

Victoria County 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 Victoria County Groundwater Conservation District Board of Directors will hold a meeting on July 19, 2024, at 9:00 AM at the Dr. Pattie Dodson Health Center, 2805 N. Navarro St., Victoria, Texas.

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.
 - a. Enforcement hearing related to enforcement case violation ECV-20240429-02 finding LS-Tavern LLC. failed to report groundwater production for calendar year 2023 for non-exempt well GW-001009 as required by RULE 4.2: REPORTING REQUIREMENT RELATED TO NON-EXEMPT-USE WELLS.
 - b. Enforcement hearing related to enforcement case violation ECV-20240429-03 finding Buhler-Telferner Partnership failed to report groundwater production for calendar year 2023 for non-exempt wells GW-001028, GW-001029 and GW-001030 as required by RULE 4.2: REPORTING REQUIREMENT RELATED TO NON-EXEMPT-USE WELLS.
 - c. Enforcement hearing related to enforcement case violation ECV-20240429-04 finding Smitty's Food Mart failed to report groundwater production for calendar year 2023 for non-exempt well GW-001065 as required by RULE 4.2: REPORTING REQUIREMENT RELATED TO NON-EXEMPT-USE WELLS.
 - d. Enforcement hearing related to enforcement case violation ECV-20240429-09 finding CSWR-Texas Utility Operating Company LLC. failed to report groundwater production for calendar year 2023 for non-exempt wells GW-000984 and GW-001055 as required by RULE 4.2: REPORTING REQUIREMENT RELATED TO NON-EXEMPT-USE WELLS.
 - e. Enforcement hearing related to enforcement case violation ECV-20240429-13 finding Freedom Ventures of Victoria LLC. failed to report groundwater production for calendar year 2023 for non-exempt well NW-000824 as required by RULE 4.2: REPORTING REQUIREMENT RELATED TO NON-EXEMPT-USE WELLS.
 - f. Enforcement hearing related to enforcement case violation ECV-20240429-14 finding VICTTEC LLC. failed to report groundwater production for calendar year 2023 for non-exempt well NW-001296 as required by RULE 4.2: REPORTING REQUIREMENT RELATED TO NON-EXEMPT-USE WELLS.
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.

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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 Victoria County 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 Victoria County 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, we invite all attendees to advise us of any special accommodations due to disability. Please submit your request as far as possible in advance of the event you wish to attend.

TAD
7/16/24 @ 8:29 AM

**Victoria County Groundwater Conservation District
Board of Directors**

Notice of Public Meeting and Enforcement Hearing

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During the meeting, the Board of Directors is scheduled to conduct an enforcement hearing, consider, and possibly take action regarding the following enforcement matter(s):

Enforcement proceedings, including consideration of remedies provided for under Section 36.102 of the Texas Water Code, related to enforcement case violation ECV-20240429-02 finding LS-Tavern LLC. failed to report groundwater production for calendar year 2023 for non-exempt well GW-001009 as required by RULE 4.2: REPORTING REQUIREMENT RELATED TO NON-EXEMPT-USE WELLS.

For more information regarding this matter, contact Tim Andruss, General Manager of the Victoria County Groundwater Conservation District at 361-579-6863 or at admin@vcgcd.org.

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For more information regarding this matter, contact Tim Andruss, General Manager of the Victoria County Groundwater Conservation District at 361-579-6863 or at admin@vcgcd.org.

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VCGCD - Matters For Consideration - 20240719

Item 1.0 - Convene Meeting

Management Discussion:

Staff completed the necessary public notification requirements for the meeting.

See: [Public Notice - 20240719 - Board Meeting](#)

See: [Public Notice - 20240719 - Enforcement Case Hearing - ECV-20240429-02](#)

See: [Public Notice - 20240719 - Enforcement Case Hearing - ECV-20240429-03](#)

See: [Public Notice - 20240719 - Enforcement Case Hearing - ECV-20240429-04](#)

See: [Public Notice - 20240719 - Enforcement Case Hearing - ECV-20240429-09](#)

See: [Public Notice - 20240719 - Enforcement Case Hearing - ECV-20240429-13](#)

See: [Public Notice - 20240719 - Enforcement Case Hearing - ECV-20240429-14](#)

See: [Public Notice - 20240719 - Rulemaking Hearing \(Notice Incomplete\)](#)

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. Jerry Hroch, Vice President : _____ .

Precinct 2: Mr. Thurman Clements, Jr., Director : _____ .

Precinct 3: Mrs. Barbara Dietzel, Secretary : _____ .

Precinct 4: Mr. Mark Meek, President : _____ .

At Large: Mr. Kenneth Eller, Director : _____ .

General Manager: Tim Andruss : _____ .

General Counsel: Jim 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:

[MFC-20240419-3.0 - Report regarding Groundwater Management.](#)

Management Discussion:

Regarding Well Registration Processing for FY2024.

As of [July 8, 2024](#), staff had received 34 well registration applications (ARWs) since [October 1, 2023](#).

As of [July 8, 2024](#), staff had received 50 Notices of Intent to Drill a Well (NIDWs) since [October 1, 2023](#).

Regarding Production Permit Renewal Processing for FY2024.

As of [July 8, 2024](#), staff had received 8 production permit renewal requests (ARPs) since [October 1, 2023](#). See: [MFC-20240719-3.1 - Production Permit Renewals for FY2023](#).

Regarding Permit Processing for FY2024.

As of [July 8, 2024](#), staff had initiated 44 permitting request case (PRCs) since [October 1, 2023](#).

As of [July 8, 2024](#), staff had 26 permitting request cases pending.

As of [July 8, 2024](#), staff had 251 active or approved production permits recorded in the permitting database with a combined amount of authorized groundwater production per year of 99,163.10 acre-feet.

Regarding Groundwater Production Report Processing for CY2023.

As of [July 8, 2024](#), staff had processed 243 groundwater production reports for the preceding calendar year since [October 1, 2023](#).

As of [July 8, 2024](#), staff had recorded groundwater production reports for 238 water wells reporting 12,288.33 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 Victoria County in Year 2020 was 1,920 acre-feet. See: [TWDB - Projected Exempt Groundwater Use Estimates](#).)

Regarding Manage Investigations related to Permitting Violations for FY2024.

As of [July 8, 2024](#), staff had initiated 2 investigations related to groundwater management (i.e., permitting) since [October 1, 2023](#).

As of [July 8, 2024](#), staff had 5 active investigations related to groundwater management (i.e., permitting). See: [MFC-20240719-3.2 - Investigation - INV-20231115.1326 - Failure to Report Groundwater Production](#)

Regarding Manage Enforcement Cases related to Permitting Violations for FY2024.

As of [July 8, 2024](#), the Board had initiated 24 enforcement case violations related to groundwater management (i.e., permitting) since [October 1, 2023](#).

As of [July 8, 2024](#), staff had 9 unresolved enforcement cases related to groundwater management (i.e., permitting).

See: [MFC-20240719-3.3 - Enforcement Hearing re ECV-20240429-02](#)

See: [MFC-20240719-3.4 - Enforcement Hearing re ECV-20240429-03](#)

See: [MFC-20240719-3.5 - Enforcement Hearing re ECV-20240429-04](#)

See: [MFC-20240719-3.6 - Enforcement Hearing re ECV-20240429-09](#)

See: [MFC-20240719-3.7 - Enforcement Hearing re ECV-20240429-13](#)

See: [MFC-20240719-3.8 - Enforcement Hearing re ECV-20240429-14](#)

See: [MFC-20240719-3.9 - Violations ECV-20231105-03 and ECV-20231105-06 - CSWR](#)

See: [MFC-20240719-3.10 - Violations ECV-20231105-04 and ECV-20231105-05- 7-Eleven](#)

Management Recommendation:

None.

Item 3.1 - Production Permit Renewals for FY2023

Previous Consideration by the Board:

MFC-20230721-3.2 - Production Permit Renewals for FY2023.

Management Discussion:

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

As of July 8, 2024, staff had received administratively complete application seeking the renewal of production permit scheduled to expire in July 2024:

1. ARP-20240326-01 - Victoria County Pct. 2 - Administratively Complete
2. ARP-20240326-02 - Victoria County Pct. 2 - Administratively Complete
3. ARP-20240326-03 - Victoria R/E Venture - Administratively Complete
4. ARP-20240326-04 - Vulcan Material - Administratively Complete
5. ARP-20240326-05 - Faciliflow Services LLC - Administratively Complete
6. ARP-20240401-01 - Chris M. and Jacob Boyd - Administratively Complete
7. ARP-20240408-01 - USA Compression Partners 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.

Upon reflection on the requirements associated with permit renewals, staff will propose a revision to the rules 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. See: [MFC-20240719-8.1 - Proposed Rule Revisions](#).

