

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 Drgac

Employees

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

MINUTES OF REGULAR BOARD MEETING, PUBLIC HEARING, WORKSHOP AND PUBLIC MEETING TO ADOPT DESIRED FUTURE CONDITIONS OF LOCAL AQUIFERS LOCATED WITHIN GROUNDWATER MANAGEMENT AREA 3

August 17, 2021

In accordance with Governor Abbott's declaration of the COVID-19 public health threat and action to temporarily suspend certain provisions of the Texas Open Meetings Act, a quorum of the District's Board of Directors held its regular Board meeting in person with videoconference and call-in optional for the public. Members of the public wishing to make public comment during the meeting were able to register by emailing mpgcd@mpgcd.org prior to 9:30 a.m. on August 17, 2021. A copy of the agenda packet was made available on the District's website at the time of the meeting.

On this the 17th of August 2021, a Regular Board Meeting was held by the Middle Pecos Groundwater Conservation District at the District's office at 405 North Spring Drive, Fort Stockton, Texas, with the following members present:

Jerry McGuairt	President, Precinct 1
Janet Groth	Vice President, Precinct 1
M.R. Gonzalez	Sec/Treasurer Precinct 2
Jeff Sims	City of Iraan
Allan Childs	At Large
Puja Boinpally	Precinct 2

Quorum Present.

Members Absent: Ronnie Copper, Weldon Blackwelder, Vanessa Cardwell, Larry Drgac, Alvaro Mandujano, Jr.

District employees and consultants participating: Ty Edwards, Gail Reeves, Anthony Bodnar, Vince Clause, Jim Burton and Mike Gershon

Others attending: Edmond McCarthy, Jr, Ryan Reed, Buck Benson, Gil Van Deventer, Geoff Pike, James Cravens, Gilbert Van Deventer, Daniel Lupton, Glen Honaker, Mike Thornhill, Brock Thompson, Zack Swick, Schuyler Wight, Mandy Granda and Steven Sims

REGULAR BOARD MEETING

- I Board Meeting called to order at 10:04 a.m. by President Jerry McGuairt.
- II Comments from **public and media**: No comments.

PUBLIC MEETING TO ADOPT DESIRED FUTURE CONDITIONS OF RELEVANT AQUIFERS WITHIN MIDDLE PECOS GROUNDWATER CONSERVATION DISTRICT IN GROUNDWATER MANAGEMENT AREA 3

- I Public meeting called to order 10:07 a.m.
- II Comments from **public and media**: No comments.
- III Consider and/or adopt by Resolution the Desired Future Conditions for the groundwater resources located within MPGCD in Groundwater Management Area 3 for the current 50-year planning period.

General Manager Ty Edwards went over the resolution and explained that TWDB declared the DFCs administratively complete on July 15, 2021. Passing this resolution is the last step in adopting the DFCs for GMA 3 for Pecos County. Once the DFCs are adopted that starts a 120-day window for a petition to be filed.

Janet Groth made a motion to adopt the resolution and approve the Desired Future Conditions for groundwater resources located within MPGCD in Groundwater Management Area 3 as presented and documented in the explanatory reports. Motion seconded by Allan Childs.

Motion passed. Vote: 6 FOR -0- Oppose 5 Absent 0 Abstain

- IV Adjourn public meeting for GMA 3 Desired Future Conditions. Meeting adjourned at 10:10 a.m.

REGULAR BOARD MEETING – CONTINUED at 10:10 a.m.

- III Consider and/or act to approve **Minutes of Regular Meeting on July 20, 2021**.

Minutes were emailed to the Board prior to the meeting. Puja Boinpally made a motion to approve the Minutes for the meeting of July 20, 2021, as presented. Motion seconded by Jeff Sims.

Motion passed. Vote: 6 FOR -0- Oppose 5 Absent 0 Abstain

IV Consider and/or act upon Treasurer's Report for the Month Ending July 31, 2021.

General Manager Ty Edwards presented the Treasurer's Report to the Board. Allan Childs made a motion to approve the Treasurer's Report for the month ending July 31, 2021, as presented. Motion seconded by Jeff Sims.

