

MINUTES

MEETING OF THE RIO GRANDE REGIONAL WATER PLANNING GROUP (RGRWPG) (REGION "M")

11:00 A.M. WEDNESDAY, FEBRUARY 2, 2011
ZAPATA COUNTY COURT HOUSE 2ND FLOOR
200 7TH AVE., ZAPATA, TX
PRESIDING: GLENN JARIVS, CHAIR

1. Call to Order and Roll Call

Chairman Glenn Jarvis called the meeting to order at 11:23 a.m. and announced that the meeting had been posted as required by statute and a quorum was present. The following voting members were in attendance:

Board Members

Glenn Jarvis, Chairman
Robert E. Fulbright, Executive Committee
Tomas Rodriguez
Dennis Goldsberry
Ella de la Rosa
Sonny Hinojosa
Sonia Lambert
Donald K. McGhee
Carlos Garza
Jorge Barrera

Category

Other
Agriculture
Municipalities
Water Utilities
Electric Generating Utility
Water Districts
Water Districts
Industries
Small Business
Municipalities

The following members were not in attendance:

Jim Darling, Vice Chairman
Mary Lou Campbell, Secretary
John Bruciak
Sonia Najera (resigned)
Ray Prewett
Gary Whittington

River Authorities
Public
Municipalities
Environmental
Agriculture
Other

Mr. Bob Fulbright introduced Mr. Guillermo "Memo" Benavides as his potential alternate, and asked the Group to introduce themselves to Mr. Benavides.

2. Consider Approval of September 29, 2010 Meeting Minutes

Mr. Robert Fulbright made a motion for approval of the minutes as presented. Ms. Sonia Lambert seconded the motion, and upon a vote the motion carried unanimously.

3. Hear Public Comment

There being no Public Comments the Chairman moved to the next item.

4. Consider Action RE: Election of Officers & Executive Committee

Mr. Sonny Hinojosa made a motion to elect the same slate of officers: Mr. Glenn Jarvis, Chair; Mr. Jim Darling, Vice Chair; Ms. Mary Lou Campbell, Secretary; and Mr. Robert Fulbright, At-Large, to serve another term. Mr. Tomas Rodriguez seconded the motion, and upon a vote the motion carried unanimously.

Mr. Don McGhee made a motion for acclamation to elect Mr. Tomas Rodriguez to fill the At-Large vacancy on the Executive Committee. Ms. Sonia Lambert seconded the motion, and upon a vote the motion carried unanimously.

5. Consider Approval RE: Advertise for Voting Member Vacancies in County, Environmental and Small Business Categories

Mr. Ken Jones was recognized and informed the Group that since the last meeting we have received the resignation of Sonia Najera, which leaves a vacancy in the Environmental Category. With this resignation the Group now has two vacancies in the County category, one vacancy in the Small Business category and one vacancy in the Environmental category. Staff is requesting approval to advertise for the new Environmental vacancy and at the same time re-advertise for the County and Small Business vacancies. ***Mr. Carlos Garza made a motion to approve advertising for the vacancies as recommended. Mr. Dennis Goldsberry seconded the motion, and upon a vote the motion carried unanimously.***

6. Consider Approval of RFQ to Procure Technical Consultants for the 4th Cycle of Region M Regional Water Planning and Authorization to Advertise

Mr. Jones was again recognized and informed the Group that the Texas Water Development Board (TWDB) notified the Regional Water Planning Groups that Requests for Qualifications (RFQ's) must take place for consultant services for the next round of planning funds. Staff has prepared a draft RFQ for consideration and is seeking approval of the RFQ and authorization to proceed with the public advertisement process. Mr. Jones turned the floor over to Mr. Victor Morales. Mr. Morales brought the Group's attention to the section in the RFQ restricting communication between Group members and potential respondents and added that the selection criteria included are standard but optional if the Group would prefer not to include it. Mr. Morales then asked if the draft schedule met the deadlines satisfactorily. Ms. Connie Townsend, TWDB, stated that the grant application deadline is April 8th and the procurement of technical consultants has to take place prior to contract completion and execution on September 1st. Mr. Jones confirmed that if a the selection process was scheduled in June as indicated in the draft RFQ that would be fine and that approval would be subject to the execution of the contract from TWDB. Mr. Jones added that the RFQ was listed so that if there is a short list, those would be reviewed by the full Group as in the past.

Chairman Jarvis stated that the important part of this RFQ is the Scope of Work (SOW). Ms. Townsend stated that for this cycle the SOW and funding is basically formula driven, and includes just the basic beginning tasks. The Chairman then addressed the section on "Communication During the Bidding Process", and noted that the Group has had a policy in the past whereby Group members will not have separate meetings with any consultants. Mr. Morales stated the Group can continue to communicate with existing contracted consultants on current projects, but should not communicate about this new 4th Cycle of Regional Water Planning.

