

**MINUTES OF THE OCTOBER 15, 2019
BOARD OF DIRECTORS MEETING OF
NORTH PLAINS GROUNDWATER CONSERVATION DISTRICT**

The Board of Directors of North Plains Groundwater Conservation District met in regular session October 15, 2019, at 9:00 a.m. in the Conference Room of the Hampton Inn & Suites, 2010 South Dumas Avenue, Dumas, Texas 79029. The following persons were present:

Members Present at 9:00 a.m.:

Daniel L. Krienke, President
Bob B. Zimmer, Vice-President;
Gene Born, Director;
Justin Crownover, Director; and
Zac Yoder, Director.

Staff Present during part or all of the meeting:

Steve Walthour, General Manager;
Kirk Welch, Assistant General Manager — Outreach;
Kristen Blackwell, Executive Assistant;
Odell Ward, Program Coordinator — GIS/Monitor Wells; and
Paige Glazner, Conservation Outreach Assistant.

Others present during part or all of the meeting:

Mandi Boychuk, Natural Prairie & Northside Farmland; and
Ellen Orr, Paralegal.

President, Daniel L. Krienke declared a quorum present and called the meeting to order at 9:00 a.m. Director, Gene Born, gave the invocation and President Krienke led the pledge.

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: the review and approval of the Minutes of the regularly scheduled August 29, 2019 Meeting of the Board of Directors; the review and approval of un-audited District expenditures for August 1, 2019 through September 30, 2019, including the General Manager's expense and activity report; the review and approval of payment to Lemon, Shearer, Phillips & Good, P.C. for professional services and out-of-pocket expenses from August 1, 2019 through September 30, 2019, in the amount of \$11,087.36; the review and approval of a tax sale for Lot 6, Block 6, 1937 Addition, More County, Texas, commonly known as 712 Avenue L, Sunray, Texas; and review and consider adopting the following resolutions requested by Amarillo National Bank as part of the process to change from John Hancock to Empower for the District's 457 plan:

**RESOLUTION BY
North Plains Groundwater Conservation District**

On October 15, 2019 the following resolutions were adopted effective July 9, 2019: Such resolutions have not been modified or rescinded as of the date hereof.

RESOLVED, that North Plains Groundwater Conservation District names Steven D. Walthour, along with any partners of North Plains Groundwater Conservation District to sign independently on behalf of the Plan Administrator, North Plains Groundwater Conservation District, for the Plan.

RESOLVED, that Amarillo National Bank is named Discretionary Trustee, and 3(38) for all assets of the Plan.

RESOLVED, that Amarillo National will be the Investment Manager for the plan and Empower will be the Record-Keeper and Third-Party Administrator.

FURTHER RESOLVED, that the Amarillo National Bank menu options are approved as available investment options for the North Plains Groundwater Conservation District 457 Plan.

Bob B. Zimmer moved to approve the Consent Agenda, including without limitation, the adoption of the resolutions proposed by Amarillo National Bank. Gene Born seconded the motion and it was unanimously approved by the Board.

Mark Howard arrived to participate in the meeting at 9:04 a.m.

Action Agenda 3.b. - Review and consider adopting a policy regarding North Plains GCD standard agenda item "Public Comment" to comply with Texas Government Code, Section 551.007 as revised by the 86th Texas legislature.

The General Manager stated that the 86th Texas Legislature amended Texas Government Code, Section 551.007 to provide the public more opportunity to comment during an open meeting as follows:

Sec. 551.007. PUBLIC TESTIMONY. (a) This section applies only to a governmental body described by Sections 551.001(3)(B)-(L).

- (b) A governmental body shall allow each member of the public who desires to address the body regarding an item on an agenda for an open meeting of the body to address the body regarding the item at the meeting before or during the body's consideration of the item.
- (c) A governmental body may adopt reasonable rules regarding the public's right to address the body under this section, including rules that limit the total amount of time that a member of the public may address the body on a given item.
- (d) This subsection applies only if a governmental body does not use simultaneous translation equipment in a manner that allows the body to hear the translated public testimony simultaneously. A rule adopted under Subsection (c) that limits the amount of time that a member of the public may address the governmental body must provide that a member of the public who addresses the body through a translator must be given at least twice the amount of time as a member of the public who does not require the assistance of a translator in order to ensure that non-English speakers receive the same opportunity to address the body.
- (e) A governmental body may not prohibit public criticism of the governmental body, including criticism of any act, omission, policy, procedure, program, or service. This subsection does not apply to public criticism that is otherwise prohibited by law.

Bob B. Zimmer moved to adopt the following policy:

**NORTH PLAINS GROUNDWATER CONSERVATION DISTRICT POLICY REGARDING
PUBLIC PARTICIPATION IN DISTRICT BOARD MEETINGS**

I. PURPOSE

- A. The Board of Directors ("Board") of North Plains Groundwater Conservation District ("District") recognizes the value of participation by the public in deliberations and decisions on District matters. At the same time, the Board recognizes the importance of conducting orderly and efficient proceedings, with opportunity for expression of all participants' respective views.
- B. The purpose of this policy is to provide procedures to assure open and orderly public discussion.

