

Texarkana Resolution No. 2016 - 118

Riverbend Resolution No. 2016 0817-03

A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AND THE BOARD OF DIRECTORS OF RIVERBEND WATER RESOURCES DISTRICT, DIRECTED TO THE U.S. ARMY CORPS OF ENGINEERS, CONCURRING WITH AND AFFIRMING THE REQUESTS MADE FOR SPONSORSHIP FOR ANY EXISTING OR NEW WATER REALLOCATED OR DEVELOPED OUT OF LAKE WRIGHT PATMAN, REQUESTING INCLUSION AS FORMAL LOCAL SPONSORS TO THE ONGOING SULPHUR RIVER BASIN FEASIBILITY STUDY, AND RESTATING AUTHORIZED POINTS OF CONTACTS FOR TEXARKANA AND RIVERBEND; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Texarkana, Texas (“Texarkana”), formed in 1873, is a home-rule municipality operating under a municipal charter adopted as authorized by Article XI, Section 5, of the Texas Constitution and as recognized by Texas Local Government Code Section 5.004 and having full power of local self-government; and

WHEREAS, the Texas Legislature created Riverbend Water Resources District (“Riverbend”) in 2009, as a conservation and reclamation district created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution, as set forth in Title 6, Special District Local Laws Code, Subtitle L, Municipal Water Districts, Chapter 9601, with statutory powers including the authority to acquire any and all storage rights and storage capacity in a reservoir or other water source inside or outside the boundaries of the district, and to acquire the right to take water from that reservoir or source, subject to the rights or permits held by municipalities or other persons; and

WHEREAS, in 2011 the Texas Legislature reconstituted the Board of Directors of Riverbend to be composed of five qualified voters who are residents of the district, not otherwise serving as an elected official or as an employee of a Riverbend member, selected by the local governing bodies of the Riverbend members (the Counties of Bowie, Cass, and Red River, TexAmericas Center, and the Cities of Annona, Atlanta, Avery, DeKalb, Hooks, Leary, Maud, Nash, New Boston, Redwater, Texarkana, and Wake Village) as provided by law; and

WHEREAS, Texarkana and Riverbend concur that fully utilizing Lake Wright Patman Reservoir to its highest and best use is a responsible strategy that produces a water supply that would be plentiful, immediate, and least costly, with minimal negative impact on the region, as compared to the creation of any new reservoirs; and

WHEREAS, Texarkana and Riverbend entered into an Interlocal Cooperation Agreement in 2010, revised in 2015, which, among other provisions, detailed specific services to be provided by Riverbend to Texarkana as set forth in Schedule A appended to the agreement, which states in pertinent part:

Schedule A

Services to be provided by Riverbend under this Interlocal Cooperation Agreement shall include the following:

1. Acting as City's agent in coordination with the City Council and City Manager of City in the following matters:

a. negotiating with the United States Army Corps of Engineers regarding contractual rights and responsibilities with respect to the entire pool in the Lake Wright Patman Reservoir;

b. securing water permits and permissions from the Texas Water Development Board, Texas Commission on Environmental Quality, and any other state or federal agency, with respect to the entire pool in the Lake Wright Patman Reservoir, corresponding with item 1a, above;

c. negotiating with governmental entities or political subdivisions outside of Texas Regional Water Planning Group - Region D regarding the purchase of water in the Lake Wright Patman Reservoir, corresponding with items 1a and 1b, above; and

d. attendance at and participation in state and regional water planning and development meetings.

The term "coordination" as used in this Section 1 shall include the following:

- Notifying the Mayor and City Manager in advance of any meetings or engagements which correspond with items 1a, 1b, 1c, or 1d, that Agent intends to either attend or participate in, so as to facilitate City attendance; and regardless of City attendance, submitting a written summary of such meetings or engagements to the Mayor and City Manager, detailing any tasks or commitments Agent proposes or recommends for City.
- Submitting a monthly status report to the City Council on all major efforts which correspond with items 1a, 1b, 1c, or 1d, including securing water rights, providing water resources to the region, funding of recommended goals and efforts (including identification of revenues, sources of revenue, and expenditures), and defining any impediments towards achieving the recommended goals and efforts.

Agent shall have no authority to bind the City or the City Council on any matter. The City Council may revoke this Section 1 at any time with or without cause.

