

MINUTES

RIO GRANDE REGIONAL WATER AUTHORITY (RGRWA)
9:00 A.M. – TUESDAY, AUGUST 15, 2006
PALM VIEW COMMUNITY CENTER
3401 JORDAN – MCALLEN, TX

PRESIDING: JIM DARLING, PRESIDENT

The Rio Grande Regional Water Authority (RGRWA) Board of Directors held a regular meeting at 9 a.m. on Tuesday, August 15, 2006 in the Sabal Room, Palm View Community, McAllen, Texas. In attendance were:

Board Members

President: Mr. Jim Darling, Hidalgo County
Vice President: Ms. Sonia Kaniger, San Benito
Secretary-Treasurer: Mr. Joe Barrera, Brownsville
Mr. Ricardo Gutierrez, Starr County
Mr. Tomas Rodriguez, Webb Co.
Mr. Frank Torres, Willacy Co.
Mr. John Bruciak, Cameron Co.
Mr. Wayne Halbert
Mr. Glenn Wilde

Others

Blanca Villalpando, Sen. Eddie Lucio's Office
Neil Haman, TWDB
Carlos Gutierrez, Sen. Juan Hinojosa's Office
Melissa Del Bosque Sen. Juan Hinojosa's Office
Randy Roland, Rio Grande Valley Sugar Growers
Othal Brand, HCID #3
Chuck Browning, Region M
Dr. Joe Coulter, Water Committee
Edward J. Vela, TCEQ Watermaster's Office
Nora Lara, City of McAllen
Fabio E. Angell, Los Caminos Del Rio
Jay Johnson, West Texas Spring Alliance
Paul Cowen, Sen. Eddie Lucio's Office

President Jim Darling called the meeting to order and introduced the guests present. The Chairman then asked Mr. Ken Jones to call roll. Upon completion of the roll call, it was ascertained that a quorum of voting members was present. Chairman Darling then moved to agenda item 2. – Consider approval of June 20, 2006 Meeting Minutes. Mr. Frank Torres stated that his name was not included in the list of Board Members present even though he attended and asked that that correction be made; ***Mr. Tomas Rodriguez made a motion to approve the minutes with correction. Mr. Frank Torres seconded the motion and upon a vote the motion passed unanimously.***

The Chairman then moved to agenda item 3. – Public Comment. Mr. Ken Jones stated that there were no requests for Public Comment.

Chairman Darling then moved to Agenda item 4. – Presentation RE: West Texas Spring Alliance. Mr. Jay Johnson was not present at the time to give this presentation.

The Chairman then moved to Agenda item 5. – Discussion and Possible Action RE: RGRWA Legislation. Ms. Melissa Del Bosque was recognized and presented revised draft legislation to the Board. Ms. Del Bosque emphasized that this was a working document that required input from the Board. Chairman Darling suggested that co-sponsorship of the legislation be offered to all the State Representatives in the six-county area. Mr. Paul Cowen stated that a final bill is needed by mid-October, and then the Board will need to pass a resolution regarding the legislative changes. Mr. Cowen suggested that if the RGRWA was empowered with flood and drain control from the Lower Rio Grande Water Committee, Inc. the Board could act as a liaison with federal agencies in the event of a catastrophic flood. Chairman Darling asked if there were any examples of wording from the Lower Colorado River Authority regarding that Board being a liaison to federal agencies. Mr. Cowen stated that he would ask Mr. Ian Randolph and Ms. Del Bosque to look for such examples. Chairman Darling then addressed Dr. Joe Coulter regarding a letter that the RGRWA received from the LRGWC stating that the Partnership was not ready to transfer responsibility of El Morillo Drain to the RGRWA at this time. Dr. Coulter responded that the transfer of authority depended on the LRGWC Board's support of the change in legislation; and that Cameron, Hidalgo, and Willacy counties would have to advise the LRGWC that they wished to make said change due to the fact that a new contract would have to be drawn with the IBWC. Chairman Darling suggested that wording regarding county participation for funding for the El Morillo Drain be included in this legislation, in the event that maintenance of the El Morillo Drain is eventually turned over to the RGRWA. Chairman Darling suggested the omission of Section 3 § (c) "one director is appointed from each of the six counties in the authority by majority vote of the commissioners' court of that county" because there were no irrigators in Zapata County so it would be impossible to select one [reference Section 3. (b) (1)] "who represents irrigation districts that are members of the conference", unless that Director was designated from the general public, which would almost make that Director the designee from the general public, then the designee from the Water Supply Corporation would have to come from Zapata County or Starr County. The Chairman added that county representation is already in place and suggested eliminating the restriction in Section 3 § (d) "Directors appointed under Subsection (b) of this section shall be appointed to ensure that at all times at least one director is a qualified voter of each county in the authority" as it is redundant. The Chairman then suggested that the same language be used for both the irrigators and water supply corporation conferences, so the public may be nominated by the conference. At conclusion of discussion it was the Board's recommendation that the following changes be made to the legislation:

- 9 Directors from Irrigation District Conference
- Replace the municipal class entity with non-profit water supply corporation
- 1 Director from Water Supply Corporation Conference
- Develop language that details how the conferences are formed, possibly use language from the former LRGA legislation that pertains to conference formation.
- 1 Director from the Public

- Include language that incorporates the Lower Rio Grande Water Committee, Inc.'s responsibilities for the El Morillo Drain
- Include County participation for funding of El Morillo Drain maintenance
- Eliminate § (c) of Section 3.
- Eliminate § (d) of Section 3.

