

Texana 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 Texana Groundwater Conservation District Board of Directors will hold a meeting on August 17, 2023, at 8:30 AM at the County Services Building, 411 N. Wells, Edna, 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. Continuation of Permit Hearing - Mr. Reed Bowers for Bowers and Saha Aquaculture LLC seeks, under permitting request case PRC-20230321-01, amendments to waiver WV-20191219-01 to revise the monitoring requirements, the performance criteria, and performance responses, and curtailment requirements established within the waiver. The subject well field is located near the intersection of County Road 477 and County Road 479 in Jackson County, Texas.
 - b. Enforcement proceedings, including consideration of remedies provided for under Section 36.102 of the Texas Water Code, related to enforcement case violation ECV-20230421-01 finding Candido Saenz failed to report groundwater production for calendar year 2022 for non-exempt-use well GW-00547 as required by Rule 2.6: REPORTING REQUIREMENT RELATED TO NON-EXEMPT USE WELLS.
 - c. Enforcement proceedings, including consideration of remedies provided for under Section 36.102 of the Texas Water Code, related to enforcement case violation ECV-20230421-02 finding The Ranches at Mustang Creek, failed to report groundwater production for calendar year 2022 for non-exempt-use well GW-00569 as required by Rule 2.6: REPORTING REQUIREMENT RELATED TO NON-EXEMPT-USE WELLS.
 - d. Enforcement proceedings, including consideration of remedies provided for under Section 36.102 of the Texas Water Code, related to enforcement case violation ECV-20230421-07 finding Alice M. Combs, failed to report groundwater production for calendar year 2022 for non-exempt-use well GW-00363 as required by Rule 2.6: REPORTING REQUIREMENT RELATED TO NON-EXEMPT-USE WELLS.
 - e. Enforcement proceedings, including consideration of remedies provided for under Section 36.102 of the Texas Water Code, related to enforcement case violation ECV-20230421-08 finding Alice M. Combs, failed to report groundwater production for calendar year 2022 for non-exempt-use wells GW-00357, GW-00359, GW-00360 and GW-00361 as required by Rule 2.6: 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.

Texana Groundwater Conservation District Meeting Notice and Agenda

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5. Consideration of and possible action on matters related to groundwater monitoring.
6. Consideration of and possible action on matters related to groundwater conservation.
7. Consideration of and possible action on matters related to groundwater resource planning including Groundwater Management Area 15 Joint Planning and regional water planning.
8. Consideration of and possible action on matters related to groundwater policy including the Management Plan of the District and the Rules of the District.
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.
 - a. Budget recommendation for Fiscal Year 2024.
 - b. Tax rate for Tax Year 2023.
 - c. Certified tax roll for Tax Year 2023.
10. Consideration of and possible action on matters related to legal counsel report.
11. Adjourn.

The Texana 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 Texana 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.

Small Taxing Unit Notice

The Texana Groundwater Conservation District will hold a meeting at 8:30 AM on August 17, 2023, at 411 N. Wells St., Edna, Texas 77957 to consider adopting a proposed tax rate for tax year 2023. The proposed tax rate is \$0.0074 per \$100 of value.

Visit [Texas.gov/PropertyTaxes](https://www.texas.gov/PropertyTaxes) to find a link to your local property tax database on which you can easily access information regarding your property taxes, including information about proposed tax rates and scheduled public hearings of each entity that taxes your property.

The 86th Texas Legislature modified the manner in which the voter-approval tax rate is calculated to limit the rate of growth of property taxes in the state.

TGCD - Matters for Consideration - 20230817

Item 1.0 - Convene Meeting

Management Discussion: the District completed all necessary public notification requirements for the meeting.

See: [Public Notice - 20230817 - Tax Rate Notice](#)

See: [Public Notice - 20230817 - Board Meeting](#)

Management Recommendation: called the meeting to order at 9:00 AM and record the attendance of district representatives.

Precinct 1: Mr. Kenneth Koop, Treasurer, _____ .

Precinct 2: Mr. Michael Skalicky, President, _____ .

