



Prairielands Groundwater Conservation District
ELLIS, HILL, JOHNSON, and SOMERVELL COUNTIES
P.O. Box 3128 | 205 S. Caddo Street | Cleburne, TX 76033
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AUG 24 2015

Approved
Commissioners Court

AUG 24 2015

August 4, 2015

The Honorable Roger Harmon
Johnson County Courthouse
2 N. Main Street
Cleburne, TX 76033

Dear Judge Harmon:

RE: Commissioners Court Agenda Item

In accordance with the Prairielands GCD bylaws, "permanent directors shall serve staggered four-year terms, with the term of one director from each of the four counties expiring on August 31 of each odd-numbered year".

The term of Mr. Dennis Erinakes is expiring. He is eligible for re-election and has indicated that he is willing to serve another term on the Prairielands Board of Directors. Should you desire to contact Mr. Erinakes, his contact information is:

Phone: (817) 295-8253
Email: erinakes@gmail.com

For your convenience, the following language is appropriate for an agenda:

Consideration and action to re-appoint director to the Prairielands Groundwater Conservation District Board of Directors for a term of four years to expire August 2019.

Thank you for your assistance and contact me should you have any questions about this matter. Please inform the District of the Court's action in writing.

Sincerely,

Jim Conkwright
General Manager
Prairielands GCD

JIM CONKWRIGHT – GENERAL MANAGER
CHARLES BESEDA – PRESIDENT
DENNIS ERINAKES – 1ST VICE PRESIDENT

MAURICE OSBORN – SECRETARY TREASURER
RANDY KIRK – 2ND VICE PRESIDENT
BARNEY PUSTEJOVSKY – DIRECTOR

MARTY MCPHERSON – DIRECTOR
PAUL TISCHLER – DIRECTOR
CRAIG DODSON – DIRECTOR

RE: Board Terms

Brian Sledge <bsledge@sledgelaw.com>

Wed 4/22/2015 11:20 AM

torosetta@prairielandsgcd.org <rosetta@prairielandsgcd.org>;

cc:jimconkwright@prairielandsgcd.org <jimconkwright@prairielandsgcd.org>; 'sfitzsimmons' <sfitzsimmons@sledgelaw.com>;
Lindsey Smith <lsmith@sledgelaw.com>;

Okay, I have reviewed this issue, and here is the deal. The letter from the Johnson County Judge is incorrect. They do not have legal authority to limit the appointment to a certain term—only to make the appointment. The terms are defined by statute. So, what has legally happened is that Hallman continued to serve the first couple of months of his second term as a holdover director, and Paul Tischler was appointed to serve the remainder of that four-year term. I am assuming that November 18, 2013, is the date that Paul Tischler took the oath of office (please confirm). If so, the correct terms are as follows:

Jim Hallman's term:

11/05/2009 through 8/31/2013;

2nd term: 09/01/2013 through 11/18/2013 (served partial four-year term)

Dennis Erinakes' term:

11/05/2009 through 8/31/2011;

2nd term: 8/31/2011 through 8/31/2015

Paul Tischler's term:

11/18/2013 through 08/31/2017 (served remainder of Hallman's second four-year term)

Please let me know if you have any questions.

Thanks, Brian

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Brian L. Sledge

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SECTION 2. BOARD OF DIRECTORS

2.1 Composition and Appointment

The District is governed by a Board of Directors, which is comprised of eight appointed Directors, two from each of the four counties comprising the District. Director appointments shall be made by the commissioners courts of each of the four counties in the manner set forth in the District Act. To be eligible to serve as a Director, a person must be a registered voter in the appointing county. A Director may serve multiple consecutive terms.

2.2 Terms of Office; Director Vacancies; Notification

Initial permanent Directors shall serve terms as specifically provided in the District Act. Permanent Directors shall serve staggered four-year terms, with the term of one director from each of the four counties expiring on Aug 31 of each odd-numbered year. Should a vacancy occur on the Board for any reason, the County Commissioners of the appropriate shall appoint a replacement from the county with the vacant position to fill the remainder of the unexpired term. Within thirty (30) days after any appointment of a Director, the District shall notify the Executive Director of the Texas Commission on Environmental Quality in accordance with Section 36.054(e), Water Code. A Director shall serve until the Director's successor has qualified.

2.3 Sworn Statement; Bond; Oath of Office

As soon as practicable after a Director is appointed, the Director shall make the sworn statement prescribed by the Texas Constitution, take the oath of office, and execute a bond, as required by Section 36.055, Water Code. The District shall file the sworn statement, oath, and bond as prescribed in Section 36.055(d).

2.4 Officers

Each odd-numbered year at its September meeting, the Board shall meet and elect four Directors to serve as officers, whose titles shall be President, Vice-President, Second Vice President and Secretary/Treasurer. Officers shall be elected for terms of two years. Officers may serve multiple consecutive terms.

The President shall preside at all Board meetings, execute all documents on behalf of the District, and perform other duties prescribed by the Board.

The Vice-President shall act as the President in case of the absence or disability of the President, and perform other duties prescribed by the Board. The Second Vice-President shall act as the President in case of the absence or disability of the Vice President, and