Summary of Renewal Permits:

Permit	Permit Expiration	Renewal Application Submittal Due Date	Renewal Application	Date Application Received	Effective Date of Administrative Completeness
OPW-20191018-03	7/31/2024	4/31/2024	ARP-20240326-01	3/26/2024	6/6/2024
OPW-20191018-02	7/31/2024	4/31/2024	ARP-20240326-02	3/26/2024	6/12/2024
OPW-20200225-01	7/31/2024	4/31/2024	ARP-20240326-03	3/26/2024	3/26/2024
OPW-20191015-01	7/31/2024	4/31/2024	ARP-20240326-04	3/26/2024	6/24/2024
OPWR-20191018-01 - OPW-20150515-07	7/31/2024	4/31/2024	ARP-20240326-05	3/26/2024	6/6/2024
OPW-20200117-02	7/31/2024	4/31/2024	ARP-20240401-01	4/1/2024	4/1/2024
OPW-20200117-01	7/31/2024	4/31/2024	ARP-20240408-01	4/8/2024	4/8/2024

Management Recommendation:

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-20240326-01, ARP-20240326-02, ARP-20240326-03, ARP-20240326-04, ARP-20240326-05, ARP-20240401-01, and ARP-20240408-01.

Item 3.2 - Investigation - INV-20231115.1326 - Failure to Report Groundwater Production

Previous Consideration by the Board:

MFC-20240419-3.2 - Investigation - INV-20231115.1326 - Failure to Report Groundwater Production.

Management Discussion:

Management Recommendation for Group 1: Persons with one violation and no previous violations.

On April 19, 2024, the Board found the follow well owners, as of December 31, 2023, violated RULE 4.2: REPORTING REQUIREMENT RELATED TO NON-EXEMPTUSE WELLS of the Rules of the District

1. Registered Well Owner: Dennis Leita; VCAD Landowner: Dennis E. & Terri H. Leita related to well(s) GW-000475, GW-000477 and GW-00478;
2. Registered Well Owner: LS Tavern LLC.; VCAD Landowner: LS Tavern LLC. related to well GW-001009;
3. Registered Well Owner: Buhler-Telferner Partnership; VCAD Landowner: Buhler-Telferner Partnership related to well(s) GW-001028, GW-001029 and GW-001030;
4. Registered Well Owner: Smity's Food Mart; VCAD Landowner: Inez Convenience Services LLC. related to well GW-001065;
5. Registered Well Owner: Millennium Estate MGMT. LLC.; VCAD Landowner: Kam Enterprises LTD. related to well NW-000609;
6. Registered Well Owner: Mark R. Mize; VCAD Landowner: Mark R. Mize related to well NW-000869;
7. Registered Well Owner: Murphy Testamentary Trust; VCAD Landowner: Murphy William Jr. Trust related to well(s) GW-000340 and GW-000341;
8. Registered Well Owner: Marvin C. Franz et al; VCAD Landowner:Marvin Franz related to well(s) GW-000464, GW-000466 and R1GW-000465;
9. Registered Well Owner: Central States Water Resources Texas; VCAD Landowner: CSWR-Texas Utility Operating Company LLC. related to well(s) GW-000984 and GW-001055;
10. Registered Well Owner: The Dam Company LLC.; VCAD Landowner: The Dam Company LLC. related to well GW-000557;
11. Registered Well Owner: Oakwood Outlook LLC.; VCAD Landowner: Keep Bloomington Beautiful related to well GW-000720;
12. Registered Well Owner: Jose G. Celedon; VCAD Landowner: Jose G. Celedon related to well GW-000750;
13. Registered Well Owner: RSBR Investments LLC.; VCAD Landowner: Freedom Ventures of Victoria LLC. related to well NW-000824;
14. Registered Well Owner: Millennium Estate Management LLC.; VCAD Landowner: VICTTEC LLC. related to well NW-001296; and
15. Registered Well Owner: James R. Cook; VCAD Landowner: James Randall Cook related to well NW-001343.

The following enforcement case violations developed in response to the action of the Board of Directors were resolved in accordance with the associated settlement offer:

1. ECV-20240429-01 - Dennis Leita - Failure to Report Groundwater Production CY2023 for Well(s) - GW-000475 - GW-000477 - GW-000478 - Resolved
2. ECV-20240429-04 - Smittys Food Mart - Failure to Report Groundwater Production CY2023 for Well - GW-001065 - Resolved
3. ECV-20240429-05 - Millennium Estate MGMT LLC.- Failure to Report Groundwater Production CY2023 for Well - NW-000609 - Resolved
4. ECV-20240429-06 - Mark R. Mize - Failure to Report Groundwater Production CY2023 for Well - NW-000869 - Resolved
5. ECV-20240429-07 - Murphy Testamentary Trust - Failure to Report Groundwater Production CY2023 for Well(s) - GW-000340 and GW-000341 - Resolved
6. ECV-20240429-08 - Marvin C. Franz - Failure to Report Groundwater Production CY2023 for Well(s) - GW-000464, GW-000466 and R1GW-000465 - Resolved
7. ECV-20240429-10 - The Dam Company - Failure to Report Groundwater Production CY2023 for Well - GW-000557 - Resolved
8. ECV-20240429-11 - Oakwood Outlook LLC.- Failure to Report Groundwater Production CY2023 for Well - GW-000720 - Resolved
9. ECV-20240429-12 - Jose G. Celedon - Failure to Report Groundwater Production CY2023 for Well - NW-000750 - Resolved
10. ECV-20240429-15 - James R. Cook - Failure to Report Groundwater Production CY2023 for Well - NW-001343 - Resolved

Management Recommendation:

None.

Item 3.3 - Enforcement Hearing re ECV-20240429-02

Previous Consideration by the Board:

None.

Management Discussion:

On April 19, 2024, the Board passed a motion to:

1. find that the well owner as of December 31, 2023, (Registered Well Owner: LS Tavern LLC.; VCAD Landowner: LS Tavern LLC.) violated RULE 4.2: REPORTING REQUIREMENT RELATED TO NON-EXEMPTUSE WELLS of the Rules of the District related to well GW-001009 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 \$100.00 penalty for the violation per RULE 11.5: Rule Enforcement of the Rules of the District; and
4. offer to settle the violation if (Registered Well Owner: LS Tavern LLC.; VCAD Landowner: LS Tavern LLC.) consents to the following conditions:
 - a. acknowledges the violation by June 30, 2024;
 - b. pays a settlement fee of \$0.00 by June 30, 2024; and
 - c. submits a administratively complete groundwater production report for calendar year 2023 by June 30, 2024.

In response to the action taken by the Board, staff recorded violation Enforcement Case Violation - ECV-20240429-02 - LS Tavern LLC. - Failure to Report Groundwater Production CY2023 for Well - GW-001009 - Active

On May 3, 2024, staff attempted to provide notice of violation ECV-20240429-02 to LS-Tavern by certified mail (CMRRR 7022 1670 0003 4383 1485).

VCGCD - Certified Mail - RTS - 7022 1670 0003 4383 1485 - LS Tavern.pdf

 **Untitled Attachment**

On June 3, 2024, staff attempted to provide notice of violation ECV-20240429-02 to LS-Tavern by certified mail (CMRRR 7022 1670 0003 4383 1942).

VCGCD - Certified Mail RTS - 7022 1670 0003 4383 1942 - LS Tavern.pdf

 **Untitled Attachment**

On June 6, 2024, staff hand delivered notice of violation ECV-20240429-02 to employee with LS-Tavern.

On June 27, 2024, Mr. Charles Hauboldt provided the following response to the district regarding the 2nd NOV Letter for violation ECV-20240429-02.

[Correspondence-Inbound - GCI-20240702.0938 - VCGCD - ECV-20240429-02 - Consent to the Settlement Offer - LS-Tavern](#)

VCGCD - ECV-20240429-02 - Consent to the Settlement Offer - LS-Tavern.pdf

 **Untitled Attachment**

See: [Public Notice - 20240719 - Enforcement Case Hearing - ECV-20240429-02](#)

VCGCD - Notice of enforcement hearing for ECV-20240429-02 - LS-Tavern LLC. - Final.pdf

 **Untitled Attachment**

On July 1, 2024, the staff attempted to provide notice of this enforcement hearing and staff's intent to seek authorization to pursue enforcement of the rules by filing a civil suit against LS-Tavern at the next regularly scheduled meeting of the board of directors to LS-Tavern by certified mail (CMRRR 7022 1670 0003 4383 2093). See:

VCGCD - ECV Notice of Need to File Suit - ECV-20240429-02 - Bundle.pdf

 **Untitled Attachment**

On July 1, 2024, Mr. Eddie Deckard provided the following response to the district regarding the 2nd NOV Letter for violation ECV-20240429-02.

[Correspondence-Inbound - GCI-20240702.0933 - VCGCD - GPR-CY2023 - 0.0450 AF - GW-001009 - LS-Tavern](#)

VCGCD - GPR-CY2023 - 0.0450 AF - GW-001009 - LS-Tavern.pdf

 **Untitled Attachment**

On July 2, 2024, staff of the district processed groundwater production report for CY2023.

[Production Reports - GPR-20240702-01 - GW-001009 - CY2023 - Administratively Complete](#)

VCGCD - GPR-CY2023 - 0.0450 AF - GW-001009 - LS-Tavern.pdf

 **Untitled Attachment**

As of July 8, 2024, the violator has satisfied each element of the settlement offers extended by the Board of Directors regarding this violation albeit not by the deadline of June 30, 2024.