Precinct 3: Mr. Clifford Born, Director, _____ .

Precinct 4: Mr. Fred Woodland, Director, _____ .

At Large 1: Mr. Jim Revel, Secretary, _____ .

At Large 2: Mr. Johnny Dugger, Vice-President, _____ .

At Large 3: Mr. Robert Gendke, Jr., Director, _____ .

General Manager: Tim Andruss _____ .

General Counsel: Jim Allison _____ .

Item 2.0 - Receive Public Comment

Management Discussion: offer to accept public comment from attendees.

Management Recommendation: none.

Item 3.0 - Report regarding Groundwater Management

Previous Consideration by the Board: [MFC-20230720-3.0 - Report regarding Groundwater Management](#).

Related Programs: [Program - PRG-3000 - Groundwater Management](#).

Related Projects:

1. [PRJ-20233100.01 - Well Registration Processing for FY2023 \(MG1:O1\) - Active](#).
2. [PRJ-20233100.02 - Production Permit Renewal Processing for FY2023 \(MG1:O2\) - Active](#).
3. [PRJ-20233100.03 - Permit Processing for FY2023 \(MG1:O1,2\) - Active](#).
4. [PRJ-20233100.04 - Groundwater Production Report Processing for CY2022 \(MG1:O2\) - Active](#).
5. [PRJ-20233100.05 - Manage Investigations related to Permitting Violations for FY2023 \(MG1:O2\) - Active](#).
6. [PRJ-20233100.06 - Manage Enforcement Cases related to Permitting Violations for FY2023 \(MG1:O2\) - Active](#).

Management Discussion: as of August 10, 2023, staff had identified the following pending permitting request cases prepared for consideration by the board:

1. [PRC-20230321-01 - AAPC-20230329-01 - Bowers and Saha Aquaculture LLC - Pending/Contested.](#)

As of August 10, 2023, staff had identified the following unresolved enforcement cases violations related to groundwater management (i.e., permitting):

1. [Enforcement Case Violation - ECV-20230421-01 - SAENZ CANDIDO \(Candido Saenz\) - Failure to Report Groundwater Production CY2022 for Well - GW-00547 - Unresolved](#)
2. [Enforcement Case Violation - ECV-20230421-02 - THE RANCHES AT MUSTANG CREEK, LLC \(The Ranches at Mustang Creek, LLC\) - Failure to Report Groundwater Production CY2022 for Well - GW-00569 - Unresolved](#)
3. [Enforcement Case Violation - ECV-20230421-07 - COMBS ALICE M \(Alice Combs\) - Failure to Report Groundwater Production CY2022 for Well - GW-00363 - Unresolved](#)
4. [Enforcement Case Violation - ECV-20230421-08 - COMBS ALICE M \(Alice Combs\) - Failure to Report Groundwater Production CY2022 for Well - GW-00357 - GW-00359 - GW-00360 - GW-00361 - Unresolved](#)

Management Recommendation: none.

Item 3.1 - Permit Hearing for PRC-20230321-01 - Bowers and Saha LLC

Previous Consideration by the Board: [MFC-20230420-3.3 - Permit Hearing for PRC-20230321-01 - Bowers and Saha LLC.](#)

Related Programs: [Program - PRG-3000 - Groundwater Management.](#)

Related Projects: [PRJ-20233100.03 - Permit Processing for FY2023 \(MG1:O1,2\) - Active.](#)

Management Discussion: on March 21, 2023, Mr. Kubecka submitted an application to the district seeking to amend permit AP-201203-14 on behalf of Bowers and Saha Aquaculture LLC. The application has been assigned the following identification number: AAPC-20230321-01. The application is being processed under permitting request case PRC-20230321-01. See [PRC-20230321-01 - AAPC-20230329-01 - Pending.](#)

Although the application is administratively complete (i.e., contains adequate information to evaluate the request relative to the rules of the district), staff determined that the request is logically inconsistent and therefore contested the request. The request, as specified in application AAPC-20230321-01, seeks to alter permit AP-201203-14 by eliminating "weekly groundwater testing requirements" and "curtailment requirements". However, the permit does not contain 1) "weekly groundwater testing requirements", or 2) "curtailment requirements".

