

# UPPER TRINITY GROUNDWATER CONSERVATION DISTRICT

MONDAY, MARCH 16, 2015

## MINUTES OF MEETINGS OF THE BOARD OF DIRECTORS

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### REGULAR BOARD MEETING

The Board may discuss, consider, and take appropriate action, including expenditure of funds as necessary or appropriate, on any item listed on this agenda:

1. Welcome guests and members of the public. The meeting convened at 5:00 p.m.
2. Roll call, establish a quorum, declare the board meeting open to the public.  
Directors present: Dan Caudle, Mike Berkley, Tracy Mesler, Mike Massey, Tim Watts, and Richard English  
Directors absent: Robert Marlett and Billy Stout
3. Pledges of allegiance to the flags.
4. Public comment was held for discussion of agenda item 7.
5. Director Massey moved to approve the entire consent agenda, including minutes from the Board meeting on February 9, 2015, bank statement ending February 27, 2015, and current financial report of the District; payment of bills/invoices received through March 16; and reimbursements to General Manager, Office Manager and/or Field Technician for invoices/bills paid on behalf of the District through March 16, 2015. Director Watts seconded the motion. The motion carried unanimously.
6. No items were pulled from the consent agenda for further discussion.
7. GM Shaw asked the Board to review information regarding applications submitted for new water wells located at 916 Grindstone Rd. near Brock, TX (Parker County). Van Kelley of Intera, Inc. presented his analysis of the potential impact the new wells could have, considering different scenarios. GM Shaw shared a graph of water level trends of a nearby monitoring well. The Board of Directors listened to comments from Sam Underwood, Cathy Smith, Joanna Fuller and Richard McCullum, who all opposed approval of the new water wells. Attorney Brian Sledge recommended the Board deny the applications as they were submitted. He recommended property owner Ray French submit applications for wells on two-acre tracts or request exceptions to the District's rules. He recommended Clay Pitts, water well driller, try to find water at a deeper level and drill alternating wells at that depth. Director Massey moved to accept the legal counsel's recommendations. Director English seconded the motion. The motion carried unanimously.

President Mesler and Director Berkley urged well owners to register their existing water wells. Ray French brought to the Board's attention that six of the 34 proposed water wells have been approved and drilled. He asked if those wells could be used, or if they should be plugged. The

Board declined to answer until they review those applications. Ray French and Clay Pitts left the meeting.

Director Berkley suggested staff work with Legal to define waste on the new well application.

Ray French and Clay Pitts returned to the meeting to ask if they drill less wells than they applied for, can they receive refunds for their registrations fees and driller deposits. Mr. Sledge recommended that the Board authorize the General Manager to make a ruling after he consults Legal Counsel. Director Massey moved to accept Legal Counsel's recommendation. Director Berkley seconded the motion. The motion carried unanimously.

8. Van Kelley of Intera updated the Board on the upcoming GMA8 meeting; no action was taken. Director Massey offered to e-mail information to GM Shaw so that he can forward it to the Board Directors.
9. General Counsel's Report was discussed in Executive Session after agenda item 12.
10. **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
    - 1) Director Watts moved to authorize GM Shaw to sign an on-call contract with Collier Consulting, for an amount not to exceed the previously approved budget, after submitting it for review to Legal Counsel. Director Caudle seconded the motion. The motion carried unanimously.
    - 2) Director Massey moved to authorize GM Shaw to offer a \$500 settlement penalty to Larry Peck of Peck's Well Service for committing a second major violation to District Rules 3.5(a), drilling a water well without approval. If, after further research, staff finds it is Mr. Peck's 3<sup>rd</sup> major violation of District Rules, the offered penalty is \$1,000. If Mr. Peck does not pay the penalty within 10 days, then staff was instructed to set a Show Cause Hearing. Director Watts seconded the motion. The motion carried unanimously.
    - 3) President Mesler advised GM Shaw to find more information about phone systems before deciding whether to install carpet in the new offices. He also instructed staff to find chairs for Board meeting guests.
    - 4) Director Massey moved to authorize GM Shaw to sign a 12-month agreement with the current trash service provider. Director Watts seconded the motion. The motion carried unanimously.
    - 5) Director Massey moved to continue, through the month of March, contractual services provided by Richard Bowers. Director Caudle seconded the motion. The motion carried unanimously.
  - B. President Mesler instructed staff to mail certified letters to delinquent customers of the District for collection of delinquent fees. The board agreed to waive late payment penalties at WBH Energy Partners, considering their bankruptcy status.
  - C. Investment report
  - D. Open Records Requests

E. One injection well application filed to the RRC is being protested. President Mesler wanted to ensure the applicant is notified of the protest.

F. Well Registration and Groundwater Volume reports

G. Public Education update

11. Director Watts moved to adopt the updated Personnel Policy as presented. Director English seconded the motion. The motion carried unanimously. President Mesler referred staff recommendation to increase the district's contribution rate to the TCDRS to the Finance Committee. Staff will inform the Board when changes can be made to their plan with the Texas County District Retirement System.

12. Director Massey moved to amend the 2015 Budget by moving \$10,000.00 from Aquifer Storage Recovery to Outside Contract Services. Director Berkley seconded the motion; the motion carried unanimously.

At 7:04 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 meeting back into open session at 7:59 p.m. and announced no action would be taken as a result of the executive session.

13. The next Regular Board meeting will be April 20, 2015, in the Springtown office at 5:00 p.m.

14. In addition to topics already mentioned, President Mesler instructed GM Shaw to determine whether a Show Cause Hearing should be placed on the next meeting agenda.

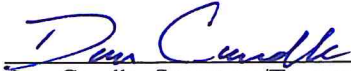
15. President Mesler adjourned the meeting at 8:01 p.m.

PASSED, APPROVED, AND ADOPTED BY THE BOARD OF DIRECTORS this

20 day of April, 2015.

Attest:

  
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Tracy Mesler, President

  
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Dan Caudle, Secretary/Treasurer