

REGION C WATER PLANNING GROUP
MINUTES OF AN OPEN PUBLIC MEETING
September 28, 2015

The Region C Water Planning Group (RCWPG) met in an open public meeting on Monday, September 28, at 1:00 P.M. The meeting was held at the TRA Central Wastewater Treatment Plant located at 6500 W. Singleton Boulevard, Grand Prairie, Texas. Notice of the meeting was legally posted.

Chair Puckett called the Region C Regional Planning Group meeting to order at approximately 1:00 P.M. and welcomed guests.

I. ROLL CALL

Kevin Ward conducted a roll call. The following members were in attendance:

John Carman	Jody Puckett
Spanky Carter (Alt. for G.K. Maenius)	Mike Rickman (Alt. for Tom Kula)
Tim Fisher (Alt. for Howard Martin)	Bob Riley
Harold Latham	Drew Satterwhite
Russell Laughlin	Rick Shaffer (Alt. for James Hotopp)
John Lingenfelder	Connie Standridge
Jim McCarter	Jack Stevens
Steve Mundt	Kevin Ward

David Bailey, Bill Ceverha, Gary Douglas, Gary Spicer, Robert Scott, and Tom Woodward were absent from the meeting. Connie Townsend of the TWDB, Adam Whisenant of the TPWD, and David and Sharron Nabors of Region D were present. The registration lists signed by guests in attendance are attached.

II. APPROVAL OF MINUTES – April 20, 2015

The minutes of the April 20, 2015, RCWPG meeting were approved by consensus upon a motion by Jim McCarter and a second by Jack Stevens.

III. ACTION ITEMS FOR CONSIDERATION

- A. Announcement of vacancy for Frank Crumb's position representing municipalities, call for nominations to fill vacancy, and vote to fill vacancy.

Mr. Crumb submitted his notice of resignation April 21, 2015. In his resignation letter, Mr. Crumb recommended his successor at the City of Fort Worth, John Carman, be elected as his replacement.

RCWPG Bylaws in Article VI. Voting Membership, Section 2, provide that after a vacancy occurs of a voting member, the RCWPG shall have an agenda item on the next available publicly posted meeting notice declaring the vacancy

and considering nominations from the public and the membership. If no nominations are forthcoming, the Chairman shall appoint a nominating committee to provide nominations at the next regular meeting of the RCWPG. Members' whose terms have expired shall continue to serve on the RCWPG until such time as the vacancy created by the expired term has been filled. Selection of any voting member must be approved by two-thirds of the voting members present at a properly posted meeting.

There were no public comments on this action item.

Upon a motion by Jack Stevens and a second by Bob Riley, the RCWPG voted unanimously to elect John Carman to fill Frank Crumb's position on the Region C Water Planning Group Board.

- B. Announcement of vacancy for Thomas La Point's position representing the public, call for nominations to fill vacancy, and vote to fill vacancy.

Mr. La Point submitted his notice of resignation April 8, 2015. In his resignation letter, Mr. La Point did not make a recommendation for his replacement.

RCWPG Bylaws in Article VI. Voting Membership, Section 2, provide that after a vacancy occurs of a voting member, the RCWPG shall have an agenda item on the next available publicly posted meeting notice declaring the vacancy and considering nominations from the public and the membership. If no nominations are forthcoming, the Chairman shall appoint a nominating committee to provide nominations at the next regular meeting of the RCWPG. Members' whose terms have expired shall continue to serve on the RCWPG until such time as the vacancy created by the expired term has been filled. Selection of any voting member must be approved by two-thirds of the voting members present at a properly posted meeting.

There were no public comments on this action item.

Upon a motion by Kevin Ward and a second by Jack Stevens, the RCWPG voted unanimously to elect John Lingenfelder to fill Thomas La Point's position on the Region C Water Planning Group Board.

- C. Discuss comments received on Initially Prepared Plan; Consider approval/adoption of changes to be made.

Tom Gooch, Freese and Nichols, summarized comments from state agencies and others, and outlined proposed responses to comments and changes to be made for the Final 2016 Region C Plan. Comments were received from:

- Public Hearing held June 24, 2015
- 2 State Agencies
- 6 WWP's
- 3 Organizations
- 1 media outlet
- 1 individual submitted a report
- Emails:
 - 16 persons with unique email messages
 - 1 message received from 283 persons (Sierra Club)

There were no public comments on this action item.

Upon a motion by Mike Rickman and a second by Connie Standridge, the RCWPG voted unanimously to adopt the proposed changes and any other changes deemed necessary.

- D. Consider action related to TWDB's finding of an interregional conflict between 2016 Region C and Region D Initially Prepared Plans, including designation and authorization of representatives to participate in mediation.

Tom Gooch, Freese and Nichols, advised that on July 21, 2015, Region D notified TWDB of their objection to the proposed Marvin Nichols Reservoir as described in the 2016 Region C Initially Prepared Plan. On September 9, TWDB found that an interregional conflict does exist and ordered mediation. RCWPG will consider action as necessary to comply with TWDB findings, including but not limited to: Designating members to participate in mediation related to the alleged interregional conflict, authorizing consultants to make changes to the Region C Plan based on interregional conflict issues (if needed replace currently recommended Sulphur Basin strategy with current alternative Marvin Nichols strategy), and other action as necessary to comply with TWDB process to resolve interregional conflict.

