

**NORTH TEXAS
GROUNDWATER
CONSERVATION
DISTRICT**

**RULES PUBLIC HEARING AND
BOARD MEETING**

**Pilot Point ISD Administration Office
829 S. Harrison St.
Pilot Point, TX 76258**

**TUESDAY
NOVEMBER 8, 2022
10:00 AM**

NOTICE OF PUBLIC MEETING

OF THE
BOARD OF DIRECTORS of the

NORTH TEXAS GROUNDWATER CONSERVATION DISTRICT

Tuesday, November 8, 2022 at 10:00 a.m.

MEETING LOCATION:

**Pilot Point ISD Administration Office
829 S. Harrison St.
Pilot Point, TX 76258**

**Public Hearing to Adopt Rules Amendments for Water Wells in Collin, Cooke, and Denton
Counties, Texas**

The Public Hearing will begin at 10:00 a.m.

Notice is hereby given that the Board of Directors of the North Texas Groundwater Conservation District (“District”) will hold a public hearing, accept public comment, and may discuss and consider adoption of the District’s Rules Amendments for Water Wells in Collin, Cooke, and Denton Counties, Texas.

Agenda

1. Call to Order; establish quorum; declare hearing open to the public; introduction of Board.
2. Review of Rules Amendments for Water Wells applicable to the District.
3. Public Comment on District’s Rules Amendments for Water Wells (verbal comments limited to three (3) minutes each).
4. Consider and act upon adoption of the Rules Amendments for Water Wells applicable to the District.

Board Meeting

The regular Board Meeting will begin upon adjournment of the above noticed Public Hearing.

Notice is hereby given that the Board of Directors of the North Texas Groundwater Conservation District (“District”) may discuss, consider, and take all necessary action, including expenditure of funds, regarding each of the agenda items below:

Agenda:

1. Pledge of Allegiance and Invocation.
2. Call to order, establish quorum; declare meeting open to the public.
3. Public comment.

4. Consider and act upon approval of the minutes from the October 11, 2022, Board meeting.
5. Consider and act upon approval of invoices and reimbursements, Resolution No. 2022-11-08-1.
6. Receive reports from the following Committees*:
 - a. Budget and Finance Committee
 - i. Receive Monthly Financial Information
7. Consider and act upon naming the General Manager as Assistant Secretary.
8. Consider and act upon a Resolution naming the General Manager as an Agent for Independent Financial.
9. Discussion and possible action on late payments and late fees.
10. Discussion and possible action on notification for permit hearings.
11. Update and possible action regarding the process for the development of Desired Future Conditions (DFCs).
12. Consider and act upon compliance and enforcement activities for violations of District rules.
13. General Manager's Report: The General Manager will update the board on operational, educational and other activities of the District.
 - a. District's Disposal/Injection Well Program
 - b. Well Registration Summary
14. Open forum / discussion of new business for future meeting agendas.
15. Adjourn public meeting.

* Reports from District standing committees will include a briefing by each committee for the Board on the activities of the committee, if any, since the last regular Board meeting.

The above agenda schedule represents an estimate of the order for the indicated items and is subject to change at any time.

These public meetings are available to all persons regardless of disability. If you require special assistance to attend the meeting, please call (855) 426-4433 at least 24 hours in advance of the meeting to coordinate any special physical access arrangements.

For questions regarding this notice, please contact Velma Starks at (855) 426-4433, at ntgcd@northtexasgcd.org, or at 5100 Airport Drive, Denison, TX 75020.

At any time during the meeting or work session and in compliance with the Texas Open Meetings Act, Chapter 551, Government Code, Vernon's Texas Codes, Annotated, the North Texas Groundwater Conservation District Board may meet in executive session on any of the above agenda items or other lawful items for consultation concerning attorney-client matters (§551.071); deliberation regarding real property (§551.072); deliberation regarding prospective gifts (§551.073); deliberation regarding personnel matters (§551.074); deliberation regarding security devices (§551.076); and deliberation regarding cybersecurity (§551.089). Any subject discussed in executive session may be subject to action.

ATTACHMENT 4

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

Tuesday, October 11, 2022, at 10:00 a.m.

