

**MINUTES OF THE OCTOBER 15, 2024
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 October 15, 2024, 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 9:07 a.m.:

Mark Howard, President
Bob B. Zimmer, Secretary;
Justin Crownover, Director; and,
Allan Frerich, Director.

Staff present during part or all the meeting:

Janet Guthrie, General Manager;
Kirk Welch, Assistant Manager;
Kristen Blackwell, Administration Manager;
Odell Ward, Aquifer Science Manager;
Baylee Barnes, Conservation Outreach Specialist;
Curtis Schwertner, Natural Resource Specialist; and,
Krystal Donley, Administrative Assistant.

Paige Glazner, Conservation Outreach Assistant – via Zoom

Others present during part or all the meeting:

Clinton Born;
Tara Easterling;
David Sloane;
Lynn Tate, Esq.;
F. Keith Good, Esq.; and,
Ellen Orr, Paralegal.

President Howard declared a quorum present and called the meeting to order at 9:09 a.m.

President Howard gave the invocation and led the pledge.

1. - Public Comment

No public comment was made to the Board.

2. - Consent Agenda

Bob Zimmer moved to approve the regular board meeting minutes held September 10, 2024; approval of payment to Lemon, Shearer, Phillips and Good P.C. for professional services September 1, 2024, through September 30, 2024; Kemp Smith Law for professional services August 1, 2024, through September 30, 2024; Underwood Attorneys at Law for professional services September 1, 2024, through September 30, 2024; and the Sherman County Appraisal District's 2024 tax amount for tax roll in Sherman County on the Consent Agenda.

Justin Crownover seconded the motion, and it was unanimously approved by the Board.

Action Agenda 3.a. - Consider updating policy for GASB 96 subscription-based information technology arrangements (SBITA) and for GASB 87 lease contracts for nonfinancial assets for North Plains Groundwater Conservation District based on Auditor recommendation.

Justin Crownover moved the Board approve increasing materiality from \$25,000.00 to \$35,000.00 on the GASB 96 Subscription Based Information Technology Arrangements (SBITA) and GASB 87 Lease Contracts for Nonfinancial Assets for North Plains Groundwater Conservation District policy based on Auditor’s recommendation.

Bob Zimmer seconded the motion, and it was unanimously approved by the Board.

Action Agenda 3.b. - Consider updating the capital purchase amount for North Plains Groundwater Conservation District based on Auditor recommendations.

Bob Zimmer moved the Board increase capital purchases from \$5,000.00 to \$10,000.00 based on Auditor’s recommendation.

Allan Frerich seconded the motion, and it was unanimously approved by the Board.

Action Agenda 3.c. - Receive investment report for July 1, 2024 through September 30, 2024.

This item was presented to the Board for reporting purposes.

No motion was made.

Action Agenda 3.d. - Review and consider updated Meter Reimbursement Program Policies.

The item was tabled for further consideration and will be brought back to Board for discussion at the November 2024 meeting.

No motion was made.

Action Agenda 3.e. - Consider final compliance approval of water well permits as active and complete wells.

The following list of wells were presented to the Board for final compliance approval.

Number	Class	Quarter	Section	Block	Survey	N S	E W
DA-13000	B	NE	44	2	CSS	459 N	733 E
DA-13037	B	NW	67	2	CSS	102 N	35 E
DA-13042	B	NE	26	1	CSS	788 N	830 E
DA-13076	C	SE	0	0	League 114	103 S	1723 E
DA-13152	C	NE	34	2	CSS	845 N	825 E
DA-13200	C	SW	39	4	CSS	428 S	349 W
DA-13203	B	NE	24	1	B&B	416 N	856 E
DA-13207	C	SW	2	5	FDW	105 S	12 W
DA-13277	B	SE	29	1	B&B	379 S	241 E
DA-13410	B	SE	154	1-T	T&NO	386 S	700 E

HA-13075	C	NW	298	44	H&TC	846 N	40 W
HA-13113	C	SW	12	11	CSS	424 S	785 W
HA-13141	B	SE	24	14	CSS	315 S	97 E
HA-13145	C	SW	22	14	CSS	233 S	108 W
HA-13147	C	SW	22	14	CSS	873 N	102 W
HA-13148	B	NW	8	5	GH&H	176 N	103 W
HA-13167	D	NE	0	0	H HALL	860 N	942 E
HA-13180	C	SW	45	11	CSS	423 S	421 W
HA-13236	C	SW	108	4	CSS	434 S	151 W
HN-13221	D	NE	35	R	B&B	781 N	120 E
HN-13296	C	SE	222	2	GH&H	357 S	310 E
HU-13264	C	SE	1	0	SA&MG	117 S	382 W
MO-13348	B	NW	115	3-T	T&NO	100 N	524 W
OC-13272	D	SW	115	13	T&NO	162 S	118 W
OC-13273	D	SE	115	13	T&NO	694 S	737 E
SH-13168	C	SE	149	1-C	GH&H	108 S	136 E
SH-13211	B	NE	205	1-C	GH&H	237 N	745 E
SH-13212	B	NE	205	1-C	GH&H	251 N	421 E
SH-13213	B	NE	199	1-C	GH&H	114 N	138 E
SH-13214	B	NE	199	1-C	GH&H	385 N	184 E

Bob Zimmer moved the Board approve the well permits represented in the table above as active and complete wells because the wells are properly equipped and otherwise comply with District rules.

Justin Crownover seconded the motion, and it was approved unanimously.

Action Agenda 3.f. - Receive report regarding field inspection and services during September 2024.

This item was presented to the Board for reporting purposes.
No motion was made.

Action Agenda 3.g. - Receive report and consider action as needed regarding agriculture water conservation demonstration programs and the North Plains Groundwater Conservation District.

