

MINUTES OF THE
TEXAS WATER DEVELOPMENT BOARD
BOARD MEETING

September 9, 2015 – 9:30 A.M.

Chairman Bech K. Bruun called to order the meeting of the Texas Water Development Board at 9:31 a.m. in Room 170 of the Stephen F. Austin Building, 1700 N. Congress Avenue, Austin, Texas. In addition to Chairman Bruun, Director Kathleen Jackson was also in attendance, and a quorum was present.

The Chairman stated that the Board would move Item #2 on today's agenda to the end of the agenda and would begin the meeting with Item #3.

The General Counsel announced the first item for consideration:

3. CONSIDER APPROVING BY RESOLUTION A REQUEST FROM THE LOWER COLORADO RIVER AUTHORITY (TRAVIS COUNTY) TO AMEND TEXAS WATER DEVELOPMENT BOARD RESOLUTION NO. 14-72 TO EXTEND THE COMMITMENT PERIOD FOR A LOAN FROM THE TEXAS WATER DEVELOPMENT FUND BY SIX (6) MONTHS, TO FINANCE PLANNING, ACQUISITION, DESIGN, AND CONSTRUCTION OF AN OFF-CHANNEL RESERVOIR. Clay Schultz, Water Supply and Infrastructure, presented this item.

Chairman Bruun moved to adopt the proposed Resolution amending Texas Water Development Board Resolution No. 14-72, to extend the commitment period for a loan from the Texas Water Development Fund until March 31st, 2016, to finance the planning, acquisition, design, and construction of an off-channel reservoir, as recommended by the Executive Administrator.

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

4. CONSIDER AFFIRMING BY RESOLUTION THE COMMITMENT TO PROVIDE FINANCIAL ASSISTANCE FROM THE CLEAN WATER STATE REVOLVING FUND TO THE GREATER TEXOMA UTILITY AUTHORITY – CITY OF WHITEWRIGHT (GRAYSON COUNTY) MADE IN TWDB RESOLUTION NO. 15-070, AND CONCURRING IN THE EXECUTIVE ADMINISTRATOR'S ENVIRONMENTAL FINDING. Kathy Calnan, Water Supply and Infrastructure, presented this item.

Director Jackson moved to affirm the commitment to provide financial assistance from the Clean Water State Revolving Fund to the Greater Texoma Utility Authority, on behalf of the City of Whitewright, made in Texas Water Development Board Resolution No. 15-070, and concurring in the Executive Administrator's environmental findings.

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

5. CONSIDER AUTHORIZING THE EXECUTIVE ADMINISTRATOR TO PUBLISH A REQUEST FOR QUALIFICATIONS (RFQ) IN ORDER TO SELECT A QUALIFIED

ENGINEERING FIRM TO CONDUCT ADDITIONAL DRAINAGE ANALYSES AND RELATED STUDY ACTIVITIES ASSOCIATED WITH THE LOWER RIO GRANDE VALLEY COLONIA STORMWATER DRAINAGE PLANNING STUDY. Gilbert Ward, Contracting and Purchasing, presented this item.

Chairman Bruun moved to authorize the Executive Administrator to publish a Request for Qualifications in order to select a qualified engineering firm to conduct additional drainage analyses and related study activities associated with the Lower Rio Grande Valley Colonia Stormwater Drainage Planning Study.

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

6. BRIEFING AND DISCUSSION REGARDING THE TIMELINE FOR SOLICITATION OF THE SECOND ROUND OF FUNDING REQUESTS (2016) FOR THE STATE WATER IMPLEMENTATION FUND FOR TEXAS FINANCIAL ASSISTANCE PROGRAM. Tom Entsminger, Water Supply & Infrastructure, presented this item.

No action was taken on this item.

The Chairman recognized the following legislative staff members attending the meeting today:

Michael Bullock, Office of Representative David Simpson;
Ryan Weisemen, Office of Senator Eltife;
Buffy Barrett, Clerk, House Natural Resources;
Lauren Murray, Senate Committee on Agriculture, Water & Rural Affairs;
Shannon Harmon, Senate Committee on Agriculture, Water & Rural Affairs;
Kathi Seay, Office of Representative David Simpson; and
Adam Leggett, Office of Senator Hancock

The General Counsel announced the next item and introduced the first speaker.

2. CONSIDERATION OF A POTENTIAL INTERREGIONAL CONFLICT BETWEEN INITIALLY PREPARED REGIONAL WATER PLANS FOR REGIONS C AND D FOR THE FOURTH CYCLE OF REGIONAL WATER PLANNING.

Mr. Trobman introduced Linda Price, representing Region D, who addressed the Board. Also addressing the Board on behalf of Region D were Jim Thompson and Walt Sears.

Mr. Trobman introduced Jody Puckett, representing Region C, who addressed the Board.

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

Director Jackson moved that the Board:

Find that an interregional conflict exists between the 2016 Region C and Region D

Initially Prepared Plans, as set forth in Section 16.053 of the Texas Water Code, Title 31 Texas Administrative Code Chapter 357, and the precedent set by the 11th Court of Appeals in *Texas Water Development Board vs. Ward Timber, Ltd.*;

Direct the Executive Administrator to negotiate and execute a contract with the Center for Public Policy Dispute Resolution for a mediation to begin on or before Monday, October 5, 2015, in Austin, Texas, in order to attempt to resolve the interregional conflict between the 2016 Region C and Region D Initially Prepared Plans;

Encourage the Region C and Region D regional water planning groups to actively and meaningfully engage in the mediation;

Direct the Region C and Region D regional water planning groups to designate and authorize representatives to participate in the mediation and provide the Executive Administrator with the names of their representatives by September 30, 2015;

Direct the Executive Administrator to designate staff to attend and participate in the mediation as a resource; and

Direct the mediator to provide the Board a written report on the results of the mediation upon conclusion.

If Region C and Region D reach a negotiated resolution, **Direct** the Regional Water Planning Groups to follow all required processes for adopting their respective Regional Water Plans, consistent with the agreed terms.

Otherwise, **Direct** the Executive Administrator to move forward with conducting the required public hearing and comment process, and provide a final recommendation on resolution of the conflict to the Board as expeditiously as possible.

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

7. No public comments were received.
8. The Board did not meet in Executive Session.

Chairman Bruun adjourned the meeting at 10:30 a.m.

APPROVED and ordered of record this, the 9th day of September, 2015.

TEXAS WATER DEVELOPMENT BOARD

Bech K. Bruun, Chairman

DATE SIGNED: _____

ATTEST:

Kevin Patteson,
Executive Administrator