



**REGULAR MEETING
RIVERBEND WATER RESOURCES DISTRICT
PUBLIC NOTICE OF BOARD OF DIRECTORS' MEETING
WEDNESDAY, FEBRUARY 28, 2024
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 28, 2024, 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 24, 2024 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.

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 approving the first quarter financials for FY 2024.

Presentation of the first quarter financials for FY 2024 will be by Tara Houck.

Action Item: Consider motion for approval of RESO 20240228-01 approving the first quarter financials for FY 2024.

B. Discussion and possible action regarding approval of a resolution approving the first quarter investment report for FY 2024.

Presentation of the first quarter investment report for FY 2024 will be by Tara Houck.

Action Item: Consider motion for approval of RESO 20240228-02 approving the first quarter investment report for FY 2024.

C. 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.

This item pertains to the annual renewal of the District's risk management insurance. We are currently part of the TWCA Risk Management Fund and the plan includes property insurance, workers' compensation insurance, and board insurance. Staff recommends continuing with the TWCA Risk Management Fund and consideration of approval to renew the policy.

Action Item: Consider motion for approval of RESO 20240228-03 authorizing the Executive Director/CEO to execute an interlocal agreement(s) for risk management insurance with the TWCA Risk Management Fund.

D. Discussion and possible action regarding approval of a resolution reviewing and updating the Drought Contingency Plan and the Water Conservation Plan of Riverbend Water Resources District.

This item pertains to the review and update of the Water Conservation Plan as well as the Drought Contingency Plan.

Action Item: Consider motion for approval of RESO 20240228-04 adopting updates to the Drought Contingency Plan and the Water Conservation Plan of Riverbend Water Resources District.

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 27, 2024 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 28, 2024**

**CONSENT AGENDA ITEM IV. A.
January 24, 2024
Regular Meeting Minutes**

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

January 24, 2024

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, Steve Mayo, President of the Board, called the meeting to order at 12:00 p.m.

Directors Present:

Steve Mayo, President
Tina Veal-Gooch, Secretary
Van Alexander, Past President

Directors Absent:

Sonja Hubbard, Treasurer

Administration Present:

Kyle Dooley, Executive Director/CEO
Eli Hunt, Director of Operations
Tara Houck, CFO
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. Special Agenda Items for Individual Consideration

A. Discussion and possible action regarding approval of RESO 20240124-01 accepting the recommendations of the City of Texarkana, Texas and the City of New Boston that Steve Mayo and Lynn Davis, respectively, to serve terms as members of the Board of Directors of Riverbend Water Resources District.

A motion was made by Tina Veal Gooch and seconded by Van Alexander to approve RWRD RESO 20240124-01-01 accepting the recommendations of City of Texarkana, Texas and the City of New Boston that Steve Mayo and Lynn Davis, respectively, to serve terms as members of the Board of Directors of Riverbend Water Resources District. The motion passed unanimously.

B. Oaths of office, administered by Judge Bobby Howell, for Directors Steve Mayo and Lynn Davis.

Bowie County Judge Bobby Howell administered the Oaths of Office swearing in directors Steve Mayo and Lynn Davis.

V. Consent Agenda Items

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

A. Discussion and possible action regarding November 15, 2023 Regular Called Meeting Minutes and December 4, 2023 Special Called Meeting Minutes.

A single motion was made by **Van Alexander** and seconded by **Tina Veal Gooch** 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).

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 and possible action regarding approval of a resolution appointing Lynn Davis as the Vice President of the Board of Directors of Riverbend Water Resources District.

Kyle Dooley provided information on the normal rotation of Board Officers. With the new appointment of Lynn Davis to the Board of Directors, his appointment should fall to the Vice President position.

A motion was made by Tina Veal Gooch and seconded by Van Alexander to approve RESO 20240124-02 appointing Lynn Davis as the Vice President of the Board of Directors of Riverbend Water Resources District. The motion passed unanimously.

B. Discussion and possible action regarding approval of a resolution authorizing an update of authorized signatures for all bank accounts.

Kyle Dooley provided information on authorizing board members to have signature authority on all bank accounts. With the appointment of Lynn Davis to the Board, the authorized account signatures must be updated.

A motion was made by Van Alexander and seconded by Tina Veal Gooch to approve RESO 20240124-03 authorizing an update of authorized signatures for all bank accounts. The motion passed unanimously.

C. Discussion and possible action regarding approval of a resolution authorizing the Executive Director/CEO to submit a withdrawal of the Request for Exclusion from the 3M settlement agreement for a lawsuit pertaining to polyfluoroalkyl substances (PFAS) in drinking water.

Kyle Dooley provided an update on the PFAS lawsuit. At the November 15th Regular meeting and the December 4th Special Called meeting, the 3M and DuPont PFAS class action settlement agreements were discussed. At the December 4th meeting, the Board decided to submit a Request for Exclusion from the 3M settlement agreement to see if any new information or answers to some of the questions around the settlement agreements were answered in the time between that December meeting and the Final Fairness Hearing for the 3M settlement is held in early February. The Final Fairness Hearing is also the deadline for anyone who wants to withdraw their Request for Exclusion submittals. It was the staff's understanding, based on the last Board discussion, that if no new information was available, the board would like the opportunity to have an agenda item to consider withdrawing the Request for Exclusion on the 3M settlement. Upon the review of the information since our last meeting in December, it is the staff's determination, along with review from our legal counsel, that nothing has been presented that would change the prior Board discussion in this regard.

A motion was made by Van Alexander and seconded by Lynn Davis to approve RESO 20240124-04 authorizing the Executive Director/CEO to submit a withdrawal of the Request for Exclusion from the 3M settlement agreement for a lawsuit pertaining to polyfluoroalkyl substances (PFAS) in drinking water. The motion passed unanimously.

D. Discussion and possible action regarding approval of a resolution approving amendments to the second and third quarter Investment Reports for FY 2023.

Tara Houck, Chief Financial Officer, presented amendments to the second and third quarter investment reports for FY 2023. These amendments were attributed to the calculation of interest earned.

A motion was made by Tina Veal Gooch and seconded by Van Alexander to approve RESO 20240124-05 approving amendments to the second and third quarter investment reports for FY 2023. The motion passed unanimously.

E. Discussion and possible action regarding approval of a resolution approving the fourth quarter financials of FY 2023.

Tara Houck, Chief Financial Officer, presented the final version of the FY 2023 fourth quarter financials.

A motion was made by Van Alexander and seconded by Tina Veal Gooch to approve RESO 20240124-06 approving the fourth quarter financials of FY 2023. The motion passed unanimously.

F. Discussion and possible action regarding approval of a resolution approving the fourth quarter investment report for FY 2023.

Tara Houck, Chief Financial Officer, presented a new version of the FY 2023 Investment Report. It includes separating all interest income from each investment line.

A motion was made by Tian Veal Gooch and seconded by Steve Mayo to approve RESO 20240124-07 approving the fourth quarter investment report of FY 2023. The motion passed unanimously.

