

Meeting of the
Groundwater Management Area 8
August 3, 2011 in Cleburne, TX

Minutes

The Groundwater Management Area 8 consisting of the Central Texas Groundwater Conservation District, Clearwater Underground Water Conservation District, Fox Crossing Water District, Middle Trinity Groundwater Conservation District, North Texas Groundwater Conservation District, Northern Trinity Groundwater Conservation District, Post Oak Savannah Groundwater Conservation District, Prairielands Groundwater Conservation District, Red River Groundwater Conservation District, Saratoga Underground Water Conservation District, Southern Trinity Groundwater Conservation District, and Upper Trinity Groundwater Conservation District (GCD) held a *Joint Planning meeting at 10:00 A.M. on Wednesday, August 3, 2011*, in the Cleburne Conference Center in Cleburne, Texas.

Groundwater District Representatives Present:

Central Texas GCD: Richard Bowers	Post Oak Savannah GCD: Gary Westbrook
Clearwater UWCD: Judy Parker	Prairielands GCD: Charles Beseda
Fox Crossing WD: None	Red River GCD: None
Middle Trinity GCD: Joe Cooper	Saratoga UWCD: Asa Langford
North Texas GCD: Eddy Daniel	Southern Trinity GCD: Rodney Kroll
Northern Trinity GCD: Fiona Allen	Upper Trinity GCD: Mike Massey

1. Invocation

Eddy Daniel, North Texas GCD, presided over the meeting and gave the invocation.

2. Call meeting to order and establish quorum.

The Groundwater Management Area 8 (GMA 8) meeting was called to order at 10:05 AM at the Cleburne Conference Center in Cleburne, TX. Mr. Daniel welcomed the new members, took roll and established that a quorum was present. 10 Districts were present at the time of roll call, with Fox Crossing WD and Red River GCD absent.

3. Welcome and introductions.

Mr. Daniel asked members of the Committee to introduce themselves.

4. Public Comments.

No comments were provided.

5. Approve minutes of June 23, 2011 GMA 8 meeting.

The minutes were revised based on recommendations made by Richard Bowers, Central Texas UWCD by e-mail.

Charles Beseda, Prairielands GCD, moved to approve the minutes of the June 23, 2011 GMA 8 meeting, seconded by Judy Parker, Clearwater UWCD. The motion carried unanimously, 10-0.

6. Discussion and possible action on bylaws for GMA 8.

At the last meeting, the Committee agreed that some form of organizational bylaws would be necessary to provide guidelines for establishing the Chair and Vice Chair and other procedures. Since that time, several versions have been drafted. Mr. Bowers provided some recommendations based on the bylaws established by GMA 1 in the Panhandle. Mark McPherson, an environmental attorney provided a set of unsolicited bylaws to the Committee for review. Mr. McPherson explained that GMAs are unlike any other entity in the State and no provisions exist in the law for organization or to define the GMA as a governmental agency.

Gary Westbrook, Post Oak Savannah GCD expressed that a GMA is simply a group of people from similar entities meeting to discuss future planning and GMAs are defined and set forth in law as such. Mr. Westbrook felt it would be a mistake to describe the GMA as a Committee or a Board. The members represent their districts by statute. Mr. Daniel stated that he felt that bylaws govern an entity and a GMA is not a defined legal entity as such. Mr. Daniel stated the GMA should have an organizational document that should be definitive and confined, but was hesitant to discuss duties and power and liabilities. Mr. Daniel recommended having an organizational document that stated that it is a GMA that will have a Chair and a Vice Chair and define duties and activities. Judy Parker, Clearwater UWCD stated that this is simply a Committee of representatives from groundwater districts. The districts provide the power, not the Committee. She expressed a concern that this could cause legal liabilities on the GMA where the districts should be held liable. Mr. Daniel stated that he did not want to create another level of responsibility and government. Joe Cooper, Middle Trinity GCD remarked that GMAs are not finished and that too many written guidelines could be detrimental. Rodney Kroll, Southern Trinity GCD agreed with the previous statements and stated that the loose-knit structure of the GMA is very inviting and appreciated. Mike Massey, Upper Trinity GCD agreed with the other members and felt that a simple agreement would be the best idea, rather than a formal document.

Mr. Daniel expressed that the position of Secretary/Treasurer could be handled by the administrative district. Mr. Daniel said that he felt the administrative district could utilize an existing bank account, which would eliminate the need for bylaws and a tax id number. The administrative district could create a separate fund that would be attributed to the GMA. Mr. Bowers questioned whether a budget was truly needed. Mr. Daniel and Ms. Parker responded that the GMA has been operating under Interlocal Agreements between the districts and the GMA. Mr. Massey stated that the purpose of developing a budget is for the districts' planning. Mr. Bowers stated that his Board would be satisfied with an Interlocal agreement, rather than bylaws as long as it addresses fiscal matters.

