

## **Refugio Groundwater Conservation District Meeting Notice and Agenda**

Notice is hereby given in accordance with the Open Meetings Act, Chapter 551, Government Code and Section 36.064 of the Texas Water Code that the Refugio Groundwater Conservation District Board of Directors will hold a meeting on July 15, 2024, at 6:00 PM at the First Baptist Church of Woodsboro Fellowship Hall, 309 Johnson Street, Woodsboro, Texas 78393.

### **AGENDA**

1. Call the meeting to order and welcome guests.
2. Receive public comments.
3. Consideration of and possible action on matters related to groundwater management including the efforts and activities of the District regarding permitting, complaints, investigations, violations, and enforcement cases associated with permitting.
4. Consideration of and possible action on matters related to groundwater protection including complaints, investigations, violations, and enforcement cases related to groundwater contamination and waste.
5. Consideration of and possible action on matters related to groundwater monitoring.
6. Consideration of and possible action on matters related to groundwater conservation.
7. Consideration of and possible action on matters related to groundwater resource planning including Groundwater Management Area 15 Joint Planning and regional water planning.
8. Consideration of and possible action on matters related to groundwater policy including the Management Plan of the District and the Rules of the District.
  - a. Presentation and discussion regarding proposed revisions to the Rules of the District related to the well spacing requirements and production limitations, permit amendments and renewals, notice requirements.
9. Consideration of and possible action on matters related to administration and management including the minutes of previous meetings, the annual budget of the district, bank accounts, investments, financial reports of the district, bills and invoices of the district, management goals and objectives of the district, administrative policies, staffing, consultant agreements, interlocal cooperation agreements, and support services provided to and from other groundwater conservation districts.
10. Consideration of and possible action on matters related to legal counsel report.
11. Adjourn.

The Refugio Groundwater Conservation District may close the meeting, if necessary, to conduct private consultation with legal counsel regarding matters protected by the attorney-client privilege pursuant to Section 551.071 of the Government Code or to discuss matters regarding personnel pursuant to Section 551.074 of the Government Code. The Refugio Groundwater Conservation District will return to open meeting, if necessary, to take any action deemed necessary based on discussion in closed meeting pursuant to Section 551.102 of the Government Code.

In Accordance with Title III of the Americans with Disabilities Act, the District invites all attendees to advise us of any special accommodations due to disability. Please submit your request as far as possible in advance of event you wish to attend.

# RGCD - Matters for Consideration - 20240715

## Item 1.0 - Convene Meeting

### Management Discussion:

Staff completed all necessary public notification requirements for the meeting.

See: [RGCD - Adm - OM - Public Notice - 20240715 - Board Meeting](#).

### Management Recommendation:

Call the meeting to order and record the district representatives present at the meeting.

\_\_\_\_\_ called the meeting to order at \_\_\_\_\_ AM with the following representatives being present:

Precinct 1: Mr. John Snyder, Treasurer: \_\_\_\_\_ .

Precinct 2: Mr. Carroll Borden, President: \_\_\_\_\_ .

Precinct 3: Ms. Cynthia Rose: \_\_\_\_\_ .

Precinct 4: Mr. Fredric Biery, Secretary: \_\_\_\_\_ .

At Large: Vacant: \_\_\_\_\_ .

General Manager: Mr. Tim Andruss: \_\_\_\_\_ .

General Counsel: Mr. James Allison: \_\_\_\_\_ .

## Item 2.0 - Receive Public Comment

### Management Discussion:

None.

### Management Recommendation:

Offer to accept public comment from attendees.

## Item 3.0 - Report regarding Groundwater Management

### Previous Consideration by the Board:

## Management Discussion:

### Regarding Well Registration Processing for FY2024.

As of July 14, 2024, staff had received 10 well registration applications (ARWs) since October 1, 2023.

As of July 14, 2024, staff had received 15 Notices of Intent to Drill a Well (NIDWs) since October 1, 2023.

### Regarding Production Permit Renewal Processing for FY2024.

As of July 14, 2024, staff had received 1 production permit renewal requests (ARPs) since October 1, 2023.

### Regarding Permit Processing for FY2024.

As of July 14, 2024, staff had initiated 4 permitting request case (PRCs) since October 1, 2023.

As of July 14, 2024, staff had 2 permitting request case pending.

As of April 8, 2024, staff had 20 active or approved production permits recorded in the permitting database with a combined amount of authorized groundwater production per year of 1,891.38 acre-feet.

### Regarding Groundwater Production Report Processing for CY2023.

As of July 14, 2024, staff had processed 41 groundwater production reports for the preceding calendar year since October 1, 2023.

As of April 8, 2024, staff had recorded groundwater production reports for 41 water wells reporting 1,019.49 acre-feet of groundwater production during CY2023. (TWDB estimated the volume of groundwater produced for rural domestic, livestock, mining, and rig supply exempt uses in Refugio County in Year 2020 was 580 acre-feet. See: TWDB - Projected Exempt Groundwater Use Estimates. ).

### Regarding Manage Investigations related to Permitting Violations for FY2024.

As of July 14, 2024, staff had initiated 2 investigations related to groundwater management (i.e., permitting) since October 1, 2023.

As of July 14, 2024, staff had 1 active investigations related to groundwater management (i.e., permitting).

See: MFC-20240415-3.1 - Investigation - INV-20231115.1519 - Failure to Report Groundwater Production.

### Regarding Manage Enforcement Cases related to Permitting Violations for FY2024.

As of July 14, 2024, the Board had initiated 4 enforcement case violations related to groundwater management (i.e., permitting) since October 1, 2023.

As of January 30, 2024, staff had 0 unresolved enforcement cases related to groundwater management (i.e., permitting):

1. ECV-20230418-03 - Roywell Services Inc. - Failure to Report Groundwater Production CY2022 for Well NW-00382 - Unresolved/Suspended

## Management Recommendation:

none.

## Item 3.2 - Production Permit Renewals for FY2023

### Previous Consideration by the Board:

MFC-20230717-3.2 - Production Permit Renewals for FY2023.

