

# PRAIRIELANDS GROUNDWATER CONSERVATION DISTRICT

January 19, 2021

## 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 9:08 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  
John Curtis  
Randy Kirk  
Paul Tischler

Maurice Osborn  
Kent Smith  
Marty McPherson

All members of the Board were in attendance, 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 McPherson 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 stated January 1, 2021 marked the beginning of the new fee payment structure for water use fees to be paid on either a monthly, quarterly, or annual basis. She said invoices had been sent out and 2021 payments had started to be received.

- b) Receive Quarterly Investment Report – 4<sup>th</sup> Quarter 2020. Ms. Jones presented the Quarterly Investment Report for the 4<sup>th</sup> Quarter of 2020 which details the banking and checking activities of the District with account balances. She said as presented, all funds are covered by FDIC insurance and a security pledge by Citizens National Bank of Texas.
- c) Consider and discuss action to authorize General Manager to finalize agreement with ProLedge, Inc. Ms. Jones reported the District’s accounting department had been recently restructured with the position of “Comptroller” being posted as the role to oversee the financial activities of the District. She added that during the transition time until the position can be filled, there is a need for supplemental bookkeeping services to complete out 2020 and begin 2021 finances. Ms. Jones discussed how she had identified the bookkeeping firm, ProLedge, Inc. to assist with bookkeeping items during the interim period. Ms. Jones requested authorization to enter into an agreement with ProLedge, Inc. to complete bookkeeping assistance for the District not to exceed \$1,500. She also confirmed there was money available in the budget for accounting assistance. Director Osborn inquired if this firm had been thoroughly researched and Ms. Jones confirmed she and other District staff had completed review of the firm’s authenticity and accreditations. Director Osborn made a motion to authorize the General Manager to finalize agreement with ProLedge, Inc for bookkeeping services. Director Smith seconded the motion and the motion passed unanimously.

**DISCUSS AND CONSIDER REQUEST BY STAN TIDWELL TO AMEND PERMITTING RULES OF THE DISTRICT**

Mr. Tidwell stated he is a landowner in Ellis County who had two wells drilled in 2007 for his personal golf course and retention pond on his property. He explained the size and pumping capacity of his wells required them to be permitted with the District, and while he does agree to permitting and paying for his groundwater usage, he would like to “simplify his personal life” and only have to report his usage once a year instead of every month. Ms. Jones explained how the monthly reporting of meter readings allows for accurate data for science and management of groundwater resources within the District and is intended to prevent a permittee from overpumping their allotted amount. President Beseda suggested to the Board the request be taken under advisement by the Rules and Bylaws Committee to consider further. Director McPherson made a motion to table the request until the Rules and Bylaws Committee could meet and bring a recommendation to the Board. Director Osborn seconded the motion and the motion passed unanimously.

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

Ms. Newby provided a brief update on recent public relations and education efforts, including the release of the Winter 2021 issue of the Prairielands eLine newsletter, preliminary work on the 2020 annual report, and a meeting with two of the Texas 4-H Youth Water Ambassadors on December 22 at the District office. She listed some of the upcoming events she had scheduled for the Water Education Trailer and completed her update with a review of the District’s social media reach for the month of December 2020.

- a) Discuss, consider, and take action as necessary to authorize 2021 Program Sponsorship

Level funding towards Texas 4-H Youth Water Ambassador Program. Ms. Newby provided a summary of the Texas 4-H Youth Water Ambassador Program and background on the District's prior contributions as a sponsor for the years 2017 through 2020. She stated given the continued growth and development of the program within the last four years, as well as the increasing number of participants within the District, it would be her recommendation to approve providing a Signature Level Sponsorship amount of \$5,000 for the Texas 4-H Youth Water Ambassador Program for 2021. She confirmed the 2021 budget did include adequate funds available for sponsorship. Director Tischler made a motion to authorize the approval of providing a Signature Level sponsorship of \$5,000 to the Texas 4-H Youth Water Ambassador Program for 2021. Director McPherson seconded the motion and the motion passed unanimously.

**CONSIDER AND DISCUSS AN AMICUS BRIEF IN *NECHES AND TRINITY VALLEYS GCD VS. MOUNTAIN PURE TX***

Ms. Jones reviewed the case under consideration being an instance where a groundwater conservation district (GCD) required a bottling company to obtain a permit and the bottling plant refused to cooperate, and when the GCD pursued enforcement action the bottling plant shut down. Upon reopening of the plant, the bottling company sued the GCD for loss of business. Ms. Jones stated the ruling on this case could set a precedent for GCDs across the state as the need to enforce permits arises. Mr. Sledge commented that contributing to the amicus brief would be a beneficial use of District funds due. Ms. Jones recommended contributing \$250 and added that the cost is only for an attorney to write the brief, and if it is not moved for rehearing then the funds will not be used. She also stated other GCDs has pledged similar contributions. Director McPherson made a motion to approve a contribution of \$250 in support of the amicus brief to be filed by the Texas Alliance of Groundwater Districts. Director Smith seconded the motion and the motion passed unanimously.

