

Refugio Groundwater Conservation District

604 E. Commerce St., Refugio, Texas 78377

P.O. Box 116, Refugio, Texas 78377

Phone (361) 526-1483 | Fax (361) 526-1294 | www.rgcd.org

THE STATE OF TEXAS
REFUGIO COUNTY

The Board of Directors of the Refugio Groundwater Conservation District convened a meeting on April 15, 2024, at 6:00 PM at the First Baptist Church of Woodsboro Fellowship Hall, 309 Johnson Street, Woodsboro, Texas 78393

Meeting Attendance:

Precinct 1:	Mr. John Snyder, Treasurer	Present
Precinct 2:	Mr. Carroll Borden, President	Present
Precinct 3:	Ms. Cynthia Rose	Present
Precinct 4:	Mr. Fredric Biery, Secretary	Present
At Large:	Vacant	Absent
General Manager:	Mr. Timothy Andruss	Present
Legal Counsel:	Mr. James Allison	Present

Agenda Item 1: Call the meeting to order and welcome guests.

Meeting Discussion: Carroll Borden called the meeting to order at approximately 6:00 PM.

Board Action: No action taken.

Agenda Item 2: Receive public comments.

Meeting Discussion: None.

Board Action: None.

Agenda Item 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.

3.0 – Report regarding Groundwater Management

Meeting Discussion: Mr. Andruss provided the following report:

Regarding Well Registration Processing for FY2024.

As of April 2, 2024, staff had received 4 well registration applications (ARWs) since October 1, 2023:

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As of April 2, 2024, staff had received 5 Notices of Intent to Drill a Well (NIDWs) since October 1, 2023:

Regarding Production Permit Renewal Processing for FY2024.

As of April 2, 2024, staff had received 0 production permit renewal requests (ARPs) since October 1, 2023.

Regarding Permit Processing for FY2024.

As of April 2, 2024, staff had initiated 3 permitting request case (PRCs) since October 1, 2023:

As of April 2, 2024, staff had 1 permitting request case pending:

As of April 8, 2024, staff had 24 active or approved production permits recorded in the permitting database with a combined amount of authorized groundwater production per year of 1,972.09 acre-feet.

Regarding Groundwater Production Report Processing for CY2023.

As of April 2, 2024, staff had processed 40 groundwater production reports for the preceding calendar year since October 1, 2023.

As of April 8, 2024, staff had recorded groundwater production reports for 40 water wells reporting 1,019.27 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 April 2, 2024, staff had initiated 2 investigations related to groundwater management (i.e., permitting) since October 1, 2023:

As of April 2, 2024, staff had 2 active investigations related to groundwater management (i.e., permitting):

Regarding Manage Enforcement Cases related to Permitting Violations for FY2024.

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As of April 2, 2024, the Board had initiated 2 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):

Board Action: None.

3.1 – Investigation – INV-20231115.1519 – Failure to Report Groundwater Production

Meeting Discussion: Mr. Andruss explained as of April 4, 2024, the District has identified 2 wells under investigation Investigations - INV-20231115.1519 - Failure to Satisfy Rules of the District - Production Reporting for CY2023 - Active that have potentially violated RULE 4.2: REPORTING REQUIREMENT RELATED TO NON-EXEMPTUSE WELLS by failing to report the volume of groundwater produced from the non-exempt-use well for the previous calendar year (January 1 to December 31) during January of the current calendar year.

On November 11, 2023, the general manager initiated the investigation.

On April 2, 2024, the general manager developed a list of wells and ownership information related to well that appear to have failed to satisfied the requirement to report groundwater production for CY2023.

RGCD - List of Wells and Ownership Data - Potential Failure to Report Groundwater Production - 20240402.pdf

The district has classified the potential violators based on landownership (no tax parcel identified for NW-00382) into the following groups based the provisions of RULE 11.10: PENALTIES of the Rules of the District:

Group 1: Persons with one violation and no previous violations:

none.

Group 2: Persons with multiple violations and no previous violations:

none.

