

**BLUEBONNET GROUNDWATER CONSERVATION DISTRICT
Board of Directors Meeting
Wednesday, August 21, 2002
Navasota ISD Board Room
705 East Washington
Navasota, Texas**

IN ATTENDANCE: Directors Milton Beckendorff, Michael Blezinger, Sharon Brandes, Glenn Huebner, Jared Patout, Bill Thomas, Jim Ward, Paul Isham, James Morrison, Tommy Oates, David Minze, Les Mauldin, Orval Rhoads, Frank Tressie, Bill Harris, Glenn Schroeter, Shannon Theeck, Larry Winkelmann; State Representative Lois W. Kolkhorst; Lloyd Behm, BVCOG; Frances Behm, TACC; Bill Dugat, Betty Brown, and Christy Drake-Adams, Bickerstaff, Heath, Smiley, Pollen, Kever & McDaniel, L.L.P.; Cathy D. Cuevas and Dwight Mahoney, BRA; B. L. "Bud" Chambers, Brenham Banner-Press; W. U. Griffith, Robert Eoff and Mary Lynn Harris, citizens.

1. CALL TO ORDER

Meeting was called to order at 6:32pm. by President Jared Patout.

2. PUBLIC COMMENT

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

There being no requests for public comment, President Patout asked visitors present to introduce themselves to the Board.

3. APPROVE MINUTES OF JULY 17, 2002 BOARD MEETING

Director Isham moved that the minutes of the July meeting be approved as presented, Director Winkelmann seconded. *Motion approved.*

4. FINANCIAL REPORT

Director Tressie moved that the Financial Report be approved as presented, Director Morrison seconded. *Motion approved.*

5. MONTHLY RECAP OF PRODUCTION REPORTS

Director Theeck requested that a column reporting funds received be inserted into the monthly recap.

Director Ward moved that the monthly recap of production reports be accepted as presented, Director Theeck seconded. *Motion approved.*

6. Closed or executive session

At 6:44pm President Patout called the Board into executive session with the following statement. "It is now 6:44 PM. At this time the Bluebonnet Groundwater

Conservation District will go into closed session for the purpose of consulting with their attorneys pursuant to Section 551.071, Texas Government Code. No action will be taken in closed or executive session. I would ask that the Board members, the representatives of Bickerstaff, Heath who are present and Lloyd and Frances remain in this room. All other persons present are asked to leave the room at this time.”

7. Return to open session

President Patout announced: “It is now 7:06 PM. At this time the Bluebonnet Conservation District Board of Directors will reconvene in open session.”

6. CONSIDER AND TAKE POSSIBLE ACTION ON AN ORDER CALLING A CONFIRMATION ELECTION FOR NOVEMBER 5, 2002.

Christi Drake-Adams of Bicker staff, Heath reviewed the order for the Board. The Order is a basic outline for the election. It may be necessary for the Board to call a special meeting to canvas returns. According to state policy, two (2) members of the board can canvas the returns.

Director Tressie moved to approved the order calling for a confirmation election on November 5, 2002, Director Isham seconded. *Motion Approved.*

7. CONSIDER AND TAKE POSSIBLE ACTION ON:

A. AGREEMENT TO PERFORM ELECTION SERVICES BETWEEN THE DISTRICT AND COUNTY OF AUSTIN

B. AGREEMENT TO PERFORM ELECTION SERVICES BETWEEN THE DISTRICT AND COUNTY OF GRIMES

C. AGREEMENT TO PERFORM ELECTION SERVICES BETWEEN THE DISTRICT AND COUNTY OF WALLER

D. AGREEMENT TO PERFORM ELECTION SERVICES BETWEEN THE DISTRICT AND COUNTY OF WALKER

E. AGREEMENT TO PERFORM ELECTION SERVICES BETWEEN THE DISTRICT AND COUNTY OF WASHINGTON

Betty Brown of Bickerstaff, Heath summarized the agreements with each county. Contracts are with each county to provide place and supplies for elections. All counties have agreed to all parts of these agreements. Ms. Brown has spoken to the representatives of each county who are responsible for the elections.

All agreements must be submitted to the Department of Justice by September 5, 2002.

Cost consideration may be different in each of the counties. Four of the counties read that the Board must deposit one-half the amount estimated for cost of election, Walker County specifically states \$100 must be deposited by October.

A. AGREEMENT TO PERFORM ELECTION SERVICES BETWEEN THE DISTRICT AND COUNTY OF AUSTIN

Director Ward moved to approve the agreement to Perform Election Services between the District and County of Austin, Director Minze seconded. *Motion Approved.*

B. Agreement to Perform Election Services between the District and County of Grimes

Director Ward moved to approve the agreement to Perform Election Services between the District and County of Grimes, Director Thomas seconded. *Motion Approved.*

C. AGREEMENT TO PERFORM ELECTION SERVICES BETWEEN THE DISTRICT AND COUNTY OF WALLER

Director Ward moved to approve the agreement to Perform Election Services between the District and County of Waller, Director Morrison seconded. *Motion Approved.*

D. AGREEMENT TO PERFORM ELECTION SERVICES BETWEEN THE DISTRICT AND COUNTY OF WALKER

Director Ward moved to approve the agreement to Perform Election Services between the District and County of Walker, Director Morrison seconded. *Motion Approved.*

E. AGREEMENT TO PERFORM ELECTION SERVICES BETWEEN THE DISTRICT AND COUNTY OF WASHINGTON

Director Ward moved to approve the agreement to Perform Election Services between the District and County of Washington, Director Winkelmann seconded. *Motion Approved.*

8. BRIEFING ON WATER RIGHTS BY BILL DUGAT, ATTORNEY FOR DISTRICT

Mr. Dugat of Bickerstaff, Heath explained the rule of capture, who owns ground water, rights involved with springs and percolating water. Also advised that some states have modified the "Rule of Capture".

