

Best Practices Committee Report to the Interregional Planning Council – August 12, 2020

1. **Proposed Changes to Committee Problem and Goal Statement:** No changes proposed at this time.
2. **Draft Recommendation Summaries**

Recommendation 1: Simplified Planning

- a. **Brief Observation:** The simplified planning process under Texas Water Code (TWC) Section 16.053 is not functional. Requiring RWPGs to update groundwater and surface water availability values that have not significantly changed is a waste of volunteer regional water planning members' time.
- b. **Succinct Recommendations:**
 - i. The Legislature should amend the language in TWC Sec. 16.053(i) to either:
 1. Discontinue the requirement to update groundwater and surface water availability values in the regional water plan if those availability numbers have not changed significantly, or
 2. Strike simplified planning from the statute.
 - ii. The TWDB should evaluate alternatives to the current simplified planning process that address timing and data concerns.
 - iii. The RWPGs should: None
 - iv. Future Interregional Planning Councils should: None
- c. **Brief Benefit:** Implementing this recommendation would allow full updates of the state water plan following updated census data, better align the regional water plans with the groundwater management area process, and potentially redirect State resources to solving water planning issues through funding special studies.

Recommendation 2: Enhancing Membership Engagement and General Public Engagement

- a. **Brief Observation:** RWPGs are experiencing a variety of communication and engagement issues. Examples include information overload and not receiving valuable information and material prepared by the TWDB. Additionally, the public may not have the knowledge base to readily consume the technical and complex subject matter or have the time investment to attend public meetings.
- b. **Succinct Recommendations:**
 - i. The Legislature should:
 1. Provide funding for better methods of disseminating of information for the regional water planning process.
 2. Authorize the use of one-way conferencing or webinars.

- ii. The TWDB should:
 1. Provide policy recommendations developed by the Interregional Planning Council to all RWPGs to inform their planning process.
 2. Provide a distilled policy recommendations report from all adopted regional water plans, sorted by topic, to the RWPGs and the Council.
 3. Provide an update to the above report, at an appropriate time in the planning cycle, of the implementation status of recommendations to the RWPGs and the Council.
 4. Develop standardized, easy to adopt practices and protocols that apply to all regions.
- iii. The RWPGs should:
 1. Provide more focus on new member orientations.
 2. Utilize educational programs and subject matter speakers in each RWPG.
 3. Develop better methods to encourage public participation, for example:
 - Surveys
 - Targeted emails blasts
 - Website updates for all RWPGs
- iv. Future Interregional Planning Councils should:
 1. Hold work sessions to “deep dive” into more complicated topics.
 2. Require RWPG Chairs to meet on an annual basis at minimum.
- c. **Brief Benefit:** Implementing this recommendation will enable RWPG membership and the public to be more engaged and increase their understanding of the process.

Recommendation 3: Communication between TWDB, RWPGs, and Members

- a. **Brief Observation:** Members of multiple RWPGs are unaware of educational material, program resources, and assistance made available by the TWDB. TWDB correspondence is not always distributed to the membership or is simply not viewed because of email overload.
- b. **Succinct Recommendations:**
 - i. The Legislature should: None
 - ii. The TWDB should:
 1. Require RWPGs to receive orientation services provided by the TWDB at the beginning of each cycle,
 2. Require RWPG Chairs and Administrative Agents to follow recommendations in the Best Management Practices Guide document, and

3. Invest in inter-agency, intra-agency, or professional media consultants to assist TWDB in effectively delivering digital messages to RWPG members.
- iii. The RWPGs should:
 1. Follow recommendations regarding communication with RWPG members as outlined in the Best Management Practices Guide.
 2. RWPG members should read the Best Management Practices Guide and New Member Guide.
- iv. Future Interregional Planning Councils should review existing technology and recommend appropriate changes.
- c. **Brief Benefit:** Implementing this recommendation will enable RWPG membership to make informed decisions by increasing members' understanding of the process and resources available.

