

Minutes

for
the

2:00 PM

June 16, 2021

PERMIT HEARING on OPERATING PERMITS and Regular Board Meeting

of the
BOARD OF DIRECTORS
of the

NORTHERN TRINITY GROUNDWATER CONSERVATION DISTRICT
1100 Circle Drive, Suite 300 Fort Worth, Texas 76119

IN-PERSON MEETING LOCATION:
Board Room located at 1100 Circle Drive, Fort Worth, TX 76119

PERMIT HEARING on OPERATING PERMITS

Notice is hereby given that the Board of Directors of the Northern Trinity Groundwater Conservation District (District) will hold a Permit Hearing and may discuss, consider, and take all necessary action regarding the subject matters of the hearing, including but not limited to approving the applications listed below.

AGENDA:

1. Call to order; establish a quorum; declare meeting open to the public; introduction of Board.

Vice President Cozart called the Permit Hearing to order and opened the Hearing to the Public at 2:02 P.M. A quorum was established.

Directors Present: Vice President Cozart, Secretary Merritt, Director Petterson

Directors Absent: President Laughlin and Director Haster

Staff Present: General Manager Bob Patterson; Corey Jones and Laura Schumacher

Wade Oliver and Andrew Osborne with Intera, Inc. representing the District.

Ty Embrey, Attorney with Lloyd Gosselink representing the District was present on teleconference call.

Members of the Public in attendance:

- Representing Viridian-Clay Crawford and Chris Conner
- Representing Independence Water, L.P. – Craig Schkade and Chris Hamilton (Peloton)
- Representing Collier’s Consulting – Peter Schulmeyer

2. Review the Operating Permit Application(s) of:

Applicant: Viridian Municipal Management District_Well 4

Location of Well: 1815 Bird’s Fort Trail Arlington, TX 76005

Latitude: 32°48' 13.36" N Longitude: -97°04' 32.17" W

District Registration Number: N-2021-0040

Purpose of Use: Supplement Ponds and Lakes for irrigation within boundaries of applicant

Requested Amount of Use Annually: 123,517,080 gallons

Production Capacity of Well: 245 gallons per minute

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Applicant: Viridian Municipal Management District_Well 5

Location of Well: 4817 Parkview Place Arlington, TX 76005

Latitude: 32°48' 39.60" N Longitude: -97°04' 37.36" W

District Registration Number: N-2021-0039

Purpose of Use: Supplement Ponds and Lakes for irrigation within boundaries of applicant

Requested Amount of Use Annually: 131,399,416 gallons

Production Capacity of Well: 260 gallons per minute

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VP Cozart called for the General Manager to introduce the Operating Permits.

GM gave a brief introduction and requested Wade Oliver with Intera to review the Operating Permits for Viridian Municipal Management District.

Mr. Oliver confirmed Intera’s review of the evaluation of the two (2) wells potential impact on the District’s Desired Future Conditions (DFC). The two (2) wells do not appear to put the DFC in jeopardy. Spacing complies with District rules.

Chris Conners addressed the wells being used to supplement evaporation of the lakes and irrigation in Viridian.

Mr. Oliver addressed the effect of the proposed permits to registered and unregistered wells.

GM recommended approving the operating permits.

VP called for a motion to approved Viridian Municipal Management District’s Well 4 and Well 5.

Director Petterson made the motion to approve the Operating Permit for Viridian Municipal Management District’s Well 4 and Well 5.

Secretary Merritt 2nd the motion. The vote to approve was unanimous.

Applicant: Independence Water, L.P.

Location of Well: 2451 Westlake Parkway Westlake, TX 76262 Well IWCT # 1_Paluxy
Latitude: 32°59' 9.90" N Longitude: -97°11' 49.73" W

District Registration Number: N-2021-0110

Purpose of Use: Golf Course Irrigation

Requested Amount of Use Annually: 9,700,000 gallons

Production Capacity of Well: 75 gallons per minute

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Applicant: Independence Water, L.P.

Location of Well: 2451 Westlake Parkway Westlake, TX 76262 Well IWCT # 1_Trinity
Latitude: 32°59' 19.11" N Longitude: -97°11' 11.68" W

District Registration Number: N-2021-0112

Purpose of Use: Lake Make-up Water

Requested Amount of Use Annually: 61,000,000 gallons

Production Capacity of Well: 400 gallons per minute

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Applicant: Independence Water, L.P.

