



**REGULAR MEETING
RIVERBEND WATER RESOURCES DISTRICT
PUBLIC NOTICE OF BOARD OF DIRECTORS' MEETING
WEDNESDAY, FEBRUARY 24, 2021
12:00 P.M.
228 TEXAS AVENUE, SUITE A, NEW BOSTON, TX 75570**

*Notice is hereby given pursuant to V.T.C.A., Government Code, Chapter 551, that the Board of Directors of the Riverbend Water Resources District will conduct a meeting; open to the public, on **WEDNESDAY, February 24, 2021, at 12:00 p.m.**, at the Riverbend Water Resources District ("Riverbend") office, in the **Conference Room** located at **228 Texas Avenue, Suite A, New Boston, TX 75570**.*

The Board of Directors is authorized by the Texas Open Meetings Act to convene in closed or executive session for certain purposes. These purposes include receiving legal advice from its attorney (Section 551.071); discussing real property matters (Section 551.072); discussing gifts and donations (Section 551.073); discussing personnel matters (Section 551.074); discussing security personnel or devices (Section 551.076); or discussing economic development matters (Section 551.087). If the Board of Directors makes a determination to go into executive session on any item on this agenda, the Presiding Officer will announce that an executive session will be held and will identify the item to be discussed and provision of the Open Meetings Act that authorizes the closed or executive session.

A G E N D A

- I. CALL TO ORDER & ROLL CALL
- II. INVOCATION & PLEDGE
- III. PUBLIC COMMENTS

The Board of Directors allows individuals to speak to the Board. Prior to the meeting, speakers must sign in on the public comment sheet. The time limit is five (5) minutes per speaker, subject to the provisions set forth under Section 551.007 of the Texas Government Code.

- IV. CONSENT AGENDA ITEMS

- A. Discussion and possible action regarding January 27, 2021 Regular Meeting minutes.



V. REPORTS

- A. Discussion and possible action regarding activities with Sulphur River Basin Authority.
- B. Discussion and possible action regarding activities with TexAmericas Center.
- C. Discussion and possible action regarding activities with ArTex-REDI.
- D. Discussion and possible action regarding activities with Region D.

VI. AGENDA ITEMS FOR INDIVIDUAL CONSIDERATION

The Board of Directors will consider, discuss, and if appropriate, take action on the following item(s):

- A. 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.

VII. REPORTS

- A. Board Members
- B. Executive Director/CEO

VIII. EXECUTIVE SESSION

The Board of Directors is authorized by the Texas Open Meetings Act to convene in closed or executive session for certain purposes. These purposes include receiving legal advice from its attorney (Section 551.071); discussing real property matters (Section 551.072); discussing gifts and donations (Section 551.073); discussing personnel matters (Section 551.074); discussing security personnel or devices (Section 551.076); or discussing economic development matters (Section 551.087). If the Board of Directors makes a determination to go into executive session on any item on this agenda, the Presiding Officer will announce that an executive session will be held and will identify the item to be discussed and provision of the Open Meetings Act that authorizes the closed or executive session.



IX. NEXT REGULAR MEETING

Riverbend Regular Meeting, March 24, 2021 at 12:00 p.m. at Riverbend Offices, 228
A Texas Avenue, New Boston, Texas 75570.

X. ADJOURNMENT

Kyle Dooley

Kyle Dooley, Executive Director/ CEO
Riverbend Water Resources District

*Persons with disabilities who plan to attend the RWRD Board of Directors' meeting and who may need auxiliary aids or services are requested to contact the RWRD Administrative Offices at (903) 831-0091, as soon as possible. All reasonable efforts will be taken to make the appropriate arrangements.

**REGULAR CALLED MEETING
RIVERBEND WATER RESOURCES DISTRICT
WEDNESDAY, FEBRUARY 24, 2021**

**CONSENT AGENDA ITEM IV. A.
January 27, 2021
Regular Meeting Minutes**

**Regular Called Meeting
Riverbend Water Resources District
Board Meeting Minutes**

January 27, 2021

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 12:01 p.m.

Directors Present:

Sonja Hubbard, President
Van Alexander, Treasurer
Fred Milton, Past President

Directors Absent:

Tina Veal-Gooch, Vice President
Marshall Wood, Secretary

Administration Present:

Kyle Dooley, Executive Director/CEO
Eli Hunt, Operations Manager
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

A. Discussion and possible action regarding November 18, 2020 Regular Meeting minutes.

A single motion was made by **Van Alexander** and seconded by **Fred Milton** 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).

Kyle Dooley reported that he has a meeting scheduled for tomorrow with the interim Executive Director of SRBA. He expects it will go well and will report back to the Board next month.

