

Refugio Groundwater Conservation District

604 E. Commerce St., Refugio, Texas 78377

P.O. Box 116, Refugio, Texas 78377

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

THE STATE OF TEXAS
REFUGIO COUNTY

The Board of Directors of the Refugio Groundwater Conservation District convened a meeting on October 16, 2023, at 6:00 PM at the First Baptist Church of Woodsboro Fellowship Hall, 309 Johnson Street, Woodsboro, Texas 78393

Meeting Attendance:

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

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

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

Board Action: No action taken.

Agenda Item 2: Receive public comments.

Meeting Discussion: None.

Board Action: None.

Agenda Item 3: Consideration of and possible action on matters related to groundwater management including the efforts and activities of the District regarding permitting, complaints, investigations, violations, and enforcement cases associated with permitting.

3.0 – Report regarding Groundwater Management

Meeting Discussion: Mr. Andruss explained that as of October 10, 2023, staff had received 11 well registration applications (ARWs) since October 1, 2022.

As of October 10, 2023, staff had received 17 Notices of Intent to Drill a Well (NIDWs) since October 1, 2022.

Working to Conserve, Preserve, Protect, and Prevent Waste of Groundwater Resources Within Refugio County for the Benefit of Refugio County's Landowners, Citizens, Economy, and Environment.

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As of October 10, 2023, staff had received 3 production permit renewal requests (ARPs) since October 1, 2022.

As of October 10, 2023, staff had initiated 18 permitting request cases (PRCs) since October 1, 2022.

As of October 10, 2023, staff had 2 permitting request cases pending.

As of October 10, 2023, staff had processed 39 groundwater production reports since October 1, 2022.

As of October 10, 2023, staff had initiated 5 investigation related to groundwater management (i.e., permitting) since October 1, 2022.

As of October 10, 2023, staff had 4 active investigations related to groundwater management (i.e., permitting).

As of October 10, 2023, the Board had initiated 5 enforcement case violations related to groundwater management (i.e., permitting) since October 1, 2022.

As of October 10, 2023, staff had 2 unresolved enforcement cases related to groundwater management (i.e., permitting).

Board Action: None.

3.1 – Investigation INV-20221006.1657 related to Failures to Obtain Production Permits

Meeting Discussion: Mr. Andruss explained on October 12, 2022, staff initiated an investigation to gather information regarding active utilities within Refugio County that obtain water from groundwater-based public water systems that do not have valid groundwater production permits issued by the District.

As of October 10, 2023, staff had an open investigation related to groundwater management associated with 3 entities that had not submitted administratively complete permitting applications. The entities are:

1. City of Austwell (See: INV-20221006.16557 - Failure to Obtain Production Permit - City of Austwell - Active);
2. Hilcorp Energy (See: INV-20221006.16557 - Failure to Obtain Production Permit - Hilcorp Energy - Active);
3. Town of Refugio (See: INV-20221006.16557 - Failure to Obtain Production Permit - Town of Refugio - Active).

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The relevant provisions of the rules of the district associated with the investigations are:

- **RULE 3.1: GENERAL POLICIES RELATED TO REGISTRATION OF WELLS, WELL FIELDS, AND WELL SYSTEMS**

3. The well owner or authorized agent of a grandfathered non-exempt-use well within the boundary of the district shall apply for the registration of the grandfathered non-exempt-use well prior to operating the subject well for non-exempt use.

- **RULE 4.1: GENERAL POLICIES RELATED TO PERMITS**

15. No person shall operate a well to produce groundwater to be used for any purpose other than those uses defined as exempt use prior to obtaining a production permit from the district unless the subject well satisfies the definition of an original exempt-use grandfathered well or an original exempt-use non-grandfathered well.

- **RULE 11.2: GENERAL POLICIES RELATED VIOLATIONS**

5. Any person that produces groundwater from a well for non-exempt uses in any amount without a valid production permit authorizing the groundwater production violates the rules of the district.

6. Any person that produces groundwater from a well for non-exempt uses for any purpose of use not authorized by production permits associated with well violates the rules of the district.

10. Any person that engages in an activity that requires a permit from the district under the rules of the district prior to receiving such permit violates the rules of the district.

In each instance, staff have contacted representatives of the entities to notify the entity of the permitting requirements of the District and attempted to assist the entities with submitting production permit applications since January 2023.

