

PRAIRIELANDS GROUNDWATER CONSERVATION DISTRICT

September 16, 2019

REGULAR MEETING MINUTES OF THE BOARD OF DIRECTORS

The Board of Directors (the "Board") of the Prairielands Groundwater Conservation District (the "District" or "Prairielands GCD") met in a regular board meeting at 205 S. Caddo Street, Cleburne, TX.

CALL TO ORDER AND DECLARE REGULAR MEETING OPEN TO THE PUBLIC

President Charles Beseda presided and called to order the regular Board of Directors Meeting at 9:15 a.m., announcing the meeting open to the public.

ROLL CALL

The roll was called of the members of the Board of Directors, to wit:

Charles Beseda	Maurice Osborn
Dennis Erinakes	Tod Sandlin
Randy Kirk	Kent Smith
Marty McPherson	Paul Tischler

All members of the Board were present, with the exception of Director(s) McPherson, and Sandlin. Also, in attendance at said meeting were Kathy Turner Jones, General Manager; Brian Sledge, District Counsel; District staff; and members of the public. *Copies of the public sign-in sheets and comments cards received are attached hereto as Exhibit "A" to the Regular Board of Directors Meeting minutes.*

ADMINISTRATION OF OATH OF OFFICE:

The first order of business was the Administration of Oaths of Office to reappointed board members. Kathy Turner Jones administered the Oath of Office to Charles Beseda, Maurice Osborn, and Dennis Erinakes.

ELECTION OF OFFICERS

Director Osborn moved to reappoint the current slate of officers. Director Smith seconded the motion, and it carried unanimously by all those who were present.

PUBLIC COMMENTS

None.

ADMINISTRATIVE AND FINANCIALS

Consent Agenda: Motion by Direct Smith to approve the consent agenda. Director Kirk seconded the motion and it carried unanimously by all those who were present.

The Board recessed at 9:20 and reconvened at 9:29.

Update on current banking/financial procedures and activities. Ms. Jones reported the District's operating, money market, and construction checking accounts with Citizens National Bank have been setup and are now being utilized. She also stated that she planned to have the ACH and credit card transactions switched over within the next two weeks.

Receive and consider approval of revised organizational chart. President Beseda postponed discussion of the approval of the District's revised organizational chart until the following executive session.

UPDATE ON PUBLIC OUTREACH ACTIVITIES, EDUCATIONAL AND CONSERVATION EFFORTS:

Ms. Newby highlighted in her report that she had prepared and distributed a press release announcing the District's ten-year anniversary and that it had been printed in the Cleburne Times Review and the Glen Rose Reporter at the time of the meeting. She also reported she had been in contact with representatives with civic and community organizations across the four counties of the District to schedule events and presentations, as well as teachers in the four counties. Ms. Newby also gave an update on finalizing projects regarding rebranding and updating forms, documents and communications materials for the District and working on articles for the upcoming eLine newsletter.

Ms. Newby briefly spoke about the results on the District's social media platforms including Twitter, Facebook and LinkedIn and stated how the platforms had continuing growth in the amount of people they reached and times the public had engaged with the content. She also provided a list of upcoming events and presentations she had scheduled through the month of November.

DISCUSS, CONSIDER, AND TAKE ACTION AS NECESSARY REGARDING WRITTEN REQUEST FROM TXI OPERATIONS, L.P. FOR AN EXTENSION TO DRILL/COMPLETE WATER WELL(S) ID Nos. 1832 and 1833.

Ms. Jones reported the District received a written request from TXI Operations asking the Board's consideration of an extension to drill and complete water well(s) #1832 and 1833. TXI Operations' current deadline to complete both wells is November 9, 2019. Both well registrations have received two (2) previous extensions as provided for under District Rule 3.2(m). Any further extension may only be granted by the Board upon request by the registrant. TXI's request is to extend the deadline to drill and complete the well(s) until December 31, 2019. Director Smith moved to approve the extension of TXI Operations drilling and completion deadline for water well(s) #1832 and 1833 until December 31, 2019. Director Osborn seconded the motion, and it carried.

At 9:36 the Board took a recess.

At 9:58 the meeting reconvened.

GROUNDWATER MANAGEMENT AREA 8 – UPDATE ON ACTIVITIES RELATED TO JOINT PLANNING AND THE DEVELOPMENT OF DESIRED FUTURE CONDITIONS:

Ms. Jones announced that Mr. Beach with WSP was unable to attend today's meeting due to a last-minute conflict. Review and discussion of factors to be considered in determining future desired conditions (DFC) will be included in the October presentation from WSP. Ms. Jones added that WSP continues to review for the District Modeled Available Groundwater (MAG) numbers. The next meeting of the GMA 8 Planning Group Meeting is scheduled for November 22, 2019.

At 9:59 a.m. President Beseda announced, "The Board will recess into a Closed Executive Session under Government Code Sections 551.071 for consultation concerning attorney-client matters. No action will be taken in closed session, and the Board will reconvene in open session at the conclusion of the closed session." The Executive Session concluded at 11:49 a.m.

At 11:51 a.m. the meeting reconvened into an open session.

