

MINUTES OF THE
TEXAS WATER DEVELOPMENT BOARD
BOARD MEETING
January 8, 2015 - 9:30 A.M.

Chairman Carlos Rubinstein called to order the meeting of the Texas Water Development Board at 9:30 a.m. in Room 140 of the John H. Reagan Building, 105 W. 15th Street, Austin, Texas. In addition to Chairman Rubinstein, Directors Kathleen Jackson and Bech Bruun were also in attendance, and a quorum was present.

The General Counsel announced the first item for consideration:

1. CONSIDERATION OF THE INTERREGIONAL CONFLICT BETWEEN THE 2011 REGION C AND REGION D REGIONAL WATER PLANS.

Chairman Rubinstein stated that before proceeding with this item he wished to recognize elected officials who were attending the meeting:

State Representative George Lavender and State Representative David Simpson both addressed the Board.

The Chairman also recognized Andrea Williams-McCoy, Chief of Staff for State Representative George Lavender.

Mr. Trobman introduced Jody Puckett, representing Region C, who addressed the Board. Also addressing the Board on behalf of Region C was Jim Parks.

Mr. Trobman introduced Jim Thompson, representing Region D, who addressed the Board. Also addressing the Board on behalf of Region D was Molly Cagle.

Mr. Trobman introduced Joe Reynolds, Assistant General Counsel, who presented the Executive Administrator's final recommendation.

Following Board discussion of this item, the Chairman recommended that the Board continue this matter to the end of the regular agenda and directed the General Counsel to craft a draft order, consistent with the Board's discussion, for review and final action.

The General Counsel then announced the next item for consideration:

2. PRESENTATION AND DISCUSSION OF THE EDWARDS AQUIFER RECOVERY IMPLEMENTATION AWARD.

Adam Zerrenner, U.S. Fish and Wildlife, addressed the Board and presented the Award; Nathan Hess and Dr. Robert Mace also addressed the Board.

No action was taken on this item.

3. BRIEFING AND DISCUSSION ON THE NEW TEXAS WATER DEVELOPMENT BOARD WEBSITE TO INCLUDE A LIVE DEMONSTRATION HIGHLIGHTING KEY IMPROVEMENTS. Matt Erickson presented this item and was assisted by Jeff Lin.

No action was taken by the Board.

4. CONSIDER AUTHORIZING THE EXECUTIVE ADMINISTRATOR TO NEGOTIATE AND EXECUTE A CONTRACT FOR THE DEVELOPMENT AND IMPLEMENTATION OF A MICROSOFT SHAREPOINT BASED WORKFLOW SOLUTION. Wendy Barron, Operations and Administration, presented this item.

Director Bruun moved to authorize the Executive Administrator to negotiate and execute a contract in the amount not to exceed \$474,270.00 for the development and implementation of a Microsoft SharePoint based workflow solution.

The motion was seconded by Director Jackson; it passed unanimously.

5. CONSIDER APPROVING BY RESOLUTION A REQUEST FROM THE WESTPHALIA WATER SUPPLY CORPORATION (FALLS COUNTY) FOR \$96,961 IN LOAN FORGIVENESS FROM THE DRINKING WATER STATE REVOLVING FUND TO FINANCE PLANNING, DESIGN AND CONSTRUCTION OF A PRESSURE TANK AND REPLACEMENT AND LOWERING OF A WELL PUMP. Brenner Brown, Water Supply and Infrastructure, presented this item.

Director Jackson moved to adopt the proposed Resolution providing Westphalia Water Supply Corporation financial assistance from the Drinking Water State Revolving Fund to finance the planning, design and construction of a pressure tank and replacement and lowering of a well pump, as recommended by the Executive Administrator.

The motion was seconded by Director Bruun; it passed unanimously.

6. CONSIDER APPROVING BY RESOLUTION A REQUEST FROM THE CITY OF OLNEY (YOUNG COUNTY) FOR A \$2,440,000 LOAN FROM THE CLEAN WATER STATE REVOLVING FUND TO FINANCE CONSTRUCTION COSTS RELATED TO THE DEVELOPMENT OF AN INDIRECT, POTABLE REUSE SYSTEM. Brenner Brown, Water Supply and Infrastructure, presented this item.

Director Bruun moved to adopt the proposed Resolution providing the City of Olney financial assistance from the Clean Water State Revolving Fund to finance construction costs related to the development of an indirect, potable reuse system, as recommended by the Executive Administrator.

The motion was seconded by Director Jackson; it passed unanimously.

7. CONSIDER APPROVING BY RESOLUTION A REQUEST FROM THE ANGELINA & NECHES RIVER AUTHORITY (ANGELINA COUNTY) FOR A \$1,820,000 LOAN AND

\$3,176,250 IN LOAN FORGIVENESS FROM THE CLEAN WATER STATE REVOLVING FUND TO FINANCE CONSTRUCTION COSTS TO PROVIDE FIRST TIME SEWER SERVICE TO APPROXIMATELY 105 CONNECTIONS WITHIN THE SERVICE AREA INCLUDING REDLAND ESTATES. Nancy Richards, Water Supply and Infrastructure, presented this item. Kelley Holcomb, Angelina & Neches River Authority, also addressed the Board.