On May 25, 2023, staff of the District mailed letters to the Town of Refugio, City of Austwell, and Hilcorp Energy to alert each to the potential violation of the rules of the district and offer to assist each with complying with the rules of the district.

On August 7, 2023, The District mailed letters to the Town of Refugio, City of Austwell, and Hilcorp Energy to alert each to the potential violation of the rules of the district and offer to assist each with complying with the rules of the district.

On September 11, 2023, the District was contacted by Mr. Biery in regards to the permitting for the City of Austwell.

On September 12, 2023, staff of the District emailed pre-drafted applications to citysecretary@cityofaustwell.com as requested by Mr. Biery.

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As of October 10, 2023, staff had not received applications from Town of Refugio, City of Austwell, or Hilcorp Energy.

Board Action: Mr. Borden moved to:

1. find that the City of Austwell violated RULE 4.1: GENERAL POLICIES RELATED TO PERMITS of the Rules of the District related to water well(s) owned by the City of Austwell used to produce groundwater for public water system uses 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 \$0.00 penalty to be paid by the City of Austwell for each violation per RULE 11.10: PENALTIES of the Rules of the District as restricted under Section 36.102(e) of the Texas Water Code; and
4. offer to settle the violation without payment of the penalties if the City of Austwell consents to the following conditions:
 1. acknowledges the violation by December 31, 2023;
 2. pays a settlement fee of \$0.00 by December 31, 2023; and
 3. submits an administratively complete production permit application and any applicable applications fees to the District by December 31, 2023.

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

Mr. Borden moved to:

1. find that Hilcorp Energy violated RULE 4.1: GENERAL POLICIES RELATED TO PERMITS of the Rules of the District related to water well(s) owned by Hilcorp Energy used to produce groundwater for public water system uses 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 \$2,000.00 penalty to be paid by Hilcorp Energy for each violation per RULE 11.10: PENALTIES of the Rules of the District; and
4. offer to settle the violation without payment of the penalties if Hilcorp Energy consents to the following conditions:
 1. acknowledges the violation by December 31, 2023;
 2. pays a settlement fee of \$0.00 by December 31, 2023; and
 3. submits an administratively complete production permit application and any applicable applications fees to the District by December 31, 2023.

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

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Agenda Item 4: Consideration of and possible action on matters related to groundwater protection including complaints, investigations, violations, and enforcement cases related to groundwater contamination and waste.

4.0 – Report regarding Groundwater Protection

Meeting Discussion: Mr. Andruss explained as of October 10, 2023, staff had recorded 9 well inspection forms (WIFs) since October 1, 2022.

As of October 10, 2023, staff had initiated 0 investigations related to Groundwater Protection since October 1, 2022.

As of October 10, 2023, staff had 1 active investigation related to Groundwater Protection.

As of October 10, 2023, the Board had initiated 0 enforcement cases related to Groundwater Protection since October 1, 2022.

As of October 10, 2023, staff had 0 unresolved enforcement case violations related to Groundwater Protection.

Board Action: None.

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

5.0 – Report regarding Groundwater Monitoring

Meeting Discussion: Mr. Andruss explained as of October 10, 2023, the U.S. Drought Monitor (<https://www.drought.gov/states/texas/county/refugio>) indicates that 100% of Refugio County is experiencing severe to extreme drought conditions.

As of October 10, 2023, 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 all portions of Refugio County are experiencing drought conditions.

As of October 10, 2023, staff had collected 10 water level measurements since October 1, 2022.

As of October 10, 2023, staff had collected 5 water quality field measurements since October 1, 2022.

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As of October 10, 2023, staff had collected 1 water quality samples since October 1, 2022.

As of October 10, 2023, staff had received 1 water quality lab reports since October 1, 2022.

As of October 10, 2023, staff had been informed by Dr. Young of Intera that his firm had begun the analysis of CY2022 water levels using the geostatistical approach.

During FY2023, staff have attempted to improve the network of wells used to monitor aquifer conditions with the county. The district has attempted to contact owners of wells that had previously cooperated with the district on monitoring effort to regain access to those wells. In addition, staff have attempted to gain access to those wells identified by Dr. Young as preferred additions to the monitoring network. Staff have attempted to make contact via mail (42 letters), email messages, and phone calls. This effort resulted in a response from a single well owner.

