

**MINUTES OF THE SEPTEMBER 13, 2022  
BOARD OF DIRECTORS MEETING OF  
NORTH PLAINS GROUNDWATER DISTRICT**

The Board of Directors of North Plains Groundwater Conservation District met in regular session on September 13, 2022, at 9:00 a.m. in the Conference Room in the Richard S. Bowers Water Conservation Learning Center Building at the North Plains Water Conservation Center, 6045 West County Road E., Dumas, Texas 79029-7201. The following persons were present:

**Members Present at 9:09 a.m.:**

Bob B. Zimmer, President;  
Mark Howard, Vice-President;  
Zac Yoder, Secretary;  
Harold Grall, Director;  
Justin Crownover, Director; and,  
Gene Born, Director – via Zoom.

**Staff present during part or all of the meeting:**

Steve Walthour, General Manager;  
Kirk Welch, Assistant General Manager;  
Kristen Blackwell, Administration Manager;  
Odell Ward, Aquifer Science Manager;  
Dusty Holt, Permitting Specialist/Finance Assistant;  
Curtis Schwertner, Natural Resource Specialist;  
Baylee Barnes, Conservation Outreach Specialist;  
Krystal Donley, Administrative Assistant; and,  
Keila Davila, Natural Resource Specialist.

**Others present during part or all of the meeting:**

Craig A. Mobley, USGS;  
Nich Kenny, via Zoom;  
Tom Forbes, Esq., via Zoom;  
F. Keith Good; and,  
Ellen Orr, Paralegal.

President Zimmer declared a quorum present and called the meeting to order at 9:09 a.m. Harold Grall gave the invocation and Mark Howard led the pledge.

No Property Tax Rate Hearing was held as it was not required since the proposed North Plains Groundwater Conservation District tax rate for 2022 is less than the no-new-revenue tax rate and the voter-approval tax rate.

**1. - Public Comment**

No Public Comment was made to the Board.

**2. - Consent Agenda**

The Consent Agenda was discussed by the Board and consisted of: (a) the review and approval of the Minutes of the regularly scheduled Board of Directors Meeting held on August 17, 2022 (b) the review and approval of un-audited District expenditures for August 1, 2022 through August 31, 2022, including the General Manager's expense and activity reports; (c) the review and approval of payment to Lemon, Shearer, Phillips & Good, P.C. for professional services and out-of-pocket expenses incurred from August 1, 2022 through August 31, 2022 in the amount of

\$8,845.25; and (d) consider approval of bid by Adolfo and Criselda Zubia for \$8,000.00 on property PID 19805 that was "Struck Off" to the taxing entities of Moore County.

Justin Crownover moved to approve the Consent Agenda. Harold Grall seconded the motion, and it was unanimously approved by the Board.

***Action Agenda 3.e. - Receive report and consider action as needed regarding agriculture water conservation demonstration programs and the North Plains Water Conservation Center.***

Assistant Manager, Kirk Welch, reported to the Board as follows:

**East Well VFD Not Working**

DB&E out of Dalhart has been out to check the East Well but have not been able to get it running. The VFD may have to be replaced. The North and West Wells are currently providing enough capacity to finish the crops.

**WCC Field Day**

The field day is scheduled for Thursday, September 29. Nich Kenny and Jourdan Bell will present information regarding the demonstrations at the WCC. Outreach is working with Texas A&M AgriLife to get continuing education credits approved.

**Master Irrigator**

Staff drafted and sent emails to the 2021 Master Irrigator graduates informing them of the remaining funds that are available to them for qualifying irrigation conservation projects. The deadline for project applications is October 15th. Mr. Welch stated that he had received some response from Master Irrigator graduates regarding distribution of the remaining Master Irrigator funds by the October 15<sup>th</sup> deadline.

Nich Kenny, presented the following report to the Board:

**WCC Update**

Ceres has begun the end of season remote sensing flights at the WCC.

