

Meeting of the
Groundwater Management Area 8
November 16, 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, November 16, 2011*, in the Cleburne Conference Center in Cleburne, Texas.

Groundwater District Representatives Present:

Central Texas GCD: None	Post Oak Savannah GCD: Gary Westbrook
Clearwater UWCD: Judy Parker	Prairielands GCD: Charles Beseda
Fox Crossing WD: Jed Garren	Red River GCD: Butch Henderson
Middle Trinity GCD: Joe Cooper	Saratoga UWCD: None
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 Gary Westbrook, Post Oak Savannah GCD gave the invocation.

2. *Call meeting to order and establish quorum.*

The Groundwater Management Area 8 (GMA 8) meeting was called to order at 10:03 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 Central Texas GCD and Saratoga UWCD absent. Mr. Daniel also introduced Mr. Robert Bradley with the Texas Water Development Board (TWDB).

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 August 3, 2011 GMA 8 meeting.*

The proposed minutes were included in the packet.

Fiona Allen, Northern Trinity GCD, moved to approve the minutes of the August 3, 2011 GMA 8 meeting, seconded by Charles Beseda, Prairielands GCD. The motion carried unanimously, 10-0.

6. Discussion and possible approval of Interlocal Agreement for GMA 8

Mr. Cooper explained that this agreement was developed from the idea that GMA 8 needed some sort of Interlocal agreement establishing bylaws or guidelines to govern its affairs. However, the GMA 8 group is not a formal legal entity, so bylaws did not seem an appropriate fit. It is just a group of entities working together to accomplish the joint planning requirements established by the Legislature. The Committee initially developed a draft Interlocal Agreement, but ultimately decided on the development of a set of administrative procedures to present to the full GMA 8. Mr. Massey requested Mr. Brian Sledge, a water attorney, to work with the Committee members on the document.

Mr. Westbrook requested Mr. Sledge to review the document and explain the purpose. Mr. Sledge agreed and introduced Mr. Charles Shell, the new General Manager for Central Texas GCD. Mr. Shell will be the new GMA 8 representative for Central Texas GCD, but had not been formally designated yet.

Mr. Sledge reviewed the Resolution establishing administrative procedures and explained that the language was softened to change it from a formal interlocal agreement. Mr. Sledge explained that the procedures included budgetary and voting procedures. The budget and payment section specifies that each district could participate at any level desired on a case by case basis. This would enable districts to provide funding at an attainable level. The procedures also specify that GMA 8 needs a hard two-thirds majority of the membership to approve desired future conditions and other important decisions. This means that eight members must approve these decisions. The procedures specify that GMA 8 is a group of groundwater conservation districts working together to assist each other in joint planning activities. The procedures specify that the districts will assist in meeting open meeting requirements and also allows GMA 8 to appoint an administrating district to coordinate open records requests and to post notices of meetings pursuant to recent legislative changes.

Mr. Kroll verified that the administrative procedures would not bind any district to commit to providing funds, and Mr. Sledge stated that since the agreement had been modified to be administrative procedures, it could not be enforced against any district to require it to commit or pay funds. The administrative procedures only outline how GMA 8 business is conducted and how the districts would attempt, going forward, to try to obtain commitments from individual districts to commit funds for joint planning activities of GMA 8.

GMA 8 will need to re-appoint the administrator district after the approval of this Resolution. Mr. Daniel expressed his appreciation and approval of this format of Agreement.

Joe Cooper, Middle Trinity GCD moved to approve the Resolution establishing administrative procedures for GMA 8 as presented, seconded by Judy Parker, Clearwater UWCD. The motion carried unanimously, 10-0.

7. Discussion and possible action on Request for Proposals for the construction of a revised regional groundwater availability model and aquifer characterization for the northern Trinity and Woodbine aquifers.

GMA 8 readopted the desired future conditions (DFCs) earlier in 2011, providing an additional 5 years planning time to revise the DFCs and possibly revise the groundwater model. Mr. Daniel emailed the group and proposed sending out a Request for Proposals for the construction of a revised groundwater availability model. The request was sent out and a copy was provided to the group. Several GCDs have allocated funds to potentially use for this project. Mr. Daniel proposed to review the request and then review the proposals at the next GMA 8 meeting. Mr. Sledge stated that one board recommended that after proposals are received and distributed to the GMA 8 members, a meeting be held with all the boards that are serious of committing funds to the project. Mr. Daniel stressed that not every district will have the funds to participate in the project or will benefit from participating on the project. However, GMA 8 needs to support the project. For the districts that participate financially, the consultants will do more detailed aquifer mapping.

