

**MINUTES OF THE MEETING
OF THE BOARD OF DIRECTORS OF THE
BRAZORIA COUNTY GROUNDWATER CONSERVATION
DISTRICT**

The Board of Directors of the Brazoria County Groundwater Conservation District met Thursday, the 8th day of August, 2019, at 4:00 p.m. in the Brazoria County Groundwater Conservation District Office, 451 N. Velasco Street, 1st Floor, Suite 140, Angleton, Texas.

The meeting was called to order by Director O'Day at 4:00 p.m.

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

Patrick O'Day	President
Dennis Davenport	Vice President
Robert Purnell	Secretary
Keith Ordeneaux	Assistant Secretary
Ronnie Goolsby	Director

All of said Directors were present, thus constituting a quorum.

Also present for all or part of the meeting, were the following: Sherry Plentl, General Manager, Beverly Hopkins, Office Manager, David Ellis, Field Operations Coordinator, Gregory M. Ellis, General Counsel, and Philip Taucer of Freese & Nichols, Inc. Also present for a public appearance was Robert Wall.

APPROVE MINUTES:

Motion by Director O'Day, Second by Director Davenport, that the Minutes from the meeting on July 11, 2019, be approved as presented. Motion approved with all present voting aye.

PUBLIC COMMENTS:

Mr. Robert Wall of Classic Tool & Mold, Inc. spoke to the Board and staff regarding past years' fees due on the existing, unpermitted, non-exempt well that was identified at his business location.

FINANCIAL, INVESTMENT & BUDGET STATUS REPORT:

The August 2019 Financial, Investment & Budget Status Report was presented for review and an analysis and budget status update was given. No action was taken.

APPROVE INVOICES FOR PAYMENT:

Motion by Director O'Day, Second by Director Ordeneaux, that the invoices presented be approved for payment. Motion approved with all present voting aye.

APPROVE TASK AUTHORIZATION:

Motion by Director O'Day, Second by Director Ordeneaux, to approve the Task Authorization for Professional Services with Freese & Nichols, Inc., to perform on-call services for pumpage estimation. Motion approved with all present voting aye.

CONSIDER APPROVAL OF AMENDMENTS TO FEE SCHEDULE:

Motion by Director O'Day; Second by Director Ordeneaux to approve the recommended amendments to the District Administrative Fee Schedule. Motion approved with all present voting aye.

OPEN PUBLIC HEARING REGARDING PERMIT APPLICATIONS:

Motion by Director O'Day, Second by Director Ordeneaux, to **OPEN** a public hearing regarding applications for permits:

Type	Owner	Address	City	Allocation	Use
a. Permit Exist. well	Edwin Smith	3319 Industrial Drive	Pearland	100,000	Commercial
b. Permit Exist. well	Sheer Perfections Fabrics	4209 S Main St	Pearland	100,000	Commercial
c. Permit Exist. well	Zamora Real Estate Holdings	17331 Veterans Drive	Pearland	250,000	Commercial
d. Permit Exist. well	Heritage Oaks Golf Course	188 Freeman Blvd.	West Columbia	5,000,000	Other
e. Permit New well	Pomona HOA	East side of 4400 Block of County Rd. 48	Rosharon	55,000,000	Other
f. Permit Exist. well	Phillips 66 Pipeline	7110 CR 170	Alvin	100,000	Commercial
g. Permit Exist. well	American Materials Inc.	500 Ward Street	Angleton	100,000	Commercial
h. Permit Exist. well	Team Inc.	16823 HWY 35	Alvin	100,000	Commercial

i. Permit Exist. well	Gulf Coast Water Authority	1920 FM 2917	Alvin	5,000,000	Commercial
j. Permit Exist. well	Classic Tool & Mold, Inc.	735 County Road 281	Alvin	250,000	Industrial
k. Permit Exist. well	BHG Investments	19009 Ramirez Rd.	Alvin	250,000	Commercial

Motion approved with all present voting aye.