Management Recommendation:

Move to cancel the enforcement hearing regarding violation ECV-20240429-02 and designate the violation resolved.

Item 3.4 - Enforcement Hearing re ECV-20240429-03

Previous Consideration by the Board:

None.

Management Discussion:

On April 19, 2024, the Board passed a motion to:

1. find that the well owner as of December 31, 2023, (Registered Well Owner: Buhler-Telferner Partnership; VCAD Landowner: Buhler-Telferner Partnership) violated RULE 4.2: REPORTING REQUIREMENT RELATED TO NON-EXEMPTUSE WELLS of the Rules of the District related to well(s) GW-001028, GW-001029 and GW-001030 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 \$100.00 penalty for the violation per RULE 11.5: Rule Enforcement of the Rules of the District; and
4. offer to settle the violation if (Registered Well Owner: Buhler-Telferner Partnership; VCAD Landowner: Buhler-Telferner Partnership) consents to the following conditions:
 - a. acknowledges the violation by June 30, 2024;
 - b. pays a settlement fee of \$0.00 by June 30, 2024; and
 - c. submits a administratively complete groundwater production report for calendar year 2023 by June 30, 2024.

In response to the action taken by the Board, staff recorded violation Enforcement Case Violation - ECV-20240429-03 - Buhler-Telferner Partnership - Failure to Report Groundwater Production CY2023 for Well(s) - GW-001028, GW-001029 and GW-001030 - Active

On May 3, 2024, staff attempted to provide notice of violation ECV-20240429-03 to Buhler-Telferner Partnership by certified mail (CMRRR 7022 1670 0003 4383 1492). https://tools.usps.com/go/TrackConfirmAction?qt_c_tLabels1=7022%201670%200003%204383%201492

VCGCD - Returned Certified Mail Address Card - 7022 1670 0003 4383 1492 - Buler-Telferner Partnership.pdf

 **Untitled Attachment**

On June 3, 2024, staff attempted to provide notice of violation ECV-20240429-02 to LS-Tavern by certified mail (CMRRR 7022 1670 0003 4383 1959).

VCGCD - Certified Mail Returned Address Card - 7022 1670 0003 4383 1959 - Buhler-Telferner Partnership.pdf

 **Untitled Attachment**

On June 6, 2024, staff attempted to hand delivered notice of violation ECV-20240429-03.

VCGCD - Buhler-Telferner Partnership.jpg

 **Untitled Attachment**

On July 1, 2024, the staff attempted to provide notice of this enforcement hearing and staff's intent to seek authorization to pursue enforcement of the rules by filing a civil suit against Buhler-Telferner Partnership at the next regularly scheduled meeting of the board of directors to Buhler-Telferner Partnership by certified mail (CMRRR 7022 1670 0003 4383 2109).

VCGCD - ECV Notice of Need to File Suit - ECV-20240429-03 - Bundle.pdf

 **Untitled Attachment**

As of July 8, 2024, the violator has satisfied each element of the settlement offers extended by the Board of Directors.

Management Recommendation:

Management Recommendation 1: move to open and record the enforcement hearing regarding violation ECV-20240429-03.

Management Recommendation 2: state for the record:

1. the date and time the hearing was opened;
2. the enforcement case id;
3. the alleged violator;
4. the alleged violation;
5. swear in the general manager of the district;
6. instruct the general counsel of the district to accept and record the testimony of the general manager regarding the alleged violation.

Management Recommendation 3: move to cease the recording the enforcement hearing after accepting public comments or comments from the alleged violator.

Management Recommendation 4: move to adopt an enforcement order regarding the alleged violation.

Item 3.5 - Enforcement Hearing re ECV-20240429-04

Previous Consideration by the Board:

None.

Management Discussion:

On April 19, 2024, the Board of Directors of the District approved the following settlement offer for the violation. The Board of Directors of the Victoria County Groundwater Conservation District offers to settle violation ECV-20240429-04 if (Registered Well Owner: Smity's Food Mart; VCAD Landowner: Inez Convenience Services LLC.) consents to the following:

1. find that the well owner as of December 31, 2023, **(Registered Well Owner: Smity's Food Mart; VCAD Landowner: Inez Convenience Services LLC.)** violated RULE 4.2: REPORTING REQUIREMENT RELATED TO NON-EXEMPTUSE WELLS of the Rules of the District related to well **GW-001065** 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 \$100.00 penalty for the violation per RULE 11.5: Rule Enforcement of the Rules of the District; and
4. offer to settle the violation if **(Registered Well Owner: Smity's Food Mart; VCAD Landowner: Inez Convenience Services LLC.)** consents to the following conditions:
 - a. acknowledges the violation by June 30, 2024;
 - b. pays a settlement fee of \$0.00 by June 30, 2024; and
 - c. submits a administratively complete groundwater production report for calendar year 2023 by June 30, 2024.

On June 28, 2024, the violator has satisfied each element of the settlement offers extended by the Board of Directors regarding this violation albeit after the staff had posted the enforcement case notice. Staff designated violation ECV-20240429-04 resolved.

Management Recommendation:

Move to cancel the enforcement hearing regarding violation ECV-20240429-04.

Item 3.6 - Enforcement Hearing re ECV-20240429-09

Previous Consideration by the Board:

None.

Management Discussion:

On April 19, 2024, the Board passed a motion to:

1. find that the well owner as of December 31, 2023, (Registered Well Owner: Central States Water Resources Texas; VCAD Landowner: CSWR-Texas Utility Operating Company LLC.) violated RULE 4.2: REPORTING REQUIREMENT RELATED TO NON-EXEMPTUSE WELLS of the Rules of the District related to well(s) GW-000984 and GW-001055 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 11.5: Rule Enforcement of the Rules of the District; and
4. offer to settle the violation if (Registered Well Owner: Central States Water Resources Texas; VCAD Landowner: CSWR-Texas Utility Operating Company LLC.) 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 a administratively complete groundwater production report for calendar year 2023 by June 30, 2024.

In response to the action taken by the Board, staff recorded violation [Enforcement Case Violation - ECV-20240429-09 - CSWR-Texas Utility Operating Company LLC. - Failure to Report Groundwater Production CY2023 for Well - GW-000984 and GW-001055 - Active](#)

On May 3, 2024, staff attempted to provide notice of violation ECV-20240429-09 to CSWR-Texas Utility Operating Company by certified mail (CMRRR 7022 1670 0003 4383 1553). https://tools.usps.com/go/TrackConfirmAction?qt_c_tLabels1=7022%201670%200003%204383%201553

VCGCD - Certified Mail Returned Address Card - 7022 1670 0003 4383 1553 - CSWR-Texas Utility.pdf

 **Untitled Attachment**

On May 13, 2024, Mr. Ben Glyn provided the following response to the district regarding the 1st NOV Letter for violation ECV-20240429-09.

[VCGCD - Adm - OM - Correspondence-Inbound - GCI-20240520.0921 - VCGCD - GPR-CY2023 - GW-000984 - 53.36 AF - CSWR-Texas Utility Operating Comp](#)

VCGCD - GPR-CY2023 - GW-000984 - 53.36 AF - CSWR-Texas Utility Operating Comp.pdf

 **Untitled Attachment**

[VCGCD - Adm - OM - Correspondence-Inbound - GCI-20240520.0923 - VCGCD - GPR-CY2023 - GW-001055 - 40.88 AF - CSWR-Texas Utility Operating Comp](#)

VCGCD - GPR-CY2023 - GW-001055 - 40.88 AF - CSWR-Texas Utility Operating Comp.pdf

 **Untitled Attachment**

On June 3, 2024, staff attempted to provide notice of violation ECV-20240429-09 to CSWR-Texas Utility Operating Company by certified mail (CMRRR 7022 1670 0003 4383 2017).<https://tools.usps.com/go/TrackConfirmAction?tRef=fullpage&tLc=2&text28777=&tLabels=70221670000343832017%2C&tABt=true>

VCGCD - Certified Mail Returned Address Card - 7022 1670 0003 4383 2017 - CSWR-Texas Utility Operating Co.pdf

 **Untitled Attachment**

On June 6, 2024, staff attempted to hand delivered notice of violation ECV-20240429-09.

VCGCD - CSWR-Texas Utility Operating Company.jpg

 **Untitled Attachment**

On July 1, 2024, the staff attempted to provide notice of this enforcement hearing and staff's intent to seek authorization to pursue enforcement of the rules by filing a civil suit against CSWR-Texas Utility Operating Company at the next regularly scheduled meeting of the board of directors to CSWR-Texas Utility Operating Company by certified mail (CMRRR 7022 1670 0003 4383 2123). See:

VCGCD - ECV Notice of Need to File Suit - ECV-20240429-09 -Bundle.pdf

 **Untitled Attachment**

As of July 8, 2024, the violator has satisfied each element of the settlement offers extended by the Board of Directors.

Management Recommendation:

Management Recommendation 1: move to open and record the enforcement hearing regarding violation ECV-20240429-09.

