

PBUWCD

Board of Directors Meeting

Minutes of AGENDA

Tuesday, July 16, 2024, 5:30 p.m.

SHOW CAUSE HEARING

During this meeting the Board reserves the right to go into executive session for any of the purposes authorized under the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, for any item on this agenda or as otherwise authorized by law.

1. Show Cause Hearing
Board President **Richie Tubb** called the Show Cause Hearing to order at 5:37 p.m. These individuals were in attendance: **Richie Tubb, Brad Tunnell, Raymond Straub, Jr., Brandon Borgstedt, Kris Alles, Amy Bush, Ray Brady, Michael Gershon, Angela Lance and Shain Howard.**
 - a. Consolidated Show Cause Hearing on alleged violations of District's rules by **Michael Moore and/or CM Drilling TX; Justin LaForge and/or JWL Well Services and/or Select Water Solutions; and Viva Farms, LLC.**¹
Richie read the alleged violations: Drilled without authorization from the District, improperly spaced and too close to the property lines, wasn't completed properly, and was drilled by an unlicensed driller. Richie asked to consolidate the hearings into one hearing. None objected. These parties were absent: Michael Moore, CM Drilling, Justin LaForge, Viva Farms, LLC. After further details laid out by Richie Tubb, Raymond Straub, Jr made a motion to move into closed session. Brad Tunnell seconded the motion and the Board went into closed session at 5:43 p.m.
 - b. Consider and act on alleged violations by **Michael Moore and/or CM Drilling TX; Justin LaForge and/or JWL Well Services and/or Select Water Solutions; and Viva Farms, LLC;** and consider and act on appropriate penalty or other enforcement remedy to be imposed by District and/or pursued in court.
Mr. Gershon read aloud an email received by Erik Martinez with Viva Farms, LLC. Michael Moore has had no correspondence with the District or its attorney. Justin LaForge sent an email that Mr. Gershon also read to the Board.
2. Executive Session: The Board may consider adjourning into Executive Session in accordance with the Open Meeting Act, Texas Government Code 551.074 (A) (1) 1, if necessary.
 - a. Adjourn to Executive Session to discuss personnel matters. N/A
 - b. Adjourn to Executive Session for Legal Counsel
This item was moved before 1b. Adjourned to Executive Session at 5:43 p.m.
3. Return from Executive Session.
 - a. The Board may reconvene in Open Session.
Open session resumed at 7:24 p.m.
 - b. The Board may take action on items discussed in Executive Session.
No action was taken in Executive Session.
4. Adjourn into Regular Meeting.
Angela Lance and Shain Howard were sworn in for testimony on relevant information in District files. Angela summarized the timeline and violations. After details were laid out, the conversation was open for questions. After a Q&A session, a Board Member suggested fines for Moore and LaForge. Along with fines, another board member suggested notices go out to all parties involved. Deadlines were set for compliance matters and fines due.

¹ Additional, more detailed notice required by the District's rules was separately issued by the District.

REGULAR BOARD MEETING

During this meeting the Board reserves the right to go into executive session for any of the purposes authorized under the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, for any item on this agenda or as otherwise authorized by law.

1. Open Meeting
 - a. The President will call the meeting to order and establish quorum.
Richie Tubb called the meeting to order at 8:25 p.m. Present were Richie Tubb, Brad Tunnell, Raymond Straub, Jr., Brandon Borgstedt, Kris Alles, Amy Bush, Ray Brady, Michael Gershon and Angela Lance.
 - b. Public Comment (limited to 5 minutes and may speak on any agenda item).
No public present.
2. Regular Business
 - a. Consider approval of applications, extensions, and amended permits received since the last meeting. **After review of permits, Brandon Borgstedt made a motion to approve the permits and Kris Alles seconded. All approved.**
 - b. Consider approval of the minutes from the board meeting from June 18, 2024.
Once the previous minutes were reviewed, Kris made a motion to approve the minutes. Brandon Borgstedt seconded the motion and all were in favor.
 - c. Consider approval of a report on the district's financial status for period ending June 30, 2024.
Kris Alles made a motion to table this item and Brandon Borgstedt seconded the motion. This item was tabled unanimously.
3. New Business
 - a. Review, Discuss and Take Action on Martin County Appraisal District's Resolution to construct or renovate the Appraisal District's office building. **Angela Lance presented the resolution and coordinating documents to the Board. Raymond Straub, Jr. made a motion to approve the resolution and Brad Tunnell seconded the motion. All approved.**
 - b. Review, Discuss and Take Action on Audit Draft.
After review of the Audit Draft, Brad Tunnell made a motion to table this item pending corrections. Brandon Borgstedt seconded the motion, and this item has been tabled with full approval.
 - c. Briefing on *Turning Row Properties and LJM Family Partnership v. Stealth Water Solutions, LLC, Donnie Reid, Kinard Water Well Service, LLC, and Sonny Glen Kinard*, pending in Howard County District Court (118th Judicial District Court, Cause No. 55836) and third-party discovery requests.
 - d. Consider and act on Turning Row Properties and LJM Family Partnership's Request for Suspension of Water Well Drilling Permits Numbered 006320, 006321, 006322, 006323, and 006324 issued to Donnie Reid authorizing wells in Howard County.
Michael Gershon, District's Attorney, briefed the board on the request to suspend use of the wells by Turning Row Properties, and of a phone call from Mr. Reid's attorney requesting the opportunity to speak at the August meeting. Items 3c & 3d have been tabled, pending executive summaries and further discussion at the next open meeting. Raymond made a motion to table and Kris seconded. Items 3c & 3d have been tabled with all in favor.

4. Reports

a. Manager's Report.

Angela gave update on Wilma Stir1 Project. Board directed Shain to follow the waterflow NW to find possible contamination site. These water tests should be submitted to the lab for full testing. Tunnell transducer update, PLA and OMA updates for board members. Discussed advertising and educational opportunities for groundwater research prior to purchasing property.

b. Hydrologist's Report.
Amy discussed DFC report in brief, full report will be given in August.

5. Executive Session: The Board may consider adjourning into Executive Session in accordance with the Open Meeting Act, Texas Government Code 551.074 (A) (1) 1, if necessary.

- a. Adjourn to Executive Session to discuss personnel matters. N/A
- b. Adjourn to Executive Session for Legal Counsel N/A

6. Return from Executive Session.

- a. The Board may reconvene in Open Session. N/A
- b. The Board may take action on items discussed in Executive Session. N/A

7. Adjourn

Meeting was adjourned at 9:56 p.m. after Brad Tunnell made a motion to adjourn and Brandon Borgstedt seconded the motion.


Board President, Riechie Tubb *Vice Pres. Raymond L S Thomas, Jr*

Date

8-15-2024


Director

Date

8-15-2024