**Pilot Point ISD Administration Office
829 S. Harrison St.
Pilot Point, TX 76258**

Please note for in-person attendance that the Board meeting location can only accommodate a limited number of attendees to comply with state requirements related to in-person gatherings. In the event in-person attendance exceeds any state or local requirements, the District may provide an option for virtual participation for any overflow attendees as necessary and authorized by law.

Members Present:	Lee K. Allison, Ronny Young, David Flusche, Jimmy Arthur, Joe Helmberger, and Greg Peters
Members Absent:	Thomas Smith, Allen Knight, and Ron Sellman
Staff:	Drew Satterwhite, Paul Sigle, Allen Burks, Wayne Parkman, and Velma Starks
Visitors:	Kristen Fancher, Law Offices of Kristen Fancher, PLLC Chad Wolf, Cross Timbers Water Supply Corporation

Permit Hearing

Agenda:

1. Call to Order; establish quorum; declare hearing open to the public; introduction of Board.

President Joe Helmberger called the Permit Hearing to order at 10:00 a.m.
2. Public Comment on the Production Permit Applications (verbal comments limited to three (3) minutes each).

Chad Wolf, Cross Timbers Water supply Corporation, stated that he was not aware of the application in time for an official protest.
3. Review the Production Permit Applications of:

New Production Permit and Request for Exception to Spacing Requirements

- a. **Applicant:** Texas Water Utilities, L.P.; 1620 Grand Avenue St. 140, Pflugerville, TX 78660
Location of Well: 800 CR 131, Gainesville, TX 76240; Latitude: 33.660278°N, Longitude: 97.103750°W; About 1.1 miles north of the HWY 82 and County Road 131 intersection and about 700 feet northeast of the County Road 131 and County Road 193 intersection.
Purpose of Use: Municipal/Public Water Systems
Requested Amount of Use: 6,930,000 gallons per year
Production Capacity of Well: 100 gallons/minute
Aquifer: Trinity (Antlers)
Request for Exception to Spacing Requirements: Texas Water Utilities, L.P. is requesting an exception to the spacing requirements for a well located about 316 feet to the east. The spacing requirement for a 100 gallon per minute well is 1,295 feet from existing wells.

Assistant General Manager Paul Sigle reviewed this application with the Board. Discussion was held.

New Production Permits

- b. **Applicant:** Chambliss Land LLC; 5376 FM 545, Melissa, TX 75454
Location of Wells: 5376 FM 545, Melissa, TX 75454; Well #1 Latitude: 33.289982 °N, Longitude: 96.506868°W; Well #2 Latitude: 33.286656°N, Longitude: 96.987083°W; About 1 mile west of the FM 545 and FM 1827 intersection.
Purpose of Use: Agriculture (Animal Feeding Operation)
Requested Amount of Use: 50,000,000 gallons per year
Production Capacity of Well 1: 260 gallons/minute
Production Capacity of Well 2: 260 gallons/minute
Aquifer: Woodbine
- c. **Applicant:** Chase Lybbert; 488 Copper Canyon Rd, Argyle, TX 76266
Location of Well: 488 Copper Canyon Rd, Argyle, TX 76266; Latitude: 33.085354°N, Longitude: 97.104047°W; About 0.9 miles north of the Justin Rd and Copper Canyon intersection and about 1,770 feet east of Copper Canyon Rd.
Purpose of Use: Agriculture (Hay Production), Surface Impoundments, and Livestock
Requested Amount of Use: 27,127,527 gallons per year
Production Capacity of Well: 100 gallons/minute
Aquifer: Trinity (Twin Mountains)

Assistant General Manager Paul Sigle reviewed this application with the Board.

Assistant General Manager Paul Sigle reviewed this application with the Board. Discussion was held. Board Member David Flusche made the motion to approve applications a., application b., and application c. Board Member Jimmy Arthur seconded the motion. Motion passed unanimously.

Permit Amendment

- d. **Applicant:** Painted Tree Residential Community Association, Inc.; 7800 N. Dallas Pkwy., Ste 450, Plano, TX 75024

Location of Well: 3998 Taft Ln., McKinney, TX 75069; Latitude: 33.223494°N, Longitude: 96.667403°W; About 1,900 feet west of the West University Drive and North Hardin Boulevard intersection and about 2,100 feet north of West University Drive.