Motion passed. Vote: 6 FOR -0- Oppose 5 Absent 0 Abstain

V Executive Session pursuant to the Texas Open Meetings Act, Sections 551.071 and 551.074 of the Texas Government Code, to consult with our attorney and to deliberate annual review of the District's General Manager Ty Edwards and compensation of the District's employees.

MPGCD Attorney Mike Gershon proposed that while the District is in executive session on item V we cover agenda item XII to be efficient with time.

President Jerry McGuairt recessed the Regular Board meeting at 10:16 a.m. and called an Executive Session. Pursuant to Section 551.071 and 551.074 of the Texas Government Code, the Board will now convene in a closed session regarding the Texas Open Meetings Act exemption covering the Board's deliberation of personnel matters and to discuss litigation. Any action on this matter will be taken in open session. A certified agenda will be prepared and kept in accordance with the Texas Open Meetings Act and no action will be taken in executive session.

The Executive Session adjourned at 11:04 a.m.

The regular session reconvened at 11:04 a.m. The presiding officer, President Jerry McGuairt, stated that no action, no decisions, and no votes were made in executive session.

VI Consider and/or take action on Annual Review and Compensation of District's Employees.

Janet Groth made a motion to approve a \$5,000 a year raise for the three employees of the District as reflected in the propose budget. Jeff Sims seconded the motion.

Motion passed. Vote: 6 FOR -0- Oppose 5 Absent 0 Abstain

WORKSHOP ON PROPOSED BUDGET AND PROPOSED TAX RATE

- I Call to Order at 11:10 a.m. by President Jerry McGuairt.
- II Workshop to review Proposed Budget and Proposed Tax Rate for Fiscal Year ending 09/30/2022.

General Manager Ty Edwards reviewed the proposed budget and proposed tax rate with the Directors. The proposed tax rate will be set at \$0.0242 per \$100 valuation which is the No-New Revenue tax rate.

Several new items were discussed including well plugging and monitor well budget increases.

- III Adjourn. President Jerry McGuairt adjourned the hearing at 11:19 am.

PUBLIC HEARING ON PROPOSED BUDGET AND PROPOSED TAX RATE

- I Call to Order at 11:19 a.m. by President Jerry McGuairt.
- II Receive public input on Proposed Budget and Proposed Tax Rate for Fiscal Year ending 09/30/2022.

No comments received.

- III Adjourn. President Jerry McGuairt adjourned the hearing at 11:20 am.

REGULAR BOARD MEETING – CONTINUED at 11:20 a.m.

- VII Consider and/or approve **Budget for Fiscal Year Ending 09/30/2022 and sign the Resolution to Adopt the Annual Budget.**

General Manager Ty Edwards presented the Resolution and Budget for the fiscal year ending 09/30/2022. Janet Groth made a motion to sign the resolution and adopt the annual budget as presented. Motion seconded by Allan Childs.

Motion passed. Vote: 6 FOR -0- Oppose 5 Absent 0 Abstain

FOR: J. McGuairt, J. Groth, M. R. Gonzalez, P. Boinpally, J. Sims, A. Childs Jr.

AGAINST: None

ABSENT: Alvaro Mandujano, Jr., R. Cooper, V. Cardwell, Weldon Blackwelder and L. Drgac

- VIII Consider and/or adopt a **Proposed Tax Rate for 2021-2022.**

Janet Groth made a motion that the proposed property tax rate be decreased by an adoption of a tax rate of \$0.0242 per \$100 valuation, which is the no-new revenue tax rate. Motion was seconded by M.R. Gonzalez.

Motion passed. Record Vote: 6 FOR. -0- Oppose 5 Absent 0 Abstain

FOR: J. McGuairt, J. Groth, M. R. Gonzalez, P. Boinpally, J. Sims, A. Childs Jr.

