

**MINUTES OF THE FEBRUARY 9, 2021
BOARD OF DIRECTORS MEETING OF
NORTH PLAINS GROUNDWATER CONSERVATION DISTRICT**

The Board of Directors of North Plains Groundwater Conservation District met in regular session on February 9, 2021, at 9:00 a.m. at the offices of North Plains Groundwater Conservation District, 603 East First Street, Dumas, Texas 79029. Due to the restrictions of COVID-19, the meeting was held through Zoom Meeting in Dumas, Texas. The following persons participated in the Meeting:

Members Present at 9:02 a.m.:

Bob B. Zimmer;
Mark Howard, Vice-President;
Zac Yoder, Secretary;
Daniel L. Krienke, Director
Gene Born, Director; and,
Harold Grall, Director.

Staff present during part or all of the meeting:

Steve Walthour, General Manager;
Kirk Welch, Assistant General Manager;
Kristen Blackwell, Administration Manager;
Paige Glazner, Conservation Outreach Assistant;
Odell Ward, Field Supervisor;
Dusty Holt, Permitting Specialist;
Dale Hallmark, Hydrologist; and,
Curtis Schwertner, Natural Resource Specialist.

Others present during part or all of the meeting:

Nich Kenny;
Mandi Boychuk, Natural Prairie & Northside Farmland;
Tom Forbes, Esq.;
F. Keith Good, General Counsel for the District; and,
Ellen Orr, Paralegal.

President Zimmer declared a quorum present and called the meeting to order at 9:02 a.m. President Zimmer gave the invocation and 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 Board of Directors Meeting held on January 15, 2021; the review and approval of un-audited District expenditures for January 1, 2021 through January 31, 2021, including the General Manager's expense and activity report; and the review and approval of payment to Lemon, Shearer, Phillips & Good, P.C. for professional services and out-of-pocket expenses incurred from January 1, 2021 through January 31, 2021, in the amount of \$7,771.25.

Harold Grall moved to approve the Consent Agenda. Daniel L. Krienke seconded the motion, Justin Crownover joined the Zoom meeting at 9:05 a.m., and the motion was unanimously approved by the Board.

Mr. Zimmer stated that today he would like to move Agenda Items i, j k and probably item m to the front of the meeting while Tom Forbes is here so that if Tom needs to do something else, he can do so; however, he is welcome to remain until the end of the meeting, if he so desires.

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

Mr. Zimmer asked Mr. Walthour if he had anything about Agenda item j which he wished to discuss in open session.

Mr. Walthour stated he would address the compliance list. Ag Producers Coop, Scott Sonnenburg, was removed from the compliance list. Mr. Sonnenburg explained to District staff exactly what he was doing on the property to be compliant. Mr. Walthour stated that Kristen can explain the problem we've had with the remaining three people on the compliance list. Kristen Blackwell stated that the remaining three persons on the compliance list are people with whom the District has had compliance issues and from whom District staff has received little or no response.

Action Agenda 3.i. - Receive report and consider action related to 87th Texas Legislative Session and Issues.

Mr. Zimmer ask Mr. Walthour if there was anything which he wished to address regarding Agenda item i before closed session.

Mr. Walthour stated that he would report on Agenda item i regarding the listing of Bills that are in the Board packet. Mr. Walthour stated that there are three new bills that we're looking at that could affect political subdivisions that are on the second page of the report in the packet --- it's HB 634, HB 1030, HB 1154 and HB 768, also. All of those Bills, we will be paying attention to and those are the only ones that we have added. Mr. Walthour reported that those Bills really have more to do with public notices and things that political subdivisions have to have. Mr. Walthour stated that that the one which the District has been working on primarily is SB 152. As far as that's concerned, Keith Good and Tom have been involved and we've worked on generating language for this Bill. Mr. Walthour stated that SB 152, HB 668 and HB 666 all point to the same issue.

Mr. Walthour inquired of Tom Forbes if Senator Perry had released anything new on SB 152?

Mr. Forbes replied that he had been in touch with the lead person on his staff, Catherine Thigpen, who --- back up a second -- I think you all know Senator Perry is the chairman of the Senate Water, Agriculture, and Rural Affairs Committee, so all of these Bills would be in his committee in the Senate. In the House it will be Natural Resources which Tracy King, from Uvalde, is the chair and Four Price is on that committee. To Senate Bill 152, I've been in touch with Catherine Thigpen a lot on Senator Perry's staff. She said that they're working on language. They've been talking to all the stakeholders, including input that we've given, she's been talking to High Plains a lot, is what she said to me, and I said, well we were working with them and she said they're taking a lot of the suggestions from High Plains. She will be sending me the next version of the Bill as soon as it's ready, so it's a work in progress and I will get it as soon as --- I'm in touch with their office pretty frequently --- so that's the situation on Senate Bill 152. I think that it will wind up being something that'll work, from my conversations with Steve, and Senator Perry is very sympathetic to our particular needs.

