



## **RIVERBEND RESOLUTION NO. 20170222-03**

**AUTHORIZING THE EXECUTIVE DIRECTOR/CEO, ELIZABETH FAZIO HALE, TO  
ISSUE A WRITTEN RESPONSE TO THE UNITED STATES ARMY CORPS OF  
ENGINEERS ON PROVIDING THE INITIAL FUNDING FOR THE DRAFTING OF A  
SCOPE OF WORK CONCERNING IMPLEMENTATION OF THE ULTIMATE RULE  
CURVE AT LAKE WRIGHT PATMAN AND TO ISSUE FUNDING IN THE AMOUNT  
OF \$50,000 NECESSARY TO BEGIN THE SCOPE OF WORK FOR A CULTURAL  
RESOURCES SURVEY**

**WHEREAS**, Riverbend Water Resources District is a conservation and reclamation district created by the Texas Legislature in 2009 under and essential to accomplish the purposes of Section 59 Article XVI, Texas Constitution, existing pursuant to and having the powers 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**, Riverbend Water Resources District is operating under a Board of Directors reconstituted by the Texas Legislature in 2011 with five qualified voters who are residents of the district, not otherwise serving as an elected official or as an employee of Riverbend member, selected by the local governing bodies of the Riverbend member entities (the Cities of Annona, Atlanta, Avery, Dekalb, Hooks, Leary, Maud, Nash, New Boston, Redwater, Texarkana, and Wake Village; the Counties of Bowie, Cass and Red River; and TexAmericas Center) as provided by law; and

**WHEREAS**, the City of Texarkana, Texas, on behalf of itself and the original member cities (Annona, Avery, Dekalb, Hooks, Leary, Maud, New Boston, and Wake Village), has contracts with the United States Army Corps of Engineers for water supply and operation of the Lake Wright Patman Reservoir at a permanent level or "Ultimate Rule Curve" (Contract No. DACW29-68-A-0103) and an interim level (Contract No. DACW29-69-C-0019); and

**WHEREAS**, the Ultimate Rule Curve contract dated April 16, 1968 was set to begin implementation once Cooper Reservoir went into operation in the Sulphur River Basin in the mid-1990s; and



**WHEREAS**, Riverbend Water Resources District entered into Interlocal Cooperation Agreements in 2010 with all of its members entities, which among other provisions, detailed specific services to be provided as set forth in Schedule A, and including a revision to Schedule A in 2015 with Texarkana, Texas, which states in pertinent part that Riverbend shall act as the City of Texarkana, Texas' agent (and other member entities' agent) in 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...; and

**WHEREAS**, Riverbend Water Resources District, through its Executive Director/CEO and together with the City of Texarkana, Texas' City Manager and City Liaison, have made multiple requests to Col. Calvin C. Hudson, II, Commander, U.S. Army Corps of Engineers, Fort Worth District, through numerous meetings with his staff, including Brian Kamisato, Deputy District Engineer for Programs and Project Management, and Elston Eckhardt, Chief, Civil Project Management Branch, to pursue implementation of the Ultimate Rule Curve under the 1968 Contract No. DACW29-68-A-0103; and

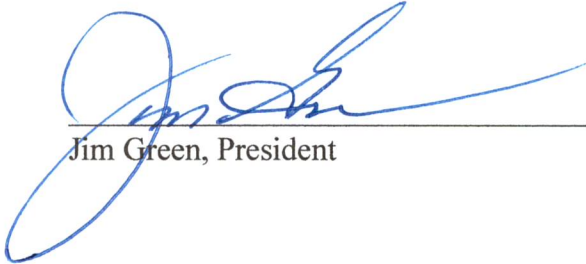
**WHEREAS**, Riverbend Water Resources District, through its Executive Director/CEO and together with City of Texarkana, Texas' representatives, most recently met on January 5, 2017 to continue discussion on the implementation of the Ultimate Rule Curve resulting in a memorandum dated January 20, 2017 to Riverbend requesting initial funds in the amount of \$50,000 to develop a Scope of Work for a Cultural Resources Survey as part of the implementation; and

**WHEREAS**, Riverbend Water Resources District, as the agent for the City of Texarkana, Texas and all of the original member cities, as well as additional members of Riverbend, wishes to avoid any further delay in implementing the Ultimate Rule Curve and Contract No. DACW29-68-A-0103;

**NOW, THEREFORE, BE IT RESOLVED** that the Executive Director/CEO shall be and is hereby authorized to issue a written response to the United States Army Corps of Engineers on providing the initial funding for the drafting of a Scope of Work concerning implementation of the Ultimate Rule Curve at Lake Wright Patman and to issue funding in the amount of \$50,000 necessary to begin the Scope of Work for a Cultural Resources Survey on behalf of the City of Texarkana, Texas and all other entities of the Riverbend Water Resources District.



**PASSED and APPROVED this 22nd day of February, 2017**



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Jim Green, President

ATTEST:



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Kelly Mitchell, Secretary