Management Recommendation 2: state for the record:

1. the date and time the hearing was opened;
2. the enforcement case id;

3. the alleged violator;
4. the alleged violation;
5. swear in the general manager of the district;
6. instruct the general counsel of the district to accept and record the testimony of the general manager regarding the alleged violation.

Management Recommendation 3: move to cease the recording the enforcement hearing after accepting public comments or comments from the alleged violator.

Management Recommendation 4: move to adopt an enforcement order regarding the alleged violation.

Item 3.7 - Enforcement Hearing re ECV-20240429-13

Previous Consideration by the Board:

None.

Management Discussion:

On April 19, 2024, the Board passed a motion to:

1. find that the well owner as of December 31, 2023, (Registered Well Owner: RSBR Investments LLC.; VCAD Landowner: Freedom Ventures of Victoria LLC.) violated RULE 4.2: REPORTING REQUIREMENT RELATED TO NON-EXEMPTUSE WELLS of the Rules of the District related to well NW-000824 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 11.5: Rule Enforcement of the Rules of the District; and
4. offer to settle the violation if (Registered Well Owner: RSBR Investments LLC.; VCAD Landowner: Freedom Ventures of Victoria LLC.) 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 a administratively complete groundwater production report for calendar year 2023 by June 30, 2024.

In response to the action taken by the Board, staff recorded violation [Enforcement Case Violation - ECV-20240429-13 - RSBR Investments LLC. - Failure to Report Groundwater Production CY2023 for Well - NW-000824 - Active](#)

On May 3, 2024, staff attempted to provide notice of violation ECV-20240429-13 to RSBR Investments LLC. by certified mail (CMRRR 7022 1670 0003 4383 1591). <https://tools.usps.com/go/TrackConfirmAction?tRef=fullpage&tLc=2&text28777=&tLabels=70221670000343831591%2C&tABt=true>
VCGCCD - Certified Mail Tracking - 7022 1670 0003 4383 1591 - RSBR Investments.pdf

Untitled Attachment

On June 3, 2024, staff attempted to provide notice of violation ECV-20240429-13 to RSBR Investments LLC. by certified mail (CMRRR 7022 1670 0003 4383 2031). <https://tools.usps.com/go/TrackConfirmAction?tRef=fullpage&tLc=2&text28777=&tLabels=70221670000343832031%2C&tABt=true>
VCGCCD - Certified Mail Tracking - 7022 1670 0003 4383 2031 - RSBR Investments.pdf

Untitled Attachment

On June 6, 2024, staff hand delivered notice of violation ECV-20240429-13 to the Manager of Dollar General located at FM 236 in Victoria County, Victoria Texas.

On July 1, 2024, the staff attempted to provide notice of this enforcement hearing and staff's intent to seek authorization to pursue enforcement of the rules by filing a civil suit against Freedom Ventures of Victoria at the next regularly scheduled meeting of the board of directors to Freedom Ventures of Victoria by certified mail (CMRRR 7022 1670 0003 4383 2147). See:

 Untitled Attachment

As of July 8, 2024, the violator has satisfied each element of the settlement offers extended by the Board of Directors.

Management Recommendation:

Management Recommendation 1: move to open and record the enforcement hearing regarding violation ECV-20240429-13.

Management Recommendation 2: state for the record:

1. the date and time the hearing was opened;
2. the enforcement case id;
3. the alleged violator;
4. the alleged violation;
5. swear in the general manager of the district;
6. instruct the general counsel of the district to accept and record the testimony of the general manager regarding the alleged violation.

Management Recommendation 3: move to cease the recording the enforcement hearing after accepting public comments or comments from the alleged violator.

Management Recommendation 4: move to adopt an enforcement order regarding the alleged violation.

Item 3.8 - Enforcement Hearing re ECV-20240429-14

Previous Consideration by the Board:

None.

Management Discussion:

On April 19, 2024, the Board passed a motion to:

1. find that the well owner as of December 31, 2023, (Registered Well Owner: Millennium Estate Management LLC.; VCAD Landowner: VICTTEC LLC.) violated RULE 4.2: REPORTING REQUIREMENT RELATED TO NON-EXEMPTUSE WELLS of the Rules of the District related to well NW-001296 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 11.5: Rule Enforcement of the Rules of the District; and
4. offer to settle the violation if (Registered Well Owner: Millennium Estate Management LLC.; VCAD Landowner: VICTTEC LLC.) 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 a administratively complete groundwater production report for calendar year 2023 by June 30, 2024.

In response to the action taken by the Board, staff recorded violation [VCGCD - GMa - CIE - Enforcement Case Violation - ECV-20240429-14 - Millennium Estate Management LLC. - Failure to Report Groundwater Production CY2023 for Well - NW-001296 - Active](#)

On May 3, 2024, staff attempted to provide notice of violation ECV-20240429-14 to Millennium Estates MGMT by certified mail (CMRRR 7022 1670 0003 4383 1607). <https://tools.usps.com/go/TrackConfirmAction?Ref=fullpage&tLc=2&text28777=&tLabels=70221670000343831607%2C&tABt=true>

VCGCD - Certifeid Mail Returned Address Card - 7022 1670 0003 4383 1607 - Millennium Estate MGMT.pdf

 Untitled Attachment

On June 3, 2024, staff attempted to provide notice of violation ECV-20240429-14 to Millennium Estates MGMT by certified mail (CMRRR 7022 1670 0003 4383 2048).

VCGCD - Certified Mail Returned Address Card - 7022 1670 0003 4383 2048 - Millennium Estate MGMT.pdf

 **Untitled Attachment**

On June 5, 2024, staff hand delivered notice of violation ECV-20240429-14 to employee with VICTTECH located at 182 Starship Rd. in Victoria County, Victoria Texas.

On June 27, 2024, Mr Li provided the following response to the district regarding the 2nd NOV Letter for violation ECV-20240429-14.

VCGCD - Adm - OM - Correspondence-Inbound - GCI-20240701.1104 - VCGCD - ECV-20240429-14 - Consent to the Settlement Offer - VICTTECH

VCGCD - ECV-20240429-14 - Consent to the Settlement Offer - VICTTECH.pdf

 **Untitled Attachment**

VCGCD - Adm - OM - Correspondence-Inbound - GCI-20240701.1105 - VCGCD - ECV-20240429-14 - Settlement Fee - VICTTECH

VCGCD - ECV-20240429-14 - Settlement Fee - VICTTECH.pdf

 **Untitled Attachment**

On July 1, 2024, the staff attempted to provide notice of this enforcement hearing and staff's intent to seek authorization to pursue enforcement of the rules by filing a civil suit against VICTTECH at the next regularly scheduled meeting of the board of directors to VICTTECH by certified mail (CMRRR 7022 1670 0003 4383 2130). See:

VCGCD - ECV Notice of Need to File Suit - ECV-20240429-14 - Bundle.pdf

 **Untitled Attachment**

As of July 8, 2024, the violator has satisfied each element of the settlement offers extended by the Board of Directors.

Management Recommendation:

Management Recommendation 1: move to open and record the enforcement hearing regarding violation ECV-20240429-14.

Management Recommendation 2: state for the record:

1. the date and time the hearing was opened;
2. the enforcement case id;
3. the alleged violator;
4. the alleged violation;
5. swear in the general manager of the district;
6. instruct the general counsel of the district to accept and record the testimony of the general manager regarding the alleged violation.

Management Recommendation 3: move to cease the recording the enforcement hearing after accepting public comments or comments from the alleged violator.

Management Recommendation 4: move to adopt an enforcement order regarding the alleged violation.

Item 3.9 - Violations ECV-20231105-03 and ECV-20231105-06 - CSWR

Previous Consideration by the Board:

MFC-20240419-3.3 - Enforcement Hearing re ECV-20231105-06 - CSWR-Texas Utility Operating Company - North Victoria Utilities - Failure to Obtain a Production Permit;

MFC-20240419-3.4 - Enforcement Hearing_re ECV-20231105-03 - CSWR-Texas Utility Operating Company - Coletto Water - Failure to Obtain a Production Permit.

Management Discussion:

On April 19, 2024, the Board of Directors issued Enforcement Order ECV-20231105-03 and Enforcement Order ECV-20231105-06.

VCGCD - Enforcement Order - ECV-20231105-03 - Packet.pdf

 **Untitled Attachment**

VCGCD - Enforcement Order - ECV-20231105-06 - Packet.pdf

 **Untitled Attachment**

On April 30, 2024, the enforcement orders and associated testimony packets were forwarded to Mr. Allison.

In May 2024, Mr. Ben Glynn, a representatives for CSWR, resumed communications with the District.

On June 21, 2024, Mr. Allison provided draft petitions regarding the violations.

On June 24, 2024, Ms. April Dobbins inquired regarding the outstanding information needed by the District regarding CSWR's applications for production permits.

On June 25, 2024, Mr. Allison agreed to transmit the draft petitions to CSWR.

On July 2, 2024, Ms. Dobbins inquired regarding the outstanding information needed by the District regarding CSWR's applications for production permits again.

On July 8, 2024, staff responded to Ms. Dobbins' inquiry.

