

**MINUTES OF THE BOARD OF DIRECTORS' SPECIAL MEETING
RED RIVER GROUNDWATER CONSERVATION DISTRICT**

MONDAY, MAY 23, 2011

**AT THE GRAYSON COUNTY COLLEGE
CRUCE STARK AUDITORIUM
6101 GRAYSON DRIVE
DENISON, TX 75020**

Members Present: George "Butch" Henderson, George Olson, Don Wortham, David Gattis, Harold Latham, Don Morrison

Members Absent: John Young

Staff: Jerry Chapman and Carmen Catterson

I. Call to Order

President Henderson called the meeting to order at 4:01 p.m. The Board Members introduced themselves and the entities they represent. President Henderson explained that this is a Board meeting, not a public hearing. The Board then introduced themselves and the entities they represent.

II. Consider and act upon approval of Minutes of April 28, 2011 Meeting.

The minutes have not been completed at this time. This item was tabled until a future meeting.

III. Consider and act upon establishing a depository for the District

The District has funds coming in and needs a depository. The Board briefly discussed which banking institution they preferred and agreed upon American Bank of Texas.

Secretary/Treasurer Wortham motioned to confirm American Bank of Texas as the depository for the District. The motion was seconded by Board Member Gattis and passed unanimously.

IV. Consider and act upon engagement letter with Lloyd Gosselink Firm for legal services.

The District has received legal assistance from Brian Sledge with the Lloyd Gosselink Firm as far back as 3 years ago when the area fought the creation of the District. Mr. Sledge has provided pro bono legal advice to the District since that time. He has advised that any future assistance will need to be under an engagement agreement with his firm. The District has activities that are required that will need legal assistance to complete.

Board Member Gattis motioned to table the engagement letter. The motion failed for a lack of a second.

Vice President Olson motioned to execute the engagement letter with the Lloyd Gosselink Firm for legal services. The motion was seconded by Board Member Latham and passed with Board Member Gattis opposing.

V. Discuss draft Temporary Rules and provide direction to the Rules Committee

Vice President Olson stated that not much was accomplished at the public hearing. He expressed to the public that the Board was not fond of the situation that has been presented, but the Texas Commission on Environmental Quality (TCEQ) forced the District to be created. The Board is attempting to maintain as much local control as possible, rather than have the TCEQ or the cities to the south take the control. He emphasized that domestic users are not the threat to the groundwater supply and that the Board is not trying to control the domestic users. He requested that the Rules Committee review the temporary rules and make sure that the domestic well users were not threatened and that wells used solely for domestic, poultry and livestock purposes be exempt. Permanent rules will be required in the future, but he recommends waiting for further information to be gathered before creating strict guidelines.

President Henderson requested the Rules Committee meet and incorporate Vice President Olson's suggestions into the draft Temporary Rules. Board Member Morrison referenced Rule 5.3 regarding water loss. He explained that water loss is not clearly defined and requested that an additional paragraph be added to exempt public utilities from the water loss guidelines as long as they have a maintenance plan in place that is being followed. Board Member Morrison requested the Rules Committee review this information when they meet.

VI. Consider and act upon establishing date and procedures for public hearing.

President Henderson explained that another regular meeting will need to be held before a public hearing can be held. Board meetings are open to the public, but are not public hearings. This would provide an opportunity for the Board to review the next draft of the temporary rules. Vice President Olson requested to have at least two weeks to review the next draft of rules before the next meeting or hearing. The next regularly scheduled meeting on June 27th will not be held. A meeting will be established for July at a later date.

VII. Discuss future meeting date and agenda

This item was discussed under Item VI.

VIII. Public Comment

Alex Moser congratulated the Board for taking more time to review the temporary rules. He requested that the required 10 acres be reduced to the county guidelines of 1 acre or 2 acres for subdivision. He also requested that old wells be grandfathered and suggested that the Board not set a date for the rules to be effective until enforcement is in place.

William Lee agreed with the size requirements and stated that the public is not happy about having to meter their wells because a large investment is required to install a well. He asked how the Board will enforce the rules. President Henderson stated that the Board hopes that enforcement activities will not be required. Some misconceptions were received on metering and the Board attempted to clarify the guidelines to the public.

Paul Richards proposed that 50% of the Board be citizens with residential wells. He also proposed grandfathering all existing wells when the permanent rules are issued. Mr. Richards requested that the gallons per minute be set at 25 gallons per minute, not 18 gallons per minute. He also proposed that Board members being paid by government or municipal agencies receive no compensation for serving on the Board and that the other Board members be paid minimum wage. The Board clarified that no wages are received.

Cliff May requested that different rules be established for the Trinity and Woodbine Aquifers. President Henderson stated that neither the State nor Groundwater Management Area 8 clarify between individual aquifers regarding rules and management. The rules are currently the same for both aquifers.

Kathy Robinson requested that a well driller and an individual well owner be provided positions on the Board. She asked how Dallas was included with this area. Vice President Olson stated that GMA 8 was

established by the State and stated that the Board had no control over the establishment of regions. The Board stated that to change the legislation, the public would have to contact their legislators.

Lois Smith asked if the Board would consider raising the production limits for exempt wells. The Board stated that they are considering exempting all domestic wells. Ms. Smith requested additional information be placed in the paper regarding exemption levels and metering. President Henderson explained that the last public hearing was supposed to be used to gain information, but was not able to accomplish the goal due to the amount of people and the general feeling of discontent. Ms. Smith questioned when the next draft of the rules would be available and Ms. Catterson explained that the Board has to approve the next draft before it can be provided to the public. President Henderson explained that the next draft of the rules would be available after the next board meeting.

Gillian Duncan requested that all domestic wells on less than 10 acres be exempt.

Rex Ray proposed logic against exempting wells based on production limits. His example was that if speeding tickets were given based on possible speed rather than actual speed, it would not be fair. He expressed that the Board needed a different method for charging for water use. President Henderson agreed and used the example of the City of Leonard. He stated that the City is capable of pumping 900 gallons per minute, but pumps significantly less per minute. One of the reasons the Board will request that domestic users volunteer the capacity of their wells and their production is to obtain a more accurate estimate of water use from the aquifer. However, the State requires that the Board account for all wells and water being removed from the aquifer. If the actual numbers are not available, then the capacity has to be used. The dilemma is that the numbers provided to the State for exempt water use will determine what the future of drilling wells will be. Mr. Ray stated that he felt the State was just finding another method to receive money from the working man and raise the cost of living for everyone.

Doug O'Connor applauded the Board for listening to the public. The North Texas GCD did not listen to the public or take their comments into consideration. The North Texas GCD did not provide any agricultural exemption and Mr. O'Connor expressed hope that the Red River GCD would consider it.


The citizens thanked Alex Moser for informing the public of the District's activities and the Board for listening to the public. One citizen expressed a belief that the District is simply government building government without providing a method for enforcement. In the future, the District will hire meter readers and enforcement officers to raise funds and charge the citizens more money.

Gene Short asked the Board if future domestic wells will be considered exempt. The Board stated that that had not been discussed, but could be placed for discussion. Vice President Olson explained that the Board will continue to examine this information. Board Member Gattis explained the current draft rules exempts all domestic wells, both current and future, except for registration. All wells will be required to register at some point.

VIII. Adjourn

Upon motion by Gattis seconded by Olson and passed unanimously, the Board adjourned at approximately 4:56 p.m.

#####


Recording Secretary


Secretary-Treasurer