Purpose of Use: Landscape Irrigation and Surface Impoundment(s)

Requested Amount of Use: 73,715,500 gallons for 2023 and 58,110,000 gallons per year after 2023.

Production Capacity of Well: 195 gallons/minute

Aquifer: Trinity (Paluxy)

Amendment: Increasing the requested amount from 58,455,500 gallons for 2023 and 42,830,000 gallons per year after 2023 to 73,715,500 gallons for 2023 and 58,110,000 gallons per year after 2023

Assistant General Manager Paul Sigle reviewed the application amendment with the Board. Board Member Ronny Young made the motion to approve the permit amendment. Board Member Jimmy Arthur seconded the motion. Motion passed unanimously.

4. Consider and act upon the Production Permit Applications, including designation of parties and/or granting or denying the Production Permit Applications in whole or in part, as applicable.

Applications a, b and c were voted on together and the permit amendment was voted on separately.

5. Adjourn or continue permit hearing.

President Joe Helmberger adjourned the permit hearing at 10:16 a.m.

Board Meeting

Agenda:

1. Pledge of Allegiance and Invocation

President Joe Helmberger led the Pledge of Allegiance and Board Member Ronny Young provided the invocation.

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

President Joe Helmberger called the meeting to order at 10:16 a.m., established a quorum was present, and declared the meeting open to the public.

3. Public Comment

There were no public comments.

4. Consider and act upon approval of the minutes from the September 13, 2022, Board meeting.

President Joe Helmberger asked for approval of the minutes from the September 13, 2022, meeting. Board Member Ronny Young made the motion to approve the minutes. Board Member David Flusche seconded the motion. Motion passed unanimously.

5. Consider and act upon approval of invoices and reimbursements, Resolution No. 2022-10-11-1.

Assistant General Manager Paul Sigle reviewed the liabilities with the Board. Board Member Greg Peters made the motion to approve Resolution No. 2022-10-11-1. Board Member David Flusche seconded the motion. Motion passed unanimously.

6. Receive reports from the following Committees*:

- a. Budget and Finance Committee
 - 1) Receive Monthly Financial Information

Assistant General Manager Paul Sigle reviewed the Financial Report with the Board.

- b. Management Plan Committee
 - 1) Receive Quarterly Report

Assistant General Manager Paul Sigle reviewed the Quarterly Report with the Board.

- c. Investment Committee
 - 1) Receive Quarterly Investment Report

Assistant General Manager Paul Sigle reviewed the Quarterly Investment Report with the Board. Discussion was held.

7. Discuss potential amendments to the District's Rules and Flow Testing Procedure.

Assistant General Manager Paul Sigle provided presentation showing potential changes to rules. Mr. Sigle reviewed the changes to the Flow Testing Procedure. Discussion was held. Rules Public Hearing will be held at November meeting.

8. Review and act upon approval of the District's Investment Policy.

Assistant General Manager Paul Sigle provided background information for the Board. The Policy is required to be reviewed annually and the Board of Directors will approve broker/dealers and PFIA training sources on an annual basis. The District's Investment Officers are designated by the Investment Policy Resolution to be the Secretary of the Board of Directors, the General Manager, Paul Sigle, and the Finance Officer, Debi Atkins. Board Member Greg Peters made the motion to approve the Investment Policy. Board Member David Flusche seconded the motion. Motion passed unanimously.

9. Consider and act upon confirming execution of Engagement Letter for Audit Services for Fiscal Year ending December 31, 2022.

Assistant General Manager Paul Sigle provided background information for the Board. District staff is of the opinion that McClanahan and Holmes, LLP of Bonham, Texas has provided thorough and quality audits during their tenure with the District. The fees for the 2022 audit services will not exceed \$6,025 which is within the 3% increase limit imposed by their original proposal. Board Member David Flusche made the motion to authorize the Engagement Letter for Audit Services for the 2022 audit. Board Member Greg Peters seconded the motion. Motion passed unanimously.

