

## **Minutes**

### **Board Meeting**

#### **Capital Area Groundwater Conservation District**

**B. R. Marriott**

**May 20, 2021**

#### **I. Call to Order**

The Capital Area Groundwater Conservation District met for a regular meeting at 10:00 a.m. on May 20, 2021 at the Baton Rouge Marriott, Salon I, 5500 Hilton Ave, Baton Rouge, LA. The meeting was called to order by the Chairman, William Daniel.

#### **II. Roll Call**

The following members were present: William Daniel, Kenneth Dawson, Joey Normand, Matthew Reonas, Patrick Hobbins, Karen Gautreaux, Cyril Vetter, Jens Rummmler, Mark Frey, Thomas Seagraves, Hays Town, Todd Talbot, Scott Bergeron, Dennis McGehee, Ryan Scardina, Rachel Lambert. None of the Board members were absent.

Others attending the meeting included: Gary Beard & Miah Moore, Capital Area Groundwater Conservation District; Alyssa Dausman, The Water Institute; Jason Hewitt, Sustainability Partners; Hunter Odom; Marionneaux Kantrow, LLC; and George Losonsky, Losonsky & Associates.

#### **III. Establishment of a Quorum**

All members were present. A quorum was established by William Daniel.

#### **V. Invocation & Pledge of Allegiance**

Mr. Gary Beard led the invocation and pledge of Allegiance.

#### **VI. Recognition of Guests**

Mr. Daniel opened the floor for guests to come and introduce themselves. A representative from Together Baton Rouge/Together Louisiana introduced herself and her group. Roy Waggenpack, James Hudson, Honeywell; David, Together Baton Rouge/Together Louisiana; Susan, Together Baton Rouge/Together Louisiana; Jonathan Leo, Environmental Attorney; Dr. Tsai and Dr. Dausman, the Water Institute; also came forward to introduce themselves. Karen, the Director of Performance Audit from the Louisiana Legislator's office came forward to introduce herself. At the request of Susan from Together Baton Rouge/Together Louisiana the board members introduced themselves and who they are representing. Mr. Moore, a representative from Together Baton Rouge

came forward and gave history on the aquifers and requested the information on the water tables annually. Bob Montai, Exxon Mobil introduced himself.

### **VIII. Approval of Minutes of Previous Meeting**

Ms. Karen Gautreaux noted that she said “link” and not “leak” in the last meeting and requested that be reflected properly in the minutes. There was a motion to approve minutes as amended by Ms. Gautreaux and seconded by Mr. Dawson. There was no objection, the motion was approved.

### **IX. Executive Director’s Report**

#### **Welcoming of New Board Members**

Mr. Beard welcomed the new members and noted the new contact sheet included in the agenda packets.

#### **Approval of Employee Manual with amendments**

Mr. Beard brought the Board’s attention to the amendments of the Employee Manual. There was a motion by Mr. Joey Normand and second by Mr. Scott Bergeron. There was a unanimous roll call vote and the motion was approved.

#### **Approval of New Well Permits**

Mr. Beard announced that both permits were approved unanimously in committee. He went on to inform the board that there will be an implementation of a more rigorous approval process for new wells. He announced that there is also a pending change per the request of the board for an application fee in addition to the application process. There was a motion to approve the new wells by Mr. Bergeron, seconded by Mr. Todd Talbot. Mr. Reonas added that the office of conservation issued an order to Honeywell requesting additional information on May 10th and advised the commission of that request. He offered to send out the public record. There was a roll call vote with the following results:

Mr. Dennis McGehee and Mr. Ryan Scardina abstained, the rest of the board voted Yay. The motion passed.

