

Texarkana Resolution No. 2017-038

Riverbend Resolution No. 20170510-04

A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AND THE BOARD OF DIRECTORS OF RIVERBEND WATER RESOURCES DISTRICT SUPPORTING THE ROLE OF RIVERBEND IN IMPLEMENTATION OF THE ULTIMATE RULE CURVE AND OBTAINING LOCAL SPONSORSHIP FOR ANY FUTURE NEW WATER RIGHTS ALLOCATED OR DEVELOPED OUT OF LAKE WRIGHT PATMAN RESERVOIR; 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, 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, has contracts with the United States Army Corps of Engineers for water storage space and the 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-1990's; 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 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 Texarkana's City Manager recommending issuance of a Corps invoice 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, an invoice which Riverbend received on January 20, 2017; and

WHEREAS, Riverbend Water Resources District, as the agent for the City of Texarkana, Texas, has made initial payment to begin the cultural resources study as part of the implementation of the Ultimate Rule Curve; and

WHEREAS, Riverbend Water Resources District has recently determined through its Regional Water Master Plan that the Northeast Texas region and Riverbend's member entities have an additional need for water that is above the need listed in the current and 2017 State Water Plan and intends to better substantiate and update the State Water Plan with the correct population projections and water demand projections at the completion of the Regional Water Master Plan study; and

WHEREAS, the most recent Regional Water Plan for Region D currently lists an availability of 294,000 acre-feet of water as available once the Ultimate Rule Curve is implemented, leaving a possible additional amount of 114,000 acre-feet of water available for permitting by the Texas Commission on Environmental Quality; and

WHEREAS, 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 our region.

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:

Section 1. Riverbend Water Resources District is the appropriate entity and authority to move forward with implementing the Ultimate Rule Curve on behalf of the City of Texarkana, Texas; in

cooperation with the United States Army Corps of Engineers, and further that Riverbend Water Resources District is the appropriate entity and authority to apply at the Texas Commission on Environmental Quality for future water rights between the interim level and the permanent level "ultimate rule curve" that may become available once the Ultimate Rule Curve is fully implemented on behalf of all of the Northeast Texas region and all of Riverbend's member entities.

Section 2. This Resolution shall be in full force and effect from and after its passage and approval.

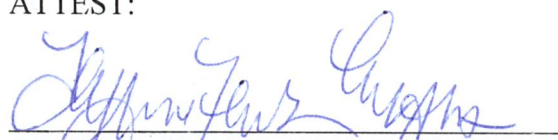
TEXARKANA:

PASSED AND APPROVED in Regular Council Session on this the 24th day of April, 2017.



BOB BRUGGEMAN, MAYOR

ATTEST:

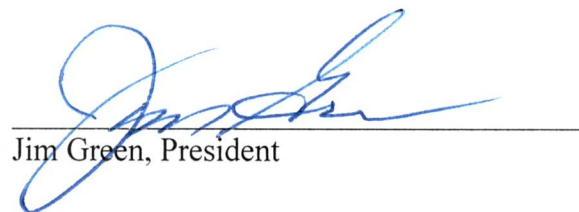


JENNIFER EVANS, CITY SECRETARY

6:44 p.m.


RIVERBEND:

PASSED and **APPROVED** in Regular Board Meeting on this the 10th day of May, 2017.



Jim Green, President

ATTEST:



Kelly Mitchell, Secretary