10. Consider and act upon Resolution of Appreciation for Drew Satterwhite.

Assistant General Manager Paul Sigle informed the Board that Drew Satterwhite was hired as the General Manager in September of 2013. Mr. Satterwhite has accepted an opportunity to move closer to family and his last day with the District is October 20th. Mr. Satterwhite has served honorably as the General Manager and his contributions to the District are much appreciated. Board President Joe Helmberger read the resolution. Mr. Satterwhite was presented a plaque. Board Member Ronny Young made the motion to approve the Resolution. Board Member David Flusche seconded the motion. Motion approved unanimously.

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

Assistant General Manager Paul Sigle informed the Board that a committee was formed to recommend an update of the model to GMA 8. We have received the Explanatory Report and are looking at approving the DFCs.

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

There are no violations to be considered at this time.

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

- a. District's Disposal/Injection Well Program
- b. Well Registration Summary

Assistant General Manager Paul Sigle reviewed the well registration summary with the Board. Twenty-two wells were registered in September.

14. Open forum/discussion of new business for future meeting agendas.

Discussion notifying district water suppliers if well application in their CCN

15. Adjourn public meeting

President Joe Helmberger declared the meeting adjourned at 10:53 a.m.

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Recording Secretary

Secretary-Treasurer

ATTACHMENT 5

RESOLUTION NO. 2022-11-08-1

A RESOLUTION BY THE BOARD OF DIRECTORS OF THE NORTH TEXAS GROUNDWATER CONSERVATION DISTRICT AUTHORIZING PAYMENT OF ACCRUED LIABILITIES FOR THE MONTH OF OCTOBER

The following liabilities are hereby presented for payment:

	<u>Amount</u>
<u>Administrative Services</u>	
GTUA - October monthly expenses	29,186.57
<u>Advertising</u>	
Star Local Media - Public hearing notice for districts rules	319.13
<u>Direct Costs</u>	
Awards Unlimited - Appreciation plaque for Drew Satterwhite	102.70
NexTraq - November 2022 GPS tracking	34.95
<u>Legal</u>	
Kristen Fancher PLLC - Legal services through September	2,002.00
<u>Legal- Injection</u>	
Sledge Law - Legal Injection services for September	212.00
<u>Meetings & Conferences</u>	
Pilot Point ISD - Meeting Room	75.00
<u>Injection Monitoring</u>	
State Plat Services - monthly charges for July and August	112.80
GRAND TOTAL:	<u>\$ 32,045.15</u>

On motion of _____ and seconded by _____ the foregoing Resolution was passed and approved on this, the 08th day of November, 2022 by the following vote:

AYE:
NAY:

President

Secretary/Treasurer

ATTACHMENT 6 A-1

NORTH TEXAS GROUNDWATER

Balance Sheet

As of October 31, 2022

ASSETS

Current Assets

Checking/Savings

10001 Checking Account	539,471.54
10005 Cash-Index Account	20,165.26
10006 Cash - CDARS Legend	2,300,000.00
10008 Cash - Tex Star	133.42
10025 Accounts Receivable	14,301.30
10033 A/R Penalties	3,800.00
10035 A/R GMA8 Members	3,655.54
10070 A/R Liens	14,000.00
10026 Allowance for Uncollectib	-21,300.00
12001 Prepaid Expenses	4,136.64

