

MINUTES OF THE
TEXAS WATER DEVELOPMENT BOARD
BOARD MEETING
November 17, 2011

Chairman Edward G. Vaughan called to order the regular meeting of the Texas Water Development Board at 9:01 a.m. in Room 170 of the Stephen F. Austin Building, Austin, Texas. The following Board Members were present:

Joe M. Crutcher, Vice-Chairman
Thomas Weir Labatt III
Lewis H. McMahan
Billy Bradford, Jr.
Monte Cluck

Members of Texas Water Development Board staff attending included: Chris Adams, Jorge Arroyo, Stacy Barna, Jim Bateman, Joyce Bourenane, Carolyn Brittin, David Buaas, Kelly Burton, Melanie Callahan, Kathy Calnan, Chris Caran, David Carter, Wendy Foster, Rene Gonzalez, Mark Hall, Dan Hardin, Samantha Heng, Ruben Hernandez, Kathy Hopkins, Amanda Jenami, Merry Klonower, Amanda Lavin, Kathleen Ligon, Darryl Lindgens, Mireya Loewe, Ryan Long, Robert Mace, Dave Mitamura, Piper Montemayor, John Muras, Matt Nelson, Charles Nichols, Brenda O'Neill, Ivan Ortiz, Ken Petersen, Lisa Petoskey, Debbie Ramirez, Joe Reynolds, Cindy Ridgeway, Steve Rodriguez, Jim Scott, John Steib, Comer Tuck, Jeff Walker, Gilbert Ward, and Mark Wentzel.

The following individuals were present:

Tom Bohl, Assistant Attorney General
Anne Burger Entrekin, First Southwest
Dale Lehman, Piper Jaffray
Keith Richard, Morgan Stanley
Miranda Yeager, St. Ed's University student
Terry Zrubek, Office of the Governor

1. CONSIDER APPROVAL OF THE OCTOBER 2011 BOARD MEETING MINUTES.

Mr. Labatt moved to approve the minutes; the motion was seconded by Mr. Crutcher; it passed unanimously.

REPORTS

2. CONTRACT STATUS REPORT REGARDING THE STATUS OF PENDING CONTRACTS THAT ARE UNDER DEVELOPMENT AND EXECUTED CONTRACTS THAT HAVE BEEN PREVIOUSLY APPROVED BY THE BOARD. (David Carter)
3. FINANCIAL ASSISTANCE PROGRAMS PERFORMANCE REPORT REGARDING LOAN AND GRANT COMMITMENT ACTIVITY. (Jeff Walker)

4. REPORT ON MODELED AVAILABLE GROUNDWATER FOR GROUNDWATER MANAGEMENT AREAS 4, 6, 8, 10, 13 AND 16. (Cindy Ridgeway)
5. REPORT ON ACTIVITIES RELATING TO THE ECONOMICALLY DISTRESSED AREAS PROGRAM, INCLUDING THE EDAP STATUS REPORT. (Mireya Loewe)

CONSENT

6. CONSIDER APPROVING BY RESOLUTION: (A) THE SALE OF THE BOARD'S OWNERSHIP INTEREST IN A STATE PARTICIPATION PROJECT TO DEVELOP A REGIONAL WATER SYSTEM TO THE **UPPER TRINITY REGIONAL WATER DISTRICT**; AND (B) AUTHORIZATION FOR THE EXECUTIVE ADMINISTRATOR TO TAKE ALL ACTIONS NECESSARY TO EFFECT THE SALE OF THE BOARD'S OWNERSHIP INTEREST IN THE PROJECT. (Piper Montemayor/Jim Bateman)
7. CONSIDER APPROVING BY RESOLUTION: (A) A REQUEST FROM THE **GREENBELT MUNICIPAL AND INDUSTRIAL WATER AUTHORITY (DONLEY COUNTY)** FOR THE BOARD'S APPROVAL OF THE ISSUANCE OF ADDITIONAL BONDS, AND (B) AUTHORIZATION FOR THE EXECUTIVE ADMINISTRATOR TO TAKE ALL ACTIONS NECESSARY TO EFFECT THE BOARD'S APPROVAL. (Piper Montemayor/Jim Bateman)
8. CONSIDER AUTHORIZING: (A) PUBLICATION OF PROPOSED AMENDMENTS TO 31 TEXAS ADMINISTRATIVE CODE SECTIONS 358.6 RELATING TO WATER LOSS AUDITS, 363.12 RELATING TO GENERAL, LEGAL, AND FISCAL INFORMATION, 371.74 RELATING TO REQUIRED CONSERVATION PLAN, AND 375.43 RELATING TO REQUIRED CONSERVATION PLAN; AND (B) THE SUBSEQUENT PUBLICATION OF NOTICE OF ADOPTION OF THE RULEMAKING IF NO SUBSTANTIVE COMMENTS REQUIRE BOARD CONSIDERATION. (Jim Bateman/Rene Gonzalez)
9. CONSIDER AUTHORIZING THE INTERIM EXECUTIVE ADMINISTRATOR TO: (A) FORWARD TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) SOLICITED GRANT APPLICATIONS RECEIVED FOR SEVERE REPETITIVE LOSS PROGRAM GRANTS; AND (B) NEGOTIATE AND EXECUTE CONTRACTS AS APPROVED AND DIRECTED BY FEMA, NOT TO EXCEED A TOTAL AMOUNT OF \$7.7 MILLION FOR SOLICITED GRANT APPLICATIONS FROM FEMA'S SEVERE REPETITIVE LOSS GRANT PROGRAM, WITHIN 120 DAYS FROM NOTIFICATION OF AWARD. (Kathy Hopkins)
10. CONSIDER AUTHORIZING THE INTERIM EXECUTIVE ADMINISTRATOR TO: (A) FORWARD TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) SOLICITED GRANT APPLICATIONS RECEIVED FOR FLOOD MITIGATION ASSISTANCE (FMA) PROGRAM PLANNING AND PROJECT GRANTS; AND (B) NEGOTIATE AND EXECUTE CONTRACTS AS APPROVED AND DIRECTED BY FEMA, NOT TO EXCEED A TOTAL AMOUNT OF \$612,213 FOR SOLICITED GRANT APPLICATIONS FROM FEMA'S FMA GRANT PROGRAM, WITHIN 120 DAYS FROM NOTIFICATION OF AWARD. (Ivan Ortiz)

