

Interregional Planning Council Meeting Minutes

August 15, 2023, 1:00 p.m. to 4:15 p.m.

Held in person in the Stephen F. Austin Building, Austin TX and virtually via Microsoft Teams

Council decisions bolded and italicized in document

Participation: Number of Interregional Planning Council members present 13 of 16

A	Ben Weinheimer	E	Scott Reinert – absent	I	Kelley Holcomb	M	Jim Darling
B	Randy Whiteman- absent	F	Scott McWilliams	J	Jonathan Letz	N	Teresa Carrillo (alternate)
C	Jenna Covington	G	Gail Peek	K	David Van Dresar	O	Melanie Barnes
D	Jim Thompson	H	Mark Evans	L	Tim Andruss	P	Patrick Brzozowski - absent

Presiding Officer: Council Chair Mark Evans

Senators/Representatives/Other VIPs in Attendance: None

Texas Water Development Board (TWDB) Board Members and Staff: Temple McKinnon, Elizabeth McCoy, Brittany Condry, Heather Rose, Michele Foss, Kevin Smith, Ron Ellis, Sarah Lee, Matt Nelson, Lann Bookout

Council alternates present in addition to participating members: Tommy Ervin (Region F), Jonathan Stinson (Region L), Tomas Rodriguez (Region M), Teresa Carrillo (Region N)

MEETING GENERAL

Elizabeth McCoy (TWDB) called roll and determined that a quorum was present. Council Chair Mark Evans (Region H) called the meeting to order.

AGENDA ITEMS

1. Welcome

Mr. Evans welcomed the Council to the meeting.

2. Public Comment

Mr. Evans asked if there were any comments from members of the public. No comments were provided.

3. Minutes from May 30, 2023 Meeting

The Council considered the minutes of the May 30, 2023 meeting. Jim Thompson (Region D) made a motion to approve the minutes as presented. Gail Peek (Region G) seconded the motion. ***The minutes were unanimously approved.***

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This item was later revisited. Kelley Holcomb (Region I) proposed an amendment to the previously approved minutes. The minutes indicated Mr. Holcomb was absent from the May 30 meeting when he was in attendance. Tomas Rodriguez (Region M) made a motion to revise the previously approved minutes to indicate that Mr. Holcomb was present at the May 30, 2023 meeting. Jim Thompson seconded the motion. ***The Council unanimously approved the revised minutes.***

4. Review the Implementation Status of Previous Council Recommendations

Ms. McCoy provided an overview of the *Status of the 2022 State Water Plan (SWP) Interregional Planning Council Recommendations* document included in the meeting materials. The document was updated in July 2023 to include results from the 88th Legislative Session and additional responses from the regional water planning group (RWPG) survey on implementation of the 2022 SWP Interregional Planning Council recommendations.

The implementation status of previous Council recommendations is as follows:

- All TWDB recommended actions have been addressed.
- Legislative recommended actions remain unaddressed. There was little action during the 88th Legislative Session to address recommended actions from the 2022 SWP Council. The legislature did appropriate additional funding to support the RWPG process, but these funds were not specifically appropriated to address the Council's recommendations.
- Survey results indicate that the RWPG recommended actions have been implemented by most regions.
- Future Interregional Planning Council recommended actions remain unaddressed.

Mr. Evans asked if the Council had any questions about the recommendations. There were no comments.

5. Discussion and Potential Action on Council Recommendations and Observations

Mr. Evans reiterated that the TWDB recommended actions and RWPG recommendations have been implemented and asked members if any further discussion was needed on these implemented recommendations. Jenna Covington (Region C) asked for clarification on whether the Council intended to include the *Status of the 2022 SWP Interregional Planning Council Recommendations* supporting document in the Council's report. If so, she suggested that the Council could continue to include the previous recommendations and note their implementation status. Mr. Evans confirmed that this is most likely how the Council will proceed.

Mr. Evans asked for discussion on the legislative recommendations. Melanie Barnes (Region O) made a comment that it seems as if the legislature did not address how the state should support implementation of large-scale projects. Mr. Evans acknowledged the comment.

6. Discuss Report Preparation

Mr. Evans asked Ms. McCoy to provide an overview of updates that had been made to the Council's draft report outline. Ms. McCoy highlighted that the outline was updated to include the unimplemented

legislative and future Interregional Planning Council recommended actions from the previous Council sorted by legislative charge. Results of the Interregional Planning Council Recommendation Priority Survey were also noted for each unimplemented recommendation. Mr. Evans encouraged the Council to consider which priority recommendations should be kept in the document.