**DISCUSS, CONSIDER AND TAKE ACTION TO AUTHORIZE THE GENERAL MANAGER TO TAKE ACTION ON THE DISTRICT'S HYDROGEOLOGY FIRM**

Ms. Jones informed the Board that the District's received notice from WSP that primary consulting hydrogeologist, James Beach, was no longer employed with WSP. James has formed his own consulting firm, Advanced Groundwater Solutions, LLC. Due to the current and ongoing needs of the District, Ms. Jones recommended entering into an agreement with Advanced Groundwater Solutions, LLC for interim general hydrogeological consulting services and DFC development and adoption. Director McPherson made a motion to enter into an agreement with Advanced Groundwater Solutions for interim hydrogeological consulting needs and Director Smith seconded the motion. The motion passed unanimously. Ms. Jones also recommended the approval of issuing a Request for Qualifications (RFQ) to solicit qualifications from interested hydrogeology firms to allow for adequate time for the Board to review statements of qualifications while allowing the District to continue utilizing hydrogeology services from Mr. Beach's firm during the RFQ process. Director McPherson made a motion to approve issuing a Request for Qualifications from interested hydrogeology firms. Director Tischler seconded the motion and the motion passed unanimously.

**GROUNDWATER MANAGEMENT AREA 8 ACTIVITIES**

- a) Update and possible action regarding the process for the development of Desired Future Conditions (DFCs) on Groundwater Management Area 8 activities. Ms. Jones discussed the timeline provided by the coordinator for GMA 8, NTGCD, which outlines the timeframe for the process by which the proposed DFCs need to be approved and submitted, as well as the requirements by each individual district within the GMA to hold a public hearing on the proposed DFCS. Ms. Jones reported the deadline for the District to hold a public hearing on the proposed DFCs is February 14, which would be on a Sunday and prior to the next scheduled board meeting. She proposed the Board either elect to schedule a special meeting for the hearing or consider moving the date of the February board meeting earlier in the month. She stated she would send a poll to the directors to assess their availability to schedule the hearing date.

#### **GENERAL MANAGER'S REPORT AND UPDATE – Kathy Turner Jones**

Ms. Jones briefly discussed the beginning of the 87<sup>th</sup> legislative session which began the week prior and highlighted several bullet points from the interim report from the Senate Committee on Water and Rural Affairs. She also discussed the year-to-date groundwater production numbers for 2020 and a summary of well registrations within the District for the previous month. She reported that field staff had been busy conducting water level measurements at monitoring wells across the District. She also reported permitting staff had been continuing to work on technical reviews for Historic Use Permits and Mr. Sledge would begin looking at schedule to begin holding hearings for the permit applications before the Board. She stated prior to these hearings there would be one final meeting with applicants to discuss staff recommendations.

Director Kirk left the meeting at 10:11 a.m.

#### **GENERAL COUNSEL'S REPORT – Brian L. Sledge**

Mr. Sledge reported the House adopted rules for in-person and virtual testimony on a bill and the House had not appointed committees yet but would likely be in the next two weeks or so. He stated the Lieutenant Governor appointed Senate Committees the Friday prior and the Senate Committee on Agriculture was combined with the Committee on Water and Rural Affairs. He also commented on H.B. 966 filed by Representative DeWayne Burns regarding the award of attorney's fees and other costs in certain suits involving a groundwater conservation district, which had been inadvertently filed by his staff and would be changing.

#### **OPEN FORUM / DISCUSSION OF NEW BUSINESS FOR FUTURE MEETING AGENDAS**

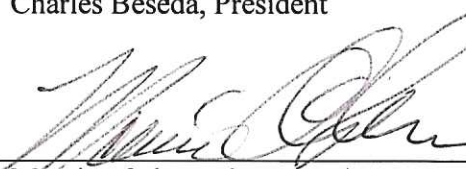
None.

#### **ADJOURN**

There being no further business, Director McPherson made a motion to adjourn the meeting which was seconded by Director Osborn. The motion passed unanimously. The meeting was adjourned at 10:13 a.m.

PASSED, APPROVED, AND ADOPTED THIS 19<sup>th</sup> DAY OF JANUARY 2021.

  
Charles Beseda, President

  
Maurice Osborn, Secretary/Treasurer