### Management Discussion:

The table below identifies the production permits identified with the database of the district as expiring in July 2024.

As of July 12, 2024, staff had received administratively complete application seeking the renewal of production permit scheduled to expire in July 2024:

1. ARP-20240509-01 - Diamond EAW Holdings LLC. - Administratively Complete

## **RULE 4.4: GENERAL PROCEDURES RELATED TO RENEWAL AND AMENDMENT OF PERMITS**

1. The district shall not renew a permit that has expired before an administratively complete application requesting the renewal of the permit has been submitted to the district.
2. The well owner, authorized agent, or the authorized operator of a permit shall submit an application requesting the renewal of the permit at least ninety days (90 days) prior to the permit expiration date.
3. The general manager may authorize an authorized operator of a permit for which an administratively complete application requesting the renewal of the permit has been submitted to the district to continue authorized activities of the permit under the conditions of the permit, subject to any changes necessary under the rules of the district, or the Management Plan of the district, for the period of time during which the application requesting the renewal of the permit is the subject of a contested case hearing.
4. The district shall, without a hearing, consider an application to renew a permit submitted to the district provided that:
  - a. the application, if required by the district, is submitted in a timely manner and accompanied by any required fees in accordance with rules of the district; and
  - b. the authorized operator is not requesting an amendment to the permit in conjunction with the request to renew the permit.
5. The district shall not renew a permit if the owner of groundwater resources or authorized operator:
  - a. is delinquent in paying a fee required by the district;
  - b. is subject to a pending enforcement action for a substantive violation of a permit, order, or rule of the district that has not been settled by agreement with the district or a final adjudication; or
  - c. has not paid a civil penalty or has otherwise failed to comply with an order resulting from a final adjudication of a violation of a permit, order, or rule of the district.
6. The district shall consider a permit that the district did not renew because the applicant or authorized operator of the is subject to a pending enforcement action for a substantive violation of a permit, order, or rule of the district, which has not been settled by agreement with the district or a final adjudication, to be in effect until the final settlement or adjudication on the matter of the substantive violation.
7. The district shall consider a request to renew a permit, as it existed prior to the initiation of an amendment process, without penalty if the amendment process results in a denial of the amendment unless the applicant or authorized operator of the permit:
  - a. is delinquent in paying a fee required by the district;
  - b. is subject to a pending enforcement action for a substantive violation of a permit, order, or rule of the district that has not been settled by agreement with the district or a final adjudication; or
  - c. has not paid a civil penalty or has otherwise failed to comply with an order resulting from a final adjudication of a violation of a permit, order, or rule of the district.
8. The well owner, well field owner, or well system owner of a non-exempt-use well, a non-exempt-use well field, or a non-exempt-use well system shall submit to the district an application to amend any registrations or permits within ninety days (90 days) of acquiring the non-exempt-use well, the non-exempt-use well field, or the non-exempt-use well system.
9. The district shall consider the permit associated with an application requesting an amendment to the permit as being in effect as the permit existed before the submittal of the administratively complete application requesting an amendment to the permit until the later of:
  - a. the conclusion of the permit amendment or renewal process, as applicable; or
  - b. final settlement or adjudication on the matter of whether the change to the permit requires a permit amendment.
10. The district may initiate the process for amending a permit in connection with the renewal of a permit.
11. The district shall consider the permit associated with an amendment process initiated by the district as being in effect as the permit existed before the district initiated the amendment process until the conclusion of the permit amendment process.

## Summary of Renewal Permits:

Permit	Permit Expiration	Renewal Application Submittal Due Date	Renewal Application	Date Application Received	Effective Date of Administrative Completeness
<u>OPW-20200203-01</u>	7/31/2024	4/31/2024	<u>ARP-20240509-01</u>	5/09/2024	5/20/2024

## Management Recommendation:

Management Recommendation 1: move to approve the following production permit renewals and authorize the general manager to issue production permit renewals for the permits associated with the following renewal requests in accordance with the Rules of the District: ARP-20240509-01.

## Item 4.0 - Report regarding Groundwater Protection

### Previous Consideration by the Board:

MFC-20240415-4.0 - Report regarding Groundwater Protection.

### Management Discussion:

#### Regarding Well Inspections for FY2024.

As of July 14, 2024, staff had recorded 7 well inspection forms (WIFs) since October 1, 2023.

#### Regarding Manage Investigations related to Groundwater Protection for FY2024.

As of July 14, 2024, staff had initiated 0 investigations related to Groundwater Protection since October 1, 2023.

As of July 14, 2024, staff had 1 active investigation related to Groundwater Protection.

#### Regarding Manage Enforcement Cases related to Groundwater Protection for FY2024.

As of July 14, 2024, the Board had initiated 0 enforcement cases related to Groundwater Protection since October 1, 2023.

As of July 14, 2024, staff had 0 unresolved enforcement case violations related to Groundwater Protection.

### Management Recommendation:

None.

## Item 5.0 - Report regarding Groundwater Monitoring

### Previous Consideration by the Board:

MFC-20240415-5.0 - Report regarding Groundwater Monitoring

### Management Discussion:

#### Regarding Monitor Drought Conditions for FY2024.

As of July 14, 2024, the U.S. Drought Monitor (<https://www.drought.gov/states/texas/county/refugio>) indicates that 0% of Refugio County is experiencing experiencing dry or drought conditions.

As of July 14, 2024, drought condition information related to the district and the surrounding region of Texas collected from the Water Data for Texas website (<https://www.waterdatafortexas.org/drought/>) indicates that no portions of Refugio County are experiencing dry or drought conditions.

**Regarding Synoptic Aquifer Monitoring for FY2024.**

As of July 14, 2024, staff had collected 9 water level measurements since October 1, 2023.

**Regarding Advanced Aquifer Monitoring for FY2024.**

On June 7, 2024, staff published real-time aquifer monitoring charts on the website of the district at <https://www.vcgcd.org/real-time-aquifer-monitoring-charts>. The charts display groundwater levels from well GW-00152.

**Regarding Baseline Water Quality Aquifer Monitoring for FY2024.**

No report.