Receive and consider approval of revised organizational chart. A motion was made by Director Tischler, seconded by Director Smith, and unanimously carried, to approve revisions to the District's organizational chart for inclusion and amendment to the District's Personnel Policy.

DISCUSS, CONSIDER, AND TAKE ACTION TO ADOPT RESOLUTION #19-010 TO EXTEND THE FILING DEADLINE FOR HISTORIC USE PERMIT APPLICATIONS AND TO PROVIDE NOTICE OF INTENT TO AMEND THE DISTRICT RULES *A copy of Resolution #19-010 is attached hereto as Exhibit "B" to the Regular Board of Directors Meeting minutes.*

Director Kirk moved to adopt Resolution #19-010 to extend the filing deadline for Historic Use Permit Applications and to Provide Notice of Intent to Amend the District Rules. Director Tischler seconded the motion and it carried unanimously by all those who were present.

DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE PUBLICATION OF PROPOSED REVISIONS TO DISTRICT RULES FOR PUBLIC HEARING AND COMMENT

Director Tischler made a motion, seconded by Director Kirk, to authorize staff and legal counsel to publish notice of a rulemaking hearing to be held October 21, 2019 at 9:00 a.m., on proposed amendments the District Rules. Motion passed.

GENERAL MANAGER'S REPORT AND UPDATE:

Ms. Jones began by informing the Board that the District had received several job applications in response to the open position for “field technician” and that she was expecting to formally offer one of the candidates the position later that day. She also stated she has been working with the policy and personnel committee to review the District’s current staffing capabilities and needs in order to outline a process for transitioning the District into 2020.

- a) Status report on Historic Use Applications. Ms. Jones reported the District had received 163 Historic Use Permit Applications, with two of them being submitted after the September 1 deadline. She also reported there are ten registered well owners identified as having not submitted a Historic Use Permit Application.
- b) Status report and possible action regarding construction of office facility. Ms. Jones informed the Board that construction was progressing at the site of the new office facility. She reported the soil is being tested by CMJ Engineering to test for moisture conditions, site grading has begun, and utilities for water and sewer have been installed from the street to the building. She also listed the tasks to be initiated and completed over the two weeks following the meeting would include pier rebar, site grading, drill pier, irrigation sleeves, electrical sleeves, temporary power, electrical sleeves, set paying forms/our concrete, and excavate/form grade beams.
- c) Status report on vehicle acquisition. Ms. Jones reported that she had met with Treasurer Osborn the previous week to discuss 2019 budgeted monies earmarked with vehicle acquisition and was moving forward with a Request for Proposal for a new vehicle.

Ms. Jones provided an update on field operations and stated Mr. Heath has been busy with facilitating field technician interviews, conducting a demo of Eno Scientific equipment for well monitoring and observations, completing field inspections, flow testing wells to determine exemption status, and installing well monitoring equipment.

In an update on the 2019 Year to Date water usage, Ms. Jones stated that water usage has reached 3,537,106,861 gallons, and the month of August showed an increase in water well drilling.

Ms. Jones reported on various meetings she had attended, with special attention to the TAGD Texas Groundwater Summit and upcoming TWCA Fall Conference in October.

Two well owners were in violation of the District’s rules in failure to report groundwater pumpage on a timely basis and to pay water use fees. Ms. Jones informed the Board that the District had sent written notice to the two well owners with amounts owed for penalty.

GENERAL COUNSEL’S REPORT – THE DISTRICT’S LEGAL COUNSEL WILL BRIEF THE BOARD ON PERTINENT LEGAL ISSUES AND DEVELOPMENTS IMPACTING THE DISTRICT – Brian Sledge

Mr. Sledge reported that he had been working with the District’s Rules and Bylaws Committee concerning issues identified by staff. There will be a hearing in October or November regarding the payment side. Mr. Sledge praised the staff in doing a good job notifying the public of the Historic Use Permits, noting that 10 had not responded.

Mr. Sledge provided an update on cyber security training, that board members may not have to take training if they only have an email address and not working directly with the District's database or website. The cyber security training is to educate the public on the dangers of the different kinds of malware, for example: spyware, ransomware, viruses, worms. This comes after 22 Texas towns were hit by a coordinated ransomware attack.

Mr. Sledge apprised the Board that there were no applications for an underground injection control (UIC) well and on an unrelated topic, he stated that he would be working on rules for next month.

Director Osborn inquired if any interim studies would affect the Prairielands District. Mr. Sledge replied that there were flood-planning bills. However, he assured the Board that there would be more concentration on implementing bills that have been presented, instead of the development of new bills.

OPEN FORUM / DISCUSSION OF NEW BUSINESS FOR FUTURE MEETING AGENDAS

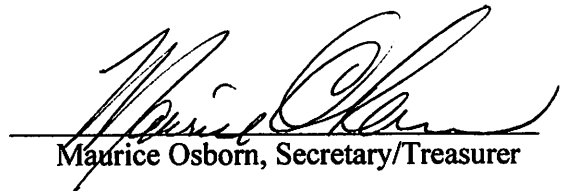
None.