TOTAL ASSETS 2,878,363.70

LIABILITIES & EQUITY

Liabilities

Current Liabilities

Accounts Payable

23100 Accounts Payable	2,533.13
23150 Well Drillers Deposits	35,446.85

Total Liabilities 37,979.98

Equity

35100 Retained Earnings	2,775,177.37
Net Income	65,206.35

Total Equity 2,840,383.72

TOTAL LIABILITIES & EQUITY 2,878,363.70

NORTH TEXAS GROUNDWATER
Profit & Loss Budget vs. Actual
October 31, 2022

	TOTAL				
	Oct 22	1 mo. Budget	YTD Actual	Total Budget	% of Budget remaining
Ordinary Income/Expense					
Income					
46003 - Registration Fees	3,200.00	2,166.67	36,600.00	26,000.00	-40.77%
46004 - Well Driller Fees	0.00	0.00	0.00	0.00	0.0%
46005 - PRODUCTION FEES	190.40	0.00	430,219.77	710,000.00	39.41%
46006 Income GMA8	0.00	366.67	2,012.93	4,400.00	54.25%
46007 - Penalties	0.00	0.00	0.00	0.00	0.0%
46008 - Online Pay Fees	75.60	416.67	748.02	5,000.00	85.04%
46015 Late Fees	0.00	0.00	12,914.99	0.00	0.0%
Total Income	<u>3,466.00</u>	<u>2,950.00</u>	<u>482,495.71</u>	<u>745,400.00</u>	<u>35.27%</u>
Gross Profit	3,466.00	2,950.00	482,495.71	745,400.00	35.27%
Expense					
77010 ADMINISTRATIVE					
77013 Admin-Secretarial	1,192.00	1,833.33	8,576.00	22,000.00	61.02%
77014 Admin-Project Coordinator	157.50	1,333.33	1,190.00	16,000.00	92.56%
77015 Admin-GM	5,002.50	5,500.00	53,310.75	66,000.00	19.23%
77016 Admin-Clerical	4,445.50	3,554.17	42,415.00	42,650.00	0.55%
77040 ADMIN-MILEAGE	224.74	225.00	2,558.00	2,700.00	5.26%
77025 ACCOUNTING	987.00	2,916.67	24,213.00	35,000.00	30.82%
77027 AUDITING	0.00	485.00	5,850.00	5,820.00	-0.52%
77030 ADVERTISING	319.13	166.67	889.71	2,000.00	55.51%
77050 BANKING FEES	82.15	425.00	736.01	5,100.00	85.57%
77150 CONSULTING-HYDROGEO SVC	0.00	2,833.33	5,170.25	34,000.00	84.79%
77325 DIRECT COSTS-REIMB	159.69	458.33	3,770.68	5,500.00	31.44%
77450 DUES & SUBSCRIPTION	0.00	615.67	5,000.00	7,388.00	32.32%
77480 EQUIPMENT	0.00	3,791.67	48,665.63	45,500.00	-6.96%
77485 Equipment Database	0.00	1,250.00	0.00	15,000.00	100.0%
77500 FEES-GMA8	0.00	400.00	473.30	4,800.00	90.14%
77550 FIELD TECH	12,762.00	15,166.67	115,690.50	182,000.00	36.43%
77560 Field Permitting/Geologis	3,234.00	6,083.33	52,820.30	73,000.00	27.64%
77650 FUEL/MAINTENANCE	0.00	416.67	4,094.12	5,000.00	18.12%
77800 INJECTION WELL MONITORING	0.00	58.33	463.30	700.00	33.81%
77810 INSURANCE & BONDING	847.09	386.33	4,770.32	4,636.00	-2.9%
77970 LEGAL					
77975 Legal-Injection	0.00	833.33	10,600.00	10,000.00	-6.0%
77970 LEGAL - Other	2,002.00	3,333.33	16,906.00	40,000.00	57.74%
78010 MEETINGS & CONFERENCES	525.30	666.67	5,627.82	8,000.00	29.65%
78310 Rent	200.00	200.00	2,000.00	2,400.00	16.67%
78600-SOFTWARE MAINT	143.64	333.33	1,129.36	4,000.00	71.77%
78610 TELEPHONE	365.35	316.67	2,731.22	3,800.00	28.13%
78780 Well Monitoring/Testing	0.00	450.00	0.00	5,400.00	100.0%
Total Expense	<u>32,649.59</u>	<u>54,032.83</u>	<u>419,651.27</u>	<u>648,394.00</u>	<u>35.28%</u>
Other Income/Expense					
Other Income					
46100 INTEREST INC	0.00	958.33	2,361.91	11,500.00	79.46%
Total Other Income	<u>0.00</u>	<u>958.33</u>	<u>2,361.91</u>	<u>11,500.00</u>	
Net Other Income	0.00	958.33	2,361.91	11,500.00	
Net Income	<u>-29,183.59</u>	<u>-50,124.50</u>	<u>65,206.35</u>	<u>108,506.00</u>	

ATTACHMENT 9



AGENDA COMMUNICATION

DATE: November 1, 2022

SUBJECT: AGENDA ITEM NO. 9

Discussion and possible action on late payments and late fees.

