

BLUEBONNET GROUNDWATER CONSERVATION DISTRICT

**Board of Directors  
Called Meeting**

Wednesday, September 17, 2003  
6:00 PM

Navasota City Hall, City Council Chambers  
107 Farquhar  
Navasota, Texas

Minutes

In Attendance: Directors Patout, Ward, Isham, Sandel, Watson, Morrison, Oates, Huebner, Brandes, Beckendorff, and Thomas; General Manager Lloyd Behm, Dwight Mahoney, of Brazos River Authority; and Frances Behm Town and Country Consulting.

1. Call to order

President Patout called the meeting to order at 6:12pm

2. Discussion and possible action to approve proposed amended Fiscal Year 2003 District Budget.

The budget needs to be amended because the original budget was based on a District with five counties. The amounts due from the cities of Hempstead and Prairie View as well as Prairie View A&M are not included in any of the budget projections. The changes to the amount owed BVCOG reflect \$1,800 credits being given to the District.

Director Ward moved, Director Isham seconded a motion to adopt the amended budget. *Motion Carried.*

3. Discussion on comparison of Fiscal Year 2003 and Fiscal Year 2004 Budgets.

Comparison of current to proposed production fees was made. Projected increase in production fee revenues due to lowering the ceiling for payment of fees. Permit fees have not been set. They will be set by the board. Permit Fees will cover costs to issue permit.

4. Discussion and possible action to approve proposed Fiscal Year 2004 District Budget.

Director Sandel moved, Director Watson seconded a motion to approve the Fiscal Year 2004 District Budget. *Motion Carried.*

5. Discussion and possible action to authorize General Manager to have Attorney for District issue a letter directing representatives of Prairie View A&M to appear before the Board and show cause why further enforcement action to collect fees owed to the District should not be initiated.

Director Isham suggested sending a copy of the letter to the President of Prairie View A&M and to the Chancellor of the A&M system.

Director Oates moved, Director Thomas seconded a motion authorizing the General Manager to have the District's attorney send Prairie View A&M University a letter of show cause for appearance at the meeting October 15.  
*Motion Carried.*

6. Discussion and possible action to authorize the General Manager to draft and publicize a Request for Qualifications for providing consulting engineering services for the District.

The District needs to have an engineer under contract when the District starts issuing permits and to assist with gathering data for use in the management plan.

President Patout will appoint a committee to review qualifications of engineers and negotiate contract details for consideration and approval by Board.

Director Isham moved, Director Ward seconded a motion to authorize the General Manager to draft and publicize a Request for Qualifications for providing Consulting Engineering services for the District, and that a committee of three Directors review the RFQ's and make recommendations to the board. *Motion Carried.*

7. Discussion and possible action to authorize the General Manager to draft and publicize a Request for Qualifications for providing auditing services for the District.

President Patout will appoint a committee to review qualifications and negotiate contract terms for an auditor. He will also provide guidelines to the General Manager for the Request for Qualifications.

Director Morrison moved, and Director Ward seconded a motion to authorize the General Manager to draft and publicize a Request for Qualifications for Auditing Services once guidelines are received from President Patout. *Motion Carried*

8. Report by General Manager

A Texas Water Law Conference  
General Manager attended the Texas Water Law Conference in Austin September 11 & 12. The Conference covered groundwater as a valuable

resource.

- B. Request for District to join with Post Oak Savannah Groundwater Conservation District and other groundwater districts in Region G to request that the Brazos River Authority request an Attorney General Opinion to clarify the possible conflict between the District's enabling legislation and Chapter 36 on the amount the District may charge as a transport fee.

The General Manager has received an E-mail from the Post Oak Savannah Groundwater Conservation District requesting that the District join with them going to Attorney General for an opinion regarding the apparent conflict between Chapter 36, Texas Water Code and our enabling legislation with regard to the maximum transport fee that can be assessed. The Districts cannot request an opinion from the Attorney General. Brazos River Authority can ask the AG for an opinion. Brazos Valley, Mid Texas, Post Oak Savannah, Lost Pines and Bluebonnet Groundwater Conservation Districts all have similar wording in their enabling legislation. After polling the executive committee, the General Manager told Post Oak Savannah that Bluebonnet Groundwater District does want to join in the request. Post Oak Savannah will draft the request to the Attorney General and present it to the CEO of Brazos River Authority. Brazos River Authority wants a consensus of affected districts in Water Planning Region G before making the request. To date Bluebonnet and Post Oak Savannah have joined in the request.

- C. Report on status of District Rules.

Bill Dugat gave General Manager a bound copy of rules. General Manager is preparing to bind copies to be taken to the court houses, He is attempting to set public hearings in October.

- D. Purchase of Recording Equipment.

The District needs to purchase a recorder of some kind for public hearings and closed Board meetings. If the District ever has a closed meeting relating to homeland security the meeting must be recorded, it cannot have a certified agenda and since these sessions must be recorded, the District should record all closed sessions for continuity.

- 9. Report from Management Plan Committee on status of plan preparation.

Director Morrison reported that the committee met, they have several examples of other groundwater district management plans. There is boiler plate that must be included, other items that will come from engineers.

Director Morrison stated that the District needs to adopt a mission statement at next meeting. He asked that the Directors send him their suggestions for the

District's Mission Statement. Director Morrison sees no problem getting the management plan done on time. The management plan must be filed with and certified by the Texas Water Development Board.

10. Adjourn

Director Watson moved, Director Ward seconded a motion to Adjourn. Meeting adjourned at 7:11pm *Motion Carried.*

**THE ABOVE MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS OF THE BLUEBONNET GROUNDWATER CONSERVATION DISTRICT HELD ON SEPTEMBER 17, 2003 WERE APPROVED AND ADOPTED BY THAT BOARD ON OCTOBER 15, 2003.**

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JARED PATOUT, PRESIDENT

ATTEST:

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LLOYD A BEHM, DEPUTY SECRETARY

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DATE