

Agenda Item #5, 3/23/04

MINUTES OF MEETING BRAZOS G REGIONAL WATER PLANNING GROUP

February 11, 2004

In accordance with notice sent to each member of the Regional Water Planning Group and posted in accordance with the Texas Open Meetings Act (copy attached as **Exhibit A**), a meeting of the Brazos G Regional Water Planning Group convened at 10:00 a.m., Wednesday, February 11, 2004, in the central office of the Brazos River Authority, 4600 Cobbs Drive, Waco, Texas. Attendance was as follows:

VOTING MEMBERS PRESENT

Tony Jones, Chair
Mike Morrison, Vice Chair
Phil Ford, Secretary/Treasurer
David Bell, (Alternate for Chaunce Thompson)
Truman Blum
Mark Bryson
Jon Burrows
Scott Diermann
Tim Fambrough
Horace Grace
A.V. Jones
Brent Locke, (Alternate for Terry Kelley)
Scott Mack
Stephen Stark
Wiley Stem
Kent Watson
Tom Word, (Alternate for Jim Nuse and Tom Clark)

VOTING MEMBERS ABSENT

Tom Clark
Terry Kelley
Jim Nuse
Steve Sanford
Chaunce Thompson

NON-VOTING MEMBERS PRESENT

Terry Lopas
Amador Hernandez
Mike McGuire
David Meesey
Melissa Mullins
Paul Zweiacker

NON-VOTING MEMBERS ABSENT

Chris Bissett
Jim Clarno
John Grant
Julia Marsden
Susan Morgan

OTHERS PARTICIPATING

Teresa Clark, Brazos River Authority
David Dunn, HDR Engineering
Kimberly Goolsby, Brazos River Authority
Larry Land, HDR Engineering
Grady Reed, HDR Engineering
Lisa Tschirhart, Brazos River Authority
David Wheelock, Brazos River Authority

PUBLIC PRESENT

See attached sign-in sheet (**Exhibit B**)

Invocation –

At the request of Chair Jones, Dr. Mack gave the invocation.

Notice of Meeting –

Chair Jones noted that each member of the Regional Water Planning Group received notice of this meeting pursuant to the bylaws (copy of agenda attached as **Exhibit C**). He indicated that the public meeting notice was properly posted as required by the law and confirmations of timely posting were received.

Attendance and Announcements –

Chair Jones said that Chaunce Thompson would not be able to attend the meeting and has designated David Bell as his alternate. Chair Jones also noted that Terry Kelley had designated Brent Locke as his alternate, and Jim Nuse had designated Tom Word as his alternate.

Chair Jones noted the presence of a quorum.

Chair Jones noted the availability of a hard copy of the meeting materials for public review. He said that the public can also view and download the meeting materials from the Brazos G website at www.brazosgwater.org.

Consider Approval of Draft Minutes of November 12, 2003, meeting –

Chair Jones said that draft minutes of the November 12, 2003, quarterly meeting were distributed to each member pursuant to the bylaws. He asked if there were any changes or questions regarding the minutes.

It was then moved by Judge Fambrough and seconded by Mr. Ford:

THAT the minutes of the November 12, 2003, Brazos G Regional Water Planning Group Meeting be approved as prepared in preliminary form.

The **MOTION CARRIED** with no dissenting votes.

Present Independent Financial Report and consider approval -

Chair Jones requested that Stephen Stark, Chair of the Finance and Cost Committee, present this report to the Group.

Mr. Stark reviewed the report for October 1, 2003, through December 31, 2003, that each member of the Group received in their meeting materials (copy attached as **Exhibit D**).

It was then moved by Mr. Blum and seconded by Mr. Stem:

BE IT RESOLVED THAT the Brazos G Regional Water Planning Group hereby approves the December 31, 2003, Independent Financial Report as presented.

The **MOTION CARRIED** with no dissenting votes.

Public Input –

Public questions and comments on agenda items or water planning issues (limited to 5 minutes each) –

Chair Jones reminded everyone that the Regional Water Planning Group is limited in its ability to participate in discussions or deliberations by the provisions of the Open Meetings Act. The Group cannot deliberate or discuss issues that are not posted on the meeting agenda.

Chair Jones noted that the public would be given the opportunity to speak on agenda items after they are presented and before any action item.

