

**Administrative Committee Meeting Minutes**  
**Capital Area Groundwater Conservation Commission**  
**December 12, 2023**

**I. Call to Order**

Karen Gautreaux – Capital Area Groundwater Conservation Commission (CAGCC)  
Acting Committee Chair

Ms. Gautreaux was chair of the meeting in Chairman Hobbins’s absence.

**II. Roll Call**

Gary Beard – CAGCD Executive Director

Members present: Ms. Gautreaux, Mr. Leo, Ms. Machen, Mr. Reonas and Mr. Vetter

**III. Establishment of a Quorum**

Karen Gautreaux – CAGCC Acting Committee Chair

Five (5) members present and a quorum.

Chair Gautreaux expressed to Mr. Beard how great it was to convene the meeting at the office. She asked if there was anything left to complete. Mr. Beard said there were a few items remaining to be completed.

**IV. Invocation**

Gary Beard – CAGCD Executive Director

**V. Pledge of Allegiance**

Gary Beard – CAGCD Executive Director

**VI. Recognition of Guests**

Karen Gautreaux – CAGCC Acting Committee Chair

Brett Furr – Taylor Porter; Roy Waggenpack – Owen and White; David Mitchell – *The Advocate*; Anthony Simon – Secure Water Management

**VII. Amendments to the Agenda**

Karen Gautreaux – CAGCC Acting Committee Chair

Mr. Beard said he received new information on changes to the Open Meetings Law and if there were no objections, he would like to add it to the Director’s report. This is for discussion purposes only.

Motion by Mr. Reonas and second by Mr. Leo to add open meetings law changes to the agenda under the Executive Director’s report. No objections. Motion passed.

**VIII. Approval of Minutes of Previous Meeting – June 8, 2023 (action required)**

Karen Gautreaux – CAGCD Acting Committee Chair

Motion by Mr. Reonas and second by Mr. Leo to approve the June 8, 2023, minutes. No objections. Motion passed.

**IX. Executive Director's Report**

Gary Beard – CAGCD Executive Director

A. Executive Session – Update on Lawsuit

- a. Motion by Mr. Leo and second by Ms. Machen to enter into executive session. No objections. Motion passed.
- b. Motion by Mr. Reonas and second by Mr. Leo to exit Executive Session. No objections. Motion passed.

B. By-Laws – **(action required)**

Mr. Beard opened a discussion regarding committee meetings and when they are held. He said he wants to be clear that the chairman of the committee would call the meetings on an as-needed basis. He feels this should be added to the By-Laws. He said the other item was to move the public comment to the front of the agenda to get all public comments in ahead of time to know what they have to say before any action. At the same time, on an action item, the public has the chance to speak. Chair Gautreaux repeated for review, there will be public comment upfront and then again on voting items. Mr. Beard said that is correct.

Murphy Foster, with Breazeale, Sachse and Wilson, said he serves in similar roles with several boards that require public comment. He said they have found it more efficient and orderly to require public comment on all items, including action items, at the beginning of the meeting during the designated time. He said the action items are posted and, on the agenda, so everybody knows what the action items are. He said in the beginning it leads to more continuity to have public comment all at one time, as opposed to interrupting the flow of the meeting. Chair Gautreaux said she does see the value of making public comments at the beginning. She said she thinks we do need to get a handle on time limits and only bring in public comment when there is an action. She said she feels the conversation with the Board may generate other thoughts from the public.

Mr. Foster said he feels if the Board waits until the action item comes up, then this is actually promoting an argument with the public as opposed to having the public put their position on the action item upfront for the Board to consider and not interrupt the meeting flow. He said that is what typically works based on this scenario. Mr. Leo said what if there is new business to discuss and not noticed prior to the Board meeting and does require action. The public would not have an opportunity to comment.

Mr. Foster said that would be an exception. He said if the Board votes to alter the agenda and add an action item, then at that time it would be appropriate to allow public comment. Mr. Beard said he can make that modification. Ms. Machen said she is concerned there may be new information for the public in the course of discussion by the Commission and if there is, at that point, there will be no mechanism for public comment.

Mr. Reonas said he is in favor of having the public have a voice, although, there should be enforced time limits.

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Michelle Hall with the Attorney General's office asked to comment. She said the Board can vote to reopen public comment for action items.

Mr. Seagraves said he rarely gets public comment prior to the meeting. He said he likes the idea of public comment first and then capability to ask people for comment or open it back up. He said he thinks as a commissioner it would help him to make a better decision early if he knew some of the interests.

Chair Gautreaux said she would like to consider public comment upfront and then available on the action items on a time-limited basis. Mr. Foster said public comment should always be on a time-limited basis no matter if it is upfront or during an action item.

Ms. Machen asked if there is a limit on the number of times a person can speak. She said we have situations where there have been multiple comments by the same party. Chair Gautreaux said she if the public has new information that has not already been mentioned, public comment should be allowed on an action item.