Mr. McPherson recommended that the GMA contact the Texas Water Development Board (TWDB) to discuss liabilities. The TWDB does not provide any authority to the GMA. GMAs are only a physical designation on a map. Mr. McPherson recommended the bylaws drafted should be called a Joint Planning Agreement, not bylaws. His proposed document is designed to make sure that the authorities of the GMA cannot be misconstrued to place additional liabilities on the GMA. The current statute requires that groundwater districts enter into regional planning agreements. Mr. Westbrook asked Mr. McPherson his credentials, which include real estate law and a recent move into environmental law.

Mr. Daniel recommended each district perform research and bring it to the next meeting. Mr. Westbrook recommended creating a Committee to research this matter. Mr. Daniel appointed Mr. Beseda, Mr.

Massey, Mr. Westbrook and Mr. Cooper to an Organizational Committee with the Chairman serving as ex officio.

7. Discussion and possible action regarding funding and a budget for GMA 8.

Mr. Daniel explained that after receiving correspondence from several districts, some discussion occurred regarding anticipated expenses and the budget cycle. After a brief survey, most districts in GMA 8 are based on a calendar year cycle. Several districts had placed a line item in their 2011 budget. The current budget is anticipated and would only be for reimbursements. Mr. Daniel recommended calculating the current expenses to seek reimbursement. Mr. Daniel stated that it was requested to add some funds to the budget for 2012 to cover hydrology services. The new process to develop Desired Future Conditions (DFCs) will be very difficult. Ms. Sarah Backhouse with the TWDB updated the GMA on the current state of the TWDB. The groundwater department lost 35% of its staff, which has made planning very difficult. Mr. Daniel reported that the TWDB had anticipated performing an update of the Trinity Aquifer model and now has lost the funding. The question is how the GMA or the individual districts are going to create the new model. Estimates that Mr. Daniel has obtained were between \$1-2 million. The TWDB may still be able to work with the GMA to develop the model, but no information is available at this time. Mr. Westbrook recommended that the GMA meet again to discuss appointing representation to joint planning groups.

Mr. Bowers stated that he cannot vote on the 2012 budget with the \$25,000 included for hydrology services. Mr. Beseda recommended discussing the budget at the TAGD meeting. Mr. Westbrook recommended establishing a committee to meet at the Texas Association of Groundwater Districts (TAGD) meeting on August 31st in Austin, Texas or to host a GMA 8 meeting the same day. Mr. Daniel stated that action will need to be taken fairly quickly due to time constraints. Mr. Westbrook asked what hydrology services could be engaged in the next twelve months for \$25,000. Ms. Parker acknowledged that the districts seemed to be worried about a line item on the budget. She stated that the funds will be in the budget, regardless of which line item. Ms. Allen expressed that her district budget is very tight and every dollar counts at this time. Mr. Daniel stated that he saw the \$25,000 for hydrology services being used for planning and modifying the model. He felt that the cost would be more equitable if the group works together.

Mr. Massey stated that in the history of the GMA, the work is done and then the hat is passed around for collection to pay the bills. If there is an idea of a budget, each district will know what is happening and be prepared to provide a pro rata share. He understands that some districts will not be able to participate financially. However, this will allow the other districts time to prepare during their budget cycle. No one can know what the allotted funds will be utilized for, but the funds need to be set aside in preparation of planning for next year.

Richard Bowers, Central Texas GCD, moved to adopt 2011 budget in the amount of \$4,300 and 2012 in the amount of \$8,850 with no hydrology services. This motion died for lack of second. After further discussion, Mr. Kroll motioned to bring back the original motion for the 2011 budget in the amount of \$4,300 and 2012 for \$8,850, seconded by Charles Beseda, Prairielands GCD. The GMA discussed the benefits of removing the hydrology services from the budget versus the benefits of keeping the line item in the budget. Mr. Westbrook recommended bringing the budget to the next meeting with more information on how each line item would be used. The motion was defeated. Mr. Daniel requested that each district include a line item in each budget related to GMA 8. Fiona Allen, Northern Trinity GCD motioned to adopt the 2011 budget for \$4,300, seconded by Richard Bowers, Central Texas GCD. The motion passed 9-1.

8. Receive update on legislation.

Mr. Daniel asked Ms. Backhouse if she had any other updates for the GMA. She commented that information had been provided to groundwater districts regarding appointments to the regional planning groups. Four appointments would be necessary. Mr. Daniel asked if anyone interested in serving on a regional planning group would provide information to Mr. Daniel to be placed on the next agenda.

Mr. Westbrook expressed an understanding of the new legislation for the new DFCs that will include providing documentation that shows why certain recommendations were used and others were not.

9. Set date, time, and place of next meeting.

The Committee agreed to host the next meeting on Wednesday, November 16th at 10:00 AM at the Cleburne Conference Center. The agenda will include appointing a representative to the regional planning groups, an update and recommendation from the Organizational Committee, and an updated 2012 budget.

10. Closing comments.


Mr. Daniel thanked the Committee for attending the meeting.

11. Adjourn.

Mike Massey, Upper Trinity GCD motioned to adjourn the meeting, seconded by Gary Westbrook, post Oak Savannah GCD. The motion carried unanimously, 10-0 and the meeting adjourned at 11:29 a.m.

The GMA 8 Committee unanimously approved the minutes on this 16th day of November, 2011.


Recording Secretary


Chairman