Chair Jones said that anyone who had not signed up but would like to address the group to please fill out a form at that time.

Mr. Tom Lake of Milam County commended the recent availability of the information on the internet.

Ms. Susan Kaderka with the National Wildlife Federation noted that she also appreciated the availability of information to be downloaded from the internet. She also noted that she appreciates how the public input is handled with respect to agenda items.

Program –

Consider recommendations from the Executive Committee:

- **Appointment of new voting member to fill vacancy representing Municipalities –**

Chair Jones noted that the Executive Committee met on January 28, 2004, to consider the nominations received for the voting member vacancy representing Municipalities.

The Executive Committee selected three nominees to present to the Group for consideration:

1. Jim Briggs;
2. Tom Clark; and
3. Michele Gangnes

Chair Jones said that he had requested that each Executive Committee member provide a summary of why each of the three nominees should be considered. Each Group member received these summaries as well as a cover letter and the full nomination packets for the three nominees.

Chair Jones noted that the Group is not bound by the recommendation of the Executive Committee and can consider any person who meets the conditions of the membership. The bylaws direct the Group to "strive to achieve geographic, ethnic, and gender diversity when considering nominees and the selection of new voting members".

Chair Jones said based on the bylaws there is a requirement of two-thirds vote of the voting membership present.

Chair Jones suggested that a vote be taken for each nominee in alphabetical order. If consensus is not received the third place nominee will be removed and then a vote taken for the top two nominees.

Chair Jones asked if anyone wished to speak about this item.

Mr. Tom Lake of Milam County requested to speak. He expressed his disappointment in the product of the January 28 meeting. He said that the bylaws are reasonably clear about the prioritized criteria. Mr. Lake noted that the geographic, ethnic, and gender diversity criteria were not discussed with any degree of completeness, except with the modest reference by Mr. Ford as to diversity. The lack of consideration of those primary goals as outlined by the bylaws was disappointing, because under the guidelines there was only one candidate who should have been brought forward to the Group which was Michele Gangnes.

Chair Jones requested that Mr. Lake provide more information regarding his comments. Mr. Lake referred to Article 3 Section 7 of the Membership criteria in the bylaws that indicates explicitly that in both the consideration of nominees and the selection of new voting members the Executive Committee and other voting members shall try to achieve geographic, ethnic, and gender diversity. He noted that is the only qualifying language used for consideration of a new member. That was not complied with because the available candidates were essentially all from the same geographical area and they shared general ethnicity, the only difference being gender. This was not identified in the deliberation.

Mr. Grace suggested that each Group member write on a piece of paper the name of the person that they believe should have this position. If consensus is not received, the person who received the least amount of votes is removed and the Group votes on the top two.

Mr. Keith Hansberger noted that Ms. Gangnes was nominated by the City Council of Lexington but she also received a resolution from the water district and the Lee County Commissioners Court. He said that not only would she diversify the Group for gender but she is also an attorney with a vast knowledge of not only groundwater law but surface water law.

Chair Jones noted that the Group has an attorney that represents the Group; therefore, an attorney would not be a representative situation. It is the Group's duty to select the person who is most qualified and has the most to offer to this Group.

Chair Jones asked if there were any objections to having the blind vote suggested by Mr. Grace, there being none, each member placed their vote.

Dr. Mack commented that one of the strengths of the Group in the past is that the Group has been able to do a good job of not bringing the political arena to the surface. He said that he would like to see the Group strive to continue that tradition. He said that is why it is so important that the Group has a strong Executive Committee that has five members. He said that a priority should be to nominate and fill that position.

Chair Jones said that is included on today's agenda.

CHAIR JONES PROVIDED THE FOLLOWING VOTE TALLY:

Jim Briggs: 4 votes
Tom Clark: 12 votes
Michele Gangnes: 1 vote

Chair Jones noted that according to the bylaws Mr. Word is now representing Mr. Clark because he is officially a member of the Group as of today.

It was then moved by Judge Fambrough and seconded by Mr. Blum:

THAT the ballots be destroyed.

The **MOTION CARRIED** with no dissenting votes.

- **Review solicitation process for new voting members** –

Chair Jones said that due to the increased interest in the regional water planning process and the turnover of one-third of the voting members in 2004, the Executive Committee thought that it would be beneficial to clarify the current solicitation process.

