

MIDDLE PECOS GROUNDWATER CONSERVATION DISTRICT

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FILED
10:30 AM
FEB 17 2017

LIZ CHAPMAN
CLERK COUNTY COURT, PECOS CO., TEXAS

Directors

Jerry McGuairt, 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

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

NOTICE OF REGULAR BOARD MEETING and PUBLIC HEARINGS¹

**February 21, 2017
Call to Order at 9:00 a.m.
405 North Spring Drive, 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.

AMENDMENT OF HISTORIC & EXISTING USE PERMIT HEARING FOR LARRY HOELSCHER²

- I Call to order at 9:00 a.m. the Public Hearing on **Application for an Amendment to an Historic and Existing Use Permit for Larry Hoelscher.**
- II Adjourn hearing and consider and/or act on **Application for an Amendment to an Historic and Existing Use Permit for Larry Hoelscher.**

PRODUCTION PERMIT HEARING for BUCKTHORN WESTEX, LLC²

- I Call to order at 9:15 a.m. the Public Hearing on **Application for a Production Permit for Buckthorn Westex, LLC.**
- II Adjourn hearing and consider and/or act on **Application for a Production Permit for Buckthorn Westex, LLC.**

**Continued PRODUCTION PERMIT HEARING for
Republic Water Company of Texas, LLC²**

- I **Call to order at 10:30 a.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 receive an update on attempts at mediation and 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

- 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.³
- III **Consider and/or act upon Appointment of New Director for Precinct 2.**
- IV **Administer the Statement of Elected Officer and Oath of Office for Precinct 2 Director.**
- V **Presentation of District auditor's report on financials for Fiscal Year 10-01-2015 through 09-30-2016 and act to approve auditor's report.**

- VI Consider and/or act upon **Minutes of January 17, 2017.**
- VII Consider and/or act upon **Accounts Payable and Treasurer's Report and Line Item Transfers for the Month Ending January 31, 2017.**
- VIII Consider and/or act upon **General Manager's 2016 Annual Report.**
- IX Consider and act upon **Depository Contract with Pecos County State Bank.**
- X Consider and/or act to **Declare 2014 Ford F-150 Pickup Surplus Property and approve sale.**
- XI 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
 - b. **Fort Stockton Holdings, LP v. Pecos County, MPGCD, et al.** Court of Appeals Case No. 08-15-00382-CV
- XII **Executive Session** pursuant to Texas Government Code § 551.074 on **personnel matters**, including:
 - a. **General Manager's compensation**
 - b. **Director and Employee Manual**
- XIII Consider and/or act regarding **personnel matters**, including:
 - a. **General Manager's compensation**
 - b. **Director and Employee Manual**
- XIV Briefing and take action as necessary on **matters regarding 85th Texas Legislative Session**, including **resolutions regarding local legislation on Director terms and export fees and opposing legislation noticed by Fort Stockton Holdings, L.P.'s legal counsel.**
- XV Consider and/or act upon **delegation of authority to the General Manager and one or more Director(s) to represent the District pertaining to legislative matters.**
- XVI Consider and/or act upon engagement of **William Hutchison, PhD, P.E., P.G.** for hydrogeologic/engineering consulting services.
- XVII Consider and/or act upon **Recurrent Energy Maplewood 312 Tax Abatement Agreement.**
- XVIII **Progress Reports: Well Registrations, Production Permits, Drilling Permits, Data Loggers, Drought Monitor Map and ongoing Water Quality Analysis.**

- XIX Consider and/or act upon **General Manager's Correspondence.**⁴
- XX **Directors' comments.**⁴
- XXI Consider and/or act upon **agenda for next meeting.**
- XXII **Adjourn Board meeting.**

¹ The 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 Ty Edwards at 432-336-0698.

² Additional more detailed notice of the public hearing required by state law and the District's rules was separately issued by the District.

³ The 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.

⁴ No 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.