Ms. McCoy noted that the “Additional Observations” section of the report was also updated to include language submitted by Jim Thompson on water loss. Additional content for observations on rural water use and population projections is still pending from members. Johnathan Letz (Region J) noted that his region has had concerns about the way that population is projected in rural counties for many cycles. Other predominantly rural regions expressed similar concerns with the population projection methodology.

Mr. Letz asked if recommendations or observations on rural population projections should be included in the Council’s report. Mr. Evans asked if the Council should address this problem in the “Additional Observations” section of the document to raise awareness of the issue. Mr. Letz agreed to draft observational language on this topic for the Council to consider. Mr. Holcomb suggested that Council members confer with the RWPG technical consultants to identify any specific problems with the population projection methodology. Mr. Evans and Mr. Letz agreed.

Jim Darling (Region M) noted that population projections in Region M have generally been slightly undercounted, but this has not affected the ability for Region M projects to receive funding. Mr. Evans commented that the Council should state their observations and pinpoint the dissatisfaction through deliberation and discussion. Ms. Peek suggested that more tools (webinars, resource documents, or websites) are needed, especially for rural and small communities, to increase awareness of the planning process, better inform the public on how and when to get involved, and provide information on available funding programs and other resources.

Members reviewed the structure of the Council’s draft report outline and discussed the Council’s three legislative charges. Members reviewed the unimplemented recommendations made by the 2022 SWP Council under each legislative charge and considered if the recommendations should be retained, revised, or removed.

The Council’s first legislative charge is to improve coordination among the RWPGs, and between each RWPG and the Board, in meeting the goals of the state water planning process and the water needs of the state as a whole. Mr. Evans asked if following recommendations related to identifying issues and opportunities for interregional coordination included in Section 1.1 of the outline should be retained or revised:

The Council recommends that the legislature appropriate additional funds to the planning process specifically to support a required task of the RWPG to identify and facilitate interregional coordination, to allow for the additional RWPG work recommended by this Council.

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Future Interregional Planning Councils should monitor the effectiveness of enhanced efforts to promote interregional coordination and review how best to utilize interregional liaisons in the development or use of shared water resources.

The Council agreed by consensus that recommendations to the legislature and future Interregional Planning Councils included in Section 1.1 of the report outline should be kept as is.

Members then reviewed recommendations in Section 1.2 related to defining roles for participants in the planning process. Ms. Covington noted that the recommendations in Sections 1.1, 1.2, and 1.3 were repetitive. Ms. Covington suggested that the language in Sections 1.1, 1.2, and 1.3, including recommendations to the legislature and future Interregional Planning Councils, be consolidated into a single section. ***The Council agreed by consensus to consolidate Sections 1.1, 1.2, and 1.3.***

The Council took a 5 min break and reconvened at 2:30pm.

The Council then considered recommendations related to their second legislative charge: facilitate dialogue regarding water management strategies that could affect multiple regional water planning areas. The following recommendations made by the previous Council to the legislature and future Interregional Planning Councils regarding long range and visionary planning remain unaddressed:

The Council recommends that the legislature

- 1. return to providing initial sponsorship of projects by the State without guarantees from local sponsors;*
- 2. provide financial incentives for local sponsorship of innovative, visionary, multi-benefit projects;*
- 3. provide additional funding for the regional water planning process to accommodate tasks associated with long range, visionary planning;*
- 4. establish a process for coordination amongst state agencies, at the state level, related to installation of infrastructure during planning and construction of large-scale projects.*

The Council recommends future Interregional Planning Councils

- 1. utilize state agencies' expertise to assist regions in developing a vision of planning resources for the state as a whole;*
- 2. consider whether the Interregional Planning Council or RWPGs are the appropriate mechanism for planning for water resources for the state as a whole.*

Mr. Evans asked if these recommendations should be retained or revised. Ms. Covington suggested that the recommendations should be reordered based on the Council's priority. Mr. Holcomb and Ms. Barnes requested that medium priority recommendations be retained.

Ms. Covington asked if the recommendation that the legislature return to providing initial sponsorship of projects by the State without guarantees from local sponsors was clear as to what it entails or too general. Ms. Covington asked if the TWDB state participation program addresses this recommendation. Mr. Evans agreed that the language is broad and subject to interpretation. Ms. Covington commented

that she is okay with the language and requested TWDB staff's opinion on the language used. Matt Nelson (TWDB) asked if the Council had an example of a project that the State had provided initial sponsorship for. Mr. Holcomb noted that the Lake Columbia project has state participation component that has not been funded. Mr. Nelson noted that the TWDB State Participation Program still requires a project sponsor. Mr. Nelson highlighted that the State Water Implementation Fund for Texas (SWIFT) program has Board participation available, which is equivalent to state participation. He suggested that specific examples of past projects that the State has provided initial sponsorship for may be beneficial to include but language for the recommendation is up to the Council. Members discussed revising the recommendation to include specific examples but decided to keep the recommendation broad.

