



## Joint Planning For Groundwater Management Area #2

Tuesday, October 18, 2022

1:30 PM

**Whitehouse Parker –  
Farm House Vineyards  
702 E Old Lamesa Rd  
Brownfield, TX 79316**

### AGENDA

#### **1. CALL TO ORDER**

Administrative Officer Jason Coleman called the Groundwater Management Area #2 (GMA #2) meeting to order at 1:32 p.m.

#### **2. ROLL CALL AND ESTABLISH QUORUM**

Mr. Coleman conducted a roll call of the Groundwater Conservation Districts (GCDs) participating in today's joint planning meeting.

A quorum was present with six of the seven GCDs in GMA #2 represented.

The participating GMA #2 voting representatives were:

- Ronnie Hopper, High Plains UWCD
- Lori Barnes, Llano Estacado UWCD
- Jacob Hernandez, Mesa UWCD
- Dallen Skinner, Permian Basin UWCD
- Amber Blount, Sandy Land UWCD
- Layne Marlow, South Plains UWCD

**Absent:** Garza County UWCD

**Guests:** Jennifer McClendon, Stephanie Brady, Gray Sanders, Robert Bradley, Ray Brady, Amy Bush

Mr. Coleman welcomed all GMA #2 representatives and guests to the meeting.

#### **3. PUBLIC COMMENT**

Mr. Coleman asked for public comment.

No comments were offered and the public comment period ended at this time.

#### **4. CONSIDER FOR APPROVAL MINUTES OF LAST MEETING**

Mr. Coleman presented draft minutes of the August 17, 2021, GMA #2 meeting.

An electronic copy was provided to the member districts for review in advance of today's r

Layne Marlow made a motion to approve the minutes of the August 17, 2021, GMA #2 meeting as presented. Jacob Hernandez seconded the motion. The motion was Approved.

Ayes: High Plains, Llano Estacado, Mesa, Permian Basin, Sandy Land, South Plains  
Absent: Garza

## **5. TEXAS WATER BOARD DEVELOPMENT UPDATES**

GMA #2 Liaison Robert Bradley provided the following Texas Water Development Board updates:

- There is a new place on the TWDB website to submit water level data. Bradley said there have been several new additions to the Groundwater Availability Modeling staff. He also provided a summary of staffing changes at the agency.
- He advised the members to check their Groundwater Management Plans and be aware of the renewal dates.

This report is for informational purposes only. No action was taken.

## **6. AGENDA ITEMS AND UPDATES**

- A. Member updates regarding the adoption of applicable desired future conditions following TWDB certification of administrative completeness

GMA #2 was notified by TWDB in February 2022 that the DFC and explanatory report were administratively complete. There was also an addendum from TWDB on June 15, 2022. Permian Basin has amended its management plan with the most recent modeled available groundwater report. Other members in GMA #2 still need to amend their management plans with GR21-008 (addendum).

This report is for informational purposes only. No action was taken.

- B. Presentation of data comparing modeled vs observed water level changes

A chart of the modeled vs. observed water level changes was reviewed by the members. This data shows that GMA #2 is meeting the adopted DFC.

The group discussed publicity of water level data and public awareness of our DFC achievement. Each GCD mentioned the water level data being presented at board meetings and shared with local news outlets. HPWD will share this chart and data on the GMA #2 website.

This report is for informational purposes only. No action was taken.

- C. Discuss and consider administrative and information duties for GMA #2

Mr. Coleman reminded the committee that Carmon McCain with High Plains UWCD passed in February 2022 and he used to cover the information duties for GMA #2. The open meeting and agenda software currently being used is Granicus and costs approximately \$11,000 per year. HPWD has paid for this software and has used it for both its own board meetings and GMA #2 meetings. This software contract ends in January 2023.

HPWD also takes care of the GMA #2 website, at no cost to other GCD members. Mr. Coleman asked the group to provide some feedback relating to the information duties that are being performed by new staff members at HPWD. There were no objections to new HPWD staff members continuing the information tasks for GMA #2.

A 2020 version of an Interlocal Agreement was also discussed, as it specified some of the admin and information duties for GMA #2. However, that version of the agreement

never approved by the members. Amber and Jacob volunteered to review the document and try to address the concerns which were noted in the minutes of the May 2020 GMA #2 meeting.

The voting members at today's meeting agreed that they would send the GMA #2 agendas to the county clerks in their districts going forward. HPWD will send the agendas to the group to post with each respective county clerk, and HPWD will also post the agenda to the Secretary of State's website.

Jacob Hernandez volunteered to look at taking the Administration duties in the future.

Gray Sanders, the IT administrator with HPWD discussed the new open meeting and agenda software platform being used by HPWD. It provides some professional features that could be helpful for GMA #2.

Amber Blount made a motion for GMA #2 to help pay for the new program using cost-sharing among the members. Ronnie Hopper seconded the motion. The motion was Approved.

Ayes: High Plains, Llano Estacado, Mesa, Permian Basin, Sandy Land, South Plains  
Absent: Garza

## **7. ITEMS FOR FUTURE AGENDAS**

Mr. Coleman asked the group if there were any suggested future meeting dates and items for future agendas.