G. Discussion and possible action regarding approval of a resolution approving the FY 2021 Annual Audit performed by Wilf and Henderson, P.C.

Carol Wilder, Wilf & Henderson, P.C. presented the audit for FY 2023. She stated that Riverbend is in good financial condition. She also included that compliance and internal controls are strong. Ms. Wilder also stated that as a government entity spending federal bond funds, we are required to complete a single audit. That audit was clean and in addition, the 2023 audit has no findings. She also provided that there was a new pronouncement this year requiring government entities to capitalize subscriptions that last longer than one year. Our new financial software fits those requirements because it is a three-year subscription. In addition, Kyle provided that Riverbend received an award for the fourth year in a row from GFOA for Excellence in Financial Reporting for FY 2022.

A motion was made by Van Alexander and seconded by Tina Veal Gooch to approve RESO 20240124-08 approving the FY 2023 Annual Audit performed by Wilf and Henderson, P.C. The motion passed unanimously.

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 an update on the project. We received a Letter of No Permit Required from the Army Corps of Engineers. This means we do not have to do an Individual Permit for the project. We will need to meet the requirements for waters of the US, but that will be far less difficult than an Individual Permit. This Letter, along with a response to all other comments on the Environmental Information Document have been provided to the reviewer at TWDB. We are scheduling a follow-up conference call to try to expedite the review process. We had the first Value Engineering meeting with the successful design consultants last month. There are some data exchange tasks that we are completing for the design consultants. The next set of meetings is slated for next week. Pape has completed the contract documents for the Value Engineering portion of the Design for the successful Design Consultant and will assist Riverbend to negotiate these contracts. Once the contracts are reviewed and final costs are discovered, Riverbend can make the request to TWDB for the remaining funds. Susan Roth is completing applications for the Cities of Avery and Leary for principal forgiveness that are the same as the grants received in the name of the City of Annona and Oak Grove Water Supply Corporation.

Industrial Waste Water Plant: Kyle Dooley met with command staff and Department of Public Works (DPW) on December 13th to discuss the timeline and what their responsibilities are with relation to keeping the project on track. The contract language will need to be reviewed before responsibilities are delegated. The Directorate of Resource Management wants to meet with Riverbend and DPW next week to go over the final numbers for the bond and what the facility charge will be to the Army for that bond. Once that is approved by Resources Management, they could have a contract for us to review within 48 hours. We hope to get it on the next agenda.

Ultimate Rule Curve and Environmental & Cultural Resources Study: State Historic Preservation Office has signed the Programmatic Agreement. The environmental assessment document is ready. Hydraulics and hydrology inside the Corps have completed their assessments. It looks like it will be March when the Cultural Resources Study cost is finalized and awarded to the contractors. That is when discussions will take place to assess any necessary changes to the contributed funds agreement.

No action taken.

VIII. Executive Session

The board stood at ease at 12:35 p.m.

The board reconvened in Executive Session at 12:40 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 2:00 p.m.

The board reconvened with quorum at 2:01 p.m.

IX. Next Riverbend Meetings

Riverbend Regular Meeting, Wednesday, February 22, 2023 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 Lynn Davis to adjourn the meeting at 2:02 p.m. The motion passed unanimously.

The minutes of the Riverbend Water Resources District Board of Directors meeting, held on January 24, 2024, were read and approved on the _____ day of _____, 2024.

Steve Mayo, President

Kyle Dooley, Executive Director/ CEO

**REGULAR CALLED MEETING
RIVERBEND WATER RESOURCES DISTRICT
WEDNESDAY, FEBRUARY 28, 2024**

**AGENDA ITEM VI. A.
RWRD RESO 20240228-01
FY 2024 First Quarter Financials**



RIVERBEND RESOLUTION NO. 20240228-01

APPROVING THE FIRST QUARTER FY 2024 FINANCIAL STATEMENTS

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; and

WHEREAS, Riverbend Water Resources District staff prepares and presents quarterly financial statements, which provide for the fiduciary guidance of Riverbend Water Resources funds.

NOW, THEREFORE, BE IT RESOLVED that the Riverbend Water Resources District Board of Directors accepts and approves the First Quarter FY 2024 financials.

PASSED and APPROVED this 28th day of February 2024

Steve Mayo, President

ATTEST:

Tina Veal Gooch, Secretary

Attached: First Quarter FY 2024 Financials



RIVERBEND WATER RESOURCES DISTRICT**STATEMENT OF NET POSITION****ENTERPRISE FUNDS****DECEMBER 31, 2023**

	<i>Regional Water System Administration Fund</i>	<i>Regional Water System Facilities Fund</i>	<i>Wet Utilities Fund</i>	<i>Total</i>
ASSETS				
Current assets:				
Cash and cash equivalents	\$ 214,940	\$ -	\$ 769,232	\$ 984,172
Accounts receivable	20,442	620,301	1,287,773	1,928,516
Interest receivable	-	620,025	-	620,025
Interfund accounts	11,404	-	8,107	19,511
Restricted assets:				
Cash and cash equivalents restricted for bond debt reserves	-	5,627,593	682,590	6,310,183
Cash and cash equivalents restricted for construction	-	46,513,816	20,073	46,533,889
Investments restricted for construction	-	62,783,903	-	62,783,903
Cash and cash equivalents restricted for operations	-	-	906,735	906,735
Prepaid expenses	-	-	111,982	111,982
Inventories	-	-	82,645	82,645
Total current assets	<u>246,786</u>	<u>116,165,638</u>	<u>3,869,137</u>	<u>120,281,561</u>
Noncurrent assets:				
Cash and cash equivalents - restricted for bond debt reserves	-	1,264,466	3,062,671	4,327,137
Right to Use Subscription asset (net of accumulated amortization)	-	-	64,441	64,441
Capital assets (net of accumulated depreciation):				
Equipment	-	-	455,970	455,970
Utility system	-	-	15,260,384	15,260,384
Intangible assets	-	-	242,013	242,013
Construction in progress	-	17,389,662	27,335	17,416,997
Total capital assets	<u>-</u>	<u>17,389,662</u>	<u>15,985,702</u>	<u>33,375,364</u>
Total noncurrent assets	<u>-</u>	<u>18,654,128</u>	<u>19,112,814</u>	<u>37,766,942</u>
TOTAL ASSETS	<u>246,786</u>	<u>134,819,766</u>	<u>22,981,951</u>	<u>158,048,503</u>
LIABILITIES				
Current liabilities:				
Accounts payable	7,321	381,647	121,713	510,681
Payroll liabilities	-	-	36,185	36,185
Interfund accounts	-	19,511	-	19,511
Due to North East Texas Regional Water Planning Group	82,890	-	-	82,890
Accrued interest payable	-	502,707	52,623	555,330
Accrued compensated absences - current portion	-	-	22,667	22,667
Subscription liability - current portion	-	-	21,465	21,465
Revenue bonds payable - current portion	-	3,440,000	430,000	3,870,000
Total current liabilities	<u>90,211</u>	<u>4,343,865</u>	<u>684,653</u>	<u>5,118,729</u>
Long-term liabilities:				
Accrued compensated absences - long term	-	-	62,622	62,622
Subscription liability - long term	-	-	22,487	22,487
Revenue bonds payable - long term	-	115,855,000	6,165,000	122,020,000
Total long-term liabilities	<u>-</u>	<u>115,855,000</u>	<u>6,250,109</u>	<u>122,105,109</u>
TOTAL LIABILITIES	<u>90,211</u>	<u>120,198,865</u>	<u>6,934,762</u>	<u>127,223,838</u>
NET POSITION				
Net investment in capital assets	-	7,009,268	10,294,072	17,303,340
Restricted for bond reserves	-	7,629,678	3,752,010	11,381,688
Restricted for construction	-	1,466	20,073	21,539
Unrestricted	156,575	(19,511)	1,981,034	2,118,098
TOTAL NET POSITION	<u>\$ 156,575</u>	<u>\$ 14,620,901</u>	<u>\$ 16,047,189</u>	<u>\$ 30,824,665</u>