**Regarding Ad-Hoc Baseline Water Quality Sampling for FY2024.**

As of July 14, 2024, staff had collected 7 water quality field measurements since October 1, 2023.

As of July 14, 2024, staff had collected 0 water quality samples since October 1, 2023.

As of July 14, 2024, staff had received 0 water quality lab reports since October 1, 2023.

**Regarding Annual Water Level Assessment for FY2024.**

On July 8, 2024, staff received a proposal from Dr. Young of Intera for a project to update the water level assessment report. See: [MFC-20240715-5.1 - Intera Proposal for Update of Water Level Assessment Report](#).

**Regarding Annual Water Quality Assessment for FY2024.**

No report.

**Regarding Monitoring Network Assessment and Improvement Project for FY2024.**

No report.

**Management Recommendation:**

None.

## **Item 5.1 - Intera Proposal for Update of Water Level Assessment Report**

**Previous Consideration by the Board:**

[MFC-20230717-5.4 - Intera Proposal for Update of Water Level Assessment Report](#)

**Management Discussion:**

On July 8, 2024, Dr. Young of Intera submitted a proposal to Victoria County GCD to apply geostatistical techniques to interpret measured 2023 water levels in Calhoun County GCD, Refugio GCD, Texana GCD and Victoria County GCD. The proposed work will expand the analysis of measured water levels performed by Dr. Young and others in previous years to include measured water levels in 2023.

Intera Proposal to Update Water Levels with 2023 Measurements - 20240708.pdf

 **Untitled Attachment**

The cost for performing the completing the work is \$18,000. The project will be fixed priced. The presentations and the memorandum will be completed in approximately 5 months. Intera will deliver a memorandum and presentations for each participating GCD documenting contours of hydraulic head for CY2023, calculations of water level changes between CY2000 and CY2023, and the geostatistical techniques used to interpret water level measurements.

**Management Recommendation:**

Move to accept the proposal and authorize Intera to proceed with the work with a cost not to exceed \$4,500.00 contingent upon Calhoun County GCD, Victoria County GCD, and Texana GCD agreeing to cost-share at \$4,500.00 per district.

## **Item 6.0 - Report regarding Groundwater Conservation**

### **Previous Consideration by the Board:**

[MFC-20240415-6.0 - Report regarding Groundwater Conservation](#)

### **Management Discussion:**

#### **Regarding Promote Conservation for FY2024.**

No report.

#### **Regarding Conservation Education and Teacher Professional Development for FY2024.**

The district, in cooperation with the Victoria County GCD, University of Houston-Victoria, Victoria ISD, and INVISTA, conducted teacher professional develop workshops on June 26 and June 27, 2024. Mr. Snyder and Mr. Andruss facilitated the workshops.

On June 26 and 27, 2024, district staff conducted workshops to provide professional develop regarding water conservation to science teachers of Victoria County. The workshops were attended by 9 teachers and facilitated by Dr. Teresa Le Sage-Clements and Dr. Dmitri Sobolev of UHV, Ms. Denise Andruss and Mr. Snyder (RGCD Director) of VISD, Mr. Willie Immenhauser, Mr. Mike Benavides, Ms. Caitlynn Davenport, and Mr. Andruss of VCGCD.

The teachers participate in activities and exercises related to understanding the hydrologic cycle; the use of physical models to understand watershed and aquifers; site visits and sample collection at the Guadalupe River at Riverside Park, a water well at the Clements Ranch, and the wetlands at the INVISTA Plant in Victoria County; risks to water resource; water resource conservation approaches; and technological and scientific advancements in water conservation.

The participating teachers provided evaluation of the workshops to assist in improving similar projects undertaken in the future.

Based on the feedback received from the participants and facilitators, staff anticipates developing a similar project proposal for consideration by the Board in FY2025.

### **Management Recommendation:**

None.

## **Item 7.0 - Report regarding Groundwater Resource Planning**

### **Previous Consideration by the Board:**

[MFC-20240415-7.0 - Report regarding Groundwater Resource Planning](#)

### **Management Discussion:**

#### **Regarding Regional Water Planning Participation for FY2024.**

The South Central Texas Regional Water Planning Group (Region L) met on May 2, 2024. During the meeting, the planning group continued its efforts to develop the 2026 regional water plan for the region, considered a proposed

amendment to the 2021 SCTRWPG regional plan to add GBRA's planned pipeline from Calhoun County to Gonzales County. During the meeting the planning group members elected new officers.

The planning group has created several workgroups to work on certain aspects of the developing plan including a Policy and Legislative Recommendation Workgroup and a Rural Community Outreach Workgroup. Staff of the district have been participating in those workgroups.

The next meeting of the group is scheduled to meet on August 1, 2024. See: <https://www.regionltexas.org/>.

### **Regarding GMA 15 Joint Planning for 4th Planning Cycle in FY2024.**

The representatives of Groundwater Management Area 15 met on July 11, 2024 in Fayette County. The primary topics of discussed at the meeting werethe project scope and cost of the technical work proposed by Intera (the preferred and only respondent to the associated RFP) and groundwater availability modeling. Staff encouraged the representatives to contribute more funding to the GMA 15 Joint Planning Fund to avoid substantial limitation to the scope of the proposed technical work to be preformed by Intera. See: [MFC-20240715-7.1 - GMA 15 Joint Planning](#)

### **Management Recommendation:**

None.

## **Item 7.1 - GMA 15 Joint Planning**

### **Previous Consideration by the Board:**

### **Management Discussion:**

The representatives of Groundwater Management Area 15 are scheduled to meet on July 11, 2024 in Fayette County. The primary topics of discussion anticipated at the meeting are the project scope and cost of the technical work proposed by Intera (the preferred and only respondent to the associated RFP) and groundwater availability modeling. Staff will encourage the representatives to contribute more funding to the GMA 15 Joint Planning Fund to avoid substantial limitation to the scope of the proposed technical work to be preformed by Intera.