(Proposed Solicitation Process for Brazos G RWPG Voting Members attached as **Exhibit E**).

Mr. Jack Shelton a citizen from Lampasas, Texas, commended the Group for taking the time to get proper representation. He said that in his opinion the recommendation of six letters of support does not represent an appropriate nomination depending on the category.

Mr. Tom Lake said the articulated criteria should be reviewed to include the expressed additional considerations as part of the bylaws, therefore providing what can be considered and what should not be considered on a priority basis.

It was then moved by Mr. Blum and seconded by Mr. Bryson:

THAT the Group accept the proposed solicitation process and that the solicitation be open for 60 days.

The **MOTION CARRIED** with no dissenting votes.

- **Discuss solicitation process for voting members whose terms expire in November 2004 –**

Chair Jones noted that since one-third of the voting member's terms expire in November 2004, in order to provide a smooth transition, the Executive Committee recommends that the solicitation for these vacancies be posted effective March 1, 2004, for sixty (60) days ending April 30, 2004. The recommendations from the Executive Committee would be made at the June 9, 2004, regularly scheduled meeting. Those nominees selected would be required to attend all meetings including an orientation until they officially become a member after the November 2004 meeting.

Mr. Bell suggested that 30 days be added to the front end of the cycle due to the large number of members that will be replaced. Chair Jones said that he would like to get the positions filled by June 9 to enable new members to participate at a higher level. If the time frame is extended from 60 days to 75 days, that would allow the Executive Committee three weeks to meet and determine the best candidate to recommend.

Dr. Mack asked if the 75 days would be a benefit. Ms. Clark said that she did not know that a couple weeks would make that much difference. Mr. Bell said in response to Dr. Mack's question that the water district meets on a 60 day cycle.

Mr. Bryson said that since action was just taken on Mr. Nuse's vacancy, would it be correct to go out for nominations for that position. Ms. Clark said that this is the first time since the bylaws were revised that this has occurred. The Group can make the decision as to whether or not to include that position in the solicitation. Mr. Clark is filling a vacancy for a term that expires in November 2004. In order for Mr. Clark to continue for another term, the Group would have to re-elect him. It is the Group's

decision whether or not to go out for solicitation. Ms. Clark noted that there would need to be a motion if the Group does not want to solicit for the position that Mr. Clark was just selected to fill.

Mr. Grace questioned if this was done for this position, would this be setting a precedent.

It was then moved by Mr. Stem and seconded by Mr. Bryson:

THAT the Group not solicit for the position just filled by Tom Clark that has a term expiration of 11/04 and extend his term to include the following five-year term.

The **MOTION CARRIED** with one dissenting vote, Phil Ford.

In reference to the solicitation process for voting members whose terms expire in November 2004, it was then moved by Mr. Diermann and seconded by Judge Fambrough:

THAT the solicitation process begin March 1, 2004, for seventy-five (75) days for those members whose terms expire November 4, 2004, for action at the June meeting and officially taking of office after the November 2004 meeting.

The **MOTION CARRIED** with no dissenting votes.

Mr. Blum noted that strong consideration should be given when considering a candidate; the original philosophy was for there to be four municipality representatives, three to represent the large distribution areas and one for the smaller cities. He said that he would like for the Group to continue that philosophy.

Mr. Grace commented that the Group should make sure to have a group with diverse geographic locations.

Consider interest categories for solicitation of voting member vacancies -

It was then moved by Dr. Mack and seconded by Judge Burrows:

THAT the Group solicit for the same interest categories as the positions becoming vacant: one water district, two agriculture, one municipality, one industrial, and one county.

The **MOTION CARRIED** with no dissenting votes.

Consider resignation of voting member Steve Sanford representing Agriculture interest –

It was moved by Mr. Bell and seconded by Judge Fambrough:

THAT the resignation be accepted with regret.

The **MOTION CARRIED** with no dissenting votes.

Discuss the addition of a new voting member representing Groundwater Conservation Districts –

Chair Jones noted that this is not an action item. He said that Mr. Grace had requested that this item be included on the agenda for further discussion. Currently the Group has a non-voting groundwater district member and presently two of the Group's voting members are also groundwater district board members.