Chair Jody Puckett provided background information on this issue. Chair Puckett advised that Linda Price, Chair, Region D, submitted a letter to the TWDB on July 21 requesting briefs. In a memo dated August 8, the TWDB asked both Regions C and D submit a brief. On September 9, the Chairs of each region addressed the TWDB. The TWDB ruled there is an interregional conflict and required that each regional water group designate a mediation committee by September 30. The TWDB will expect a report back by the mediator in November.

Chair Puckett advised the TWDB had appointed Suzanne Schwartz, UT Center for Public Policy Resolution, as the mediator. She also added that the mediator will not make a decision, only act as a facilitator between Regions C

and D. Chair Puckett also stated that Todd Chenowith and Temple McKinnon, TWDB, will be present during the mediation.

David Nabors, Region D, advised the Board that the goal of the mediation is to keep problems from developing down the road.

There were no public comments on this action item.

Upon a motion by Russell Laughlin and a second by John Carman, the RCWPG voted unanimously to designate Jody Puckett, Kevin Ward, Mike Rickman, and Wayne Owen to the Mediation Committee and authorized consultants to make changes to Region C Water Plan if needed.

- E. Consider designating Sulphur River Basin Authority as a Wholesale Water Provider.

Chair Puckett advised the RCWPG that the 2016 Region C IPP (Section 8.1) recommends that the Sulphur River Basin Authority be designated as a Wholesale Water Provider. The RCWPG has the ability to make this designation. Kevin Ward added that this is primarily a 'clean-up' item. John Carman stated this is simply a representation with a designation. Russell Laughlin asked how many potential water projects the SRBA has in progress. Wayne Owen responded that the Legislature gave SRBA authority to develop water projects and this designation will clarify relationships.

David Nabors, Region D, requested to speak on this action item. Mr. Nabors said that the SRBA has no current means to get water; and their only connection will be a new reservoir. He added that Region D is against reservoirs taking farming properties.

Upon a motion by Jack Stevens and a second by Kevin Ward, the RCWPG voted unanimously to designate SRBA as a Wholesale Water Provider.

- F. Consider appointing Nominating Committee for slate of officers for 2016.

The RCWPG may appoint a Nominating Committee to develop a recommendation for the 2016 slate of officers.

There were no public comments on this action item.

Upon a motion by John Carman and a second by Connie Standridge, the RCWPG voted unanimously to appoint Jody Puckett, Russell Laughlin, Kevin Ward, Steve Mundt and John Lingenfelder to the Nominating Committee for a slate of officers for 2016 that will be presented to the RCWPG at the November 9, 2015, meeting for confirmation.

- G. Consider Selection and approval of consultant for fifth cycle of regional planning.

The RCWPG will consider selection and approval of consultant team for the fifth cycle of regional planning (2021 Region C Plan).

There were no public comments on this action item.

Upon a motion by Steve Mundt and a second by Jack Stevens, the RCWPG voted unanimously to select Freese and Nichols as the consultant team for the fifth cycle of regional planning.

- H. Consider authorization for TRA to contract with consultant for fifth cycle of regional planning.

The RCWPG will consider authorizing TRA to contract with the selected consultant for the fifth round of regional water planning.

There were no public comments on this action item.

Upon a motion by Mike Rickman and a second by Russell Laughlin, the RCWPG voted unanimously to enter into a contract with Freese and Nichols for work performed associated with the fifth round of regional water planning.

- I. Consider authorizing Chair and/or TRA to seek reimbursement for out-of-scope work performed by consultant related to Quantitative Analysis of Marvin Nichols Reservoir and 2011 Interregional Conflict resolution. Authorize amendments to all contracts as necessary.

Chair Puckett advised that in October 2014, Freese and Nichols developed a detailed report of quantitative impacts of the Marvin Nichols Reservoir as ordered by TWDB as part of the resolution of the alleged interregional conflict between the 2011 Regions C and D Plans. This task was not included in the scope or budget for the fourth round of planning and was performed by Freese and Nichols without compensation. There is approximately \$25,000 of unused budget in Task 12 (2011 Prioritization) that by contract cannot be used for other scoped tasks. The RCWPG may consider authorizing Chair and/or TRA to formally request that TWDB allow unused Task 12 funds to be used to reimburse consultant for this work ordered by TWDB. The RCWPG may consider authorizing TRA to amend contracts necessary to allow this reimbursement.

There were no public comments on this action item.

Upon a motion by Tim Fisher and a second by Mike Rickman, the RCWPG voted unanimously to authorize the Chair or TRA to formally request that

TWDB allow unused Task 12 funds to be used to reimburse Freese and Nichols for work ordered by TWDB on the quantitative analysis of impacts of the proposed Marvin Nichols reservoir, and authorize TRA to amend contracts necessary to allow this reimbursement.