RIVERBEND WATER RESOURCES DISTRICT

STATEMENT OF REVENUES, EXPENSES, AND CHANGES IN FUND NET POSITION ENTERPRISE FUNDS FOR THE THREE MONTHS ENDED DECEMBER 31, 2023

	<i>Regional Water System Administration Fund</i>	<i>Regional Water System Facilities Fund</i>	<i>Wet Utilities Fund</i>	<i>Total</i>
OPERATING REVENUES				
Charges for services:				
Member fees	\$ 54,148	\$ -	\$ -	\$ 54,148
Army volumetric charge	-	-	827,043	827,043
Army water supply charge	-	-	62,550	62,550
Commercial and residential charge	-	-	45,766	45,766
Infrastructure Services	-	-	33,207	33,207
Other revenue	-	-	4,355	4,355
Total operating revenues	54,148	-	972,921	1,027,069
OPERATING EXPENSES				
Accounting and audit	3,420	-	15,580	19,000
Analyticals	-	-	38,701	38,701
Capital replacement	-	-	32,621	32,621
Community relations	3,649	-	-	3,649
Consulting	46,558	-	-	46,558
Dues and memberships	2,844	-	-	2,844
Equipment maintenance, repair and fuel	-	-	11,682	11,682
Insurance	-	-	17,808	17,808
Legal and professional fees	3,087	-	-	3,087
Materials	-	-	57,447	57,447
Meetings expense	2,430	-	-	2,430
Military affairs	2,750	-	-	2,750
Permits	-	-	15,872	15,872
Repairs	-	-	20,026	20,026
Salaries, wages, payroll taxes and benefits	55,615	-	311,933	367,548
Supplies	455	-	9,246	9,701
Travel and training	1,914	-	-	1,914
Utilities	-	-	49,660	49,660
Waste disposal	-	-	5,261	5,261
Water purchase cost	-	-	104,731	104,731
Web design and maintenance	180	-	-	180
Infrastructure services	-	-	38,344	38,344
Overhead allocation - water	-	-	64,489	64,489
Overhead allocation - wastewater	-	-	70,092	70,092
Overhead allocation - industrial wastewater	-	-	70,668	70,668
Total operating expenses before depreciation	122,902	-	934,161	1,057,063
Operating income (loss) before depreciation	(68,754)	-	38,760	(29,994)
Depreciation	-	-	218,000	218,000
Operating income (loss)	(68,754)	-	(179,240)	(247,994)
NONOPERATING REVENUES (EXPENSES)				
Facility charges revenue	-	-	363,671	363,671
Minimum monthly payments	-	2,379,349	-	2,379,349
Interest revenue	1	1,032,829	33,658	1,066,488
Project admin fees	-	-	2,879	2,879
Unrealized gain (loss) on investment	-	546,168	-	546,168
Gain/(Loss) on disposal of assets	-	-	10,560	10,560
Interest expense	-	(510,496)	(62,293)	(572,789)
Finance and wire fees	-	(805)	-	(805)
Franchise fees expense	-	-	(28,098)	(28,098)
Special projects expense	(8,725)	-	-	(8,725)
Total nonoperating revenues (expenses)	(8,724)	3,447,045	320,377	3,758,698
Income (loss) before transfers	(77,478)	3,447,045	141,137	3,510,704
Transfers in (out)	115,000	-	(115,000)	-
Changes in net position	37,522	3,447,045	26,137	3,510,704
Net position, beginning of year	119,053	11,173,856	16,021,052	27,313,961
Net position, end of 1st quarter	\$ 156,575	\$ 14,620,901	\$ 16,047,189	\$ 30,824,665

RIVERBEND WATER RESOURCES DISTRICT

SUPPLEMENTARY INFORMATION BUDGETARY COMPARISON SCHEDULE REGIONAL WATER SYSTEM ADMINISTRATION FOR THE THREE MONTHS ENDED DECEMBER 31, 2023

	<i>Budget</i>	<i>Actual</i>	<i>Variance with Budget</i>	<i>% of Budget</i>
OPERATING REVENUES				
Charges for services	\$ 221,158	\$ 54,148	\$ (167,010)	24.48%
Total operating revenues	221,158	54,148	(167,010)	24.48%
OPERATING EXPENSES				
Advertising	1,200	-	1,200	0.00%
Accounting & audit	5,000	3,420	1,580	68.40%
Community relations	8,000	3,649	4,351	45.61%
Conferences & seminars	4,700	-	4,700	0.00%
Consulting	200,000	46,558	153,442	23.28%
Dues & memberships	9,083	2,844	6,239	31.31%
Engineering services	20,000	-	20,000	0.00%
Legal & professional fees	27,500	3,087	24,413	11.23%
Meetings expense	6,000	2,430	3,570	40.50%
Military affairs	11,000	2,750	8,250	25.00%
Miscellaneous	100			
Office supplies & expense	4,100	455	3,645	11.10%
Regional planning projects	60,000	-	60,000	0.00%
Salaries, wages & benefits	186,376	55,615	130,761	29.84%
Travel & training	18,000	1,914	16,086	10.63%
Web design & maintenance	4,000	180	3,820	4.50%
Total operating expenses	565,059	122,902	442,057	21.75%
NONOPERATING REVENUES (EXPENSES)				
Interest revenue	100	1	(99)	1.00%
Special projects expense	(50,000)	(8,725)	41,275	17.45%
Total nonoperating revenues (expenses)	(49,900)	(8,724)	41,176	-17.48%
Income (loss) before transfers	(393,801)	(77,478)	(316,223)	19.67%
Transfer in	230,000	115,000	(115,000)	50.00%
Use of prior year equity	119,053	-	(119,053)	0.00%
Additional transfer in if necessary	44,748	-	44,748	0.00%
Change in net position	(119,053)	37,522	(386,475)	69.67%
Net position, beginning of year	119,053	119,053	-	100.00%
Net position, end of 1st quarter	\$ -	\$ 156,575	\$ (386,475)	