Group 3: Persons with previous violation of the related rule in the previous 5-year period:

1. JM PRESSURE PUMPING LLC; 706 LANTANA ST; REFUGIO; TX; 78377; NW-00472

a. Enforcement Case Violation - ECV-20230418-04 - JM PRESSURE PUMPING LLC (South Central Cementers) - Failure to Report Groundwater Production CY2022 for Well NW-00472 - Resolved

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2. Roywell Services, Inc., P.O. Box 1329. Bellaire, Texas 77402;
NW-00382

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

b. Enforcement Case Violation - ECV-20221031-03 - Roywell Services INC - Failure to Report Groundwater Production - Unresolved

If the boards find that violations have occurred in the instances identified in file RGCD - List of Wells and Ownership Data - Potential Failure to Report Groundwater Production - 20240402.pdf and instruct staff to proceed with enforcement efforts, staff will:

- a) mail 1st notice of violation and any approved settlement offer to the landowner associated with the appraisal district tax parcel by CMRRR and to the registered well owner by regular mail by May 1, 2024;
- b) mail the 2nd notice of violation and any approved settlement offer to the landowner associated with the appraisal district tax parcel by CMRRR and to the registered well owner by regular mail by June 1, 2024,
- c) mail the notice of need to file suit and any approved settlement offer to the landowner associated with the appraisal district tax parcel by CMRRR and to the registered well owner by regular mail by June 30, 2024,
- d) publish an enforcement hearing notice for any unresolved violations for the July 15, 2024 board meeting by July 5, 2024, and
- e) present any unresolved violations to the board at the July 15, 2024 meeting with a recommendation that board: 1) confirm the findings of violation and penalties and 2) referred to the violations to legal counsel for filing suit before the meeting scheduled for October 16, 2024.

Board Action: Mr. Borden moved to:

For Group 3:

Persons with a previous violation of the related rule in the previous 5-year period.

1. find that JM Pressure Pumping (Well registered to South Central Cementers) violated RULE 4.2: REPORTING REQUIREMENT RELATED TO NON-EXEMPTUSE WELLS of the Rules of the District related to well NW-00472 unless evidence to the contrary or evidence of relevant extenuating circumstances is submitted to the District;
2. authorize the General Manager to initiate an enforcement case regarding the violation;
3. set a \$250.00 penalty for the violation per RULE 11.10: PENALTIES of the Rules of the District; and

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4. offer to settle the violation if JM Pressure Pumping LLC. (Well registered to South Central Cementers) consents to the following conditions:
 - a. acknowledges the violation by June 30, 2024;
 - b. pays a settlement fee of \$20.00 by June 30, 2024; and
 - c. submits an administratively complete groundwater production report for calendar year 2023 by June 30, 2024.

1. find that Roywell Services, Inc. violated RULE 4.2: REPORTING REQUIREMENT RELATED TO NON-EXEMPTUSE WELLS of the Rules of the District related to well NW-00382 unless evidence to the contrary or evidence of relevant extenuating circumstances is submitted to the District;
2. authorize the General Manager to initiate an enforcement case regarding the violation;
3. set a \$250.00 penalty for the violation per RULE 11.10: PENALTIES of the Rules of the District; and
4. offer to settle the violation if Roywell Services, Inc. consents to the following conditions:
 - a. acknowledges the violation by June 30, 2024;
 - b. pays a settlement fee of \$20.00 by June 30, 2024; and
 - c. submits an administratively complete groundwater production report for calendar year 2023 by June 30, 2024.

Mr. Biery seconded the motion. The motion passed unanimously.

Agenda Item 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.

4.0 – Report regarding Groundwater Protection

Meeting Discussion: Mr. Andruss provided the following report:

Regarding Well Inspections for FY2024.

As of April 8, 2024, staff had recorded 6 well inspection forms (WIFs) since October 1, 2023:

Regarding Manage Investigations related to Groundwater Protection for FY2024.

As of April 8, 2024, staff had initiated 0 investigations related to Groundwater Protection since October 1, 2023:

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As of April 8, 2024, staff had 1 active investigation related to Groundwater Protection:

Regarding Manage Enforcement Cases related to Groundwater Protection for FY2024.

As of April 8, 2024, the Board had initiated 0 enforcement cases related to Groundwater Protection since October 1, 2023:

As of April 8, 2024, staff had 0 unresolved enforcement case violations related to Groundwater Protection:

Board Action: None.

Agenda Item 5: Consideration of and possible action on matters related to groundwater monitoring.

5.0 – Report regarding Groundwater Monitoring

Meeting Discussion: Mr. Andruss provided the following report:

Regarding Monitor Drought Conditions for FY2024.