Mr. Grace said that he has attended several statewide meetings where he has been approached by groundwater district members who felt that since that they control 60 to 70 percent of the water in the region that they should be included at the table with a vote.

Ms. Clark said that each member was provided a copy of the interest categories as defined by the Texas Water Code §16.053(c) (copy attached as **Exhibit F**).

Chair Jones asked if there were any public comments on this matter.

Mr. Bill Riley, representing Brazos Valley Groundwater Conservation District, thanked the Group for discussing this matter. He noted that groundwater is more an issue today than when the Group was formed. Groundwater will definitely play a role in meeting the water needs of the State in the future. It is especially an issue in this region and it is important that groundwater districts have a specific seat at the table.

Ms. Judy Parker, Director of the Clearwater Underground Water Conservation District in Bell County, noted that 76 percent of the water in Region G is controlled by groundwater districts. She noted there is most likely not a member sitting at the table that does not have multiple interests. She said that there are water district seats that they do qualify for and would like to be solicited for but there are actually two seats for water districts because Johnson County has become a utility district which no longer qualifies them for the water district seat.

Mr. Lloyd Behm with Bluebonnet Groundwater Conservation District echoed the previous comments. He said that it is important that the groundwater districts have a seat at the table.

Mr. Bell suggested that the Group receive a briefing on the rule of capture and the changing status of that law. He said that he would also like to see a map of the active groundwater groups and what their limits are before the Group considers the subject in a substantive way.

Dr. Mack noted that a precedent has been established providing for a non-voting groundwater district member. If the Group opens discussion on whether or not to create a voting member slot, then the Group needs to consider what to do with the non-voting member. He said that even with the limited discussion, at no point in time has he felt that groundwater districts have not been considered or represented.

Ms. Parker commented that the groundwater issues in Region G are becoming crucial because water marketers are moving in, especially in the Carrizo-Wilcox area. They are causing problems that need to be addressed in the Region as well as the district level. The people that are familiar with that situation need to be sitting at the table.

Dr. Mack addressed Ms. Parker's comment by stating that there is a non-voting member representing groundwater districts who could provide that information to the Group.

Mr. Shelton said that he admires what the Group is doing. The groundwater issue will not go away. He said that in his county the issue of groundwater is one of great suspicion. There is great fear that the regional process of planning is going to take their water away from them, restrict them, or not protect them. He expressed concern about there being only one seat that represents the public. He said that he would like to see the Group expand its membership to include another member from the public.

Mr. Riley said that he would ask the Group to consider this matter on the merit of whether groundwater is an important enough issue to add someone at the table rather than is there someone who is already here as a member of a groundwater district and they can also represent that interest.

The Group requested this item be included as an action item on the April meeting agenda.

Consider nominees for voting member to the Executive Committee filling the vacancy representing members-at-large –

Chair Jones said that he had spoken with Horace Grace about serving in that position. He asked if there were any other nominations.

It was then moved by Mr. Stark and seconded by Mr. Stem:

THAT Horace Grace represent the members-at-large on the Executive Committee.

The **MOTION CARRIED** with no dissenting votes.

Report from Texas Parks and Wildlife Department staff –

Chair Jones called on Ms. Melissa Mullins to give the Texas Parks and Wildlife Department report.

Ms. Mullins said that the Texas Parks and Wildlife Department is prepared to respond to invitations from the regional water planning groups and their consultants to appear before regional water planning groups.

Recess –

Chair Jones recessed the meeting at 12:10 p.m. The meeting reconvened at 12:45 p.m.

Report on TWDB Water Conservation Task Force by David Wheelock

–

Chair Jones called on Mr. Wheelock for this report.

Mr. Wheelock gave a brief report on the activities of the TWDB Water Conservation Task Force.

Report from Texas Water Development Board staff –

Chair Jones called on Mr. Meesey for this report.

Mr. Meesey gave a brief report regarding supplemental funding from the Texas Water Development Board point of view.

Consider recommendations from Scope of Work Committee –

- **Define the site of Breckenridge Reservoir as the Cedar Ridge site, as recommended by the West Central Texas Municipal Water District –**

Chair Jones called on Dr. Mack, Chair of the Scope of Work Committee, to present this matter to the Group for consideration.