Water rights are an interest in real property - they can be conveyed. Title passes when surface passes except when conveyed by previous agreement.

Water rights can be divested to lessee or assigns of owners, subject to rules of district.

The property owner can lease water. Rights to explore for water can be leased and the property owner may lease or sell water once it is captured.

9. DISCUSSION WITH REPRESENTATIVE KOLKHORST REGARDING DISTRICT

Representative Kolkhorst thanked to members of the Board for agreeing to serve on the Board and reminded all present that Water Districts are not new, the first water district was started in 1949. Representative Kolkhorst also stated that there is a nationwide water shortage, not just in Texas.

She quoted Governor Perry stating “We will market water like we do the rest of our utilities in Texas”.

Today’s challenge is education of how and what water use is for.

The intent of the bill creating the Bluebonnet Groundwater Conservation District is to protect the resource that we have and protection of private property rights and land values. It is not meant to be intrusive, the water district is for protection for rural Texas.

The water district bill was never meant to meter domestic wells.

10. APPOINTMENT OF BILL HARRIS TO DISTRICT PUBLIC RELATIONS COMMITTEE

Director Mauldin explained that the Public Relations Committee would like to add Bill Harris as a member.

Director Ward moved to appoint Bill Harris to the District Public Relations Committee, Director Theeck seconded. *Motion Approved.*

11. CONSIDER AND TAKE POSSIBLE ACTION ON AUTHORIZING PUBLIC RELATIONS COMMITTEE TO SECURE AND PAY FOR A CONSULTANT TO ASSIST WITH PUBLICITY ON THE DISTRICT

As chairman of the Public Relations Committee, Director Mauldin proposed that the district hire a professional ad/copy writer to write professional ads for newspaper.

Director Minze moved that the Board approve an expense of \$2,500 for consultant to provide professional ad writing. Director Theeck seconded. Discussion continued.

Director Harris called the question. In Favor 9, opposed 10.

Director Oats moved to amend the motion to approve action by the Public Relations committee to solicit bids and then go to finance with amounts not to exceed \$2,000. Director Thomas seconded. *Motion Approved as Amended.*

12. CONSIDER AND TAKE POSSIBLE ACTION ON A DISTRICT BUDGET FOR FY 02.

Director Minze as chairman of the Finance committee explained that staff had taken averages based on the production figures received for the first four months of this year and extrapolated the annual budget for FY 02. Finance Committee has reviewed this budget and approved same.

Director Minze moved that the Board adopt the District Budget for FY02 as presented. Director Beckendorff seconded. *Motion Approved.*

13. CONSIDER AND TAKE POSSIBLE ACTION ON A DISTRICT BUDGET FOR FY 03

The District Budget 03 extends 02 budget for another year. Puts finances in fiscal year budget form. Assumes expenses for services that will be necessary after the district is confirmed.

Director Morrison moved that the Board adopt District Budget FY03. Director Harris seconded. *Motion Approved.*

14. CONSIDER AND TAKE POSSIBLE ACTION TO AUTHORIZE EXTENSION AND EXECUTION OF THE NECESSARY DOCUMENTS TO EXTEND THE CURRENT MEMORANDUM OF UNDERSTANDING WITH THE BRAZOS VALLEY COUNCIL OF GOVERNMENTS THROUGH FY 03.

The current Memorandum of Understanding with the Brazos Valley Council of Governments expired on June 30, 2002. This agreement extends the terms of the current agreement through fiscal year 2003.

Director Sandoval moved to authorize extension and execution of necessary documents to extend the current Memorandum of Understanding with the Brazos Valley Council of Governments through FY03. Director Schroeter seconded. *Motion Approved.*

15. CONSIDER AND TAKE POSSIBLE ACTION ON DESIGNATING ONE OR MORE BOARD MEMBERS AS REPRESENTATIVE TO ATTEND CONFERENCES, MEETINGS, SEMINARS AND SIMILAR EVENTS AS DISTRICT REPRESENTATIVES.

Director Morrison suggested that instead of designating a board member to attend conferences, meetings, seminars and similar events that all directors be advised of upcoming meetings at the regular Board meetings. If a director is available to attend a meeting, that director can advise the board at the meeting and then report back to the rest of the board at the next meeting.

Director Morrison will be attending the conference at Del Lago on September 11 and 12, 2002.

Approval of extension of the Memorandum of Understanding makes staff personnel available for 20 hours per week every week.

Representatives of the Board can be reimbursed at state rates for travel.

16. ADJOURN

Director Harris moved that the meeting be adjourned, Director Morrison seconded.
Motion Approved. Meeting adjourned at 9:15pm

**THE ABOVE MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS OF
THE BLUEBONNET GROUNDWATER CONSERVATION DISTRICT HELD ON
AUGUST 21, 2002 WERE APPROVED AND ADOPTED BY THAT BOARD ON
SEPTEMBER 18, 2002.**

**JARED PATOUT,
PRESIDENT**

ATTEST:

**GLENN SCHROETER
SECRETARY**

DATE