

Resolution No. 2016 - 099

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, (1) REQUESTING THAT SULPHUR RIVER BASIN AUTHORITY SUPPORT IN-FULL THE RECOMMENDATIONS OF THE TEXAS SUNSET COMMISSION STAFF REPORT, AS WELL AS ADDITIONAL LEGISLATIVE OVERSIGHTS RELATING TO SCOPE OF AUTHORITY AND ACCOUNTABILITY AND (2) REAFFIRMING THE COUNCIL'S PREVIOUS REQUEST THAT TEXARKANA AND ITS SURROUNDING MEMBER ENTITIES THROUGH THE RIVERBEND WATER RESOURCES DISTRICT REMAIN LOCAL SPONSORS FOR ANY EXISTING OR NEW WATER REALLOCATED OR DEVELOPED OUT OF WRIGHT PATMAN LAKE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Texarkana, Texas, 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 City of Texarkana is the largest and most senior water rights holder in the Sulphur River Basin; and

WHEREAS, the City of Texarkana has held water rights in Wright Patman Lake since the 1950's on behalf the city and other local partners; and

WHEREAS, today, the City of Texarkana, works with local member entity partners on water planning, conservation, and management of shared water resources through the Riverbend Water Resources District (RWRD) in which the cities of Annona, Atlanta, Avery, DeKalb, Hooks, Leary, Maud, Nash, New Boston, Redwater, Texarkana, Texas and Wake Village, as well as TexAmericas Center, and the counties of Bowie, Cass, and Red River, all are members; and

WHEREAS, in 2013, the consultant for the Sulphur River Basin Authority (SRBA) requested that the Texarkana City Council pass a resolution supporting a study of the Sulphur River Basin; and

WHEREAS, the Texarkana City Council promptly complied with SRBA's request and passed a resolution of support; and

WHEREAS, despite this action and numerous other attempts to become involved and informed on study activities involving SRBA, the Texarkana City Council received no updates nor was allowed to participate in study related activities; and

WHEREAS, in 2015, the City of Texarkana became aware of SRBA's possible intent to pursue water rights in Wright Patman Lake for any new water developed through reallocation, without any coordination with the City of Texarkana or Riverbend Water Resources District; and

WHEREAS, upon discovering SRBA's apparent intent, the Texarkana City Council reached out to SRBA on this matter seeking factual information and clarification of their intent or plans; and

WHEREAS, these requests for clarification remain unanswered despite attempts to set a joint meeting of the SRBA Board of Directors and the Texarkana City Council; and

WHEREAS, the City of Texarkana, Texas, then took the unprecedented action of passing unanimously a resolution (No. 2015-124, 9 NOV 15) of "No Confidence in SRBA as Currently Constituted" to memorialize the city council's opposition to SRBA's handling of the basin-wide study and SRBA's complete lack of regard for the local communities and historic water right holders in the basin.

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

Section 1. The Texarkana City Council, through its participation in Riverbend Water Resources District (RWRD), is committed to helping manage and develop the Sulphur River Basin in a responsible manner that fully utilizes existing water resources and ensures that any new development minimizes impacts to private landowners, local economic interests, agricultural, and natural resources.

Section 2. The Texarkana City Council applauds the comprehensive research and the professional work of the Texas Sunset Commission staff and wholly supports their recommendations made in the Sunset Staff Report, including sweeping the SRBA board of older appointments and providing Governor Abbott the opportunity to appoint the Board Chairman.

Section 3. The Texarkana City Council is encouraged with some of the changes related to transparency and open meetings procedures having taken place within the last few weeks from the newly appointed members of the SRBA.

Section 4. The Texarkana City Council, as the largest and most senior water rights holder in the basin, is disappointed and concerned with the long history of SRBA's complete lack of regard for the local needs of the basin stakeholders including its 30-year history of not taking a single preventative or corrective action related to sedimentation throughout the basin. It is apparent that this inaction and complete disregard for its mandated statutory responsibilities, especially "the maintenance and enhancement of the quality of the water (of the basin)" as stated in the 1985 establishment legislation demonstrates their inability to understand their responsibilities.

The legislation also states that the SRBA Board may exercise the powers of control and use of the state's water in the manner for providing adequate organization and administration for the preservation of the rights of the people of the different sections of the "basin" (emphasis added) in the beneficial use of water.

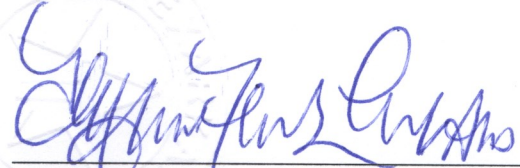
For these reasons, the Texarkana City Council asks for additional legislative oversights relating to SRBA's scope of authority and accountability such as adding a requirement that SRBA obtain approval from local stakeholders and/or water planning group(s) before being permitted to serve as a local sponsor on a water supply project that will be used to supply water primarily outside of the Sulphur River Basin. These protections would help local entities rebuild trust in SRBA and truly come to the table in terms of establishing working partnerships.

Section 5. The Texarkana City Council requests that SRBA publicly support the City of Texarkana, Texas, and Riverbend Water Resources District as the water rights holders for any current and future water that may be developed in Wright Patman Lake. This question has been before the SRBA for almost one year without being fully addressed.

Section 6. This Resolution shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **8th day of August, 2016.**

ATTEST:



JENNIFER EVANS, CITY SECRETARY



BOB BRUGGEMAN, MAYOR

6:43 p.m.