Members agreed that the legislative recommendations on long range and visionary planning be reordered based on priority and the recommendation to *return to providing initial sponsorship of projects by the State without guarantees from local sponsors* be revised to *provide initial sponsorship of projects by the State without guarantees from local sponsors*.

The Council reviewed recommendations made to future Interregional Planning Councils regarding long range and visionary planning. Mr. Evans asked if the Council wants to retain low priority recommendations. Jim Thomson (Region D) supported removing low priority recommendations to streamline the report.

Members considered whether to retain the recommendation for future Interregional Planning Councils to *consider whether the Interregional Planning Council or RWPGs are the appropriate mechanism for planning for water resources for the state as a whole*. Members questioned if the RWPGs or Interregional Planning Council were the appropriate mechanisms for planning for water resources for the state as a whole. Scott McWilliams (Region F) suggested the legislature should decide who the appropriate body is for planning water resources for the state as a whole.

Mr. Holcomb called for a vote to remove the recommendation for future Interregional Planning Councils to *consider whether the Interregional Planning Council or RWPGs are the appropriate mechanism for planning for water resources for the state as a whole*. **The Council voted unanimously to remove the recommendation.**

Members discussed adding the following observation related to long range and visionary planning: *Determine the appropriate mechanism to facilitate dialogue for large-scale multiple regional water resource projects*. **Members agreed by consensus to add the observation to the report.**

The Council then considered recommendations related to their third legislative charge: share best practices regarding operation of the regional water planning process. Mr. Evans asked if the recommendations related to simplified planning should be retained or revised. Mr. Evans supported the recommendation that the legislature strike simplified planning from the statute. **The Council agreed by consensus to recommend that the legislature strike simplified planning from the statute.**

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Mr. Evans asked if the following legislative recommendations regarding enhancing engagement of the RWPG membership and general public should be retained or revised.

The Council recommends that the legislature

- 1. provide funding for better methods of disseminating information for the regional water planning process;*
- 2. authorize the use of one-way conferencing or webinars.*

No revisions were proposed. ***The Council agreed by consensus to retain the previous Council's recommendations to the legislature regarding enhancing engagement of the RWPG membership and general public.***

Mr. Evans asked if the following recommendations to future Interregional Planning Councils regarding enhancing engagement of the RWPG membership and general public should be retained or revised.

The Council recommends future Interregional Planning Councils

- 1. require RWPG Chairs to meet on an annual basis, at minimum, for the purposes of evaluating and documenting best practices.*
- 2. hold work sessions to "deep dive" into more complicated topics;*

Mr. Holcomb suggested that the recommendation, which specified topics for discussion at RWPG Chairs conference calls, may be better directed to the TWDB. **Members agreed by consensus to remove this recommendation to future Interregional Planning Councils and add a new recommendation directed to TWDB as follows: *The Council recommends TWDB develop protocols to incorporate annual discussions to evaluate and document best practices for regional water planning in Chair's conference calls.***

The Council discussed revisions to the recommendation that future Interregional Planning Councils hold work sessions to "deep dive" into more complicated topics. **Members agreed by consensus to revise the recommendation to: *The Council recommends that future Interregional Planning Councils consider holding work sessions as needed to "deep dive" into more complicated topics.***

Mr. Evans asked if the unimplemented recommendations related to communication between the TWDB, RWPGs, and members should be retained or revised. Sarah Lee (TWDB) provided an update on changes the TWDB has made in response to the Council's recommendations, including use of a standard email address for broadcast emails, sending broadcast communications to all RWPG members, quarterly regional water planning newsletters, and making TWDB communications available on the TWDB website. Mr. McWilliams suggested that the unimplemented recommendations related to communication between the TWDB, RWPGs, and members were not needed and proposed the related section be removed from the report. ***The Council agreed by consensus to remove the section on communication between the TWDB, RWPGs, and members.***

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Mr. Evans asked if the unimplemented recommendations related to Texas Commission on Environmental Quality (TCEQ) membership on the RWPGs should be retained or revised. Members discussed the TCEQ's role in RWPG meetings. Regions have the ability to add TCEQ as a non-voting member through existing rule provisions. Ms. Covington proposed that the section on TCEQ membership on the RWPGs be removed from the report. ***The Council agreed by consensus to remove the section on TCEQ membership on the RWPGs.***

Mr. Evans asked if the following legislative recommendation regarding reimbursement of labor costs for regional water planning administrative agents should be retained or revised.

