

**Regular Called Meeting  
Riverbend Water Resources District  
Board Meeting Minutes  
February 19, 2020  
228 Texas Avenue, Suite A, New Boston, Texas 75570**

**MINUTES**

**I. Call to Order, Roll Call, and Establishment of Quorum and Certification of Notice**

Pursuant to a notice posted on the District website, the Chair, Sonja Hubbard, President of the Board, called the meeting to order at 12:02 p.m.

**Directors Present:**

Sonja Hubbard, President  
Tina Veal-Gooch, Vice President  
Van Alexander, Treasurer  
Marshall Wood, Secretary  
Fred Milton, Past President

**Directors Absent:**

None

**Administration Present:**

Kyle Dooley, Executive Director/CEO  
Eli Hunt, Operations Manager  
Tara Houck, Chief Financial Officer  
Becky Melton, Executive Assistant/HR Manager

**Public Present:**

Please see the attached list for additional guests.

**II. Invocation & Pledge**

Sonja Hubbard led the invocation and the pledge of allegiance.

**III. Public Comments**

None.

**IV. Consent Agenda Items**

Item IV.A. was considered under a Consent Agenda for one single motion of approval.

**A. Discussion and possible action regarding January 22, 2020 Regular Called Meeting Minutes.**

A single motion was made by **Marshall Wood** and seconded by **Van Alexander** to approve the Consent Agenda Items as listed above. The motion passed unanimously.

**V. Regional Entity Reports**

**A. Discussion and possible action regarding activities with Sulphur River Basin Authority (SRBA).**

No report.

No action taken.

**B. Discussion and possible action regarding activities with TexAmericas Center (TAC).**

Scott Norton thanked Riverbend for all their support.

No action taken.

**C. Discussion and possible action regarding activities with Ar-Tex REDI.**

Sonja Hubbard provided information on REDI procuring land for development. Miller County and the City of Texarkana, Arkansas have agreed to fund that purchase. They are doing the same on the Texas side in Bowie County.

No action taken.

**VI. Agenda Items for Individual Consideration**

**A. Discussion and possible action regarding acknowledging the completion and submission of the update to the Sulphur River Basin Water Availability Model as conducted and submitted by Robert J. Brandes Consulting.**

Kyle Dooley provided that the update was completed by Bob Brandes. Mr. Brandes submitted it to the Texas Commission on Environmental Quality (TCEQ). Dawn Pilcher of LJA Engineering provided a summary of the information updated in the Water Availability Model (WAM). Ms. Pilcher stated that, since the original Water Availability Model was completed, Texas has experienced another round of significant, widespread droughts in various regions. In order to capture and evaluate recent events, TCEQ has begun extending WAM updates to stretch the current period of record through 2017.

A motion was made by **Van Alexander** and seconded by **Fred Milton** to approve **RESO 20200219-01** acknowledging the completion and submission of the update to the Sulphur River Basin Availability Model. The motion passed unanimously.

**B. Discussion and possible action regarding approval of a resolution authorizing the Executive Director/CEO to execute an interlocal agreement(s) for risk management insurance with the TWCA Risk Management Fund.**

Kyle Dooley provided that this is the annual renewal of the agreement with TWCA RMF for worker's compensation and risk management insurance.

A motion was made by **Marshall Wood** and seconded by **Tina Veal-Gooch** to approve **RESO 20200219-02** authorizing the Executive Director/CEO to execute a renewal agreement for risk management services with TWCA RMF. The motion passed unanimously.

**C. Discussion and possible action regarding approval of a resolution authorizing the Executive Director/CEO to enter into negotiations with an engineering firm for water tower rehabilitation design as well as location selection for a new chlorine injection station.**

Kyle Dooley provided that there are a couple of projects on the Red River Army Depot Capital Improvement Project list that will need to be completed this year. One of them is the rehabilitation of a water tower on James Carlow Drive and the other is a study to discover the optimal location for a chlorine injection station. Mr. Dooley stated that the firm(s) chosen for these projects will be selected from the Engineering Master List created in November 2018. The negotiated contracts will be approved by counsel and the Board.