On March 24, 2023, staff notified Mr. Kubecka of the identified issues with the application and the District's intent to contest the application as submitted. The notice of intent to contest the application was sent to Bowers and Saha Aquaculture LLC by certified mail.

TGCD - Notice of Intent to Contest a Application - PRC-20230321-01 - AAPC-20230321-01.pdf

 3.1.1.pdf 120 kB

On March 29, 2023, Mr. Kubecka submitted a revised application.

TGCD - AAPC-20230329-01 - Bowers and Saha Aquaculture.pdf

 3.1.2.pdf 2 MB

On March 30, 2023, the general manager reviewed the application submitted on March 29, 2023 and issued a notice of intent to contest the application.

TGCD - Notice of Intent to Contest a Application - PRC-20230321-01 - AAPC-20230329-01.pdf

 3.1.3.pdf

117 kB

On April 20, 2023, the Board passed a motion to:

1. designate the permitting request case contested;
2. authorize the general manager to engage and pay for services rendered by a qualified technical consultant for the review of application and supporting documentation for the purposes of expressing an opinion regarding the validity of the technical statements within the application and degree to which the "DiSorbo Report" and monitoring data supports technical claims by Bower and Saha; and
3. schedule a meeting for the purpose of receiving a report from the technical consultant and continue the contested case proceedings.

On May 18, 2023, Dr. Uddameri agreed to review the information provided in the amendment request (AAPC-20230329-01) and to provide a report regarding his review at the meeting. The District requested Dr. Uddameri prepare a memorandum/report documenting 1) his review the request to amend the waiver (i.e., AAPC-20230329-01), 2) his assessment of relevant reports and data gathered by the District, and 3) his expert opinion whether:

1. the reports titled Associated Permitting Applications to the report Assessment of Proposed Groundwater Production at Ekstrom Aquaculture LLC Expansion Project authored by Venkatesh Uddameri, Ph.D., P.E., and Assessment of Proposed Groundwater Production at Ekstrom Aquaculture LLC Expansion Project - Additional Simulations and Water Quality Analysis authored by Venkatesh Uddameri, Ph.D., P.E. include or represent scientifically credible evidence to support the applicant's justification for finding good cause to approve the amendment request;
2. the information provided within the AAPC includes or represents scientifically credible evidence to support the applicant's justification for finding good cause to approve the amendment request;
3. the monitoring data and pumping data submitted by the fish farm includes or represents scientifically credible evidence to support the applicant's justification for finding good cause to approve the amendment request;
4. the underlying premise of the applicant that the upper brackish zone is sufficiently isolated from the lower brackish zone to justify the authorization to transfer historic groundwater production (up to 5,884 AFY or 9,210 GPM) from the lower fresh zone to the upper brackish zone without performance criteria or performance responses associated with the lower freshwater zone;
5. the requested amendment of the waiver (as represented in the redlined, draft waiver attached to the AAPC) will or is likely to produce data that demonstrates, over the long term (i.e., over the next 30 years) in the vicinity of the fish farm, water levels in the upper brackish zone have not declined by more than 20' as compared to the initial conditions in the upper brackish zone; and
6. any recommendations regarding revisions to the requested amendment (as represented in the redlined, draft waiver attached to the AAPC) that would be appropriate if you determine that scientifically credible evidence exists to support the premise that the upper brackish zone is sufficiently isolated from the lower brackish zone to justify the authorization to transfer historic groundwater production from the lower fresh zone to the upper brackish zone without performance criteria or performance responses associated with the lower freshwater zone.

On July 20, 2023, Dr. Uddameri did not attend the meeting of the board to present his findings.

On July 20, 2023, the Board passed a motion to extend the forbearance previously granted to Bowers and Saha LLC until the report was received from Dr. Uddameri.

On August 9, 2023, Dr. Uddameri confirmed that he would attend the meeting scheduled for August 17, 2023 to deliver his report.

