

# MINUTES

for the

2:00 P.M. Wednesday, March 29, 2023

## REGULAR BOARD MEETING

of the

BOARD OF DIRECTORS

for

NORTHERN TRINITY GROUNDWATER CONSERVATION DISTRICT

MEETING LOCATION:

Board Room located at 1100 Circle Drive, Fort Worth, TX 76119

### Regular Board Meeting

The Regular Board Meeting will begin at 2:00 P.M. 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 the meeting open to the public.

President Laughlin called the Regular Meeting to order at 2:20 PM. A quorum was established, and the meeting was opened to the public.

Board Members present:      President Laughlin  
                                         Vice President Cozart  
                                         Secretary Merritt  
                                         Director Gladbach

Board Member Absent:      Director Haster

Staff Present:                      Corey Jones, General Manager  
                                         Hi Newby  
                                         Laura Schumacher

James Muela, Attorney for the District with Lloyd Gosselink

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's 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 the Board meeting on February 9, 2023.
  - B. Approval of Current Budget Performance - Operating and Investment account statements.
  - C. Payment of bills/invoices received.
  - D. Reimburse the General Manager, Field Tech, and/or Office Manager for invoices/bills paid on behalf of the District.

President Laughlin called for a motion to approve the Consent Agenda as presented.

Vice President Cozart made the motion to approve the Consent Agenda as presented. Director Gladbach seconded the motion.

The Board voted unanimously to accept the Consent Agenda.

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

No items were pulled for further discussion.

5. Discuss, Consider, and act upon potential violations of District Rules by the following:

President Laughlin requested GM Jones to introduce each potential violation.

GM Jones cited District Rule 6.5: Penalty for production in excess of the maximum amount authorized by permit or rule. The entities listed below exceeded their permitted amounts of water usage. As the rules are written over pumping a permit the first time is an automatic penalty of three times the water use fee rate for the amount withdrawn in excess of the amount authorized.

The Board will call the violation. The violation is associated with the Permit and not the Permittee.

- City of Southlake- Permit 13                      *Pumping in Excess of Authorized Amount*
- City of Southlake- Permit 15                      *Pumping in Excess of Authorized Amount*

The Board of Directors discussed the Grandfathered Use Permits for the City of Southlake and levied the following penalties President Laughlin called for a motion to



levy three (3) times the over-pumped amount and 1<sup>st</sup> Major violation for Permit 13 and Permit 15.

Motion made by Secretary Merritt and seconded by Director Gladbach to levy three (3) times the over-pumped amount and 1<sup>st</sup> Major Violation for Permits 13 and 15 granted to City of Southlake. President called for a Board vote. The vote was unanimous.

Board President instructed the GM to reach out to the City and address the issue of over-pumping and their plan to remedy the issue.

- Carols Coll- Permit 68 *Pumping in Excess of Authorized Amount*

Carlos Coll, permittee, spoke to the Board about the circumstances of the over pumping of Permit 68.

General Manager Jones informed the Board Mr. Coll did not notify the District of the potential use of water usage in excess of the Grandfathered Use Permit amount requested and granted by the Board. The GM offered to work with Mr. Coll on remedies to prevent future over pumping.

GM recommended 3 (three) times over pumping fees and 1<sup>st</sup> Major Violation.

President Laughlin spoke with Mr. Coll concerning remedies for future water usage and adherence to District Rules. The Board will grant relief for this violation. The next violation will levy penalties.

President Laughlin recommended 3 (three) times over pumping fees and waive the 1<sup>st</sup> Major Violation due to the underestimate of usage for the Grandfathered Use Permit.

Vice President Cozart made the motion to levy 3 (three) times over pumping fees and waive the 1<sup>st</sup> Major Violation. Director Gladbach seconded the motion. President called for a Board vote. The vote was unanimous.

- Fort Worth Country Day- Permit 55 *Pumping in Excess of Authorized Amount*

GM reviewed the Grandfathered Use Permit over pumping with the Board.

President Laughlin recommended 3 (three) times over pumping fees and waive the 1<sup>st</sup> Major Violation due to the underestimate of usage for the Grandfathered Use Permit.

Vice President Cozart made the motion to levy 3 (three) times over pumping fees and waive the 1<sup>st</sup> Major Violation. Director Gladbach seconded the motion. President called for a Board vote. The vote was unanimous.

Board discussed the estimated need for FWCD with representative Tom Mitchell. Mr. Mitchell discussed current processes to cap usage to permitted gallons.

- Southlake Park Services- Permit 25 *Pumping in Excess of Authorized Amount*

GM introduced explaining the over-pumping for the Public Water Supply Grandfathered Use Permit. Communicated with SPS may need to apply for an Operating Permit for additional water.

Secretary Merritt made the motion to levy 3 (three) times over pumping fees and 1<sup>st</sup> Major Violation. Vice President Cozart seconded the motion. President called for a Board vote. The vote was unanimous.

