

UPPER TRINITY GROUNDWATER CONSERVATION DISTRICT
MONDAY, AUGUST 19, 2019
MINUTES OF MEETINGS
OF THE
BOARD OF DIRECTORS

INTRODUCTORY MATTERS

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 Board Meeting to order; declare them open to the public.
Directors Present: Jarrod Reynolds, Brent Wilson, Tracy Mesler, Tim Watts, Don Majka, Shannon Nave, Richard English and Mike Berkley
Director Absent: None
3. Pledges of allegiance to the flags were recited.

PUBLIC HEARING

1. City Administrator Clint Mercer represented City of Alvord in the discussion regarding a new well application and an application for exception to spacing requirements submitted by City of Alvord in Wise County. Director Majka moved to approve the new well application and application for exception to spacing requirements with the following conditions: (1) once selected, the well drilling contractor must complete and sign the portion of the application related to well driller, (2) the applicants must submit a copy of TCEQ's preliminary approval related to the design of the well, (3) the applicant is required to complete some form of geophysical/electric/gamma log of the boreholes and provide those logs to the District, and (4) the applicant agrees to enter into an agreement with the District to allow for the ongoing measurement of water levels in the well. Director Reynolds seconded the motion. The motion passed unanimously.
2. President Mesler adjourned the Public Hearing for City of Alvord at 5:08 p.m.

REGULAR BOARD MEETING

1. Director Watts moved to approve the Consent Agenda, including minutes from Regular Board Meeting on July 15, 2019; approval of bank statement ending July 31, 2019, and current financial reports of the District; approval of Investment Report; approve payment of bills/invoices received through August 19, 2019; and reimbursements for expenses incurred on behalf of the District through August 19, 2019 (including additions from Directors Majka (with revisions) and Nave). Director English seconded the motion. The motion passed unanimously.
2. No items were pulled from consent agenda for further discussion.
At 5:09 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 6:07 p.m.
3. Director Watts moved to adopt the proposed District Rules for Water Wells in Hood, Montague, Parker, and Wise Counties, Texas by Resolution 19-002 of the Board of Directors of The Upper Trinity Groundwater Conservation District: Recognizing Adoption of District Rules, with revisions to Rule 5.2 (d) to increase the initial allocation for operating permits. Director English seconded the motion. Aye-5 Nay-3. Motion passed.
4. Deionne Miles represented Kelvin's Water Wells in the discussion regarding a potential violation of District Rules for Well ID 12282 at Lot 12 in Sweet Springs Villa in Parker County. President Mesler moved to find that Deionne Miles had committed a 3rd major violation of District Rules, highlighting that fact that there had actually be a violation of two separate District Rules had. As part of the Motion, a settlement was offered in lieu of litigation; the settlement included a \$2,000 penalty (\$1,000 for each of the Rules). Director Wilson seconded the motion. The

motion passed unanimously. President Mesler also directed District staff file a complaint with the Texas Department of Licensing and Regulation (TDLR) in regard to the completion of the well.

5. Randal Peck represented Peck's Well Drilling Co., Inc. in the discussion regarding a potential violation of District Rules for Well ID 12536 at 120 Cartwright Park Road, Weatherford, TX (Lot 3 Block 1 in the Jaxon Park Subdivision) in Parker County. Director Nave moved to find that Randal Peck committed a second major violation of District Rules. As part of the Motion, a settlement was offered in lieu of litigation; the settlement included a \$500 penalty. Director Majka seconded the motion. The motion passed unanimously.
6. Director Wilson moved to deny the application for exception (Well 12425) submitted by R&B Mobile Homes Inc. to be located at Lot 20 Block 17 in the Satellite City U3 Subdivision in Wise County. Director Majka seconded the motion. The motion passed unanimously.
7. Charlie and Deborah White represented the applicant in the discussion regarding a new well application and application for exception submitted by Jillian Osmar to be located at 7244 Tucker Road, Weatherford, TX in Parker County. Director Berkley moved to approve new well application and application for exception (Well 12658). Director Reynolds seconded the motion. The motion passed unanimously.
8. Director English moved to approve the following requests for a second extension (120 days) to drill approved domestic water wells:
 - Well ID 11829 for Cade Isham in Wise County
 - Well ID 11856 for Luke Perry in Wise CountyDirector Berkley seconded the motion. The motion passed unanimously.
9. No action was taken in the discussion regarding updates and additions to the District's Educational Trailer including recommendations from the Education Committee.
10. The following motions were made in the discussion regarding multiple items related to the District's Monitoring Well Program, including possible recommendations from the Monitoring Well Committee:
 - Director Watts moved to authorize GM Shaw to work with Legal Counsel create and execute agreements, for work on an as-needed basis, on behalf of the District with the four water well drilling contractors that submitted responses to the District's recent RFQ. Director Majka seconded the motion. The motion passed unanimously.
 - Director Watts moved to authorize GM Shaw to take all actions necessary to accept and file easements, granted to the District for the purpose of drilling monitoring wells, with the appropriate counties. Director Nave seconded the motion. The motion passed unanimously.
 - Discussion regarding three potential sites to drill monitoring wells prior to the end of the year will resume in the next Regular Board meeting.
11. No action was taken in the discussion regarding ongoing enforcement issues with 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 past and continued violations of District Rules, including potential settlement of violations, outstanding fees, and judgments with the owners or operators, including the current or former management company.
12. Update pertaining to UTGCD Report 19-001: Water Quality Issues, Las Brisas Subdivision in Wise County was submitted to the Board of Directors in advance of the Regular Board meeting; no action was taken.
13. GM Shaw gave an update regarding the activities of Groundwater Management Area 8; no action was taken.
14. **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.

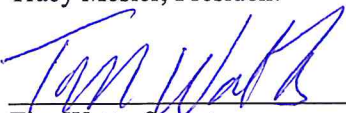
- A. General Manager's report was submitted to the Board of Directors in advance of the Regular Board meeting; no action was taken. GM Shaw plans to propose funds in the 2020 Annual Budget for a rainwater harvesting project with the Parker County Livestock Improvement Association (PLIA) at the Parker County Sheriff's Posse Grounds.
 - B. Report on delinquent customers of the District; no action was taken
 - 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
15. Director Majka moved to adopt 2019 budget amendments, as presented by staff:
- Move \$8,000 from "Salary" to "Temporary/Intern"
 - Move \$800 from "Dues & Fees" to "Exception Fee Expense"
- Director Nave seconded the motion. The motion passed unanimously.
16. Attorney Brian Sledge of SledgeLaw Group gave no updates on pertinent legal issues and developments impacting the District since the last regular Board meeting.
17. The next Regular Board Meeting is scheduled for Monday, September 16, 2019 at the District's office at 5:00 p.m.
18. Items to discuss in the next Regular Board Meeting were mentioned above. Additionally, Director Wilson asked that an item be placed on the agenda to discuss solutions to the erosion issue on the West side of the District's office. Staff plans to present the District's Annual Report for year ending December 31, 2018.
19. Public comment was heard where noted above.
20. President Mesler adjourned the meeting at 7:21 p.m.

PASSED, APPROVED, AND ADOPTED BY THE BOARD OF DIRECTORS this 16 day of September 2019.

Attest:



Tracy Mesler, President



Tim Watts, Secretary