Below is a chart of monthly performance and groundwater production at the Bower and Saha Fish Farm:

Report	Month	Water Level Performance Criteria		Conductivity Performance Criteria		Reported Production (acre-feet)	
		Upper Brackish Zone	Lower Fresh Zone	Upper Brackish Zone	Lower Fresh Zone	Fresh Production	Brackish Production
PR-20230801-01	July 2023	Unsatisfied - East AMS, Center AMS	Unsatisfied - East AMS, Center AMS, West AMS	Satisfied	Unsatisfied - East AMS	101	169
PR-20230703-01	June 2023	Satisfied	Satisfied	Satisfied	Unsatisfied - East AMS	0	23
PR-20230602-01	May 2023	Satisfied	Satisfied	Satisfied	Satisfied	27	13
PR-20230501-01	April 2023	Satisfied	Satisfied	Satisfied	Unsatisfied - East AMS	12	94
PR-20230401-01	March 2023	Satisfied	Satisfied	Satisfied	Unsatisfied - East AMS and West AMS³	0	2
PR-20230301-01	February 2023	Satisfied	Satisfied	Satisfied	Unsatisfied - East AMS	0	1
PR-20230205-01	January 2023	Satisfied	Unsatisfied - West AMS	Satisfied	Satisfied	0	0
PR-20230103-01	December 2022	Satisfied	Unsatisfied - East AMS, Center AMS, and West AMS	Satisfied	Unsatisfied - East AMS	141	114
PR-20221201-01	November 2022	Satisfied	Unsatisfied - East AMS, Center AMS, and West AMS	Satisfied	Unsatisfied - East AMS	3.5	19.5
PR-20221102-01	October 2022	Satisfied	Unsatisfied - East AMS, Center AMS, and West AMS	Satisfied	Satisfied	68	100
		Satisfied		Satisfied		6	77

PR-20221003-01	September 2022		Unsatisfied - East AMS, Center AMS, and West AMS		Unsatisfied - East AMS		
PR-20220901-01	August 2022	Satisfied	Unsatisfied - East AMS, Center AMS, and West AMS	Satisfied	Unsatisfied - East AMS	54	115
PR-20220815-01	July 2022	Satisfied	Unsatisfied - East AMS	Satisfied	Satisfied	58	42
PR-20220711-01	June 202	Satisfied	Satisfied	Satisfied	Unsatisfied - East AMS	76	124
PR-20220606-01	May 2022	Satisfied	Satisfied	Satisfied	Unsatisfied - East AMS	43	50
PR-20220506-01	April 2022	Satisfied	Satisfied	Satisfied	Unsatisfied - East AMS	0	150
PR-20220411-01	March 2022	Satisfied	Satisfied	Satisfied	Satisfied	0	0
PR-20220309-01	February 2022	Satisfied	Satisfied	Satisfied	Satisfied	53	40
PR-20220203-01	January 2022	Satisfied	Satisfied	Satisfied	Satisfied	0	87
PR-20220105-01	December 2021 ²	Satisfied	Satisfied	Satisfied	Unsatisfied - East AMS	62	39
PR-20211206-01	November 2021	Satisfied	Satisfied	Satisfied	Unsatisfied - East AMS	1	99
PR-20211103-01	October 2021	Satisfied	Satisfied	Satisfied	Unsatisfied - East AMS	8	129
PR-20211014-01	September 2021	Satisfied	Satisfied	Satisfied	Unsatisfied - East AMS	0	40
PR-20210804-01	August 2021	Satisfied	Satisfied	Satisfied	Unsatisfied - East AMS	65	1
PR-20210707-01	July 2021	Satisfied	Satisfied	Satisfied	Unsatisfied - East AMS	0	42
PR-20210707-01	June 2021	Satisfied	Satisfied	Satisfied	Unsatisfied - East AMS	3	0
	May 2021	Satisfied	Satisfied	Satisfied		10	2

