

UPPER TRINITY GROUNDWATER CONSERVATION DISTRICT
MONDAY, OCTOBER 18, 2021
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 Board Meeting to order; declare the hearing and board meeting open to the public.

Directors Present: Don Majka, Tracy Mesler, Mike Berkley, Shannon Nave, Tim Watts, Richard English, and Brent Wilson

Directors Absent: Jarrod Reynolds
3. Pledges of allegiance to the flags.
4. Public comment was made where mentioned below.

PUBLIC HEARING

1. General Manager Shaw presented a report and recommendations to the Board regarding the following applications for permits, permit amendments, and/or requests for exceptions to the District's water well spacing or minimum tract size requirements.

GM Shaw presented the background, specifics, impact analysis results, and recommendations for the following applications:

- A. **Applicant/Owner:** Red Cedar LLC — 4801 Glen Rose Highway, Granbury, TX, 76048

Type of Application: Operating Permit

Location of well or proposed well: 5500 Discovery Drive, Granbury, TX 76048

Requested Permit Volume: 4,000,000 gallons/year

Description of Request: Red Cedar LLC is seeking an Operating Permit to drill and operate a water well on their property in Hood County in order to provide water for commercial purposes.

- B. **Applicant/Owner:** Bailey Ranch, A Texas Ltd Partnership — 1015 Champions Dr, Ste 1400, Aledo, TX, 76008

Type of Application: Operating Permit

Location of well or proposed well: Jenkins Rd and Bailey Ranch Rd, Aledo, TX 76008

Requested Permit Volume: 9,500,000 gallons/year

Description of Request: Bailey Ranch, A Texas Ltd Partnership is seeking an Operating Permit to drill and operate a water well on their property in Parker County in order to provide water for the irrigation of a common area within the proposed subdivision.

- C. **Applicant/Owner:** Monarch Utilities I, LP — 12535 Reed Road, Sugarland, TX, 77478

Type of Application: Operating Permit

Location of well or proposed well: 4985 Tin Top Road, Weatherford, TX 76087

Requested Permit Volume: 42,010,332 gallons/year

Description of Request: Monarch Utilities I, LP, is seeking an Operating Permit to drill and operate a water well within their proposed CCN in Parker County in order to provide water for public water supply for the Elevation Estates subdivision.

2. Discuss, consider, and possible action by the Board to approve or deny, in whole or in part, the applications for permits, permit amendments, and/or requests for exceptions to the District's water well spacing or minimum tract size requirements set forth above in this agenda.
 - A. GM Shaw presented the background, specifics, and impact analysis results for the project proposed by Red Cedar LLC; UTGCD Report 21-004 was made available to the Board and the public prior to the hearing. Director Watts made a motion to approve the Application for to Operating Permit in the amount of 4,000,000 gallons per year, contingent upon receipt of an approved permit, or written verification that no permit is needed, from the city of Granbury. Director Nave seconded the motion. The motion passed unanimously.
 - B. GM Shaw presented the background, specifics, and impact analysis results for the proposed project; UTGCD Report 21-005 was made available to the Board and the public prior to the hearing. Director English made a motion to approve the Application for to Operating Permit in the amount of 9,500,000 gallons per year. Director Majka seconded the motion. Director Majka seconded the motion. Aye-6 Nay-0. Director Nave abstained. Motion passed.
 - C. GM Shaw presented the background, specifics, and impact analysis results for the project proposed by Monarch Utilities I, LP; UTGCD Report 21-006 was made available to the Board and the public prior to the hearing. Director Nave made a motion to approve the Application for to Operating Permit in the amount of 42,010,332 gallons per year. Director English seconded the motion. The motion passed unanimously.
3. President Mesler adjourned the Public Hearing at 5:27 p.m.

