

MIDDLE PECOS GROUNDWATER CONSERVATION DISTRICT

P.O Box 1644 Fort Stockton, TX 79735 Phone (432)336-0698 Fax#432-336-3407

405 North Spring Drive Fort Stockton, Texas 79735

Email: mpgcd@mpgcd.org Website: www.mpgcd.org

Directors

Jerry McQuairt, President John D. Dorris, Vice President M. R. Gonzalez, Secretary/Treasurer
Alvaro Mandujano, Jr. Vanessa Cardwell Ronald Cooper Janet Groth
Weldon Blackwelder Allan Childs Jeff Sims

Employees

Paul Weatherby, General Manager Ty Edwards, Assistant Manager
Melissa Mills, Office Manager Gail Reeves, Office Assistant

FILED
11:00 AM
JAN 13 2017

LIZ CHAPMAN
CLERK COUNTY COURT, PECOS CO., TEXAS

NOTICE OF REGULAR BOARD MEETING and PUBLIC HEARING *Mary Sanchez* Deputy

January 17, 2017

Call to Order at 9:00 a.m.

Pecos County Courthouse, 2nd Floor

103 W. Callaghan, Fort Stockton, Texas

During the meeting, the Board reserves the right to go into executive session for any of the purposes authorized under the Texas Open Meetings Act, V.T.C.A., Government Code, Chapter 551, for any item on this agenda or as otherwise authorized by law.

This meeting may be recessed to allow the Board to conduct the hearing described on this agenda and the Board may change the order in which one or more of the hearing or meeting items are considered.

- I Call to order regular Board meeting.
- II Comments from **public and media** (limit 5 minutes per person). Members of the public may address the Board for a limited time concerning any subject whether or not it is on the agenda.²
- III **Executive Session** pursuant to Texas Government Code §§ 551.071 and/or 551.074 on **personnel matters** regarding employment of and employment agreement regarding District's General Manager.
- IV Consider and/or act upon **personnel matters** regarding employment of, employment agreement regarding, and delegation of duties to District's General Manager.
- V Consider and/or act to **accept the resignation of Merrell Daggett, Precinct 2 Director.**
- VI Consider and/or act upon **Appointment of New Director for Precinct 2.**
- VII **Administer the Statement of Elected Officer and Oath of Office for Precinct 2 Director.**
- VIII Consider and/or act upon **Allan Standen, LLC Technical Services Agreement.**
- IX Discuss and/or approve **Transport Fee Agreement By and Between MPGCD and Pecos SS, LLC.**
- X Presentation of Feasibility of Drilling Deep Borehole by Department of Energy.

**PRODUCTION PERMIT HEARING for
Republic Water Company of Texas, LLC³**

- I **Call to order at 1:00 p.m. Continuation of the Preliminary Hearing on Application for a Production Permit and Authorization to Transfer for Republic Water Company of Texas, LLC (Republic LLC).** The Board will consider oral argument on and written pleadings in this matter including Republic LLC's Objection to Denial of Contested Case Hearing Rights; Republic LLC's Plea to the Jurisdiction and Motion to Remand to SOAH; the November 29, 2016 Briefing by the Parties; Fort Stockton Holding L.P.'s Objection to Denial of Contested Case Hearing Rights and Brief on Res Judicata and Collateral Estoppel; General Manager's Motion for Final Disposition or Summary Disposition and Request that any SOAH Referral be Limited to Preliminary Law Issues; Republic LLC's Response to Briefing on Purported Legal Issues and Motion for Summary Disposition; and any other motions or briefs filed in relation to this Application.

- II **Adjourn hearing and consider and/or act on Application for a Production Permit and Authorization to Transfer for Republic LLC,** including Republic LLC's Objection to Denial of Contested Case Hearing Rights; Republic LLC's Plea to the Jurisdiction and Motion to Remand to SOAH; the November 29, 2016 Briefing by the Parties; Fort Stockton Holding L.P.'s Objection to Denial of Contested Case Hearing Rights and Brief on Res Judicata and Collateral Estoppel; General Manager's Motion for Final Disposition or Summary Disposition and Request that any SOAH Referral be Limited to Preliminary Law Issues; Republic LLC's Response to Briefing on Purported Legal Issues and Motion for Summary Disposition; and any other motions or briefs filed in relation to this Application.

Regular Board Meeting continued

- XI **Consider and/or act upon Minutes of November 15, 2016/Regular Meeting.**
- XII **Consider and/or act upon Minutes of November 21, 2016/Special-Called Meeting.**
- XIII **Consider and/or act upon Accounts Payable and Treasurer's Report and Line Item Transfers for the Month Ending November 30, 2016.**
- XIV **Consider and/or act upon Accounts Payable and Treasurer's Report and Line Item Transfers for the Month Ending December 31, 2016.**
- XV **Consider and/or act upon Office Expenditures.**
- XVI **Consider and/or act upon Recurrent Energy: Maplewood, LLC Application for Tax Abatement.**
- XVII **Consider and/or act upon Recurrent Energy: Maplewood, LLC Tax Abatement Agreement.**

- XVIII Consider and/or act upon **Midway Solar LLC Application for Tax Abatement.**
- XIX Consider and/or act upon **Midway Solar LLC Tax Abatement Agreement.**
- XX Consider and/or act upon **request by Buckthorn Westex to amend the Chapter 312 Abatement Agreement** as needed to defer the Agreement one year, i.e., begin the Abatement Period on January 1, 2018, and to make any other changes necessary to effect the deferral of the Agreement.
- XXI Briefing and take action as necessary on pending lawsuits:
 - A. **Republic LLC's state-court lawsuit**, Cause # P-11956-112-CV/Writ of Mandamus, and Court of Appeals Case No. 08-17-00001-CV, which appeal was filed on January 3, 2017; and
 - B. **Fort Stockton Holdings, LP v. Pecos County, MPGCD, et al.** Court of Appeals Case No. 08-15-00382-CV.
- XXII Briefing and take action as necessary on **matters regarding 85th Texas Legislative Session.**
- XXIII Consider and/or act upon **General Manager's 2016 Annual Report.**
- XXIV Consider and/or act regarding **District's personnel policies.**
- XXV **Progress Reports: Well Registrations, Production Permits, Drilling Permits, Data Loggers, Drought Monitor Map and ongoing Water Quality Analysis.**
- XXVI Consider and/or act upon **General Manager's Correspondence.**⁴
- XXVII **Directors' comments.**⁴
- XXVIII Consider and/or act upon **agenda for next meeting.**
- XXIX **Adjourn Board meeting.**

¹The Board may break for lunch and commence or continue the Board hearing and/or meeting immediately after lunch. This facility is wheelchair/parking accessible. Requests for accommodations must be made 48 hours prior to this meeting by contacting Paul Weatherby at 432-336-0698.

²The Board is not allowed to take action on any subject presented that is not on the agenda, nor is the Board required to provide a response; any substantive consideration and action by the Board will be conducted under a specific item on a future agenda.

³Additional more detailed notice of the public hearing required by state law and the District's rules was separately issued by the District.

⁴No action will be taken on these agenda items. These items are on the agenda to provide the District's General Manager and Directors an opportunity to bring to the public's and each other's attention important issues pertinent to groundwater management within the District. Any substantive deliberation and formal action on any of these issues will be conducted under a specific item on a future agenda.