

**MINUTES**  
*FORT BEND SUBSIDENCE DISTRICT*  
REGULAR MEETING  
OF THE BOARD OF DIRECTORS  
*December 14, 2016*  
3:00 P.M.

**MEMBERS OF THE BOARD PRESENT:** Bob DeForest, Bobby Kunz, Marvin Marcell, Lisa Stasney, Jon Strange, Lawrence Vaccaro, William Wallace, B. T. Williams, and Benny Wleczyk.

**MEMBERS OF THE BOARD ABSENT:** Clifton Aldrich, Karl Baumgartner, James Clark, Mark Gehringer, Morris Mitchell and Greg Wine.

**STAFF PRESENT:** Mike Turco, Greg Ellis, Robert Thompson, Kevin Ebrom, and Wanda Sebesta.

**PRESIDING:** Chairman, Marvin Marcell.

Chairman Marcell called the meeting to order in the sixth floor meeting room of the Wm. B. Travis Building, in Richmond, Texas, announced the presence of a quorum.

**PLEDGE OF ALLEGIANCE**

2. Mr. Wleczyk led the Pledges of Allegiance.

**APPROVAL OF THE MINUTES**

3. Mr. Strange moved that the minutes of the regular meeting, November 16, 2016, be approved; it was seconded by Mr. DeForest. Chairman Marcell put the question and, after the vote, announced the motion carried unanimously.

**RECEIVE HEARING EXAMINER'S REPORT AND CONSIDER GRANTING, DENYING OR AMENDING APPLICATIONS FOR WATER WELL PERMITS HEARD AT THE DECEMBER 1, 2016, HEARING**

4. Robert Thompson presented the Hearing Examiner's Report from the December 1, 2016, Hearing, and also requested the inclusion of the distributed page for Jacob and Stacey Hamil (Well No. 767). (Exhibit #1)
  - 4.1 Mr. Williams moved to approve the Hearing Examiner's Report from the December 1, 2016, Hearing; it was seconded by Mr. Strange. Chairman Marcell put the question and, after the vote, announced the motion carried unanimously.

#### **EMERGENCY APPROVAL**

5. Robert Thompson stated that Emergency Approval had been granted by the General Manager for Faith United Methodist Church.
  - 5.1 Mr. DeForest moved to ratify the action taken by the General Manager granting Emergency Approval to Faith United Methodist Church; it was seconded by Mr. Wleczyk. Chairman Marcell put the question and, after the vote, announced the motion carried unanimously.

#### **RESOLUTION AUTHORIZING THE EXECUTION OF A JOINT-FUNDING AGREEMENT WITH THE UNITED STATES GEOLOGICAL SURVEY TO PROVIDE FOR A COOPERATIVE RESEARCH PROGRAM FOR THE COLLECTION AND PUBLICATION OF WATER RESOURCE AND SUBSIDENCE DATA FOR THE YEAR ENDING DECEMBER 31, 2017; AND AUTHORIZING THE EXPENDITURE OF FUNDS**

6. Mr. Turco reviewed the resolution, introduced David Brown, with the United States Geological Survey, and discussion followed. Chairman Marcell reviewed the email letter from John Loper concerning the Joint-Funding Agreement and the General Manager's response.

#### **CAPTION**

**RESOLUTION AUTHORIZING THE EXECUTION OF A JOINT-FUNDING AGREEMENT WITH THE UNITED STATES GEOLOGICAL SURVEY TO PROVIDE FOR A COOPERATIVE RESEARCH PROGRAM FOR THE COLLECTION AND PUBLICATION OF WATER RESOURCE AND SUBSIDENCE DATA FOR THE YEAR ENDING DECEMBER 31, 2017; AND AUTHORIZING THE EXPENDITURE OF FUNDS**

(This Resolution is of record in Resolution Book V of the Fort Bend Subsidence District being Resolution 16-379.)

- 6.1 Mr. Wallace moved to approve Resolution 16-379 authorizing the execution of a Joint-Funding Agreement with the United States Geological Survey to provide for a cooperative research program for the collection and publication of water resource and subsidence data for the year ending December 31, 2017; and authorizing the expenditure of funds; it was seconded by Mr. Strange. Chairman Marcell put the question and, after the vote, announced the motion carried unanimously.

**RESOLUTION AUTHORIZING THE GENERAL MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH WHITLEY PENN, LLC, FOR AUDIT SERVICES**

7. Mr. Marcell introduced Resolution 16-380 authorizing the General Manager to enter into a Professional Services Agreement with Whitley Penn, LLC, for audit services.

