

**BOARD MEETING  
FEBRUARY 6, 2007 - 4:00 P.M.  
PVGCD OFFICE  
CUERO PLAZA MALL-SUITE 1129  
CUERO, TX 77954**

**MINUTES**

**BOARD MEMBERS PRESENT:** Chairman - Errol John Dietze, Vice-Chairman - Bubba Steen, Tim Voelkel, Gary Colman, and Bob Davis

**ALSO IN ATTENDANCE:** GM - Bob McCurdy, Office Asst. - Kay Wild, Attorney - Jim Allison, Guests: citizens Maria Mann, Jim Mann, and Steve Scott of Brannan Paving

1. **CALL TO ORDER:** A quorum present, and all notices properly posted, the meeting was called to order at 4:00 P.M. by Chairman Dietze.
2. **APPROVAL OF MINUTES:** Minutes from the January 11<sup>th</sup> meeting were reviewed. With no corrections, additions or deletions, Gary Colman made the motion to accept the minutes as presented, second by Bob Davis; the motion carried unanimously
3. **PUBLIC COMMENT:** Guests were not present at the general board meeting. None present, none made at this time.
4. **FORMAT FOR TRANSPORT PERMIT:** In determining the information contained in this permit, the board discussed responsibilities of persons filing the permit application. The well owner is responsible for both a production permit and a transport permit, with the exception of grandfathered wells producing at the permitted rate, and for the permitted purpose. It was decided that the person hauling the water must also obtain a transport permit. This decision will require a rule change. Allison made two small changes to the current transport permit and recommended that the board accept the transport permit application format.
5. **TRANSPORT AND PRODUCTION PERMIT FEES:** The board discussed the issue of application fees for all well permits. Application fees are due at the time the application is made. Gary Colman made the following motions to set fees:
  - **New Well Registration fee of \$30** to be effective 3/1/07, second by Bubba Steen;
  - **Production Permit Application fee of \$200** in addition to \$1.00 per acre foot for agricultural purposes and \$10.00 per acre foot for other purposes, second by Tim Voelkel;
  - **Transport Permit Application fee** of \$200 in addition to 2.5 cents per thousand gallons of water transferred outside the district, second by Tim Voelkel; motions carried unanimously.
6. **CUSTODIAL SERVICE:** The board gave permission to the GM to hire a custodian for the office.

7. **RETIREMENT PLAN:** The board authorized the Board President to submit an application for membership to TCDRS.
8. **DISCUSSION OF WAYLAN BRANNAN PRODUCTION PERMIT:** The board discussed the production permit application from Waylan Brannan Paving d/b/a Brannan Paving. Jim Allison addressed the question in a letter from Mr. Mann to Chairman Dietze, of the necessity of written notice to adjacent land owners of the public hearing. Notification to adjacent landowners is required only if the hearing is to consider an *exception* of the production permit limitations as set down in the rules; this hearing was not for that purpose and thus notification to adjacent land owners was not required.
9. **EXECUTIVE SESSION:** None
10. **PUBLIC MEETING FOR HEARING ON BRANNAN PERMIT:** Chairman Dietze declared the public meeting open at 5:30 P.M. Chairman Dietze swore in the witnesses; Steve Scott of Brannan Paving and Jim Mann, citizen/landowner. The Chairman recognized Mr. Scott, the authorized representative for Brannan Paving, who gave an over-view of the road construction project on FM 236. Jim Allison informed Mr. Scott of the limitations set down in the rules of the PVGCD for a production well of 1 acre foot, per acre, per year. An application for exception would be required for additional water, or Brannan paving would have to find water on another location and go through the production permit application process for the new site. Mr. Scott indicated that he was not aware of the limitation of the production permit. He was operating under the exempt well permit filed with the District with a limitation of 25,000 gallons per day. Jim Allison also informed him that there is an additional fee of \$10 per acre foot for production wells. Mr. Scott was informed that a meter is to be installed on the pump, and monthly production reports made to the PVGCD general manager. Mr. Scott indicated that Brannan Paving is willing to follow all rules and requirements deemed by the board of directors in accordance with the rules of the PVGCD. At this time Mr. Mann spoke of his concerns regarding procedures not being properly followed by the District in enforcing the rules. The board shared with Mr. Mann that these new procedures will take time to iron out. All efforts are being made to establish and monitor all well permits. Mr. Mann challenged that Brannan Paving was ordered to cease and desist until the proper permit was acquired. Jim Allison said that the District could not legally order a cease and desist, but that Brannan Paving was put on notice that they were in violation. Immediate action on the part of PVGCD and Brannan Paving was taken upon this notification. The general manager recommended that upon payment of the required fees, Brannan Paving has given sufficient information to be granted a permit under rules of limitations. Bubba Steen made a motion that the permit be granted and that the General Manager follow-up and monitor the activity by Brannan Paving. The motion was second by Bob Davis and carried unanimously. The public meeting was closed at 6:10 P.M.
11. **ADJOURNMENT:** The chairman adjourned the meeting at 6:15 P.M. with a motion from Bob Davis and second by Bubba Steen.

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Sec/Gary Colman

Recorded: Kay Wild/Office Asst/PVGCD