Staff resumed efforts to negotiate terms of an agreement with Intera for providing the proposed technical services to the GMA-15 Committee because 1) the majority of the member districts of GMA 15 have adopted the by-laws and cost-sharing agreement, 2) the majority of he member district the GMA-15 Committee have submitted their contributions to the fund for the the technical services for the 4th cycle of joint planning, and 3) the TWDB agreed to allow the use of the "GAM for the central portion of the Gulf Coast Aquifer System" by GMA 15.

As of May 31, 2024, the GMA 15 Joint Planning Fund has a balance of \$70,832.21. The costs for the proposal submitted by Intera for the adoption of the DFC in the 4th Joint Planning Cycle was \$90,000.

The approved cost sharing agreement included the following cost sharing schedule:

<b>Member Districts of GMA 15</b>	<b>Minimum Contribution</b>	<b>Approved GMA 15 Cost Sharing Agreement (as of July 3, 2024)</b>	<b>Contributions Remitted to GMA 15 Administrator (as of July 3, 2024)</b>
Bee GCD	\$3,750.00	Yes	Yes
Calhoun County GCD	\$7,500.00	Yes	Yes
Coastal Bend GCD	\$7,500.00	Yes	Yes



Coastal Plains GCD	\$7,500.00	Yes	Yes
Colorado County GCD	\$7,500.00	Yes	Yes
Corpus Christi ASRCD	\$3,750.00		
Evergreen UWCD	\$3,750.00	Yes	Yes
Fayette County GCD	\$3,750.00	Yes	Yes
Goliad County GCD	\$7,500.00		
Pecan Valley GCD	\$7,500.00	Yes	Yes
Refugio GCD	\$7,500.00	Yes	Yes
Texana GCD	\$7,500.00	Yes	Yes
Victoria County GCD	\$7,500.00	Yes	Yes
<b>Total</b>	<b>\$82,500.00</b>		

Due to the funding gap between GCD contributions and Intera's proposed cost, VCGCD and Intera are examining ways to alter the scope of the project to address the funding short fall. VCGCD has suggested the following revisions for consideration by Intera:

<b>Task/Activity</b>	<b>Deliverables</b>	<b>Cost</b>	<b>Proposed Change</b>	<b>Suggested Cost</b>
Kickoff Meeting	Contract for GAM evaluation	\$1,500.00		\$1,500.00
Evaluate Updated GAM and TWDB Benchmark Run with Current	Presentation of findings	\$7,500.00	Eliminate	\$0.00
Meeting to Establish Final Scope, Schedule, and Budget	Contract for Joint Planning	\$1,500.00		\$1,500.00
Task 1 - Attend quarterly Committee meetings	Written status reports and presentation	\$9,000.00	Reduce to 5 Meetings	\$7,500.00
Task 2 - Model groundwater availability associated with proposed DFCs	Draft and final report	\$18,000.00	Limit to 4 Pumping Simulations	\$15,000.00
Task 3 - Document aquifer uses or conditions	Draft and final report	\$4,000.00	Limit to minor update of 3rd Joint Planning Cycle Report	\$2,000.00
Task 4 - Document water supply needs and water management strategies in SWP	Draft and final report	\$3,500.00		\$3,500.00
Task 5 - Document GMA 15 hydrological conditions	Draft and final report	\$5,000.00	Limit to minor update of 3rd Joint Planning Cycle Report	\$2,500.00
Task 6 - Document environmental impacts	Draft and final report	\$4,000.00		\$4,000.00
Task 7 - Document impacts on subsidence	Draft and final report	\$4,000.00		\$4,000.00
Task 8 - Document socioeconomic impacts	Draft and final report	\$6,000.00		\$6,000.00
Task 9 - Document impacts on private property	Draft and final report	\$2,000.00	Limit to minor update of 3rd Joint Planning Cycle Report	\$1,000.00
Task 10 - Document feasibility of achieving DFCs	Draft and final report	\$3,000.00		\$3,000.00
Task 11 - Document other relevant information	Draft and final report	\$3,000.00	Limit to minor update of 3rd Joint Planning Cycle Report	\$1,500.00

			Report	
Task 12 - Document public comments	Draft and final report	\$4,000.00		\$4,000.00
Task 13 - Prepare explanatory report	Draft and final report	\$14,000.00		\$14,000.00
Task 14 - Technical support in event of petition	To be determined	\$0		\$0
<b>Total</b>		<b>\$90,000.00</b>		<b>\$71,000.00</b>

Staff recommended to the representatives of the funding districts at the GMA 15 meeting to seek additional funding in the amount of \$2,000 to fully fund the project as initially proposed.

Additional contributions could be available for additional GAM simulations, updates to historic pumping in the CGC-GAM, improvements to the explanatory report, or addendums to the GMA 15 explanatory report.

### Management Recommendation:

Move to authorize increased an increased contribution of \$2,000 to the GMA 15 Joint Planning Fund.

## Item 8.0 - Report regarding Groundwater Policy

### Previous Consideration by the Board:

MFC-20240415-8.0 - Report regarding Groundwater Policy.

### Management Discussion:

#### Regarding Management Plan Revisions for FY2024.

No report.

#### Regarding Rule Amendments for FY2024.

Staff have developed draft revisions to the rules of the district to address the following aspects of the rules of the district:

1. appropriate requirements and procedures related to amendment requests of waivers associated with production permits,
2. appropriate requirements and procedures related to amendment requests of production permits, and
3. appropriate requirements and procedures regarding renewal and expiration of production permits associated with proposed wells

See: MFC-20240715-8.1 - Proposed Rule Revisions.

#### Regarding Legislative Support and Lobbying for FY2024.

No report.

### Management Recommendation:

None.

# Item 8.1 - Proposed Rule Revisions

## Previous Consideration by the Board:

MFC-20240205-8.1 - Hearing regarding Proposed Rules.

## Management Discussion:

On April 15, 2024, the Board of Directors was notified of several aspects of the rules of the district that would benefit from revision. Staff developed draft revision to address the concerns with the requirements and procedures related to 1) well spacing requirements, 2) amendment requests of production permits, 3) renewal and expiration of production permits associated with proposed wells, and 4) enforcement notice requirements.

