

**MINUTES OF
November 12, 2010
BOARD MEETING
CENTRAL TEXAS GROUNDWATER
CONSERVATION DISTRICT**

The Board of Directors of the Central Texas Groundwater Conservation District met in regular session Friday, November 12, 2010 immediately following a 9:05 a.m. Public Hearing on Proposed Amendments to the District Rules, in the District office located at 225 S. Pierce Street, Suite 104, Burnet, Texas.

The following persons were present:

Members Present

John Simmons, President
Todd Fox, Vice President
Clyde Waters, Secretary/Treasurer

Wayne Brown, Director
Steve Henderson, Director

Staff and or Consultants Present

Richard Bowers, General Manager
Donnita Coats, Administrative Assistant
Mitchell Sodek, Hydrologist

Brian Sledge, District General Counsel

Others present (who signed the attendance Record)

One Member of the Public

President Simmons asked General Manager Bowers to establish a quorum through a roll call of Directors; declared a quorum present; and called the Meeting to order at 9:20 a.m.

President Simmons then asked for public comment.

There were no public comments.

President Simmons then moved Agenda Item Number 10- Substantive and procedural legal issues related to processing of permit applications and hearings to precede Agenda Item Number 4- Consider and/or act on Minutes of the Regular Board Meeting held October 8, 2010.

District Counsel Sledge informed the Board that one-hundred and nine permit applications have been filed with the District to date. He cautioned the Board that filed permit applications are always open for a contested hearing, that the Board is the tribunal, judge and jury and that they should not visit with permit applicants or District staff regarding the merits of an application outside of a public hearing. He suggested that he create a one page document outlining what the Board and Board Members can and cannot do in the application process and to set forth this rule to create in reality and appearance a fair and impartial process on permit applications. Brian stated that although Chapter 36 of the Water Code and the District Rules don't prohibit "Ex Parte" but the District should go above and beyond what is called for in the statutes - "Fair and Impartial Tribunal". Brian said he would have a document or resolution for the Board to consider and/or act on at the next meeting. He informed the Board that if a permit is contested that it would go to an administrative trial with evidence, procedures, discovery, cross-examination etc...and that the Board needs to decide whether to take up these matters or send them to a hearing examiner. If they choose to go with an examiner, they need to contemplate and identify individuals for the position before hearings are upon them.

President Simmons then moved Agenda Item Number 7- Program about the Springs in Burnet County from Geoffrey Saunders, Sr. Hydrologist Lower Colorado River Authority to precede Agenda Item Number 4.

President Simmons introduced Mr. Saunders who discussed LCRA's knowledge of groundwater, their cooperative relationship with the District and knowledge of springs in Burnet County. After the presentation by Mr. Saunders, he answered questions from the Directors, staff and people in attendance.

President Simmons then asked the Directors to consider the Minutes of the Regular Board Meeting held October 8, 2010.

Clyde Waters made a correction to the Minutes and moved to:
Approve the Minutes of the October 8, 2010 regular Board Meeting as corrected.
Second was by Steve Henderson.
Vote on the motion carried.

President Simmons then asked the Board for consideration and/or action on Expenditures for October 2010, review of 2010 – 2011 Budget and investments accounts.

Todd Fox moved to:
Approve the expenses for October 2010.
Second was by Steve Henderson.
Vote on the motion carried.

President Simmons then stated that Agenda Item 6, consideration and/or action on Approval of a Resolution Adopting Enforcement Policy and Civil Penalty Schedule as Appendix C to the District Rules had been passed at the Public Hearing held immediately prior to the Board Meeting.

President Simmons then asked General Manager Bowers for a report on the Geophysical Logging Trailer Project. He reported that four Districts will participate in the project and that the total cost to date is \$45,376.00 with the possibility of additional expenses for training on use of the equipment. An inter-local agreement is being drafted that will include a plan for housing the equipment, repair, usage, and return of funds if not used.

President Simmons then asked the General Manager Bowers for a report on the District policy of paying for flow meters on existing wells as required by District Rules. Mitchell Sodek, District Hydrologist, reported that he and General Manager Bowers have determined that a total of ten meters will be purchased by the District for existing wells that require a meter and do not already have one installed. Seven meters have been ordered and the other three will be ordered within a week.

President Simmons asked about purchasing a portable meter for District use. General Manager Bowers said that he was aware of a TWDB grant for this purpose and would apply for a grant if he felt that the District had a chance of receiving money and that it could be processed and granted in a timely manner. If not, he would purchase the meter from funds budgeted.

President Simmons then asked for an update on the Public Education Program. There was nothing to report at this time.

President Simmons called on the General Manager for the Staff Report.

The General Manager provided information on the following items:

- 941 Taxes will be paid electronically in the future.
- Appraisal District will use office space in suite 101 while they are doing some maintenance to their building.
- Received notice from TCEQ in regard to a “Detected Level of Tetrachloroethylene”. The level of detection was .5 parts per billion (PPB). The Maximum Contaminate Level (MCL) is 5 PPB.
- Provided a permit, well registration, and exempt well drilling update.
- The Telemetry is working on the monitor well but need to get a cost estimate from AT&T to see how many monitor well the District would want to equip.
- Todd Fox gave a report on the Texas Landowners Council meeting held October 26, 2010, In Goldthwaite, Texas
- Mitchell Sodek gave a report on the 4th Annual Groundwater 101 Seminar he attended on November 11th.

Director Waters asked the Manager if he had a status and activity report for the in-kind services for the Burnet-Llano County Regional Water Facility Study. The Manager stated that he had not included that in the Manager Report.

Director Waters asked for the status of the TWDB response to the Trinity Aquifer Study Report. The Manager stated that he had received a letter from the TWDB and had called Cindy Ridgway and discussed the letter but had not received any other information since the phone call.

Permit Applicant, Andy Carson, informed the Board of his open records request for the number of permit applications that had been determined administratively complete and the response from the District that there were none. He feels that his application is complete but General Manager Bowers informed him that his permit application can not be determine administratively complete at this time.

President Simmons then called for any Director comments.

President Simmons called for Agenda items for the next Board Meeting.

No items were identified.

President Simmons stated that Directors could contact the Manager or himself prior to the deadline for posting notice of the next meeting if they have a suggested agenda item.

President Simmons then set the next regular board meeting for, Friday, December 10, 2010 at 9:05 a.m. at the District Office located at 225 S. Pierce, Burnet, Texas.

President Simmons adjourned the meeting at 11:12 a.m.

John Simmons, President

Clyde Waters, Secretary/Treasurer