AGAINST: None

ABSENT: Alvaro Mandujano, Jr., R. Cooper, V. Cardwell, Weldon Blackwelder and L. Drgac

IX Consider and/or act upon Setting a Public Hearing Time, Place and set a Meeting Date/Time/Place to Adopt a Tax Rate for 2021-2022.

Janet Groth made a motion to set the public hearing on the proposed tax rate of **.0242** to be held at the Middle Pecos Groundwater Conservation District office located at 405 North Spring Drive, Fort Stockton, TX on September 9, 2021, at 5:30 pm and also motion to set the Date to Adopt the Tax Rate on September 9th, 2021 following the public hearing. Motion was seconded by Allan Childs.

Motion passed. Record Vote: 6 FOR. -0- Oppose 5 Absent 0 Abstain

FOR: J. McGuairt, J. Groth, M. R. Gonzalez, P. Boinpally, J. Sims, A. Childs Jr.,

AGAINST: None

ABSENT: Alvaro Mandujano, Jr., R. Cooper, V. Cardwell, Weldon Blackwelder and L. Drgac

X Update on San Andres flowing well issues around Imperial area.

General Manager Ty Edwards updated the Board on the plugging of the flowing well on Highway 1053 and 1450. The District and local landowners are starting to make progress in plugging the flowing wells and address environmental issues around Imperial. Boehmer Lake was also discussed. RRC has recently began an investigation into the possibility of plugging this well with state funds.

XI Update on FSH-MPGCD Joint Study and Implementation.

Telemetry units have been installed in two additional wells: the City of Fort Stockton Capitan Reef Monitor well and FSH S-34 Rustler Monitor well. Both wells have been added to the hydro-vu link and are recording pressure and conductivity.

XII Briefing and take action as necessary on Cockrell Investment Partners, L.P. v. MPGCD and its Board President in his official capacity, Fort Stockton Holdings, L.P. and Republic Water Company of Texas, L.P., Case No. 08-21-00017-CV (El Paso Court of Appeals) and/or Cockrell Investment Partners, L.P. v. MPGCD and its General Manager in his official capacity, and Fort Stockton Holdings, L.P., Cause No. P-8277-83-CV (Pecos County District Court).

MPGCD Attorney Mike Gershon briefed the Board in executive session on both cases. He recommends passing a motion to delegate authority to at least one of the Board Officers and the General Manager to make decisions, if necessary, in

between Board meetings regarding these cases. Puja Boinpally made the motion to approve delegating authority to one of the Board Officers and General Manager to make decisions between Board meetings on both cases. Jeff Sims seconded the motion.

Motion passed. Vote: 6 FOR -0- Oppose 5 Absent 0 Abstain

XIII Progress Reports: Well Registrations, Production Permits, Drilling Permits, Data Loggers, Drought Monitor Map, Water Quality Analysis and General Manager's Correspondence.

- Total Well Registrations 3,313 Wells. 971 Non-Exempt and 2,342 Exempt Wells
- Texas Water Trade and FSH correspondence over Endangered Species Act
- Groundwater Management Area #7 Joint Planning Meeting for August 19, 2021
- Reviewed Daily updates from Trans-Pecos Weather Modification Association on cloud seeding project in Pecos County
- Rig Data Report August 31, 2021. 1 Rig in Pecos County
- Texas Groundwater Summit August 31-September 2, 2021

XIV Directors' Comments and consider and/or act upon agenda for next meeting.

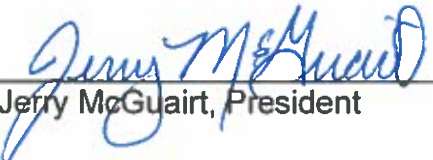
Tax Rate Hearing and possible adoption set for September 9, 2021, at 5:30 p.m. and Regularly Scheduled Board Meeting for September 21, 2021, at 10 a.m.

XV Adjourn Board meeting.

Allan Childs made a motion to adjourn the meeting. Motion seconded by Puja Boinpally. Motion carried unanimously. The meeting adjourned at 11:43 a.m.



M. R. Gonzalez, Secretary/Treasurer



Jerry McGuairt, President

Date Approved 9-21-21