REGULAR BOARD MEETING

1. Director Watts moved to approve the Consent Agenda, including
 - A. Approval of minutes from Public Hearing and Regular Board Meeting on September 20, 2021.
 - B. Approval of bank statement ending September 30, 2021, and current financial reports of the District.
 - C. Payment of bills/invoices received through October 18, 2021.
 - D. Reimbursements for expenses incurred on behalf of the District through October 18, 2021 2021 (including mileage reimbursement for Director Majka).
 - E. Approval of Request for an Extension Applications submitted through October 18, 2021.Director Nave seconded the motion. Motion passed unanimously.
2. No items were pulled from consent agenda for further discussion.
3. Director Berkley moved to approve the quarterly Investment Report as presented. Director English seconded the motion. The motion passed unanimously.
4. Abigail Gardner and Simone Kiel, both of Freese and Nichols Inc, participated in the discussion regarding the proposed Contract and Scope of Work with Freese and Nichols Inc. related to a study of future water demands and potential alternative water supplies in Parker and Wise Counties. Director Majka moved to authorize the GM to execute an agreement, which includes the Scope of Work as presented and any potential amendments to that Scope of Work, with Freese and Nichols Inc. in an amount not to exceed \$155,000; any additional cost would have to be authorized by the Board. Director Nave seconded the motion. Motion passed unanimously.
5. Discussion regarding the development of fiscal year 2022 Draft Budget will resume in the next Regular Board meeting.

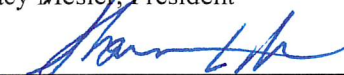
6. **Management Report on Administrative and Operational Issues:** The General Manager and staff will brief the Board on the following and any other items included in the General Manager’s written report, which may be discussed, considered, and acted upon by the Board, including authorizing the initiation 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.
 - B. Discussion regarding 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.
7. Director Watts moved to adopt 2021 budget amendments, as presented by staff:
 - Move \$4,000.00 from Monitoring Well Program to Computer Software & Hardware;
 - Move \$150 from Health Reimbursement Arrangement to Payroll Expense—Direct Deposit; and
 - Move \$2,000 from Legislative Attendance to Seminars & Training – Staff
 Director Berkley seconded the motion. The motion passed unanimously.
8. Attorney Brian Sledge of SledgeLaw Group gave an update regarding ongoing legal issues related to the groundwater-related legislative issues; no action was taken.
9. The next Regular Board meeting is scheduled for Monday, November 15, 2021, at 5:00 p.m. at the District’s office.
10. Discussion regarding the fiscal year 2022 Budget will be placed on the next meeting agenda.
11. President Mesler adjourned the meeting at 6:10 p.m.

PASSED, APPROVED, AND ADOPTED BY THE BOARD OF DIRECTORS this 15 day of November 2021.

Attest:



 Tracy Mesler, President



 Secretary

DISCLOSURE AFFIDAVIT

STATE OF TEXAS
UPPER TRINITY GROUNDWATER CONSERVATION DISTRICT

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AFFIDAVIT OF SHANNON NAVE

Before me, the undersigned notary, on this day, personally appeared Shannon Nave, a person whose identity is known to me. After I administered an oath to him, upon his oath, he said:

"My name is Shannon Nave. I am capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

I make the following disclosure pursuant to Section 171.004 of the Texas Local Government Code. A client of an entity, in which I have a substantial interest in, is affected by the agenda item(s) related to the Historic Use Permit applications of Bailey Ranch, A Texas Ltd Partnership, which is before the Board of Directors of the Upper Trinity Groundwater Conservation District on October 18, 2021. Bailey Ranch is a client of Baird, Hampton and Brown, Inc, a company of which I own over 10 percent.

Upon the filing of this affidavit with the record keeper of the Upper Trinity Groundwater Conservation District, I affirm that I shall abstain from any discussion, vote, or decision involving this business entity and from any further participation in this matter whatsoever.

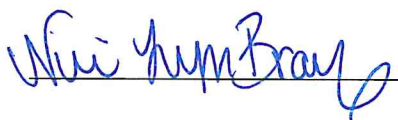
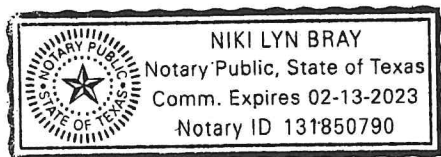
Signed this 22nd day of November, 2021.



Signature of Affiant

SUBSCRIBED AND SWORN TO BEFORE ME on November 22, 2021.

Seal:



Notary Public In and for the State of Texas

My Commission expires on 2-13-2023.