Mr. Foster said the reason he suggested taking public comment upfront on a limited time basis of two minutes, they can make their point and continue the flow of the meeting. He said the public commenting on something that is not an action item should not be allowed. He said the comments are collected at the beginning of the meeting so everyone can think about it and have that going into the issues. He said if there are comments again under action items, limit it to new comments and a time-limit. Mr. Foster said the Board is required to allow public comment and they do have the authority to dictate what that looks like.

Mr. Leo said he would like to add the time-limit to the By-Laws. Mr. Beard said the bylaws can be modified to say public comment – three minutes. Mr. Leo said he had it as a time-limited period as determined by the Chair of the Board.

Chair Gautreaux said she is happy to have the chairman have discretion over the time frame of the comment and if there is new business that requires action, allow public comment.

Mr. Reonas said back in the old days, the commission had all public comment at the end of the meeting.

Mr. Beard said item four, where it says public comment on item, it would be limited to new information? Mr. Reonas said yes that would be acceptable.

Chair Gautreaux said she thinks it should be public comment on action items, and it would have to be information that was not previously provided.

Ms. Hall said we would need to change it to say public comment on an item would be limited to only information that was not presented at the beginning. If it is done this way, the public won't give their comment at the beginning but wait until the action item. Mr. Leo said if we amend the rule 4.1, number 8, to read public comment on noticed action items. Mr. Leo said, make it clear, you can only provide public comment on noticed action items prior to their discussion by the Board.

Ms. Hall said if the board wants to go with the concept of doing all comments up front but leave the possibility open to reopen it. She said in Rule 4.5, you can change to number 4, to additional public comment on an item upon motion and majority vote

to reopen public comment by the Board. She said the commission can reopen, but you have to vote to reopen it.

Mr. Beard suggested it to read, upon majority of the Board.

Mr. Mitchell with the Advocate, said just food for thought, if anyone in the public wanted to make comments in advance, they need to know what these action items are about.

Chair Gautreaux said it is the duty of the Board to make sure these things are published in advance with the agenda. Ms. Machen said the information is pre-published on the agenda, but this is not enough information to give an idea of what this action item is about.

Chair Gautreaux said she thinks it is incumbent on the Board to have a copy of the by-laws and the text with changes so the public will have an opportunity to know what is going on. She said the information would have to be on the website in advance of the meeting for everyone to read.

Mr. Foster said he thinks that what the Board is required to publish, or to post in the notice, is sufficient description of the items so the public can be aware of what the meeting is going to be about. He said he has seen nothing to suggest that you must post the precise wording of the bylaw you are going to change. He suggested to say, by-law change regarding public comment. Mr. Leo said if after the public comments are given, amendments are made, the public should have the opportunity to comment again on those proposed amendments before they are voted on for approval.

Mr. Foster said the opportunity to request official public comment at the time the item comes up would address that.

Chair Gautreaux said we will take the amendments that have been suggested today and take them up at the Board meeting or next administrative committee meeting.

Mr. Beard said we will go ahead and make the changes on item 4 or 4.5 and then you can make a motion and he will add it to the agenda for the Board.

Mr. Beard reviewed the information regarding the changes. Add on item 4.5, number 4, add public comment on the item upon majority of vote to reopen discussion.

Mr. Leo asked was it limited to new information. Mr. Beard said yes. Motion by Mr. Reonas and second by Ms. Machen to amend item 4.5, number 4 of the by-laws, add public comment on the item upon majority of vote to reopen discussion. No objections. Motion passed.

**C. Non-compliance resolution – (action required)**

Motion by Mr. Reonas and second by Mr. Vetter to defer this resolution. No objection. Motion passed.

**D. ADA Compliance re Changes to Open Meetings Law**

Mr. Beard said this is not an action item but was included in your packets. He said he and the staff would start working to see how we can effectively follow the compliance of ADA. We will come back with recommendations for the Board.

Ms. Hall said the Division of Administration tried to pass rules that they would apply to all Boards and Commissions but decided each Board or Commission would have to do this on their own. She said we should use their draft to help us draft our policy.  
Comments from Mr. Furr.

**X. Chairman's Report**

Karen Gautreaux – CAGCD Administrative Committee Chairman

- None

**XI. Commissioner Agenda Items**

Karen Gautreaux – CAGCD Administrative Committee Chairman

- None

**XII. Old Business**

Karen Gautreaux – CAGCD Administrative Committee Chairman

- None

**XIII. New Business**

Karen Gautreaux – CAGCD Administrative Committee Chairman

- None

**XIV. Commissioner Comments**

Karen Gautreaux – CAGCD Administrative Committee Chairman

- None

**XV. Announcements**

Karen Gautreaux – CAGCD Administrative Committee Chairman

- None

**XVI. Public Comment (Non-action items only)**

Karen Gautreaux – CAGCD Administrative Committee Chairman

- None

**XVII. Adjournment – (action required)**

Karen Gautreaux – CAGCD Administrative Committee Chairman

- Motion by Mr. Leo and second by Mr. Vetter to adjourn the meeting. No objections. Motion passed.

  
Gary J. Beard, Executive Director