

UPPER TRINITY GROUNDWATER CONSERVATION DISTRICT

MONDAY, MARCH 21, 2016

MINUTES OF MEETINGS OF THE BOARD OF DIRECTORS

INTRODUCTORY MATTERS

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; call Public Hearing and Regular Board Meeting to order; declare the hearing and board meeting open to the public.

Directors Present: Dan Caudle, Mike Berkley, Tracy Mesler, Mike Massey, Richard English, Don Majka, and Billy Stout

Director Absent: Tim Watts

3. Pledges of allegiance to the flags.

At 5:02 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 5:15 p.m. and announced no action would be taken as a result of the executive session.

PUBLIC HEARING

1. Ron Cole testified at the Public Hearing regarding his request to drill a domestic water well for irrigation on residential property located at 977 Highland Road, Springtown, TX. The property on which the proposed well was to be drilled is less than the 2 acres required by District Rules, and was not platted/lawfully configured prior to January 1, 2009. Mr. Cole was unable to get all of the identified affected neighbors to sign the District provided waiver form. Both Mr. Cole and his wife were in attendance and spoke on their behalf. Director Massey moved to deny the application that Mr. Ron Cole submitted to the District on February 3, 2016. The motion, as a onetime exception, directed staff to refund the Registration Fee, Driller Deposit, and Exception Fee thus such exemption may not be applicable for future applications of this nature. The motion notes that to the Board's and staff's knowledge, this application is the first with a particular set of circumstances; future applications seeking similar exceptions should be scheduled for Public Hearings. Director English seconded the motion. The motion carried unanimously.
2. President Mesler adjourned the Public Hearing for Ron Cole at 5:54 p.m.

REGULAR BOARD MEETING

1. No public comments were made.
2. Director Massey moved to approve the entire consent agenda, including minutes from the Board meeting on February 22, 2016, bank statement ending February 29, 2016, and current financial reports of the District; payment of bills/invoices received through March 21, 2016; and reimbursements to staff for invoices/bills paid on behalf of the District through March 21, 2016. Director Caudle seconded the motion. The motion carried unanimously.
3. No items were pulled from the consent agenda for further discussion.
4. **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

The Board requested GM Shaw to have Intera to create a proposal analyzing the need for separate spacing requirements for each of the aquifers located within the District boundaries (Outcrop and subcrop of the Antlers, Paluxy, Twin Mountains and each of the four Paleozoic aquifers – Wichita, Cisco-Bowie, Canyon and Strawn).

 - 1) Discussion regarding the potential purchase of real estate or existing building for a new office site was held in Executive Session.
 - 2) President Mesler moved to authorize the District's general manager or president to submit a letter to the Texas Water Development Board requesting the designation of the Paleozoic aquifers as Major or Minor Aquifers of the State. Director Majka seconded the motion. Director English abstained from voting. The motion carried.
 - 3) The Board agreed to phase-in Intera, Inc.'s hourly rate increases, as mentioned in a letter received from Wade Oliver of INTERA, half of the increase in 2016 with full increase in effect for 2017.
 - B. Report on delinquent customers of the District; no action was taken
 - C. Public Information Act Requests
 - D. Report on injection well applications filed with the Railroad Commission
 - E. Well Registration and Groundwater Volume reports
5. GM Shaw provided an update to the Board about the socioeconomic impacts reasonably expected to occur and impacts on the interests and rights in private property that may be associated with the adoption of Desired Future Conditions, as required by Texas Water Code Chapter 36.108 (d) (6) & (7), including the submittal of the Districts survey response to the GMA 8 administrator and consultant. Director Massey asked GM Shaw to write a cover letter or addendum, to be included as part of the "Socioeconomic and Private Property Rights Impacts Survey" and explain why the Draft DFC statement submitted by UTGCD was included as an attachment even though it was rejected by the GMA.

6. Director Majka moved to adopt Resolution #16-001 Establishing a Fee for Checks Returned to the District with a returned check fee of \$30.00. Director English seconded the motion. Motion carried unanimously.
7. No budget amendments were necessary.
8. The District's Hydrogeologist had no updates regarding activities and work it has performed on behalf of the District.
9. Brian Sledge, the District's legal counsel, briefed the Board on pertinent legal issues and developments impacting the District since the last regular Board meeting, and legal counsel's activities on behalf of the District, including groundwater-related legislative activities; joint planning and desired future conditions development activities; developments in groundwater case law and submission of legal briefs; and other legal activities on behalf of the District. No action was taken.
10. The next Regular Board meeting will be April 18, 2016, in the Springtown office at 5:00 p.m.
11. No new business was placed on the next meeting agenda.

President Mesler called for a brief recess at 6:44 p.m. The board reconvened at 6:51 p.m.

At 6:52 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) and deliberation regarding real property (§551.072).

President Mesler called the meeting back into open session at 7:20 p.m. and announced no action would be taken as a result of the executive session.

12. President Mesler adjourned the meeting at 7:21 p.m.

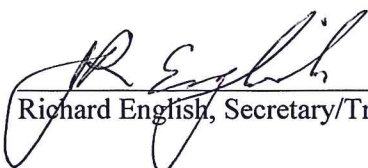
PASSED, APPROVED, AND ADOPTED BY THE BOARD OF DIRECTORS this

18 day of April, 2016.

Attest:



Tracy Mesler, President



Richard English, Secretary/Treasurer