Chairman Jarvis next addressed the selection criteria and whether the Group would want to use that process; it is not required by TWDB and there have been instances whereby using a selection criteria has caused issues regarding the points in the categories. Mr. Jarvis suggested adding a disclaimer that the Group is not bound by selecting a consultant based on the point system. Mr. Morales stated he would be able to develop the wording for a disclaimer that notes that even with

the selection criteria the firm with the highest score may not be selected, that the scoring criteria is used only as a guide. Mr. Carlos Garza suggested pushing back the due date for Advertisement/Release of Mail Notice and the Statement of Qualifications back 10 days; Chairman Jarvis agreed that there was no rush. **Mr. Carlos Garza made a motion to approve the RFQ with the removal of the selection criteria from advertisement and to move back advertisement date at least ten days. Mr. Tomas Rodriguez seconded the motion, and upon a vote the motion carried unanimously.** It was the consensus of the Group to delay action on the selection process until all RFQ's have been received.

7. Discussion and Possible Action to Authorize the Region M Political Subdivision to Provide 30-Day Public Notice and to Submit a Grant Application to TWDB on behalf of Region M for Funding the 4th Cycle of Regional Water Planning.

Mr. Jones informed the Group that staff received notification from the TWDB regarding the initiation of the application process for the next round of water supply planning. The deadline for application submission is early April. TWDB provided a table that identifies the predetermined funding available to each of the State's sixteen Regional Water Planning Groups and the identified Scope of Work. Region M's available funding amount is \$158,086.00. Staff is seeking authorization from the Group to submit this application to the TWDB.

Ms. Townsend was recognized and informed the Group that there was a total of \$3.32 MM for this part of the planning cycle; these funds will go to tasks 2 for Population and Water Demand Projections; task 3 for Evaluation of Existing Water Supply, and task 4B for Identification of Potentially Feasible Water Management Strategies. For tasks 2A, 2B and 3 TWDB will provide quite a bit of data to the Regional Planning Groups (RPGs) to minimize the amount of work the RPGs will need to do, in addition the data will come from the TWDB database. The Database has improved every cycle and is now able to provide a large amount of analysis. The current database will be able to generate many different reports, summaries, and analyses that will prove valuable to the RPGs. Task 4A is a Needs Analysis TWDB staff will provide to the RPGs in order to stretch the funding dollars.

Chairman Jarvis asked how the funding was divided among the regions. Ms. Townsend stated that the funding was divided strictly by the number of Water User Groups (WUGs) and by population. At this time Chairman Jarvis called for a motion on this item and **Mr. Tomas Rodriguez made a motion to authorize the LRGVDC to provide 30-day public notice and to submit a grant application to TWDB on behalf of Region M for funding the 4th cycle of regional water planning. Mr. Carlos Garza seconded the motion, and upon a vote the motion carried unanimously.** Upon conclusion of action Ms. Townsend reviewed the timeline for the 4th Cycle of Regional Water Planning. In regard to selecting the consultant, the Chairman stated that this part of funding is identified as to how the Group is to use the funding; the next step is to complete the Scope of Work for the rest of the Regional Water Plan, and asked how would that blend together with getting the consultant in place? Ms. Townsend stated that when the Group's contract is executed the consultant's work would begin and in 2012 another RFA will be released, similar to this one, for the rest of the planning activities. The second RFA will have a scoping element into which the Group will have significant input.

8. Discussion and Possible Action to Authorize the Region M Political Subdivision to Provide 30-Day Public Notice and to Hold a Public Meeting as Required by 31 TAC Part 10 Chapter 357.6(1) to Gather Suggestions and Recommendations from the Public as to Issues that Should Be Addressed or Provisions that Should be Included in the Regional or State Water Plan for the 4th Cycle of Regional Water Planning

Mr. Sonny Hinojosa made a motion to authorize the LRGVDC to provide 30-day public notice and hold two public meetings in May, one in Zapata and one in Weslaco as required by 31 TAC Part 10 Chapter 357.6(1) to gather suggestions and recommendations from the public as to issues that should be addressed or provisions that should be included in the regional or state water plan for the 4th cycle of regional water planning. Ms. Ella de la Rosa seconded the motion, and upon a vote the motion carried unanimously.

9. Consider Authorization to Request Local Fund Contributions

Mr. Jones informed the Group that the current balance of local funds available to address Region M administrative expenses was \$17,129.65 as of 12/31/2010. These local funds have been utilized to offset administrative expenses of the LRGVDC that were not eligible under the TWDB planning grant. The source of these dollars was a special assessment conducted in 2002 that requested voluntary contributions among the Region M local government and other entities. The contribution amount from local governments was based on a per capita amount utilizing the most current population data available. At that time approximately \$97,000 was raised and we have successfully stretched those dollars up to this point in time. As the 4th Cycle of Regional Water Planning begins staff recommends that Region M undertakes a new contribution campaign to raise local funds. A suggested contribution schedule was presented for consideration and possible action. Upon conclusion of discussion ***Mr. Dennis Goldsberry made a motion to authorize LRGVDC to request local fund contributions to include irrigation districts, water supply corporations, etc. Mr. Bob Fulbright seconded the motion, and upon a vote the motion carried unanimously.***

10. Status Reports

A. Report on TWDB Contract Activities

Mr. Bill Norris, NRS Consulting Engineers was recognized and noted that the Regional Water Plan was finalized in December. Mr. Norris informed the Group that Mr. Jake White, who did much of the work on the current Regional Water Plan has resigned his position with NRS; Mr. Norris also acknowledged the assistance of Ms. Connie Townsend, TWDB.