PR-20210602-01					Unsatisfied - East AMS		
PR-20210518-01	April 2021	Satisfied	Satisfied	Satisfied	Unsatisfied - East AMS	56	42
PR-20210408-01	March 2021	Satisfied	Satisfied	Satisfied	Satisfied	2	0
PR-20210308-01	February 2021	Satisfied	Satisfied	Satisfied	Satisfied	118	174
PR-20210204-01	January 2021	Satisfied	Satisfied	Satisfied	Satisfied	0	20
PR-20201231-01	December 2020	Satisfied	Satisfied	Satisfied	Satisfied	0	3
PR-20201202-01	November 2020	Satisfied	Unsatisfied - East AMS	Satisfied	Satisfied	10	175
PR-20201109-01	October 2020	Satisfied	Unsatisfied - East AMS	Satisfied	Satisfied	0	210
PR-20201013-01	September 2020	Satisfied	Unsatisfied - East AMS	Satisfied	Satisfied	25	102
PR-20200915-01	August 2020	Satisfied	Satisfied	Satisfied	Satisfied	9	141
PR-20200812-01	July 2020 ¹	Satisfied	Satisfied	Satisfied	Unsatisfied - East AMS	13	148
PR-20200713-01	June 2020	Satisfied	Satisfied	Satisfied	Satisfied	14	136
PR-20200613-01	May 2020	Satisfied	Satisfied	Satisfied	Unsatisfied - East AMS and West AMS	20	120
PR-20200517-01	April 2020	Satisfied	Satisfied	Satisfied	Unsatisfied - East AMS	39	55
PR-20200415-01	March 2020	Satisfied	Satisfied	Satisfied	Unsatisfied - East AMS	104	67

¹ - On July 2, 2020, well GW-00452 was plugged.

² - Between December 2 and December 16, well R1GW-00452 was pumped for test and remediation purposes.

³ - The general manager of the district reviewed the monitoring data for March 2023 in FMW-1 and concluded the data was unreliable.

Management Recommendation: receive the report from Dr. Uddameri and continue the contested case proceedings and instruct staff regarding how to proceed with the permitting request case.

Item 3.2 - Enforcement Hearing re ECV-20230421-01 - Candido Saenz - Failure to Report Groundwater Production CY2022

Previous Consideration by the Board: [MFC-20230720-3.6 - Enforcement Hearing re ECV-20230421-01 - Candido Saenz - Failure to Report Groundwater Production CY2022.](#)

Related Programs: [Program - PRG-3000 - Groundwater Management.](#)

Related Projects: [PRJ-20233100.06 - Manage Enforcement Cases related to Permitting Violations for FY2023 \(MG1:O2\) - Active.](#)

Management Discussion: on July 20, 2023, the board considered violation [ECV-20230421-01.](#)

On July 20, 2023, the Board passed a motion approving the enforcement order below:

TGCD - Enforcement Order - ECV-20230421-01 - 20230720

 [3.2.1.pdf](#) 58 kB

On July 20, 2023, Mrs. Saenz provided the following response to the district regarding the notice of need to file suit Letter for violation ECV-20230424-01.

TGCD - GPR-20230730-01 - Candido Saenz.pdf


 [3.2.2.pdf](#) 934 kB

On July 21, 2023, Mrs. Saenz provided the following response to the district regarding the notice of need to file suit letter for violation ECV-20230421-01.

TGCD - GPR-CY2023 - Candido Saenz.pdf

 [3.2.3.pdf](#) 378 kB

TGCD - ARW-20230721-01 - Candido Saenz.pdf

 [3.2.4.pdf](#) 2 MB

On August 2, 2023, the District mailed letter to Mr. Candido Saenz informing him of the receipt of the of the groundwater production reports for CY2022,CY2023 and the application to register the well as an exempt use well and to cease the operation of the well for non-exempt uses.

TGCD - Receipt of GPR 2022-2023- ARW - Letter - ECV-20230421-01 - Candido Saenz.pdf

 [3.2.5.pdf](#) 288 kB

Management Recommendation: move to rescind the enforcement order related to ECV-20230421-01 adopted on July 20, 2023.