A motion was made by **Fred Milton** and seconded by **Marshall Wood** to approve **RESO 20200219-03** authorizing the Executive Director/CEO to enter into negotiations with an engineering firm for water tower rehabilitation design as well as location selection for a new chlorine injection station. The motion passed unanimously.

**D. Discussion and possible action regarding approval of a resolution authorizing the Executive Director/CEO to enter into an agreement with TexAmericas Center and the City of New Boston, Texas regarding services provided to the West Campus of TexAmericas Center.**

Kyle Dooley provided information on the needed infrastructure to provide water or wastewater services to the West Campus of TexAmericas Center (TAC). The West Campus is inside Riverbend's Certificate of Convenience and Necessity (CCN) however, Riverbend does not currently have any infrastructure in that area. This agreement allows for cooperation between Riverbend and the City of New Boston should a tenant in this area need services and Riverbend is unable to or declines to provide the service. This agreement will merely allow the City of New Boston to provide needed services in the event that Riverbend is unable to do so in a timely manner for the incoming tenant. Marshall Wood did ask to be sure that allowing this to happen will not affect the validity of Riverbend's CCN nor will it hinder Riverbend from becoming the service provider for that area in the future.

A motion was made by **Marshall Wood** and seconded by **Tina Veal-Gooch** to approve **RESO 20200219-04** authorizing the Executive Director/CEO to enter into an agreement with TexAmericas Center and the City of New Boston, Texas regarding

services provided to the West Campus of TexAmericas Center. The motion passed unanimously.

**E. Discussion and possible action regarding Wright Patman Lake and various regional water issues, including activities in the Arkansas and Texas Legislatures.**

Kyle Dooley provided that in late January staff received word that there has been some positive movement with regards to the contributed funds agreement with the US Army Corps of Engineers (USACE). There had been word that Secretary R.D. James had sent congressional letters to the Chairmen of the House and Senate appropriations committees notifying them of his intent to sign the contributed funds agreement to perform the cultural resources study required to implement the end-state contract. In February an email from Kathy Spillane confirmed that those letters had been sent but to date there had been no response from the committees. Negotiations on this agreement can begin but finalizing and signing them is contingent on getting positive responses back from those committees. Ms. Spillane is working on scheduling a meeting with Riverbend representatives and the USACE to begin contract negotiations.

No action taken.

**VIII. Executive Session**

The board stood at ease beginning at 12:32 p.m.

The board reconvened in Executive Session at 12:35 p.m. with quorum pursuant to sections 551.071 and 551.072 of the Texas Open Meetings Act.

The board came out of Executive Session at 1:08 p.m.

The board reconvened with quorum at 1:09 p.m.

**VII. Riverbend Reports**

**A. Board Members**

Fred Milton provided information on the upcoming Region D meeting to be held on Wednesday, February 26<sup>th</sup> at the Region 8 Education building in Pittsburg, Texas. They will be discussing Chapter 6 of the Initially Prepared Plan (IPP). At the last meeting, there were significant comments voicing their concern about new projects upstream in Region D solely in support of Region C. There will be a vote on the IPP next week. Mr. Milton will not be in attendance and is permitted to appoint an alternate to cast a vote in his name. No action taken.

**B. Executive Director/CEO**

Kyle Dooley provided information on the new water facility and the SRF Application. The Texas Water Development Board (TWDB) is still planning to vote on our application on March 26, 2020.

The water rights application is still being reviewed. In response to a request for more information, Riverbend sent a packet of the requested information in mid-January. There has been no update since TWDB received the packet.

There will be a meeting to discuss the draft Water Supply Contracts. It will either be on Monday, February 24, or Tuesday, February 25 between the City of New Boston and those cities represented by Jason Hill. Those cities are Hooks, Avery, De Kalb, Wake Village, and Nash. They are meeting to discuss Section 13 of the contract which references the cities' pro-rata share of the water system after the debt is paid off. This section of the new contract is very similar to what was written in the original 1969 contracts. The improvements would be Riverbend's until the debt is paid off. At that time each entity would be able to request an undivided interest in the system that is proportionate to the percentage of the debt that was paid by the entity. The other option is that Riverbend will own the entire system once the debt is paid off. Once they decide how they would like to this section to read, the contract can be finalized and signed. This is the most important item to discuss regarding the new water supply contract.