**Irrigation through September 6, 2022 (including herbicide and pre-water)**

<b><i>Corn</i></b>	Plant Date: 19-20 May 2022
	West Pivot: 20.54 Inches (4.3 Inches pre-water)
	South SDI: 16 – 17.6 Inches
<b><i>Cotton</i></b>	Plant Date: 13-14 May 2022
	East Pivot: 13.6 Inches (3.9 Inches pre-water)
	North SDI: 7.7-9.4 Inches

In-season rainfall 7.72 inches

***Corn***

The West pivot was switched to bubble mode by the first week in July. The West pivot corn is between soft dough and dent.

## ***Cotton***

Plant growth regulator (PGR) applications on the pivot cotton are as follows:

20 June	3.5-oz Stance
1 July	2.5-oz Stance
25 July	24-oz mepiquat chloride + foliar
10 Aug	20-oz mepiquat chloride
18 Aug	1 ½-quart 32 double O
18 Aug	12-oz liberty
18 Aug	12-oz outlook

Stands were counted on 14 July in the West Pivot and North SDI. Seed drop was approximately 74,340 seeds per acre and the field variety is DG3469B3XF. The average stand counts are as follows:

East Pivot – South	37,200 plants per acre
East Pivot – North	42,000 plants per acre
North SDI	40,375 plants per acre

The East Pivot sprinkler was switched to bubble mode by the first week in July and was stopped on 9/6.

***Action Agenda 3.a. - Consider adoption of the No-New-Tax Rate of 0.027966 per one hundred dollars (\$100.00) of valuation for the District's ad valorem tax rate for 2022.***

The General Manager reported that On August 17, 2022, the Board proposed No-New-Revenue Tax Rate for 2022. The District published the notice of its intent to adopt the no-new-revenue tax rate as the District's tax rate in *The Amarillo Globe News* and on the District's website. The no-new-revenue tax rate enables the public to evaluate the relationship between taxes for the prior year and for the current year, based on a tax rate that would produce the same amount of taxes if applied to the same properties taxed in both years.

Although the actual calculation is more complicated, a taxing unit's no-new-revenue tax rate is generally equal to the last year's taxes divided by the current taxable value of properties that were also on the tax roll last year. The resulting tax rate, used for comparison only, shows the relation between the last year's revenue and the current year's values.

To generate the same income from 2021 (approximately \$2,159,376.00), the District's tax rate will decrease to 0.027966/\$100, (No-New-Revenue) which should generate \$2,168,079.29. A No- New-Revenue rate will require the Board adopt the rate by roll call vote. District Notices and other documentation related to the proposed Tax Rate were presented to the Board.

Mark Howard moved that the Board adopt the no-new-revenue tax rate of 0.027966/\$100 as the District's Ad Valorem Tax Rate for 2022. Justin Crownover seconded the motion and President Zimmer called for a record vote as follows:

Zac Yoder:	For;
Mark Howard:	For;
Justin Crownover:	For;
Harold Grall	For;
Bob Zimmer	For; and,
Gene Born	For.

The motion passed unanimously.

**Action Agenda 3.b. - Consider final compliance approval of Water Well Permits as active and complete wells.**

The General Manager reported that the District staff had processed 30 Water Well Permits which are ready for Board consideration and approval. These permits, listed in the table below, represent completed Wells that have been inspected and are in compliance with District Rules. The inspections verify that the Wells were completed as required by the respective Permits, including proper Well location, Well classification, maximum yield, and proper installations of check valves and flow meters. Copies of the individual permits were presented to the Board.

It was noted that 270 non-exempt Well Permits had been issued by the District since January 1, 2022; that 91 Exempt Wells had been Registered since January 1, 2022; and that 150 non-exempt Well Permits had been approved by the Board since January 1, 2022.

