

# LONE STAR GROUNDWATER CONSERVATION DISTRICT

September 8, 2009

## MINUTES OF REGULAR 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 – Board Room located at 207 W. Phillips Street, Suite 300, Conroe, Texas, within the boundaries of the District on September 8, 2009.

President Tramm called to order the regular Board of Directors meeting at 10:13 a.m. announcing that it was open to the public.

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

Sam W. Baker  
Reed Eichelberger, PE  
Orval R. Love, PE  
Roy McCoy, Jr.  
Jim Stinson, PE  
Richard J. Tramm  
Scott Weisinger, PG  
James B. Wesley  
W. B. Wood

All members of the Board were present, with the exception of Director Weisinger and Director Wesley, thus constituting a quorum of the Board of Directors. Also, in attendance at said meeting were Kathy Turner Jones, District General Manager; Brian Sledge, General Counsel; Jason Hill, Attorney; Mark Lowry, District Consultant; District staff; and members of the public. *Copies of the public sign-in sheets are attached hereto as Exhibit “A”.*

### APPROVAL OF THE MINUTES:

President Tramm stated the Board would consider all four (4) meeting Minutes listed as one item. Upon review of the following, a motion was made by Director Wood, seconded by Director Love and unanimously carried, to approve the meeting minutes as presented:

- a) August 11, 2009, Special Board Meeting
- b) August 11, 2009, Public Hearing on Permit Applications
- c) August 11, 2009, Regular Board of Directors Meeting
- d) August 11, 2009, Public Hearing on Proposed Changes to District Rules

Director Stinson stated he had a correction to the Public Hearing on Proposed Changes to District Rules Minutes, page 3 and page 4, to read **parameters** instead of **perimeters**. Corrections were made and Minutes unanimously approved following corrections.

## **COMMITTEE REPORTS:**

**Rules and Bylaws Committee – Kathy Turner Jones, Coordinator.** Ms. Jones reported that the Rules and Bylaws Committee met on September 4, 2009, to discuss the draft rules that had been published for public review and comment for today's hearing. There have been further draft changes discussed by the District's attorneys and the committee that will be presented to the board and the public by our General Counsel. Legal notice was provided, as required by our District rules, on August 14, 2009, and followed up with posting of Rules to the public on August 19, 2009. There is a committee meeting scheduled this afternoon on other rule revisions related to amenity ponds.

Hold Public Hearing on Proposed Changes to District Rules. 10:15 a.m. - President Tramm stated that at this time the Board would convene the Public Hearing on Proposed Changes to District Rules. President Tramm stated that the Regular Board Meeting would continue following the conclusion of the Public Hearing on Proposed Changes to District Rules.

### **10:45 a.m. – President Tramm reconvened the Regular Board Meeting**

Discussion, consideration, and possible action approving amendments to the District Rules regarding Phase II(B) of the District Regulatory Plan. President Tramm stated that at this time there would be no action taken on Phase II(B) of the District Regulatory Plan.

Discuss, consider, and take action as necessary to approve Resolution #09-010 amending Bylaws for the Lone Star Groundwater Conservation District. President Tramm reminded the public this was not the District Regulatory Plan.

Brian Sledge, General Counsel, stated the Bylaws were adopted by the District in its' very first year. A cap had been included on the amount of per diem that a Director could receive. These caps are set by statute, including exactly what the amount of each per diem is per Board member and what the annual cap on that per diem would be per Board member. The District had put in an artificial cap in the Bylaws because the District didn't have any money at that time. The proposed change would remove that cap and go back to the statutory cap. Upon a motion by Director Wood, seconded by Director Love, with Director McCoy opposing, the motion was carried to approve Resolution #09-010, Amending Adopted Bylaws for Lone Star GCD. *Copy of Resolution #09-010 is attached hereto as Exhibit "B".*

**Policy and Personnel Development Committee – Sam W. Baker, Chair.** Director Baker stated that the committee had not met since the last Board meeting, but anticipates the committee will meet for the annual review of personnel within the next couple of weeks.

**Water Awareness and Conservation Committee – Billy Wood, Chair.** Director Wood stated that the committee had not met since the last Board meeting. Director Wood asked

Marjie Risk, Education/Public Awareness Coordinator, to give a report on her activities this past month.

Ms. Risk stated she had been busy this past month. The LSGCD outreach efforts continue. The District has completed their last Water IQ outreach event for 2009 with a booth set up at the Woodlands Mall for the Tax Free Weekend. Roughly 40 visitors signed up to make a water conservation pledge, about half the number that pledged at the July 4<sup>th</sup> Red, Hot and Blue Event. Ms. Risk was invited to attend a meeting for the new group, "Green Up Magnolia" to discuss partnerships between communities and outreach and educational opportunities. The District has been invited to speak at the LCCN on the topic of water conservation. Ms. Risk stated she will attend a water conservation meeting at the City of Conroe with Assistant City Administrator Paul Virgadamo and Councilman Jim Gentry. The largest task this past month has been the Annual Report. A draft will be provided at the October 13, 2009 Board meeting.

**Budget and Finance Development Committee – Jim Stinson, Chair.** Director Stinson reported his committee had not met since the last Board meeting.

