas 77447	JBennink1983@yaleo.com	Y
	SCOTT CUSTER	77382	on file	
N	TINA FEUKAI	CONROE TX	ON FILE	
N	Kenny Eickelberg	Shenandoah	on file	-
	Helli Cook	Willis TX	on file	
Yes	Simon Sequeira	Magnolia	simon@quadvest.com	



655 Conroe Park North, Conroe, TX 77303
Ph: (936) 494-3436 Metro: (936) 441-3437
www.lonestargcd.org

Speaker Request Form

Those wanting to comment or register support for or against a specific agenda item are asked to fill out the Speaker Request Form.

Date of Meeting: 1/15/19
Name: John Wertz
Address: 74 N Veranda Ridge P
City: Spring State: TX Zip: 77385
Email: lsutigah@comcast.net

IF SPEAKING FOR AN ORGANIZATION:

Name of Organization _____

Speaker's Official Capacity _____

Agenda Item No.: 16

- FOR (If applicable)
- AGAINST (If applicable)

2217
GOP
TAX FUNDING
Lobbying

Registering Position, NOT Testifying _____

To speak on an item not listed on the agenda, please indicate area of interest: Atty-State Officials - will help us with state officials

Please remember to step to the lectern as soon as you are recognized by the chair; state your name before beginning your presentation. If you have written notes you wish to present to the Board, PLEASE FURNISH AN EXTRA COPY FOR DISTRICT FILES.

The Board will appreciate each speaker limiting an address on any one item to three (3) minutes * Thank you for your cooperation

* Only three speakers will be recognized speaking for and three speakers speaking against any one issue.



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Date of Meeting: Jan 15
Name: Kelli Cook - Willis
Address: 14218 FM 1097
City: Willis State: TX Zip: 77384
Email: _____

IF SPEAKING FOR AN ORGANIZATION:

Name of Organization N/A
Speaker's Official Capacity Private Citizen

Agenda Item No.: _____
 FOR (If applicable)
 AGAINST (If applicable)

Registering Position, NOT Testifying _____

To speak on an item not listed on the agenda, please indicate area of interest: Agenda item 16 - Lobbyist

Texas legislative one line - website
citizen lobbyist
status quo requires lobbyist

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Date of Meeting: 1/15/19
Name: Bob Bagley
Address: 532 Cactus Dr
City: Conroe State: Tx Zip: 77385
Email: bbag752@gmail.com

IF SPEAKING FOR AN ORGANIZATION:

Name of Organization _____

Speaker's Official Capacity _____

Agenda Item No.: 16

FOR (If applicable)

AGAINST (If applicable)

Registering Position, NOT Testifying _____

To speak on an item not listed on the agenda, please indicate area of interest: Resources here - Staff

Watchdog

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Date of Meeting: 1.15.19
Name: YOLLYTUS
Address: POB 7571
City: WALPS State: TX Zip: 77387
Email: evrypl@subline

IF SPEAKING FOR AN ORGANIZATION:

Name of Organization n/a
Speaker's Official Capacity none
Agenda Item No.: 16
 FOR (If applicable)
 AGAINST (If applicable)

Registering Position, NOT Testifying _____

To speak on an item not listed on the agenda, please indicate area of interest: _____

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Speaker Request Form

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Date of Meeting: 1-15-17
Name: Simone Secor
Address: 17704 Refuge Lake Dr.
City: Cypress State: Tx Zip: 77433
Email: simone@quadrist.com

IF SPEAKING FOR AN ORGANIZATION:

Name of Organization Quadrist

Speaker's Official Capacity _____

Agenda Item No.: 17 knife to a gunc
 FOR (If applicable) fight
 AGAINST (If applicable) team effort

Registering Position, NOT Testifying _____

To speak on an item not listed on the agenda, please indicate area of interest:

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