CAPTION

RESOLUTION AUTHORIZING THE GENERAL MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH WHITLEY PENN, LLC, FOR AUDIT SERVICES

(This Resolution is of record in Resolution Book V of the Fort Bend Subsidence District being Resolution 16-380.)

- 7.1 Mr. Wallace, Chairman of the Finance Committee, also commented in favor of the Professional Services Agreement with Whitley Penn, LLC.
- 7.2 Mr. DeForest moved to approve Resolution 16-380 authorizing the General Manager to enter into a Professional Services Agreement with Whitley Penn, LLC, for audit services; it was seconded by Mr. Wleczyk. Chairman Marcell put the question and, after the vote, announced the motion carried unanimously.

**RESOLUTION DIRECTING THE GENERAL MANAGER TO REPRESENT THE DISTRICT IN MATTERS BEFORE THE 85<sup>TH</sup> LEGISLATURE**

8. Mr. Marcell introduced Resolution 16-381 directing the General Manager to represent the District in matters before the 85<sup>th</sup> Legislature.

CAPTION

RESOLUTION DIRECTING THE GENERAL MANAGER TO REPRESENT THE DISTRICT IN MATTERS BEFORE THE 85<sup>TH</sup> LEGISLATURE

(This Resolution is of record in Resolution Book V of the Fort Bend Subsidence District being Resolution 16-381.)

- 8.1 Mr. Strange moved to approve Resolution 16-381 directing the General Manager to represent the District in matters before the 85<sup>th</sup> Legislature; it was seconded by Mr. Wleczyk. Chairman Marcell put the question and, after the vote, announced the motion carried unanimously.

**RESOLUTION AUTHORIZING THE GENERAL MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH GM ELLIS LAW FIRM, PC, TO ASSIST THE DISTRICT WITH LEGISLATIVE MATTERS**

9. Mr. Marcell introduced Resolution 16-382 authorizing the General Manager to enter into a Professional Services Agreement with GM Ellis Law Firm, PC, to assist the District with legislative matters.

CAPTION

**RESOLUTION AUTHORIZING THE GENERAL MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH GM ELLIS LAW FIRM, PC, TO ASSIST THE DISTRICT WITH LEGISLATIVE MATTERS**

(This Resolution is of record in Resolution Book V of the Fort Bend Subsidence District being Resolution 16-382.)

- 9.1 It was noted that \$25,000.00 had been budgeted in 2017 for this Professional Services Agreement.
- 9.2 Mr. Williams moved to approve Resolution 16-382 authorizing the General Manager to enter into a Professional Services Agreement with GM Ellis Law Firm, PC, to assist the District with legislative matters; it was seconded by Mr. Strange. Chairman Marcell put the question and, after the vote, announced the motion carried unanimously.

**COMMENTS FROM MEMBERS OF THE PUBLIC**

10. Members of the public present were Scott Fajkus, with the City of Richmond, Charles Kalkomey, with the City of Rosenberg, and David Brown, with the United States Geological Survey.

## GENERAL MANAGER'S REPORT

11. Mr. Turco updated the Board on pertinent operational and management issues that the District, its employees, or consultants have encountered since the last regular Board meeting.

## EXECUTIVE SESSION

12. The Board of Directors went into Executive Session at 3:55 p.m. as authorized under the Open Meetings Act, Section 551.071, Government Code, to discuss Item M of the Agenda.
  - 12.1 Following the Executive Session, the Board then resumed the open meeting at 4:10 p.m.

## COMPROMISE AND SETTLEMENT AGREEMENTS

13. Kevin Ebrom reviewed the circumstances regarding the violations for Hanson Aggregates, LLC, and Southwest Environmental.
  - 13.1 Mr. Wallace moved to authorize the General Manager to offer Compromise and Settlement Agreements on behalf of the Board to Hanson Aggregates, LLC, and Southwest Environmental; it was seconded by Mr. Strange. Chairman Marcell put the question and, after the vote, announced the motion carried unanimously.

## CONSULTATION WITH THE GENERAL COUNSEL ON RECENT LITIGATION ON GROUNDWATER ISSUES

14. There was no update for recent litigation on groundwater issues.

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, THE MEETING WAS ADJOURNED.**

BY:   
Chairman

ATTEST:

  
Secretary