

**Regular Called Meeting
Riverbend Water Resources District
Board Meeting Minutes
May 24, 2023
228 Texas Avenue, Suite A, New Boston, Texas 75570**

M I N U T E S

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, Van Alexander, President of the Board, called the meeting to order at 12:03 p.m.

Directors Present:

Van Alexander, President
Steve Mayo, Vice President
Fred Milton, Treasurer
Sonja Hubbard, Secretary

Directors Absent:

Tina Veal-Gooch, Past President

Administration Present:

Kyle Dooley, Executive Director/CEO
Eli Hunt, Director of Operations
Becky Melton, HR Manager/Executive Assistant

Public Present:

Please see the attached list for additional guests.

II. Invocation & Pledge

Van Alexander 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 April 26, 2023 Regular Called Meeting minutes and May 1, 2023 Special Called Meeting minutes.

A motion was made by **Fred Milton** and seconded by **Sonja Hubbard** to approve the Consent Agenda Item as listed above. The motion passed unanimously.

VI. 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, Executive Director/CEO, provided that their new Vice President of Finance will start next week. Legislation moving through the Texas Legislature that allows TAC to complete new market tax credit projects in house and allow them to do manufacturing for our tenants through our third party logistics company passed and is effective immediately. The CEO and the COO of a very big prospect visited on Monday. No action taken.

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

Sonja Hubbard provided that REDI has had help from Congressman Gary VanDeaver's office with accessing broadband & fiber options for internet service on the Texas side property, as well as gaining access to that tract of land. In late June, there is a visit from the Arkansas governor's office to discuss lengthening the runway at Texarkana Airport. No action taken.

VII. Agenda Items for Individual Consideration

A. Discussion and possible action regarding approval of a resolution authorizing the Executive Director/CEO to report compliance with required cybersecurity training.

Kyle Dooley provided that House Bill 3834 required state and local government employees to complete a certified training program for cybersecurity. The Texas Department of Information Resource (DIR) in consultation with the Texas Cybersecurity Council is required to certify at least five cybersecurity training programs so state and local government employees can meet the training requirements. RWRD is defined as a local government for the purposes of cybersecurity requirements. Local governments must certify their training compliance by August 31, 2023. The governing body of a local government is required to verify and report on the completion of a cybersecurity training program completed by employees of the local government to the department and should retain documentation pertaining to this requirement. All Riverbend staff has completed cybersecurity training. This resolution would allow staff to submit the certification to DIR that RWRD has met the yearly requirements for cybersecurity training. There is also a Governing Board Acknowledgement Form that each board member will need to sign, stating that the district is in compliance with this training requirement. This will not have to be submitted but will be kept for our records annually.

A motion was made by **Sonja Hubbard** and seconded by **Fred Milton** to approve RESO 202300524-02 authorizing the Executive Director/CEO to report compliance with required cybersecurity training. The motion passed unanimously.

B. Discussion and possible action regarding approval of a resolution approving the second quarter FY 2023 Financial Statements.

Kyle Dooley presented the second quarter FY Investment Report.

A motion was made by **Sonja Hubbard** and seconded by **Steve Mayo** to approve RESO 20230524-02 approving the second quarter FY 2023 Financial Statements. The motion passed unanimously.

C. Discussion and possible action regarding approval of a resolution authorizing the Executive Director/CEO to execute an amendment to the contract with Carollo Engineers for technical consulting services for the 6th cycle of regional water planning on behalf of North East Texas Regional Water Planning Group.

Kyle Dooley provided information on a contract amendment with Carollo Engineers. At the November 16, 2022 RWRD Board meeting, the Board authorized the Executive Director to execute an amendment to the funding contract with the Texas Water Development Board (TWDB) for the 6th Cycle of regional water planning on behalf of the North East Texas Regional Water Planning Group (Region D). At that time, TWDB had made more funding available to help complete the remaining tasks in the 6th cycle of planning. TWDB made available up to \$606,747 with their amendment. This release of more funding has led to the need to amend the contract RWRD has in place with Carollo Engineers, who are serving as the Technical Consultant for Region D. The original contract with Carollo Engineers was executed in September of 2021. The original amount of the contract was \$200,691. This amendment would change the amount of the contract to \$580,747. This is the first amendment to this contract, but more are expected throughout this planning cycle as TWDB makes more funding available. Staff recommends approval.

A motion was made by **Fred Milton** and seconded by **Steve Mayo** to approve RESO 202300524-03 authorizing the Executive Director/CEO to execute an amended contract with Carollo Engineers for technical consulting services for the 6th cycle of regional water planning on behalf of North East Texas Regional Water Planning Group. The motion passed unanimously.