#### **Resolution of Authorization of Bank Account**

Mr. Hunter Odom explained the resolution and the circumstances around it. He explained that in order for Mr. Beard to act on behalf of the district he needs authority from the board via a resolution to act according to the trust agreement. He went on to read the resolution to the Board. There was a motion by Mr. Kenneth Dawson. Mr. Bergeron asked if it would be a good choice to have both the Executive Director and the Treasurer be signatories of the account. Mr. Odom stated that he will amend the resolution to include the Treasurer. There was a motion for the resolution to be approved as amended by Mr. Matt Reonas, seconded by Mr. Kenneth Dawson. There was no objection and the motion was approved. There was a motion that Mr.

Beard be given signatory authority over the bank account by Mr. Normand, seconded by Mr. Seagraves. There was no objection and the motion was approved.

### **Resolution for the Attorney General**

Mr. Beard informed the Board that the Attorney General requested a resolution for the adoption of Marioneaux Kantrow as the legal counsel for the board. There was a motion to approve by Mr. Bergeron, seconded by Ms. Karen Gautreaux. Mr. Reonas asked for context due to the Attorney General previously offering legal counsel for the Board. He explained that the Attorney General wanted a document on record clarifying the situation. There was no objection, and the resolution was approved. The second part of the resolution to hire the attorneys was motioned by Mr. Jesse Means, seconded by Mr. Fry. Mr. Bergeron asked if the resolution was for an on-going/long term arrangement. Mr. Beard clarified that it was for record per request of the Attorney General. Mr. Daniel asked Hunter Odom how the subs were selected. Mr. Odom explained that the recommendation was based on their experience, lack of conflict, and the attorney general's approval. There was no objection and the motion was passed.

### **Correspondence for Industrial Use Survey**

Mr. Beard explained the Industrial Use Survey to the board and turned their attention to the attachment in their packets. Alyssa Dausman came forward and thanked the Board for their involvement and modifications. She explained that each user will have a unique and confidential link for the completion of the survey. Mr. Daniel opened the item up to public comment. There was no public comment.

### **Letter of Response to the Legislative Auditor**

Mr. Beard informed the board of his progress in correspondence with the Louisiana Legislative Auditor. Mr. Daniel invited the auditor to come forward and discuss. Ms. Karen came forward to thank Mr. Beard for his involvement and expressed that they anticipated the audit being complete in a month. Mr. Normand asked if the Board has a goal that says that each commissioner will have a synchronized list of the wells and their information. Mr. Reonas explained the situation and expressed that the office of conservation hopes to have the list by August 1st. Mr. Dawson expressed the importance of the collaborative effort of information exchange between DNR, the Office of Conservation, and the Capital Area Groundwater Conservation District. Mr. Daniel opened this item up to public comment. A member of Together Louisiana came forward to clarify the Legislative report under discussion. Jonathan Leo came forward to comment on Mr. Reonas' comments about the discrepancies between the information from the different agencies. He expressed that each agency should make sure they understand all gaps and stay on one accord. Mr. Vetter requested if the Board could incorporate all information for the approval process of new wells.

### **Update on Funding**

Mr. Beard brought the Board's attention to House Bill 2 and its inclusion of funding for the Capital Area Groundwater Conservation District metering and monitoring system. Mr. Beard

continued to explain the process he has been going through in order to get state funding for the program. He also explained his plans going forward with the program based on the choices of the Board today. Ms. Gautreaux asked Mr. Daniel if when the recipients of the fund put in a reasonable request for funding if it is his experience that there is a tendency of the legislature to respect the request. Mr. Daniel expressed that the governor's office has been very responsive in the past. Mr. Beard responded that his experience is that once a worthwhile project (like the metering program) is brought to their attention that the funding is provided until the completion of the project. He also expressed support by many legislators including Commissioner Iyeoub and the Governor's office. Mr. Bergeron asked for a history of the process that the funding from the governor's office goes through. Mr. Beard and Mr. Daniel elaborated on that process.