The Council recommends the legislature provide additional funding for the regional water planning process to accommodate labor costs for administering RWPGs rather than permitting a reallocation of existing planning resources, as that would reduce the funding required to meet other required planning tasks.

Ms. Lee explained how regional water planning grant funds may be used to reimburse administrative expenses. Mr. Evans proposed that the recommendation be retained. Ms. Covington suggested that the recommendation be incorporated into the request for additional funding that is recommended under Charge 1. Members agreed. Mr. Evans proposed that the Council allow TWDB staff to make additional revisions to consolidate language in the report. ***The Council agreed by consensus to incorporate the legislative recommendation regarding reimbursement of labor costs for RWPG administrative agents into recommendations outlined under Charge 1 and allow TWDB to make additional revisions as needed.***

Mr. Evans asked if the following unimplemented legislative recommendation regarding Open Meetings Act modification of video conference restrictions should be retained or revised.

The Council recommends that the legislature amend the Texas Open Meetings Act to allow virtual participation during the regional water planning process as an alternative or in addition to requiring the public to be physically present to make public comment or as an option for a RWPG member that cannot physically attend a meeting resulting from any issue the legislature believes appropriate.

Ms. Barnes asked if this recommendation had already been implemented. Ms. McCoy noted that no specific legislative action had been taken on this recommendation, but there are existing allowances in the Open Meetings Act that allow RWPGs to hold hybrid meetings. Mr. Holcomb proposed removing the section on Open Meetings Act modification of video conference restrictions from the report. ***The Council agreed by consensus to remove the section on Open Meetings Act modification of video conference restrictions.***

Mr. Evans asked if the following recommendations to future Interregional Planning Councils regarding improving the regional water planning process should be retained or revised.

The Council recommends future Interregional Planning Councils

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1. *Review progress on all of the recommendations in the 2027 SWP Council's report and submit its assessment to the TWDB.*
2. *Review materials and meeting notes from the TWDB's lessons learned technical meetings with RWPG consultants.*

Members expressed support for the recommendations. Mr. Holcomb asked TWDB staff if it would be valuable for the Council to review materials from the lessons learned meeting with RWPG consultants. Mr. Nelson noted that it could be useful for the Council to hear issues raised by the technical consultants. TWDB has shared materials from the lessons learned technical meeting with the RWPG chairs and will share the materials with members before the Council's next meeting. ***The Council agreed by consensus to retain the recommendations to future Interregional Planning Councils regarding improving the regional water planning process.***

Mr. Evans briefly reviewed the "Additional Observations" section, noting that that Jim Thompson submitted language on water loss. Mr. Letz plans to submit language on rural population and water use issues. Mr. Holcomb plans to provide language on population projections. He will work with his consultants to gather supporting information.

Mr. Evans asked Mr. Nelson to summarize how RWPGs can refine the population projections. Mr. Nelson explained that population projections are developed through the state demographer and anchored in the U.S. Census Bureau data. TWDB allocates this population data to the water user groups and then provides this information to the RWPGs for review. If RWPGs seek to revise the draft data, they can submit a revisions request with supporting information to the TWDB. RWPGs are encouraged to share local information with TWDB to help refine the population projections. Mr. Holcomb asked if the TWDB has formalized a position on the no net change concept, which allows regions to reallocate population as long as changes do not increase the region's total population. Mr. Nelson responded saying that net zero change is a goal, but he encouraged RWPGs to review the data, consider local information, and request changes that are appropriate. Mr. McWilliams asked if the TWDB would share the state demographer's population projection methodology. Mr. Nelson said TWDB will send that information to the Council.

Mr. Evans asked TWDB staff to refine and shorten the observation language on rural water use after getting feedback from Mr. Letz.

Mr. McWilliams proposed that "multiple" be changed to "multi" in the observation on long range and visionary planning. ***Members agreed by consensus to revise the observation to: Determine the appropriate mechanism to facilitate dialogue for large-scale multi regional water resource projects.***

7. Discuss Schedule and Potential Agenda Items for Next Meeting

The next Council meeting is scheduled for November 30, 2023. Mr. Evans asked that TWDB provide materials from the lessons learned technical meeting to Council members as background materials for the November meeting. Prior to November, members will work with TWDB to refine the "Additional Observations" section of the Council's report. The November meeting will focus on finishing the

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Council's report. Mr. Evans asked that an updated report draft be sent to members by November 1, 2023.

8. Public Comment

Mr. Evans asked if there were any comments from members of the public. No comments were provided.

9. Adjourn

Mr. Evans adjourned the meeting at 4:15 p.m.