; and

WHEREAS, in 2015, the City Council of Texarkana, Texas, by resolution appointed Stephen A. Mayo as City Liaison regarding regional water issues, with the resolution stating in pertinent part:

WHEREAS, Stephen A. Mayo, during his tenure on the City Council as Ward 5 Councilmember and Mayor, devoted substantial time to regional water issues, and the City Council desires to appoint him as City Liaison regarding regional water issues.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS:

SECTION 1: The City Council appoints Stephen A. Mayo as City Liaison regarding regional water issues. The appointment shall be at the pleasure of the City Council, revocable at any time with or without cause, and shall be without compensation. The City Liaison shall have specific duties and responsibilities as directed by the Mayor or his designee, but shall have no authority to bind the City or the City Council on any matter. The City Liaison shall be reimbursed for any travel expenses outside of Bowie County directly arising from his duties and responsibilities as City Liaison.

; and

WHEREAS, Texarkana's City Manager and City Liaison, together with Riverbend's Executive Director/CEO, have made multiple requests to Col. Calvin C. Hudson, II, Commander, U.S. Army Corps of Engineers, Fort Worth District, that Texarkana and its surrounding member entities through Riverbend remain local sponsors for any existing or new water reallocated or developed out of Lake Wright Patman; and

WHEREAS, Texarkana's Mayor, City Manager, City Liaison, and City Attorney, together with Riverbend's Executive Director/CEO, met with representatives of the U.S. Army Corps of Engineers, Fort Worth District, on May 31, 2016, to receive and discuss an estimate of costs prepared by the Corps and associated with the implementation of the "Ultimate Rule Curve"; and

WHEREAS, since the Lake Wright Patman Reservoir dam safety study – a necessary, vital, and key component to the implementation of the "Ultimate Rule Curve" – has been included into the Sulphur River Basin Feasibility Study, Texarkana and its surrounding entities through Riverbend should also be included as formal local sponsors to the overall, ongoing feasibility study; and

WHEREAS, the governing bodies of Texarkana and Riverbend desire to provide the U.S. Army Corps of Engineers with a singular resolution concurring with and affirming the requests made for sponsorship for any existing or new water reallocated or developed out of Lake Wright Patman, requesting inclusion as formal local sponsors to the ongoing Sulphur River Basin Feasibility Study, and restating authorized points of contacts for Texarkana and Riverbend.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AND THE BOARD OF DIRECTORS OF RIVERBEND WATER RESOURCES DISTRICT THAT:

Section 1. The City Council of Texarkana, Texas, and the Board of Directors of Riverbend continue to concur with and affirm the multiple requests made to Col. Calvin C. Hudson, II, Commander, U.S. Army Corps of Engineers, Fort Worth District, that Texarkana and its surrounding entities through Riverbend remain local sponsors for any existing or new water reallocated or developed out of Lake Wright Patman Reservoir. The City Council of Texarkana, Texas, and the Board of Directors of Riverbend support the full utilization of Lake Wright Patman

Reservoir to its highest and best use as a responsible strategy that produces a water supply that would be plentiful, immediate, and least costly, with minimal negative impact on the region as compared to the creation of any new reservoirs.

Section 2. The City Council of Texarkana, Texas, and the Board of Directors of Riverbend respectfully submit that Texarkana and its surrounding entities through Riverbend should be included as formal local sponsors to the Sulphur River Basin Feasibility Study given the inclusion of the Lake Wright Patman Reservoir dam safety study into the feasibility study.

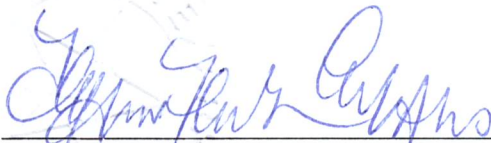
Section 3. Consistent with the previous authorizations recited herein, the City Council of Texarkana, Texas, and the Board of Directors of Riverbend Water District confirm that representatives of the U.S. Army Corps of Engineers may contact Texarkana City Liaison Stephen A. Mayo and Riverbend Executive Director / CEO Elizabeth Fazio Hale as authorized points of contact with regard to the subject matters set forth in this Resolution.

Section 4. This Resolution shall be in full force and effect from and after its passage and approval.

TEXARKANA:

PASSED AND APPROVED in Regular Council Session on this the **26th** day of **September**, 2016.

ATTEST:



JENNIFER EVANS, CITY SECRETARY



BOB BRUGGEMAN, MAYOR

6:54 p.m.

RIVERBEND:

PASSED AND APPROVED in Regular Board Meeting on this the 17th day of August, 2016.

ATTEST:



FRED MILTON, SECRETARY



SEAN ROMMEL, PRESIDENT