RIVERBEND WATER RESOURCES DISTRICT

SUPPLEMENTARY INFORMATION BUDGETARY COMPARISON SCHEDULE REGIONAL WATER SYSTEM FACILITIES FUND FOR THE THREE MONTHS ENDED DECEMBER 31, 2023

	<i>Budget</i>	<i>Actual</i>	<i>Variance with Budget</i>	<i>% of Budget</i>
OPERATING REVENUES				
Charges for services	\$ -	\$ -	\$ -	
Total operating revenues	-	-	-	
OPERATING EXPENSES				
Expenses	-	-	-	
Total operating expenses	-	-	-	
Operating income (loss)	-	-	-	
NONOPERATING REVENUES (EXPENSES)				
Minimum monthly payments	8,617,448	2,379,349	(6,238,099)	27.61%
Interest Revenue	1,385,180	1,032,829	(352,351)	74.56%
Interest Expense	(2,104,132)	(510,496)	1,593,636	24.26%
Finance and wire fees	(2,000)	(805)	1,195	40.25%
Unrealized Gain/(Loss) on Investments	-	546,168	546,168	
Bond Issuance Costs	(1,492,000)	-	1,492,000	0.00%
Total nonoperating revenues (expenses)	6,404,496	3,447,045	(2,957,451)	53.82%
Change in net position before transfers	6,404,496	3,447,045	(2,957,451)	53.82%
Net position, beginning of year	\$ 11,173,856	11,173,856	-	100.00%
Net position, end of 1st quarter	\$ 17,578,352	\$ 14,620,901	\$ (2,957,451)	83.18%

RIVERBEND WATER RESOURCES DISTRICT**SUPPLEMENTARY INFORMATION****COMPARISON SCHEDULE****WET UTILITIES FUND****FOR THE THREE MONTHS ENDED DECEMBER 31, 2023**

	<i><u>Budget</u></i>	<i><u>Actual</u></i>	<i><u>Variance with Budget</u></i>	<i><u>% of Budget</u></i>
OPERATING REVENUES				
Charges for services	\$ 3,936,106	\$ 968,566	\$ (2,967,540)	24.61%
Other revenue	4,000	4,355	355	108.88%
Total operating revenues	<u>3,940,106</u>	<u>972,921</u>	<u>(2,967,185)</u>	<u>24.69%</u>
OPERATING EXPENSES				
Accounting and audit	23,000	15,580	7,420	67.74%
Analytical	150,000	38,701	111,299	25.80%
Capital replacement	270,000	32,621	237,379	12.08%
Consulting	60,000	-	60,000	0.00%
Equipment maintenance, repair & fuel	52,000	11,682	40,318	22.47%
Equipment rental	11,000	-	11,000	0.00%
Insurance	70,239	17,808	52,431	25.35%
Materials	253,200	57,447	195,753	22.69%
Miscellaneous	2,000	-	2,000	0.00%
Permits	50,500	15,872	34,628	31.43%
Repairs	280,500	20,026	260,474	7.14%
Salaries, wages, payroll taxes & benefits	1,186,390	311,933	874,457	26.29%
Supplies & materials	79,100	9,246	69,854	11.69%
Utilities	198,000	49,660	148,340	25.08%
Waste disposal	56,000	5,261	50,739	9.39%
Water purchase cost	322,000	104,731	217,269	32.53%
Infrastructure services	123,181	38,344	84,837	31.13%
Overhead allocation - water	197,225	64,489	132,736	32.70%
Overhead allocation - wastewater	214,362	70,092	144,270	32.70%
Overhead allocation - industrial wastewater	216,119	70,668	145,451	32.70%
Total operating expenses	<u>3,814,816</u>	<u>934,161</u>	<u>2,873,235</u>	<u>24.49%</u>
Operating income (loss) before depreciation	125,290	38,760	(86,530)	30.94%
Depreciation	<u>844,500</u>	<u>218,000</u>	<u>626,500</u>	<u>25.81%</u>
Operating income (loss)	<u>(719,210)</u>	<u>(179,240)</u>	<u>539,970</u>	<u>-24.92%</u>
NONOPERATING REVENUES (EXPENSES)				
Facility charges revenues	1,504,031	363,671	(1,140,360)	24.18%
Interest revenue	84,600	33,658	(50,942)	39.78%
Project Admin Fees	18,321	2,879	(15,442)	15.71%
Gain/(Loss) on disposal of assets	-	10,560	10,560	
Interest expense	(254,786)	(62,293)	192,493	24.45%
Franchise fees expense	<u>(106,717)</u>	<u>(28,098)</u>	<u>78,619</u>	<u>26.33%</u>
Total nonoperating revenues (expenses)	<u>1,245,449</u>	<u>320,377</u>	<u>(925,072)</u>	<u>25.72%</u>
Income (loss) before transfers	526,239	141,137	(385,102)	26.82%
Transfers in (out)	<u>(230,000)</u>	<u>(115,000)</u>	<u>115,000</u>	<u>50.00%</u>
Change in net position	296,239	26,137	(270,102)	8.82%
Net position, beginning of year	<u>16,021,052</u>	<u>16,021,052</u>	<u>-</u>	<u>100.00%</u>
Net position, end of 1st quarter	<u>\$ 16,317,291</u>	<u>\$ 16,047,189</u>	<u>\$ (270,102)</u>	<u>98.34%</u>

RIVERBEND WATER RESOURCES DISTRICT**COMPARATIVE STATEMENT OF REVENUES, EXPENSES, AND CHANGE IN NET POSITION
WATER SYSTEM ADMINISTRATION
FOR THE THREE MONTHS ENDED DECEMBER 31, 2023**

	<i>December 31, 2023</i>	<i>December 31, 2022</i>	<i>\$ Change</i>	<i>% Change</i>
OPERATING REVENUES				
Charges for services:				
Member fees	\$ 54,148	\$ 47,735	\$ 6,413	13.43%
Total operating revenues	54,148	47,735	6,413	13.43%
OPERATING EXPENSES				
Accounting & audit	3,420	-	3,420	
Community relations	3,649	1,148	2,501	217.86%
Consulting	46,558	45,000	1,558	3.46%
Dues & memberships	2,844	3,667	(823)	-22.44%
Legal & professional fees	3,087	-	3,087	
Meetings expense	2,430	2,339	91	3.89%
Military affairs	2,750	-	2,750	
Office supplies and expense	455	448	7	1.56%
Salaries, wages, payroll taxes & benefits	55,615	46,214	9,401	20.34%
Travel & training	1,914	3,191	(1,277)	-40.02%
Web design & maintenance	180	830	(650)	-78.31%
Total operating expenses	122,902	102,837	20,065	19.51%
Operating income (loss) before depreciation	(68,754)	(55,102)	(13,652)	-24.78%
Depreciation	-	-	-	
Operating income (loss)	(68,754)	(55,102)	(13,652)	24.78%
NONOPERATING REVENUES (EXPENSES)				
Interest revenue	1	23	(22)	-95.65%
Special projects expense	(8,725)	(3,500)	(5,225)	149.29%
Total nonoperating revenues (expenses)	(8,724)	(3,477)	(5,247)	-150.91%
Income (loss) before transfers	(77,478)	(58,579)	(18,899)	-32.26%
Transfers in (out)	115,000	115,000	-	-
Change in net position	37,522	56,421	(18,899)	33.50%
Net position, beginning of year	119,053	121,417	(2,364)	-1.95%
Net position, end of 1st quarter	\$ 156,575	\$ 177,838	\$ (21,263)	-11.96%

