

# UPPER TRINITY GROUNDWATER CONSERVATION DISTRICT

THURSDAY, JULY 20, 2023

MINUTES OF MEETINGS

OF THE

BOARD OF DIRECTORS

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## 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 Meeting open to the public.

Directors Present: Tracy Mesler, Shannon Nave, Jarrod Reynolds, Bob Lusk, Don Majka Brent Wilson and Mike Berkley

Directors Absent: Tim Watts

3. Pledges of allegiance to the flags.
4. No public comments were made.

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## PUBLIC HEARING

1. Receive any public comments, requests to contest, and the General Manager's report and recommendations 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:

**A. Applicant/Owner:** American Underwater Services, LLC — 18911 S Hwy 377, Cresson, TX 76035

**Type of Application:** Operating Permit

**System ID:** 200-P

**Location of well or proposed well:** 18911 East US Hwy 377, Cresson, TX 76035

**Requested Permit Volume:** 90,000 gallons/year

**General Manager's Recommendation:** 90,000 gallons/year

**Description of Request:** American Underwater Services, LLC is seeking an operating permit in order to drill and operate a new commercial well to provide water for bathrooms and equipment washing on the property.

2. GM Shaw presented background information and his recommendations for the related to the permit application:
  - A. Director Berkley made a motion to approve Operating Permit 200-P-OP in the amount of 90,000 gallons per year. Director Majka seconded the motion. Motion passed unanimously.
3. President Mesler adjourned the Public Hearing at 5:05 p.m.

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## REGULAR BOARD MEETING

1. Director Nave moved to approve the Consent Agenda, including:
  - A. Approval of minutes from the Regular Board Meeting and Public Hearing on June 29, 2023.
  - B. Approval of bank statement ending June 30, 2023, and current financial reports of the District.
  - C. Payment of bills/invoices received through July 20, 2023.
  - D. Reimbursements for expenses incurred on behalf of the District through July 20, 2023, including the

addition of a mileage reimbursement submitted by Director Majka.

E. Approval of Request for an Extension Applications submitted through July 20, 2023.

Director Reynolds seconded the motion. Motion passed unanimously.

2. No items were pulled from the consent agenda for further discussion.
3. Director Reynolds moved approve the Quarterly Investment Report as presented. Director Wilson seconded the motion. The motion passed unanimously.
4. Director Nave moved to adopt Resolution 23-005 Adopting an Investment Policy for the District. Director Reynolds seconded the motion. The motion passed unanimously.
5. Director Lusk moved to adopt Resolution 23-006 Designating an Investment Officer, which shall supersede Resolution 15-002 Designating an Investment Officer. Director Nave seconded the motion. The motion passed unanimously.
6. No action was taken in the discussion regarding committees of the District's Board of Directors. President Mesler made the following appointments:

Standing Committees:

- Executive Committee: Tracy Mesler - Chair, Shannon Nave, Tim Watts, and Brent Wilson.
- Finance Committee: Mike Berkley – Chair, Shannon Nave, Don Majka, and Jarrod Reynolds

7. Discussion regarding the following potential violations of District Rules; take action as necessary.
  - A. Director Nave moved to offer a settlement to Alan Luppy, in lieu of litigation, to include the following: 1) first major violation of District Rules (4.2(c)), 2) \$1,000 penalty associated with the first major violation, and 3) requirement to enter into an agreement with the District for the ongoing measurement of water levels in Well ID 18805. The motion further authorized the GM to reduce the penalty fee associated with the first major violation to \$250 should Mr. Luppy provide information related to the person who operated the drilling rig and completed Well ID 18805 or information related to the actual owner of the drilling rig utilized to complete Well ID 18805. Director Berkley seconded the motion. Motion passed unanimously.
  - B. Director Lusk moved to offer a settlement to Cresson Real Estate LLC for System ID 021-H (Well IDs 15353 and 15354), in lieu of litigation, to include the following: 1) a first major violation for failure to meter the wells, 2) \$500 fee for each well (\$1,000 total) associated with the first major violation, 3) requirement to submit an estimate of the water produced from both wells (15353 and 15354) was completed, to the satisfaction of the General Manager. President Mesler seconded the motion. Director Reynolds abstained. Aye-6 Nay-0 Abstention-1. Motion passed.
8. **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. Director Majka moved to authorize GM Shaw to expend necessary funds in order to mitigate any potential issues that may arise related to the recently drilled monitoring well in Parker County. Director Wilson seconded the motion. Motion passed unanimously.
  - 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.

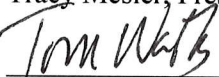
E. Well Registration and Groundwater Production reports; no action was taken.

9. Director Berkley moved to transfer \$1,500.00 from "Equipment Repair & Maintenance" to "General Liability/Property Coverage" in the 2023 Budget. Director Reynolds seconded the motion. The motion passed unanimously.
10. District General Counsel from SledgeLaw Group gave brief updates regarding groundwater-related legislative activities related to the District.
11. The next Hearing and Regular Board meeting are scheduled for Thursday, August 17, 2023, at 5:00 p.m. at the District's office.
12. During the next Hearing and Regular Board meeting, the Board may discuss potential violations of District Rules.
13. President Mesler adjourned the meeting at 6:21 p.m.

PASSED, APPROVED, AND ADOPTED BY THE BOARD OF DIRECTORS this 17 day of August 2023.

Attest:

  
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Tracy Mesler, President

  
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Tim Watts, Secretary