

Minutes of the July 30, 1998 Meeting of the Coastal Bend Regional Water Planning Group for the Senate Bill 1 Regional Water Planning Program for Region "N"

This meeting of the Coastal Bend Regional Water Planning Group (Coastal Bend RWPG) was held in the "TTVN" Classroom at the TAMU Research and Extension Center, 10345 Agnes Street, Corpus Christi, Texas 78406. The meeting was called to order by Judge Josephine Miller at 1:43 p.m. Mr. James Dodson conducted roll call.

Members of the RWPG in attendance were: Judge Miller, Mr. Nedbalek, Mr. Yturria, Dr. Prouty, Dr. Hubert, Mr. Sandoval, Ms. Serrato, Mr. DeLaune, Mr. Garcia, Mr. Flores, Mr. Tolan and Mr. Fulbright. Members absent included: Mr. Figueroa, Dr. McNichols, Mayor Cantu, Mr. Kunkel, Mr. Kane, Mr. Bledsoe, Mr. Paulson, Mr. Svetlik, Mr. Mims and Mr. Rowland.

Others attending the meeting included: Mr. Byron Wooldridge (STRF), Mr. John Freeman (USDA-NRCS), Mr. James Dodson (NRA Coastal Bend Division), Ms. Meli Sugarek (NRA Coastal Bend Division), Mr. Andy Garza (Texas State Soil & Water Conservation Board), Ms. Paulette Shaw (SPCEDC), Mr. Greg Carter (CPL), Mr. Ken Choffel (HDR Engineering), Mr. Bill Green (City of Corpus Christi), Ms. Yolanda Marruffo (City of Corpus Christi), Mr. Butch Bloodworth (TWDB), Mr. John Hartley (STRF), Mr. Bill Mullican (TWDB) and Mr. Ed Garaña (City of Corpus Christi).

Minutes from the July 16, 1998 meeting of the Regional Water Planning Group for the Senate Bill 1 Regional Water Planning Program for Region "N" were reviewed. There were some requested additions and modifications to the minutes. Mr. Yturria moved that the minutes be approved with the requested amendments, and Mr. DeLaune seconded; there was a unanimous voice vote approving the motion.

Mr. Dodson briefly discussed the final scope of work and budget for the development of the Regional Water Management Plan. He recommended that the RWPG accept this proposed scope of work and budget. There was a motion from Ms. Serrato to accept this item, Judge Miller seconded it. There was more discussion, questions and some concerns from the members of the RWPG. Mr. Yturria discussed how he was not familiar with what the cost of all the work involved should be. At this point Mr. Flores introduced Mr. Bill Mullican, from the TWDB in Austin, he clarified the concerns that the RWPG had and also discussed the different segments of the TWDB and what their responsibilities are in order to support all the regions for the SB1 planning process. He noted that Mr. Flores is responsible for defending this region's Scope of Work. After this discussion, the motion was unanimously passed.

Mr. Mullican also asked the RWPG members to please answer and turn in the survey that was submitted to them in June.

Mr. Dodson then began the discussion on item IV, regarding participation in the Regional Water Management Planning Program by political subdivisions in this region. He pointed out that the RWPG needs to define the terms of participation. The RWPG must determine, "do you have to "pay to play"?", or will everyone be included regardless of whether they participate in funding the 25% local cost share or

not?

Judge Miller and Mr. Yturria interpreted the plan to read that it is essential to include everyone in the region because, otherwise, the plan will not be complete. They posed this question to Mr. Mullican. He explained that the RWPG needs to identify water management strategies, which will include all political subdivisions. If a political subdivision chooses not to participate, then that particular subdivision will not be eligible for future funding on a water management strategy or permits from the TNRCC unless they go through the RWPG in the next cycle.

Ms. Serrato voiced her concern with how the monies would be collected to cover all the entities in the Kingsville district. She could foresee some areas not participating in this plan and she would like to make sure that all areas are accounted for.

Mr. Yturria explained that it would be in all districts' best interest to participate in this planning process. If they do not participate, then there is a great deal to be concerned about especially from a taxpayer's point of view. Mr. Garcia and Dr. Hubert also shared these concerns and pointed out that a presentation to these entities is necessary to make them fully aware of the benefits and the penalties involved.

Mr. Garcia moved to include everyone in the area, regardless of their financial participation and Dr. Hubert seconded the motion.

Ms. Serrato wanted to clarify the penalty situation if a group chooses not to sign off on the plan. She asked that if the RWPG decides to include all areas and a certain area decides they do not like the plan and they choose not to sign the plan, then wouldn't this ultimately penalize the area in future funding, etc.? Mr. Mullican answered yes, the RWPG cannot force a political subdivision to sign the plan and this will penalize the particular subdivision not participating.