RIVERBEND WATER RESOURCES DISTRICT**COMPARATIVE STATEMENT OF REVENUES, EXPENSES, AND CHANGE IN NET POSITION
REGIONAL WATER SYSTEM FACILITIES FUND
FOR THE THREE MONTHS ENDED DECEMBER 31, 2023**

	<i>December 31, 2023</i>	<i>December 31, 2022</i>	<i>\$ Change</i>	<i>% Change</i>
OPERATING REVENUES				
Charges for services:	-	-	-	
Total operating revenues	-	-	-	
OPERATING EXPENSES				
Regional Water System capital outlay	-	-	-	
Total operating expenses	-	-	-	
Operating income (loss) before bond proceeds	-	-	-	
Bond Proceeds	-	-	-	
Operating income (loss)	-	-	-	-
NONOPERATING REVENUES (EXPENSES)			-	
Minimum monthly payments	2,379,349	1,109,752	1,269,597	114.40%
Interest Revenue	1,032,829	416,054	616,775	148.24%
Unrealized gain (loss) on investment	546,168	94,617	451,551	477.24%
Interest Expense	(510,496)	(388,946)	(121,550)	31.25%
Finance and wire fees	(805)	-	(805)	
Total nonoperating revenues (expenses)	3,447,045	1,231,477	2,215,568	179.91%
Income (loss) before capital contributions and transfers	3,447,045	1,231,477	2,215,568	179.91%
Transfers in (out)	-	-	-	0.00%
Net position, beginning of year	11,173,856	5,264,060	5,909,796	112.27%
Net position, end of 1st quarter	<u>\$ 14,620,901</u>	<u>\$ 6,495,537</u>	<u>\$ 8,125,364</u>	<u>125.09%</u>

RIVERBEND WATER RESOURCES DISTRICT**COMPARATIVE STATEMENT OF REVENUES, EXPENSES, AND CHANGE IN NET POSITION
WET UTILITIES FUND
FOR THE THREE MONTHS ENDED DECEMBER 31, 2023**

	<u>December 31, 2023</u>	<u>December 31, 2022</u>	<u>\$ Change</u>	<u>% Change</u>
OPERATING REVENUES				
Charges for services:				
Army volumetric charge	\$ 827,043	\$ 768,688	\$ 58,355	7.59%
Army water supply charge	62,550	64,327	(1,777)	-2.76%
Commercial & residential charge	45,766	45,902	(136)	-0.30%
Infrastructure services	33,207	25,670	7,537	29.36%
Other revenue	4,355	1,575	2,780	176.51%
Total operating revenues	<u>972,921</u>	<u>906,162</u>	<u>66,759</u>	<u>7.37%</u>
OPERATING EXPENSES				
Accounting and audit	15,580	-	15,580	
Analyticals	38,701	27,609	11,092	40.18%
Capital Replacment	32,621	1,305	31,316	2399.69%
Equipment maintenance, repair & fuel	11,682	8,628	3,054	35.40%
Insurance	17,808	13,783	4,025	29.20%
Materials	57,447	59,383	(1,936)	-3.26%
Permits	15,872	20,036	(4,164)	-20.78%
Repairs	20,026	59,049	(39,023)	-66.09%
Salaries, wages, payroll taxes & benefits	311,933	256,351	55,582	21.68%
Supplies & materials	9,246	16,507	(7,261)	-43.99%
Utilities	49,660	40,910	8,750	21.39%
Waste disposal	5,261	5,682	(421)	-7.41%
Water purchase cost	104,731	71,853	32,878	45.76%
Infrastructure services	38,344	24,977	13,367	53.52%
Overhead allocation - water	64,489	56,531	7,958	14.08%
Overhead allocation - wastewater	70,092	61,443	8,649	14.08%
Overhead allocation - industrial wastewater	70,668	61,947	8,721	14.08%
Total operating expenses	<u>934,161</u>	<u>785,994</u>	<u>132,587</u>	<u>16.87%</u>
Operating income (loss) before depreciation	38,760	120,168	(81,408)	-67.75%
Depreciation	218,000	210,467	7,533	3.58%
Operating income (loss)	<u>(179,240)</u>	<u>(90,299)</u>	<u>(88,941)</u>	<u>98.50%</u>
NONOPERATING REVENUES (EXPENSES)				
Facility charges revenue	363,671	363,349	322	0.09%
Interest revenue	33,658	7,079	26,579	375.46%
Project admin fees	2,879	4,180	(1,301)	-31.12%
Interest expense	(62,293)	(67,753)	5,460	-8.06%
Gain/(Loss) on disposal of assets	10,560	-	10,560	
Franchise fees expense	(28,098)	(26,415)	(1,683)	6.37%
Total nonoperating revenues (expenses)	<u>320,377</u>	<u>280,440</u>	<u>39,937</u>	<u>14.24%</u>
Income (loss) before transfers	141,137	190,141	(49,004)	-25.77%
Transfers in (out)	<u>(115,000)</u>	<u>(115,000)</u>	<u>-</u>	<u>0.00%</u>
Change in net position	26,137	75,141	(49,004)	-65.22%
Net position, beginning of year	<u>16,021,052</u>	<u>14,917,818</u>	<u>1,103,234</u>	<u>7.40%</u>
Net position, end of 1st quarter	<u>\$ 16,047,189</u>	<u>\$ 14,992,959</u>	<u>\$ 1,054,230</u>	<u>7.03%</u>

**REGULAR CALLED MEETING
RIVERBEND WATER RESOURCES DISTRICT
WEDNESDAY, FEBRUARY 28, 2024**

**AGENDA ITEM VI. B.
RWRD RESO 20240228-02
FY 2024 First Quarter
Investment Report**



RIVERBEND RESOLUTION NO. 20240228-02

APPROVING THE FIRST QUARTER FY 2024 INVESTMENT REPORT

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; and

WHEREAS, Riverbend Water Resources District has adopted an Investment Policy as required by law to manage the funds of Riverbend Water Resources District; and

WHEREAS, the Investment Policy Reporting Section XIII requires that the Investment Officer prepare and sign a quarterly investment report that includes activity on all interest-bearing accounts held by Riverbend Water Resources District.

