

PRAIRIELANDS GROUNDWATER CONSERVATION DISTRICT

September 21, 2020

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, open to the public, but held via a publicly accessible webinar/telephone conference call, at 208 Kimberly Dr, 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 9:49 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	John Curtis
Randy Kirk	Kent Smith
Marty McPherson	Paul Tischler

All members of the Board were present, with the exception of Director Erinakes, Smith, and Curtis, thus constituting a quorum of the Board of Directors. Also, in attendance at said meeting were Kathy Turner Jones, General Manager; Brian Sledge, General Counsel; District staff; and members of the public. *Copies of the public sign-in sheet(s) received and video conference attendee list are attached hereto as Exhibit "A".*

PUBLIC COMMENTS

None.

CONSENT AGENDA

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

ADMINISTRATIVE AND FINANCIALS – Kathy Turner Jones

- a) Update on current administrative and financial activities of the District. Ms. Jones reported that reminder letters had been sent out to well owners who report groundwater usage semi-annually. She said staff have been working diligently on making sure no past

due fees would need to be collected and inputting reporting data as it is submitted, providing the District valuable real-time information on groundwater production. Ms. Jones also mentioned that the next thirty days would be very busy for the budget committee as they start working on a fee rate schedule and looking at the new billing process for permittees. She said although Historic Use Permits have not been officially authorized, permittees are operating under a temporary authorization, and that the District Rules require that 45 days prior to the end of the year the District provides to the owners/operators of the permitted wells what the payment amounts will be either monthly, quarterly, or annually for the upcoming year.

UPDATE ON PUBLIC OUTREACH ACTIVITIES, EDUCATIONAL AND CONSERVATION EFFORTS – Sinclair Newby

Ms. Newby reported that she and Ms. Jones met with Grayson Thomas, the 4-H Water Ambassador representing Johnson County, on August 21. She said this is the first-year Johnson County has had a participant in the program, and now there are 4-H Water Ambassadors in Hill, Ellis and Johnson Counties. She also discussed her acceptance into the Leadership Cleburne Program through the Cleburne Chamber of Commerce, which is a nine-month leadership development program focused on learning more about the City of Cleburne and Johnson County. She gave a report on recent presentations to the Ennis Rotary Club on September 8 and the Cleburne Rotary Club on September 10. She also mentioned how the Ellis County Rural Heritage Farm was going to virtually distribute a video of the demonstrations inside the Water Education Trailer through their social media, newsletters and website due to the cancellation of the in-person Farm Heritage Day event. She also discussed how she has started reaching out to teachers within the District about how to best meet their needs as they are either teaching virtual or partially virtual this semester, and how to still provide educational outreach to these teachers and their students during this time. She also highlighted an upcoming presentation for the Ovilla Garden Club on November 19. She finished her report by discussing the District's performance on digital and social media platforms.

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

Director Beseda reported that a date for the upcoming Groundwater Management Area 8 meeting was still being determined but should be held in October. Ms. Jones said a poll was sent to members of GMA 8 to try and determine a meeting date, and she said the District offered its facilities since the meetings are typically held in Cleburne at the Conference Center. He also said the GMA 8 is looking at reallocating boundaries with GMA 6, GMA 7, and GMA 9 in order to clarify the boundaries between each GMA. He said the resolutions for these realignments had been passed.

UPDATE AND DISCUSSION OF BRACKISH GROUNDWATER PRODUCTION ZONES DESIGNATED BY THE TEXAS WATER DEVELOPMENT BOARD – Brian Sledge and James Beach

Mr. Sledge said there was a rulemaking on Chapter 356 of the Texas Water Development Board's rules out and that the public comment period would end at the end of

today (September 21, 2020). Mr. Sledge revisited previous discussion on seeking the ability to have a petition process available to the Texas Water Development Board in order to amend those brackish groundwater production zones based on updated information. He said the TWDB seemed receptive to the idea and so the District will be submitting comments requesting they include they include a petition process for amending brackish groundwater production zones.

Ms. Jones said that although this topic has become known to many groundwater conservation districts, she noticed while attending a Region G Water Planning Group meeting that the region itself was not completely aware of this topic and she mentioned that the planning group was going to make a point to consider how it would affect the planning group and how it fit in to the state water plan.

GENERAL MANAGER'S REPORT AND UPDATE – Kathy Turner Jones

- a) Historic Use Permit Applications. Ms. Jones reported staff continues to work through the Historic Use Permit applications for administrative completeness; including meeting with applicants to assist gathering additional information needed to complete reviews of the applications.

Ms. Jones noted 25 new wells had been drilled during August with the majority being exempt wells in Johnson County. She also mentioned how in each month's general manager's report there is a chart depicting annual groundwater production numbers to date, and how when the new database is finalized with the changes in reporting, there will be more real-time groundwater usage data which will help permittees manage their groundwater usage and stay within their allotted production. She also said field staff were working to gain updated information and double-checking meters and verifying naming and location of wells as they work on cross-referencing production. She said this information is very useful as staff work on assessing administrative completeness of Historic Use Permit Applications.