Recommendation 4: Texas Commission on Environmental Quality (TCEQ) as an Ex-Officio Member

- a. **Brief Observation:** RWPGs often have questions regarding public drinking water systems, surface water rights and availability, and permitting requirements that could best be answered or followed up on by representatives from the TCEQ. TCEQ is not required by statute to have representation on RWPGs and currently has a representative assigned as a non-voting member to 5 out of 16 RWPGs (B, E, L, M, O).
- b. **Succinct Recommendations:**
 - i. The Legislature should amend TWC Sec. 16.053(c) to add TCEQ has an ex-officio member of each RWPG.
 - ii. The TWDB should:
 1. In the event that TWC 16.053(c) isn't amended, coordinate with TCEQ and amend Texas Administrative Code (TAC) 357.11(e) to require RWPGs add a staff member from TCEQ as a non-voting member, and
 2. Review and make a recommendation to the Legislature regarding additional non-voting members that affect statewide regional water planning stakeholders.
 - iii. In the event that TWC 16.053(c) or TAC 357.11(e) are not amended, RWPGs should consider adding TCEQ as an ex-officio member.
 - iv. Future Interregional Planning Councils should: None
- c. **Brief Benefit:** Implementing this recommendation would consistently provide RWPGs a subject matter expert and resource for water issues addressed by the TCEQ. This recommendation could increase coordination between the TWDB and the TCEQ on planning vs. regulation issues and requirements.

Recommendation 5: Reimbursement of Labor Costs for Regional Water Planning Administrative Agents

- a. **Brief Observation:** The role of the RWPG’s administrative agency includes a significant amount of administrative work. The agencies spend exorbitant amounts of time performing this role in which reimbursement of labor costs are prohibited by the TWDB.
- b. **Succinct Recommendation:**
 - i. The Legislature should provide additional funding for the regional water planning process to accommodate labor costs for administering RWPGs so that grant resources are not taken from required planning tasks.
 - ii. The TWDB should:
 - 1. Consider allowing for the reimbursement of labor costs for the RWPG’s designated administrative agency.
 - 2. Revise TAC Chapter 355 and regional water planning grant contract expense budget limitations to accommodate these expenses.
 - iii. The RWPGs should include requests for funding in Chapter 8 recommendations of the regional water plans.
 - iv. Future Interregional Planning Councils should: None
- c. **Brief Benefit:** Implementing this recommendation would encourage political subdivisions to take on the role of the administrative agency for regional water planning. The agencies would no longer be penalized for accepting the responsibility of administering the regional water planning process.

Recommendation 6: Open Meetings Act Modification of Video-Conference Restrictions

- a. **Brief Observation:** Governor Abbott temporarily suspended a limited number of open meeting laws to allow governmental bodies to conduct meetings by telephone or video conference during the COVID-19 pandemic in order for these entities to continue to function. Once the disaster is over options to conduct meetings by telephone or video conference will not be available. During this period any person regardless of where they are in the world has been afforded the opportunity to participate in public meetings and provide public comment if they wish making the open meetings process more transparent.
- b. **Succinct Recommendations:**
 - i. The Legislature should amend the Open Meetings Act to allow state and local governments to use electronic media such as video conferencing as an alternative to requiring the public and governmental officials to be physically present to make public comment or consider actions during an open meeting.
 - ii. The TWDB should evaluate the fiscal impacts associated with technology required for virtual meetings.

- iii. The RWPGs should: None
- iv. Future Interregional Planning Councils should: None
- c. **Brief Benefit:** Implementing this recommendation would allow state and local government to use electronic media such as video conferencing as an alternative to holding in person only meetings. This would create a more efficient process by allowing greater governmental transparency during consideration of items on an agenda and provide the public an avenue for increased meeting participation.

Recommendation 7: Improving the Regional Water Planning Process

- a. **Brief Observation:** Modifications to regional water planning process does not adequately allow for all RWPG members to provide substantial input on how to make the process better because it is at the end of the cycle at a time when the RWPG is working on its final report. Chairs' conference calls are scheduled but cover so much information that Chairs don't have the opportunity to brainstorm new ideas, and prior work sessions held by TWDB are no longer held or results aren't formally documented. Additionally, over 300 RWPG members do not have direct input to improve the process. Only engaging a small subset of the RWPG leads to non-engagement by the rest of the membership.
- b. **Succinct Recommendations:**
 - i. The Legislature should: None
 - ii. The TWDB should:
 - 1. Incorporate a set of management practices to improve efficiency and effectiveness by eliminating waste in the regional water planning process. This includes reducing or eliminating non-value-added activities and engaging the RWPG membership to map out all critical steps in planning.
 - 2. Evaluate the RWPG voting and non-voting membership costs of time and funding.
 - iii. RWPGs should: None
 - iv. Future Interregional Planning Councils should review materials and meeting notes from TWDB's lessons learned technical meetings with RWPG consultants.
- c. **Brief Benefit:** Implementing this recommendation would improve efficiency and effectiveness by eliminating waste in the planning process as well as improve productivity of the RWPG membership.

3. Draft Recommendations Under Further Consideration (yet to be fully developed):
None