

MINUTES

**RIO GRANDE REGIONAL WATER AUTHORITY (RGRWA)
BOARD OF DIRECTORS MEETING
9:00 A.M. – WEDNESDAY, NOVEMBER 3, 2010
LRGVDC TRANSPORTATION CENTER BOARD ROOM
510 S. PLEASANTVIEW DRIVE, WESLACO, TX**

PRESIDING: JIM DARLING, PRESIDENT

The Rio Grande Regional Water Authority (RGRWA) Board of Directors held a meeting at 9:00 a.m. on Wednesday, November 3, 2010 at the LRGVDC Transportation Center Board Room in Weslaco, Texas. In attendance were:

RGRWA Board Members

President Jim Darling, Hidalgo County
Vice President Sonia Lambert, Irrigation Dist.
Secretary/Treasurer Joe Barrera, Irrigation Districts
Ms. Karran Westerman, Zapata County
Mr. Ricardo Gutierrez, Starr County
Mr. Fitzgerald Sanchez, Webb County
Mr. Wayne Halbert, Irrigation Districts
Mr. Paul Heller, Irrigation Districts
Mr. Jimmie Steidinger, Irrigation Districts
Mr. Joe Pennington, Irrigation Districts
Mr. Jo Jo White, Irrigation Districts
Mr. Bobby Sparks, Irrigation Districts
Mr. Brian Macmanus, Water Supply Corporations
Mr. Roel Rodriguez, Municipal
Mr. D.V. Guerra, Public

Others

Ms. Marcie Oviedo, LRGVDC
Ms. Ludy Saenz, LRGVDC
Dr. John Goolsby, USDA Weslaco
Ms. Laura De La Garza, LRGVDC
Mr. Ruben Quintanilla, TCEQ
Mr. Fabian Clifford, TCEQ
Ms. Lorie Ochoa, Hidalgo County
Mr. Rodolfo Montero, IBWC
Mr. Jesse Aguirre, NAWSC
Mr. Steven Sanchez, NAWSC

1. Call to Order & Roll Call

President Jim Darling called the meeting to order at 9:06 a.m. and announced that a quorum of the Board was present.

2. Consider Approval of August 4, 2010 Meeting Minutes

Ms. Sonia Lambert noted a correction to the minutes on page 3, item 6.D. – Legislation. Ms. Lambert requested the phrasing beginning in line 6 to read as follows: “The suggestion of approaching the legislature to request ad valorem tax capabilities was not well received by the Committee and they did not make a recommendation to offer the RGRWA for that purpose.” ***Mr. Ricardo Gutierrez made a motion for approval of the minutes with the suggested revision. Mr. D.V. Guerra seconded the motion, and upon a vote the motion carried unanimously.***

3 Public Comment

No Public Comments were received.

4. Discussion RE: Future Projects

There was no new information on this item to report.

5. Status Reports

A. Report from TCEQ Watermaster

Mr. Erasmo Yarrito was unable to attend and Mr. Ruben Quintanilla was recognized in his stead and provided a status report for the current reservoir levels.

B. Report from IBWC

Mr. Rodolfo Montero was recognized and informed the Board that discussions with the Mexican side of the IBWC have been initiated regarding implementation of a SCADA system at El Morillo Drain using resources from the RGRWA and IBWC. Mr. Montero stated he would continue to provide updates on the progress of this project as they become available; he also provided the status of the reservoir releases and an update on the levee construction.

C. Report from Rio Grande Regional Water Planning Group

Mr. Glenn Jarvis was not present to give the report; President Darling is also the Vice Chair of the RGRWPG (Region M) and reported that the Group finalized the Regional Water Plan and submitted it to TWDB; the Group will probably receive feedback on their Plan sometime in December.

D. Regional Water Supply Study

Mr. Roy Rodriguez was recognized and reported that the Scope of Services has been agreed upon, and the question on procurement remained. Mr. Rodriguez stated that a discussion with Mr. Ken Jones is in order regarding using the LRGVDC Procurement Procedures. Although the RGRWA has a contract with NRS Consulting Engineers, it does not specifically allow the firm to perform this kind of study; therefore Mr. Rodriguez recommended the LRGVDC Procurement Department review the materials and make a recommendation.

E. Texas Irrigation Expo 2010

Mr. Wayne Halbert was recognized and announced that the 2010 Expo was a success and there are plans to hold another Expo in 2011.

F. Report on Middle Pecos County GCD Pending Permit Application Submitted by Fort Stockton Holdings

There was no new information to report at this time.

6. Committee Reports

A. Community Outreach

There was no new information to report.

B. Finance and Planning

1. Financial Report

Mr. Joe Barrera was recognized and noted that the current cash balance was \$279,936.00 and there was \$3,007.20 in expenses for August, September and October pending approval. **Mr. Jimmie Steidinger made a motion for approval of the pending expenses as presented. Mr. Jo Jo White seconded the motion and upon a vote, the motion carried unanimously.**

2. Status of Assessments

Mr. Joe Barrera reported that a total of \$73,219.17 has been received from the 2011 Assessment fees, which, he noted, is a great start on collections compared to previous years.

a. **Discussion and Possible Action RE: Timeline for Water Right Sales as it Pertains to Assessment Billing**

Mr. Joe Barrera was recognized and informed the Board that according to the legislation by September 1 the TCEQ Watermaster is supposed to provide the RGRWA a list of all the water right sales for the previous year. Currently the list includes sales from January 1 through September 1. What happens with this timeline is that sales that are completed between September 1 and December 31 are not included, thus they are not considered when calculating the water right price for the next year. In addition to that, the computer software used by the TCEQ staff in Austin is different from the software used by TCEQ staff in Harlingen; because of this, when Mr. Barrera receives the water right information from both offices, he gets three different reports that his staff must collate into one report. This final report is used to generate the assessment invoices and determine the water right price, and the collation process takes weeks to complete. This can cause problems if the hindrance of creating the final report delays the invoices from being mailed in the beginning of October because the RGRWA offers a 3% discount if invoices are paid by October 31. Mr. Barrera's concern on the current timeline, based on the legislation, is that not calculating the sales from September to December will affect the water right price for the next year. Mr. Barrera thought it prudent to address this issue in case the Board would like to consider possible changes to the legislation or the bylaws.