No action taken.

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

Scott Norton, Executive Director, provided via email that despite 10 rain days they are still on schedule with the building to be delivered in July 2021 and we hope to start pouring the slab this Friday. Also, the RCRA permit was finally removed from their property and that opened up approximately 6,850 acres of property for development. That process has been ongoing since 2012.

No action taken.

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

Sonja Hubbard provided that both pieces of property on the Texas side and the Arkansas side are being developed and marketed. All three of the higher learning entities are looking at these properties to develop work-related training.

No action taken.

VI. Agenda Items for Individual Consideration

A. Discussion and possible action regarding approval of a resolution approving a contract with KSA Engineering.

Kyle Dooley provided information on the need to execute a contract for design and construction management on two drying beds located at the wastewater treatment facility. KSA Engineering completed the rehabilitation on 2 other drying beds at this same facility. Riverbend would like to continue this relationship with KSA to complete the drying bed rehabilitation. Funds are available in the budget to complete this project.

A motion was made by **Fred Milton** and seconded by **Van Alexander** to approve **RESO 20210127-01** authorizing the Executive Director/CEO to enter into an agreement with KSA Engineering to complete the design and construction to rehabilitate two drying beds located at the wastewater treatment facility. The motion passed unanimously.

B. Discussion and possible action regarding approval of a resolution approving the fourth quarter financials of FY 2019-2020.

Kyle Dooley provided that there was only one change in the fourth quarter financials as presented on November 18, 2020 for FY 2019-2020. There was a change in Prepaid Expenses when we received a credit through the true-up process with TWU.

A motion was made by **Van Alexander** and seconded by **Fred Milton** to approve **RESO 20210127-02** approving the FY 2019-2020 fourth quarter financials. The motion passed unanimously.

C. Discussion and possible action regarding approval of a resolution approving the fourth quarter investment report for FY 2019-2020.

Kyle Dooley presented the Investment Report for the fourth quarter of FY 2019-2020. The rates are low but the balances are healthy.

A motion was made by **Fred Milton** and seconded by **Van Alexander** to approve **RESO 20210127-03** approving the FY 2019-2020 fourth quarter Investment Report. The motion passed unanimously.

D. Discussion and possible action regarding approval of a resolution approving the FY 2019-2020 Annual Audit performed by Wilf and Henderson, P.C.

Elizabeth Fawcett with Wilf & Henderson, P.C., first, praised the staff for the achievement of receiving the Certificate of Achievements for Excellence in Financial Reporting for FY 2019 given by the Government Finance Officers Association. Riverbend has applied again for this award for FY 2020. Ms. Fawcett also provided the details of the completed audit for FY 2019-2020. She stated that Riverbend is financially strong and continues to strengthen each year. Additionally, the District has appropriate controls in place. The audit is clean. Ms. Fawcett also touched on the water credits being earned by each paying member entity. Those credits will continue to accrue until Riverbend is able to produce water. At that time, the entities will be able to use those credits in small increments to pay their debt service to the District.

Kyle Dooley provided that all copies of the audit are prepared and ready to send to all member entities, and all government entities as required by our statute.

A motion was made by **Fred Milton** and seconded by **Van Alexander** to approve **RESO 20210127-04** approving the FY 2019-2020 Annual Audit as presented by Wilf & Henderson, P.C. The motion passed unanimously.

E. Discussion and possible action regarding approval of a resolution approving the first quarter financials of FY 2020-2021.

Kyle Dooley presented the first quarter financials for FY 2020-2021.

A motion was made by **Van Alexander** and seconded by **Fred Milton** to approve **RESO 20210127-05** approving the FY 2020-2021 first quarter financials. The motion passed unanimously.

F. Discussion and possible action regarding approval of a resolution approving the first quarter investment report for FY 2020-2021.

Kyle Dooley presented the Investment Report for the first quarter of FY 2020-2021. As with the fourth quarter numbers, balances are healthy and rates are low.

A motion was made by **Fred Milton** and seconded by **Van Alexander** to approve **RESO 20210127-06** approving the FY 2020-2021 first quarter Investment Report. The motion passed unanimously.

G. Discussion and possible action regarding approval of a resolution approving a contract with Environmental Systems Research Institute, Inc. (ESRI).

Kyle Dooley provided information on the need for this contract. As previously presented to the Board, CityWorks software will be implemented soon and will be the maintenance workorder system as well as the asset management program. An update to the software is needed in order to ensure the cohesion between the Geographical Information System (GIS) mapping program and the CityWorks program. This software update is capable of allowing real-time changes to the mapping layers, distribution system or even the treatment facility as maintenance workorders are completed. The contract will be for three years and the cost for the implementation of the software will be \$10,000 per year. The funds are available in the current budget.