Permit Number	Well Class	Quarter	Section	Block	Survey	N S	E W
DA-11940	C	NW	17	48	H&TC	510 N	513 W
DA-11990	C	SW	52	5	CSS	115 S	104 W
DA-12192	C	NW	45	6	CSS	744 N	481 W
HA-11883	C	SE	45	11	CSS	841 S	173 E
HA-11888	B	SW	127	44	H&TC	684 S	113 W
HA-11919	C	NE	18	A-1	PSL	161 N	803 W
HA-11923	C	NE	46	11	CSS	282 N	135 E
HA-11927	B	NE	17	A-1	PSL	352 N	459 E
HA-11934	C	NE	35	13	CSS	398 N	763 E
HA-11975	C	NW	28	3	B&B	547 N	870 W
HA-12070	D	SE	257	44	H&TC	586 S	461 E
HA-12095	B	SW	59	13	CSS	146 S	135 W
HA-12096	B	SE	59	13	CSS	139 S	860 E
HN-12199	D	SW	40	4-T	T&NO	698 S	104 W
HU-12020	B	SW	8	1	BBB&C	771 S	882 W
HU-12119	C	NW	LW			300 N	274 W
HU-12154	B	SW	54	M-23	Robert	155 S	1817 W
MO-11545	C	NW	232	44	H&TC	830 N	871 W
MO-11718	C	NW	393	44	H&TC	390 N	25 W
MO-11786	C	NW	3	Q	H&GN	257 N	250 W
MO-11930	B	SW	181	3-T	T&NO	505 S	20 W
MO-11957	B	SE	150	3-T	T&NO	143 S	134 E
MO-12004	C	SE	107	3-T	T&NO	445 S	28 E
MO-12005	C	SW	107	3-T	T&NO	285 S	439 W
MO-12006	C	SE	107	3-T	T&NO	212 S	456 E
MO-12007	C	SE	107	3-T	T&NO	128 S	865 E
MO-12019	C	NW	101	3-T	T&NO	389 N	215 W
OC-11830	C	NW	105	4-T	T&NO	25 N	278 W
SH-12142	B	SE	145	1-T	T&NO	737 S	767 E
SH-12184	B	NE	176	1-C	GH&H	115 N	787 E

It was noted that Harold Grall had Well Permit MO-11718 listed on the Well Permit Schedule.

Harold Grall moved that the Board approve all Well Permits on the Well Permit Schedule, except for Well Permit MO-11718, noting that the Wells are properly equipped and otherwise comply with District Rules. Justin Crownover seconded the motion, and it was unanimously approved by the Board.

Justin Crownover moved that the Board approve Well Permits No. MO-11718, noting that

the Well is properly equipped and otherwise complies with District Rules. Mark Howard seconded the motion, and it was approved by the majority vote of the Board, with Harold Grall abstaining from the vote.

***Action Agenda 3.c. - Consider action to certify unopposed candidates for director elections in Precinct 1- Dallam County, Precinct 2- Hartley County, Precinct 3- Sherman County, and Precinct 4 - Moore County.***

The General Manager and Kristen Blackwell presented the following report to the Board in the Board Packet:

In August, the Board ordered the election of Directors in the District's Precinct 1 – Dallam County; Precinct 2 – Hartley County; Precinct 3 – Sherman County and Precinct 4 – Moore County. Hartley County, Precinct - 2, Sherman County Precinct – 3, and Moore County Precinct 4 incumbents properly filed for a place on the ballot by the August 22, 2022, filing date. Dallam County, Precinct 1 received one. No one else filed for a place on the ballot by the filing date and no one filed a declaration of write-in candidacy by the August 26 filing date. The November 8, 2022 - Uniform Election Date Calendar is as follows:

<b>Tuesday, November 8, 2022 – Uniform Election Date</b>	
Deadline to Post Notice of Candidate Filing Deadline (Local Political Subdivisions Only)	Thursday, June 23, 2022, for local political subdivisions that have a first day to file for their candidate
First Day to File for a Place on the General Election Ballot (Local Political Subdivisions Only)	Saturday, July 23, 2022
First Day to File a Declaration of Write-in Candidacy (General Election for State and County Officers)	Saturday, July 23, 2022
Last Day to Order General Election or Special Election on a Measure	Monday, August 22, 2022
Last Day to File for a Place on the General Election Ballot (Local Political Subdivisions Only)	Monday, August 22, 2022, at 5:00 p.m.
Last Day to File a Declaration of Write-in Candidacy (General Election for State and County Officers)	Monday, August 22, 2022
Last Day to File a Declaration of Write-in Candidacy (Local Political Subdivisions Only)	Friday, August 26, 2022, at 5:00 p.m.
Last Day to Register to Vote	Tuesday, October 11, 2022* *First business day after Columbus Day
First Day of Early Voting by Personal Appearance	Monday, October 24, 2022
Last Day to Apply for Ballot by Mail ( <b>Received, not</b> Postmarked)	Friday, October 28, 2022
Last Day of Early Voting by Personal Appearance	Friday, November 4, 2022

