

BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT



Special Called Board Meeting

District Office

Hearne, Texas

June 24, 2025

9:00 a.m.



Agenda

**BRAZOS VALLEY GROUNDWATER
CONSERVATION DISTRICT
Special Called Board Meeting
District Office
112 W. 3rd Street – Hearne, Texas
Tuesday, June 24, 2025 – 9:00 a.m.**

Notice is given that the Board of Directors of the Brazos Valley Groundwater Conservation District will hold a Special Called Board Meeting on Tuesday, June 24, 2025 @ 9:00 a.m. in the District Office.

- Call meeting to order
- Pledge of Allegiance
- Declare quorum present
- Public Comment
 - a) Non-agenda items
 - b) Agenda items

1. Executive Session:

- Texas Government Code 551.071 – To receive attorney-client privileged information regarding:
 - pending transport permit applications for groundwater from the Simsboro Aquifer: (BVTP-002) for RH2O LLC; (BVTP-003) for Clifford A. Skiles III; (BVTP-004) for James C. Brien; (BVTP-005) for L. Wiese Moore LLC; (BVTP-006) for Fazzino Investments LP; (BVTP-007) for Ely Family Partnership LP; and (BVTP-008) for Cula d'Brazos LLC, all of whom are co-applicants with UW Brazos Valley Farm LLC; ongoing settlement discussions, and related mediation by the State Office of Administrative Hearings as required by District Board Order No. 1;
 - pending contested permit applications for groundwater from the Simsboro Aquifer: (BVDO-0108, BVDO-0317) for Clifford A. Skiles III; (BVDO-0315, BVDO-0316) for James C. Brien; (BVDO-0377, BVDO-0378, BVDO-0379, BVDO-0380, BVDO-0381, BVDO-0382, BVDO-0383, BVDO-0384) for Ely Family Partnership LP; (BVDO-0385, BVDO-0386, BVDO-0387, BVDO-0388., BVDO-0389) for RH2O LLC; (BVDO-0394, BVDO-0395, BVDO-0396, BVDO-0397, BVDO-0398, BVDO-0399) for Fazzino Investments LP; (BVDO-0401, BVDO-0402) for L. Wiese Moore LLC; (BVDO-0408, BVDO-0409, BVDO-0410, BVDO-0411, BVDO-0412, BVDO-0413, BVDO-0414) for Cula d'Brazos LLC; and BVTP-001 for UW Brazos Valley Farm LLC;
 - pending Writ of Mandamus filed by the Texas A&M University System in Brazos County District Court, Cause No. 24-002626-CV-472, and related court filings;
 - District Rule 8.3 regarding the permitting of wells;
 - water production, export, and administrative fees; and

2. Discussion and possible action on items listed and deliberated in Executive Session, as noticed above in Agenda Item 1, including but not limited a Settlement and Release Agreement.
3. Discussion and possible action authorizing the General Manager to have repair work done on the back wall of the District Office related to a water leak.
4. Discussion and possible future agenda items.
5. Adjourn

Signed this 20th day of June 2025



Alan M. Day, General Manager

The Board of Directors may meet in closed session, pursuant to the Texas Open Meetings Act, Texas Government Code §§ 551.071-551.076, to:

- (1) consult with attorney ;
- (2) deliberate regarding the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the District in negotiations with a third person;
- (3) deliberate a negotiated contract for a prospective gift or donation to the District if deliberation in an open meeting would have a detrimental effect on the position of the District in negotiations with a third person;
- (4) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a Board member or District employee;
- (5) to receive information from employees or question employees, but not deliberate public business or agency policy that affects public business; and
- (6) to deliberate the deployment or specific occasions for implementation of security personnel or devices.

The Board may also meet in open session on these matters as required by the Texas Open Meetings Act, Texas Government Code § 551.102.

**** Agenda items may be taken out of order at the discretion of the Board Chairman**

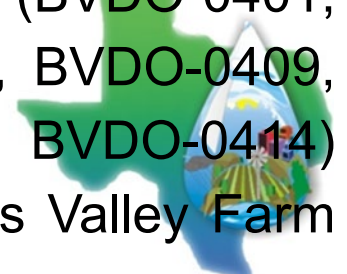
Agenda Item # 1

- Texas Government Code 551.071 – To receive attorney-client privileged information regarding:
 - pending transport permit applications for groundwater from the Simsboro Aquifer: (BVTP-002) for RH2O LLC; (BVTP-003) for Clifford A. Skiles III; (BVTP-004) for James C. Brien; (BVTP-005) for L. Wiese Moore LLC; (BVTP-006) for Fazzino Investments LP; (BVTP-007) for Ely Family Partnership LP; and (BVTP-008) for Cula d'Brazos LLC, all of whom are co-applicants with UW Brazos Valley Farm LLC; ongoing settlement discussions, and related mediation by the State Office of Administrative Hearings as required by District Board Order No. 1;