As of April 8, 2024, the U.S. Drought Monitor indicates that 0% of Refugio County is experiencing dry or drought conditions.

As of April 8, 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 April 8, 2024, staff had collected 8 water level measurements since October 1, 2023:

Regarding Advanced Aquifer Monitoring for FY2024.

On February 13, 2024, staff, with technical support from WellIntel, successfully installed a water level monitoring instrument on well GW-00152 owned by Mr. Keefe.

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As of April 9, 2024, the sensor had collected and uploaded 334 water level measurements to the WellIntel Analytics Dashboard. The graph below depicts the water level measurements collected from GW-00152.

After the successful installation and configuration of a conductivity sensor at a WellIntel monitoring site in Victoria County, Staff have ordered a conductivity sensor to be installed at GW-00152 to continue implementation of the Advanced Aquifer Monitoring Project.

Regarding Baseline Water Quality Aquifer Monitoring for FY2024.

No report.

Regarding Ad-Hoc Baseline Water Quality Sampling for FY2024.

As of April 8, 2024, staff had collected 5 water quality field measurements since October 1, 2023:

As of April 8, 2024, staff had collected 0 water quality samples since October 1, 2023:

As of April 8, 2024, staff had received 0 water quality lab reports since October 1, 2023:

Regarding Annual Water Level Assessment for FY2024.

No report.

Regarding Annual Water Quality Assessment for FY2024.

No report.

Regarding Monitoring Network Assessment and Improvement Project for FY2024.

No report.

Board Action: None.

Agenda Item 6: Consideration of and possible action on matters related to groundwater conservation.

6.0 – Report regarding Groundwater Conservation

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Meeting Discussion: None.

Board Action: None.

6.1 – Conservation Education and Teacher Professional Development

Meeting Discussion: Mr. Andruss explained a project, to be completed in June 2024, related to conservation education and teacher professional development has been developed by staff as well as representatives of Victoria ISD (VISD), and University of Houston-Victoria (UHV).

The project seeks to extend and expand the cooperative efforts between the UHV, VISD, and the District to promote water conservation through a project to deliver professional development to teachers of middle school science classes and teachers of high school aquatic science and environmental systems classes. This proposal expands the professional development activities by 1) conducting a workshop at the Wetland Education Center located at the INVISTA Victoria Plant Wetland in Victoria County and 2) including a presentation by UHV staff on the application of Artificial Intelligence/Machine Learning to water resource management.

If the project is implemented, the qualifying teachers would be recruited from within the boundary of the financially contributing partners to participate in workshops held on two days in the Summer of 2024 at multiple locations within Victoria County (i.e., INVISTA Victoria Plant Wetland, the Clements Ranch, and UHV Campus) designed to 1) increase awareness, knowledge, and technical skills related to the hydrologic cycle, water resources, risks to water resources including over-production and pollution, and 2) expand knowledge and skills that align with the related Texas Essential Knowledge and Skills (TEKS) for the purposes of promoting water conservation. Participating teachers would receive a \$500.00 stipend and continuing education credits for completing the workshops. The project would conclude with the submittal of a summary report of professional development provided during the workshops.

The total cost for the project is projected to at \$17,540. The proposal does not assign a cost to the valuable contributions of time to be made by Teresa LeSage-Clements of UHV, Dmitri Sobolev of UHV, John Snyder of VISD, Tim Andruss of VCGCD, or the administrative staff members of the cooperating entities. Furthermore, the proposal does not assign a cost to the valuable contributions made by the UHV, the City of Victoria, the VISD, the INVISTA Victoria Plant Wetland, or the Clements Ranch for providing access to facilities to be used during the workshops.

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On July 21, 2023, the Victoria County GCD Board of Directors authorized staff to 1) seek cooperation and approval of cost sharing agreements with Calhoun County GCD, Refugio GCD, and Texana GCD as well as 2) take the necessary actions to implement the Proposal for the Cooperative Promotion of Water Conservation through Teacher Professional Development after October 1, 2023.

Board Action: Mr. Borden moved to accept the Proposal for the Cooperative Promotion of Water conservation through Teacher Professional Development Summer 2024 and agree to cost share with VCGCD in an amount not to exceed 25% of the actual expenses of \$4,385.00 for the implementation of the project. Ms. Rose seconded the motion. The motion passed unanimously.