Last day to Receive Ballot by Mail	Tuesday, November 8, 2022 (Election Day) at 7:00 p.m. if carrier envelope is not postmarked, OR Wednesday, November 9, 2022 (next business day after Election Day) at 5:00 p.m. if carrier envelope is postmarked by 7:00 p.m. at the location of the election-on- Election Day (unless overseas or military voter deadlines apply)
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If only one candidate files for a position, the District can certify that the candidates are unopposed for election to office for the election scheduled to be held on November 8, 2022.

The General Manager recommended the District certify that as the authority responsible for having the November 8, 2022, official ballot prepared that the following candidates are unopposed for election to. A copy of the Certification of Unopposed Candidates was presented to the Board.

The List of offices and names of unopposed candidates are:

<b><u>Office(s)</u></b>	<b><u>Candidate(s)</u></b>
Board of Director – Precinct One	Allen Frerich
Board of Director – Precinct Two	Mark Howard
Board of Director – Precinct Three	Justin Crownover
Board of Director – Precinct Four	Harold Grall

Bob Zimmer moved the District certify that as the authority responsible for having the November 8, 2022, official ballot prepared that the following candidates are unopposed for election to office for the election:

<b><u>Office(s)</u></b>	<b><u>Candidate(s)</u></b>
Board of Director – Precinct One	Allen Frerich
Board of Director – Precinct Two	Mark Howard
Board of Director – Precinct Three	Justin Crownover
Board of Director – Precinct Four	Harold Grall

Gene Born seconded the motion, and it was unanimously approved by the Board.

***Action Agenda 3.d. - Consider action to cancel Director Elections in Precinct 1- Dallam County, Precinct 2- Hartley County, Precinct 3- Sherman County, and Precinct 4 - Moore County***

The General Manager and Kristen Blackwell presented the following report to the Board in the Board Packet:

In August, the Board ordered the election of Directors in the District's Precinct 1 – Dallam County; Precinct 2 – Hartley County; Precinct 3 – Sherman County and Precinct 4 –

Moore County, Hartley County, Precinct - 2, Sherman County Precinct – 3, and Moore County Precinct 4 incumbents properly filed for a place on the ballot by the August 22, 2022, filing date. Dallam County, Precinct 1 received one. No one else filed for a place on the ballot by the filing date and no one filed a declaration of write-in candidacy by the August 26 filing date. The November 8, 2022 - Uniform Election Date Calendar is as follows:

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Last Day to File a Declaration of Write-in Candidacy (Local Political Subdivisions Only)	Friday, August 26, 2022, at 5:00 p.m.
Last Day to Register to Vote	Tuesday, October 11, 2022* *First business day after Columbus Day
First Day of Early Voting by Personal Appearance	Monday, October 24, 2022
Last Day to Apply for Ballot by Mail ( <b>Received, not</b> Postmarked)	Friday, October 28, 2022
Last Day of Early Voting by Personal Appearance	Friday, November 4, 2022
Last day to Receive Ballot by Mail	Tuesday, November 8, 2022 (Election Day) at 7:00 p.m. if carrier envelope is not postmarked, OR Wednesday, November 9, 2022 (next business day after Election Day) at 5:00 p.m. if carrier envelope is postmarked by 7:00 p.m. at the location of the election-on- Election Day (unless overseas or military voter deadlines apply)

If only one candidate files for a position, the District can cancel the November 8, 2022, elections in Precincts One, Two, Three and Four and has done so in the past.

The General Manager recommended the District order the cancellation of the District's November 8, 2022, elections in Directors Precincts; 1 – Dallam County, 2 – Hartley County, 3 – Sherman County, and 4 – Moore County.