Board Action: None.

5.1 – Incentivizing Aquifer Monitoring Cooperation

Meeting Discussion: Mr. Andruss explained the purpose of the groundwater monitoring program is to facilitate the coordination of activities and tasks completed by staff, consultants, and contractors to evaluate the condition of the groundwater resources within the county.

The management plan of the district establishes the following objectives to be achieved through the implementation of the groundwater monitoring program:

Management Plan Goal 4 - Addressing Natural Resource Issues

Objective 1: Develop and maintain a program to monitor the water quality of at least twelve (12) water wells within the district per year.

Management Plan Goal 7 - Addressing the Desired Future Conditions

Objective 1: Develop and maintain a program to monitor the water level of at least twelve (12) water wells within the district per year.

Objective 2: Analyze aquifer monitoring information to evaluate achievement of the desired future conditions of the district based on information available during the fiscal year.

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During FY2023, staff were able to record only 10 water level measurements and 6 water quality measurements (5 field measurements, 1 lab measurement). This represents only a partial achievement of objective 1 of goals 4 and 7.

During FY2023, staff have attempted to improve the network of wells used to monitor aquifer conditions with the county. The district has attempted to contact owners of wells that had previously cooperated with the district on monitoring effort to regain access to those wells. In addition, staff have attempted to gain access to those wells identified by Dr. Young as preferred additions to the monitoring network. Staff have attempted to make contact via mail (42 letters), email messages, and phone calls. This effort resulted in a response from a single well owner.

Board Action: Mr. Biery moved to authorize the General Manager to implement a project to incentivize cooperation with the district regarding aquifer monitoring limiting financial incentives to \$50.00 per monitoring event at a well and \$2,000.00 during the fiscal year. Mr. Borden seconded the motion. The motion passed unanimously.

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

6.0 – Report regarding Groundwater Conservation

Meeting Discussion: Mr. Andruss explained On September 11, 2023, the staff of the district reviewed and updated the webpage on website of the district related to promotion of groundwater conservation.

As of September 30, 2023, staff has not received or processed any applications for sponsorship of field trips by 4th and 5th grade students from Refugio County to the Wetland Education Center located in the INVISTA Victoria Plant Wetland for the purposes of promoting water conservation during FY2023.

With the adoption of the budget for FY2024, staff published a notice on the website of the district to inform entities wishing to seek sponsorship from the district of a project intended to promote water conservation, especially through rainwater harvesting or brush control within Refugio County, could submit an application for sponsorship.

Board Action: None.

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

7.0 – Report regarding Groundwater Resource Planning

Meeting Discussion: Mr. Andruss explained representatives of the district participated in the meeting of the South Central Texas Regional Planning Group (Region L) held on August 3, 2023, to continue efforts to develop the 2026 Regional Water Plan. The next meeting of Region L is scheduled for November 2, 2023.

Representatives of the district participated in the meeting of the representatives of Groundwater Management Area 15 on July 13, 2023, to continue joint planning efforts. The next meeting of the representatives of Groundwater Management Area 15 is scheduled for October 12, 2023.

Board Action: None.

Agenda Item 8: Consideration of and possible action of matters related to groundwater policy including the Management Plan on the District, the proposed Management Plan of the District, the Rules of the District, petitions to amend the Rules of the District, and fee schedule.

8.0 – Report regarding Groundwater Policy

Meeting Discussion: Mr. Andruss explained on July 17, 2023, the Texas Water Development Board designated the management plan for the district, adopted on April 17, 2023, administratively complete.

Staff will review the passed legislation of the previous legislative session, coordinate with legal counsel to develop proposed rule revisions, and post the required rulemaking hearing notice for the meeting scheduled for January 16, 2023.

Board Action: None.

Agenda Item 9: Consideration of and possible action on matters related to administration and management including the minutes of previous meetings, the annual budget of the district, bank accounts, investments, financial reports of the district, bills and invoices of the district, management goals and objectives of the district, administrative policies, staffing, consultant agreements, interlocal

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cooperation agreements, and support services provided to and from other groundwater conservation districts.