As of July 8, 2024, violations ECV-20231105-03 and ECV-20231105-06 remain unresolved.

Management Recommendation:

None.

Item 3.10 - Violations ECV-20231105-04 and ECV-20231105-05- 7-Eleven

Previous Consideration by the Board:

MFC-20240419-3.5 - Enforcement Hearing_re ECV-20231105-04 - 7-Eleven Store 36525 - Failure to Obtain a Production Permit;

MFC-20240419-3.6 - Enforcement Hearing_re ECV-20231105-05 - 7-Eleven Store 36551H - Failure to Obtain a Production Permit

Management Discussion:

On April 19, 2024, staff held a conference call with Mr. Tobias Smith, legal counsel for 7-Eleven, regarding violations ECV-20231105-04 and ECV-20231105-05. Mr. Smith committed to immediately providing an affidavit testifying to the extenuating circumstances that caused the delay in responding in a timely fashion to the settlement offers extended by the Board of Directors related to the violations.

In response to receiving the report regarding the conference call with Mr. Smith during the meeting held on April 19, 2024, the Board of Directors passed the following motion to 1) authorize the General Manager to approve permit SCPPW-20240401-01 and permit SCPPW-20240401-02, 2) assess a total penalty of \$2,500.00 for violation ECV-20231105-04 and violation ECV-20231105-05, and 3) designate the violations resolved contingent upon the violator submitting check for payment of the total penalty amount and the executed production permit (permit SCPPW-20240401-01 and permit SCPPW-20240401-02) to the district on or before May 19, 2024.

On May 13, 2024, Mr. Smith submitted the affidavit testifying to the extenuating circumstances that caused the delay in responding in a timely fashion to the settlement offers extended by the Board of Directors related to the violations.

On May 13, 2024, Mr. Andruss forwarded the message and affidavit submitted by Mr. Smith to Mr. Allison for review and comment.

On June 18, 2024, Mr. Andruss notified Mr. Smith of the action taken by the Board on April 19, 2024, and suggest 7-Eleven submit a check for payment of the \$2,500.00 penalty and the executed permits by July 12, 2024.

On July 2, 2024, in response to Mr. Allison's inquiry, Mr. Andruss explained that "7-Eleven has not 1) submitted a check for payment of the total penalty amount, nor 2) submitted the executed production permits to the district on or before May 19, 2024. Other than satisfying the deadline, the settlement offer of the board could be met with the payment of the penalty and submittal of the executed production permits."

On July 2, 2024, Mr. Allison notified Mr. Andruss that he would "submit a settlement agreement for their signature to be returned with the signed permits and \$2500. "

As of July 8, 2024, violations ECV-20231105-04 and ECV-20231105-05 remain unresolved.

Management Recommendation:

None.

Item 4.0 - Report regarding Groundwater Protection

Previous Consideration by the Board:

MFC-20240419-4.0 - Report regarding Groundwater Protection.

Management Discussion:

Regarding Well Inspections for FY2024.

As of July 9, 2024, staff had recorded 33 well inspection forms (WIFs) since October 1, 2023.

Regarding Manage Investigations related to Groundwater Protection for FY2024.

On or about June 21, 2024, staff of the district attempted to assist a member of the public wanting to request the district investigate illegal dumping of waste in surface water bodies in Victoria. The man, who had visited the office on several other occasions regarding other alleged violations, became irate and angry with staff, in particular Mr. Andruss due to his continued insistence that the man complete either a complaint form or an application to request an investigation to record the details of the alleged violation. The man left the office frustrated that Mr. Andruss would not accept or act upon his verbal allegation and without providing any meaningful details or evidence of the alleged violation.

The board of the district has not adopted a formal policy regarding investigations. However, management has developed, published (see: <https://www.vcgcd.org/groundwater-protection>), and used forms to receive requests for the public to request an investigation or submit a complaint. Unless the board of directors instructs otherwise, management will continue to employ the use of the complaint form and application to request an investigation for the purpose of accepting requests from the public to investigate alleged violations.

As of July 9, 2024, staff had initiated 0 investigations related to Groundwater Protection since October 1, 2023.

As of July 9, 2024, staff had 2 active investigation related to Groundwater Protection.

Regarding Manage Enforcement Cases related to Groundwater Protection for FY2024.

As of July 9, 2024, the Board had initiated 0 enforcement case violations related to Groundwater Protection since October 1, 2023.

As of July 9, 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-20240419-5.0 - Report regarding Groundwater Monitoring.

Management Discussion:

Regarding Monitor Drought Conditions for FY2024.

As of July 9, 2024, the U.S. Drought Monitor (<https://www.drought.gov/states/texas/county/victoria>) indicates that 0% of Victoria County was experiencing drought conditions.

As of July 9, 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 portion of Victoria County are experiencing abnormally dry conditions or drought conditions.

Regarding Synoptic Aquifer Monitoring for FY2024.

As of July 9, 2024, staff had collected 34 water level measurements since October 1, 2023.

Regarding Advanced Aquifer Monitoring for FY2024.

On June 6, 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 and groundwater conductivity measurements from well NW-000426. On April 15, 2024, staff ordered the equipment for an additional monitoring well for the pilot project for the WellIntel System. On June 19, 2024, staff inventoried the equipment ordered and received with WellIntel. Staff anticipates the installation of the equipment at the monitoring well before August 1, 2024.

Regarding Baseline Water Quality Aquifer Monitoring for FY2024.

Regarding Ad-Hoc Baseline Water Quality Sampling for FY2024.

As of July 9, 2024, staff had collected 3 water quality field measurements since October 1, 2023.

As of July 9, 2024, staff had collected 2 water quality samples since October 1, 2023.

As of July 9, 2024, staff had received 1 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-20240719-5.1 - 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.

Regarding Synoptic Aquifer Monitoring for PVGCD for FY2024.

As of July 9, 2024, staff had collected 29 water level measurements for Pecan Valley GCD since October 1, 2023.

Management Recommendation:

None.

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

Previous Consideration by the Board:

[MFC-20230721-5.4 - 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 \$18,000.00 contingent upon Calhoun County GCD, Refugio 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-20240419-6.0 - Report regarding Groundwater Conservation.](#)

Management Discussion:

Regarding Promote Conservation for FY2024.

On March 22, 2024, Mr. Andruss participated in the Chandler Elementary Career Day and presented information and demonstrations regarding groundwater conservation to students.

On April 29, 2024, Director Eller and Mr. Andruss attended the meeting of Kiwanis Club of Victoria to speak about goals and objectives of the district (including groundwater conservation) and the status of groundwater resource management in Victoria County and Texas.

Regarding Conservation Education and Teacher Professional Development for FY2024.

The district did not participate in the professional development mini-conference organized by VISD as the teachers scheduled to participate were also registered to be participants in the teacher professional development workshops hosted by UHV, VISD/INVISTA Wetland, and VCGCD in June 2024. The classroom aquifer kits purchase for the mini-conference were used as part of the teacher professional development workshops.

The district, in cooperation with the University of Houston-Victoria, Victoria ISD, and INVISTA, conducted teacher professional develop workshops on June 26 and June 27, 2024. See: [MFC-20240719-6.1 - Conservation Education and Teacher Professional Development.](#)

Management Recommendation:

None.

Item 6.1 - Conservation Education and Teacher Professional Development

Previous Consideration by the Board:

[MFC-20240419-6.1 - Conservation Education and Teacher Professional Development.](#)

Management Discussion:

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.

VCGCD - Teacher PD - Summer 2024 - Water Conservation Education - Workshop Packet.pdf

 Untitled Attachment

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

VCGCD - PD Evals for FY2024.pdf

 Untitled Attachment

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-20240419-7.0 - 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 it efforts to develop the 2026 regional water plan for the region, considered a proposed amendment to the 2021 SCTRWP 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 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. See: [MFC-20240719-7.1 - GMA 15 Joint Planning.](#)

Management Recommendation:

None.

Item 7.1 - GMA 15 Joint Planning

Previous Consideration by the Board:

[MFC-20230721-7.1 - GMA 15 By-Laws, Cost Sharing Agreement, and RFP for Technical Services.](#)

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:

Member Districts of GMA 15	Minimum Contribution	Approved GMA 15 Cost Sharing Agreement (as of July 3, 2024)	Contributions Remitted to GMA 15 Administrator (as of July 3, 2024)
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
Total	\$82,500.00		

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:

Task/Activity	Deliverables	Cost	Proposed Change	Suggested Cost
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	Draft and final report	\$3,500.00		\$3,500.00

management strategies in SWP				
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
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
Total		\$90,000.00		\$71,000.00

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. Additional predictive simulations with pumping simulated 1) at total permitted production (99,163.10 acre-feet in Victoria County) and 2) deep saline production scenarios (e.g., 20,000 AFY of slightly saline groundwater in deep-saline management zones, 15,000 AFY of moderately saline groundwater in deep-saline management zones)

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-20240419-8.0 - 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-20240719-8.1 - 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-20240419-8.0 - Report regarding Groundwater Policy.