- A revised Interlocal Agreement will be addressed in the next meeting.
- Next meeting was volunteered to be held by Mesa UWCD.

State statute requires the GMAs to meet once a year for joint planning purposes. Therefore, GMA #2 must meet before the end of 2023.

## **8. ADJOURN**

Amber Blount made a motion to adjourn the meeting at 3:16 p.m. Jacob Hernandez seconded the motion. The motion was Approved.

Ayes: High Plains, Llano Estacado, Mesa, Permian Basin, Sandy Land, South Plains  
Absent: Garza

*Dated this 18th day of October, 2022.*

*Respectfully submitted:*



**Jason Coleman, Administrative Officer**  
Groundwater Management Area # 2



## **Interlocal Agreement**

This Interlocal Agreement (the “Agreement”) is made pursuant to Texas Government Code, Chapter 791 by and between Garza County Underground Water Conservation District (Garza County UWCD), High Plains Underground Water Conservation District No. 1 (High Plains UWCD), Llano Estacado Underground Water Conservation District (Llano Estacado UWCD), Mesa Underground Water Conservation District (Mesa UWCD), Permian Basin Underground Water Conservation District (Permian Basin UWCD), Sandy Land Underground Water Conservation District (Sandy Land UWCD), and South Plains Underground Water Conservation District (South Plains UWCD).

### **Purpose**

It is the intent and purpose of the Groundwater Management Area (GMA) to fulfill the joint planning requirements under the Texas Water Code, including meeting annually to conduct joint planning and for the purposes of adopting a new or amending an existing desired future condition (DFC) for GMA 2. The parties, all being groundwater conservation districts (GCDs) located in all or portions of GMA #2, enter this agreement to provide for the efficient and statutorily compliant administration of the GMA process.

### **Agreement Terms & Conditions**

#### **Section 1. Agreement Term**

This Agreement shall become effective on adoption by a two-thirds majority vote of groundwater conservation district voting members in the GMA, and remain in effect until terminated by a two-thirds majority vote of District representatives in the groundwater management area.

#### **Section 2. Statutory Authority & Compliance**

This Agreement is subject to governing statutes for government entities and groundwater management area administration, including but not limited to: Chapter 36, Texas Water Code; Chapter 14, Texas Water Code; and Chapters 551, 552, and 791, Texas Government Code.

## **Section 3. Membership**

### 3.01. Voting Members

- A. Each confirmed groundwater conservation district located wholly or partially within GMA 2 shall have one district representative who will serve as a voting member for GMA 2.
- B. A voting member is either the Board President of the GCD or an appointed designee. In the event the Board President appoints a designee, the member district shall be required to provide notice of appointment to the GMA 2 Chairman or GMA Administrator by letter or copy of the board meeting minutes.
- C. At any time a member district experiences a change in the positions of Board President or GMA designee, the member district shall notify the GMA 2 Administrator within thirty (30) days of such changes.
- D. The GMA may elect a Chairman from the voting membership to preside over the GMA meetings. The elected Chairman is limited to a one-year term.
- E. The GMA may elect a Secretary from the voting membership to preside over the clerical duties of the GMA meetings. The elected Secretary is limited to a one-year term.
- F. The GMA shall appoint annually a voting member to serve as the GMA liaison to each Regional Water Planning Group located wholly or partially within the GMA, in accordance with Texas Water Code §16.053.

### 3.02. Non-Voting Members

- A. The voting members of GMA 2 may appoint the following non-voting members to support and advise the voting members of the GMA:
  - 1. GMA 2 Administrator
    - a. The GMA may select an Administrator to perform such administrative duties as shall be required by the GMA. The Administrator may be a voting member or staff person of a member district.
    - b. General duties of the GMA 2 Administrator include but are not limited to: Serving as the presiding officer over GMA meetings, drafting agendas, setting meeting times and places, facilitating meetings, soliciting information from members needed for action items, interacting and communicating with TWDB regarding model requests and questions, serving as the contact person for the GMA, and negotiating, if needed, pending matters with other groups.
  - 2. GMA 2 Recording Secretary
    - a. The GMA may select a Recording Secretary to perform such clerical and record keeping duties as shall be required by the GMA. The Secretary may be a voting member or staff person of a member district.

- b. General duties of the GMA 2 Secretary include but are not limited to: Posting all meeting notices in compliance with Chapter 551, Texas Government Code, keeping minutes of meetings and distribute such minutes to members of GMA 2, developing and maintaining a GMA 2 website, keeping an updated calendar of events on the website including dates of future meetings and dates of interest (i.e. results of GAM requests), conducting an initial awareness program of the informational resource, and distributing information to GMA 2 members as necessary.
3. Texas Water Development Board Representative
- a. The GMA may request technical staff from the Texas Water Development Board to serve in an advisory capacity to assist with the development of desired future conditions during the joint planning process.

## **Section 4. Meetings**

### 4.01. Frequency

- A. The district representatives shall meet at least annually to conduct joint planning, review district member management plans, discuss the accomplishments of the management areas, and propose to adopt new or amend existing desired future conditions pursuant to Chapter 36, Texas Water Code.
- B. The GMA may meet as necessary to perform the duties of the GMA or any other business as desired.