This item was presented to the Board for reporting purposes.
No motion was made.

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

October 2024 Compliance for Board Consideration

Name	Well Number/GPU & Issue	Recommendation
Payden Mason	SH-12812 GPU 9310: Meter showing no flow on operating well	Legal demand letter
Terry Lusk	DA-12739 GPU 9244: Meter	Legal demand letter

	serial number is missing and totalizer units in cubic meters. Needs reprogrammed	
Ivan Graves	HA-0247 GPU 1408 – Meter showing no flow on operating well.	Legal demand letter
Gibson Farms	MO-1479 GPU 684 – Well pump casing in place and open to weather. Temp capped by district staff. Well is required to be plugged.	Legal demand letter
Jon & Sharon Engelbrecht	SH-0956 GPU 3580 – Well found with loose plow disc over well opening. Temp capped by district staff. Currently classified as active, must be reclassified and properly capped.	Legal demand letter
Marlin & Janet Nickel	SH-0883 GPU 1913 – Well found with loose plow disc over well opening. Temp capped by district staff. Must be properly capped.	Legal demand letter

Justin Crownover moved the Board authorize legal counsel to send demand letters for the compliance issues represented in the table above.

Bob Zimmer seconded the motion, and it was approved unanimously.

Action Agenda 3.i. - Review and consider action regarding agreement between North Plains Groundwater Conservation District and Underwood Law Firm, P.C.

This item was addressed in the Closed Session held under Item L. of these Minutes.

Action Agenda 3.j. - Review and consider action regarding agreement between North Plains Groundwater Conservation District and Bickerstaff, Heath, Delgado, Acosta, LLP.

This item was addressed in the Closed Session held under Item L. of these Minutes.

Action Agenda 3.k. - Discuss BLF Land, LLC, et al. v. Allen Frerich, et al., No-CV-133-Z (N.D. Tex. Aug. 8, 2023).

This item was addressed in the Closed Session held under Item L. of these Minutes.

Action Agenda 3.l. - Closed Session.

Executive Session - Section 551.071 of the Texas Government Code.

At 10:27 a.m. Justin Crownover moved to close the meeting for consultation with legal counsel as authorized by Section 551.071 of the Texas Government Code, which allows a closed meeting to discuss pending or contemplated litigation, settlement offers or matters where the duty of counsel to the District, pursuant to the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, clearly conflicts with the Texas Open Meetings Act.

Bob Zimmer seconded the motion, and it was unanimously approved by the Board.

Under the authority of the Texas Open Meetings Act, the President declared that we will now close this meeting to the public for the purpose of: Consultation with legal counsel as authorized by Sec. 551.071, Government Code, which allows a closed meeting to discuss pending or contemplated litigation, settlement offers, or matters where the duty of counsel to the District, pursuant to the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, clearly conflicts with the Texas Open Meetings Act.

President Howard stated that this is a Closed Session of the North Plains Groundwater Conservation District Board of Directors on June 4, 2024, commencing at 10:31 a.m.

Executive Session: At 10:31 a.m., the Board went into Executive Session. At 10:48 a.m., Allan Frerich moved that the Board reconvene into regular session.

Justin Crownover seconded the motion, and it was unanimously approved by the Board.

President Howard stated that it is my duty to remind you as Board members that discussions held in closed session are confidential. In the event of a breach of this confidentiality by an individual director, the disclosure is not to be construed as a waiver of the District's attorney-client privilege. A known disclosure to a member of the public of a tape recording of a closed session constitutes a criminal violation of the Texas Open Meetings Act. This concludes the closed session of the Board of Directors at 10:49 a.m.

President Howard stated that the meeting of the North Plains Groundwater Conservation District Board of Directors is hereby reopened to the public on October 15, 2024, at 10:49 a.m. No formal action was taken by the Board of Directors during closed session.

The Board reconvened into regular session at 10:49 a.m.

Action Agenda 3.m. - Consider recommendations(s) regarding matters discussed in Closed Session.

Action Agenda Item 3i – Review and consider action regarding agreement between North Plains Groundwater Conservation District and Underwood Law Firm, P.C.

Bob Zimmer moved the Board approve the agreement between North Plains Groundwater Conservation District and Underwood Law Firm, P.C.

Allan Frerich seconded the motion, and it was approved unanimously.

Action Agenda Item 3j – Review and consider action regarding agreement between North Plains Groundwater Conservation District and Bickerstaff, Heath, Delgado, Acosta, LLP.

Allan Frerich moved the Board approve the agreement between North Plains Groundwater Conservation District and Bickerstaff, Heath, Delgado, Acosta, LLP.

Bob Zimmer seconded the motion with the understanding that the General Manager clarifies with Bickerstaff payments are made after board approval, and it was approved unanimously.

Action Agenda Item 3k – Discuss *BLF Land, LLC, et al. v. Allen Frerich, et al.*, No-CV-133-Z (N.D. Tex. Aug. 8, 2023).

No motion was made.

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

Each Director discussed items of note in their respective counties.

Discussion Agenda 4.b. - Committee Reports.

No Committee reports were presented to the Board.

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

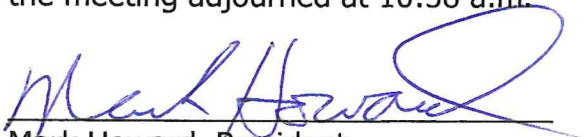
The General Manager presented her report to the Board in the board packet.

Discussion Item 5 - Set Next Meeting Date and Time

The November regular meeting of the Board was scheduled for November 19, 2024, at 9:00 a.m.

Adjournment.

There being no further business to come before the meeting, President Howard declared the meeting adjourned at 10:58 a.m.


Mark Howard, President


Bob B. Zimmer, Secretary