Management Discussion:

On April 19, 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 of VCGCD 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 of VCGCD 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."

Draft Revisions to the Rules of the District

VCGCD - Rules of the District - Management Proposed Revisions - 20240617 - All Markup.pdf"

Untitled Attachment

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 1) designate the draft revisions developed by staff, including the propose revision to item 2 of Rule 4.4, as the proposed rules of the district, 2) 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.

Item 9.0 - Report regarding Administration and Management

Previous Consideration by the Board:

MFC-20240119-9.0 - Report regarding Administration and Management.

Management Discussion:

Regarding Employment Management for FY2024.

No report.

Regarding Employee Health Benefits Enrollment.

No report.

Regarding Employee Retirement Plan Review.

On June 25, 2024, staff reviewed the employee retirement plan with TCDRS. The district has no unfunded liability and therefore the required funding rate did not increase. The proposed budget for FY2025 will be developed using the current contribution rate.

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.vcgcd.org/election-notice>.

Regarding Financial Audit for FY2023.

See: [MFC-20240719-9.6 - Financial Audit for FY2023.](#)

Regarding Investment Management for FY2024.

See: [MFC-20240419-9.3 - Investments of the District.](#)

Regarding Financial Record Processing and Reporting for FY2024.

See: [MFC-20240419-9.2 - Financial Reports of the District.](#)

See: [MFC-20240419-9.2.1 - Financial Transaction Review.](#)

See: [MFC-20240419-9.4 - Unpaid Accounts Payable.](#)

Regarding Budget Development for FY2025.

See: [MFC-20240719-9.8 - Preliminary Budget Information for FY2025.](#)

Regarding Asset Tracking for FY2024.

No report.

Regarding Public Funds Training for FY2024.

No report.

Regarding Website Improvements.

On June 6, 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 GIS Data Quality Control.

No report.

Regarding Public Notice and Meeting Coordination for FY2024.

The next meetings of the Board are scheduled for **August 16, 2024** (Budget and Tax Rate Matters), and **October 18, 2024**, with each meeting to convene at 9:00 AM. Regular meetings will be rescheduled as necessary and special meeting may be scheduled to address unforeseen issues.

See: [MFC-20240419-9.1 - Minutes of the Previous Meeting.](#)

Regarding Public Notice and GMA 15 Meeting Coordination for FY2024.

the next meeting of GMA 15, scheduled for July 11, 2024, will be held at the office building of the Fayette County GCD.

Regarding Performance Audit for FY2023.

See: [MFC-20240719-9.5 - 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.

No report.

Regarding Emergency Management Training for FY2024.

No report.

Regarding GCD Support for FY2024.

See: MFC-20240719-9.7 - Services Provided to Other GCDs.

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 the Previous Meeting

Previous Consideration by the Board

MFC-20240419-9.1 - Minutes of the Previous Meeting.

Management Discussion:

The minutes for the previous meeting were sent to the board members prior to the meeting. See: VCGCD - Adm - MM - Meeting Minutes - 20240419 - Board of Directors

VCGCD - Meeting Minutes - 20240419 - Final.pdf

 [Untitled Attachment](#)

Management Recommendation:

Move to accept and approve the meeting minutes for April 19, 2024.

Item 9.2 - Financial Reports of the District

Previous Consideration by the Board

MFC-20240419-9.2 - Financial Reports of the District.

Management Discussion:

The internal control review and internal financial reports for March, April and May 2024, have been compiled, reviewed, and forwarded to the directors prior to the meeting.

VCGCD - Adm - FM - Internal Control Review Reports - ICRR-20240331-01 - March 2024

VCGCD - Adm - FM - Internal Control Review Reports - ICRR-20240331-01 - March 2024

 [Untitled Attachment](#)

VCGCD - Adm - FM - Internal Financial Reports - IFR-20240331-01 - FY2024M06 - March 2024

VCGCD - Internal Financial Report - March 2024

 [Untitled Attachment](#)

VCGCD - Adm - FM - Internal Control Review Reports - ICRR-20240430-01 - April 2024

VCGCD - Adm - FM - Internal Control Review Reports - ICRR-20240430-01 - April 2024

 [Untitled Attachment](#)

VCGCD - Adm - FM - Internal Financial Reports - IFR-20240430-01 - FY2024M07 - April 2024

 [Untitled Attachment](#)

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

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

 [Untitled Attachment](#)

[VCGCD - Adm - FM - Internal Financial Reports - IFR-20240531-01 - FY2024M08 - May 2024](#)

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

 [Untitled Attachment](#)

Management Recommendation:

Move to accept and approve the internal control review reports and the Internal financial reports for March, April and May 2024.

Item 9.2.1 - Financial Transaction Review

Previous Consideration by the Board

[MFC-20240419-9.2.1 - Financial Transaction Review.](#)

Management Discussion:

The list below identifies each accounts payable transaction that was recorded since April 20, 2024, as of July 5, 2024:

1. [ACCTP-20240425-01 - \\$139.36 - TEC-20240425-01 - Candace Whittley](#)
2. [ACCTP-20240430-01 - \\$6,956.74 - IRS - March 2024](#)
3. [ACCTP-20240430-02 - \\$3,105.85 - TML Health - April 2024](#)
4. [ACCTP-20240430-03 - \\$5,656.33 - TCDRS - March 2024](#)
5. [ACCTP-20240430-04 - \\$210.00 - IRS](#)
6. [ACCTP-20240430-05 - \\$585.00 - TWC](#)
7. [ACCTP-20240430-06 - \\$3,367.39 - Brent Immenhauser - Paystub - March 2024](#)
8. [ACCTP-20240430-07 - \\$3,798.37 - Caitlynn Davenport - Paystub - March 2024](#)
9. [ACCTP-20240430-08 - \\$2,686.60 - Candace Whittley - Paystub - March 2024](#)
10. [ACCTP-20240430-09 - \\$3,851.47 - Mike Benavides - Paystub - March 2024](#)
11. [ACCTP-20240430-10 - \\$6,172.09 - Tim Andruss - Paystub - March 2024](#)
12. [ACCTP-20240430-11 - \\$21.32 - Intuit Charge - March 2024](#)
13. [ACCTP-20240522-05 - \\$104.52 - Candace Whittley - TEC-20240408-01](#)
14. [ACCTP-20240529-02 - \\$150.00 - Michael Klinge](#)
15. [ACCTP-20240529-01 - \\$4,745.17 - Office Systems](#)
16. [ACCTP-20240522-02 - \\$498.48 - Caitlynn Davenport - TEC-20240531-01](#)
17. [ACCTP-20240522-03 - \\$14.00 - Victoria County Clerk](#)
18. [ACCTP-20240522-04 - \\$4,490.33 - Victoria CAD](#)
19. [ACCTP-20240529-04 - \\$22.34 - Xerox](#)
20. [ACCTP-20240529-03 - \\$3,568.53 - Cardmember Service](#)
21. [ACCTP-20240522-06 - \\$488.00 - Pace Analytical](#)
22. [ACCTP-20240531-01 - \\$7,110.46 - IRS - April 2024](#)
23. [ACCTP-20240531-02 - \\$3,105.85 - TML Health - May 2024](#)
24. [ACCTP-20240531-04 - \\$3,520.50 - Brent Immenhauser - Paystub - April 2024](#)
25. [ACCTP-20240531-05 - \\$3,798.37 - Caitlynn Davenport - Paystub - April 2024](#)

