

CERTIFICATE FOR RESOLUTION

I.

On the 11th day of July, 2019, the City Council of the City of Conroe, Texas, consisting of the following qualified members, to-wit: **Toby Powell, Mayor; Duke Coon, Mayor Pro Tem; Council Members Seth Gibson, Duane Ham, Jody Czajkoski, and Raymond McDonald**, did convene in public session in the Council Chambers of the City Hall at 300 West Davis in Conroe, Texas. The roll being first called, a quorum was established, all members were present except the following: Mayor Pro Tem Duke Coon and Council Member Raymond McDonald. The Meeting was open to the public and public notice of the time, place and purpose of the Meeting was given, all as required by Chapter 551, Texas Government Code.

II.

WHEREUPON, AMONG OTHER BUSINESS transacted, the Council considered adoption of the following written Resolution, to-wit:

RESOLUTION NO. 4456-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CONROE, TEXAS
OPPOSING THE INCLUSION OF THE 2010 DESIRED FUTURE CONDITIONS
IN THE GROUNDWATER MANAGEMENT PLAN OF THE LONE STAR
GROUNDWATER CONSERVATION DISTRICT

III.

Upon motion of Council Member Ham, seconded by Council Member Gibson, all members present voted for adoption of the Resolution, except the following: No one voted against and no one abstained. A majority of those Council Members present having voted for adoption, the presiding officer declared the Resolution passed and adopted.

IV.

A true, full and correct copy of the Resolution adopted at the Meeting is attached to and follows this Certificate.

SIGNED AND SEALED this 11th day of July, 2019.


SOCO M. GORJON, City Secretary

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WHEREAS, on August 9, 2016 the Lone Star Groundwater Conservation District (the "District") adopted certain Desired Future Conditions for aquifers within Groundwater Management Area 14 to be applicable within the District; and

WHEREAS, the City of Conroe, Texas joined by certain other parties did appeal the District's 2016 decision in an administrative proceeding styled SOAH DOCKET NO. 958-17-3121; PETITIONS OF THE CITIES OF CONROE AND MAGNOLIA, TEXAS AND QUADVEST LP APPEALING DESIRED FUTURE CONDITIONS OF GMA 14 ADOPTED BY LONE STAR GROUNDWATER CONSERVATION DISTRICT; and

WHEREAS, after extensive and contentious pretrial proceedings the parties entered into a settlement agreement in SOAH DOCKET NO. 958-17-3121 wherein the parties agreed that the August 9, 2016 Desired Future Conditions adopted by the District are "no longer reasonable"; and

WHEREAS, the current elected board of the Lone Star Groundwater Conservation District has worked diligently to adopt new Desired Future Conditions respecting the statutory process, private property rights and the legitimate interests of all stakeholders, however, the District as yet has been unable to complete the process for establishing reasonable Desired Future Conditions; and

WHEREAS, in response to statutory mandates on March 12, 2019 the District adopted a Groundwater Management Plan which was submitted to the Texas Water Development Board for review for administrative completeness;

WHEREAS, the Texas Water Development Board has rejected the District proposed Groundwater Management Plan and has directed that the Plan incorporate the 2010 DFCs that were based on assumptions similar to the 2016 DFCs and are similarly flawed and objectionable; and

WHEREAS, incorporation of the 2010 DFCs would require the District to regulate to the same flawed, unconstitutional and confiscatory standards of the unreasonable Desired Future Conditions vigorously contested by the City of Conroe and others in the appeal in SOAH DOCKET NO. 958-17-3121 and would effectively ignore the outcome of that appeal; and

WHEREAS, the City of Conroe, Texas will vigorously oppose by all available means, including litigation if necessary, the incorporation of the 2010 Desired Future Conditions into the District's Groundwater Management Plan.

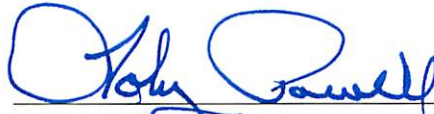
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CONROE, TEXAS:

Section 1. The City Council of the City of Conroe, Texas opposes the order of the Texas Water Development Board to implement the 2010 Desired Future Conditions adopted by the prior unelected District board.

Section 2. The City Council of the City of Conroe, Texas calls upon the District and the Texas Water Development Board to respect the outcome of SOAH DOCKET NO. 958-17-3121 and to reject the use of the 2016 or 2010 Desired Future Conditions for any purpose.

Section 3. The City Administrator is directed to provide a copy of this resolution to the Lone Star Groundwater Conservation District and the Texas Water Development Board.

PASSED AND APPROVED this the 11th day of July, 2019.



TOBY POWELL, Mayor

APPROVED AS TO FORM:



MARCUS L. WINBERRY, City Attorney

ATTEST:



SOCO M. GORJON, City Secretary