ADJOURN

There being no further business, upon a motion made by Director Kirk and seconded by Director Smith, the meeting was adjourned at 12:18 p.m.



Charles Beseda, President



Maurice Osborn, Secretary/Treasurer



Sign-In Sheet

September 16, 2019



Note: If you are speaking, please limit to 3 minutes

[illegible]

EXHIBIT "B"

RESOLUTION #19-010

RESOLUTION TO EXTEND THE DEADLINE TO APPLY FOR A HISTORIC USE PERMIT AND TO PROVIDE NOTICE OF INTENT TO AMEND THE DISTRICT RULES

THE STATE OF TEXAS

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§

PRAIRIELANDS GROUNDWATER CONSERVATION DISTRICT

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WHEREAS, Prairielands Groundwater Conservation District (the “District”) was created as a groundwater conservation district by the 81st Texas Legislature under the authority of article XVI, Section 59, of the Texas Constitution, and in accordance with Chapter 36 of the Texas Water Code by the Act of May 31, 2009, 81st Leg., R.S., ch. 1208, 2009 Tex. Gen. Laws 3859, codified as Chapter 8855 of the Texas Special District Local Laws Code (the “District Act”);

WHEREAS, the District is a governmental agency and a body politic and corporate;

WHEREAS, the Board of Directors (the “Board”) adopted permanent rules (“Rules”) during a properly called and noticed regular meeting on December 17, 2018, in accordance with Sections 36.101 and 36.1071(f) of the Texas Water Code, which authorize the District to make and enforce rules;

WHEREAS, after having met on numerous occasions over the course of several months, the District’s Rules and Bylaws Committee made a recommendation to the Board on proposed amendments to the District Rules;

WHEREAS, current District Rule 3.8(a) requires the owner of an existing well to apply to the District for a Historic Use Permit by September 1, 2019, unless exempt from such requirement under the District Rules;

WHEREAS, the Board finds that there may be owners of existing wells who are eligible to apply for a Historic Use Permit under the District Rules, but who did not submit an application by the deadline of September 1, 2019;

WHEREAS, the Board finds that if the September 1, 2019, deadline to apply for a Historic Use Permit is enforced, existing well owners who failed to meet such deadline have forfeited the right to make any future claim or application to the District for a Historic Use Permit under the District Rules and have forfeited the right and ability to operate the well under such rules, unless the owner thereafter applies for and obtains an Operating Permit from

EXHIBIT "B"

the District that authorizes production from the well;

WHEREAS, the Board desires to give well owners eligible for a Historic Use Permit an additional opportunity to submit an application so that their historic use in groundwater is protected, consistent with the intent of the District Rules and as authorized by Texas Water Code Section 36.116(b);

WHEREAS, the Board finds that it is in the public interest to extend the deadline to apply for a Historic Use Permit under the District Rules until November 1, 2019; and

WHEREAS, the Board of Directors of the District met in a public meeting, noticed properly in accordance with applicable law, and considered extending the deadline to apply for a Historic Use Permit under Section 3.8 of the District Rules until November 1, 2019.

**NOW, THEREFORE, BE IT ORDERED BY THE BOARD OF DIRECTORS
OF THE PRAIRIELANDS GROUNDWATER CONSERVATION DISTRICT THAT:**

1. The above recitals are true and correct.
2. The Board of Directors resolves and orders that the deadline to apply for a Historic Use Permit application under Section 3.8 of the District Rules is hereby extended to November 1, 2019.
3. The Board of Directors resolves to adopt amendments to the District Rules consistent with this order as soon as practical, but no later than December 1, 2019.
4. The Board of Directors hereby orders the District General Manager to take the necessary steps to allow the Board to modify the District Rules as set forth in this resolution and to continue to accept Historic Use Permit applications until November 1, 2019.
5. This resolution shall take effect immediately upon adoption and shall be applied retroactively to September 1, 2019.
6. The District's Board, its officers, District staff, and legal counsel are further authorized to take any and all actions necessary to implement this Resolution.

AND IT IS SO ORDERED.

PASSED AND ADOPTED on this 16th day of September 2019.

PRAIRIELANDS GROUNDWATER CONSERVATION DISTRICT

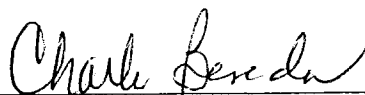
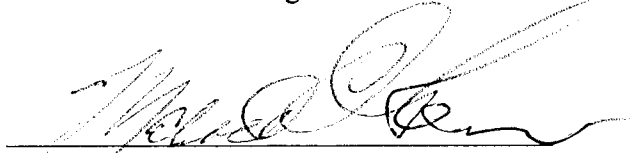
By: 
Charles Beseda, President

EXHIBIT "B"

ATTEST:

I, Maurice Osborn, certify that I am Secretary/Treasurer of the Prairielands Groundwater Conservation District organized and existing under the laws of the State of Texas, and that the resolutions on this document are a correct copy of the resolutions adopted at a meeting of the District duly and properly called and held on September 16, 2019. Said resolution appears in the minutes of this meeting and has not been rescinded or modified.


Maurice Osborn, Secretary

[SEAL]