Bob Zimmer moved the District Order the cancellation of the District's November 8, 2022, elections in Directors Precincts; 1 – Dallam County, 2 – Hartley County, 3 –

Sherman County, and 4 – Moore County.

Gene Born seconded the motion, and it was unanimously approved by the Board.

***Action Agenda 3.f. - Receive Report from the United State Geologic Survey regarding Depth to water and water quality in Groundwater Wells in the Ogallala Aquifer Within the North Plains Groundwater Conservation District, Texas Panhandle, 2019-2020 and comparison to 2012-2013 Conditions.***

The General Manager reported that the North Plains Groundwater Conservation District partnered with the U.S. Geological Survey to perform a 5-year follow-up to an initial sampling in 2012-2013. The purpose of this and future synoptic studies was to provide a characterization of water quality and water level changes over time. The Ogallala aquifer is the primary source of water for agricultural and municipal purposes in the Texas Panhandle. Because most of the groundwater in the Texas Panhandle is withdrawn from the Ogallala aquifer, information on the quality of groundwater in the Ogallala aquifer in this part of Texas is useful for resource characterization. During 2012–13, the U.S. Geological Survey in cooperation with the North Plains Groundwater Conservation District, collected and analyzed water-quality samples from 30 groundwater monitoring wells in the Texas Panhandle. The results of the initial 2012–13 synoptic sampling was published in 2014 to help provide an initial characterization of the spatial and temporal variability of water quality in the district management area. This report documents the results of a follow-up synoptic sampling completed between March 2019 and July 2020 by the U.S. Geological Survey, in cooperation with the District, to further characterize the spatial and temporal characteristics of groundwater in the District's management area; measurements of the depth to water, in feet below land surface, and water-quality samples were obtained from the same 30 monitoring wells that were sampled during 2012–13. The water-quality samples were analyzed for major ions, nutrients, trace elements, and selected organic compounds. Results from the 2019–20 synoptic sampling were compared to drinking-water standards and to the results from the 2012–13 synoptic sampling.

Craig A. Mobley presented the written report to the Board regarding Depth to Water and Water Quality in Groundwater Wells in the Ogallala Aquifer Within the District, Texas Panhandle, 2019-2020 and Comparison to 2012-2013 Conditions.

***Action Agenda 3.g. - Receive report regarding the 87th Legislature Interim Session and the upcoming 88th Legislative Session.***

The General Manager presented the following report to the Board in the Board Packet:

The House Natural Resource Committee held hearings August 22nd and 23rd regarding the Speaker of the House's interim legislative charges as follows:

- Monitor the implementation of SB 1160, relating to the creation of the Gulf Coast Protection District, and explore ways in which the state can further support the construction of a coastal barrier system.
- Review the adequacy and efficiency of current mechanisms used to compensate water right holders when the Texas Commission on Environmental Quality temporarily transfers a water right under an emergency authorization. Make appropriate recommendations for the protection of private property rights of water right holders.
- Monitor newly adopted and proposed federal regulations that could impact activities that fall within the jurisdiction of the committee, including



regulations under consideration by the Environmental Protection Agency relating to the definition of waters of the United States. Examine the condition of Texas' water and flood mitigation infrastructure capabilities and consider future infrastructure needs. Evaluate sustainable funding sources to provide for water project development and infrastructure repair and replacement. Examine and make recommendations for cost-effective improvements that enhance the state's available water supply.

- Examine the state's groundwater management policy and regulatory framework. Include a review of large-scale water transfers and their impact on groundwater resources. Make appropriate recommendations for legislation or state agency action to:
  - promote the achievement of planning goals under Chapter 36, Water Code, including those involving desired future conditions;
  - provide adequate transparency to the permit application process;
  - further the state's groundwater quality protection efforts, including an assessment of risks posed to groundwater by abandoned and deteriorated water wells and orphan oil and gas wells; and
  - promote conservation and waste prevention.

The hearings concentrated on testimony regarding the Corps of Engineer Hurricane Barrier Project, continue improving the water availability model (WAM) for surface water used in the water priority process. The TWDB and others requested additional appropriations including:

- increasing investment in groundwater science;
- increasing funding for state water planning; and
- groundwater management area joint planning.

