

# BLUEBONNET GROUNDWATER CONSERVATION DISTRICT

Board of Directors Meeting

Wednesday, April 21, 2004  
6:00 PM

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

## MINUTES OF MEETING

In Attendance: Directors Kent Watson, Bill Thomas, Bill Daugette, Jim Ward, Jared Patout, Joe Sandal, Michael Blezinger, James Morrison, Glen Huebner, General Manager Lloyd Behm; Bill Dugat, Bickerstaff, Heath, Smiley, Pollen, Keever & McDaniel; Jackie Scott, BRA; Jerome Peters, Bellville; Karen Way, Austin; Scott Bounds, Olson & Olson, representing the City of Hempstead; and Frances Behm, TACC.

1. Call to order

President Patout called the meeting to order at 6:03pm and asked the guests to introduce themselves.

2. Public Comment

(Public comment is limited to a maximum of 5 minutes per speaker and/or 30 minutes total time for all speakers)

At 6:07pm President Patout opened the meeting for public comments.

There being no public comment at 6:09pm President Patout closed the public comments.

3. Approve Bond for Director Daugette.

Director Thomas moved that the Board Approve the Bond for Director Daugette, Director Ward seconded the motion. *Motion Carried.*

4. Discussion and possible action to approve minutes of January 21, 2004 Board meeting.

Director Ward moved that the Board approve minutes of the January 21, 2004 Board meeting. Director Sandal seconded. *Motion Carried.*

5. Discussion and possible action regarding show cause by and initiation of enforcement action against the City of Hempstead, Texas for failure to pay fees in violation of District Orders, Resolutions, Rules and State law.

Bill Dugat reported on the district's efforts to collect the fees from Hempstead. Hempstead has made no effort to pay to date. Other producers who are now out of the district have paid in full.

Scott Bounds of Olson & Olson representing the City of Hempstead requested mercy - that the board exempt the city from the fees since the city has no representation on the board and had no participation in setting the rates. Mr. Bounds stated that the city is immune from damages or liability unless that immunity is waived by the legislature. Mr. Bounds asked that the Board look at the situation and exempt the city from the charges.

- a. Closed session to consult with Attorney under Texas Government Code section 551.071 regarding pending or contemplated litigation in connection with this agenda item (no final action will be taken in closed session).

At 6:19pm. President Patout announced that the Board of Directors would go into closed session for the purpose of consulting with its Attorney regarding pending or contemplated litigation in reference to enforcement action against the City of Hempstead, Texas pursuant to Section 551.071, Texas Government Code. President Patout asked Mr. Dugat of Bickerstaff, Heath and General Manager Behm to meet with the Board in closed session.

- b. Return to open session for further discussion and/or final action regarding this agenda item

Upon return to the main meeting room, President Patout announced at 6:57pm that the Board of Directors will reconvene in open session.

Director Ward moved that the board authorize the general manger and counsel to institute legal proceedings up to and including the filing of a suit against the City of Hempstead to collect past due pumpage fees. Director Watson seconded. *Motion Carried.* Attorney Bounds exited the meeting.

6. Public Hearing – Proposed Resolution 2004-02 adopting a District Fee Schedule for Production, Transport and Excess Pumpage fees for water pumped from wells within the District and establishing administrative fees.

At 6:59pm President Patout opened the Public Hearing

There being no speakers, at 7:01pm President Patout asked for motion to close the public hearing.

Director Thomas moved, Director Blezinger seconded the motion to close the public hearing. *Motion Carried.*

7. Discussion and possible action to approve Resolution 2004-02 adopting a District Fee Schedule for Production, Transport and Excess Pumpage fees for water pumped from wells within the District and establishing administrative fees.

After discussion by the Board, Director Daugette moved to adopt resolution R2004-02 amending it to set production fees at 3.5¢ and transport fees at 13.5¢ and set excess pumpage fee at \$0. 00. Director Morrison Seconded. *Motion Carried.*

8. Discussion and possible action to approve Resolution 2004-03 authorizing the General Manager to execute an interlocal agreement on behalf of the District providing for the District to participate in and join the Texas Groundwater District Coalition for Legislative Services.

After discussion by the Directors, Director Blezinger moved that the board adopt Resolution 2004-03 authorizing the General Manager to execute an interlocal agreement on behalf of the District providing for the District to participate in and join the Texas Groundwater District Coalition for Legislative Services with a monthly contribution of \$100. Director Watson Seconded. *Motion Carried.*

9. Discussion and possible action on nomination of General Manager for consideration for appointment to Brazos G Regional Water Planning Group

The General Manager explained that Brazos G Regional Water Planning Group has authorized a Groundwater seat on that Board. BVCOG will nominate the General Manager and is requesting that the Bluebonnet Groundwater Conservation District Board send a letter of recommendation supporting his nomination.

After discussion by the Board, Director Daugette moved that the Board of Directors of the Bluebonnet Groundwater Conservation District Board send a letter of recommendation supporting General Manager Behm's nomination to the Brazos G Regional Water Planning Group, Director Thomas seconded the motion. *Motion Carried.*

10. Discussion and possible action to approve quarterly Investment Report.

Director Morrison moved that the Board approve the quarterly Investment Report as presented. Director Ward seconded. *Motion Carried.*

11. Discussion and possible action to approve quarterly Financial Report.

Director Morrison moved that the Board approve the quarterly Financial Report as presented, Director Watson seconded. *Motion Carried.*

12. General Manager Report

- a. Report on status of outstanding payments of production fees - The largest outstanding invoice is charged to the City of Hempstead.
- b. Region G and H RWPG Meetings - General Manager has attended meetings of both Region G and H RWPG since the last Board meeting.
- c. TAGD Meetings - General Manger has attended TAGD meetings since the last Board meeting.
- d. Meetings with Commissioners Courts, County Judges and citizen groups regarding District - General Manager has met with representatives of Waller County and a Washington County citizen's group about those counties rejoining the District or forming single county districts.

- e. Report on status of District web site - the District web site is active and can be viewed at Bluebonnetgroundwater.org.
  - f. Report on Management Plan meetings with Turner Collie & Braden - initial data has been collected, working to have a draft plan for a June meeting.
  - g. Report on status of FY 2003 Audit - is being worked on and should be ready for June meeting also.
  - h. Commemorative plaque sent to and correspondence received from former Director Isham - a photo copy of the plaque is included in the information packets distributed to the Directors.
  - i. The General Manager announced he will be taking 7 days off the first week of August. Five days will be vacation leave, two days will be probably be unpaid leave.
13. Discussion and possible action to set date and time for next board meeting. The next regularly scheduled meeting is July 21, 2004.
- Discussion was held, no date set for an additional meeting.
14. Adjourn.  
Director Blezinger moved, Director Ward seconded that the meeting be adjourned at 8:21pm. *Motion Carried*

**THE ABOVE MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS OF THE BLUEBONNET GROUNDWATER CONSERVATION DISTRICT HELD ON APRIL 21, 2004 WERE APPROVED AND ADOPTED BY THAT BOARD ON JULY 21, 2004.**

(s) J Jared Patout  
J. JARED PATOUT, PRESIDENT

ATTEST:

(s) JOE B SANDEL  
JOE B. SANDEL, SECRETARY

JULY 21, 2004  
DATE