Location of Well: 2451 Westlake Parkway Westlake, TX 76262 Well IWCT # 2_Paluxy
Latitude: 32°59' 18.93" N Longitude: -97°12' 11.69" W

District Registration Number: N-2021-0111

Purpose of Use: Golf Course Irrigation

Requested Amount of Use Annually: 9,700,000 gallons

Production Capacity of Well: 75 gallons per minute

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General Manager introduced the three (3) Operating Permits for Independence Water, L.P.

Mr. Oliver addressed the inconsistency of the county lines near the proposed well sites and confirmed the three (3) wells being considered for approval are all located in Tarrant County. These three (3) wells are not putting the DFCs at risk. VP Cozart requested Intera record the street address in the analysis format for future presentations.

Mr. Schkade, representative for Independence Water responded to the “golf course” use for the Well IWCT # 2_Paluxy is for a private 9-hole golf course.

GM recommended approval of the three (3) Independence Water, L.P. Operating Permits.

Vice President Cozart called for a motion to approve the request for Independence Water, L.P.'s three (3) Operating Permits for Well IWCT # 1_Paluxy; Well IWCT # 1_Trinity; and Well IWCT # 2_Paluxy.

Secretary Merritt made the motion to approve Independence Water, L.P.'s three (3) Operating Permits for Well IWCT # 1_Paluxy; Well IWCT # 1_Trinity; and Well IWCT # 2_Paluxy. The motion was seconded by Director Petterson. Unanimous vote to approve.

3. Public Comment on the Operating Permit Application(s).

Public comment was taken during the introduction and discussion of each Operating Permit application.

Vice President Cozart ask for any additional public comment on the Operating Permits.

No additional public comment. Public comment was closed.

4. Consider and act upon the Operating Permit Application(s), including designation of parties and/or granting or denying the Operating Permit Application(s) in whole or in part, as applicable.

Consideration and action were taken during the discussion of each Operating Permit application.

No additional action was taken after each Operating Permit received a unanimous Board vote for approval.

5. Adjourn or continue permit hearing.

Vice President Cozart adjourned the Permit Hearing at 2:29 P.M.

Regular Board Meeting

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

All interested parties are invited to attend.

The Board may consider, discuss, and take action, including expending funds, on any of the following agenda items:

AGENDA:

1. Call to order; establish a quorum; and declare meeting open to the public.

Vice President Cozart called the Regular Board meeting to order and opened the meeting to the Public at 2:30 P.M. A quorum was established.

Directors Present: Vice President Cozart, Secretary Merritt, Director Petterson

Directors Absent: President Laughlin and Director Haster

Staff Present: General Manager Bob Patterson; Corey Jones and Laura Schumacher

Wade Oliver and Andrew Osborne with Intera, Inc. representing the District.

Ty Embrey, Attorney with Lloyd Gosselink representing the District was present on teleconference call.

Members of the Public in attendance:

Representing Viridian-Clay Crawford and Chris Conner

Representing Independence Water, L.P. – Craig Schkade and Chris Hamilton (Peloton)

Representing Collier’s Consulting – Peter Schulmeyer

2. Public Comment.

No public comment.

3. **Consent Agenda:** Each of these items is recommended by the Staff and approval thereof will be strictly on the basis of the Staff recommendations. Approval for the Consent Agenda authorizes the General Manager or his designee to implement each item in accordance with the Staff recommendations. The Consent Agenda will be approved as a block. Any Board member that has questions regarding any item on the Consent Agenda may have the item pulled and considered as a regular item on the agenda. Any items so pulled for separate discussion will be considered as the first items following approval of the Consent Agenda.

A. Approval of minutes from Board meeting on May 5, 2021.

B. Approval of Current Budget Performance - Operating and Investment account statements.

C. Payment of bills/invoices received.

D. Reimburse General Manager, Field Tech, and/or Office Manager for invoices/bills paid on behalf of the District.

Vice President Cozart ask if anyone wanted to pull an item from the Consent Agenda.

No items were pulled.

Vice President Cozart called for a motion to accept the Consent Agenda as presented.