Dr. Mack called on Mr. Dunn of HDR Engineering to present information about this matter (copy of Mr. Dunn's presentation is attached as **Exhibit G**).

It was then moved by Dr. Mack and seconded by Mr. A.V. Jones:

TO AMEND the places in the regional plan scope of work to read “Cedar Ridge Site” in place of “Breckenridge Reservoir”.

The **MOTION CARRIED** with no dissenting votes.

- **Supplemental funding to the Texas Water Development Board –**

Chair Jones called on Dr. Mack, Chair of the Scope of Work Committee, to present the committee’s recommendation.

Dr. Mack said that the Scope of Work Committee had prioritized items 1 through 5, with the remainder combined into priority item 6.

Dr. Mack called on Mr. Dunn to present this matter to the Group. A copy of Mr. Dunn’s presentation is attached as **Exhibit H**.

It was then moved by Dr. Mack and seconded by Mr. Blum:

THAT the Group approve the Scope of Work Committee’s recommendation; and, give Brazos River Authority the authority to negotiate the final budget figure and modify the scope of work.

The **MOTION CARRIED** with no dissenting votes.

Report and consider recommendations from Groundwater Availability Workgroup –

- **Fifteen (15) minute presentation by Lost Pines GCD on the Lee/Bastrop County GAM results (previously presented to the Groundwater Availability Workgroup) –**

Chair Jones called on Mr. Watson, Chair of the Groundwater Availability Workgroup, to present this matter to the Group.

Mr. Watson introduced Mr. Hansberger, Chair of the Lost Pines Groundwater Conservation District. Mr. Hansberger made some brief comments then turned the floor over to Dr. Robert Keir for his presentation (copy attached as **Exhibit I**).

- **Adopt groundwater availability estimates for the Seymour, Dockum, Edwards-Trinity, Northern Edwards BFZ and Carrizo-Wilcox aquifer systems –**

Chair Jones called on Mr. Watson, Chair of the Groundwater Availability Workgroup, to introduce Mr. Larry Land of HDR Engineering for this presentation.

A copy of Mr. Land's presentation is attached as **Exhibit J**.

Ms. Susan Kaderka, with the National Wildlife Federation, made comments that the City of Dallas received evidence that with reasonable water conservation efforts that they could supply 50 year water needs. The Dallas City Council decided to put a hold on spending \$700,000 on their portion of a planning study. She said that it should not be a question of if we use the higher numbers then we can meet our planning goals. Ms. Kaderka recommended refraining from making a decision on this until the Group can get some additional information.

It was then moved by Mr. Watson and seconded by Mr. Bryson:

THAT the Group adopt the groundwater availability estimates for the Seymour, Dockum, Edwards-Trinity, Northern Edwards BFZ and Carrizo-Wilcox aquifer systems as presented.

The **MOTION CARRIED** with three dissenting votes, Horace Grace and.....??????

Update from HDR on regional water planning schedule and process –

Chair Jones called on Mr. Dunn of HDR Engineering to present this matter to the Group. A copy of Mr. Dunn's presentation is attached as **Exhibit K**.

Confirmation of next meeting date –

Mr. Dunn said that the reason for having a March meeting is for an update from HDR Engineering on the surface water availability process, an update on the status of HDR's interaction with the Texas Parks and Wildlife Department on their offer for assistance with environmental assessments of water management strategies and the Texas Water Development Board presentation on how they would like to see the Brazos G RWPG look at the effects of the plan on instream flows. Texas Parks and Wildlife has an alternative methodology they would like for the Group to use and HDR as the Group's technical consultant has a third methodology for the Group to consider using. There will also be an educational briefing on the whole issue of return flows and how they interact with instream flows.

It was then moved by Mr. Blum and seconded by Mr. Bryson:

THAT the next Group meeting be held Tuesday, March 23, 2004.

The **MOTION CARRIED** with no dissenting votes.

New business to be considered at next meeting –

Mr. Bell asked when the Group will have the groundwater issues presented. Mr. Dunn said that it would be scheduled for the March or April meeting.

Adjournment –

There being no further business before the Group, Chair Jones adjourned the meeting at 2:41 p.m.

PHILLIP J. FORD
Secretary/Treasurer

TONY JONES
Chair

DRAFT