- City of Sansom Park- Permit 17 *Pumping in Excess of Authorized Amount*

GM introduced the over-pumping for the Public Water Supply Operating Permit.

Vice President Cozart made the motion to levy 3 (three) times over pumping fees and 1<sup>st</sup> Major Violation. President Laughlin seconded the motion. President called for a Board vote. The vote was unanimous.

6. Discuss, consider, and possibly act upon matters pertaining to well ownership transfers and renewals for the following wells:

- N-2021-0032 – QW Eastchase FW, LLC
- N-2021-0033 – QW Basswood I35, LLC
- 

General Manager updated the Board on the change of ownership for the "Q" car wash entity. Staff worked diligently to contact "new ownership." GM spoke with a representative of the new owner. The District has received the Ownership transfer applications.

A Permit Amendment will be required to transfer the permits into the new owner's name, along with a signature of the new owner certifying the terms of the permit.

GM asked the Board to approve the late renewal of the Operating Permit.

President Laughlin asked for a voice vote from the Board to approve the Operating Permit renewals that were submitted late. The Board instructed the GM to approve the late submission.

7. Discuss, consider, and act upon matters pertaining to GMA 8, including but not limited to Funding for the Update to Groundwater Availability Model and authorizing the District Representative to GMA 8 to execute the proposed Interlocal Agreement on behalf of the District.

Board President requested the GM to update the Board pertaining to GMA 8 activities.



GM Jones informed the Board that GMA 8 selected Intera through the RFQ process to update the current GAM. The GM presented the interlocal agreement between North Texas GCD and Intera containing the funding component for Board review.

Legal has reviewed the Interlocal Agreement. The GM presented a couple of revisions for the Board's review. James Muela with Lloyd Gosselink added an explanation to the review discussion.

After the Board review and making notes to the Interlocal Agreement, GM requested the Board to authorize funding not to exceed one-eighth (1/8<sup>th</sup>) of the project's total cost.

GMA 8 has eleven (11) Districts. Two (2) Districts [Saratoga GCD and Southern Trinity GCD] will not participate wholly. The third District is Post Oak Savannah GCD. This GCD is in two (2) GMAs. The POSGCD will be determining their financial support of the project. The total contract amount is \$591,100.00; therefore, Northern Trinity GCD's funding will not exceed \$73,887.50.

President Laughlin asked for a motion to accept the proposal to participate with GMA 8 in the project to update the GAM with funding not to exceed \$73,887.50.

Vice President Cozart made the motion to accept the proposal. Director Gladbach seconded the motion. President Laughlin asked for a Board vote. Vote was unanimous.

#### 8. Presentation of 2022 Water Quality Testing results

GM Jones informed the Board that one of the objectives in the Management Plan includes performing five (5) water samples and analyses. Ten (10) water samples were collected and analyzed.

Hi Newby presented the 2022 Water Testing results to the Board.

#### 9. Discuss, consider, and possibly act on regulatory matters associated with Samantha Springs, LP.

President Laughlin called the Board into Executive Session at 3:30 P.M. in compliance with the Texas Open Meetings Act, Chapter 551, Government Code, Vernon's Texas Codes, Annotated for consultation concerning attorney-client matters (§551.071).

President Laughlin closed the Executive Session at 4:14 P.M. and reconvened the Regular Board Meeting at 4:15 P.M.

President Laughlin called for a motion for action on Agenda Item 9.

Director Gladbach made the motion to take no action at this time and continue the Show Cause Hearing in the future. Vice President Cozart seconded the motion.

President Laughlin called for a Board vote. Vote was unanimous.

10. G M Report

- Updated Management Plan to incorporate adopted DFCs

GM addressed updating the Management Plan to include the DFCs and MAGs. The updated Plan is due by November 2023.

- EPA- Sandy Beach Groundwater Plume

GM informed the Board of the 2004 investigation of the Sandy Beach Plume. TCEQ and EPA review the Super Fund site every 5 years. The most recent report available online is dated 2018. GM contacted a Pelican Bay representative, and the City is aware of the plume.

- BMY expansion of services

BMY will expand its services for the yearly audit.

President Laughlin organized a Finance subcommittee, including Vice President Cozart and Secretary Merritt. The committee will have the responsibility of administering and bringing to the Board, with the assistance of the GM, the audit and investment strategy, including quarterly reports.

- Realtor CE class- Berkshire Hathaway Home Services

Hi Newby gave the report from the Realtor continuing education class that he helped facilitate with Upper Trinity GCD. The realtors work in both areas.

11. Board Reports

No action taken.

12. Other Business / Setting of next meeting.


The next meeting was set for May 23, 2023 at 2:00 P.M.

13. Adjourn.

President Laughlin adjourned the meeting at 4:37 P.M.

PASSED, APPROVED AND ADOPTED BY THE BOARD OF DIRECTORS this

23rd day of May 2023.

Attest: , Secretary of NTGCD Board