Mr. Walthour provided the following Bill report for the Board:

Groundwater (Previously discussed by Board)

HB 152 - Buckley: relating to a study by the Texas Water Development Board of groundwater conditions in certain counties.

Texas Water Development Board study of the Trinity and Edwards Aquifers north of the Colorado River in Bell, Burnet, Milam, Travis, and Williamson Counties.

<https://capitol.texas.gov/tlodocs/87R/billtext/pdf/HB00152I.pdf>

HB 666 – Harris: relation to the regulation of groundwater conservation districts.

Companion Bill to SB 152 that amends 36.066 addressing the awarding of attorney's fees, new section 36.1025 Petition to Change Rules, amends 36.1131 and new section 36.1141 Notice required for application for permit or permit amendment.

<https://capitol.texas.gov/tlodocs/87R/billtext/pdf/HB00666I.pdf>

HB 668 – Harris: relating to the regulation of groundwater conservation districts. Possibly a duplicate filing of HB 666.

<https://capitol.texas.gov/tlodocs/87R/billtext/pdf/HB00668I.pdf>

HB 966 – Burns: relation to the award of attorney's fees and other costs in certain suits involving groundwater conservation districts.

Amends 36.066 and 36.102 relating to awarding attorney's fees for both general and rule compliance lawsuits.

<https://capitol.texas.gov/tlodocs/87R/billtext/pdf/HB00966I.pdf>

SB 152 – Perry: Companion Bill to HB 666 and HB 668 that amends 36.066 addressing the awarding of attorney's fees, new section 36.1025 Petition to Change Rules, amends 36.1131 and new section 36.1141 Notice required for application for permit or permit amendment.

<https://capitol.texas.gov/tlodocs/87R/billtext/pdf/SB00152I.pdf>

Political Subdivisions- General (Previously discussed by Board)

SB 234 – Hall: relating to the use by a political subdivision of public funds for lobbying activities.

Amends chapter 556 of the Government Code and chapter 81 of the Local Government Code to prohibit a political subdivision for using public funds for lobbying activities.

<https://capitol.texas.gov/tlodocs/87R/billtext/pdf/SB00234I.pdf>

HB 749 – Middleton: Companion Bill to SB 234. Amends chapter 556 of the Government Code and chapter 81 of the Local Government Code to prohibit a political subdivision for using public funds for lobbying activities.

<https://capitol.texas.gov/tlodocs/87R/billtext/pdf/HB00749I.pdf>

Political Subdivisions – New Bills

HB 634 – Morales, relating to the type of newspaper required for the publication of notices by governmental entities or representatives in certain counties. This would apply to counties that have a population of 30,000 which far exceeds NPGCD county populations. We need to watch this one to make sure the high population requirement is not changed.

<https://capitol.texas.gov/tlodocs/87R/billtext/pdf/HB00634I.pdf#navpanes=0>

HB 1030 – Shaheen, relating to the publication of required notice by a political subdivision by alternative media. This would be a potential avenue for the District to go to electronic media for publication of notices because electronic media may have a wider distribution than current media such as newspapers.

<https://capitol.texas.gov/tlodocs/87R/billtext/pdf/HB01030I.pdf#navpanes=0>

HB 1154 – Jetton, relating to the requirement that certain political subdivisions cause certain information to be posted on an Internet website. Amends Government Code Sections 403.0241, 551.1283, and 2051.153 requiring a political subdivision to require more extensive financial information and other data on its website.

<https://capitol.texas.gov/tlodocs/87R/billtext/pdf/HB01154I.pdf#navpanes=0>

HB 768 – Patterson, relating to the requirement that certain governmental bodies make audio and video recordings of open meetings available on the Internet. Amends Government Code Section 551.128 to require any political subdivision located wholly or partly in a county that has a population of 5,000 or more to make a video and audio recording of reasonable quality of each regularly scheduled open meeting that is not a work session or a special called meeting.

<https://capitol.texas.gov/tlodocs/87R/billtext/pdf/HB00768I.pdf#navpanes=0>

Executive Session - Section 551.071 of the Texas Government Code.

At 9:11 a.m., Daniel L. Krienke moved to go into Executive Session on Agenda Items 3J, Receive Report and Consider Action Regarding Compliance Matters Before the District and Agenda Item 3I, Receive Report and Consider Action Related to the 87th Texas Legislative Session and Issues, 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. Harold seconded the motion, and it was unanimously approved by the Board.

Executive Session: At 9:11 a.m., the Board went into Executive Session. At 9:39 a.m., Harold Grall moved that the Board reconvene into regular session. Daniel L. Krienke seconded the motion and it was unanimously approved by the Board.

The Board reconvened into regular session at 9:41 a.m.

Action Agenda 3.m. - Receive report regarding developing future water resources.

Mr. Walthour presented a Memorandum from Tom Forbes, Esq., dated February 1, 2021 regarding the interbasin transfer project to the Board members.