Agenda Item 7: Consideration of and possible action on matters related to groundwater resource planning including Groundwater Management Area 15 Joint Planning and regional water planning.

7.0 – Report regarding Groundwater Resource Planning

Meeting Discussion: Mr. Andruss provided the following report:

Regarding Regional Water Planning Participation for FY2024.

Representatives of the district participated in the meeting of the South Central Texas Regional Planning Group (Region L) held on February 14, 2024, to continue efforts to develop the 2026 Regional Water Plan. The next meeting of Region P is scheduled for May 2, 2024.

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

Representatives of the district participated in the meeting of the representatives of Groundwater Management Area 15 on January 11, 2024 to continue joint planning efforts. During the meeting the members received a report from TWDB stating that the internal work to compare predictive results when modeling the GMA 15 DFC pumping scenario using the previous GAM (CGCD-GAM) and the current GAM (combined GMA 15 and GMA 16 extent) resulted in significant discrepancies and issues. TWDB is undertaking a review of the new model. The representatives agreed to postpone action on the joint planning work until the next meeting of GMA 15. Staff of the district had suspended efforts to negotiate terms of an agreement with Intera until TWDB provides clarity regarding the GAM to be used during the current joint planning cycle. The next meeting of the representatives of Groundwater Management Area 15 is scheduled for April 11, 2024 at Goliad County GCD offices.

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On April 3, 2024, staff received a report developed by the Texas Water Development Board regarding its efforts to review the new groundwater availability model released in 2023 for use by GMA 15 for the current planning cycle. The report identifies numerous issues that need to be resolved prior to its use for joint planning purposes.

Board Action: None.

Agenda Item 8: Consideration of and possible action on matters related to groundwater policy including the Management Plan of the District, the hearing regarding the Proposed Rules of the District, and the Rules of the District.

8.0 – Report regarding Groundwater Policy

Meeting Discussion: Mr. Andruss provided the following report:

Regarding Management Plan Revisions for FY2024.

No report.

Regarding Rule Amendments for FY2024.

Staff have identified three potential aspects of the rules of the district that may warrant clarification to policy development:

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.

Staff will coordinate with legal counsel on draft revisions to the rules of the district and present recommendations to the Board on July 15, 2024.

Regarding Legislative Support and Lobbying for FY2024.

On March 20, 2024, Mr. Andruss participated in a meeting of the Legislative Committee the Texas Water Conservation Association in Austin. The committee heard presentations regarding issues that members would like for the committee to consider as part of its efforts to identify "consensus legislation" including the following topics:

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Infrastructure and Funding:
Regionalization and Growth:
Surface Water:
Groundwater:
Data:
Other:

Board Action: None.

Agenda Item 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.

9.0 – Report regarding Administration and Management

Meeting Discussion: Mr. Andruss provided the following report::

Regarding Election Coordination for CY2024.

No report.

Regarding Financial Audit for FY2023.

On March 22, 2024, Mr. Cox with Goldman, Hunt and Notz, LLP informed the District that he anticipates presenting the audit report to the Board on July 15, 2024.

Regarding Investment Management for FY2024.

On April 9, 2024, representatives from TexPool notified staff of two defects within the TexPool Participation Agreement.

Regarding Financial Record Processing and Reporting for FY2024.

See: MFC-20240415-9.2 - Financial Reports of the District.

See: MFC-20240415-9.2.1 - Financial Transaction Review.

See: MFC-20240415-9.4 - Unpaid Accounts Payable.

Regarding Budget Development for FY2025.

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Staff will develop and present preliminary budget information to the Board on July 15, 2024.

Regarding Asset Tracking for FY2024.

No report.

Regarding Public Funds Training for FY2024.

No report.

Regarding Website Improvements.

Staff have added webpages and electronic forms related to groundwater monitoring, groundwater water production reporting, and renewal of groundwater production permits to the website of the district.

See: <https://www.rgcd.org/incentivization-of-monitoring-program>

See: <https://www.rgcd.org/groundwater-production-reporting-for-cy2023>

See: <https://www.rgcd.org/electronic-groundwater-production-report-form>

See: <https://www.rgcd.org/production-permit-renewals-for-cy2024>

See: <https://www.rgcd.org/electronic-application-to-renew-a-permit>

Regarding Public Notice and Meeting Coordination for FY2024.

