

**MINUTES OF THE JULY 9, 2012
BOARD OF DIRECTORS MEETING OF
NORTH PLAINS GROUNDWATER CONSERVATION DISTRICT**

The Board of Directors of North Plains Groundwater Conservation District met in regular session July 9, 2012, at 9:00 a.m. in the Board Room of the District office at 603 East First Street in Dumas, Texas 79029. The following persons were present:

Members Present:

Daniel L. Krienke;
Bob Zimmer;
Gene Born;
Wesley Spurlock;
Phil Haaland;
Brian Bezner; and,
Harold Grall.

Staff Present during part or all of the meeting:

Dale Hallmark, Assistant General Manager/District Hydrologist;
Kirk Welch, Assistant General Manager/Outreach;
Pauletta Rhoades, Finance and Administration Coordinator;
Kristen Alwan, Executive Assistant; and,
Laura West, Production Monitoring Coordinator.

Others present during part or all of the meeting:

Sabrina Leven;
Amy Hascke;
F. Keith Good, Attorney; and
Ellen Orr, Paralegal.

President Born declared a quorum present and called the meeting to order at 9:05 a.m.

Harold Grall gave the invocation and Bob Zimmer led the pledge.

President Born asked if there were persons present who desired to make public comment. No public comment was made.

Wesley Spurlock moved to approve items 2a through 2c of the Consent Agenda, consisting of the approval of the Minutes of the June 19, 2012, Board of Directors Meeting and the Certified Agenda for the June 19, 2012, Board of Directors Executive Session; the approval of un-audited District expenditures from June 1, 2012, through June 30, 2012, including the General Manager's Expense and Activity Report; and, the approval of payment of professional services and out-of-pocket expenses to Lemon, Shearer, Phillips & Good, P.C. in the amount of \$8,463.08 for June 1, 2012, through June 30, 2012. Bob Zimmer seconded the motion and it was unanimously approved by the Board.

By consensus of the Board, it was determined that no discussion or action was required to be initiated regarding the District's facilities at the meeting.

General Counsel for the District, Keith Good, reported to the Board that the Executive Director of the Texas Commission on Environmental Quality ("Commission") has recommended that the non-GCD portions of the Dallam County Priority Groundwater Management Area be added to the District pursuant to Texas Water Code Section 35.013.

Keith Good reported to the Board that in 2011, the 82nd Legislature, Regular Session, passed SB 313 to amend Texas Water Code, Chapters 35 and 36. The amendments direct the Commission to add PGMA territory to an existing district for any territory that the Commission had previously recommended doing so. Specifically, SB 313 provides:

Not later than September 1, 2012, the Texas Commission on Environmental Quality shall create a district or add territory to an existing district for any territory for which the Commission has issued an order recommending creation of a district or addition of territory to an existing district under Section 35.008, Water Code, before the effective date of this Act, unless the Commission determines that the territory is not suitable under Subsection (i), Section 35.013, Water Code.

SB 313, §7(b). The effective date of this Act was June 17, 2011. Alternatively, if the Commission determines that a district created under Chapter 36 is not appropriate for, or capable of, the protection of the groundwater resources within the PGMA, the Commission may recommend the legislature to create a special district or amendment of an existing district. TWC, §35.018(c).

Assistant General Manager, Dale Hallmark, read the following to the Board from the *Groundwater Conservation District Recommendation for Dallam County Priority Groundwater Management Area 2012 Addendum*:

The Executive Director recommends the Commission issue an order to add all of the non-GCD portions of the Dallam County PGMA, shown in Figure 2 and described in Attachment A, to the North Plains GCD, and for the North Plains GCD to consider addition of all of the non-GCD portions of the Dallam County PGMA, in accordance with TWC, §35.013.

Daniel L. Krienke moved that if the Texas Commission on Environmental Quality grants the Executive Director's petition recommending that the non-GCD portions of the Dallam County Priority Groundwater Management Area (PGMA) be added to the North Plains Groundwater Conservation District (District) and enters an order adding the non-GCD portions of the PGMA to the District, the District will accept the addition of the non-GCD portions of the PGMA into the District and the District will proceed in accordance with Texas Water Code Section 35.013(c)-(g-1). Brian Bezner seconded the motion and it was unanimously approved by the Board.

Danny Krienke moved to go into Executive Session in compliance with the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, §551.074, to obtain legal advice from its attorney regarding the recommendation of the Executive Director of TCEQ. Brian Bezner seconded the motion and it was unanimously approved by the Board.

Executive Session: At 9:23 a.m., the Board went into Executive Session to seek legal advice from its attorney. At 9:39 a.m., Director Bob Zimmer moved that the Board reconvene into regular session. Wesley Spurlock seconded the motion and it was unanimously approved by the Board.

At 9:39 a.m. the Board reconvened into regular session.

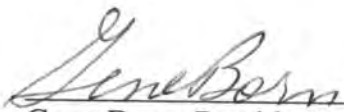
District Directors reported to the Board regarding meetings and/or seminars attended, weather conditions, and economic development in each Director's precinct. Danny Krienke spoke briefly to the Board regarding the article, *Life by the Drop*, which appeared in the July issue of *Texas Monthly*.

Danny Krienke reported that he and Steve Walthour would be receiving the interim Legislative charge and were attempting to schedule a conference with Billy Howe the last week in August, or the first week in September.

Assistant General Manager, Dale Hallmark, presented the General Manager's Report, including information concerning upcoming meetings and conferences; the General Manager's activity summary; and the District activity summary.

By consensus, the Board set its next regular Board meeting for August 7, 2012 at 9:00 a.m. in the District office.

Phil Haaland moved to adjourn the meeting. Brian Bezner seconded the motion and it was unanimously approved by the Board. President Born declared the meeting adjourned at 9:55 a.m.


Gene Born, President


Bob B. Zimmer, Secretary