

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.middlepecosgcd.org

Directors

Jerry McGuairt, President Janet Groth, Vice President M. R. Gonzalez, Secretary/Treasurer
Alvaro Mandujano, Jr. Vanessa Cardwell Ronald Cooper
Weldon Blackwelder Allan Childs Jeff Sims Puja Boinpally Larry Deac

Employees

Ty Edwards, General Manager
Office: Gail Reeves Field Technician: Anthony Bodnar

FILED
SEP 14 2023
@9:15

LIZ CHAPMAN
CLERK COUNTY COURT, PECOS CO., TEXAS
Deputy

NOTICE OF REGULAR BOARD MEETING AND PUBLIC HEARING¹

September 19, 2023
Call to Order at 10:00 a.m.

In accordance with the Texas Open Meetings Act, a quorum of the Board will meet in person and less than a quorum may participate by videoconference. The public may also join this meeting in person or as follows:

Join Zoom Meeting:

<https://us02web.zoom.us/j/84246257395?pwd=azRUSm9uTWgwc1dKWkFPY1lueWo1dz09>

Meeting ID: 842 4625 7395
Passcode: 438283

Toll-Free Number: 1-888-992-1129

Members of the public wishing to make public comment during the meeting, hearings, or workshop must register in person at the time of the meeting or by emailing mpgcd@mpgcd.org prior to 9:30 a.m. on September 19, 2023.

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

REGULAR BOARD MEETING

- I Call to order regular Board meeting and roll call.
- II Comments from **public and media** (limit 5 minutes per person cumulative for all items addressed). Members of the public may address the Board for a limited time concerning any subject whether or not it is on the agenda (each person wishing to speak must submit a completed public comment form).²

- III Consider and/or act to approve **Minutes of Regular Meeting on August 15, 2023.**
- IV Consider and/or act to approve **Minutes of Special Meeting on Tax Rate September 7, 2023.**
- V Consider and/or act upon **Treasurer's Report for the Month Ending August 31, 2023.**

PUBLIC HEARING ON DISTRICT RULES³

- I Call to Order.
- II Receive public input on Proposed Amendments to the Districts Rules to implement statutory changes enacted during the most recent Texas Legislative Session. The proposed amendments to the District's rules include changes to (1) the District's procedure for the Board's decision-making in a contested case hearing on a permit application; (2) the list of wells exempt from permitting requirements; (3) the District's rulemaking process; (4) the maximum export fee that may be assessed by the District; and (5) procedures for requesting consideration or rehearing on various decisions of the District.
- III Adjourn.

REGULAR BOARD MEETING – CONTINUED

- VI Consider and/or act on **Proposed Rules** and related statutorily required Petition to Adopt or Modify Rules form.
- VII Update on **San Andres efforts at RRC and TCEQ.**
- VIII Update on **Fort Stockton Holdings, L.P. (FSH)-MPGCD Joint Study, Implementation and Threshold Water Level Update.**
- IX Briefing and take action as necessary on following lawsuits:
 - A. **Cockrell Investment Partners, L.P. v. MPGCD and its Board President in his official capacity, FSH and Republic Water Company of Texas, L.P.,** Case No. 08-21-00017-CV (El Paso Court of Appeals)(Cockrell I);
 - B. **Cockrell Investment Partners, L.P. v. MPGCD and its General Manager in his official capacity, and FSH,** Case No. 08-21-00200-CV (El Paso Court of Appeals)(Cockrell II);
 - C. **Cockrell Investment Partners, L.P. v. Ty Edwards, In His Capacity as General Manager, and FSH,** Case No. 08-23-00178-CV (El Paso Court of Appeals)(Cockrell III);

- D. **Cockrell Investment Partners, L.P. v. Middle Pecos Groundwater Conservation District**, Cause No. P-8626-83-CV (83rd District Court)(Cockrell IV); and
- E. **Cockrell Investment Partners, L.P. v. Middle Pecos Groundwater Conservation District**, Cause No. P-13031-112-CV (112th District Court)(Cockrell V).
- X **Progress Reports: Well Registrations, Production Permits, Drilling Permits, Data Loggers, Drought Monitor Map, Water Quality Analysis, Petition for Rulemaking submitted under Proposed Rule 6.5 and General Manager's Correspondence.**⁴
- XI **Directors' Comments**⁴ and consider and/or act upon **agenda for next meeting**.
- XII **Adjourn** Board meeting.

¹ The Board may break for lunch and commence or continue the Board meeting and/or hearing 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 The Board will apply relatively new statutory law governing public comment. If more than 5 minutes (cumulative) is requested, there must be good cause in the sole discretion of the Presiding Officer. 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.

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

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 such that any substantive deliberation and formal action on any of these issues will be conducted under a specific item on a future agenda.