9.0 – Report regarding Administration and Management

Meeting Discussion: Mr. Andruss explained The state requires local government entities to complete cyber training on an annual basis. The training requirement applies to employees and elected officials (e.g., directors of the district). While a number of methods are available to satisfy this requirement, the simplest method and least time consuming is the viewing of one of the following YouTube videos:

1. TxDIR Cyber Security Training YouTube Video (28 minutes):
https://www.youtube.com/watch?v=YFRK_slmKkQ&t=5s

2. TMLIRP Cyber Security Training Youtube Video (17 minutes):
https://www.youtube.com/watch?v=pCRbR2ka_0o

Directors are encouraged to notify staff of their completion of the training for reporting purposes. The district is required to certify to the state the degree to which the requirements were satisfied each year.

The next meetings of the Board are scheduled for January 16, 2024 (Tuesday), April 15, 2024, July 15, 2024, August 19, 2024 (Budget and Tax Rate Matters), and October 21, 2024, with each meeting to convene at 6:00 PM. Regular meetings will be rescheduled as necessary and special meeting may be scheduled to address unforeseen issues.

Board Action: None.

9.1 – Minutes of the Previous Meeting

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

Board Action: Mr. Borden moved to accept and approve the meeting minutes for July 17, 2023, and August 29, 2023, as drafted. Mr. Biery seconded the motion. The motion passed unanimously.

9.2 – Financial Reports of the District

Meeting Discussion: Mr. Andruss explained the internal financial reports of the District for June 2023, July 2023, and August 2023, have been sent to the directors prior to the meeting.

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Board Action: Mr. Snyder moved to accept and approve the financial reports for June, July, and August 2023. Mr. Borden seconded the motion. The motion passed unanimously.

9.2.1 – Financial Transaction Review

Meeting Discussion: Mr. Andruss explained there have been 21 accounts payable, and 14 accounts receivable transactions since July 12, 2023, as of October 10, 2023.

Board Action: None.

9.3 – Investments of the District

Meeting Discussion: Mr. Andruss explained the investment reports for June, July and August 2023, have been sent to the board prior to the meeting.

Board Action: Mr. Borden moved to accept the investment reports for June, July and August 2023. Mr. Snyder seconded the motion. The motion passed unanimously.

9.4 – Investment Policy and TexPool

Meeting Discussion: Mr. Andruss explained the District has historically invested funds in certificates of deposit at those institutions identified within the Investment Policy. The CDs have varied in terms of maturity periods ranging from 1 to 2 years. While considered liquid assets, the liquidation of a CD before maturity may result in loss of some or all interest earned on the investment. The District has not nor does it anticipate needing to liquidate current CDs. The use of CDs as investment vehicles complicates recordkeeping efforts as each CD represents an account that must be reconciled with the internal financial reports and accounted for in the investment reports of the district.

The use of investment pools, in particular TexPool (www.texpool.com), would reduce the recordkeeping efforts and improve liquidity of invested funds while receiving competitive interest rates. According to information provided by TexPool, "TexPool is the oldest and largest local government investment pool in the State of Texas. TexPool seeks to preserve principal, liquidity, and yield of capital investment consistent with the Texas Public funds Investment Act. This local government investment pool is managed and serviced by Federated Hermes, Inc., one of the nation's leading investment managers. Thirty seven states rely on Federated Hermes for some form of liquidity management."

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An important consideration of a decision to authorize the investment of funds into TexPool is not insured or guaranteed by any government or government agency such as FDIC.

On January 9, 2023, the Board re-adopted the Investment Policy of the District as adopted on April 18, 2022. See: Investment Policy - Adopted 20220418. The policy authorizes the investment of funds in pools as authorized under Chapter 2256, Texas Government Code but does not specifically authorize the investment of funds in Texas Local Government Investment Pools ("TexPool/TexPool Prime"). A draft revision of the investment policy of the district was developed that identifies Texas Local Government Investment Pools ("TexPool/TexPool Prime") as a qualified broker/dealer with whom the District may engage in investment transactions (page 4).

Board Action: Mr. Borden moved to adopt the revised investment policy, authorize the investment of reserve funds in the TexPool Investment Pool, and adopt the resolution authorizing participation in the Texas Local Government Investment Pools ("TexPool/TexPool Prime"). Mr. Biery seconded the motion. The motion passed unanimously.

9.5 – Review of Bank Accounts

Meeting Discussion: Mr. Andruss explained in response to discussions at the last board meeting regarding vacancies, staff have obtained the "signature cards" for each bank account of the district for review and update by the Board.