26. ACCTP-20240531-06 - \$2,808.25 - Candace Whittley - Paystub - April 2024
27. ACCTP-20240531-07 - \$4,020.04 - Mike Benavides - Paystub - April 2024
28. ACCTP-20240531-08 - \$6,172.09 - Tim Andruss - Paystub - April 2024
29. ACCTP-20240531-03 - \$5,781.78 - TCDRS - April 2024
30. ACCTP-20240531-09 - \$21.32 - Intuit Charge - April 2024
31. ACCTP-20240612-02 - \$4,720.91 - Farrwest Environmental Supply
32. ACCTP-20240624-13 - \$840.12 - Office Systems
33. ACCTP-20240624-12 - \$18.34 - Xerox Corporation
34. ACCTP-20240624-11 - \$474.36 - Caitlynn Davenport - TEC-20240630-01
35. ACCTP-20240624-10 - \$500.00 - Heather Meiers - Conservation Education
36. ACCTP-20240624-09 - \$500.00 - Jordan Schott - Conservation Education
37. ACCTP-20240624-06 - \$500.00 - Candace Helms - Conservation Education
38. ACCTP-20240624-07 - \$500.00 - Rose Reyes - Conservation Education
39. ACCTP-20240624-08 - \$500.00 - Daisy Garcia - Conservation Education
40. ACCTP-20240624-05 - \$500.00 - Trey Aley - Conservation Education
41. ACCTP-20240624-04 - \$500.00 - Brandi Lystan - Conservation Education
42. ACCTP-20240624-03 - \$500.00 - Sharon Holochwost - Conservation Education
43. ACCTP-20240624-02 - \$500.00 - Alicia Mouser - Conservation Education
44. ACCTP-20240624-01 - \$500.00 - Leslie Ortiz - Conservation Education
45. ACCTP-20240612-05 - \$450.00 - TAGD
46. ACCTP-20240612-04 - \$2,160.00 - Streamline
47. ACCTP-20240612-06 - \$189.25 - Victoria Advocate
48. ACCTP-20240612-01 - \$104.52 - Candace Whittley - TEC-20240531-01
49. ACCTP-20240612-07 - \$50.00 - Dan Laza - Well Access Fee
50. ACCTP-20240612-03 - \$3,600.00 - Cardmember Service
51. ACCTP-20240612-10 - \$50.00 - Gene Rydell - Well Access Fee
52. ACCTP-20240612-09 - \$50.00 - James Neumann - Well Access Fee
53. ACCTP-20240612-08 - \$50.00 - Jesus Estrada - Well Access Fee
54. ACCTP-20240612-12 - \$50.00 - Paul Bonorden Jr. - Well Access Fee
55. ACCTP-20240612-11 - \$50.00 - Kirk Feuerbacher - Well Access Fee
56. ACCTP-20240612-02 - \$4,720.91 - Farrwest Environmental Supply
57. ACCTP-20240624-13 - \$840.12 - Office Systems
58. ACCTP-20240624-12 - \$18.34 - Xerox Corporation
59. ACCTP-20240624-11 - \$474.36 - Caitlynn Davenport - TEC-20240630-01
60. ACCTP-20240624-10 - \$500.00 - Heather Meiers - Conservation Education
61. ACCTP-20240624-09 - \$500.00 - Jordan Schott - Conservation Education
62. ACCTP-20240624-06 - \$500.00 - Candace Helms - Conservation Education
63. ACCTP-20240624-07 - \$500.00 - Rose Reyes - Conservation Educatio
64. ACCTP-20240624-08 - \$500.00 - Daisy Garcia - Conservation Education
65. ACCTP-20240624-05 - \$500.00 - Trey Aley - Conservation Education
66. ACCTP-20240624-04 - \$500.00 - Brandi Lystan - Conservation Education
67. ACCTP-20240624-03 - \$500.00 - Sharon Holochwost - Conservation Education
68. ACCTP-20240624-02 - \$500.00 - Alicia Mouser - Conservation Education
69. ACCTP-20240624-01 - \$500.00 - Leslie Ortiz - Conservation Education
70. ACCTP-20240612-05 - \$450.00 - TAGD
71. ACCTP-20240612-04 - \$2,160.00 - Streamline
72. ACCTP-20240612-06 - \$189.25 - Victoria Advocate
73. ACCTP-20240612-01 - \$104.52 - Candace Whittley - TEC-20240531-01

74. ACCTP-20240612-07 - \$50.00 - Dan Laza - Well Access Fee
75. ACCTP-20240612-03 - \$3,600.00 - Cardmember Service
76. ACCTP-20240612-10 - \$50.00 - Gene Rydell - Well Access Fee
77. ACCTP-20240612-09 - \$50.00 - James Neumann - Well Access Fee
78. ACCTP-20240612-08 - \$50.00 - Jesus Estrada - Well Access Fee
79. ACCTP-20240612-12 - \$50.00 - Paul Bonorden Jr. - Well Access Fee
80. ACCTP-20240612-11 - \$50.00 - Kirk Feuerbacher - Well Access Fee

The list below identifies each accounts receivable transaction that was recorded since April 20, 2024, as of July 5, 2024:

1. ACCTR-20240424-01 - \$1,147.08 - Tax Collections
2. ACCTR-20240425-01 - \$350.35 - Tax Collections
3. ACCTR-20240430-05 - \$412.40 - Tax Collections
4. ACCTR-20240430-01 - \$688.23 - Interest
5. ACCTR-20240430-02 - \$4,219.38 - Interest
6. ACCTR-20240430-03 - \$31.75 - Interest
7. ACCTR-20240404-02 - \$304.53 - Interest
8. ACCTR-20240408-01 - \$741.61 - Interest
9. ACCTR-20240408-02 - \$741.61 - Interest
10. ACCTR-20240422-01 - \$464.98 - Interest
11. ACCTR-20240430-04 - \$5.94 - Interest
12. ACCTR-20240404-01 - \$447.08 - Interest
13. ACCTR-20240508-01 - \$7,500.00 - RGCD - GMA15 Cost Share
14. ACCTR-20240528-04 - \$3,750.00 - RGCD - Intera Cost Share
15. ACCTR-20240524-01 - \$7,500.00 - TGCD - GMA15 Cost Share
16. ACCTR-20240528-03 - \$1,721.48 - RGCD - Records Archive
17. ACCTR-20240504-02 - \$295.25 - Interest
18. ACCTR-20240508-01 - \$719.72 - Interest
19. ACCTR-20240508-02 - \$719.72 - Interest
20. ACCTR-20240522-01 - \$451.26 - Interest
21. ACCTR-20240508-03 - \$7,500.00 - RGCD - GMA15 Cost Share
22. ACCTR-20240504-01 - \$433.85 - Interest
23. ACCTR-20240528-05 - \$5,166.25 - RGCD - February 2024
24. ACCTR-20240528-02 - \$1,868.33 - RGCD - Reimbursement
25. ACCTR-20240528-01 - \$1,067.70 - CCGCD - Reimbursement
26. ACCTR-20240523-07 - \$3,750.00 - TGCD - Intera Cost Share
27. ACCTR-20240509-01 - \$7,500.00 - CCGCD - GMA15 Cost Share
28. ACCTR-20240524-01 - \$7,500.00 - TGCD - GMA15 Cost Share
29. ACCTR-20240523-06 - \$7,166.25 - TGCD - November 2023
30. ACCTR-20240523-03 - \$7,166.25 - TGCD - August 2023
31. ACCTR-20240523-02 - \$7,166.25 - TGCD - July 2023
32. ACCTR-20240523-05 - \$7,166.25 - TGCD - October 2023
33. ACCTR-20240523-04 - \$7,166.25 - TGCD - September 2023
34. ACCTR-20240523-01 - \$7,166.25 - TGCD - December 2023
35. ACCTR-20240509-01 - \$7,500.00 - CCGCD - GMA15 Cost Share
36. ACCTR-20240506-01 - \$457.12 - Tax Collections
37. ACCTR-20240531-03 - \$26.86 - Interest
38. ACCTR-20240531-02 - \$4,385.82 - Interest
39. ACCTR-20240513-01 - \$546.37 - Tax Collections

40. [ACCTR-20240507-01 - \\$635.36 - Tax Collections](#)
41. [ACCTR-20240501-01 - \\$1,112.55 - Tax Collections](#)
42. [ACCTR-20240531-05 - \\$4,210.87 - Tax Collections](#)
43. [ACCTR-20240531-01 - \\$712.92 - Interest](#)
44. [ACCTR-20240604-03 - \\$150.00 - McFaddin Enterprises - Well Registration](#)
45. [ACCTR-20240618-01 - \\$20.00 - OMG Solutions - Settlement Fee](#)
46. [ACCTR-20240618-02 - \\$20.00 - Sedona Randolph Inc. - Settlement Fee](#)
47. [ACCTR-20240604-02 - \\$1,025.76 - TGCD - Reimbursement](#)
48. [ACCTR-20240619-01 - \\$485.57 - VTAC - Tax Collections](#)
49. [ACCTR-20240604-01 - \\$20.00 - Silver Serenity - Settlement Fee](#)
50. [ACCTR-20240624-01 - \\$344.59 - VTAC - Tax Collections](#)
51. [ACCTR-20240614-01 - \\$1,076.40 - VTAC - Tax Collections](#)
52. [ACCTR-20240607-01 - \\$951.92 - VTAC - Tax Collections](#)

Management Recommendation:

None.

Item 9.3 - Investments of the District

Previous Consideration by the Board

[MFC-20240419-9.3 - Investments of the District.](#)

Management Discussion:

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

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

VCGCD - Investment Report - March 2024

 [Untitled Attachment](#)

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

VCGCD - Investment Report - April 2024

 [Untitled Attachment](#)

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

VCGCD - Investment Report - May 2024

 [Untitled Attachment](#)

Management Recommendation:

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

Item 9.4 - Unpaid Accounts Payable

Previous Consideration by the Board

[MFC-20240419-9.4 - Unpaid Accounts Payable.](#)

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-20240719-01 - \\$2,526.00 - Allison, Bass & Magee, LLP](#)
2. [ACCTP-20240719-02 - \\$270.00 - Allison, Bass & Magee, LLP](#)

Item 9.5 - Annual Performance Report of the District

Previous Consideration by the Board:

[MFC-20230421-11.1 - Annual Performance Report of the District.](#)

Management Discussion:

On May 9, 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.