### Well Spacing Issue:

Issue Description: applicants could request the renewal of a production permit for non-historic uses (*and possibly applicants for production permits for non-historic uses related to an existing non-grandfathered well*) for which:

1. the boundary of ownership or control of groundwater resources associated with the request is closer than 1 foot per GPM of separation from the nearest point along the boundary of the subject boundary of ownership of land,
2. the request is compliant with the rules of the district, but
3. the request is inconsistent with the long-standing policy of the board requiring 1 foot of separation per 1 GPM of production rate of a well.

The rules of the district only address production rates and spacing limitations, under item 2 of RULE 2.2: WELL SPACING REQUIREMENTS OF WELLS, with the following provision: "A person drilling or having drilled a non-grandfathered well or a replacement well for a non-grandfathered well that is not a deep-saline well shall locate the non-grandfathered well in a position that is offset from the boundary of the subject tracts of contiguous ownership of land by at least one foot (1 foot) of separation per one gallon per minute of production capacity of the non-grandfathered well."

Staff suggests that the Board consider the amendment of the rules of the district to include the following provisions:

- under RULE 2.2: WELL SPACING REQUIREMENTS OF WELLS:
  - A person shall not produce groundwater from a well for non-historic uses, except wells operated solely to produce groundwater under a production permit for deep-saline non-historic use, at a rate exceeding a ratio of one gallon per minute per foot (1 GPM / 1 foot) of separation between the well and the nearest point along the boundary of ownership of land containing with the well.
- under RULE 6.1.1: GROUNDWATER PRODUCTION LIMITATIONS OF NON-GRANDFATHERED NON-EXEMPT-USE WELLS:
  - The district shall limit the authorized groundwater production rate of a production permit for non-historic use of a non-exempt-use well, except wells operated solely to produce groundwater under a production permit for deep-saline non-historic use, to a rate not exceeding a ratio of one gallon per minute per foot (1 GPM / 1 foot) of separation between the well and the nearest point along the boundary of ownership of land containing the well.
- under RULE 6.1.2: GROUNDWATER PRODUCTION LIMITATIONS OF NON- GRANDFATHERED NON-EXEMPT-USE WELLS FIELDS:
  - The district shall limit the authorized groundwater production rate of a production permit for non-historic use for each well of a non-exempt-use well field, except wells operated solely to produce groundwater under a production permit for deep-saline non-historic use, to a rate not exceeding a ratio of one gallon per minute per foot (1 GPM / 1 foot) of separation between the well and the nearest point along the boundary of ownership of land containing the well.
- under RULE 6.1.3: GROUNDWATER PRODUCTION LIMITATIONS OF NON- GRANDFATHERED NON-EXEMPT-USE WELL SYSTEMS:
  - The district shall limit the authorized groundwater production rate of a production permit for non-historic use for each well of a non-exempt-use well system, except wells operated solely to produce groundwater under a

production permit for deep-saline non-historic use, to a rate not exceeding a ratio of one gallon per minute per foot (1 GPM / 1 foot) of separation between the well of the well system and the nearest point along the boundary of ownership of land containing the well.

### **Permit and Waiver Amendment Issue:**

Issue Description: The rules of the district lack explicit specification of the policies and procedures of the board regarding amendment requests for permits and waivers that are solely administrative in nature such as changes to name and address information as compared to amendment requests for permits and waivers that are substantive such as changes to production areas, monitoring and reporting requirements, and production amounts and rates.

Issue Description: The rules of the district fail to address how, if at all, a production permit approved for a proposed well is eligible for renewal potentially creating the unintended consequence of perpetual renewal of speculative production permits.

Staff suggests that the Board consider the amendment of the rules of the district to include the following provisions:

- under RULE 4.4: GENERAL PROCEDURES RELATED TO RENEWAL AND AMENDMENT OF PERMITS:
  - The board of directors shall consider administratively complete applications to amend a permit or waiver requested by the well owner, authorized agent, or the authorized operator of a permit or waiver that involve the substantive provisions of the related permit or waiver such as production rates, production amounts, purposes of use, or conditions of the permit.
  - The general manager may process and issue amendments to permits and waivers associated with administratively complete applications to amend a permit requested by the well owner, authorized agent, or the authorized operator of a permit that are solely administrative in nature that do not involve the substantive provisions of the related permits or waivers such as production rates, production amounts, purposes of use, or conditions of the permit.
- under RULE 4.4: GENERAL PROCEDURES RELATED TO RENEWAL AND AMENDMENT OF PERMITS:
  - The district shall not renew a permit associated with a proposed well.

### **Enforcement Notice Issue:**

Issue Description: in the course of pursuing compliance with the rules of the district through enforcement proceedings, staff have identified a procedural inconsistency related to certain notices provided to violators - the requirement to "include a draft copy of the petition to be filed."

Staff suggests removing item 2 of Rule 11.9 which reads "Any notice of need to file suit sent to the person who is alleged to have violated the rules of the district shall include a draft copy of the petition to be filed."

On July 12, 2024, Tim Andruss identified another aspect of the rules that may warrant revision. Rule 4.4 states the following:

1. The district shall not renew a permit that has expired before an administratively complete application requesting the renewal of the permit has been submitted to the district.
2. The well owner, authorized agent, or the authorized operator of a permit shall submit an application requesting the renewal of the permit at least ninety days (90 days) prior to the permit expiration date.

Upon reflection on the requirements associated with permit renewals and the past practices, staff proposes a revision to item 2 of Rule 4.4 as follows:

*The well owner, authorized agent, or the authorized operator of a permit shall submit an administratively complete application requesting the renewal of the permit ~~at least ninety days (90 days)~~ prior to the permit expiration date.*

### **Management Recommendation:**

Move to authorize the General Manger to complete the public notice requirements to hold a rulemaking hearing at the October 2024 meeting of the Board of Directors for the proposed rule revisions.

# Item 9.0 - Report regarding Administration and Management

## Previous Consideration by the Board:

[MFC-20240415-9.0 - Report regarding Administration and Management](#)

## Management Discussion:

### Regarding Election Coordination for CY2024.

On June 28, 2024, staff posted the Notice of Candidate Filing Deadline on the website of the district at <https://www.rgcd.org/election-notice>.