NOW, THEREFORE, BE IT RESOLVED that the Riverbend Water Resources District accepts and approves the First Quarter FY 2024 Investment Report.

PASSED and APPROVED this 28th day of February 2024

Steve Mayo, President

ATTEST:

Tina Veal Gooch, Secretary



Attached: First Quarter FY 2024 Investment Report

RIVERBEND WATER RESOURCES DISTRICT

SCHEDULE OF INVESTMENTS

ENTERPRISE FUNDS

For the Three Months Ended December 31, 2023

Funds	Identification Number	Maturity Date	Balance 09/30/2023	Interest Income 12/31/2023	Transfers In/(Out) Per Policy	Net Deposits/ Withdrawals	Balance 12/31/2023	Accrued Int Rec 12/31/2023
Administrative Fund								
Operations	50003704	Daily checking	\$ 88,190	\$ -	\$ 115,000	(76,164)	\$ 127,026	\$ -
Restricted - Region D Planning	8009740	Money Market	82,818	-	-	72	82,890	-
Operations	457060	Daily savings	3,588	1	-	1,436	5,024	-
Wet Utilities Fund								
Operations	21695	Daily checking	1,495,901	-	(625,777)	(101,177)	768,947	-
Restricted bond sinking	21709	Daily checking	3,133,822	22,283	520,754	(542,782)	3,134,077	-
Restricted bond reserves	21217	Daily checking	610,628	4,550	(3,994)	-	611,184	-
Restricted construction funds	21741	Daily checking	20,055	75	(57)	-	20,073	-
Restricted operations	21733	Money Market	905,911	6,750	(5,926)	-	906,735	-
Regional Water System Facilities Fund								
Restricted - Minimum Monthly Payments	3011380	Daily Savings	363,429	41	(1,611,413)	2,050,621	802,678	-
Restricted - 2020A Construction	2037890	Money Market	555	1	218,057	(218,087)	526	-
Restricted - 2020B Construction	50022709	Money Market	1,006	9	377,956	(378,031)	940	-
Restricted - 2020A Revenue	8009732	Money Market	1,328,267	1,530	762,551	204,296	2,296,644	-
Restricted - 2020B Revenue	8009716	Money Market	1,995,804	1,989	501,416	143,150	2,642,359	-
Restricted - 2020A Interest & Redemption	8009813	Money Market	3,433,906	1,156	-	(2,399,159)	1,035,903	-
Restricted - 2020B Interest & Redemption	8009724	Money Market	1,640,644	261	-	(1,526,430)	114,475	-
Restricted - 2020A Construction Escrow	82-4416-01-0	Bot Short-Term Cash Fund	973,109	12,430	(13,761)	(15,841)	955,937	4,144
Restricted - 2020B Construction Escrow	82-4405-01-3	Bot Short-Term Cash Fund	2,486,912	32,135	(2,713)	(536)	2,515,798	10,876
Restricted - 2022A Construction Escrow	82-5428-01-4	Bot Short-Term Cash Fund	12,601,470	197,162	-	4,031,636	16,830,268	72,749
Restricted - 2022B Construction Escrow	82-5429-01-2	Bot Short-Term Cash Fund	9,469,701	143,364	(232,093)	2,688,424	12,069,396	52,253
Restricted - 2023A Construction Escrow	82-6356-01-6	Bot Short-Term Cash Fund	8,197,157	105,957	-	(1,801)	8,301,313	35,882
Restricted - 2023B Construction Escrow	82-6357-01-4	Bot Short-Term Cash Fund	5,766,367	74,537	-	(1,266)	5,839,638	25,242
Restricted - 2022A Construction Escrow	82-5428-01-4	U.S. Treasury Notes	41,035,496	280,205	-	(3,645,560)	37,670,141	254,177
Restricted - 2022B Construction Escrow	82-5429-01-2	U.S. Treasury Notes	27,357,329	182,052	-	(2,425,619)	25,113,762	164,703
Total - All Funds			<u>\$ 122,992,065</u>	<u>\$ 1,066,488</u>	<u>\$ -</u>	<u>\$ 3,861,428</u>	<u>\$ 121,845,734</u>	<u>\$ 620,025</u>

The investment schedule of Riverbend Water Resources District is in compliance with the Public Funds Investment Act and the District's Investment Policy.



Tara Houck, CPA
Chief Financial Officer

**REGULAR CALLED MEETING
RIVERBEND WATER RESOURCES DISTRICT
WEDNESDAY, FEBRUARY 28, 2024**

**AGENDA ITEM VI. C.
RWRD RESO 20240228-03
TWCA Risk Management**



RIVERBEND RESOLUTION NO. 20240228-03

**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 28th day of February 2024

Steve Mayo, President

ATTEST:

Tina Veal Gooch, Secretary

Attached: TWCA Risk Management Renewal Forms



**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, 2024

This Supplement Expires: June 30, 2025

Contract Number: **159**

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

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 2024-2025 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: _____



BBR Application

Fund Year 2024-2025

1. Member Number: _____
2. Member Name: _____
3. Privacy Policy – Is the Applicant in compliance with its privacy policy? ☐Y ☐N
If NO, please add a note covering details regarding such non-compliance: _____

4. Credit Cards – Does the Applicant accept credit cards for goods sold or services rendered? ☐Y ☐N
If YES, does the Applicant accepts credit cards is it compliant with applicable data security standards? ☐Y ☐N
5. Third Party – Does the Applicant require third parties with which is shares personally identifiable/ confidential information to indemnify the Applicant for legal liability arising out of the release of such information due to the fault or negligence of the third party? ☐Y ☐N
6. Loss of Personal Information - Is the Applicant aware of any release, loss or disclosure of personally identifiable information in its care, custody or control, or anyone holding such information on behalf of the Applicant in the most recent three-year time period from date of this Application? ☐Y ☐N
If YES, please describe. _____

7. Training - Does the Applicant conduct training for every employee user of the information systems in security issues and procedures for its computer systems? ☐Y ☐N
8. Computer Access –
A) “Do you enforce Multi-Factor Authentication (MFA) for all user accounts when accessing your network remotely? Please note any exceptions in a comments section on the form or attach to the application? ☐Y ☐N
B) Do you enforce MFA for all access to web-based E-Mail”? ☐Y ☐N
9. Back up - Is all valuable/ sensitive data backed-up by the Applicant on a daily basis? ☐Y ☐N
10. Security Products –
A) Do you use an Endpoint Protection (EPP) product across your enterprise? ☐Y ☐N
B) Do you use an Endpoint Detection and Response (EDR) product across your enterprise? ☐Y ☐N
☐N
11. Software Update - Does the Applicant enforce a software update process including installation of software "patches"? ☒Y ☐N
12. Known Intrusions - Has the Applicant suffered any know intrusions (*i.e.*, unauthorized access or security breach) or denial of service attacks relating to its computer systems in the most recent three years from date of this Application? ☐Y ☐N
If YES, please describe any such intrusions or attacks, including any damage caused by any such intrusions, including lost time, lost business income, or costs to repair any damage to systems or to reconstruct data or software, describe the damage that occurred, and state value of any lost time, income and the costs of any repair or reconstruction. _____