VIII. Riverbend Reports

A. Board Members

No reports.

B. Executive Director/CEO

Kyle Dooley provided the following updates:

We are working towards ending our contract with LJA for consulting services regarding the water rights application. Dawn Pilcher was the consultant on that project, and she has recently left LJA. With Ms. Pilcher's knowledge and history on our project, we would like to execute a contract with Dawn Pilcher's company Tidewater Professional Services to complete the water rights application process with the remaining funds to complete that application.

Water Rights Application: We are waiting on the protestants to complete a modeling project that includes any affect our water rights application would have on their interest in Cooper Lake. We are talking with North Texas to get an update on the progress of that modeling project. They have said the model reveals there is about a 500 acre foot impact on Cooper Lake as a result of our application. Before we meet to discuss the path forward, we would like to see the project findings, so we are prepared with possible solutions. We aren't aware of any other impacts other than this Cooper Lake issue. We will meet with North Texas on June 5th.

Regional Water System Project: TWDB has agreed to provide us with a conditional approval to spend design funds once we submit the EID & EFR along with a letter from the Corps stating that they concur that the project is viable under the interim rule curve. The Corps has stated the letter is written and is awaiting signatures. We need the final budget numbers to finish the EID & the EFR. The review of the documents by TWDB should take about 3 months to complete. The RFQs for the design contracts have been turned in for review and approval. We think the timeline for the RFQ approval should match the review of the required documents.

USACE-Intake Application: The application was submitted in February 2023. The operational side of USACE were minimal. They indicated that the hurdle for our application would be the regulatory side. Two weeks ago, operations, environmental and regulatory met on a conference call. Regulatory began to ask questions that indicated they were not fully knowledgeable on our application or our project. A few days later, a meeting with Regulatory and they were fully up to speed. They indicated that everything looks good and suggested with a few tweaks we could obtain a nationwide permit as opposed to an individual permit. We had a discussion with Stokes & Associates centering around the technical concerns regarding the high water mark of 227.5 at Lake Wright Patman. Based on that quick look, Stokes did not indicate that the tweaks necessary to obtain a nationwide permit would be an issue at all. The big question we had was how this would affect the timeline after design is complete, but with this nationwide permit, the permitting process is sped up and should not affect the project timeline at all.

Ultimate Rule Curve: The Corps has completed the programmatic agreement for the Cultural Resources Study. A notice was sent opening up the 30-day comment period. It will close June 23rd. The Corps is still taking bids for a group to conduct the Cultural Resources Study and the Environmental Study. Mr. Dooley has provided the requested financial assurance memo that indicates funds are available to pay for the studies. Around \$1 million is left from the original \$2.3 million originally agreed upon. The Corps is asking for an additional \$2.8 million to complete the studies.

Member City True-Up: We are hoping that the document is ready for review on July 12th. We will tentatively schedule the meeting to discuss the True-Up on July 19th at 10am. Our regular board meeting is July 26th. TWU will be on hand to answer questions at our meeting. The True-Up will be on the agenda for discussion monthly until it is typically approved at the September meeting along with the Riverbend budgets.

No action taken.

XI. Executive Session

The board stood at ease at 12:20 p.m.

The board reconvened in Executive Session at 12:24 p.m. with quorum pursuant to section 551.071 and 551.072 of the Texas Open Meetings Act.

The board came out of Executive Session at 1:34 p.m.

The board reconvened with quorum at 1:35 p.m.

X. Next Riverbend Meetings

Riverbend Regular Meeting, Wednesday, June 28, 2023 at 12:00 p.m. at Riverbend Offices, 228 A Texas Avenue, New Boston, Texas 75570.

XI. Adjournment

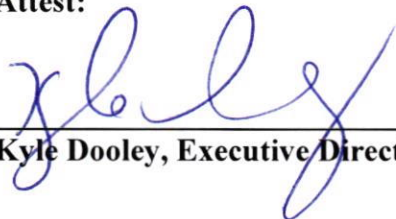
With no additional business to be discussed, a motion was made by **Steve Mayo** and seconded by **Fred Milton** to adjourn the meeting at 1:35 p.m. The motion passed unanimously.

The minutes of the Riverbend Water Resources District Board of Directors meeting, held on May 24, 2023 were read and approved on the 28th day of June, 2023.



Van Alexander, President

Attest:



Kyle Dooley, Executive Director/ CEO

12:00 p.m.

[illegible]