Ms. Jones discussed multiple meetings she has had recently, including the meeting with the 4-H Water Ambassador from Johnson County and the Texas Groundwater Summit. Ms. Jones said the Texas Water Conservation Association's Fall Conference would be held virtually in October 21 through October 23. She also reported that she, Director Tischler, Mr. Sledge, and Mr. Beach gave a presentation to the Johnson County Commissioners Court to provide information about the District, an update on water levels, and minimum tract sizes. She also discussed having a special recognition of Director Dennis Erinakes at the next board of directors meeting. It was also determined the District would hold an open house event following the October 19 board of directors meeting.

She reported the office was moved from the old location on September 4 and staff began their first day in the new office the day after Labor Day. She also mentioned a few last audio, visual, and technical items that would be cleaned up in the coming weeks and the board meeting room setup was finalized.

In terms of enforcement, Ms. Jones said permitting and field staff has been working with the public to resolve enforcement issues and to resolve issues of delayed reporting.

Director Tischler asked Ms. Jones how the District was progressing in terms of preparation and transition for changes in permitting rules, fee payment schedules, finalizing the new database. Ms. Jones said preparations are falling into place, and after January 1 permittees will operate under a new reporting and payment schedule per the District Rules. She said HALFF is still working on developing features for the new database and that Director McPherson did help with a trial run of the features on the database to help identify any issues that would need to be resolved.

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 said he has been working with staff on permitting issues as well as enforcement items. He also has been working on Texas Water Development Board rules and keeping up with items related to groundwater legislative committees for the upcoming legislative session.

There being no further discussion, at 10:18 a.m. President Beseda announced, "The Board will recess into a Closed Executive Session under Government Code Section(s) 551.071 for consultation concerning attorney-client matters and personnel 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 11:10 a.m., and at 11:13 a.m. President Beseda announced that the meeting was reconvening into an open session and that it was open to the public.

SHOW CAUSE HEARING FOR ORCHARD ON THE BRAZOS, PURSUANT TO DISTRICT RULE 9.6

A representative for Orchard on the Brazos, Trace Strevey of Baird, Hampton & Brown Engineers, began by apologizing for any communication issues towards the District and the Board of Directors, and commended Ms. Jones and Mr. Sledge for trying to help. He said he would be discussing three items of concern: Well registration, past due payment for water pumped from the well, and the failure to submit a Historic Use Permit Application. In terms of the well registration, he said the well is currently logged as an agricultural exempt well. He said in February and March of 2016, they completed a water use agreement with AquaTexas to build a public water supply system for the development known as Orchard on the Brazos with 61 residential lots. He received TCEQ authorization to construct the system on September 30, 2016, the well was drilled in February 2017 by Associated Well Services, the drillers report clearly labeled the well as public water supply. He said Associated Well Services did obtain the permit for the well, and he is unsure if the incorrect box was selected indicating the well was for agricultural use. He said they have submitted an application to the District to amend the registration status of the well to a public water supply well. He said the well has been metered since inception, and total amount owed in past due groundwater fees and penalties is \$6,077.08 and the check has been given to the General Manager. He also asked for the Board to allow a late submission of a Historic Use Permit Application.

Mr. Sledge said based on the discussion of the matter, he believed it would be proper for the board to entertain a motion, based on the unique circumstances involved with this well, including it being drilled and registered prior to the Historic Use Permit Application Deadline under Rule 3.8, and obtaining TCEQ approval prior to the adoption of District Rules, to approve extension of the deadline for Orchard on the Brazos to file a Historic Use Permit Application until October 15, 2020 and settling all violations under the District Rules related to the well for a grand total of fees of \$6,077.08.

Director Osborn asked if the check she had included the amounts for transport fees. Ms. Jones confirmed that the check amount did include the cost of fees for transporting water outside of the District. She added that they would need to also submit payment for the \$250 Historic Use Permit Application fee as well as the fee of \$100 for the application to amend well registration. Mr. Strevey stated they will provide a check for those fees. Director McPherson made a motion to approve the motion as stated by Mr. Sledge. Director Osborn seconded the motion. The motion passed unanimously.


OPEN FORUM / DISCUSSION OF NEW BUSINESS FOR FUTURE MEETING AGENDAS

None.

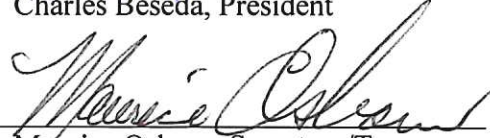
ADJOURN

There being no further business, Director McPherson made a motion to adjourn the meeting in memory of Director Dennis Erinakes, which was seconded by Director Kirk. The motion passed unanimously. The meeting was adjourned at 11:24 a.m.

PASSED, APPROVED, AND ADOPTED THIS 19th DAY OF OCTOBER 2020.



Charles Beseda, President



Maurice Osborn, Secretary/Treasurer