Print Name: _____

Signature: _____

Date: _____

**REGULAR CALLED MEETING
RIVERBEND WATER RESOURCES DISTRICT
WEDNESDAY, FEBRUARY 28, 2024**

**AGENDA ITEM VI. D.
RWRD RESO 20240228-04
Water Conservation Plan
Drought Contingency Plan**



RIVERBEND RESOLUTION NO. 20240228-04

APPROVAL OF UPDATES TO THE WATER CONSERVATION PLAN AND THE DROUGHT CONTINGENCY PLAN OF RIVERBEND WATER RESOURCES DISTRICT

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; and

WHEREAS, Texas Water Development Board requires certain entities to have a Water Conservation Plan and to report on the implementation of its plan when utilized and Texas Commission on Environmental Quality requires certain entities to have a Drought Contingency Plan and to report on the implementation of its conservation plan; and

WHEREAS, Riverbend Water Resources District has reviewed and approved its Water Conservation Plan on an annual basis beginning September 17, 2015 and reviewed and approved a Drought Contingency Plan on an annual basis beginning August 9, 2017; and

WHEREAS, Riverbend Water Resources District desires to review and update accordingly, its Water Conservation Plan and its Drought Contingency Plan.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Riverbend Water Resources District hereby adopts updates to the Water Conservation Plan and the Drought Contingency Plan.

PASSED and APPROVED this 28th day of February 2024

Steve Mayo, President

ATTEST:

Tina Veal Gooch, Secretary

Attached: Water Conservation Plan
Drought Contingency Plan





Riverbend

Water Resources District

WATER CONSERVATION PLAN

RIVERBEND WATER RESOURCES DISTRICT UTILITY DISTRICT

NEW BOSTON, TX

228A Texas Avenue
New Boston, Texas 75570

February 2024

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FOREWORD

Declaration of Policy, Purpose, and Intent

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the Riverbend Water Resources District (“Riverbend”) hereby adopts the following regulations and restrictions on the delivery and consumption of water through a resolution. Water uses regulated or prohibited under this Water Conservation Plan (the Plan) are essential.

Solicitation of Public Input

Riverbend will periodically schedule public meetings to solicit input about the Plan. Information on the time and place of the meeting will be disseminated by means of utility bill inserts, by posting notice of the meeting at the Riverbend’s office, publishing in the local newspaper, and/or posting on www.rwr.org.

Public Education

Riverbend will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of public events and utility bill inserts.

Application

The provisions of this Plan shall apply to all persons, customers, and property using water provided by Riverbend. The terms “person” and “customer” as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

A. CURRENT AND NEAR-TERM WATER CONSERVATION PLAN

1. Background

The Red River Army Depot (“RRAD”) is located in Bowie County, Texas approximately 17 miles west of Texarkana and comprises 19,000 acres, of which 9,000 acres are used for ammunition storage with the bulk of the land devoted to recreation, training and forest. The RRAD site has 720 buildings and 702 ammunition storage igloos, which enclose over 8 million square feet of space. The major industrial operations of RRAD include maintenance, repair, and overhaul of major weapon systems and components.

The Riverbend Water Resources District (“Riverbend”) is a special district created under Chapter 9601 of the Special District Local Laws Code of the State of Texas, which currently serves RRAD and approximately 75 retail and commercial customers. The District is comprised of 18 Member Entities, including the cities of Annona, Atlanta, Avery, DeKalb, Hooks, Leary, Maud, Nash, New Boston, Redwater, Texarkana, Texas, Wake Village, Central Bowie County Water Supply Corporation, Oak Grove Water Supply Corporation, TexAmericas Center, as well as the counties of Bowie, Cass, and Red River. These Member Entities pay a fee to the District to provide governance structure for water resources that represent the region through oversight of regional water contracts, to supervise regional water infrastructure issues facing the area, and to protect the ownership and distribution of water resources in the region by serving a primary role in the negotiations for water supply storage and sales in Lake Wright Patman. This document serves as the Water Conservation Plan for the District.

Riverbend wet utilities consist of an Industrial Wastewater Treatment Plant (IWWTP), a Sanitary Wastewater Treatment Plant, and a Water Distribution System (WDS) in which we purchase water from Texarkana Water Utilities. The water distribution system and sanitary treatment plant were constructed in the early 1940’s and the IWWTP was constructed in 1980.

2. Utility Profile

Prior to the transfer of assets to Riverbend, the WDS, IWWTP and Sanitary Wastewater Treatment Plant were owned and operated by TexAmericas Center. Since approximately 95 percent of the current water usage is used by RRAD, many of the questions in the Utility Profile are not applicable.

3. Conservation Goals – Current and Five-Year Plan

Riverbend has and will continue to conserve water via programs outlined in this Plan. The five-year conservation goal of Riverbend provides for the following measures:

- a) Set a goal of 150 gpcd for total gpcd by means of education and installation of water saving devices;
- b) Strive to achieve a 50 gpcd of indoor use for residential customers in both single and multi-family units by means of education and installation of water saving devices;
- c) Work with RRAD personnel to install water meters on selected water service lines;
- d) Achieve and maintain water loss of under 15% of production;
- e) Promote awareness of water conservation initiatives (citizen/corporate education);
- f) Educate users in flow reduction and minimization techniques;
- g) Monitor water conservation progress toward established goals;
- h) Readjust water conservation goals as needed;
- i) Improve record keeping procedures to better track water production numbers, residential water use, commercial water use, and water use by RRAD to help reduce the volume of unaccounted for water; and
- j) Upgrade and repair existing distribution system to help reduce water loss through leaks.

4. Conservation Goals – Ten-Year Plan

In conjunction with implementation of the Five-Year Plan, Riverbend also institutes a ten-year plan that will establish the following system goals:

- a) Achieve and maintain water loss of under 10% of production by means of upgrading and replacing water system piping and components;
- b) Work with RRAD personnel to test/replace water meters on selected water service lines;

- c) Coordinate with RRAD to reduce RRAD industrial water use by 5% by means of upgrading equipment and processes to more modern systems;
- d) Continue to promote awareness of water conservation initiatives (citizen/corporate education); and
- e) Continue to educate users in flow reduction and minimization techniques.

B. LONG-TERM WATER CONSERVATION PLAN

This Water Conservation Plan includes provisions for reducing unaccounted for water, testing, and repair of meters and the distribution system, as well as determining rate structures, and educating users about water conservation.

