

**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 Wednesday, the 13<sup>th</sup> day December, 2018, at 4:00 p.m. in the Brazoria County Groundwater Conservation District Office, 451 N. Velasco Street, 1<sup>st</sup> Floor, Suite 140, Angleton, Texas.

The meeting was called to order by Director Mueller at 4:00 p.m.

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

Alan Mueller	President
Patrick O'Day	Vice President
Raymond Felder	Secretary
Dennis Davenport	Assistant Secretary
Ronnie Goolsby	Director

All of said Directors were present with the exception of Director Goolsby 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, Philip Taucer of Freese & Nichols, Inc., and Pete Patterson with TWCA Risk Management.

**APPROVE MINUTES:**

Motion by Director Mueller, Seconded by Director O'Day that the Minutes from the meeting on November 7, 2018, be approved as presented. Motion approved with all present voting aye.

**FORMAL PRESENTATIONS:**

The 2018 Annual Report was presented to the Board of Directors by Philip Taucer of Freese & Nichols, Inc.

**FINANCIAL & INVESTMENT REPORT AND BUDGET SUMMARY:**

The December, 2018 Statement of Revenues, Expenditures and Changes in Fund Balance and Investment Report was presented for review and a brief analysis of the current budget status was given. No action was taken.

**APPROVE INVOICES FOR PAYMENT:**

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

**OPEN PUBLIC HEARING REGARDING PERMIT APPLICATIONS:**

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

Type	Owner	Address	City	Allocation	Use
a. Permit - Exist. well	First Baptist Church of Shady Acres	18034 CR 463	Brazoria	1,000,000	Public Supply
b. Permit - Exist. well	Quick Spot	8150 FM 2917	Alvin	1,000,000	Commercial
c. Permit - Exist. well	Dorsett	250 CR 437	West Columbia	3,000,000	Industrial
d. Permit - Exist. well	Dorsett	FM 524	Old Ocean	1,000,000	Industrial
e. Permit - Exist. well	Dorsett	FM 524	Old Ocean	1,000,000	Industrial
f. Permit - New well	Dow Chemical Company	6413 TX-332	Clute	2,000,000	Public Supply
g. Permit - New well	BASF Freeport	602 Copper Road	Freeport	1,000,000	Industrial
h. Permit - New well	BASF Freeport	602 Copper Road	Freeport	1,000,000	Industrial
i. Permit - New well	BASF Freeport	602 Copper Road	Freeport	1,000,000	Industrial
j. Permit - New well	BASF Freeport	602 Copper Road	Freeport	1,000,000	Industrial
k. Permit - New well	Aqua Texas	Palm Crest Dr.	Rosharon	5,000,000	Public Supply
l. Permit - Exist. well	Brazoria Telephone Co.	1501 CR 348	Brazoria	100,000	Commercial
m. Permit -	Mulligans Golf	855 CR 340	Angleton	1,000,000	Public

New well	Center, LLC.				Supply
n. Permit – New Well	St. Ives RV Resort	4659 FM 2917	Alvin	2,000,000	Public Supply

Motion approved with all present voting aye.

**CLOSE PUBLIC HEARING REGARDING PERMIT APPLICATIONS:**

Following the public hearing, during which no testimony was received, there was a Motion by Director Mueller, Seconded by Director O'Day, 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, Seconded by Director Davenport that Items a. – n. be approved as presented. Motion approved with all present voting aye.

**ACCEPT ANNUAL REPORT TO THE BOARD**

Motion by Director O'Day, Seconded by Director Davenport to accept the 2018 Annual Report as presented. Motion approved with all voting aye.

**MASTER SERVICE AGREEMENT WITH FREESE & NICHOLS, INC.**

Motion by Director Davenport, Seconded by Director Mueller to approve the Master Service Agreement with Freese & Nichols, Inc. as presented. Motion approved with all voting aye.

**CONSIDER DRAFT PROPOSAL FROM FREESE & NICHOLS, INC. TO EXAMINE WATER LEVEL CHANGE AND SUBSIDENCE DATA**

The Board discussed and considered the draft proposal from Freese and Nichols, Inc. to examine water level changed and subsidence data. No action was taken at this time and the item will be reconsidered at the next meeting of the Board on January 10, 2019.

**ANNUAL WEBSITE & WELLTRACK HOSTING AGREEMENT WITH ESX, INC. FOR 2019**

Motion by Director Mueller, Seconded by Director Felder to approve the Annual Hosting Agreement with ESX, Inc. as presented. Motion approved with all voting aye.

**APPROVE 2019 USGS JOINT FUNDING AGREEMENT FOR WATER RESOURCE INVESTIGATION**

Motion by Director Mueller, Seconded by Director O'Day to approve the Joint Funding Agreement for 2019 with USGS for Water Resource Investigation as presented. Motion approved with all voting aye.

**APPROVE DISTRICT PUBLIC OFFICIALS LIABILITY POLICY**

Motion by Director Mueller, Seconded by Director O'Day to approve the proposal for liability coverage presented by Texas Water Conservation Association Risk Management Fund with the addition of the Expanded Legal Defense for Public Officials and the Legal Defense for Breach of Contract optional coverages. Motion approved with all present voting aye.

**DISCUSSION REGARDING THE COLLECTION OF PAST YEARS FEES FOR IDENTIFIED EXISTING NON-EXEMPT WELLS**

The Board and staff discussed and considered potential approaches and options for the collection of past years' fees for identified existing wells that are non-exempt and are not permitted. No action was taken and the issue will be revisited at the next meeting of the Board on January 10, 2019.

**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 Mueller, Seconded by Director Felder, 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, January 10, 2019 at 4:00 p.m.** in the District Office and that the applicants be notified. Motion approved with all present voting aye.

**GENERAL MANAGER'S REPORT**

- PAM expansion report was given by David Ellis.

- Upcoming TAGD Business meeting to be held on January 22, 2019 in Austin
- Final phase of the FY2018 Audit to be completed in January, 2019

### 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 (U.S. District Court for the Western District of Texas, Waco Division)
2. Recharge Texas (End Op) v Environmental Stewardship (3<sup>rd</sup> Court of Appeals)
3. Cockrell Investment Partners, Ltd. v Middle Pecos Groundwater Conservation District (Pecos County District Court)
4. Uvalde County Underground Water Conservation District v Edwards Aquifer Authority (Uvalde County District Court)
5. Lone Star Groundwater Conservation District v. City of Conroe et al (Montgomery County District Court)
6. Texas v Harrison (and Yellow-Top Ranch, Inc., H.E. Cattle Co. and BHP Billiton Petroleum) (Travis County District Court)
7. Legislative Update

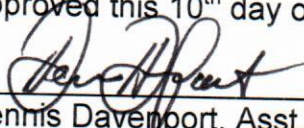
### POSSIBLE FUTURE AGENDA ITEMS:

- Review Rules for DFC Compliance

### ADJOURN:

As there were no further matters to be heard, the motion to adjourn was made by Director Davenport and seconded by Director Mueller. All present voting aye. The meeting was adjourned at 5:36 p.m.

Approved this 10<sup>th</sup> day of January, 2019

  
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 Dennis Davenport, Asst. Secretary  
 Board of Directors