The Chairman recognized Christina O’Jibway from Senator Robert Nichols’ Office and John Daywalt from Representative Trent Ashby’s Office attending the meeting in support of this item.

Director Jackson moved to adopt the proposed Resolution providing the Angelina & Neches River Authority financial assistance from the Clean Water State Revolving Fund to finance construction costs to provide first time sewer service to approximately 105 connections within the service area including Redland Estates, as recommended by the Executive Administrator.

The motion was seconded by Director Bruun; it passed unanimously.

8. Consider adopting revisions to population and water demand projections for the 2016 Region G Water Plan. Kevin Kluge, Water Science and Conservation, presented this item.

Director Bruun moved to adopt revisions to population and water demand projections for the 2016 Region G Water Plan, as recommended by the Executive Administrator.

The motion was seconded by Director Jackson; it passed unanimously.

The Board then resumed consideration of Agenda Item No. 1. The General Counsel presented a draft Order to the Board for its review. The Chairman recessed the meeting to allow time for the Board to review the draft order.

At 12:06 p.m. the Chairman resumed the meeting and moved that the Board:

Adopt the proposed Order, determining that Region C’s 2011 Regional Water Plan together with the analysis and quantification submitted on October 29, 2014, is compliant and consistent with all statutory and regulatory requirements and considerations, as set forth in Sections 16.051 and 16.053 of the Texas Water Code and Chapters 357 and 358 of Agency Rules; and that the interregional conflict as asserted by Region D is hereby resolved with the inclusion of the Marvin Nichols Reservoir Project as a recommended water management strategy in the 2011 Region C Regional Water Plan;

Direct the Region C regional water planning group to revise, pursuant to Texas Water Code Section 16.053(h)(6), Chapter 10 of its 2011 Regional Water Plan, relating to the Plan Approval Process to reflect the mediation, this Board action, and other actions taken to effectuate this decision. Region C shall adopt the revisions and submit its revised Regional Water Plan and supporting documents to the Board on or before March 20, 2015, for Board consideration;

Direct the Region D regional water planning group to revise, pursuant to Texas Water Code Section 16.053(h)(6), its 2011 Regional Water Plan by revising all references to a conflict to reflect that the conflict has been resolved, and to revise Chapter 10 of its 2011 Regional Water Plan, relating to the Plan Approval Process to reflect the mediation, this Board action, and other actions taken to effectuate this

decision. Region D shall adopt the revisions and submit its revised Regional Water Plan and supporting documents to the Board on or before March 20, 2015, for Board consideration;

Direct the Executive Administrator to undertake an examination of current rules and guidance pertaining to the development of regional water plans as well as an evaluation of Board Staff's review process, and identify any opportunities for: completing a more substantive review of the plans; ensuring that future regional and state water planning efforts include all statutorily-required analyses; involving the Regional Water Planning Groups Stakeholder Committee in considering ways to identify potential conflicts and facilitate resolution early in the planning process; and defining "interregional conflict" in a manner that is consistent with the ruling of the 11th Court of Appeals in Texas Water Development Board vs. Ward Timber, Ltd. Once the Executive Administrator has completed his review, the Executive Administrator will report back to the Board for further guidance.

Encourage the Region C and Region D regional water planning groups to continue to participate in the Sulphur River Basin Study;

And

Delegate authority to the General Counsel to make non-substantive changes to this Order, as necessary.

The Motion was seconded by Director Jackson; it passed unanimously.

9. THE BOARD WILL RECEIVE COMMENTS FROM THE PUBLIC.

Public comments were received from:

Nancy Clements
Charleen Granberry
Rachel Baker Ford
Eileen Collins
John Murdock
Peggy Harrison

10. THE BOARD MAY CONDUCT A CLOSED MEETING TO RECEIVE LEGAL ADVICE AND DISCUSS PENDING OR CONTEMPLATED LITIGATION, SETTLEMENT OFFERS, AND/OR THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE OR DISMISSAL OF SPECIFIC BOARD EMPLOYEES, INCLUDING THE EXECUTIVE ADMINISTRATOR AND GENERAL COUNSEL, AS PERMITTED BY SECTIONS 551.071 AND 551.074, THE TEXAS OPEN MEETINGS ACT, CODIFIED AS CHAPTER 551 OF THE TEXAS GOVERNMENT CODE. THE BOARD MAY ALSO MEET IN OPEN MEETING TO TAKE ACTION ON LEGAL OR PERSONNEL MATTERS CONSIDERED IN THE CLOSED MEETING AS REQUIRED BY SECTION 551.103 OF THE OPEN MEETINGS ACT, CHAPTER 551 OF THE GOVERNMENT CODE.

The Board did not meet in closed session.

The meeting adjourned at 12:35 p.m.

APPROVED and ordered of record this, the 8th day of January, 2015.

TEXAS WATER DEVELOPMENT BOARD

Carlos Rubinstein, Chairman

DATE SIGNED: _____

ATTEST:

Kevin Patteson
Executive Administrator