See: [Project - PRJ-20241600.01 - Performance Audit for FY2023.](#)

Annual Report for FY2023.pdf

 [Untitled Attachment](#)

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:

[VCGCD - Adm - MM - Matter For Consideration - MFC-20231020-9.6 - Financial Audit for the Previous Fiscal Year](#)

Management Discussion:

On October 20, 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 - Services Provided to Other GCDs

Previous Consideration by the Board:

[MFC-20240419-9.5 - Services Provided to Other GCDs.](#)

Management Discussion:

The interlocal cooperation agreement between the District and Calhoun County GCD, Refugio GCD, Texana GCD will automatically extend for 1 year on September 30, 2024 unless either of the parties to an agreement provides at least a 60 day notice of their intent to not renew the agreement to the other party. The district must provide notice by August 1, 2024 to cooperating districts to prevent the automatic renewal of the agreement. See: [Agreements - GCD Management and Administrative Support for FY2023 - CCGCD](#), [Agreements - GCD Management and Administrative Support for FY2023 - RGCD](#), [Agreements - GCD Management and Administrative Support for FY2023 - TGCD](#). See: [Agreements - GCD Groundwater Monitoring Support for FY2020 - PVGCD](#).

On April 19, 2024, the board instructed staff to develop administrative options for providing services to cooperating GCDs in the future in response to concerns raised by management regarding performance.

While many variables can be considered and addressed to suit the preferences of Board and the cooperating districts, three main options regarding support provided to cooperating districts have been developed with a focus on the budgetary aspects of each option from the perspective of the VCGCD:

- **Termination of Support to Cooperating Districts**

- Goal: cooperating district self-sufficiency and independence from the VCGCD by staffing the cooperating districts for [FY2025](#).
- Budgetary Summary

	FY2025	FY2026	FY2027	FY2028	FY2029
Cooperating GCD Fees	\$0	\$0	\$0	\$0	\$0
Staff Expenses	-\$288,000	-\$301,000	-\$315,000	-\$330,000	-\$346,000
Office and Equipment	-\$20,000	-\$21,000	-\$22,000	-\$22,000	-\$23,000
Total	-\$308,000	-\$322,000	-\$337,000	-\$352,000	-\$369,000

- **Short-Term Transition to Independent GCDs**

- Goal: cooperating district self-sufficiency and independence from the VCGCD by staffing the cooperating districts and reducing VCGCD staffing [during a 2-year period](#).
- Budgetary Summary

	FY2025	FY2026	FY2027	FY2028	FY2029
Cooperating GCD Fees	\$315,000	\$225,750	\$0	\$0	\$0
Staff Expenses	-\$420,000	-\$301,000	-\$315,000	-\$330,000	-\$346,000

Office and Equipment	-\$20,000	-\$21,000	-\$22,000	-\$22,000	-\$23,000
Total	-\$125,000	-\$96,250	-\$337,000	-\$352,000	-\$369,000

• **Long-Term Cooperation of GCDs**

- Goal: improvement of performance of VCGCD staff in providing services to the boards of the VCGCD and cooperating district by increasing VCGCD staffing to 7 full-time employees at a consolidated office for at least a 5-year period.
- Budgetary Summary

	FY2025	FY2026	FY2027	FY2028	FY2029
Cooperating GCD Fees	\$393,600	\$383,400	\$402,000	\$420,000	\$440,400
Staff Expenses	-\$570,000	-\$597,000	-\$626,000	-\$656,000	-\$688,000
Office and Equipment	-\$86,000	-\$42,000	-\$44,000	-\$44,000	-\$46,000
Total	-\$262,400	-\$255,600	-\$268,000	-\$280,000	-\$293,600

The budgetary summaries for option 2 and 3 were developed on the presumption that all cooperating district would agree to the arrangement if proposed by the VCGCD.

Management Recommendation:

None.

Item 9.8 - Preliminary Budget Information for FY2025

Previous Consideration by the Board:

MFC-20230721-9.5 - FY2024 Budget.

Management Discussion:

Staff will develop and present a budget for the fiscal year ending September 30, 2025, at the meeting scheduled for August 16, 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.

Staff will develop the proposed budget anticipating the continued cooperation with and support of the cooperating district in accordance with guidance provided by the board under Matter For Consideration - MFC-20240719-9.7 - Services Provided to Other GCDs.

The anticipated balance of the Operating Fund at the end of the fiscal year is \$341,562. The anticipated balance of the Reserve Fund at the end of the fiscal year is \$2,088,904. The GMA 15 Joint Planning Fund anticipated at the end of the fiscal year is \$70,832.

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: Expense Budget: Management Recommendation by Item		
Budget Item Description	Change from FY24 Budget	Preliminary Budget Recommendation
IT Service - Cyber Security -	5%	-\$200.00
IT Service - Office Productivity - Adobe	5%	-\$500.00
IT Service - Office Productivity Service - Microsoft	5%	-\$1,800.00
IT Service - Printer Service	50%	-\$4,500.00
IT Service - Virtual Meeting Software	5%	-\$600.00
IT Service - Technology Services - Misc	50%	-\$700.00
IT Service - Workflow System	10%	-\$1,300.00
IT Service - Workflow System	10%	-\$6,300.00
IT Service - Digital File Storage System	10%	-\$600.00
IT Service - Domain and Legacy Email Hosting	10%	-\$1,600.00
IT Service - GIS Map Hosting	10%	-\$1,100.00
IT Service - Website Hosting	10%	-\$2,400.00
IT Service - Phone - Mobile	10%	-\$1,500.00
IT Service - Phone - Office	10%	-\$1,500.00
IT Service - Internet	10%	-\$2,600.00
Equipment Maintenance - Repair - Office	10%	-\$500.00
Public Notices - Elections	0%	-\$100.00
Public Notices - Financial	0%	-\$2,000.00
Public Notices - Meetings	0%	-\$200.00

Public Notices - Permitting	25%	-\$6,200.00
Public Notices - Planning	50%	-\$100.00
Public Notices - Rulemaking	0%	-\$500.00
Misc Expense	400%	-\$500.00
Legal Services - General Consultation	0%	-\$25,000.00
Legal Services - Legislative Representation	50%	-\$7,500.00
Election Administration for 2024 Elections	0%	-\$40,000.00
Financial Audit Services	20%	-\$24,000.00
Technical Services - Tax Collections	10%	-\$55,000.00
Technical Services - Appraisals	10%	-\$15,400
Accounting Services - Payroll Processing	10%	-\$2,600.00
Insurance - Liability	10%	-\$3,800.00
Insurance - Surety Bonds	20%	-\$900.00
Supplies - Office General	10%	-\$5,500.00
Supplies - Paper for Records Archiving	50%	-\$2,200.00
Supplies - Stamps and Certified Mail Expenses	0%	-\$2,500.00
Travel Expenses - Fuel for District Vehicle	100%	-\$6,000.00
Travel Expenses - Mileage Reimbursement	20%	-\$7,800.00
Subscription - Newspaper of Record	20%	-\$400.00
Lease - Office	5%	-\$21,000.00
Lease - Storage Space	10%	-\$2,200.00
Equipment - Office	20%	-\$1,200.00
Sponsorship - Classroom Conservation Curriculum	0%	-\$5,000.00
Sponsorship - Conservation and Teacher Professional Development	0%	-\$18,000.00
Sponsorship - Educational Display at UHV Science Building	0%	-\$15,000.00
Sponsorship - Wetlands Field Trips	0%	-\$5,000.00
Permitting Technical Assistance	0%	-\$5,000.00
Aquifer Condition Assessment - Geostatistics re Water Levels	10%	-\$5,500.00

Aquifer Condition Assessment - Water Quality Characterizations	0%	-\$5,000.00
Evaluation of Data re Investigations	0%	-\$5,000.00
Lab Analysis of Groundwater Samples	0%	-\$10,000.00
Supplies for Groundwater Monitoring - Calibration Solutions, etc.	50%	-\$3,000.00
Aquifer Monitoring Well Network Development - Land Acquisition and Access	0%	-\$20,000.00
Aquifer Monitoring Well Network Development - Monitor Well Construction	0%	-\$30,000.00
Aquifer Monitoring Well Network Development - WellIntell Pilot	0%	-\$35,000.00
Equipment - Murphy Ranch Waiver Aquifer Monitoring	0%	-\$10,000.00
Equipment Maintenance - Repair and Maintenance - District Vehicle	0%	-\$4,000.00
Equipment Maintenance and Repair - Groundwater Monitoring	0%	-\$5,000.00
Misc Expense	100%	-\$200.00
Membership - Texas Water Conservation Association	25%	-\$1,200.00
Evaluation of Data re Investigations	0%	-\$5,000.00
Saltwater Injection Well Application Assessment	0%	-\$5,000.00
Sponsorship - Well Plugging	0%	-\$2,500.00
Sponsorship - Borehole Logging	0%	-\$5,000.00
DFC Development Support	0%	-\$7,500.00
Sponsorship - SCTRWPG - Administrative Support Costs	0%	-\$500.00
Total (not including personnel costs)		-\$467,700.00

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 9.9 - Cyber Liability and Data Breach Response Coverage

Previous Consideration by the Board:

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

 Untitled Attachment

Management Recommendation:

Move to accept and opt-in to the Core+ edition of 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 at a cost of \$1,250.00.

Item 10.0 - Legal Counsel Report

Previous Consideration by the Board

[MFC-20240419-10.0 - Legal Counsel Report.](#)

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.