CLOSE PUBLIC HEARING REGARDING PERMIT APPLICATIONS:

Following the public hearing, at which time no testimony was given, there was a Motion by Director O'Day, Second by Director Ordeneaux, that the public hearing regarding applications for permits received be **CLOSED**. Motion approved with all present voting aye.

APPROVE PERMIT APPLICATIONS:

Motion by Director O'Day, Second by Director Goolsby, that Items a, e, f, g, h, k and i be approved as presented and Items b, c, d and j be approved contingent upon resolution of pending fees and other issues. Motion approved with all present voting aye.

EXEMPT USE WELL REGISTRATION REPORT:

The Exempt Well Registration Report for the current period was reviewed. No action was taken.

DROUGHT MONITOR REPORT:

The U.S. Drought Monitor map for the State of Texas for the current period was presented for review. No action was taken.

SET HEARING DATE FOR PERMIT APPLICATIONS:

Motion by Director O'Day, Second by Director Purnell, that a public hearing to consider approval of permit applications, permit amendments, or cancelations be set for the next meeting of the Board of Directors on **Thursday, September 12, 2019 at 4:00 p.m.** in the District Office and that the applicants be notified. Motion approved with all present voting aye.

OPEN PUBLIC HEARING REGARDING PROPOSED AMENDMENTS TO THE DISTRICT RULES:

Motion by Director Ordeneaux, Second by Director O'Day, to **OPEN** a public hearing regarding proposed amendments to the District Rules. Motion approved with all present voting aye.

CLOSE PUBLIC HEARING REGARDING PROPOSED AMENDMENTS TO THE DISTRICT RULES:

The draft of the proposed amendments to the District Rules was read by District's Counsel Greg Ellis, who explained the purpose of each amendment for the Board's information. At the conclusion of the discussion, a motion to close the public hearing was made by Director Davenport and seconded by Director Ordeneaux. The motion was approved with all present voting aye.

APPROVE THE PROPOSED AMENDMENTS TO THE DISTRICT RULES:

Motion by Director O'Day, Second by Director Goolsby to approve the proposed amendments to the District Rules as presented. Motion approved with all present voting aye.

At this time Directors O'Day and Ordeneaux excused themselves from the meeting. A quorum of Directors remained.

CONSULTATION WITH GENERAL COUNSEL:

General Counsel Greg Ellis presented an update on current litigation regarding groundwater issues and gave a Legislative update.

- A. Litigation Update:
 - 1. Fazzino v Brazos Valley Groundwater Conservation District (5th Circuit Court of Appeals)
 - 2. Cockrell Investment Partners, Ltd. v Middle Pecos Groundwater Conservation District (Pecos County District Court)
 - 3. Uvalde County Underground Water Conservation District v Edwards Aquifer Authority (Uvalde County District Court)
 - 4. Neches and Trinity Valley Groundwater Conservation District v Mountain Pure LLC (12th Court of Appeals)
- B. Consider Joining Amicus Brief in Support of Neches and Trinity Valley GCD.

APPROVE PARTICIPATION IN AMICUS BRIEF IN SUPPORT OF NECHES AND TRINITY VALLEY GCD

Motion by Director Purnell, Seconded by Director Davenport to approve participation in an Amicus Brief in Support of Neches and Trinity Valley GCD and financial support an amount not to exceed \$2,000.00. Motion approved with all present voting aye.

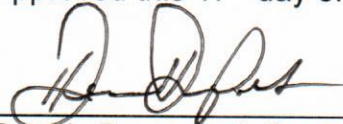
POSSIBLE FUTURE AGENDA ITEMS:

- A. September 12, 2019 – Approve FY2020 Budget
- B. Consider additional ads/publications/mass mailing

ADJOURN:

As there were no further matters to be heard, the motion to adjourn was made by Director Purnell and Second by Director Davenport. All present voting aye. The meeting was adjourned at 5:02 p.m.

Approved this 17th day of September, 2019



Dennis Davenport, Secretary
Board of Directors