



**NECHES & TRINITY VALLEYS
GROUNDWATER CONSERVATION DISTRICT**

Protecting Anderson, Cherokee, and Henderson Counties

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Gary Douglas, President

Sam Hurley, Vice President

Terry Morrow, Treasurer

Donald Foster, Secretary

Jimmy Terrell, Director

Tim Perry, Director

Julianna S. Peacock, Director

MINUTES OF BOARD OF DIRECTORS MEETING – January 7, 2020

DIRECTORS PRESENT

Gary Douglas, President; Sam Hurley, Vice-President;
Donald Foster, Secretary; Jimmy Terrell, Director; Terry
Morrow, Director; Julianna Peacock, Director; Randall
Chandler, Director

ALSO PRESENT

Penny Hanson, General Manager; Randy Gorham, CPA;
John Stover, Attorney; Greg Ellison, Attorney

CALL TO ORDER

Gary Douglas, President, opened the Board meeting at 11:05
am.

1. DECLARATION OF A QUORUM AND INVOCATION

A quorum was declared by Donald Foster, Secretary. The invocation was given by Sam Hurley.

Item 7 was moved to 2nd on agenda.

7. SWEAR IN NEW DIRECTORS

Penny Hanson, General Manager, swore in the following directors for new terms:

Donald Foster

Terry Morrow

Jimmy Terrell

Randall Chandler

Item 6 was moved to 3rd on agenda.

6. DISCUSS AND POSSIBLY TAKE ACTION ON THE ELECTION OF OFFICERS FOR 2020

A motion was made to nominate Gary Douglas as President by Donald Foster, 2nd by Terry Morrow, passed unanimously.

A motion was made to nominate Sam Hurley as Vice President by Gary Douglas, 2nd by Terry Morrow, passed unanimously.

A motion was made to nominate Donald Foster as Secretary by Sam Hurley, 2nd by Jimmy Terrell, passed unanimously.

A motion was made to nominate Terry Morrow as Treasurer by Julianna Peacock, 2nd by Sam Hurly, passed unanimously.

All officer's positions were accepted.

2. PUBLIC FORUM (ITEMS NOT ON THE AGENDA)

No items were discussed.

3. PUBLIC FORUM FOR ITEMS ON THE AGENDA

No items were discussed.

4. CONSENT ITEMS: APPROVE MINUTES FOR THE NOVEMBER 21, 2019 MEETING AND PAYMENT OF BILLS FOR FEBRUARY 1, 2020 THRU FEBRUARY 29, 2020

The November 21, 2019 minutes and payment of bills for February 1, 2020 through February 29, 2020 were approved as presented, motion by Donald Foster, 2nd by Jimmy Terrell, passed unanimously.

5. HEAR AND DISCUSS REPORTS FROM STAFF

1. Well permits received, issued and completed
2. Production reports and fees

8. THE BOARD MAY ADJOURN INTO CLOSED SESSION TO CONSULT WITH ATTORNEYS CONCERNING PENDING LITIGATION

The Board meeting was closed at 11:20 am to enter into closed session.

The Board meeting was reopened at 11:36 am on motion by Sam Hurley, 2nd by Donald Foster, passed unanimously.

Item 14 was presented after Item 8.

14. RECEIVE FINANCIAL STATEMENTS AND REVIEW 2018 BUDGET TO ACTUAL FROM RANDY GORHAM, CPA.

Randy Gorham, CPA, presented financial reports to the Board.

9. RECEIVE AND POSSIBLY TAKE ACTION ON PROCEEDING WITH SUIT AGAINST MOUNTAIN PURE TX LLC

A motion was made to hire Murry B. Cohen, per recommendation of service from John Stover, by Sam Hurley, 2nd by Julianna Peacock, passed unanimously.

10. RECEIVE AND DISCUSS INFORMATION FROM ATTORNEY GREG ELLIS REGARDING LEGISLATIVE REPRESENTATION

Greg Ellis presented information to the Board regarding his work representing GCD's on Legislative matters.

11. RECEIVE AND POSSIBLY TAKE ACTION ON CHANGES TO EMPLOYEE VACATION AND SICK TIME POLICIES

Tabled.

12. DISCUSS AND POSSIBLY TAKE ACTION ON AUDIT ENGAGEMENT LETTER FOR 2019 AUDIT

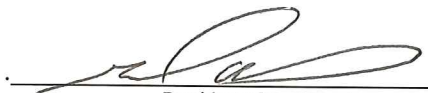
Tabled.

13. DISCUSS AND POSSIBLY TAKE ACTION ON ADOPTING RESOLUTION JOINING WITH TDLR AND TCEQ'S MEMORANDUM OF UNDERSTANDING TO ADDRESS ABANDONED WELLS

A motion was made to adopt the Resolution joining with TDLR and TCEQ's Memorandum of Understanding to address abandoned wells by Sam Hurley, 2nd by Terry Morrow, passed unanimously.

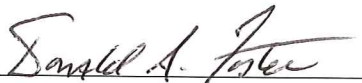
15. ADJOURN

A motion to adjourn at 1:14 pm was made by Donald Foster, 2nd by Sam Hurley, passed unanimously.



President: Gary Douglas

DATE

Attest 

**RESOLUTION
OF THE BOARD OF DIRECTORS OF THE NECHES AND TRINITY
VALLEYS GROUNDWATER CONSERVATION DISTRICT
MEETING HELD JANUARY 7, 2020**

**A RESOLUTION TO JOIN THE MEMORANDUM OF UNDERSTANDING WITH THE
TDLR AND TCEQ REGARDING ABANDONED AND DETERIORATED
GROUNDWATER WELLS**

WHEREAS, the 78th Texas Legislature enacted Senate Bill 279 in 2003, which added Section 1901.257(c) to the Texas Occupations Code to require a groundwater conservation district ("GCD") in which an abandoned or deteriorated well is located to join a memorandum of understanding ("MOU") with the Texas Department of Licensing and Regulation ("TDLR") and the Texas Commission on Environmental Quality ("TCEQ") to coordinate the efforts of GCD's, the TDLR, and the TCEQ regarding the investigative procedures for referrals of complaints of abandoned and deteriorated wells;

WHEREAS, in an effort to comply with Section 1901.257(b) of the Occupations Code, the TDLR adopted a new rule, 16 Texas Administrative Code §76.1011, to enter the MOU and provide a method for GCD's to also enter the MOU and comply with Section 1901.257(c) of the Occupations Code;

NOW THEREFORE BE IT RESOLVED THAT:


The Board of Directors of the Neches and Trinity Valleys GCD hereby adopts this resolution to join the MOU with the TDLR and the TCEQ to comply with Section 1901.257(c) of the Texas Occupations Code.

The General Manager is authorized to take any and all action necessary to implement this resolution and join the MOU with the TDLR and the TCEQ.


AND IT IS SO ORDERED.

Upon motion duly made by Director Sam Hurley, and seconded by Director Terry Morrow, and upon discussion, the Board voted 7 in favor and 0 opposed, 0 abstained, and 0 absent, and the motion thereby PASSED on this 7th day of January, 2020.

NECHES AND TRINITY VALLEYS GROUNDWATER CONSERVATION DISTRICT

By: 
Gary Douglas, President

ATTEST:


Donald Foster, Secretary