### Regarding Financial Audit for FY2023.

See: [MFC-20240715-9.6 - Financial Audit for FY2023.](#)

### Regarding Investment Management for FY2024.

See: [MFC-20240715-9.3 - Investments of the District.](#)

### Regarding Financial Record Processing and Reporting for FY2024.

See: [MFC-20240715-9.2 - Financial Reports of the District.](#)

See: [MFC-20240715-9.2.1 - Financial Transaction Review.](#)

See: [MFC-20240715-9.4 - Unpaid Accounts Payable.](#)

### Regarding Budget Development for FY2025.

See: [MFC-20240715-9.7 - Preliminary Budget Information for FY2025.](#)

### Regarding Asset Tracking for FY2024.

No report.

### Regarding Public Funds Training for FY2024.

On June 6, 2024, Ms. Davenport and Mr. Andruss participated in the 2024 Public Funds Investment Act training offered by the Texas Alliance of Groundwater Conservation Districts.

### Regarding Website Improvements.

On June 7, 2024, staff published real-time aquifer monitoring charts on the website of the district at <https://www.vcgcd.org/real-time-aquifer-monitoring-charts>.

### Regarding Public Notice and Meeting Coordination for FY2024.

The next meetings of the Board are scheduled for **August 19, 2024** (Budget and Tax Rate Matters), and **October 21, 2024**, with each meeting to convene at 6:00 PM. Regular meetings will be rescheduled as necessary and special meeting may be scheduled to address unforeseen issues.

See: [MFC-20240715-9.1 - Minutes of Previous Meetings.](#)

### Regarding Performance Audit for FY2023.

See: [MFC-20240715-9.5 - Annual Performance Report of the District.](#)

### Regarding Project Management for FY2024.

No report.

### Regarding Administrative Policy Review for FY2024.

No report.

### Regarding Transparency Reporting for FY2024.

No report.

### Regarding Cybersecurity Training for FY2024.

No report.

### Regarding Consultant Review for FY2024.

No report.

**Regarding Open Government Training for FY2024.**

No report.

**Regarding District Liability Insurance Review and Renewal for FY2024.**

No report.

**Regarding Digital Record Archiving for FY2024.**

Staff continue to create digital archives for the records of the district.

**Regarding Physical Record Archiving for FY2024.**

Staff continue to create physical archives for select records of the district.

**Management Recommendation:**

None.

## Item 9.1 - Minutes of Previous Meetings

**Previous Consideration by the Board:**

[MFC-20240415-9.1 - Minutes of Previous Meetings](#)

**Management Discussion:**

The minutes for the previous meeting were sent the board members prior to the meeting.

[RGCD - Adm - MM - Meeting Minutes - 20240415 - Board of Directors](#)

[RGCD - Meeting Minutes - 20240415 - Final.pdf](#)

 [Untitled Attachment](#)

**Management Recommendation:**

Move to accept and approved the meeting minutes for April 15, 2024, as drafted.

## Item 9.2 - Financial Reports of the District

**Previous Consideration by the Board:**

[MFC-20240415-9.2 - Financial Reports of the District](#)

**Management Discussion:**

The internal financial reports of the District for March, April and May 2024, have been sent to the directors prior to the meeting.

[RGCD - Adm - FM - Internal Control Review Reports - ICRR-20240331-01 - March 2024](#)

[RGCD - Adm - FM - Internal Control Review Reports - ICRR-20240331-01 - March 2024](#)

 [Untitled Attachment](#)

[RGCD - Adm - FM - Internal Financial Reports - IFR-20240331-01 - FY2024-M06 - March 2024](#)

[RGCD - Internal Financial Report - March 2024](#)

 [Untitled Attachment](#)

[RGCD - Adm - FM - Internal Control Review Reports - ICRR-20240430-01 - April 2024](#)

[RGCD - Adm - FM - Internal Control Review Reports - ICRR-20240430-01 - April 2024](#)

 **Untitled Attachment**

[RGCD - Adm - FM - Internal Financial Reports - IFR-20240430-01 - FY2024-M07 - April 2024](#)

[RGCD - Internal Financial Report - April 2024](#)

 **Untitled Attachment**

[RGCD - Adm - FM - Internal Control Review Reports - ICRR-20240531-01 - May 2024](#)

[RGCD - Adm - FM - Internal Control Review Reports - ICRR-20240531-01 - May 2024](#)

 **Untitled Attachment**

[RGCD - Adm - FM - Internal Financial Reports - IFR-20240531-01 - FY2024-M08 - May 2024](#)

[RGCD - Internal Financial Report - May 2024](#)

 **Untitled Attachment**

## Management Recommendation:

Move to accept and approve the financial reports for March, April and May 2024.

## Item 9.2.1 - Financial Transaction Review

### Previous Consideration by the Board:

[MFC-20240415-9.2.1 - Financial Transaction Review](#)

### Management Discussion:

The list below identifies each accounts payable transaction that was recorded since March 1, 2024, as of July 4, 2024:

1. [ACCTP-20240326-01 - \\$339.13 - Card Service Center](#)
2. [ACCTP-20240326-02 - \\$971.59 - RCAD - 2nd Qtr](#)
3. [ACCTP-20240326-03 - \\$179.55 - Victoria Advocate](#)
4. [ACCTP-20240326-04 - \\$250.00 - John Snyder - March Meeting](#)
5. [ACCTP-20240326-05 - \\$250.00 - John Snyder - April Meeting](#)
6. [ACCTP-20240326-06 - \\$500,000.00 - Deposit to CD](#)
7. [ACCTP-20240331-01 - \\$15.88 - Account Analysis Charge](#)
8. [ACCTP-20240415-01 - \\$214.40 - Victoria Advocate](#)
9. [ACCTP-20240415-02 - \\$317.00 - Office Systems](#)
10. [ACCTP-20240415-03 - \\$7,500.00 - VCGCD](#)
11. [ACCTP-20240415-04 - \\$630.00 - ABM](#)
12. [ACCTP-20240415-05 - \\$360.00 - ABM](#)
13. [ACCTP-20240415-06 - \\$250.00 - Carroll Borden - March Meeting](#)
14. [ACCTP-20240415-07 - \\$250.00 - Fredric Biery - March Meeting](#)
15. [ACCTP-20240415-08 - \\$250.00 - Fredric Biery - April Meeting](#)
16. [ACCTP-20240415-09 - \\$250.00 - Cynthia Rose - March Meeting](#)
17. [ACCTP-20240415-10 - \\$250.00 - Cynthia Rose - April Meeting](#)
18. [ACCTP-20240415-11 - \\$3,600.00 - Holmstrom - Jan-June 2024](#)
19. [ACCTP-20240415-12 - \\$3,600.00 - Holmstrom - July-Dec 2024](#)
20. [ACCTP-20240415-13 - \\$600.00 - Card Service Center](#)
21. [ACCTP-20240415-14 - \\$6,045.00 - WellIntel, Inc.](#)
22. [ACCTP-20240430-01 - \\$16.36 - Account Analysis Charge](#)
23. [ACCTP-20240430-03 - \\$250.00 - Carroll Borden - April Meeting](#)
24. [ACCTP-20240531-01 - \\$15.92 - Account Analysis Charge](#)



The list below identifies each accounts receivable transaction that was recorded since March 1, 2024, as of July 4, 2024:

1. [ACCTR-20240307-01 - \\$1,362.41 - RTAC - Tax Collections](#)
2. [ACCTR-20240318-01 - \\$1,104.26 - RTAC - Tax Collections](#)
3. [ACCTR-20240331-01 - \\$76.45 - Interest](#)
4. [ACCTR-20240402-01 - \\$657.86 - RTAC - Tax Collections](#)
5. [ACCTR-20240430-01 - \\$66.58 - Interest](#)
6. [ACCTR-20240430-02 - \\$1,426.31 - Interest](#)
7. [ACCTR-20240430-03 - \\$500,000.00 - Open CD](#)
8. [ACCTR-20240503-01 - \\$1,297.07 - RTAC - Tax Collections](#)
9. [ACCTR-20240531-01 - \\$38.16 - Interest](#)
10. [ACCTR-20240531-02 - \\$790.43 - Interest](#)

## Management Recommendation:

None.

## Item 9.3 - Investments of the District

### Previous Consideration by the Board:

[MFC-20240415-9.3 - Investments of the District](#)

### Management Discussion:

As of July 14, 2024, the District's account with TexPool has not been activated.

The investment reports for March, April, May and June 2024 have been sent to the board prior to the meeting.

[RGCD - Adm - FM - Investment Report - IR-20240331-01 - FY2024M06 - March 2024](#)

RGCD - Investment Report - March 2024

 [Untitled Attachment](#)

[RGCD - Adm - FM - Investment Report - IR-20240430-01 - FY2024M07 - April 2024](#)

RGCD - Investment Report - April 2024

 [Untitled Attachment](#)

[RGCD - Adm - FM - Investment Report - IR-20240531-01 - FY2024M08 - May 2024](#)

RGCD - Investment Report - May 2024

 [Untitled Attachment](#)

[RGCD - Adm - FM - Investment Report - IR-20240630-01 - FY2024M09 - June 2024](#)

RGCD - Investment Report - June 2024

 [Untitled Attachment](#)

### Management Recommendation:

Move to 1) accept the investment reports for March, April, May and June 2024 and 2) authorize the general manager to close CDs 1118 and 7163 upon maturity and open a 1-year CD for \$500,000 with Woodforest Bank upon CD closure.

## Item 9.4 - Unpaid Accounts Payable

## Previous Consideration by the Board:

MFC-20240415-9.3 - Investments of the District

## Management Discussion:

The District has outstanding accounts payable invoices that are not considered regular and routine for which the District has received the goods and services billed for under the invoices.

## Management Recommendation:

Move to authorize the general manager to pay the following items:

1. ACCTP-20240715-01 - \$1,950.00 - Allison, Bass & Magee, LLP
2. ACCTP-20240715-02 - \$630.00 - Allison, Bass & Magee, LLP
3. ACCTP-20240715-03 - \$250.00 - Carroll Borden - July Meeting
4. ACCTP-20240715-04 - \$250.00 - John Snyder - July Meeting
5. ACCTP-20240715-05 - \$250.00 - Fredric Biery - July Meeting
6. ACCTP-20240715-06 - \$250.00 - Cynthia Rose - July Meeting

# Item 9.5 - Annual Performance Report of the District

## Previous Consideration by the Board:

MFC-20230417-11.1 - Report regarding Performance Management of the District for FY2022

## Management Discussion:

On July 15, 2024, management compiled the annual performance report for the fiscal year ending September 30, 2023. Based on the review of the activities and projects of the Victoria County Groundwater Conservation District between October 1, 2022, and September 30, 2023, and an assessment of the performance standards, management has determined that all goals and associated objectives established within the Management Plan of the District have been fully achieved during the fiscal year ending September 30, 2023.

## Management Recommendation:

Move to accept and approve the annual performance report for the fiscal year ending September 30, 2023.

# Item 9.6 - Financial Audit for FY2023

## Previous Consideration by the Board:

MFC-20231016-9.7 - Financial Audit for the Previous Fiscal Year

## Management Discussion:

On October 16, 2023, the Board accepted the offer of Goldman, Hunt and Notz, LLP to perform the financial audit for the fiscal year ending September 30, 2023, and authorize the firm to begin the audit upon development of the internal financial reports for September 30, 2023.

Mr. Cox of Goldman, Hunt and Notz has informed staff that the audit will be presented at the meeting.

## Management Recommendation:

Move to accept and approve the financial audit for the fiscal year ending September 30, 2023.

## Item 9.7 - Preliminary Budget Information for FY2025

### Previous Consideration by the Board:

MFC-20220906-5.1 - Budget Recommendation for FY2023

### Management Discussion:

Staff will develop and present a budget for the fiscal year ending September 30, 2025, at the meeting scheduled for August 19, 2024, that attempts to fund the operations of the District in a manner that provides for 1) the accomplishment of the management plan goals and objectives and 2) the completion of certain projects and tasks associated with the administration of the district, groundwater conservation, groundwater management and permitting, groundwater monitoring, groundwater policy development, groundwater protection, groundwater research, and groundwater resource planning, and 3) the avoidance of a budget deficit in Fiscal Year 2024-2025.

