

**MINUTES OF THE BOARD OF DIRECTORS' PUBLIC MEETING
NORTH TEXAS GROUNDWATER CONSERVATION DISTRICT**

TUESDAY, SEPTEMBER 8, 2015

**MUSTANG SUD ADMINISTRATIVE OFFICES
7985 FM 2931
AUBREY, TEXAS**

Members Present: Evan Groeschel, Ron Sellman, Eddy Daniel, Ronny Young, Thomas Smith, Philip Sanders, Chris Boyd, and Kenny Klement (arrived at 10:07am)

Members Absent: Joseph Helmberger

Staff: Drew Satterwhite, P.E., Velma Starks, Carolyn Bennett

Legal Counsel:

Visitors: Peter M. Schulmeyer, Collier Consulting Inc.

1. Pledge of Allegiance and Invocation

President Daniel provided the invocation and led the group in the pledge of allegiance.

2. Call to order, establish quorum; declare meeting open to the public.

President Daniel called the meeting to order at 10:03 a.m., and established that a quorum was present, declaring the meeting open to the public.

3. Public comment

There were no public comments from the visitor present.

4. Consider and act upon approval of Minutes from the August 11, 2015 board meeting

Motion was made by Ron Sellman, seconded by Ronny Young, and passed unanimously to approve the minutes of the August 11, 2015 board meeting.

5. Consider and act upon approval of invoices and reimbursements.

President Daniel discussed the invoices and reimbursements with the Board of Directors. After discussion, motion was made by Thomas Smith to approve Resolution No. 2015-09-08-1. The motion was seconded by Philip Sanders and passed unanimously.

6. Receive reports from the following Committees*:

a. Budget and Finance Committee

1) Receive Monthly Financial Information

President Daniel discussed the monthly financial information with the Board of Directors.

General Manager Drew Satterwhite, P.E. reported the GMA8 billings were sent out last week for the DFC process. The Board discussed the funds provided by the three counties of the District and the current repayment schedule and the repayment options available to the Board. General Manager Satterwhite informed the Board of Directors the funds must be paid in full by September 2017.

Mr. Satterwhite informed the Board that Requests for Proposals are due September 9th and will be considered at the October board meeting.

b. Investment Committee

No report provided

c. Rules and Bylaws Committee

No report provided

d. Groundwater Monitoring and Database Committee

No report provided.

Kenny Klement commented on neighbors next to his property, who appear to water constantly. Mr. Klement asked if the property could be inspected to determine if meters are required on their wells. The property is located at the intersection of FM 1198 and 1630, and has five windmills. General Manager Satterwhite stated Wayne Parkman, the District's Field Representative will be asked to inspect the system. President Daniel stated all board members need to be aware of their Counties and check on issues of this nature when they become apparent.

e. Policy and Personnel Committee

No report provided

f. Conservation and Public Awareness Committee

No report provided

g. Management Plan Committee

No report provided.

h. Desired Future Condition Committee

This matter will be discussed under Item 7.

7. Update and possible action regarding the process for the development of Desired Future Conditions (DFCs).

President Eddy Daniel stated a meeting of the GMA8 was held September 2, 2015. He reported these meetings will become more regular until May 1, when the Desired Future Conditions ("DFC") are adopted and submitted. Bill Mullican, consultant for the GMA8 has informed the group there are nine factors to consider when determining the District DFC, which takes at least three meetings. GMA8

meetings will be held monthly during February, March and April. Each District participating in GMA8 will be required to submit their DFC, and the GMA8 group as a whole has to agree on the DFC for GMA8, the DFC for each county within the GMA8. The DFC ultimately is pumping, and what each County's drawdown will be at 2070. The DFC are reconsidered every five years to make sure all matters are taken into consideration.

The Board discussed how the DFC are allocated to users, implementation of the DFC, implementation of District Rules, Temporary Rules becoming Permanent Rules, and the requirements of the DFC process, which includes public hearings. The final DFC and report are to be submitted to the Texas Water Development Board, which in turn will provide the GMA8 with a Modeled Available Groundwater Report for the area.

President Daniel discussed with the Board the permanent rules being set after the DFC are adopted, the Woodbine Aquifer being worse than initially thought, consideration of where wells will be drilled – how deep, etc. The condition of the Woodbine Aquifer is not dramatic enough to shut off pumping, but will require being managed, and the Trinity Aquifer recharge zone is not recharging as quickly as in the past. The Board may wish to consider reducing the requirement to meter wells from 25 gallons per minute to 17 gallons per minute in the future.

Discussion occurred regarding the west side of Cooke County not being accessible to surface water, and the number of wells being drilled in this area that are not being registered.

At this time President Daniel moved out of the normal order of the agenda to discuss Item 9 on the agenda.