Review of Monthly Financial Reports. Director Stinson stated he has reviewed the monthly financial report and if anyone has any questions he would be glad to address them.

**Findings and Review Committee – Orval R. Love, Chair.** Director Love reported the committee had not met and doesn't anticipate meeting before the October Board Meeting. The committee is waiting for the USGS report. When the report is received, the committee will meet and report back to the Board.

**Building and Facilities Committee – Kathy Turner Jones.** Ms. Jones stated the only thing to report would be a follow up from last month's meeting where Director Baker and Director Wood met with Montgomery County Judge, Alan Sadler, regarding the District's office lease renewal and extension. The County agreed to the extensions of the contract and we have received the invoice. The terms of the contract remain the same as in previous years.

Director Wood asked the General Manager about Mr. Jack Hunt's comments regarding countervailing perspective on issues associated with the water planning process. Kathy Turner Jones, General Manager, stated Mr. Hunt's comments have caused some of the groundwater districts concern, as far as the DFCs planning. Ms. Jones stated she has a copy of Mr. Hunt's speech and would be glad to forward it to all Directors. Director Wood stated he was reading that Mr. Hunt has noted, with some alarm, the number of GCDs had increased from 20 in 1990 to 99 in 2009, and that "GMA planning now trumps regional planning". Ms. Jones stated that Mr. Hunt is not supportive of the direction that planning taken. Director Wood noted that Mr. Hunt's view regarding HB 1763, rather than be a good thing, it was a mistake that "undid the intent of SB1 and has substituted an allocation scheme for sound water supply planning". Ms. Jones commented that Mr. Hunt feels the regional planning groups were doing a good job in planning for the states future and it was implied in his dialogue to the group, that GMA planning has stepped over that and has now potentially set back the regional planning so that we submit our GMA numbers.

Brian Sledge, General Counsel, commented that before 2005 in HB 1763, which Mr. Hunt refers to, there was some question on whether the a regional water planning group or a groundwater conservation district had final authority to decide groundwater availability within

the district. HB 1763 clearly states that the groundwater districts get to decide what those availability numbers are and the regional and state planners have to live with what the groundwater districts decide. With Mr. Hunt being a member of the Water Development Board, he evidently has some concerns with that change. The law would be hard to change again, as it was a big fight the last time.

Kathy Turner Jones stated that within our regional planning group the District has always had a good relationship with the Region, but that wasn't necessarily the case in other areas. Ms. Jones further commented that some districts were concerned their numbers were being overlooked. Ms. Jones feels that probably never occurred here before the change in legislation.

### **ENGINEERING REPORT:**

Mark Lowry, District Consultant, reported there were two engineering reports in the Board packets. One report is Mr. Lowry's and the other is Bill Thaman's from AECOM. Most of the work that Mr. Lowry has been doing over the past month has been in assisting in the development of the rule package, such as commenting on the engineering aspects. Mr. Lowry performed a site investigation of Entergy at their Lewis Creek Lake Power Station. This was done in regards to the proposed metering requirements and it was determined Entergy is meeting the intent of the rules. The District Consultant stated he had reviewed a couple of amenity pond permits and provided input to District Staff and the General Manager.

During this period of time, AECOM, using the USGS National Hydrography Dataset and aerial photography, identified ponds that are within planned subdivisions and likely being refilled with groundwater. A total surface water acreage number was calculated and provided to the District for further analysis of amenity pond usage rate. Based on this information, AECOM developed what would be the maximum amount of evaporation loss that would come off those ponds and include the 10% for miscellaneous losses through the bottom and sides to get some idea of the magnitude of the amount of water that could potentially be going into the ponds. We clearly recognize that not every pond is filled with groundwater, but if we only look at the ponds that are filled by a Well that **specifically** indicates that water is going to an amenity pond, then we really miss all the wells that are actually being filled by the Public Water Supply for that particular development. It is just an estimate to see how big the magnitude could potentially be.

Director Wood stated he had a question on item #6 of Mr. Lowry's report regarding his analysis for two amenity ponds. Mr. Lowry explained that for any amenity pond permit request that the District receives, the requests are looked at based on the spreadsheet that Mr. Lowry has developed, to estimate the evaporation losses and to allow a certain amount for other losses. Mr. Lowry stated his report is the calendar month and these were permits that came in prior to the August Board meeting. These were existing amenity lakes and not new ones.

### **GENERAL COUNSEL'S REPORT:**

Brian Sledge, General Counsel, stated his report would be very brief this month as the main item worked on last month was the development of the District's Regulatory Plan.

### **GENERAL MANAGER'S REPORT:**

Kathy Turner Jones stated that a large part of her report had been covered earlier with Director Wood's question and she had nothing further to report.

**PUBLIC COMMENT:**

Mike Stoecker, Stoecker Corporation, requested a copy of the formula used by our District Consultant, Mark Lowry, regarding amenity ponds.

**NEW BUSINESS:**

None

There being no further business, upon a motion by Director Love, seconded by Director Eichelberger, the meeting was adjourned at 11:00 a.m. The next regular meeting of the Board of Directors is scheduled for October 13, 2009, at 10:00 a.m.

**PASSED, APPROVED, AND ADOPTED THIS 13<sup>th</sup> DAY OF OCTOBER, 2009.**

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Sam W. Baker, Board Secretary