Mr. David Gattis of the Red River GCD asked if the request for proposals sent out was substantially different from the version provided in the agenda packet and Mr. Daniel stated that there were only minor modifications. Mr. Gattis also clarified that the cost was still estimated to be \$1.5-2 million and Mr. Daniel agreed stating that this was aquifer-wide, so the cost was higher. The TWDB was involved in the development of the Request for Proposals and provided their support of the document.

Mr. Westbrook clarified with Mr. Bradley that the development of the model would be a public process in order to receive the TWDB's approval. The agreement approved previously acknowledged that districts would participate on different levels, but with the approval of the entire GMA 8. GMA 8 is already one year into the planning process for the DFCs and only four years remain to approve the revised DFCs. Mr. Henderson explained that while Red River GCD would approve the study, would vote against any funding. Mr. Daniel explained that he is not looking for approval of funding at this time, only approval to seek proposals.

Mr. Bradley explained that he could not comment on the modeling effort. However, the TWDB's region-wide model has been postponed due to budget cuts. This has put more burden on the individual districts and GMAs. A model does currently exist, but needs to be updated. Mr. Cooper explained that the model would be able to be updated again, but GMA 8 will have to use the data that is available. Mr. Beseda reported that Dr. Robert Mace of the TWDB stated that GMAs have to proceed to establish DFCs, regardless of budget constraints. Mr. Westbrook stated that the models were not designed with the intention for DFC planning, but have been adjusted to provide that level of future planning. A better model is necessary to provide more accurate regional planning.

Mike Massey, Upper Trinity GCD moved to approve the submission of a Request for Proposals for the construction of a revised regional groundwater availability model and aquifer characterization for the northern Trinity and Woodbine aquifers, seconded by Butch Henderson, Red River GCD. The motion carried unanimously 10-0.

8. Selection of representatives to serve on the Region B, C, G, and K Water Planning Groups as required by SB 660.

GMA 8 needs to appoint four representatives for Region B, C, G and K Water Planning Groups. Several resumes were received for nominees. Mr. Daniel stated that the selection of representatives has to be

done in open meeting and approved by the majority of the group. Ms. Allen confirmed that Regional Water Planning Groups have designated representatives and designated alternates.

For Region B, Tracy Mesler from Upper Trinity GCD was nominated. Mr. Mesler serves as the Vice President of the Upper Trinity GCD and serves on the Policy Committee. Butch Henderson, Red River GCD moved to approve the nomination of Tracy Mesler as representative for Region B, seconded by Judy Parker, Clearwater UWCD. The motion carried unanimously 10-0. Mike Massey, Upper Trinity GCD nominated Dr. Robert Patterson to serve as the alternate for Region B. Butch Henderson, Red River GCD moved to approve the nomination of Dr. Robert Patterson as alternate for Region B, seconded by Mike Massey, Upper Trinity GCD. The motion carried unanimously 10-0.

Three nominations were provided for Region C. North Texas GCD nominated Dan Collins and Thomas Smith as representative for Region C. Mr. Henderson nominated Harold Latham. Mr. Collins and Mr. Smith both serve as board members for the North Texas GCD and Mr. Latham serves on the Red River GCD. Mr. Latham was previously a well driller and has served on several water boards. Mr. Collins and Mr. Smith both work in water related fields and their resumes were provided to the group.

In order to narrow down the nominations for Region C, a preliminary vote with one vote received for Mr. Collins, five votes received for Mr. Smith and five votes received for Mr. Latham. For the final vote for the Region C representative, five votes each were received for Mr. Smith and Mr. Latham. Seven votes are required for an election.

Mr. Henderson expressed that Mr. Latham has worked in the water field as a well driller and has volunteered on the Fannin County Water Board and served on the Red River GCD as a board member. He also served on the committee that formed the Red River GCD. He is very knowledgeable about Chapter 36 of the Texas Water Code and has passion to see that water is conserved. Ms. Allen stated that Mr. Latham has a groundwater operator's license and has worked on the ground in the water business. He understands the importance of groundwater. She felt this was extremely important. Mr. Daniel explained that Mr. Smith is a licensed professional engineer and serves on the North Texas GCD board. Mr. Smith is certified in sediment and erosion control and worked for the San Antonio Water System. He is very active in green engineering and groundwater fracking operation studies.