IV. DISCUSSION ITEMS

A. Public Hearing Update

Tom Gooch presented an update of the Region C Water Planning Group Public Hearing held on June 24, 2015, at the Bob Duncan Center in Arlington. An overview of the 2016 Water Plan was presented. Mr. Gooch said there were ten public speakers including: David Foster and Rita Beving, Clean Water Fund; Helen Bush; Janice Bezanson, Texas Conservation Alliance; Wayne Owen, Tarrant Regional WD; Larry Patterson, Upper Trinity Regional WD; Julia Burgen; Rachel Baker Ford, Garland Democratic Voice; Bob Fusinato; and Carol Spruiell, Texas Conservation Alliance. He also stated that no issues were raised at the public hearing that were not raised in the written comments.

B. Remaining Tasks – Schedule

Tom Gooch presented an outline of the remaining tasks to be completed:

- Make Changes to Plan based on comments
- Misc. DB17 “cleanup”
- Develop reports not generated by DB17
- Prioritization of 2016 strategies (for SWIFT funding)
- Infrastructure Financing Report
- Socio-Economic Analysis
- Finalize Plan
- Final Newsletter of 4th cycle

Schedule:

- Now thru October – Update Plan
- Oct. 5 – Begin Mediation of Interregional Conflict
- Mid-Oct – Prioritization subcommittee to meet
- Nov. 2 – Post Final Plan on Region C website
- Nov. 9 – RCWPG meeting, consider approval of Final Plan
- By Dec. 1 – Submit Final Plan to TWDB, then distribute to libraries/clerks
- Dec. – Final newsletter of 4th cycle

C. Prioritization

Tom Gooch stated that there are 576 projects in the 2016 Plan: 300+ Conservation; 20+ Reuse projects; 50+ Water treatment plants/expansions; 5 Reservoirs; multiple pipelines and other miscellaneous. He further noted that this is similar to 2011 Prioritization process with a TWDB template with questions and scoring. The RCWPG developed methodology for 2011

Prioritization which is similar to one currently in use. Mr. Gooch advised that Freese and Nichols is currently scoring projects, and that the Prioritization Subcommittee will meet mid-October to finalize.

D. IFR – Infrastructure Financing Report (Chapter/Task 9)

Tom Gooch advised that the IFR Surveys are generated by TWDB for the purpose of gathering information on what projects will need TWDB funds. Consultants mailed 286 surveys to WUGs, WWPs, and county judges, and received 30 responses which account for more than 40% of capital costs in the Water Plan. Mr. Gooch add that the responses will be input into TWDB spreadsheet. He also added that they will attempt to contact more survey recipients who did not respond.

E. Socio-Economic Analysis (Chapter/Task 6)

Tom Gooch discussed how this analysis quantifies the dollar impact of not meeting water needs. The TWDB will perform this analysis based on information provided in DB17 data which has been verified for accuracy by consultants. TWDB will run analysis in early October. Chair Puckett asked how adding or deleting strategies affects the Socio-Economic Analysis. Tom Gooch replied that there is no effect.

F. December Newsletter

Colby Walton, Cooksey Communications, discussed the timeline for the upcoming December newsletter which will be the last one of the 4th Cycle. The development and approval process is as follows:

- **October** – Articles drafted, sent to consultants and officers for review
- **November** – Initial layout prepared by printer and presented to Planning Group
- **Early December** – Final newsletter produced and distributed via mail, email

Mr. Walton added that this newsletter will be a resource of the 2016 Water Plan. It will include an overview of the 2016 Plan, including a glossary of Region C water planning terms and acronyms. The newsletter will include an update on new members and 2016 officer elections, including a Planning Group roster.

V. OTHER DISCUSSION

A. Updates from the Chair

Chair Puckett advised that there will be a conference call on October 6 with the TWDB Chair to address issues on the Regions C and D Interregional Conflict and possible future rule changes.

B. Report from Regional Liaisons

Sharron Nabors, Region D, advised that they are conducting routine processes. Region H will meet next week. Region I will meet next week and Connie Townsend will attend. GM8 reported meetings are planned for Nov. 18, 2015, and January 8, 2016; their final plan is due in May.

- C. Report from Texas Water Development Board
Connie Townsend reported that at the Sept. 22 board meeting, the TWDB extended the comment period regarding boundaries to October 14. The TWDB will consider Interregional Conflict results and proposed rule revisions at its October 27 meeting. Ms. Townsend also reiterated that the final 2016 Water Plan is due to the TWDB by Dec. 1, 2015.
- D. Report from Texas Department of Agriculture - none
- E. Report from Texas Parks and Wildlife Department - none
- F. Other Reports
- G. Confirm Date and Location of Next Meeting – November 9, 2015, 1pm, TRA Central Wastewater Treatment Plant, 6500 W. Singleton Blvd, Grand Prairie, Texas 75212.
- H. Public Comments

VI. ADJOURNMENT

There being no further business, the meeting of the RCWPG adjourned at approximately 2:30 P.M.

JODY PUCKETT, Chair