The next meetings of the Board are scheduled for July 15, 2024, 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-20240415-9.1 - Minutes of Previous Meetings.

Regarding Performance Audit for FY2023.

Staff will develop and present the performance audit for FY2023 to the Board on July 15, 2024.

Regarding Project Management for FY2024.

No report.

Regarding Administrative Policy Review for FY2024.

No report.

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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.

Board Action: None.

9.1 – Minutes of the Previous Meeting

Meeting Discussion: Mr. Andruss explained the minutes for the previous meeting were sent to the board members prior to the meeting.

Board Action: Mr. Biery moved to accept and approve the meeting minutes for February 5, 2024 and March 25, 2024, as drafted. Mr. Snyder seconded the motion. The motion passed unanimously.

9.2 – Financial Reports of the District

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Meeting Discussion: Mr. Andruss explained on February 27, 2024, the internal financial report for September 2023 was revised to correct the assignments of budget categories for several transactions recorded and reconciled in the financial tracking spreadsheet and related reports. The correct reports were supplied to Mr. Cox of Goldman, Hunt and Notz, LLP for review as part of the financial audit of FY2023.

The internal financial reports of the District for January and February 2024, have been sent to the directors prior to the meeting.

Board Action: Ms. Rose moved to accept and approve the financial reports for January and February 2024. Mr. Biery seconded the motion. The motion passed unanimously.

9.2.1 – Financial Transaction Review

Meeting Discussion: Mr. Andruss explained that since January 30, 2024, as of February 29, 2024, there have been 6 accounts payable, and 6 accounts receivable transactions recorded.

Board Action: None.

9.3 – Investments of the District

Meeting Discussion: Mr. Andruss explained the investment reports for January and February 2024 have been sent to the board prior to the meeting.

Board Action: Mr. Borden moved to accept the investment reports for January and February 2024. Mr. Snyder seconded the motion. The motion passed unanimously.

9.4 – Unpaid Accounts Payable

Meeting Discussion: Mr. Andruss explained 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.

Board Action: Mr. Biery moved to authorize the general manager to pay the following items:

1. ACCTP-20240415-01 - \$250.00 - Carroll Borden - March Meeting
2. ACCTP-20240415-02 - \$250.00 - Carroll Borden - April Meeting
3. ACCTP-20240415-03 - \$250.00 - John Snyder - March Meeting
4. ACCTP-20240415-04 - \$250.00 - John Snyder - April Meeting

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5. ACCTP-20240415-05 - \$250.00 - Fredric Biery - March Meeting
6. ACCTP-20240415-06 - \$250.00 - Fredric Biery - April Meeting
7. ACCTP-20240415-07 - \$250.00 - Cynthia Rose - March Meeting
8. ACCTP-20240415-08 - \$250.00 - Cynthia Rose - April Meeting
9. ACCTP-20240415-09 - \$1,721.48 - VCGCD - Records Archiving Reimbursement
10. ACCTP-20240415-10 - \$1,868.33 - VCGCD - Supplies and Mileage Reimbursement
11. ACCTP-20240415-11 - \$630.00 – ABM
12. ACCTP-20240415-12 - \$360.00 – ABM
13. ACCTP-20240415-13 - \$3,600.00 – Office Lease
14. ACCTP-20240415-14 - \$3,600.00 - Office Lease

Ms. Rose seconded the motion. The motion passed unanimously.

Agenda Item 10: Consideration of and possible action on matters related to legal counsel report.

10.0 – Legal Counsel Report

Meeting Discussion: Mr. Allison gave report.

Board Action: None.

Agenda Item 11: Consideration of and possible action on matters related to district director vacancies.

11.0 – Vacancies in Office of Director

Meeting Discussion: None.

Board Action: None.

Agenda Item 12: Adjourn.

12.0 – Adjourn Meeting

Meeting Discussion: None.

Board Action: Ms. Rose moved to adjourn the meeting at approximately 6:48 PM, after concluding all business of the District. Mr. Biery seconded the motion. The motion passed unanimously.

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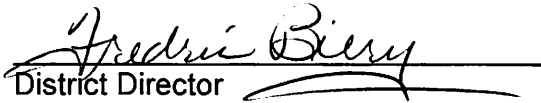
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The above and foregoing minutes were read and approved on this the 15th day of July, 2024.

ATTEST:


District Director


District Director