II. GENERAL STATEMENT OF POLICY

It is the policy of the Board during District Board meetings, to encourage discussion by the public regarding subjects related to the management of the District. The Board may adopt reasonable time restrictions on public expression in order to facilitate free discussion by members of the public and to facilitate a productive Board meeting.

III. THE PUBLIC'S OPPORTUNITY TO BE HEARD

The District's Board will strive to give all members of the public, an opportunity to be heard and to have their commentary considered and evaluated. However, such commentary must be within the limits of the law and this policy and be subject to reasonable time restrictions.

IV. PROCEDURES

- A. Members of the public who wish to address the Board at a District board meeting are encouraged to notify the General Manager of the District in advance of the board meeting. A member of the public, who wishes to address the Board shall, prior to the meeting, provide his or her name, e-mail address, the name of the entity represented (if any), and the subject to be covered or the issue to be addressed on the Board Meeting Attendance Sheet at the Board meeting location.
- B. The District Board chair will recognize one speaker at a time. Only those speakers recognized by the chair will be allowed to speak. Individuals who interfere with or interrupt speakers, the District Board, or the proceedings, may be ruled out-of-order and may be directed to leave the meeting.
- C. General Public Comments at each Board meeting are hereby limited to three (3) minutes; comments regarding a specific agenda item are hereby limited to three (3) minutes per agenda item; and all multiple, specific agenda item comments are limited to a maximum of nine (9) minutes, collectively. If a group or organization wishes to address the Board on a topic, the Board reserves the right to require designation of one or more representatives or spokespersons to speak on behalf of the group or organization. Provided, however, the Board retains the discretion to expand the discussion time of any agenda item commentary to a reasonable period of time, as determined by the Board.
- D. Depending upon the number of persons in attendance seeking to be heard, the Board reserves the right to impose such other limitations and restrictions as necessary in order to provide for an orderly board meeting and an efficient and fair opportunity for those present to be heard.

Personal attacks by anyone addressing the Board are unacceptable. Persistence in such remarks by an individual shall terminate that person's privilege to address the Board.

Mark Howard seconded the motion and it was unanimously approved by the Board.

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

The General Manager reported that District Rule 2.13 provides, after the site inspection is complete, and it is determined that the Well (and all Wells within the Groundwater Production Unit) is/are in compliance with the Rules of the District, and the Well Permit application, the General Manager shall submit the Well Permit to the Board for final compliance approval.

The General Manager reported that the District staff had processed 23 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 by the General Manager that Director, Zac Yoder, had two Wells on the Well Permit Schedule presented to the Board, DA-10585 and DA-10598.

WELL	CLASS	SEC	BLK	SUR	NS	EW
DA-10516	C	10	W H Pardue	NONE	1111 S	1783 E
DA-10559	C	39	2	B&B	35 S	839 W
DA-10566	C	11	W H Pardue	NONE	648 S	506 W
DA-10585	B	6	3	CSS	855 N	569 E
DA-10598	B	5	6	CSS	112 S	137 E
DA-9760	B	25	1	BS&F	478 S	856 W
HA-10041	B	23	2	BS&F	467 S	627 W
HA-10058	C	22	49	H&TC	312 S	610 W
HA-10416	B	13	5	GH&H	566 S	789 W
HA-11142	D	None	None	J Whiting	60 S	348 E
MO-10235	B	11	M-2	None	128 S	427 W
MO-10347	C	14	Q	H&GN	838 N	861 E
MO-10526	C	367	44	H&TC	280 N	232 W
MO-10527	C	367	44	H&TC	67 S	54 W
MO-10532	C	369	44	H&TC	24 N	558 E
MO-10533	C	388	44	H&TC	23 S	626 W
MO-10544	C	372	44	H&TC	115 N	420 E
MO-10545	B	372	44	H&TC	129 N	158 E
MO-10580	C	11	Q	H&GN	104 N	862 E
OC-10611	D	92	13	T&NO	13 S	702 W
SH-10548	D	132	1-T	T&NO	471 N	333 E
SH-10550	B	132	1-T	T&NO	838 S	103 E
SH-10588	C	5	1-T	T&NO	259 N	856 W

Bob B. Zimmer moved to remove Well Permits DA-10585 and DA-10598 from the Well Permit Schedule to be considered by the Board and to approve all of the remaining Well on the Well Permit Schedule, noting that the Wells are properly equipped and otherwise comply with District Rules. Mark Howard seconded the motion and it was unanimously approved by the Board.

Justin Crownover moved to approve Well Permits DA-10585 and DA-10598, noting that the Wells are properly equipped and otherwise comply with District Rules. Bob B. Zimmer seconded the motion and it was approved by the majority vote of the Board with Zac Yoder abstaining from the vote.