The committee received testimony to empower the TWDB to perform a technical review of the GMA explanatory reports in addition to the administrative review. Middle Pecos GCD requested the Legislature require the Texas Railroad Commission to add 40 wells to their abandoned well plugging list. The wells were drilled as oil and gas exploration wells in the 1950s. The committee received testimony regarding the pros and cons of the Vista Ridge Project. Water level declines from the project has caused water levels to fall below pumps and apparently the water quality has diminished. The committee received testimony regarding orphan and abandoned wells.

On May 10th, The Senate Water, Agriculture & Rural Affairs received testimony regarding the Lieutenant Governor's interim charges.

**Water Utility Infrastructure:** Evaluate the state's water infrastructure. Study and make recommendations on options to upgrade and update water infrastructure to address deferred maintenance, disasters, and water loss.

**Water Supply:** Review and make recommendations to complete specific projects identified in the 2022 State Water Plan. In light of recent changes to the global economy, consider the current regulatory process regarding innovative technology solutions to water supply needs, such as marine desalination, and make recommendations for their improvement.

The committee received testimony regarding infrastructure issues during the last winter storm. The committee took testimony regarding the Vista Ridge Project regarding the cons on large water transfers. A landowner and other landowners in Clay County are

opposed to the Ringle Reservoir that appears in the 2022 State Water Plan.

Thomas A. Forbes, Esq. presented the following report to the Board:

The House Committee on Natural Resources and the Senate Committee on Water, Agriculture and Rural Affairs have jurisdiction over groundwater and other water related issues. As noted in the material Steve has provided in the Board materials, these committees have met periodically during this interim between legislative sessions. The committees have been asked to consider issues dealing with a broad range of water issues, including water supply and water infrastructure. While these are key issues for the North Plains District, the committees' considerations deal, for the most part, with infrastructure in municipal water systems and flood control. The outlook for developing state programs is more positive than in recent years because of a large budget surplus.

Developments in state government which may affect legislative priorities and action include:

1. State budget. The Comptroller announced a budget surplus of nearly \$23 Billion. This significant overage will allow the legislature to address issues that it has not been able to even discuss in recent interims. Look for legislative action on flood control infrastructure building legislation to protect the Gulf Coast. Expect to see desalination projects and other water supply efforts. The Water Development Board is also optimistic about getting additional federal money for its programs, through the recently passed infrastructure bill.
2. House and Senate committees. The House and Senate Committees which maintain jurisdiction over water matters will see some changes. The Senate Committee will lose at least two of its members: Sen. Larry Taylor and Sen. Beverley Powell. They both decided not to run for reelection. The House Committee will also lose at least two members: Rep. Eddie Lucio and Lyle Larson elected not to run again.
3. Redistricting. The legislature considered and passed legislation drawing new legislative districts. We do not expect any of the current members of the legislative committees that consider water matters to be adversely affected by the new district maps. As a result of Texas' population growth over the past 10 years, we have been allocated two additional Congressional seats. This brings Texas' Congressional delegation to 38 members.
4. Vista Ridge pipeline project. As discussed in the Board materials, this project has created some backlash from some property owners. The project is a 140-mile pipeline moving groundwater (primarily) from Milam and Burleson Counties to San Antonio.
5. Water Development Board. The Governor recently appointed a new Water Development Board member, George Peyton of Austin.
6. Statewide elections. There are contested races in all of the statewide offices. The campaigns on both sides seem to be more active than we have seen in the past. Polls and observers see little change in the makeup of the legislature or statewide offices.
7. USDA. Mr. Forbes had a Zoom meeting with Xochitl Torres Small, the USDA Under Secretary of Agriculture for Rural Development. Secretary Small and Mr. Forbes practiced law in the same firm prior to her service in Congress and Mr. Forbes' move to Butler Snow. Mr. Forbes conversed with Under Secretary Small about getting funding for updating the water transfer project feasibility study. The Under Secretary said that she is familiar with

this work, being from New Mexico, and having worked on water issues while practicing law. She said that the NRCS and Rural Development functions of the USDA were limited by their enabling statutes to a few specific program areas, so none of their money could be used for this project. Mr. Forbes also discussed with Under Secretary Small, the Corps of Engineers and Bureau of Reclamation as being agencies that could potentially be more flexible. Under Secretary Small is providing us with an introduction to those two agencies and expressed her continuing interest in this and asked that we keep her updated on our progress.