Item 3.3 - Enforcement Hearing re ECV-20230421-02 - The Ranches at Mustang Creek - Failure to Report Groundwater Production CY2022

Previous Consideration by the Board: [MFC-20230720-3.7 - Enforcement Hearing re ECV-20230421-02 - The Ranches at Mustang Creek - Failure to Report Groundwater Production CY2022.](#)

Related Programs: [Program - PRG-3000 - Groundwater Management.](#)

Related Projects: [PRJ-20233100.06 - Manage Enforcement Cases related to Permitting Violations for FY2023 \(MG1:O2\) - Active.](#)

Management Discussion: on July 20, 2023, the Board considered violation [ECV-20230421-02.](#)

On July 19, 2023, Mr. Hammond provided the following response to the district regarding the notice of need to file suit Letter for violation ECV-20230421-02.

TGCD - Email - the Ranches at Mustang Creek.pdf

 3.3.1.pdf 130 kB

TGCD - ACK - GPR - The Ranches at Mustang Creek.pdf

 3.3.2.pdf 3 MB

On July 20, 2023, the board convened the enforcement hearing for the violation and passed a motion to recess the hearing until the next meeting of the board to provide an opportunity for staff to review the response to the district regarding the notice of need to file suit Letter for violation ECV-20230421-02.

Based on a review of the response provided by Mr. Hammond on July 19, 2023, it appears that Mr. Hammond satisfied the requirements established for settling the violation but failed to do so by the deadline of June 30, 2023.

Management Recommendation: move to designate violation ECV-20230421-02 resolved.

Item 3.4 - Enforcement Hearing re ECV-20230421-07 - Alice M. Combs - Failure to Report Groundwater Production CY2022

Previous Consideration by the Board: [MFC-20230720-3.8 - Enforcement Hearing re ECV-20230421-07 - Alice M. Combs - Failure to Report Groundwater Production CY2022.](#)

Related Programs: [Program - PRG-3000 - Groundwater Management.](#)

Related Projects: [PRJ-20233100.06 - Manage Enforcement Cases related to Permitting Violations for FY2023 \(MG1:O2\) - Active.](#)

Management Discussion: on July 20, 2023, the Board considered violation [ECV-20230421-07.](#)

On July 20, 2023, the Board passed a motion approving the enforcement order below:

TGCD - Enforcement Order - ECV-20230421-07 - 20230720

 3.4.1.pdf 58 kB


On July 31, 2023, staff of the District met with Mr. Stephen Rogers at the VCGCD office. Mr. Rogers stated that Alice M. Combs was his grandmother and that she has been in the hospital for sometime and he would like to get this matter resolved for her. While reviewing the groundwater production reports with Mr. Rogers, it appeared that the positioning of one or more wells owned by Ms. Combs were incorrect. Staff agreed to produce a packet of information regarding the permits, and well locations for Mr. Rogers review. Mr. Rogers agreed to reconcile the positions identified for the wells registered Ms. Combs and provide corrected locations for mispositioned wells. Mr. Rogers agreed to submit the required groundwater production reports for

CY2022 for the wells owned by Ms. Combs. as soon as possible. The staff of the District provided the following information regarding enforcement order NO. ECV-20230421-07 to Mr. Stephen Rogers during the meeting.

On August 1, 2023, staff produced a packet of applications, permits, previous GPR's, and vicinity maps related to the wells owned by Mr. Stephen Rogers, Mrs. Elizabeth C. Rogers, and Mrs. Alice Combs. The packet was transmitted to Mr. Rogers via email on August 1, 2023.

On August 7, 2023, Mr. Stephen Rogers hand delivered groundwater production reports for CY2022 for each of the wells owned by Ms. Combs and a letter requesting leniency for Alice M. Combs regarding the violations ECV-20230421-07 and ECV-20230421-08.

TGCD - GPRS - CY2022 - Letter Request - ECV-20230421-07 - ECV-20230421-08 - Alice M. Combs.pdf

 3.4.2 3.5.2.pdf 3 MB

Management Recommendation: move to rescind the enforcement order related to ECV-20230421-07 adopted on July 20, 2023.