A motion was made by **Fred Milton** and seconded by **Van Alexander** to approve **RESO 20210127-07** authorizing the Executive Director/CEO to enter into an agreement with Environmental Systems Research Institute, Inc. to upgrade software technology in order to ensure cohesion with software processes of CityWorks for workorder and asset management. The motion passed unanimously.

VII. Riverbend Reports

A. Board Members

Fred Milton provided that Riverbend has been selected as the administrator for Region D. Kyle has been aiding in the transition from the previous administrator. There will be a virtual or telephonic meeting towards the end of March.

B. Executive Director/CEO

Kyle Dooley provided the following updates:

New Industrial Wastewater Plant: A contract was signed with Garver, LLC for their staff to complete an application for State Revolving Funds for a new Industrial Wastewater facility. They were chosen from the Master Engineering List. A meeting was held with Riverbend, Garver, TexAmericas Center, and Red River Army Depot to discuss final details regarding location and cost estimates.

Regional Water System Project: The bonds were closed on in at the end of November. Those funds are in escrow waiting on draws as we move forward with the project. The RFQ process

to select a program manager is underway. There have been interviews with three firms. The selection should be made by the end of January. Contract negotiations will begin soon after.

US Army Corps of Engineers (USACE)-Cultural Resources Study and Ultimate Rule Curve: Included in the first \$18 Million for the Regional Water System are the funds to pay the USACE for the Cultural Resources Study. Invoicing for that should be in March. Texas Water Development Board (TWDB) requires that the program manager be under contract before draws on the awarded funds will be authorized. He will confirm with TWDB if the design and engineering firms need to be on board as well.. The City of Texarkana, Texas and USACE have been made aware of this possibility. If we are not able to make a draw in March as expected, we will readjust and draw funds in April.

Regarding the Water Rights Application: Dawn Pilcher has answered a couple of questions asked by Texas Commission for Environmental Quality (TCEQ). They have continued to review the application. The next step is the issuance of the draft permit for public comment.

Regional Water Planning Group (Region D): Riverbend has been designated as the political subdivision to be the administrator for the planning group for the 6th water planning cycle. We have received all of the necessary documents to facilitate that. The next meeting will be in late March.

A Mayors meeting will be held on February 10th in New Boston. Details will be emailed as that date gets closer.

No action taken.

VIII. Executive Session

The board stood at ease beginning at 12:45 p.m.

The board reconvened in Executive Session at 12:50 p.m with quorum pursuant to sections 551.074 of the Texas Open Meetings Act.

The board came out of Executive Session at 1:12 p.m.

IX. Next Riverbend Meetings

Riverbend Regular Meeting, Wednesday, February 24, 2021 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 **Van Alexander** and seconded by **Fred Milton** to adjourn the meeting at 1:15 p.m. The motion passed unanimously.

The minutes of Riverbend Water Resources District Board of Directors meeting, January 27, 2021 were read and approved on the _____ day of _____, 2021.

Sonja Hubbard, President

Attest:

Kyle Dooley, Executive Director/ CEO

**REGULAR CALLED MEETING
RIVERBEND WATER RESOURCES DISTRICT
WEDNESDAY, FEBRUARY 24, 2021**

**AGENDA ITEM VI. A.
RWRD RESO 20210224-01
TWCA Risk Management Renewal**



RIVERBEND RESOLUTION NO. 20210224-01

AUTHORIZING THE EXECUTIVE DIRECTOR/CEO'S TO EXECUTE AN INTERLOCAL AGREEMENT(S) FOR RISK MANAGEMENT SERVICES WITH THE TWCA RISK MANAGEMENT FUND

WHEREAS, Riverbend Water Resources District is a conservation and reclamation district created under and essential to accomplish the purposes of Section 59 Article XVI, Texas Constitution, existing pursuant to and having the powers set forth in Chapter 9601 of the Special District Local Laws Code of the State of Texas;

WHEREAS, Riverbend Water Resources District currently has an interlocal agreement with the TWCA Risk Management Fund and has a continued need for a risk management plan including property insurance, workers' compensation insurance, board insurance, etc. to support the operation and management of its wet utilities; and

WHEREAS, TWCA Risk Management Fund provides said needed risk management services and is fully qualified and certified to perform these services.

NOW, THEREFORE, BE IT RESOLVED that the Executive Director/CEO shall be and is hereby authorized to enter into an interlocal agreement with the TWCA Risk Management Fund to provide continued insurance services for property, workers' compensation, board insurance, etc. for Riverbend Water Resources District.