Mr. McGehee asked if the bill was voted on in totality. Mr. Daniel responded yes. Ms. Lambert asked what would happen if the metering program got pulled from the bill. Mr. Daniel replied that the rates would have to increase. Mr. Dawson expressed that it is imperative that if the money is allowed that they be used for the proper purpose to not risk losing the funding. Mr. Beard explained that House Bill 2 was the governor's request and that it would be rather unusual for a line item to be removed. Mr. Daniel opened up public comment. A representative from Together Baton Rouge came forward and asked for an explanation of the request for funding. Mr. Beard explained the request for the metering program and the purpose of it. Mr. Daniel expanded on Mr. Beard's explanation.

A member of the public came forward to ask if the meters monitored everyone. Mr. Daniel replied yes, everyone.

### **Approval of 2021-2022 Proposed Budget/Funding**

Mr. Beard explained the proposed budget for 2021-2022. Mr. Daniel asked Mr. Beard what the reserve balance would be at the end of the year. Mr. Beard responded a little over \$700,000. Mr. Beard asked for approval of the budget as approved by the administrative committee. Mr. Normand expressed that there is a little over \$100,000 that has not been paid yet, as well that the vendor for the metering program anticipates a 40% increase in income as a result of the metering program. Mr. Normand motioned to accept the budget as presented. Mr. Dawson expressed appreciation for the budget presented and stressed consideration for a more long term budget. He expressed wanting to work toward a 5 year budget. Mr. Normand expressed that a rate increase should be done all at once and that the only way to do that is to have a more long term budget. Mr. McGehee asked if the estimated pumpage income includes the unpaid pumpages. A member of the public came forward asking when the fiscal year is. Mr. Daniel clarified. The same member asked about an official publishing of the budget for public inspection. A member of the public, an apartment owner, came forward and expressed that he is paying \$30/month in groundwater fees so that the commission can do its job. He expressed that he was willing to pay \$100/month if that's what it takes for the commission to be able to do its job. He expressed his thought that the public would feel the same way. He continued that Together Baton Rouge was willing to be an ally with the commission for getting public support. There was a question from the public that came forward to ask about the rate increase. Mr. Daniel responded that the Board is seeking continuity in potential increases. Mr. Normand commented that he had a motion on the floor to accept the budget and that his motion still

stands. Mr. Jonathan Leo came forward to express his support of regulations. He explained that the first time he learned of the commission was through the auditor's report and it was in a negative light. He expressed criticism of the honor system currently in place. Mr. Daniel acknowledged the motion, and the second. Mr. Hays Town commented on the changes in the budget. There was a unanimous roll call vote. The motion was approved. Mr. Daniel asked Hunter Odom if a new vote on an amended budget could happen digitally or if that had to happen in person via a meeting.

Mr. Odom stated that he would look into it.