Mr. Yturria then questioned what the Rio Grande Valley plan was? He was wondering what they are doing especially since a large part of that area is high poverty. Mr. Flores pointed out that this area is 11% Municipality and 89% Irrigation (Agricultural). Mr. Fulbright, the liaison from the Rio Grande RWPG, made some comments on this issue. The Rio Grande region has not come up with a plan, but he thinks the fairest way to allocate these costs is to base it on tax values and let the county handle it. When you start to add a lot of formulas in there, then you have taxpayers who become suspicious and feel they are being taken advantage of.

Mr. Dodson explained that the RWPG could not go to the counties. The question is "does the RWPG want to include the counties in the plan regardless of whether they pay?" The counties can be asked to pay whatever that portion of the allocation that does not fit into any other water provider's category.

Mr. Flores referred to 31 TAC §357.7(a)(5), regarding guidelines for participation.

Ms. Serrato commented it appears that the political subdivision does not have to participate in terms of the actual planning and that, ultimately, the political subdivision can object to something that is specifically written in the plan.

Mr. Dodson explained that the subdivision could have been participating financially all along and get to the point of the final product and have some objection. He also noted that you go through a dispute resolution process to try to resolve all of these kinds of disputes before you reach the final plan.

Mr. Yturria asked if an entity does participate and then likes the final plan, but does not contribute to the

process, then what happens? Mr. Garcia and Ms. Serrato pointed out that this is what the motion addressed.

The motion was voted on and unanimously approved.

It was discussed as to whether to include all entities in the plan, even if they do not approve of the plan and do not contribute their part of the 25%. It was determined that this part of the item should be voted on and discussed when the final plan is ready to be submitted and if any such problems occur.

Mr. Dodson began the discussion on Item V, submittal of an application of state financial assistance for the development of the Regional Water Management Plan. He will make a change on the application to reflect the decision on including all political subdivisions in the plan and the cost share allocation.

Mr. Yturria moved to approve the application for state financial assistance for the development of the Regional Water Management Plan with the changes. Dr. Prouty seconded the motion. The motion was approved.

Next was discussion and action on item VI on issuing a Request for Qualifications for provisions of Director's liability insurance for Coastal Bend RWPG Members. Mr. Dodson noted that, according to TWDB rules, this item may have to go through request for qualifications process (RFQ).

Judge Miller asked if it was ever determined if the RWPG was a government entity? Mr. Mullican explained that the request to the Attorney General's office will be delayed until possibly the end of September.

There were questions on the payment of the insurance by the Board members and what all this entails. How will the insurance payments be made? Will they come from each member as in-kind expenses, or will it be paid by the RWPG? Mr. Dodson mentioned that this could possibly come from the local cost share.

There was also a discussion on whether an insurance company is considered a "professional service" thus having to go through the RFQ process. It was decided that this issue will be discussed with Mr. Mike Mahaffey, the acting lawyer for the RWPG.

Mr. Yturria motioned to table item VI until more information is available from the Attorney General's office. Dr. Hubert seconded the motion. The motion was approved.

In item VII, the update from Austin, Mr. Dodson introduced Mr. Butch Bloodworth from the TWDB. Mr. Bloodworth made some comments on the procedure to determine population for the regions and how the guidelines were developed in coordination with the TNRCC and TPWD.

Mr. Bloodworth talked about the Area Data Package, which includes the various region's water use data in hard copy and on a CD-ROM. This package was given to Mr. Dodson, which will allow the RWPG to have access to all the information. A listing of the data provided in the Area Data Package was also passed out to all members.

Judge Miller opened the floor for any public comment.

Mr. John Hartley, a concerned citizen, stated that he sees groundwater as a super issue, and the local cost should go back to the county. In his opinion it should be based on population and county. He also asked

if there will be a web site created for the RWPG for public access? Mr. Dodson and Mr. Mullican explained that there is a web site for all the RWPGs and the SB1. The information includes all regions and updates on their meetings.

Judge Miller mentioned that she has requested a meeting with all the County Judges to inform them of what is happening and keep them up to date.

The next Coastal Bend RWPG scheduled meeting will be on August 13th.

The meeting adjourned at 3:30 p.m.

Minutes prepared by Ms. Meli Sugarek and Mr. James Dodson.

Minutes Submitted by: _____

Dr. Patrick Hubert, Secretary Date

Coastal Bend RWPG