Item 3.5 - Enforcement Hearing re ECV-20230421-08 - Alice M. Combs - Failure to Report Groundwater Production CY2022

Previous Consideration by the Board: [MFC-20230720-3.9 - Enforcement Hearing re ECV-20230421-08 - Alice M. Combs - Failure to Report Groundwater Production CY2022.](#)

Related Programs: [Program - PRG-3000 - Groundwater Management.](#)

Related Projects: [PRJ-20233100.06 - Manage Enforcement Cases related to Permitting Violations for FY2023 \(MG1:O2\) - Active.](#)

Management Discussion: on July 20, 2023, the Board considered violation [ECV-20230421-08](#).

On July 20, 2023, the Board passed a motion approving the enforcement order below:

TGCD - Enforcement Order - ECV-20230421-08 - 20230720

 3.5.1.pdf 60 kB

On July 31, 2023, staff of the District met with Mr. Stephen Rogers at the VCGCD office. Mr. Rogers stated that Alice M. Combs was his grandmother and that she has been in the hospital for sometime and he would like to get this matter resolved for her. While reviewing the groundwater production reports with Mr. Rogers, it appeared that the positioning of one or more wells owned by Ms. Combs were incorrect. Staff agreed to produce a packet of information regarding the permits, and well locations for Mr. Rogers review. Mr. Rogers agreed to reconcile the positions identified for the wells registered Ms. Combs and provide corrected locations for mispositioned wells. Mr. Rogers agreed to submit the required groundwater production reports for CY2022 for the wells owned by Ms. Combs. as soon as possible. The staff of the District provided the following information regarding enforcement order NO. ECV-20230421-07 to Mr. Stephen Rogers during the meeting.

On August 1, 2023, staff produced a packet of applications, permits, previous GPR's, and vicinity maps related to the wells owned by Mr. Stephen Rogers, Mrs. Elizabeth C. Rogers, and Mrs. Alice Combs. The packet was transmitted to Mr. Rogers via email on August 1, 2023.

On August 7, 2023, Mr. Stephen Rogers hand delivered groundwater production reports for CY2022 for each of the wells owned by Ms. Combs and a letter requesting leniency for Alice M. Combs regarding the violations ECV-20230421-07 and ECV-

20230421-08.

TGCD - GPRS - CY2022 - Letter Request - ECV-20230421-07 - ECV-20230421-08 - Alice M. Combs.pdf

 3.4.2 3.5.2.pdf

3 MB

Management Recommendation: move to rescind the enforcement order related to ECV-20230421-08 adopted on July 20, 2023.

Item 9.0 - Report regarding Administration and Management

Previous Consideration by the Board: [MFC-20230720-9.0 - Report regarding Administration and Management.](#)

Related Programs: [Program - PRG-1000 - Administration.](#)

Related Projects:

1. [PRJ-20231200.01 - Election Coordination for CY2023 - Active.](#)
2. [PRJ-20231300.01 - Financial Audit for FY2022 - Active.](#)
3. [PRJ-20231300.02 - Investment Management for FY2023 - Active.](#)
4. [PRJ-20231300.03 - Financial Record Processing and Reporting for FY2023 - Active.](#)
5. [PRJ-20231300.04 - Budget Development for FY2024 - Active.](#)
6. [PRJ-20231300.05 - Asset Tracking for FY2023 - Active.](#)
7. [PRJ-20231400.01 - Website Improvements - Active.](#)
8. [PRJ-20231500.01 - Public Notice and Meeting Coordination for FY2023 - Active.](#)
9. [PRJ-20231600.01 - Performance Audit for FY2022 - Active.](#)
10. [PRJ-20231700.01 - Administrative Policy Review for FY2023 - Active.](#)
11. [PRJ-20231700.02 - Transparency Reporting for FY2023 - Active.](#)
12. [PRJ-20231700.03 - Cybersecurity Training for FY2023 - Active.](#)
13. [PRJ-20231700.04 - Consultant Review for FY2023 - Active.](#)
14. [PRJ-20231700.05 - Open Government Training for FY2023 - Active.](#)
15. [PRJ-20231900.01 - Digital Record Archiving for FY2023 - Active.](#)
16. [PRJ-20231900.02 - Physical Record Archiving for FY2023 - Active.](#)

Management Discussion:

Meetings of the Board

The next meetings of the Board is scheduled for **October 19, 2023**, with each meeting to convene at 8:30 AM. Regular meetings will be rescheduled as necessary and special meeting may be scheduled to address unforeseen issues.