The anticipated balance of the Operating Fund at the end of the fiscal year is \$398,416.01. The anticipated balance of the Reserve Fund at the end of the fiscal year is \$1,189,005.19.

Staff will develop the proposed budget anticipating the commitment of the monies of the Reserve Fund in Fiscal Year 2024-2025 in accordance with the following schedule:

- Groundwater Conservation: 5%
- Groundwater Management: 25%
- Groundwater Monitoring: 25%
- Groundwater Protection: 10%
- Groundwater Research: 5%
- Groundwater Resource Planning: 5%
- Legal Contingencies: 25%

Staff will develop the proposed budget anticipating the approval of a tax rate equal to the No-New-Revenue Tax Rate calculated by the Tax Assessor-Collector for Tax Year 2024.

#### FY2024 - 2025: Budget: Management Recommendation by Item

Budget Item Description	Specific Budget Recommendation of FY24	Specific Change for FY25	Percent Change for FY25	Budget Recomm for FY25
IT Service - Office Productivity Service - Microsoft 365	-\$1,800.00		10%	
IT Service - Printer Service	-\$1,000.00	\$500.00	5%	
IT Service - Workflow System - Evernote	-\$1,200.00	\$200.00	5%	
IT Service - Digital File Storage System - Dropbox	-\$600.00		5%	
IT Service - Website Hosting - Streamline	-\$1,800.00		5%	
IT Service - Phone - Office - ATT	-\$2,750.00		5%	

IT Service - Internet - ATT	-\$1,000.00		5%	
Public Notices - Elections	-\$100.00			
Public Notices - Financial	-\$100.00			
Public Notices - Meetings	-\$200.00			
Public Notices - Permitting	-\$1,500.00		5%	
Public Notices - Planning	-\$100.00			
Public Notices - Rulemaking	-\$500.00	\$400.00		
Misc Expense	-\$100.00			
Legal Services - General Consultation	-\$10,000.00		5%	
Legal Services - Legislative Representation	-\$5,000.00		5%	
Election Administration for 2024 Elections	-\$5,000.00			
Financial Audit Services	-\$10,000.00			
Technical Services - Tax Collections	-\$5,500.00	\$1,400.00		
Technical Services - Appraisals	-\$7,500.00	\$3,500.00		
Technical Services - VCGCD	-\$69,300.00	-\$35,700.00		-
Insurance - Liability	-\$1,500.00		5%	
Insurance - Surety Bonds	-\$500.00		5%	
Supplies - Office General	-\$1,000.00		5%	
Supplies - Paper for Records Archiving	-\$1,500.00		5%	
Supplies - Stamps and Certified Mail Expenses	-\$2,500.00		5%	
Travel Expenses - Mileage Reimbursement	-\$1,500.00		5%	
Equipment - Office	-\$1,000.00		5%	
Lease - Office	-\$7,200.00		5%	
Sponsorship - Wetlands Field Trips	-\$5,000.00			
Permitting Technical Assistance	-\$1,000.00		5%	
Aquifer Condition Assessment - Geostatistics re Water Levels	-\$5,000.00		5%	
Aquifer Monitoring Well Network Development - WellIntel	-\$35,000.00			
Evaluation of Data re Investigations	-\$1,000.00		5%	
Lab Analysis of Groundwater Samples	-\$1,000.00		5%	

Technical Services - VCGCD - Mileage and Supplies Reimbursement	-\$2,500.00		5%	
Equipment Maintenance and Repair - Groundwater Monitoring	-\$1,000.00		5%	
Misc Expense	-\$100.00		5%	
Evaluation of Data re Investigations	-\$1,000.00			
Sponsorship - Well Plugging	-\$1,000.00			
DFC Development Support	-\$7,500.00			
<b>Total</b>	<b>-\$202,850.00</b>			<b>-\$</b>

### Management Recommendation:

Move to authorize the general manager to publish the required tax rate notices for the district based on the lesser of the No-New-Revenue Tax Rate calculated by the Tax Assessor - Collector for Tax Year 2024 or the Tax Rate for Tax Year 2023.

## Item 9.8 - Cyber Liability and Data Breach Response Coverage

### Previous Consideration by the Board:

None.

### Management Discussion:

TML has created a new cybersecurity insurance fund in response to increased financial exposure from cybercriminal behavior . TML is requiring all entities to deliberately “opt-in” to continue cybersecurity coverage.

TML - Cyber Liability and Data Breach Response Coverage.pdf



### Management Recommendation:

Move to accept and opt-in to the TML Cyber Liability and Data Breach Response Coverage and authorize the general manager to submit any necessary documentation necessary to obtain the coverage for the District.

## Item 9.9 - Discount Rates for 2024 Tax Collections

### Previous Consideration by the Board:

[MFC-20220718-13.2 - Tax Collection Discount Rate](#)

### Management Discussion:

The district has received an inquiry from the Refugio County Tax Assessor-Collector regarding the approval of discount rates on 2024 tax collections and split payments without penalty.

RGCD - 2024 Tax Collections - Discount Rate.pdf

 **Untitled Attachment**

On July 18, 2022, the board authorized the Refugio Tax Assessor-Collector to allow taxpayers to pay any remaining balance of taxes owed to the District for Tax Year 2022 by July 1, 2023, for any taxpayer who pays 50% or more of the taxes owed to the District for Tax Year 2022 before December 1, 2022; and 2) continue this policy for subsequent tax years until revised or terminated by the Board of Directors.

### **Management Recommendation:**

None.

## **Item 10.0 - Legal Counsel Report**

### **Previous Consideration by the Board:**

### **Management Discussion:**

none.

### **Management Recommendation:**

none.

## **Item 11.0 - Adjourn Meeting**

### **Management Discussion:**

none.

### **Management Recommendation:**

move to adjourn the meeting after concluding all business of the District.