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- Texas Government Code 551.071 – To receive attorney-client privileged information regarding:
 - pending contested permit applications for groundwater from the Simsboro Aquifer: (BVDO-0108, BVDO-0317) for Clifford A. Skiles III; (BVDO-0315, BVDO-0316) for James C. Brien; (BVDO-0377, BVDO-0378, BVDO-0379, BVDO-0380, BVDO-0381, BVDO-0382, BVDO-0383, BVDO-0384) for Ely Family Partnership LP; (BVDO-0385, BVDO-0386, BVDO-0387, BVDO-0388., BVDO-0389) for RH2O LLC; (BVDO-0394, BVDO-0395, BVDO-0396, BVDO-0397, BVDO-0398, BVDO-0399) for Fazzino Investments LP; (BVDO-0401, BVDO-0402) for L. Wiese Moore LLC; (BVDO-0408, BVDO-0409, BVDO-0410, BVDO-0411, BVDO-0412, BVDO-0413, BVDO-0414) for Cula d’Brazos LLC: and BVTP-001 for UW Brazos Valley Farm LLC;



Agenda Item # 1

- Texas Government Code 551.071 – To receive attorney-client privileged information regarding:
 - pending Writ of Mandamus filed by the Texas A&M University System in Brazos County District Court, Cause No. 24-002626-CV-472, and related court filings;
 - pending lawsuit Fazzino Investments, LP v. Brazos Valley Groundwater Conservation District, CASE NO. 6:25-cv-00001, filed in the United States District Court for the Western District of Texas, Waco Division;
 - water production, export, and administrative fees; and
 - groundwater conservation district related issues in the 89th Texas Legislature.



Agenda Item # 2

Discussion and possible action on items listed and deliberated in Executive Session, as noticed above in Agenda Item 1, including but not limited to a Settlement and Release Agreement.



Item 2 – Items Posted for Executive Session Discussion

Items posted for discussion during Executive Session are:

- Texas Government Code 551.071 – To receive attorney-client privileged information regarding:
 - pending transport permit applications for groundwater from the Simsboro Aquifer: (BVTP-002) for RH2O LLC; (BVTP-003) for Clifford A. Skiles III; (BVTP-004) for James C. Brien; (BVTP-005) for L. Wiese Moore LLC; (BVTP-006) for Fazzino Investments LP; (BVTP-007) for Ely Family Partnership LP; and (BVTP-008) for Cula d'Brazos LLC, all of whom are co-applicants with UW Brazos Valley Farm LLC; ongoing settlement discussions, and related mediation by the State Office of Administrative Hearings as required by District Board Order No. 1;

- pending contested permit applications for groundwater from the Simsboro Aquifer: (BVDO-0108, BVDO-0317) for Clifford A. Skiles III; (BVDO-0315, BVDO-0316) for James C. Brien; (BVDO-0377, BVDO-0378, BVDO-0379, BVDO-0380, BVDO-0381, BVDO-0382, BVDO-0383, BVDO-0384) for Ely Family Partnership LP; (BVDO-0385, BVDO-0386, BVDO-0387, BVDO-0388., BVDO-0389) for RH2O LLC; (BVDO-0394, BVDO-0395, BVDO-0396, BVDO-0397, BVDO-0398, BVDO-0399) for Fazzino Investments LP; (BVDO-0401, BVDO-0402) for L. Wiese Moore LLC; (BVDO-0408, BVDO-0409, BVDO-0410, BVDO-0411, BVDO-0412, BVDO-0413, BVDO-0414) for Cula d'Brazos LLC: and BVTP-001 for UW Brazos Valley Farm LLC;

- pending Writ of Mandamus filed by the Texas A&M University System in Brazos County District Court, Cause No. 24-002626-CV-472, and related court filings;
- pending lawsuit Fazzino Investments, LP v. Brazos Valley Groundwater Conservation District, CASE NO. 6:25-cv-00001, filed in the United States District Court for the Western District of Texas, Waco Division;
- establishing Desired Future Conditions for all aquifers within the boundaries of the BVGCD
- water production, export, and administrative fees; and
- groundwater conservation district related issues in the 89th Texas Legislature.

Agenda Item # 3

Discussion and possible action authorizing the General Manager to have repair work done on the back wall of the District Office related to a water leak.



Item 3 – Authorization to Repair Water Leak

Heavy driving rain during the first two (2) weeks of June 2025 revealed a water leak manifesting in the storage room of the District Office. There are likely two (2) attributable causes:

1. Water has found its way through the 100+ year old brick foundation supporting the District Office.
2. Water may once again be leaking into the storage room through an area of the roof that sustained damage in April 2021. The leak was repaired in 2021 but may once again be causing an issue.

TMLIRP has been contacted and a claim filed on the occurrence. An adjuster is scheduled to be at the office late Monday afternoon (June 23rd) to assess the matter.

Lopez Construction was contacted to provide an estimate for repair of the back wall below and above grade. It was originally discussed to:

- install a concrete footing along the base of the entire back wall of the office
- water seal the brick foundation, plaster the repair below and above grade
- replace deteriorated plywood covering two (2) old windows
- reroute water draining from the roof away from the building.

The estimated cost for emergency work is \$9,575.

We will need some flexibility to amend work to be accomplished not knowing exactly what the issues are and the proper method(s) of repair should be.

It is the recommendation by the General Manager for the Board to authorize repairing the water leak issue providing flexibility to make change orders as needed to accomplish the repair with agreement by the Building Maintenance Committee.

Agenda Item # 4

Discussion and possible future agenda items



Agenda Item # 5

Adjourn