### **Approval of Metering Program Proposal**

Mr. Beard went over the history of the process for the metering program. Mr. Beard explained his recommendations for the metering program. He explained the 3 options given to the Board. Option A, full metering, Option B, partial metering, Option C, partial metering without SCADA. Mr. Normand made a motion for Option B, Ms. Gautreaux made a substitute motion for Option A. Mr. Dawson seconded both motions. He made comments supporting Option A. Mr. Reonas read into the record a statement from commissioner leyoub. Mr. Reonas expressed support for Option A. Mr. Daniel read into the record a letter her received from the Baton Rouge area foundation that expressed support for the metering program. Mr. Cyril Vetter posed a question on right of capture. Mr. Daniel answered with clarification and stated that groundwater is considered one of the minerals covered in the right of capture. He clarified that it states that whoever gets the mineral to the surface owns it. Mr. Daniel explained the capital outlay and commended Mr. Beard for getting funding from the state. He expressed gratitude to the governor and the state. Mr. Daniel expressed support for Option A. Mr. Bergeron expressed that he is in support of metering and also financially responsible decisions. He expressed a desire to put the cost and pressure on industry to complete the metering program. Ms. Lambert asked Mr. Beard the last time he checked House Bill 2 because the funding was pulled on May 11th. Mr. Hays Town expressed support for Option B. Ms. Gautreaux spoke up in support of Option A. Mr. Seagraves spoke in support of Option A. Mr. Daniel opened the floor up to public comment. A member of the public came forward to express the purpose of the aquifer and the priority of users. He expressed that because the public pays for meters everyone should. Gwen Pine, Together Baton Rouge, came forward and asked if the money asked for in House Bill 2 would have to be specifically used for metering or for other purposes. Mr. Beard confirmed that the money would be specifically used for metering. Mr. Reonas clarified the status of House Bill 2. Susan from Together Baton Rouge came forward to ask for industry to be placed on river water for non potable use. Mr. Wendel Lindsey came forward and suggested that in the instance that the commission doesn't receive the money from House Bill, the commission can still approve the program contingent upon funding. Jennifer Carlyle, Together Baton Rouge came forward and expressed the need for good data despite not being a lover of taxes. She stated that she doesn't like spending money when not necessary, but that it is her thought that we should go with Option A. Alison Wimberton came forward in support of Option A due to her environmental group being in favor of the most sufficient data possible. She stated that we don't need to spend money on cleaning and treating river water. She stated that an increase in the fee for metering is less than the fee associated with switching to river water. Caroline Brown, from the public came forward stating that she wanted quick and accurate data. She

asked where the data comes from that is required to act as quickly as possible. Mr. Jonathon Leo came forward to thank the Board for working on this issue. He stressed that potable water should be for people and not industry. He made a comparison to California where potable water is only available to the people and not for commercial use. Margaret from Together Baton Rouge came forward to express her support of Option A. Mr. Daniel gave a last call for public comment. A PE from Together Baton Rouge came forward to express the need for technological integration. Mr. Daniel reviewed the motion for Option B, and the substitute motion for Option A. The motion passed with a 9 to 7 vote. Mr. Ken Dawson, Joey Normand, Matt Reonas, Patrick Hobbins, Karen Gautreaux, Jesse Means, Cyril Vetter, JA Rummler, and Thomas Seagraves voted yes. Mr. Mark Frey, Hays Town, Todd Talbot, Scott Bergeron, Dennis McGehee, Ryan Scardina, and Rachel Lambert voted no.

### **Rate Structure**

Mr. Beard reviewed potential costs across the board and in total for an increase in rate structure to support the new budget and the metering program. Mr. Normand moved to defer the rate structure to the admin committee. The motion was seconded to the admin committee. There was no objection. The motion was passed.

### **X. Chairman's Report**

Mr. Daniel concluded the Chairman's report.

### **XI. Administrative Committee Report**

Mr. Normand gave the admin committee report.

### **XII. Technical Committee Report**

Mr. Bergeron gave the technical committee report.

### **XIII. Member Agenda Items**

Mr. Todd Talbot asked about not receiving emails. Mr. Vetter asked about classifying users.

### **XIV. Old Business**

There was no Old Business.

### **XV. New Business**

There was no New Business.

### **XVI. Commissioner Comments**

Mr. Bergeron asked the auditor for comment. The representative reported that she assumed it would be much better in the next report.

## **XVI. Announcements**

Mr. Dennis McGehee stated that the lack of payments for Baton Rouge Water is due to a computer glitch.

## **XVII. Public Comment**

A member of the public came forward and expressed a comment from John Spain. Mr. Daniel expressed the purpose of hiring Mr. Rainwater to assist in getting federal money for the district. A representative from Together Baton Rouge came forward and thanked the commission for passing Option A.

## **XVIII. Adjournment**

There was a motion to adjourn by Mr. Dawson and seconded by Mr. Talbot. There was no objection. The meeting adjourned at 1:02 pm.

A handwritten signature in black ink, appearing to read "Gary J. Beard". The signature is written in a cursive style with a horizontal line underneath it.

Gary J. Beard, Executive Director