Board Action: None.

9.6 – Unpaid Accounts Payable

Meeting Discussion: Mr. Andruss explained the District has outstanding accounts payable invoices that are not considered regular and routine for which the District has received the goods and services billed for under the invoices.

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

1. Accounts Payable - ACCTP-20230815-01 - \$840.00 - Allison, Bass & Magee
2. Accounts Payable - ACCTP-20230921-02 - \$990.00 - Allison, Bass & Magee, LLP
3. Accounts Payable – ACCTP-20231016-01 - \$250.00 – Carroll Borden
4. Accounts Payable – ACCTP-20231016-02 - \$250.00 – Fredric Biery
5. Accounts Payable – ACCTP-20231016-03 - \$250.00 – John Snyder
6. Accounts Payable – ACCTP-20231016-04 - \$5,7193.44 – VCGCD

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7. – Accounts Payable – ACCTP-20231016-05 - \$5,500.30 – VCGCD

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

9.7 – Financial Audit for the Previous Fiscal Year

Meeting Discussion: Mr. Andruss explained Mr. Goldman of Goldman, Hunt, and Notz LLP has submitted an engagement letter related performance of a financial audit of the District for FY2023.

Board Action: Mr. Borden moved to accept 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. Biery seconded the motion. The motion passed unanimously.

9.8 – Records Management

Meeting Discussion: Mr. Andruss explained the District presently creates, maintains, and stores the records of the district within the Evernote System. The records of the district are electronically archived to the Dropbox System after processing of the records are complete.

Email messages including associated attachments received by staff that essential to the fulfillment of statutory obligations or to the documentation of agency functions of the District are imported from the iPower Email System into the Evernote System as records of on-going record series and ultimately archived to the Dropbox System. The District has amassed many emails since its existence and increased to a significant cumulative file size. The size of the mailboxes has resulted in a system that is difficult to maintain.

Board Action: Mr. Borden moved to designate, as part of the records management policy of the District, email messages received by the District that not essential to the fulfillment of statutory obligations or to the documentation of agency functions as transitory information of temporary usefulness which may be deleted when determined to be no longer useful. Mr. Biery seconded the motion. The motion passed unanimously.

9.9 – Web Maps and GPR Application

Meeting Discussion: Mr. Andruss explained the Victoria County Groundwater Conservation District completed a project to configure and publish interactive web

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maps. The resulting maps have been published as a map portal using the mapping system offered by GIS Cloud. The map portal can be accessed for the following link: https://vcgcd_map_portal.giscloud.com/. The VCGCD subscribed to the Map Editor and Map Portal services offered by GIS Cloud at a monthly cost of \$169.00 (\$2,040.00 per year). If the VCGCD opts for annual billing for services, a 20% discount will be received.

The portal enables users to investigate and view permitting and monitoring data maintained by the VCGCD using the following maps: Groundwater Permitting, Reported Groundwater Production, Recorded Water Levels, and Recorded Water Quality Measurements.

The VCGCD is considering the development of a custom web application using the GIS Cloud Crowdsourcing service to facilitate the online submittal of groundwater production reports for CY2023 in January 2024. Initial estimates for the custom application range between \$2,000 to \$4,000 annually for the customization.

Board Action: Mr. Borden moved to 1) authorize the General Manager to completed a project to configure and publish interactive web maps and map portal using the mapping system offered by GIS Cloud for the district at a cost not to exceed \$2,100.00, and 2) develop a custom web application using the GIS Cloud Crowdsourcing service to facilitate the online submittal of groundwater production reports for CY2023 in January 2024 at a cost not to exceed \$4,000.00. Mr. Snyder seconded the motion. The motion passed unanimously.

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

10.0 – Legal Counsel Report

Meeting Discussion: Mr. Allison gave his reports.

Board Action: None.

Agenda Item 11: Adjourn.

11.0 – Adjourn Meeting

Meeting Discussion: None.

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Board Action: Mr. Biery moved to adjourn the meeting after concluding all business of the District at approximately 8:18 PM. Mr. Snyder seconded the motion. The motion passed unanimously.

The above and foregoing minutes were read and approved on this the 5th day of February, 2024.

ATTEST:

Conall E. Boeh
District Director

Fredrick Biery
District Director

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