At conclusion of discussion on item 5, the Chairman moved to item 6. – Consider Resolution RE: Brownsville Seawater Desalination Plant. Mr. John Bruciak stated that the Brownsville Public Utilities Board had received a grant from TWDB to establish a pilot desalination plant at the Port of Brownsville and asked the Board to provide a resolution of support for the project. Mr. Bruciak explained that should the Desalination Plant become a regional project it would be prudent to show the State that the project had the support of the RGRWA, and that possibly the RGRWA could become the controlling agency for the Plant. ***Mr. Joe Barrera made a motion approving a resolution of support for the Brownsville Pilot Seawater Desalination Plant. Mr. Tomas Rodriguez seconded the motion, and upon a vote the motion carried unanimously.***

Upon conclusion of action on item 6. Chairman Darling moved to item 7. – Report from TCEQ Watermaster. Mr. Ed Vela, TCEQ Watermaster's Office, was recognized and gave a report on the status of the reservoirs and stated that the region is still in good standing and will be able to keep accounts full unless the reservoir levels drop to 65%.

Upon conclusion of discussion on item 7. the Chairman then moved to item 8. – Status Reports. Regarding item A. - Local Fund Contribution, Mr. Ken Jones informed the Board that no additional funds had been received.

Regarding item B. – Financial Report ***Ms. Sonia Kaniger made a motion to approve payment of the LRGVDC expenses. Mr. Ricardo Gutierrez seconded the motion and upon a vote the motion carried. Mr. Tomas Rodriguez made a motion to approve Fernandez Group, Inc.'s invoice for \$3,670.06 for RGRWA Education Forum Expenses. Mr. Joe Barrera seconded the motion, and upon a vote the motion carried unanimously. Mr. Ricardo Gutierrez made a motion to approve Fernandez Group Inc.'s June invoice for \$750.00 for Website Services. Mr. Tomas Rodriguez seconded the motion, and upon a vote the motion carried unanimously. Mr. Joe Barrera made a motion to approve Fernandez Group Inc.'s July invoice for \$68.59 for Website Services. Mr. Frank Torres seconded the motion, and upon a vote the motion carried unanimously.***

Regarding item C. – Report from Rio Grande Regional Water Planning Group (RGRWPG), Chairman Darling, the Vice Chair of the RGRWPG reported that the updated Water Plan had been approved by TWDB and was available on CD. The Chairman then recognized Mr. Jake White from NRS Consulting Engineers. Mr. White reported that TWDB would like to see a plan that focused on regional issues, and that the plan would be considering Environmental Flows, Water Supply Corporations and Irrigation Districts as potential WUGs; would examine ground water draw-down effects on surface water, as well as studies on the effects of aquatic weeds. Mr. Ken Jones added that a public hearing on the plan would be held in Zapata, TX on August 23, 2006, with a follow-up Region M meeting on August 31, 2006 to

review received public input and finalize approval by the Region M group so the application can be submitted to TWDB by Sept 14, 2006.

Regarding item D. – Report from First Rio Grande Regional Water Authority Economic Development Corporation, Chairman Darling recognized Mr. Randy Rolando of the Rio Grande Valley Sugar Grower's Inc. and inquired about the status of the bond. Mr. Rolando stated that the final engineering figures were anticipated that week and that the anticipated date for the groundbreaking was October 10, 2006. Regarding item D.1. – Board of Director Appointments, no new names had been submitted for consideration.

Regarding item E. – Application Submitted to U. S. Bureau of Reclamation RE: 2025 Grant Program. Mr. Jake White was recognized and stated that the RGRWA was unable to receive funding for FY '06, but still has an opportunity to receive funding for FY '07; the dollar amount that may be available will not be disclosed until February 2007.

At this time Mr. Jay Johnson of the West Texas Spring Alliance arrived and with the consent of the Board, the Chairman went back to item 4. – Presentation RE: West Texas Spring Alliance. Mr. Johnson informed the Board that the West Texas Spring Alliance had been battling water marketers and had come to the RGRWA for support. Mr. Johnson stated that Val Verde County and Kinney County have tributaries that provided 80% of the water that flowed into the Rio Grande River, and that last year his group fought legislation that Hillco and Water Texas were trying to pass that would have dissolved the groundwater conservation district that was opposing the exploitation of the aquifer in Kinney County and established a ground water conservation district with new terms that guaranteed massive exploitation of water from those aquifer. Mr. Johnson stated that these groups planned to take water from these areas and redirect it to the Austin area under the rule of capture by taking it before it arrived at the Rio Grande River, thus significantly depleting the flow of the Rio Grande River. Mr. Johnson referenced the website of sustainablewaterresources.com stating that this group's intent is detailed on their home page. Mr. Johnson stated that the objective of the West Texas Spring Alliance was to acquire federal protection for this region as the watershed for the Rio Grande River to prevent this from happening. At the conclusion of discussion it was the consensus of the Board that Chairman Darling and Mr. Wayne Halbert would develop a resolution endorsing the efforts of the West Texas Spring Alliance and put this item on the next agenda.

At conclusion of the West Texas Spring Alliance presentation Chairman Darling moved to item 9. – Committee Reports. Chairman Darling briefly went over the status of the Educational Forum & Fund Raiser then stated that all other reports had been covered earlier in the meeting, and declared the meeting adjourned.

Jim Darling, President, RGRWA

ATTEST:

Joe Barrera, Secretary-Treasurer, RGRWA