

Middle Pecos Groundwater Conservation District

Minutes of November 18, 2008

On this the 18th day of November, 2008, a Regular Session of the Middle Pecos Groundwater Conservation District, of Pecos County, Texas, met in the Courtroom of the Pecos County Courthouse, Fort Stockton, Texas located at 103 West Callaghan with the following members present, to-wit:

Glenn Honaker	President, Precinct 1
John Dorris	Vice President, Precinct 3
Brad Newton	Secretary/Treasurer, Fort Stockton
Jack McIntyre	Precinct 1
M. R. Gonzalez	Precinct 2
Merrell Daggett	Precinct 2
Lynn Holland	Precinct 3
Alvaro Mandujano, Jr.	Precinct 4
Bart Reid	Precinct 4
S. Evans Turpin	Iraan
Houston McKenzie	At Large

Others Present: Paul Weatherby/General Manager, Melissa Mills/Office Manager, Bob Varmette/Fort Stockton Pioneer, Dr. Jim Duke, Jeff Williams, Trace Hight/Banks Environmental Data, Inc., Alyson McDonald and Gary Bryant.

Call to Order. The meeting was called to order at 1:06 pm by President Glenn Honaker.

I. Consider and/or act upon minutes of September 9, 2008 and October 21, 2008. Upon review of the minutes, Evans Turpin made a motion to approve the minutes with corrections to be made to reflect the absence of M. R. Gonzalez and Alvaro Mandujano, Jr. which was seconded by John Dorris and the motion carried unanimously.

II. Comments from Public and Media (limit 5 minutes per person). There were no comments from the public.

III. Consider and/or act upon the Account Payable, Treasurer's Report and Line Item Transfers.

Merrell Daggett made a motion to approve the account payable, Treasurer's report and the line item transfers which was seconded by Alvaro Mandujano, Jr. An additional motion made by John Dorris and seconded by Lynn Holland to approve a bill received from Lloyd Gosselink, Attorneys at Law that was not reflected in the Accounts Payable list previously presented. Both motions received a unanimous vote.

IV Consider and/or act upon Banks Environmental Data

Trace Height, CEO of Banks Environmental Data, presented his company to the board. Primarily focused on data gathering, data dissemination and regulatory due diligence, "Banks" provides services ranging from document research and mapping to regulatory consulting services. Banks offers geographic information systems (GIS), environmental planning, environmental resources management, regulatory data acquisition and analysis and project management. The valuable information they could offer MPGCD is well information dating back to the 1920's.

Dr. Jim Duke was in attendance, and after talking to Mike Thornhill, informed the board that the same information would be coming to MPGCD as part of the "Edwards/Trinity Aquifer Study" data.

Houston McKenzie made a motion to let Manager Paul Weatherby make the decision as whether or not to employ the services of Banks Environmental Data. The motion was seconded by John Dorris. More discussions ensued, and led to the withdrawal of the motion by McKenzie and Dorris. Paul will visit with more Water Districts that use "Banks" services, and will visit with Mr. Thornhill. Item tabled. Paul Weatherby will bring his recommendation to the Board at the next meeting.

V Consider and/or act upon Rolling Plains GCD Brief

TAGD has sent out an email asking for monetary support for the cost of a brief to support the Rolling Plains GCD v. Aspermont suit. This is the case where a District sued to obtain payment for statutorily authorized fees as well as penalties for late payment. The City claimed (and won at the appellate court level) governmental immunity from suit, making all political subdivisions immune from enforcement or collection actions by any entity. A vote in favor would allow TAGD to submit a letter brief supporting the Rolling Plains District. This letter brief would carry the weight of having a statewide membership of districts support the Rolling Plains GCD, and the impact of not having this case heard impacts every district's ability to enforce regulations, and collect fees from municipalities, and other government agencies.

M. R. Gonzalez made a motion to contribute \$1,000 to TAGD in support of the brief. Motion was seconded by Lynn Holland. Motion carried unanimously.

VI. Consider and/or act upon 2007/2008 Audit Engagement Letter with Smith & Rives, PC

A formal Letter of Engagement has not been submitted to the Board for signatures at this time. Lynn Holland made a motion to hire Smith and Rives, PC to audit MPGCD for the year of October 1, 2007 through September 30, 2008. Motion seconded by John Dorris, motion carried unanimously.

VII Consider and/or act upon Resolution to Adopt Bank Signature Procedure

A Resolution that was drawn up by Mike Gershon, MPGCD legal representative, was presented to the Board. The Board desires for the authorized signatories on checks to be the General Manager, Board President, and Board Secretary/Treasurer. The Board desires to allow the General Manager to issue checks for amounts not to exceed \$750.00 (seven hundred fifty and no/100 dollars), to sign payroll checks for issuance to District employees, and to utilize the District's credit card for purchases related to the management and operation of District activities; Two (2) authorized signatures on all District checks in amounts exceeding \$750.00 (seven hundred fifty and no/100 dollars); The District desires to ratify all past signature and issuance of all checks by the General Manager and/or Directors and acknowledges the authority conferred on the General Manager and Directors to endorse and issue checks on behalf of the District in the past.

John Dorris made a motion to accept the Resolution as presented, which was seconded by Alvaro Mandujano, Jr. The motion passed unanimously.

A recess was called at 2:07 pm. Reconvened at 2:17pm.

VIII Consider and/or act upon Evaluation of Personnel

The Board went into Executive session at 2:17 pm regarding item VIII. Open Session reconvened at 3:25 pm. No action was taken during Executive session. A motion was made by John Dorris and seconded by Alvaro Mandujano, Jr., to pay the former employee for 2 weeks vacation time that was not paid at the time of resignation due to oversight, for a total of \$811.13. The motion passed unanimously.

IX Consider and/or act upon Progress Reports

Manager Paul Weatherby:

- stated that current well registration are 1,848-exempt and 842-non-exempt.
- He gave them material regarding upcoming legislation pertaining to the classification of exempt versus non-exempt wells.
- There is one permit hearing for the December meeting
- SandRidge is now reporting their monthly water usage

X Consider and/or act upon District Correspondence

- Meeting on December 11th in Sonora regarding Region F & Desired Future conditions
- Mike Gershon has submitted the Tax Abatements for SandRidge/Oxy with the items that we requested he change before signing. They are ready for signatures.
- Reported on a leaking abandoned gas well at Neill Woodward's that has oil spilling on the ground. The ground water tests are fine in the area. The Texas Railroad Commission has been out, and classified it as a Priority One Plugging Order.
- The well in Imperial should be plugged right after Thanksgiving.
- Texas Parks and Wildlife is touch with Pecos County WCID#1 and the Pecos

County Judge regarding Comanche Springs research and cave exploration. A Level Logger has been installed in the springs in anticipation of the upcoming spring flow.

- Weatherby will be attending a seminar in Austin on November 20th. The meeting will be an update on water well completions, new screening methods, and contamination issues.
- On November 24th, he will attend a Region F meeting in Big Springs.

XI Consider and/or act upon Agenda for next meeting

Permit Hearing for La Escalera, Banks Environmental Data recommendation

XII. Adjourn: Lynn Holland made a motion to adjourn, seconded by John Dorris. The motion carried, and the meeting adjourned at 3:53 pm.

Brad Newton, Secretary/Treasurer

Glenn Honaker, President

Date Approved