

UPPER TRINITY GROUNDWATER CONSERVATION DISTRICT
MONDAY, MARCH 18, 2019
MINUTES OF MEETING
OF THE
BOARD OF DIRECTORS

REGULAR BOARD MEETING

1. Welcome guests and members of the public. The meeting convened at 5:00 p.m.
2. Roll call; establish a quorum; call Board Meeting to order; declare it open to the public.
Directors Present: Tim Watts, Tracy Mesler, Mike Massey, Don Majka, Shannon Nave, Brent Wilson and Mike Berkley
Director Absent: Richard English
3. Pledges of allegiance to the flags were recited.
4. Public comment was heard where noted below.
5. Director Massey moved to approve the Consent Agenda, including minutes from Public Hearings and Regular Board Meeting on February 25, 2019; approval of bank statement ending February 28, 2019, and current financial reports of the District; approval of Investment Report; approve payment of bills/invoices received through March 18, 2019; and reimbursements for expenses incurred on behalf of the District through March 18, 2019 (including an addition from Majka). Director Watts seconded the motion. The motion passed unanimously.
6. No items were pulled from consent agenda for further discussion.
7. Director Nave moved to deny Mr. David Mestemaker's request for the District to waive the requirement to plug an existing domestic well that was to be replaced by an approved replacement well. The well must be plugged per Texas Department of Licensing and Regulation (TDLR) requirements. Director Majka seconded the motion. The motion passed unanimously. Mr. David Mestemaker arrived at 5:15 p.m., after the continued discussion from February 25, 2019 concluded.
8. Yvonne Jamnik participated in the discussion regarding a request by Robert and Yvonne Jamnik for a third extension to drill Well ID 10887. Director Berkley moved to approve a 360-day extension to drill the approved domestic well located in Wise County; they must notify the District if the well is not drilled before the approval expires. Director Massey seconded the motion. The motion passed unanimously.
9. Director Watts moved to approve a request by Daniel Sparks for a 120-day extension to drill an approved domestic well (Well ID 11316) located in Parker County. Director Nave seconded the motion. The motion passed unanimously.
10. The discussion regarding a request by Aqua TX for a second extension to drill two approved public water supply wells (Well IDs 10319 and 10321) located in Wise County will be continued at the April 15, 2019 Regular Board meeting.
11. Director Berkley moved to find that Erwin Water Well Drilling committed a first major violation of District Rules and assessed a \$10 civil penalty for drilling a water well beyond 30 feet of its approved location. Director Wilson seconded the motion. The motion passed unanimously.
12. **Management Report on Administrative and Operational Issues:** The General Manager and staff will brief the Board on the following and any other items included in the General Manager's written report, which may

be discussed, considered, and acted upon by the Board, including authorizing the initiation of, managing, or resolving enforcement action or litigation where applicable.

- A. General Manager's report was submitted to the Board of Directors in advance of the Regular Board meeting; no action was taken.
 - B. Report on delinquent customers of the District.
 - 1) Discussion regarding possible enforcement action against Wallace Hardie, aka "Butch" Hardie; Castle Water, Inc. D/B/A Horseshoe Bend Water Works; Texas Rain Holdings Company, Inc.; TRV Services, LLC; and Texas Rain Utility Management, LLC, for continued violations of District Rules, including failure to pay water use fees since January 1, 2018, to present, as required by District Rules 7.3 and 7.4; ordering a show cause hearing to appear before the Board regarding these violations to show cause why an enforcement action, including the initiation of a suit, should not be pursued was held in Executive Session.
 - C. Report on Education and Outreach activities; no action was taken.
 - D. Report on injection well applications filed with the Railroad Commission; no action was taken.
 - E. Well Registration and Groundwater Production reports; no action was taken.
13. Director Massey moved to authorize GM Shaw and Legal Counsel to develop and publish a Request for Proposals (RFP) for the District to drill water level monitoring wells and take necessary action to proceed with retaining licensed water well driller(s) to perform such services. Director Berkley seconded the motion. The motion passed unanimously.
14. No budget amendments were necessary.
15. Discussion regarding the Development of District Rules occurred during the Executive Session.
16. Attorney Brian Sledge of SledgeLaw Group gave updates on pertinent legal issues and developments impacting the District during the Executive Session.

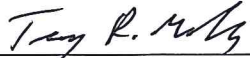
At 5:42 p.m., the Board went into Executive Session under Texas Open Meetings Act, Chapter 551, Government Code, Vernon's Texas Codes, Annotated, concerning attorney-client matters (§551.071).

President Mesler called the Regular Board Meeting back into open session at 8:02 p.m.

- 12. B. 1) Director Majka moved to set a show cause hearing, in conjunction with the Board's regular April Meeting, regarding potential violations of District Rules 7.3 and 7.4 , including failure to pay water use fees since January 1, 2018, to present, by Wallace Hardie, aka "Butch" Hardie; Castle Water, Inc. D/B/A Horseshoe Bend Water Works; Texas Rain Holdings Company, Inc.; TRV Services, LLC; and Texas Rain Utility Management, LLC., to show cause why an enforcement action, including the initiation of a suit, should not be pursued. Director Nave seconded the motion. The motion passed unanimously.
 - 16. Director Massey moved to authorize GM Shaw and Legal Counsel to revise the District Rules as discussed in executive session, and to authorize GM Shaw to publish the revisions, in accordance with the necessary posting requirements, prior to the Public Hearing on May 20, 2019. Director Majka seconded the motion. The motion passed unanimously.
17. The next Regular Board Meeting is scheduled for Monday, April 15, 2019 at the District's office at 5:00 p.m.
18. No new business was placed on the next meeting agenda.
19. President Mesler adjourned the meeting at 8:05 p.m.

PASSED, APPROVED, AND ADOPTED BY THE BOARD OF DIRECTORS this 15 day of April 2019.

Attest:



Tracy Mesler, President



Tim Watts, Secretary