Management Recommendation: none.

Item 9.1 - FY2024 Budget

Previous Consideration by the Board: [MFC-20230720-9.5 - FY2024 Budget.](#)

Related Programs: [Program - PRG-1000 - Administration.](#)

Related Projects: [PRJ-20231300.04 - Budget Development for FY2024 - Active.](#)

Management Discussion: staff developed a budget for the fiscal year ending September 30, 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) avoid a budget deficit in Fiscal Year 2023-2024.

Staff developed the proposed budget anticipating the continued cooperation with and support of the staff of the Victoria County Groundwater Conservation to be achieved through the approval of a revised interlocal cooperation agreement that includes an increase to the monthly fees for service equal to 5%.

Staff developed the proposed budget anticipating the commitment of the monies of the Reserve Fund in Fiscal Year 2023-2024 in accordance with the

following schedule:

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

Staff developed 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 2023.

TGCD - Annual Budget - Fiscal Year 2023-2024, Version - Management Recommendation.pdf

 9.1.1.pdf 185 kB

TGCD - Order Adopting Budget for FY2024.pdf

 9.1.2.pdf 167 kB

VCGCD - Agreement - Management and Administration Services for TGCD - FY2024 - 20230811.pdf

 9.1.3.pdf 84 kB

Management Recommendation: move to adopt the proposed budget for Fiscal Year 2024 by order and authorize the presiding officer to execute the draft interlocal agreement with Victoria County Groundwater Conservation District, as presented.

Item 9.2 - Tax Rate for Tax Year 2023

Previous Consideration by the Board: [MFC-20220818-5.2 - Hearing and Adoption of Tax Rate for Tax Year 2022.](#)

Related Programs: [Program - PRG-1000 - Administration.](#)

Related Projects: [PRJ-20231300.04 - Budget Development for FY2024 - Active.](#)

Management Discussion: the District completed the public notice requirements related the required public hearing regarding the proposed tax rate for tax year 2023.

On August 18, 2022, the Board of Directors met and adopted a tax rate of \$0.00770/\$100 for Tax Year 2022.

Based on calculations completed by the Jackson County Tax Assessor-Collector, the following tax rates exist for the District for Tax Year 2023:

- No-New-Revenue Tax Rate: \$0.00740/\$100
- Voter-Approval Tax Rate: \$0.00790/\$100

The proposed tax rate for Tax Year 2023 is equal to the No-New-Revenue Tax Rate.

TGCD - Order Adopting Tax Rate for Tax Year 2023.pdf

 9.2.1.pdf 284 kB

Management Recommendation 1: open the public hearing regarding the proposed tax rate.

Management Recommendation 2: move to close the public hearing after accepting public comment regarding the proposed tax rate.

Management Recommendation 3: move to approve and adopt the proposed tax rate as the adopted tax rate by order.

Item 9.3 - Appraisal Roll for Tax Year 2023

Previous Consideration by the Board: [MFC-20220818-5.3 - Appraisal Roll for Tax Year 2022.](#)

Related Programs: [Program - PRG-1000 - Administration.](#)

Related Projects: [PRJ-20231300.04 - Budget Development for FY2024 - Active.](#)

Management Discussion: none.

JCAD - Certification of 2023 Appraisal Roll - 20230726-01.pdf

 9.3.1.pdf 379 kB

TGCD - Order Approving 2023 Appraisal Roll.pdf

 9.3.2.pdf 138 kB

Management Recommendation: move to accept and approve the appraisal roll for Tax Year 2023 and adopt the Order Approving the 2023 Appraisal Roll.

Item 11.0 - Adjourn Meeting

Management Discussion: none.

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