***Action Agenda 3.h. - Receive report related to the Ogallala Project.***

Mr. Walthour reported that in August, that he presented the *Ogallala Project - High Plains Water Resource Resiliency Project to Mitigate Flooding and Protect the Six-State Ogallala-High Plains Regional Socio-Economic* to the Panhandle Regional Planning Commission. Members of the PRPC are interested in the project. The general manager reported that he asked the members of the PRPC who represented cities, counties, and other governmental entities in the region to provide a resolution to support the Project. The purpose of the letters of support and resolutions is to show wide support to the Texas Congressional delegation. Representative Price was in attendance and provided some excellent comments regarding the feasibility study.

***Action Agenda 3.i. - Receive report and consider action regarding compliance and contested matters before the District.***

The General Manager reported in the Board Packet that an issue regarding a producer who is circumventing water quality on District Wells has been brought to the staff's attention. Further, the General Manager also reported that the District had not received a signed Settlement Agreement from Kyle Frerich.

***Action Agenda 3.j. - Closed Session.***

**Executive Session - Section 551.071 of the Texas Government Code.**

At 10:39 a.m., Harold Grall moved to go into Executive Session in compliance with the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, §551.071, to obtain legal advice on matters in which the duty of attorneys to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflicts with Chapter 551. Mark Howard seconded the motion, and it was unanimously approved by the Board.

Executive Session: At 10:44 a.m., the Board went into Executive Session. At 11:58 a.m., Harold Grall moved that the Board reconvene into regular session. Justin Crownover seconded the motion, and it was unanimously approved by the Board.

The Board reconvened into regular session at 11:59 a.m.

***Action Agenda 3.k. - Consider recommendation(s) regarding matters discussed in closed session.***

Harold Grall moved that Mark Howard contact Kyle Frerich and attempt to get him to execute the Settlement Agreement proposed by District. If Kyle Frerich refuses to sign the Settlement Agreement after he is contacted by Mark Howard, that general counsel for the District then send a demand letter to Mr. Frerich demanding that he pay the \$6,500.00 civil penalty assessed against him by the District, or that Mr. Frerich sign the Settlement Agreement proposed by the District and return the same to the District within 30 days. Justin Crownover seconded the motion, and it was unanimously approved by the Board.

***Discussion Agenda 4.a. - Director Reports regarding meetings and/or seminars attended, weather conditions and economic development in each Director's precinct.***

No Director Reports were presented.

***Discussion Agenda 4.b. - Committee Reports.***

No Committee reports were presented to the Board.

***Discussion Agenda 4.c. - General Manager's Report.***

The General Manager's report was presented in the Board Packet, which included the General Manager's activity summary, the District's activity summary, permits issued in August 2022, Conservation Outreach Activities, Aquifer Science Activities, and percent of existing Wells visited August 1 through August 31, 2022.

Mr. Walthour introduced Keila Davila, a new District employee, who is a Natural Resource Specialist. Mr. Walthour also thanked Zac Yoder for serving on the District's Board of Directors.

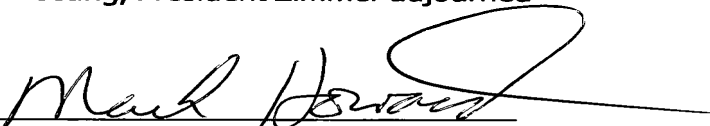
***Discuss Items for Future Board Meeting Agendas and Set Next Meeting Date and Time.***

By consensus, the Board set its next regular Board meeting on November 15, 2022, at 9:00 a.m.

***Adjournment.***

There being no further business to come before the meeting, President Zimmer adjourned the meeting at 12:16 p.m.

  
Bob B. Zimmer, President

  
Zac Yoder, Secretary