

**Regular Called Meeting  
Riverbend Water Resources District  
Board Meeting Minutes  
November 15, 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, Fred Milton, Vice President of the Board, called the meeting to order at 12:00 p.m.

**Directors Present:**

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

**Directors Absent:**

Steve Mayo, President

**Administration Present:**

Kyle Dooley, Executive Director/CEO  
Tara Houck, CFO  
Becky Melton, HR Manager/Executive Assistant

**Public Present:**

Please see the attached list for additional guests.

**II. Invocation & Pledge**

Fred Milton 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 October 25, 2023 Regular Called Meeting Minutes.**

A single motion was made by **Van Alexander** and seconded by **Sonja Hubbard** to approve the Consent Agenda Item 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).**

No report. No action taken.

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

No report. No action taken.

**VI. Agenda Items for Individual Consideration**

**A. Discussion regarding the Fourth Quarter FY 2023 Investment Report.**

Presentation of the fourth quarter investment report for FY 2023 was made by Tara Houck.

No action taken.

**B. Discussion regarding the draft Fourth Quarter FY 2023 Financials.**

Presentation of the draft fourth quarter financials of FY 2023 was made by Tara Houck. These draft numbers will be finalized and included in the audit so no action will be required at this time. The audit will be brought before the board for review and approval at the January board meeting.

No action taken.

**C. Discussion and possible action regarding a class action lawsuit pertaining to polyfluoroalkyl substances (PFAS) in drinking water.**

Kyle Dooley and David Glass, general counsel, provide the information on the class action lawsuit against 3M and DuPont for PFAS contamination in drinking water. The settlement agreement for 3M stands at \$10.5-\$12.5B and the settlement agreement with DuPont stands at \$1.185B. Riverbend falls within one of the two classes affected by these settlements. The discussion centered around any possible action the Board would like to consider as there are opt-out dates approaching. The opt-out date for DuPont is December 4<sup>th</sup> and for 3M it is December 11<sup>th</sup>. The board opted to take no action which includes Riverbend as a claimant in the lawsuit against 3M and Dupont.

## **VII. Riverbend Reports**

### **A. Board Members**

No reports.

### **B. Executive Director/CEO**

Kyle Dooley provided the following updates:

Regional Water System Project: Matt Garcia provided that the agency comments for the Environmental Document have been submitted completely to the Texas Water Development Board. They are reviewing this document for compliance. The draft Memorandum of Agreement has been submitted to the USACE (Corps) to initiate the "out-grant process." The out-grant is what the Corps calls an easement on their property. The memorandum of agreement provides a means to reimburse the Corps for reviewing our out-grant request. Pape has requested a determination from the regulatory arm of the Corps regarding the permitting of the intake structure and pipelines. The Corps regulatory arm has indicated that if the intake structure is above the ordinary highwater elevation (and it is planned to be above that elevation), a special permit will not be required. Similarly, because the pipeline is part of a water transmission utility, it can be covered under a Nationwide Permit, which means there is not a special application nor delay in design and construction. The kick-off meeting with the successful design consultants was held in October. They are exchanging data with them to get started on design. The draft contract documents for the successful Design Consultant have been completed and Pape will assist Riverbend in negotiating these contracts. Value engineering workshops are expected to occur in January 2024. Kyle Dooley added that we have been successful in working with the City of Annona and Oak Grove Water Supply Corporation on principal forgiveness. Two other entities that meet the qualifications for principal forgiveness are the City of Avery and the City of Leary. Mr. Dooley is in the process of submitting applications for them as well. An application for grant funds through the Texas Environmental Infrastructure Program that is funded through the Corps has been submitted. The bill that passed to fund those projects has just over \$9 million available for projects like our regional water facility. Letters of congressional support from Pat Fallon's and Nathaniel Moran's offices have been submitted with the application. Any funds awarded to Riverbend would be at a 75/25 split where 75% of the funds would be paid by the federal government and Riverbend would cover the remaining 25%. The next step is, in the spring, Mr. Dooley will discuss adding more funds to those available grant dollars for the 2025, 2026 and even further future budgets with those congressional offices in Washington, D.C..

Industrial Waste Water Plant: Mr. Dooley and Eli Hunt, Director of Operations met with the RRAD Public Works Department to discuss the amendments necessary to our annual contract to guarantee the Army will pay the debt associated with the bonds taken out to pay for the construction of the new industrial plant. A meeting is scheduled for December 13<sup>th</sup> with the command staff to discuss next steps and a timeline for the project.

Ultimate Rule Curve: No changes on the Environmental and Cultural Resources Studies from the last update. We are still waiting for the final contract and then they will come back to us to ask for any changes in funding there may be. We held our first policy meeting with the Corps to discuss unanswered policy questions. Storage costs, the "donut hole" on the 32,000 acre

feet, will any mitigation cost be the responsibility of the Corps for flood control and not just the responsibility of Riverbend for the water supply. The goal is to create a draft outline of what we think the agreement should look like when we get to that point. The outline will answer, not just the volume of water, but which entity will cover the required costs. The Corps has listed that priority number one is what an appropriate cost-share looks like if mitigation is required and to determine whether mitigation is required, impact questions have to be answered. The questions are: are there impacts; are there impacts that will require mitigation; if there are, then there should be an equitable cost-share between the Corps and Riverbend. This indicates that they recognize that the reservoir fluctuates naturally as a flood control lake. Those fluctuations are not solely attributable to water supply. Fluctuations happen because of flood control also. That discussion needs to be covered before decisions are made on mitigation costs. Our meetings regarding the Environmental Impact Study and the Cultural Resources Study are centered around cost of the studies. The studies will take around 18 months. Then the reports will be submitted. Then we talk about mitigation. We are hoping by starting the conversation on our policy questions it leads to a quick decision on impact and cost-sharing.

No action taken.

#### **VIII. Executive Session**

The board stood at ease at 12:57 p.m.

The board reconvened in Executive Session at 1:03 p.m. with quorum pursuant to section 551.071 and 551.074 of the Texas Open Meetings Act.

The board came out of Executive Session at 1:50 p.m.

The board reconvened with quorum at 1:51 p.m.


#### **IX. Next Riverbend Meetings**

Riverbend Regular Meeting, Wednesday, January 24, 2024 at 12:00 p.m. at Riverbend Offices, 228 A Texas Avenue, New Boston, Texas 75570.

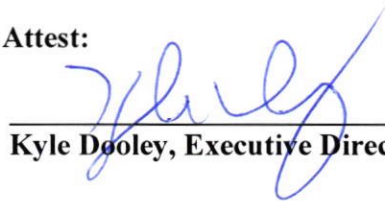
#### **X. Adjournment**

With no additional business to be discussed, a motion was made by Tina Veal Gooch and seconded by Sonja Hubbard to adjourn the meeting at 1:55 p.m. The motion passed unanimously.

**The minutes of the Riverbend Water Resources District Board of Directors meeting, held on November 15, 2023, were read and approved on the 24<sup>th</sup> day of January 2024.**

  
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Steve Mayo, President

Attest:

  
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Kyle Dooley, Executive Director/ CEO

12:00 p.m.

[illegible]