The technical amendment to the original water supply contracts between the Texarkana Water Utilities (TWU) and the member cities is still under review by counsel for the member cities. This is a technical amendment to the original contract between Texarkana and the original 7 member cities. TWU shared a copy of a letter with Mr. Dooley from TCEQ that stated they are in violation of an agreed order with TCEQ and they have until February 25, 2020 to get documentation back to TCEQ to verify they are now in compliance with that agreed order. This violation stems from an inspection done on the main line down Highway 82 determining that instead of a Transmission Line, it should be classified as a Distribution Line. The new classification deems that a nitrification action plan as well as a monitoring plan must be in place. Because of how the Point of Delivery is defined in the current water supply contracts, TCEQ will now look at the ground storage tanks inside each city as part of TWU's distribution system. That means that each city will lose credit for the capacity of the ground storage tanks in their system and each city will now have to remove their pumps from the storage tanks because the owner of the distribution system (TWU) is the only entity permitted to have pumps on those tanks. A solution is to change the definition of the Point of Delivery in the original contract. Currently the Point of Delivery is on the downstream end of the tank. The new definition would put it at the meter which is just before the tank. This would satisfy the agreed order with TCEQ. Nothing else in the contract will change. No requirements or responsibilities to the member cities would change. TWU is up against a hard deadline. This documentation is due on Monday and, as of today, they are still working out the language of the amendment. If it is finalized, it can be turned around very quickly and TCEQ will be satisfied.

TWCA Annual Conference is March 4<sup>th</sup> through the 6<sup>th</sup> in Fort Worth. Sonja Hubbard and Fred Milton are planning on attending with Kyle. Texas Water Days in Washington D.C. is March 24<sup>th</sup> through the 26<sup>th</sup>. Sonja Hubbard and Fred Milton are attending with Kyle.

No action taken.

## **IX. Next Riverbend Meetings**

**Please note the deviation from the posted Riverbend Calendar:**

Riverbend Regular Meeting, Wednesday, March 18, 2020 at 12:00 p.m. at Riverbend Offices, 228 A Texas Avenue, New Boston, Texas 75570.

**X. Adjournment**

With no additional business to be discussed, a motion was made by **Marshall Wood** and seconded by **Van Alexander** to adjourn the meeting at 1:47 p.m. The motion passed unanimously.

The minutes of Riverbend Water Resources District Board of Directors meeting, February 19, 2020 were read and approved on the 22<sup>nd</sup> day of APRIL, 2020.



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Sonja Hubbard, President

Attest:



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Kyle Dooley, Executive Director/ CEO

Riverbend Water Resources District  
 Board Meeting  
 February 19, 2020  
 12:00 p.m.

| No. | Name          | Organization     | Title          | Phone        | Email                      |
|-----|---------------|------------------|----------------|--------------|----------------------------|
| 1   | Lowell Walker | De Kalb          | Mayor          |              |                            |
| 2   | Tommy Adams   | Mayor            | Mayor          |              |                            |
| 3   | Hal Harris    | Central Board    | SM             | 905 628 5601 | chc.wsc@windsor.com        |
| 4   | Sharon Elkins | Rep. Van Dearing |                |              |                            |
| 5   | Walt Garcia   | Pape-Dawson Eng  | Vice President | 214 773-2380 | WaltGarcia@pape-dawson.com |
| 6   | Sheryl Colton | WV               | Mayor          |              |                            |
| 7   | Leann Paul    | KSA              |                |              |                            |
| 8   | Scott Norton  | TRC              | SD/CEO         |              |                            |
| 9   | Dawn Rucker   | USA Eng          |                |              |                            |
| 10  |               |                  |                |              |                            |
| 11  |               |                  |                |              |                            |
| 12  |               |                  |                |              |                            |
| 13  |               |                  |                |              |                            |
| 14  |               |                  |                |              |                            |
| 15  |               |                  |                |              |                            |
| 16  |               |                  |                |              |                            |
| 17  |               |                  |                |              |                            |
| 18  |               |                  |                |              |                            |
| 19  |               |                  |                |              |                            |
| 20  |               |                  |                |              |                            |