Another vote was held with six votes received for Mr. Latham and four received for Mr. Smith. Mike Massey, Upper Trinity GCD motioned to appoint Harold Latham as representative for Region C and Thomas Smith as alternate, seconded by Gary Westbrook, Post Oak Savannah GCD. The motion carried unanimously, 10-0.

Nominations of Mike Massey and Judy Parker were nominated for Region G. Mr. Massey stated that when he expressed his willingness to serve, he did not realize that Ms. Parker was going to volunteer to serve. Ms. Parker has been in groundwater and on GMA 8 longer and would be an excellent representative. He then requested that this name be removed from nomination and Ms. Parker be elected by acclamation. Rodney Kroll, Southern Trinity GCD motioned to appoint Judy Parker as representative for Region G with Mike Massey serving as alternate, seconded by Butch Henderson, Red River GCD. The motion carried unanimously, 10-0.

One nomination for Clyde Waters for Region K. Mr. Waters serves as Secretary/Treasurer for the Central Texas GCD. Gary Westbrook, Post Oak Savannah GCD moved to appoint Clyde Waters as representative for Region K, seconded by Mike Massey, Upper Trinity GCD. The motion carried unanimously, 10-0. Mr. Shell volunteered to serve as an alternate for Region K. Judy Parker motioned to

appoint Charles Shell as the alternate representative for Region K, seconded by Mike Massey, Upper Trinity GCD. The motion carried unanimously, 10-0.

9. Review and possible action on GAM Run 11-011 MAG for the Nacatoch Aquifer in GMA 8.

Mr. Daniel explained that this is the Modeled Available Groundwater for the Nacatoch Aquifer based on the DFCs that were reapproved. The TWDB will approve this at the meeting in December.

10. Receive update on groundwater related legislation and other matters.

Mr. Bradley explained that the TWDB is planning to host a Stakeholders meeting to receive comments on Groundwater Management Plans. The TWDB is still seeking a Groundwater Division Manager, but hopes to hire someone soon. Mr. Sledge provided a brief update on the City of Aspermont versus Rolling Plains GCD legal case. The City is not located inside the District's boundaries, but has wells inside the boundaries. The District enacted transport fees, but the City refused to pay them. The District sued the City for unpaid fees and the District Court ruled in favor of the District. However, it went to the Court of Appeals and the Court of Appeals reversed the decision and stated that the City had Governmental Immunity and that the City was immune to paying damages. However, the Court of Appeals stated that the District could get a Declaratory Judgment Action against the City for the payment of fees. The District appealed to the Supreme Court challenging the Governmental Immunity. Chapter 36 was modified to include that the \$10,000 a day liability for unpaid fees constitutes the maximum exposure for governmental entities. The Supreme Court ruled on the old laws and instructed the District to get a Declaratory Judgment Action against the City.

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

The Committee agreed to hold the next meeting on Wednesday, January 11th at 10:00 AM at the Cleburne Conference Center. The agenda will include review and approval of proposals for updating the groundwater availability model and reappoint the North Texas GCD as the administrative district and the chair of the group.

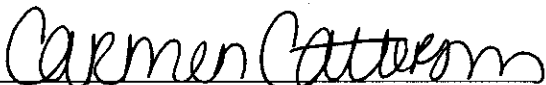
12. Closing comments.

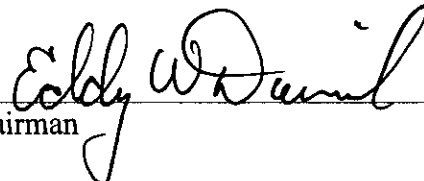
Mr. Daniel thanked the group and public for attending the meeting and working together. Ms. Parker requested that Mr. Shell receive confirmation from Central Texas GCD to enable him to serve on the committee. Mr. Massey explained that the new administrative procedures details the notification required from a member District to replace its designee at GMA 8.

13. Adjourn.

Mike Massey, Upper Trinity GCD motioned to adjourn the meeting, seconded by Fiona Allen, Northern Trinity GCD. The motion carried unanimously, 10-0 and the meeting adjourned at 11:18 a.m.

The GMA 8 Committee unanimously approved the minutes on this 11th day of January, 2012.


Recording Secretary


Chairman