

**NORTH PLAINS GROUNDWATER CONSERVATION
PUBLIC HEARING REGARDING THE PROPOSED ADOPTION OF DISTRICT RULE 1.4**

**9:00 AM Tuesday, November 14, 2023
North Plains Water Conservation Center
6045 County Road E., Dumas, Texas**



NORTH PLAINS GROUNDWATER CONSERVATION DISTRICT BOARD MEETING

**9:00 AM Tuesday, November 14, 2023
North Plains Water Conservation Center
6045 County Road E., Dumas, Texas**

AMENDED:

A meeting of the Board of Directors of North Plains Groundwater Conservation District ("District") will be held on November 14, 2023, beginning at 9:00 a.m. at the North Plains Water Conservation Center, 6045 County Road E., Dumas, Texas 79029. The presiding officer and a quorum of the Board of Directors of the District will be physically present at this location. Other board members and employees of the District may participate remotely in the meeting by video conference as permitted by Government Code Section 551.127.

Call Meeting to Order and Establish a Quorum.

Opening Prayer.

Pledge

Recess Regular Board Meeting for Public Hearing

Conduct a public hearing concerning the North Plains Groundwater Conservation District's intent to adopt District Rule 1.4. Petition to Adopt or Change District Rules

- a. Opening comments by the presiding officer and general counsel on procedures regarding the proposed adoption of rules.
- b. Receive public comment regarding the proposed rule changes.
- c. Adjourn Formal Hearing.

Reconvene Regular Board Meeting after the public hearing referenced above is closed.

Recess for Hearing

Conduct formal show cause hearing NPGCD 023-002, regarding Franz Wiebe, in apparent violation of District Rule 2.1

Conduct formal show cause hearing NPGCD 023-003, regarding Hay K Farms LLC, in apparent violation of District Rule 2.1

Conduct formal show cause hearing NPGCD 023-004, regarding Sealy and Smith Foundation, in apparent violation of District Rule 2.1

At any time during the meeting and in compliance with the Texas Open Meetings Act, Chapter 551, Government Code, Vernon's Texas Codes, Annotated, the North Plains Groundwater

Conservation District Board may meet in executive session for consultation concerning attorney-client matters (§551.071).

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Adjourn Hearing

1. **Public Comment:** The public is invited to address the board on any general water issue at the beginning of the meeting. The public is further invited to address the board on a specific agenda item when the board considers that item. The public is encouraged to fill out a public comment form prior to the start of the meeting and submit it to the staff at the front desk.

Public comment may only be offered during this Agenda item and may either be general in nature or may address any specific item on this Agenda. General comments shall be limited

to a maximum of 3 minutes, or comments on specific Agenda items shall be limited to a maximum of 3 minutes per Agenda item, not to exceed a total of 9 minutes.

2. Consent Agenda

- a. Review and approval of Minutes of meetings as follows:
 - Regular Board Meeting held October 10, 2023
- b. Review and approval of District expenditures for October 1, 2023, through October 31, 2023.
- c. Consider approval of payment to Lemon, Shearer, Phillips & Good, P.C. for professional services and out-of-pocket expenses from October 1, 2023, through October 31, 2023.
- d. Consider approval of Sherman County Appraisal District's request to approve the 2023 tax amount for tax roll in Sherman County

3. Action Agenda

- a. Consider action to approve North Plains Groundwater Conservation District's intent to adopt District Rule 1.4. Petition to Adopt or Change District Rules.
- b. Consider action regarding formal show cause hearing NPGCD 023-002, regarding Franz Wiebe, in apparent violation of District Rule 2.1
- c. Consider action regarding formal show cause hearing NPGCD 023-003, regarding Hay K Farms LLC, in apparent violation of District Rule 2.1
- d. Consider action regarding formal show cause hearing NPGCD 023-004, regarding Sealy and Smith Foundation in apparent violation of District Rule 2.1
- e. Consider final compliance approval of Water Well Permits as active and complete wells.
- f. Receive report and consider action as needed regarding agriculture water conservation demonstration programs and the North Plains Water Conservation Center.
- g. Consider approval of revised Independent Contractor Service Agreement between North Plains Groundwater Conservation District and Steve Amosson for Professional Services
- h. Consider approval of engagement letter between the District and Butler Snow beginning October 1, 2023 for public and governmental affairs.
- i. Receive report and consider action needed regarding District Meter Reimbursement Program for 2023-2024.
- j. Receive Quarterly Investment Report for the period ending September 30, 2023.
- k. Consider General Manager's request to amend the Districts 2023-2024 budget.
- l. Consider approval of consolidating remaining balances of Perryton National Bank accounts 116 and 256 into Perryton National Bank 337 and closing those accounts.
- m. Receive report regarding Ogallala Project to Mitigate Flooding and Protect the Six-State Ogallala-High Plains Regional Socio-Economic Viability.
- n. Receive report and consider action regarding compliance and contested matters including but not limited to BLF Land LLC, Braiden Cartrite, Russell Fangman and Erny Rempel.

- o. Closed Session. The Board of Directors of the District may go into a closed session under the authority of the Government Code, Chapter 551, Texas Open Meetings Act, to discuss:
 - i) Consultation with Attorney – Attorney/Client Privileged Consultations (§551.071)
 - ii) Consultation with general counsel regarding pending compliance matters before the District, exempt from the Open Meetings Act pursuant to §551.071 of the Government Code
 - iii) Discussion of personnel matters regarding the transition of Janet Guthrie as NPGCD General Manager. Exempt from the Open Meetings Act pursuant to Section 551.074 of the Government Code.
 - iv) Consultation with legal counsel to obtain legal advice on matters in which the duty of the attorney to the governmental body, under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflicts with Texas Government Code Chapter 551.
- p. Consider recommendation(s) regarding matters discussed in closed session.

4. Discussion Agenda

- a. District Director Reports regarding meetings and/or seminars attended, weather conditions and economic development in each director's precinct.
- b. Committee reports.
- c. General Manager's report, including, without limitation:
 - i) Upcoming meetings and conferences.
 - ii) General Manager's activity summary.
 - iii) Permits Issued in October 2023.
 - iv) District activity summary.

Discuss Items for Future Board Meeting Agendas and Set Next Meeting Date and Time.

Adjournment.

At any time during the meeting and in compliance with the Texas Open Meetings Act, Chapter 551, Government Code, Vernon's Texas Codes, Annotated, the North Plains Groundwater Conservation District Board may meet in executive session for consultation concerning attorney-client matters (§551.071). Any subject discussed in executive session may be subject to action during an open meeting.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the Board of Directors of the North Plains Groundwater Conservation District, is a true and correct copy of said Notice; and that I posted a true and correct copy at a place convenient to the public at the District office, at 603 East First, Dumas, Texas, and the Notice was posted on November 9, 2023, on or before 5:00 pm and will remain so posted continuously for at least 72 hours immediately preceding the day of said Meeting; a true and correct copy of the Notice was furnished to each county clerk of the county or counties in which the above District is located.

Additionally, I certify that the above Notice of Meeting was furnished to the Secretary of State on or before 5:00 pm

Dated this the 9th day of November

North Plains Groundwater Conservation District

By:

Krystal Donley
Krystal Donley, Administrative Assistant