

MINUTES
FORT BEND SUBSIDENCE DISTRICT
REGULAR MEETING
OF THE BOARD OF DIRECTORS
March 28, 2018
3:00 P.M.

MEMBERS OF THE BOARD PRESENT: Clifton Aldrich, Karl Baumgartner, Mark Gehringer, Marvin Marcell, Morris Mitchell, Jon Strange, Lawrence Vaccaro, William Wallace, B. T. Williams, and Benny Wleczyk.

MEMBERS OF THE BOARD ABSENT: Jay Anderson, Bob DeForest, Quart Graves, Bobby Kunz and Greg Wine.

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

PRESIDING: Marvin Marcell, Chairman.

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

PLEDGE OF ALLEGIANCE

2. Kevin Ebrom led the Pledges of Allegiance.

OATH OF OFFICE

3. Wanda Sebesta administered the Oath of Office to Mr. Aldrich and Mr. Gehringer.

APPROVAL OF THE MINUTES OF THE REGULAR BOARD MEETING

4. Mr. Strange moved that the minutes of the regular meeting, February 28, 2018, be approved; it was seconded by Mr. Wallace. 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 MARCH 1, 2018, HEARING

5. Robert Thompson presented the Hearing Examiner's Report from the March 1, 2018, Hearing. (Exhibit #1)
 - 5.1 Mr. Mitchell moved to approve the Hearing Examiner's Report from the March 1, 2018, Hearing, and to include the distributed pages for Vernon Bohacek and Paul Pigue; it was seconded by Mr. Wleczyk. Chairman Marcell put the question and, after the vote, announced the motion carried unanimously.

RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF HEARING TESTIMONY REGARDING THE DETERMINATION OF EFFECTS OF GROUNDWATER WITHDRAWAL ON LAND SUBSIDENCE DURING THE YEAR ENDING DECEMBER 31, 2017

6. Mr. Turco reviewed Resolution 18-376 calling a Public Hearing for the purpose of hearing testimony regarding the determination of effects of groundwater withdrawal on land subsidence during the year ending December 31, 2017.

CAPTION

RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF HEARING TESTIMONY REGARDING THE DETERMINATION OF EFFECTS OF GROUNDWATER WITHDRAWAL ON LAND SUBSIDENCE DURING THE YEAR ENDING DECEMBER 31, 2017

(This Resolution is of record in Resolution Book V of the Fort Bend Subsidence District being Resolution 18-376.)

- 6.1 Mr. Aldrich moved to approve Resolution 18-376 calling a Public Hearing for the purpose of hearing testimony regarding the determination of effects of groundwater withdrawal on land subsidence during the year ending December 31, 2017; it was seconded by Mr. Gehringer. Chairman Marcell put the question and, after the vote, announced the motion carried unanimously.

COMMENTS FROM MEMBERS OF THE PUBLIC

7. Members of the public present were Evan Kirkpatrick and Councilor Jacob Balderas, with the City of Rosenberg, Christina Miller, with the North Fort Bend Water Authority, and Chris Varela, with the City of Houston.

GENERAL MANAGER'S REPORT

8. 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.
 - 8.1 Mr. Williams now present.

CONSULTATION WITH THE GENERAL COUNSEL ON RECENT LITIGATION ON GROUNDWATER ISSUES

9. Greg Ellis updated the Board on recent litigation on groundwater issues.

EXECUTIVE SESSION

10. The Board of Directors went into Executive Session at 3:34 p.m. as authorized under the Open Meetings Act, Section 551.071, Government Code, to discuss Item K of the Agenda.
 - 10.1 Following the Executive Session, the Board then resumed the open meeting at 4:00 p.m.

COMPROMISE AND SETTLEMENT AGREEMENTS

11. Kevin Ebram reviewed the circumstances regarding the violations for Marshall E. Dujka, Partnership, Ltd., Macario C. Hernandez, Ondrey Water Well, and White Lion Holdings, LLC, and presented the counter offer from Omar Kasani.
 - 11.1 Mr. Aldrich moved to authorize the General Manager to offer Compromise and Settlement Agreements on behalf of the Board to Marshall E. Dujka, Partnership, Ltd., Macario C. Hernandez, Ondrey Water Well, and White Lion Holdings, and to reduce the offer to Omar Kasani to \$1,136.00; it was seconded by Mr. Mitchell. Chairman Marcell put the question and, after the vote, announced the motion carried unanimously.

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

BY: Kevin Carroll
Chairman

ATTEST:
[Signature]
Secretary