B. Discussion RE: Status of Joint Groundwater Area Planning in GMA's 4, 5, 7 13 & 16 Under HB 1763 (2005)

Only GMA 16 submitted deferred future conditions. Ms. Townsend informed the Board that the TWDB Groundwater Section was available to provide a presentation on GMA's. Chairman Jarvis agreed that would be beneficial after the consultant has been selected.

C. Discussion of IBWC Water Accounting at Fort Quitman

Mr. Herman Settemeyer was recognized and presented a report entitled "Review of Historical IBWC Accounting Procedures at Fort Quitman" prepared by Desiree Ledet, Border Affairs, TCEQ Intern. Mr. Settemeyer stated that what this issue boils down to is that any water below Fort Quitman is divided 50/50 between the United States and Mexico. Mr. Settemeyer stated that there is more research that could be done, but the problem is that the system has operated this way since the beginning and getting IBWC to change the way they operate will be difficult. We can continue to raise and force the issue to keep it alive; and we should keep it in the forefront and let IBWC know we are still interested in pursuing this and are not satisfied with the current situation.

Chairman Jarvis stated that it is important that there is no Minute Order on this issue, and considered continuing with the research because there is bound to be some documentation somewhere that ties our hypothesis together. The theory is that the Lower Rio Grande leaders agreed to the 1939 Compact on the basis that they would receive water with the execution of the 1944 Treaty. Under the 1939 Compact the Texas delivery point is in New Mexico and the Lower Rio Grande people understandably did not like that.

Mr. Settemeyer recommended a book by Douglass Littlefield entitled "Conflict on the Rio Grande: Water and Law 1879-1939" that parallels negotiations of the Compact and the Treaty and how all the Supreme Court law suits figured into the Treaty. Ms. Ledet was unable to locate historical draft of the Treaty, and these documents might lead to some insight.

Upon conclusion of discussion of the Fort Quitman issue Mr. Settemeyer informed the Group that TCEQ representatives met with Mexican representatives of CILA and CONAQUA and also IBWC. Mexico is projecting, as is the U. S., a dry basin this year. Mexico is also finishing work on a model of their reservoirs and has indicated they would share that model with U.S. entities.

D. Reports RE: Other Water Planning Groups

1. Reports from Liaisons with Regions E, J, L, & N
There was no new information to report.

E. Report on Water Conservation Plans and Drought Management Plans Filed with Region

Mr. Jones noted that one new plan has been received from Bruni Rural Water Supply Corporation in January.

F. Status RE: Field Release of Arundo Scale – Rhizaspidiotus donacis

Unfortunately Dr. John Goolsby was unable to attend because the ARS-USDA staff was making preparations for the coming freeze.

11. Reports from Federal and State Agencies

A. TWDB

Ms. Townsend stated all her topics were discussed under item 7.

B. IBWC

No one from IBWC was able to attend and no report was provided.

C. TCEQ

Mr. Erasmo Yarrito was recognized and brought to the Group's attention the IBWC Bi-National Border Sanitation and Water Quality Summit, Mr. Yarrito anticipates this to be an interesting event. Mr. Yarrito then provided the reservoir level statistics for Mexico and the U.S. and noted that drought is anticipated this year in every county in the Rio Grande basin, water conservation is strongly encouraged before reservoir levels drop too low. Mr. Yarrito reported that the pumps at El Morillo Drain were off for several days and the salinity levels in the Rio Grande went way up. TCEQ notified IBWC of the situation and it was eventually resolved, but water had to be released to dilute the high salt levels. Mr. Yarrito also reported that CONAGUA has approved the installation of three peak breakers for flood prevention

purposes and also that there was an article in the Mexican newspaper about a committee bringing back the Falcon Aqueducts projected and presented it as a viable project. CONAQUA has agreed to accept bids for the construct of the aqueduct which is an eight foot pipeline from Falcon straight to Matamoros to deliver municipal water to Mexico on their side, thus taking that municipal water out of the Rio Grande and putting it in the pipeline. Lastly Mr. Yarrito reported that a sandbag weir was recently discovered blocking the river in the Brownsville area. It was discovered that this weir was agreed to be built back in 1998 and was supposed to be temporary. IBWC agreed to tear it down; however the demolition date has not yet been set.

1. Status of Water Availability Model (WAM) for Mexico

Mr. Yarrito stated that the WAM was close to completion.

TPWD

No one from TPWD was able to attend and no report was provided.

12. Discussion and Possible Action RE: Meeting Schedule

It was the consensus of the Group to tentatively schedule the next business meeting for April 6, 2011 and not to meet in March.

13. Adjourn

There being no further business to come before the Group the meeting was adjourned at 1:48 p.m.

Glenn Jarvis, Chairman

Mary Lou Campbell, Secretary