Director Petterson made the motion to accept the Consent Agenda as presented. The motion was seconded by Secretary Merritt.

VP Cozart called for a vote. Vote was unanimous to accept the Consent Agenda as presented.

4. Any items from Consent Agenda that were pulled for further discussion.

No items were pulled from the Consent Agenda for further discussion.

5. Discussion regarding potential violations of District Rules by the following. Take action as necessary.
 - Viridian Municipal Management District

VP Cozart called for General Manager to introduce the potential violation of District Rules by Viridian MMD.

The Board acted on the potential violation at the May 2, 2021, Board of Directors' Regular Board Meeting. After a review of the District Bylaws and Chapter 36, both state a vote for action must be a majority of the Board. The May 2, 2021, Board meeting had a quorum of three (3) Directors present. The action for the potential violation had a vote of two (2) yeas and one (1) nay therefore, the Board vote was not a majority vote.

*NTGCD BYLAWS
As Amended February 24, 2015*

3.3 Quorum

A quorum of the Board must be present to conduct District business. A quorum exists when three or more Directors are present. A concurrence of a majority of the entire Board is required for transacting any business of the District. When the quorum is three Directors, all three Directors must vote in agreement for a motion to prevail.

Due to the requirement of the District Bylaws, the discussion regarding potential violations of District Rules by Viridian Municipal Management District was reintroduced at this meeting for Board action.

Following Board discussion, Secretary Merritt made the motion to table action on this Agenda Item until the next Board of Directors' meeting. The motion was seconded by Director Petterson. Unanimous Board vote to table the discussion and action regarding the potential violation of District Rules by Viridian MMD.

6. Legal Update – Ty Embrey
 - 87th Session of Texas Legislature

Attorney Embrey updated the Board on the actions of the 87th Session of Texas Legislature regarding bills that could possibly amend Chapter 36 Water Code and transparency bills. There were no bills that passed that would amend Chapter 36 Water Code. Mr. Embrey will update the District when the Special Session is called. Most likely, the Special Session will not include water bills.

7. G M Report

- Prospective increase in water production fees
 - Staff salaries
 - Longevity Pay increase (time of employment)
 - Increase in TAGD membership fee
 - Additional office staff member
 - New Field Tech vehicle
- Redistribution of TAGD Executive Committee to include more North Texas districts
- Cybersecurity Training for District Staff and Board Members
- Change in date for WPR reporting to January 15th from January 31st - will require a rule change

The General Manager requested the Board of Directors appoint a committee to consider a water use fee rate from the current \$.125 per thousand to \$.15 per thousand to add income to the District's budget in order to consider an increase for:

- staff salaries
- the staff longevity pay increase from \$4.00 a month to \$50.00 a month (matches City of Fort Worth).
- TAGD membership fees will be increased by 10% in the 2022 budget
- additional staff member to assist with administrative tasks
- new vehicle for field tech

VP Cozart called for a budget discussion and 2022 budget presentation at the next Board meeting.

General Manager updated the Board on TAGD Executive Committee and requirements for Cybersecurity training for District Staff and some GCD Board members.

Board reviewed the Water Production Report rules and requested a meeting to review possible amendments to the current rules.

8. Other Business / Setting of next meeting

No other business. The next Board of Directors' meeting time was not scheduled.

General Manager called for an Executive Session.

Vice President Cozart convened into Executive Session pursuant to Government Code (§551.074) for personnel matters at 3:18 PM

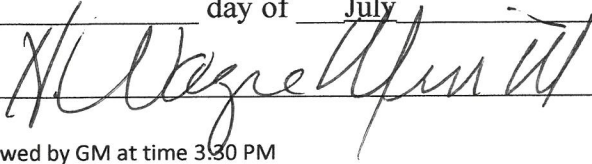
No formal action taken.

Vice President Cozart reconvened the Regular Meeting of the Northern Trinity Groundwater Conservation District at 3:43 PM.

9. Adjourn.

Board motion to adjourn at 3:43 PM.

PASSED, APPROVED AND ADOPTED BY THE BOARD OF DIRECTORS this
20th day of July, 2021.

Attest:  , Secretary of NTGCD Board

210630.Reviewed by GM at time 3:30 PM