ISSUE

The District Staff needs some clarification on how to apply the 15% late payment fee and discuss the possibility of changing the late fees for failure to submit meter readings.

BACKGROUND

The District charges a late payment fee of 15% of the total amount of water use fees due to the District if the payment is not received by the deadline established under Rule 9.4(a). The District Staff only charges the late payment fee once for the initial invoice for the water use fees. The late payment fee isn't charged to any outstanding balance that isn't paid after the next billing cycle.

The District charges \$50 per account for failure to submit meter readings by the reporting period deadline established under Rule 9.1. The District has a small number of accounts that do not submit meter readings each quarter but pays the late fee when the accounts are billed.

OPTION

The District Staff propose a late payment of 15% will be charge to any unpaid outstanding balance at the end of each billing cycle.

For the late fees, the District Staff proposes an increasing late fee structure for failure to submit meter readings, as follows:

Failure to Submit Water Production Reports by the Deadline

- First quarter, \$50 per account.
- Second consecutive quarter, \$250 per account.
- Third consecutive quarter, \$500 per account.
- Fourth consecutive quarter, Major violation

ATTACHMENT

2023 Fee Schedule

PREPARED BY:

Paul M. Sigle, General Manager



2023 Fee Schedule

Well Registration Fee (<17.36 GPM)	\$100
New Well Registration & Production Permit Application Fee (>17.36 GPM), <i>also applies to permit amendments</i>	\$600
Additional fee for Production Permit Applications which require a Hydrogeological Report (≥200 GPM)	\$1,100
Well Driller Log Deposit Fee (refundable if conditions in District Rules are met)	\$100
Additional fee for Registration of an existing unregistered Non-Exempt Well (additional penalties may apply if well was not self-reported)	\$500
Meter Seal Replacement Fee (For replacing seals for reasons other than well or meter failure)	\$100
Water Use Fees (Non-Exempt Wells)	
- Non-Agricultural Use	\$0.10/1000 gal
- Agricultural Use	\$1/acre-foot
Additional Water Use Fees (Non-Exempt Wells) for Production in Excess of Maximum Amount Authorized by Permit, 1st violation:	
- Non-Agricultural Use	\$0.30/1000 gal
- Agricultural Use	\$3/acre-foot
Additional Water Use Fees (Non-Exempt Wells) for Production in Excess of Maximum Amount Authorized by Permit, subsequent violation, within 3 calendar years of 1st violation:	
- Non-Agricultural Use (1 st violation)	\$1.00/1000 gal
- Agricultural Use	\$10/acre-foot
Failure to Submit Water Production Reports by the Deadline	Per Account
- First Quarter	\$50
- Second Consecutive Quarter	\$250
- Third Consecutive Quarter	\$500
- Fourth Consecutive Quarter	Major Violation



Failure to Pay Water Use Fee by Payment Deadline	15%
Failure to Pay Water Use Fee within 60-days of the Payment Deadline (See Appendix A of the Rules for schedule of Violations)	Major Violation

Notes: Information about the payment and water production report deadlines can be found at [Billing \(northtexasgcd.org\)](http://northtexasgcd.org)

ATTACHMENT 13 B

NORTH TEXAS GROUNDWATER CONSERVATION DISTRICT

Well Registration Summary

(as of 10/31/2022)

Well Type	Collin	Cooke	Denton	Total NTGCD	New Registrations October 2022
Domestic	90	650	1024	1764	21
Public Water System	34	76	225	335	0
Irrigation	105	7	210	322	0
Surface Impoundment	61	18	127	206	1
Livestock	7	89	70	166	3
Oil / Gas	1	6	64	71	0
Agriculture	10	13	41	64	0
Commercial	6	9	42	57	0
Golf Course Irrigation	15	2	21	38	0
Industrial / Manufacturing	11	11	10	32	0
*Other	6	5	10	21	0
Monitoring	0	0	4	4	0
TOTALS	346	886	1848	3080	25

NOTE: Plugged wells have been excluded

***Examples of "Other" uses: Closed Loop Geothermal, Construction, and Fire Suppression**

ADJOURN