Mr. Paul Heller asked if the legislation specified if the water right sales needed to be reported in a calendar year, as opposed to a fiscal year. Mr. Barrera stated the legislation only specifies that the Watermaster will deliver the water right sales by September 1. Mr. Wayne Halbert suggested the best solution would be to use the TCEQ Watermaster fiscal calendar of September 1 – August 31 for the water right sales; which will also give staff plenty of time to develop the information for the assessments and the water right price. Mr. Brian Macmanus asked if the statute would allow for that. Mr. Halbert stated the statute is unclear regarding what the year is; it only specifies when the Board is to set the price. At the conclusion of the discussion **Mr. Joe Barrera made a motion to use the TCEQ fiscal calendar of September 1 through August 31 for water right sales in order to set the annual water right price and to calculate RGRWA's annual water right assessments. Mr. Ricardo Gutierrez seconded the motion, and upon a vote the motion carried unanimously.**

C. **Personnel and Professional Services**

1. Consider Approval RE: WaterPR Agreement Renewal

President Darling noted that the agreement for 2011 has no change from the 2010 agreement regarding content or price. **Mr. Wayne Halbert made a motion for approval of the Agreement for Professional Services between the RGRWA and WaterPR. Ms. Sonia Lambert seconded the motion, and upon a vote the motion carried unanimously.** Mr. Paul Heller requested WaterPR provide a website activity report for each month.

2. Archiving Photos of Flooding from Hurricane Alex

Ms. Debby Morales made contact with Dr. Juan Enciso, Associate Professor at Texas A&M System Agri Life Research facility in Weslaco, at the Irrigation Expo and asked him to send any photos of the flooding he had available, Ms. Morales also followed up with an email to Dr. Enciso, but has not yet received anything from him.

D. Legislation

There was no new information to report.

E. El Morillo Drain

President Darling noted the response letter from IBWC dated September 17, 2010 stating that staff was in the process of setting up a technical meeting with their Mexican counter parts regarding the Authorities interest in providing resources for a SCADA system to the El Morillo Drain Project in Mexico.

1. Consider Approval RE: El Morillo Drain Local Match Payment to IBWC

President Darling stated that the Board has received the annual maintenance billing from the IBWC for El Morillo Drain and invoices in a total amount of \$14,768.44 were sent to Cameron, Hidalgo and Willacy Counties for their portion of this cost. Staff recommends approval ***to provide payment to the IBWC for the total amount in advance of receiving reimbursement from the counties, Mr. D.V. Guerra so moved; Ms. Sonia Lambert seconded the motion, and upon a vote the motion carried unanimously.***

F. Ad Hoc Groundwater Committee

There was no new information to report.

G. Scholarship Committee

There was no new information to report.

H. Drainage Committee

Ms. Sonia Lambert was recognized and reported that there was a hearing on November 18 by the Senate Subcommittee on Flooding and Evacuation. Several individuals provided testimony advocating regionalization for drainage in the four county area (Starr, Hidalgo, Willacy and Cameron). Ms. Lambert also testified and offered the RGRWA as an entity to oversee this project, should regionalization come to fruition. By legislation the RGRWA has statutory drainage powers and if any recommendations are made in the interim report that the RGRWA does not have authority for, the Board might consider soliciting legislative amendments to accommodate those recommendations. Mr. Halbert stated that he had received word that there would be legislation submitted on drainage; and it is supposed to be submitted to the RGRWA for review prior to being filed.

President Darling stated that would make sense given the Board's connection to the State with twelve governor appointed members. Mr. Halbert stated that there would have to be some legislative changes in order for the Board to figure out how assessments could be made.

The President noted that some of the governor appointees will be up for reappointment February 1, 2011 and asked if the Board should write a letter

recommending reappointment of those members. Mr. Barrera suggested approaching the Willacy County Judge to replace their representative as he has not attended a meeting in quite some time. **Mr. Ricardo Gutierrez made a motion to write a letter to the governor recommending reappointment of those whose terms are up February 1, 2011.** Mr. Roy Rodriguez stated he was not in favor of the Board writing a letter recommending his reappointment. Mr. Halbert noted that by legislation a Board member's term is not up until he/she is reappointed and the group caucuses and sends recommendations to the Governor's office. President Darling noted a reminder to schedule a caucus. **Mr. Gutierrez retracted his motion.**

7. Discussion and Possible Action RE: Meeting Schedule

President Darling recommended not scheduling a ***meeting in December and schedule the next meeting for January 5, 2010 in Zapata at approximately 10:00 a.m. and to meet in Zapata at least once a year; Mr. Brian Macmanus so moved, Ricardo Gutierrez seconded the motion, and upon a vote the motion carried unanimously.***

8. Adjourn

There being no further business to come before the Board the meeting was adjourned at 9: 50 a.m.

Jim Darling, President, RGRWA

ATTEST:

Joe Barrera, Secretary-Treasurer, RGRWA