Mr. McMahan moved to approve Board Consent Items Nos. 6-10. Mr. Labatt seconded; it passed unanimously.

REGULAR

11. THE BOARD WILL RECESS INTO EXECUTIVE SESSION UNDER SECTION 551.071, GOVERNMENT CODE, TO RECEIVE ADVICE FROM ITS ATTORNEYS CONCERNING *WARD TIMBER, ET AL. V. TEXAS WATER DEVELOPMENT BOARD*, CAUSE NO. D-1-GN-000121, 126TH JUDICIAL COURT OF TRAVIS COUNTY, TEXAS. THE BOARD WILL THEN RECONVENE IN OPEN MEETING FOR ANY APPROPRIATE DISCUSSION OR ACTION.

The Board recessed into Executive Session at 9:03 a.m.

The Board recessed its executive session at 9:43 a.m., and reconvened in open meeting at 9:44 a.m.

12. BRIEFING AND DISCUSSION ON COMMENTS RECEIVED ON THE DRAFT 2012 STATE WATER PLAN AND CONSIDER ADOPTION OF THE 2012 STATE WATER PLAN. (Carolyn Brittin/Dan Hardin/Kathleen Ligon) presented this item.

This item was not considered.

13. BRIEFING AND DISCUSSION ON DROUGHT CONDITIONS IN THE STATE OF TEXAS. Mark Wentzel, Surface Water Resources, Water Science & Conservation, presented this item.

No action was taken on this item.

14. DISCUSSION AND POSSIBLE ACTION ON PROCEEDING WITH THE SELECTION OF A PERSON TO SERVE AS THE EXECUTIVE ADMINISTRATOR OF THE TEXAS WATER DEVELOPMENT BOARD.

Chairman Vaughan stated that prior applicants for the position of Interim Executive Administrator should be considered. Mr. Crutcher then moved to recommend proceeding with the selection of a person to serve as Executive Administrator; posting the position internally; and allowing previous applicants for the position of Interim Executive Administrator to be considered.

The motion was seconded by Mr. McMahan; it passed unanimously.

15. THE BOARD WILL RECEIVE COMMENTS FROM THE PUBLIC.

No public comments were received.

16. THE BOARD MAY RECESS INTO EXECUTIVE SESSION TO CONSULT WITH ITS ATTORNEYS REGARDING ANY POSTED MATTER IN WHICH THE BOARD MAY SEEK THE ADVICE OF ITS ATTORNEYS UNDER GOVERNMENT CODE §551.071 AND WILL RECONVENE IN OPEN SESSION FOR ANY APPROPRIATE ACTION ON ANY MATTER CONSIDERED IN EXECUTIVE SESSION.

The Board did not recess into Executive Session to consider any other items.

The meeting adjourned at 10:10 a.m.

APPROVED and ordered of record this, the 15th day of December, 2011.

TEXAS WATER DEVELOPMENT BOARD

Edward G. Vaughan, Chairman

ATTEST:

Melanie Callahan,
Interim Executive Administrator