

**NOTICE OF REGULAR MEETING, PUBLIC HEARING,  
AND SHOW CAUSE HEARING  
OF THE  
UPPER TRINITY GROUNDWATER CONSERVATION DISTRICT  
at the**

**District Office  
1250 E. Highway 199, Suite 102  
Springtown, TX  
Monday, July 19, 2010  
Public Hearing and Board Meeting begins at 6:00 P.M.  
Show Cause Hearing begins at conclusion of Public Hearing  
Regular Meeting begins at conclusion of Show Cause Hearing**

---

**INTRODUCTORY MATTERS**

1. Welcome guests and members of the public.
2. Roll call, establish a quorum, call Board Meeting, Public Hearing, and Show Cause Hearing to order, declare the board meeting and hearings open to the public.

**PUBLIC HEARING ON PROPOSED MANAGEMENT PLAN FOR THE DISTRICT**

3. Continue public hearing on the proposed Management Plan for the District from June 22, 2010; receive report by District hydrogeologist and legal counsel regarding previous public comment and requests from members of the Board for changes to the proposed Management Plan; accept public comment on proposed Management Plan.
  4. Discuss, consider, and take appropriate action on information received under Item 3.
  5. Discuss, consider, and take appropriate action on adoption of Management Plan for the District.
  6. Adjourn or continue Public Hearing.
- 

**SHOW CAUSE HEARING**

7. Conduct Show Cause Hearing regarding Custom Water Co. LLC, Edward A. Fenoglio, RR 1 Box 63A, Montague, TX 76251 for alleged major violations of District Rules; failure to submit complete and accurate well registrations for eight (8) non-exempt wells by July 1, 2009, failure to submit semi-annual Water Production Reports for July-December 2009 for two (2) public water systems, and failure to submit payment of production fees for July-December 2009 production used by two (2) public water systems.
  8. Discuss, consider, and take appropriate action regarding the testimony received under item 7, to include authorizing President and or General Manager to hire appropriate legal counsel to initiate a civil lawsuit in this matter to enforce compliance with the District Rules, including recovery of civil penalties, costs, and attorneys fees, and all other appropriate legal and equitable relief.
  9. Adjourn or continue Show Cause Hearing.
- 

**REGULAR BOARD MEETING**

DISCUSS, CONSIDER, AND TAKE APPROPRIATE ACTION, INCLUDING EXPENDITURE OF FUNDS AS NECESSARY OR APPROPRIATE, ON THE FOLLOWING AGENDA ITEMS:

10. 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 of 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 June 21, 2010.
  - B. Approval of minutes from Public Hearings on June 21, 2010 and June 22, 2010.
  - C. Approval of bank statement ending June 30, 2010, and current financial report of the District.
  - D. Payment of bills/ invoices received through July 19, 2010.
  - E. Reimburse General Manager, Office Manager and or Director of Field Operations for invoices/ bills paid on behalf of the District through July 19, 2010.
11. Any items from consent agenda that were pulled for further discussion.
12. Presentation by Kristina Acuna regarding proposed employee retirement plan.
13. Committee Reports and Charges.
- A. Report from Special Committee on their progress in developing a framework for a water well monitoring program for the District and presentation of draft proposal including possible recommendation of a local hydrologist to perform oversight, collection of data, assist in securing monitoring sites, and other matters relating to a groundwater monitoring program to be hired by the District.
    - (i) Action as necessary on recommendations from committee based on its report provided under Agenda Item 13.A.
  - B. Policy & Personnel Committee:
    - (i) Committee report on proposal for employee retirement plan.
    - (ii) Committee report on performance evaluation of General Manager.
    - (iii) Action as necessary on recommendations from committee based on its report provided under Agenda Item 13.B.(i) and (ii).
14. Presidential appointment to committees and committee charges.
15. General Manager's report: The General Manager will brief the Board on the following items, 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. Report on action taken by staff relating to, and discussion of legal and technical issues and options regarding, the permit application before the Texas Railroad Commission for the FENCO Commercial Stationary Treatment Facility to be located in Montague County.
  - B. Report on possible internship program with Tarleton University.
  - C. Report on Intera's progress in resolving database issues.
  - D. Report on alleged violation, failing to properly meter a non-exempt water well, by Devon Energy.

- E. Report on alleged violation, drilling a water well without District approval, by Texoma Drilling.
  - F. Report on staff procedures to ensure that all checks have appropriate signatures affixed.
  - G. Report on quarterly payment to Wise County per Interlocal agreement.
  - H. Report on possible benzene contamination of private water well in Wise County.
  - I. Report from staff on progress in preparation of an educational pamphlet or brochure to distribute to the public detailing the benefits of voluntarily registering exempt wells with the District.
  - J. Update on District administrative and operational matters.
16. Report on monitoring program for injection wells within the District.
  17. Review line item expenditures and adopt budget amendment(s) as necessary, including creation of additional line item for groundwater monitoring program.
  18. Quarterly Investment Report to be presented by the Investment Officer.
  19. Authorize General Manager to issue a Request for Qualifications for an auditor for the District.
  20. General Counsel's Report: the District's legal counsel will brief the Board on case law, regulatory, statutory, legislative, and policy developments that may impact the District and services provided on behalf of the District since the last Board meeting.
  21. Public comment.
  22. Determine time and place for next meeting.
  23. New business to be placed on the next meeting agenda.
  24. Adjourn board meeting.

The above agenda schedule represents an estimate of the order for the indicated items and is subject to change at anytime. These public meetings and hearings are available to all persons regardless of disability. If you require special assistance to attend the meetings or hearings, please call or (817) 523-5200 at least 24 hours in advance of the meeting to coordinate any special physical access arrangements.

At any time during the meeting or hearing and in compliance with the Texas Open Meetings Act, Chapter 551, Government Code, Vernon's Texas Codes, Annotated, the Upper Trinity 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 gift (§551.073); personnel matters (§551.074); and deliberation regarding security devices (§551.076). Any subject discussed in executive session may be subject to action during an open meeting.

**--Please visit the website-- [www.uppertrinitygcd.com](http://www.uppertrinitygcd.com)**