9. Consider and act upon entering into a contract with LBG Guyton for work related to Desired Future Conditions Vision Workshop

President Daniel informed the Board of Directors that LBG Guyton, Inc., the consultants North Texas GCD hired for the DFC process, will be attending a future board meeting to discuss models and runs with the Board and considerations to be made in the District's DFC selection. This workshop will be held outside of the original scope of work under which the current contract was drafted. The costs of the additional activities involved in the workshop are proposed at not to exceed \$7,600.00.

The Board of Directors discussed the workshop to be held at a future meeting to discuss the runs and models, and the original contract scope, which includes submission of a recommendation for the DFC for the District. The original contract is for an amount not to exceed \$19,000. The Board discussed the submission of the DFC to GMA8 and assistance from LBG Guyton in drafting this submission.

President Daniel informed the Board that the District may not need additional model runs. Intera provided two extra runs to establish definition between multipliers. Runs with 1.1 and 1.2 multipliers were provided by Intera.

Motion was made by Thomas Smith to approve the contract with LBG Guyton for the workshop to discuss the model runs at not to exceed \$7,600.00, including a budget amendment for this amount to be added to the line item in the District's Annual Budget for LBG Guyton's services. The motion was seconded by Philip Sanders, and passed unanimously.

At this time President Daniel moved back to the normal order of the agenda to consider Item 8.

8. Consider and act upon compliance and enforcement activities for violations of District

General Manager Satterwhite stated the District staff was notified by a concerned citizen

approximately two weeks ago about a North Lake Development where a contractor had bulldozed over a well. The North Texas GCD staff reached out to LBG Guyton, because of the potential urgency in the situation due to the possibility of contamination. LBG Guyton provided the District staff with a recommended procedure to follow to insure no contamination had occurred to the well, due to this incident. District staff learned that there had most likely been a communication breakdown between the bulldozer operator and the well owner.

LBG Guyton provided a strategy to follow to insure no contamination has occurred at the well. They recommended the well be baled, the debris removed, and test for contaminants. Wayne Parkman, North Texas GCD Field Representative, visited the site, and found no obvious contamination, and the septic system had been removed properly. All parties to the incident were responsive and cooperated in remedying the situation.

President Daniel reported to the Board that the District staff did not wait for Board action because of potential for contamination. The developer wants to use the well for irrigation. The well was being used as a domestic well, and is a reasonable sized domestic well that could possibly pump 50 GPM, depending on water available.

Field Technician Parkman will be on site and verify the activities are undertaken. The concerned citizen was contacted and confirmed they are in agreement with the proposed plan of action, because a District Field Technician will be involved and inspect the process.

The Board discussed the current Rules and addressing situations of this nature. The Board agreed the Rules need to address this type of situation, and District staff was asked to make a note to include discussion of this during the next Rules update. President Daniel stated Kristen Fancher was contacted regarding the matter and informed him Chapter 36 of the Texas Water Code provides the guidelines and authority for situations of this nature, anytime there is a potential for contamination. A paper trail exists revealing the response and follow up regarding the citizen's concerns.

President Daniel asked for the Board's ratification for enforcement activities related to the well located at 3271 Old Justin Road, Northlake, Texas. Motion was made by Ronny Young to approve LBG Guyton's recommendation related to the remediation of the well damage located at 3271 Old Justin Road, Northlake, Texas. The motion was seconded by Thomas Smith and passed unanimously.

President Daniel stated the Board of Directors would adjourn into Executive Session at 10:50am to discuss consultation regarding attorney-client matters.

The Board convened into Regular Session at 11:02am. President Daniel stated no action was taken on items discussed during Executive Session.

President Daniel entertained a motion relating to the Linken Real Estate L.P. well. Thomas Smith moved to accept the information given from Linken Real Estate L.P. and Madewell Well Service that they were mistaken in thinking each other was registering the well in question, moving forward without issuing a Major Violation for this instance. The motion was seconded by Evan Groeschel, and passed unanimously.

10. General Manager's Report: The General Manager will update the board on operational, educational and other activities of the District.

General Manager Satterwhite reported to the Board regarding the latest legislation that will now require a seller's disclosure for property on which a well is located. Closing documentation will now require landowners to verify the property is located within a groundwater district, and the district in which the property is located. Realtors will be required to make sure this is disclosed during the closing process. President Daniel suggested a one-page primer for realtors and title companies, explaining the

well registration process for the District. The Board discussed District staff and Board Members speaking to county-wide realtor groups concerning this process. The District's website also needs to reflect the realtor disclosure information.

General Manager Satterwhite informed the Board of Directors that as of August 31, 2015 1,464 total registered wells within the District. During July 25 exempt and 3 non-exempt wells were drilled, and 8 wells plugged. RFPs are due tomorrow for legal counsel for the District.

11. Open Forum / discussion of new business for future meeting agendas

The next Board meeting for the District was contingently set for October 13th, at Mustang SUD at 10:00 a.m. The board discussed providing lunch (Subway or Pizza) for future meetings are anticipated to be longer than past meetings.

12. Adjourn public meeting

President Daniel declared the meeting adjourned at 11:15a.m.

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Recording Secretary



Secretary-Treasurer