PASSED and APPROVED this 24th day of February 2021

Sonja Hubbard, President

ATTEST:

Marshall Wood, Secretary

Attached: TWCA Risk Management Renewal Forms



WARRANTY

Member: Riverbend Water Resources District

TO: TEXAS WATER CONSERVATION ASSOCIATION RISK MANAGEMENT FUND (the "Fund")

This warranty shall confirm that the information contained in the 2021-2022 Fund Year Risk Exposures

Update completed and signed _____, and presented to the Fund as the basis for
(Date Exposure Update was signed)

which renewal coverage would apply, remains unchanged as of the date indicated below and there is no additional information which would need to be added to that exposure update in order to make it currently complete. This warranty is given as consideration for the offer of renewal coverage by the Fund.

This is declare and confirm that as of _____ no fact, circumstance,
(Today's Date)

or situation indicating the probability of an occurrence, claim, wrongful act, or action against which indemnification or payment is or would be afforded by the proposed insurance is now known to the Member's Fund Contact as set forth in the Interlocal Agreement between the Member and Fund and said Fund Contact has made a diligent effort to ascertain whether or not an actual or probable claim or action exists. It is agreed by all concerned that if there be actual knowledge of any such occurrence, claim, wrongful act, fact, circumstance, or situation, and it is not disclosed in the exposure update, any claim or action subsequently emanating therefrom shall be excluded from coverage under the proposed insurance.

It is further agreed by all concerned that knowledge or notice of an occurrence, claim, or wrongful act by an agent, servant or employee of the Member shall not in itself constitute no knowledge or notice to the Member, unless the Member's Fund Contact, as designated in the Interlocal Agreement, shall have received notice thereof from its agent, servant, or employee. The Fund Contact shall have a duty to make reasonable and diligent inquiry in this regard. The inadvertent failure of an agent, servant, or employee of the Member to notify the Fund of any occurrence, claim, or wrongful act of which he or she has knowledge shall not invalidate the proposed insurance.

SIGNED: _____ DATE: _____

TITLE: _____

**SUPPLEMENT TO
INTERLOCAL AGREEMENT
TEXAS WATER CONSERVATION ASSOCIATION
RISK MANAGEMENT FUND**

In consideration of the Member's request for payment of additional benefits and in further consideration of the Fund's agreement to pay such benefits, the Interlocal Agreement between the Fund and the Member effective the 1 day of July, 2013, is amended by adding thereto the applicable coverages set forth below.

Volunteers — If a resolution of the Board of Trustees of the Member has been adopted providing coverage for volunteers as required by law, such volunteers, while acting within the course and scope of their official duties, shall be covered by the Interlocal Agreement as any other employee of the Member political subdivision.

Elected/Appointed Officials — If a resolution of the Board of Trustees of the Member has been adopted providing coverage for elected officials as required by law, such elected officials while acting within the course and scope of their official duties, shall be covered by the Interlocal Agreement as any other employee of the Member political subdivision.

The Member agrees to pay the premium for the payroll classifications set forth below.

Description of Group of Employees

- | | | |
|--------------------------|-----------------------------|--|
| <input type="checkbox"/> | Elected/Appointed Officials | Code 999989 |
| <input type="checkbox"/> | Volunteers | Payroll classification corresponding to type and nature of work done by the volunteer. |
| <input type="checkbox"/> | Decline Coverage | |

The Member agrees to report to the Fund, in writing on an annual basis or from time-to-time as new people are added, the names, positions, beginning date of service, ending date of service (if applicable), and salary/compensation or the equivalent minimum payroll base of the persons covered under this Supplement. The Member agrees that adequate premium for the above exposures must be collected by the Fund. Therefore, the Member agrees that unless greater compensation is actually received, the minimum reportable annual compensation for premium computation purposes on each person covered under this Supplement shall be \$3,120.

This Supplement shall be subject to all the terms, provision, and conditions of the Interlocal Agreement, and nothing herein contained shall vary, alter, or extend any term, provision, or condition of the Interlocal Agreement except as herein specifically stated.

Effective Date of this Supplement: July 1, 2021 This Supplement Expires: June 30, 2022

Contract Number: **159**

<p>MEMBER:</p> <p>Riverbend Water Resources District</p> <p>By: _____ Signature of Authorized Member Official</p> <p>Title: _____</p> <p>Date: _____</p>	<p>FUND:</p> <p>Texas Water Conservation Association Risk Management Fund</p> <p>By _____ Signature of Authorized Fund Official</p> <p>Title: <u>Secretary</u></p> <p>Date: _____</p>
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