### 4.02. Meeting Location

Locations of GMA meetings may rotate between member districts, but shall be located within the GMA.

### 4.03. Notice of Meetings

- A. Notice of all GMA meetings will be posted pursuant to Texas Government Code.
- B. Member districts shall comply with the Texas Public Information Act, Chapter 552, Government Code, in regards to all documents created and retained by the GMA membership.

### 4.04. Quorum

- A. A simple majority of GMA 2 voting members present shall constitute a quorum.

### 4.05. Meeting Procedure

- A. The GMA Chairman or, if appointed, the GMA Administrator shall be responsible for conducting the GMA meetings.

- B. The GMA Secretary shall be responsible for taking and maintaining minutes of the GMA meetings.

#### 4.06. Public Comment

- A. During a GMA Meeting, public comment regarding GMA agenda items may be heard by the member districts.
- B. The GMA Chairman or, if appointed, the GMA Administrator shall have the sole authority to authorize public comment and regulate the manner in which public comment commences before the GMA.
- C. All guests wishing to provide public comment shall first complete an information card containing the speaker's name, address, phone number, and the number of the agenda item(s) that they wish to address.
- D. Public comment is limited to three (3) minutes or less, regardless of the total number of agenda items registered to discuss.
- E. Speakers shall address only the agenda item(s) for which they registered to discuss.
- F. No speaker will be allowed to pass his or her time to someone else, nor will they be permitted to repeat comments made by another, except to concur with those remarks.
- G. The GMA Chairman or, if appointed, the GMA Administrator may request that all public comment be submitted in writing, if proper notice is given in the posting for such meeting.
- H. Failure to comply with this section may result in a forfeiture of right to speak during the GMA meeting.

#### 4.07. Sub-Committee Meetings

- A. The GMA may appoint and convene non-voting advisory subcommittees in accordance with 36.1081 and such committee meetings will be held in accordance with the Texas Open Meetings Act, Chapter 551 Government Code.
- B. The GMA shall give notice of subcommittee meetings in accordance with the requirements for notice of a multi-county district Board of Directors meeting under 551.053

### **Section 5. Voting Procedures**

#### 5.01. Voting Members

Only voting members as established under Section 3 are eligible to vote on behalf of the member district.

#### 5.02. Voting Protocol

- A. A quorum of over fifty (50) percent of the voting members must be present for a vote to occur.
- B. All actions requiring a vote shall be subject to a two-thirds majority threshold.

- C. Each voting member shall obtain approval from his or her respective District Board of Directors, and vote as directed by the board for the following actions:
  - 1. Any commitment of district funds for GMA 2 activities.
  - 2. Decisions related to the establishments of DFCs in instances where such decisions are required by Chapter 36 to be made by the respective member District Board of Directors rather than the voting member.

## **Section 6. Financial Management**

### 6.01. Financial Procedures

- A. By a two-thirds majority vote, GMA 2 may establish an equitable method for the member districts to fund the actions of the GMA.
- B. Each member district shall endeavor to participate and contribute in good faith in the GMA activities and to satisfy the joint planning requirements of Chapter 36, Texas Water Code.
- C. Once decided by a two-thirds majority vote, actual commitment of funds from each member district must nonetheless be obtained by approval from their respective District Board of Directors. Each member district has a continuing duty to honor its financial commitment to the other member districts.
- D. Non-payment by any member district is solely the responsibility of that member district.

## **Section 7. Guidelines for Engaging a Consultant**

### 7.01 Procurement of Services

GMA 2 may engage a consultant, or other qualified personnel, to assist in the DFC process as allowed by Chapter 36, Texas Water Code and Chapter 791, Texas Government Code.

## **Section 8. Government Transparency**

### 8.01. Public Access to Records

- A. GMA 2 districts agree to complete and full transparency of all documents produced in the GMA planning process, unless otherwise protected by law.
- B. GMA 2 shall maintain a website to provide public education about the GMA process. This includes meeting notices, minutes, related documents, and links to member district websites or other preferred contact information.

### 8.02. Notice of Meetings

Notice of meetings shall be provided in accordance with the requirements of Chapter 36, Texas Water Code and Chapter 551, Texas Government Code.



### 8.03. Texas Public Information Act

Each member district shall comply with the Texas Public Information Act, Chapter 552, Texas Government Code, with regards to joint planning activities. However, the GMA Secretary shall serve as the primary governmental entity to which requestors of public information related to joint planning activities are generally referred by the member districts.

Executed by the parties hereto by the board of directors of each district on the dates designate below each signature.

**Garza County Underground Water Conservation District**

**High Plains Underground Water Conservation District No. 1**

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**Llano Estacado Underground Water Conservation District**

**Mesa Underground Water Conservation District**

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**Permian Basin Underground Water Conservation District**

**Sandy Land Underground Water Conservation District**

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**South Plains Underground Water Conservation District**

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Name: \_\_\_\_\_

Date: \_\_\_\_\_