

UPPER TRINITY GROUNDWATER CONSERVATION DISTRICT
THURSDAY, OCTOBER 17, 2022
MINUTES OF MEETINGS
OF THE
BOARD OF DIRECTORS

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, call Board Meeting to order; declare the board meeting open to the public.
Directors Present: Jarrod Reynolds, Tracy Mesler, Shannon Nave, Mike Berkley, Tim Watts, Don Majka (left at 6:00 p.m.) and Richard English
Director Absent: Brent Wilson
3. Pledges of allegiance to the flags.
4. Public comment was made where noted below.
5. Director Majka moved to approve the Consent Agenda, including:
 - A. Approval of minutes from Public Hearing and Regular Board Meeting on September 19, 2022.
 - B. Approval of bank statement ending September 30, 2022, and current financial reports of the District.
 - C. Payment of bills/invoices received through October 17, 2022.
 - D. Reimbursements for expenses incurred on behalf of the District through October 17, 2022 (including mileage reimbursements for Directors Majka and English).
 - E. Approval of Request for an Extension Applications submitted through October 17, 2022.Director Nave seconded the motion. Motion passed unanimously.
6. No items were pulled from consent agenda for further discussion.
7. Director Reynolds moved to approve the quarterly Investment Report as presented. Director English seconded the motion. Motion passed unanimously.
8. Discussion regarding the following potential violations of District Rules; take action as necessary.
 - A. Marc Pearson commented in the discussion that continued from September 19, 2022 regarding Well ID 12671 at 201 Twin Creek Dr., Azle, TX in Parker Co. owned by Jack Burgess. Director Majka moved to offer Mr. Burgess a settlement, in lieu of litigation, that includes the following: (1) first violation of District Rules (Rule 4.3(e)); (2) penalty fee of \$50 associated with the first major violation; (3) requirement to either plug Well ID 12671 or bring the well into compliance with District and TDLR Rules by December 31, 2022; and (4) transfer ownership of well to current land owner. Director Berkley seconded the motion. Motion passed unanimously.
 - B. Trent Unruh and LeeAnn Malone commented in the discussion regarding Well ID 13216 located 201 Williams-Ward Road, Springtown, TX in Parker Co. owned by St. Clare Health Care LLC.
 - 1) Director Nave moved to offer settlement offer, in lieu of litigation, to Mr. Leland Malone, of Malone's Well Service, which includes: (1) a 2nd Major Violation of District Rules (Rule 4.3(a)) and (2) a \$500

penalty fee associated with the 2nd Major Violation. Director Reynolds seconded the motion. Motion passed unanimously.

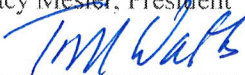
- 2) Director Nave moved to offer a settlement, in lieu of litigation, to St. Clare Health Care LLC, which includes: (1) a 1st minor violation for multiple failures to conduct a meter reading within the required period; (2) a 1st Major Violation for multiple failures to both submit groundwater production reports within the required periods, and failure to submit the associated groundwater production fees within sixty (60) days of the date the fees are due; (3) requirement to submit an estimate, to the satisfaction of the GM, of the groundwater produced from July 2020 – June 2022, by November 17, 2022; (4) pay groundwater use fees associated with the estimated production with a 25% late penalty; (5) a 2nd Major Violation for failure to obtain a permit; (6) a \$1,000 penalty fee associated with the 2nd major violation; (7) a requirement to submit an estimate of groundwater produced from July 2022 – December 2022, or whenever the production capacity is brought below 17.36 gpm, by January 31, 2023, and pay the associated fees; (8) enter into an agreement, with the District, for the ongoing measurement of water levels in Well ID 13216; and (9) immediately begin work to temporarily reduce the production capacity of the well to below 17.36 gpm, and ultimately replace the existing pump in the well to bring it into compliance with District Rules as soon as feasible. Director Berkley seconded the motion. Motion passed unanimously.
9. Discussion regarding the development of fiscal year 2023 Draft Budget will take place in the next Regular Board meeting.
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 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.
11. Director Watts moved to adopt 2022 budget amendments, as presented by staff:
 - Move \$2,000 from Office Equipment to Equipment Repair and MaintenanceDirector Berkley seconded the motion. The motion passed unanimously.
12. Discussion regarding the letter of resignation submitted by Richard English, member of the District's Board of Directors representing Hood County, including but not limited to acceptance of his resignation and discussion regarding the procedures for filling the vacated position will take place in the next Regular Board meeting.
13. Attorney Brian Sledge of SledgeLaw Group gave no updates regarding activities related to the District.
14. The GM will work with the Board of Directors to identify the most ideal date/time for the next Regular Board meeting.
15. The next Regular Board meeting agenda may include an update on Regional Water Supply and Facilities Planning from Freese & Nichols.
16. President Mesler adjourned the meeting at 6:21 p.m.

PASSED, APPROVED, AND ADOPTED BY THE BOARD OF DIRECTORS this 17 day of November 2022.

Attest:



Tracy Mesler, President



Secretary