1. Unaccounted-For Water

Riverbend practices the following measures to determine and control unaccounted for uses of water:

- a) Riverbend water treatment plant operation's staff follow standard operating procedures which include observations of daily water usage to identify any abnormalities that may indicate the existence of water system leaks;
- b) Riverbend personnel and meter readers make visual observations on a regular basis throughout the Riverbend's service area to check for system leaks;
- c) Riverbend accounting staff review printouts of meter readings for abnormalities that may indicate possible leaks or malfunctions; and
- d) Leaks are identified and repaired promptly.

2. Meter Testing & Repair

Metering all water services is an effective means of improving and maintaining control of water system operations and provides the basis for efficient and equitable cost recovery. Metering provides a database for system performance monitoring, for planning future facilities, and for assessing the effects of water conservation measures. Metering also improves accountability for both water deliveries and for unaccounted water losses. The District meters all water accounts with the exception of water used by the RRAD facilities. All water meters used meet AWWA standards for accuracy (plus or minus 5.0%)

Riverbend meters the quantity of water that is delivered to each residential and commercial customer (RRAD facilities excluded). Meters are read and the

quantities are recorded once per month, with billings made monthly to residential and commercial customers.

Periodic testing, repair, and/or change-out of meters are essential to an effective metering program. Meters are tested on a regular basis and meters found to be performing outside accepted parameters for accuracy (plus or minus 5.0%) will be repaired or replaced as required.

Riverbend will institute procedures to improve accounting for unmetered water losses resulting from RRAD usage, flushing of water mains, fire-fighting, and main breaks. These procedures should help Riverbend to better estimate actual water losses due to leakage.

Riverbend will endeavor to work jointly with RRAD to monitor and reduce water consumption at some of the major Army facilities on the Base. This may include the voluntary installation of meters by the RRAD and evaluation/upgrade of plumbing to high efficiency models.

3. Distribution System Maintenance

The next sections detail the measures that Riverbend has implemented or will implement to help determine and control unaccounted-for water:

3.1 Leak Detection

The water distribution system is under continuous visual inspection for leaks by Riverbend personnel as well as by users. Reported leaks are addressed immediately. A Leak Detection Audit is also performed every 3 years system wide by an outside contractor.

3.2 Repairs

Riverbend requires all new water facilities to be built to strict specifications which are inspected by Riverbend personnel during construction to ensure quality workmanship and materials before the system is accepted for permanent maintenance by Riverbend.

3.3 Pressure

Riverbend will monitor and control pressures in the distribution system such that excessive pressure does not cause pipeline breaks and water loss. Pressure monitoring will become part of the routine distribution system maintenance program.

4. Water Rate Structure

The following tables (2-1 through 2-3) outline the water rate structure for Riverbend's residential and commercial users (Effective 01 Jan 2003). RRAD currently accounts for greater than 95% percent usage on water and sewer. Fees for the RRAD are negotiated independently from public user fees.

Table 4-1 Wet Utility Rates

RIVERBEND WATER RESOURCES DISTRICT									
WATER/SEWER RATE SCHEDULE									
APPROVED RATES - EFFECTIVE MAY 1, 2019									
					Commercial Sewer Only	Commercial Water/Sewer	Private Water/Sewer	Private 1" Sprinkler	Commercial Hydrant/Water
Standard Water Rate (\$/1000)						\$6.50	\$3.50	\$3.50	
Standard Sewer Rate (\$/1000)					\$7.00	\$7.00	\$7.00		
Facility Charge									
	Water					\$3.25	\$2.75	\$2.50	
	Wastewater				\$3.25	\$3.25	\$2.75		
Total Charge					\$10.25	\$20.00 (\$/1000)	\$16.00 (\$/1000)	\$6.00 (\$/1000)	\$9.75
Fixed Minimum Charge					\$20.00	\$35.00	\$20.00	\$10.00	\$15.00
	Water Rate					\$10.00	\$7.00	\$7.00	\$10.00
	Sewer Rate				\$15.00	\$15.00	\$10.00		
	Facility Charge Water					\$5.00	\$1.50	\$3.00	\$5.00
	Facility Charge Wastewater				\$5.00	\$5.00	\$1.50		
Backflow Device Annual Calibration*					\$75.00				
Customer Service Inspection**					\$85.00				
<p>*The TCEQ requires an annual back flow calibration. You may have it done on your own or Riverbend can assist you. Riverbend's fee for this service is \$75. If you choose to have the calibration done on your own, Riverbend is required to have a certificate on file. If Riverbend does not receive that certificate on file at least 20 days before your annual calibration is due, Riverbend will complete the calibration for you and the fee will be added to your following months' water and sewer invoice.</p> <p>** The TCEQ requires a Customer Service Inspection for all new connections/water meters. This is to prevent cross connections from contaminating the water distribution system. Riverbend is required to have a certificate of inspection on file. The service inspection has to be completed before water service can be turned on. The fee will be added to your first service invoice.</p>									
5/1/2019									

Table 4-2 Connection Fees

Fees	Water Use Categories	
	Private	Commercial
New Connection Fee	\$50.00	\$50.00
Reconnection Fee	\$50.00	\$50.00

Table 4-3 Tap Fees

Estimated Fees	Cost
Water Tap	
1-1/2"	\$957.05
2"	\$2,186.30
4"	Material + Labor Cost
6"	Material + Labor Cost
Sewer Tap	
4"	Material + Labor Cost
6"	Material + Labor Cost

5. Public Education

Riverbend will consider the following measures to educate the public regarding the benefits of water conservation.

5.1 Residential Users

Provide informational literature to existing residential customers along with billing statements to encourage reduction in water use. Literature will explain treatment costs and environmental impacts of excessive water use as well as simple ways to decrease day-to-day usage such as upgrades to high efficiency plumbing models.

5.2 Industrial/Commercial Users

Provide information literature to existing commercial customers to encourage reduction in overall water use, through conservation measures such as process water reuse, minimization, and plumbing upgrades.

5.3 Government Users

Use by RRAD accounts for a large percentage of the water produced by Riverbend. Riverbend will work closely with the RRAD to encourage the reduction of water use for non-essential military operations and improve water accounting of major water use facilities on the Army base.

5.4 Additional Education

As new programs or literature become available to Riverbend regarding water conservation and water treatment, Riverbend will, in turn, pass this information along to the water users to encourage their reduction of water consumption. Riverbend will also pass along information to its users regarding changes/upgrades to the water treatment/distribution system.

5.5 New Users

When new users begin using the Riverbend's water services, they will be provided with the appropriate informational literature detailing the Riverbend's policies/suggestions for water conservation upon request.

5.6 Wholesale Water Users

Wholesale water users are required to develop and implement a water conservation plan or water conservation measure using the applicable elements of Title 30 Texas Administrative Code (TAC) Chapter 288.



Riverbend

Water Resources District

DROUGHT CONTINGENCY PLAN

RIVERBEND WATER RESOURCES DISTRICT

NEW BOSTON. TX

228A Texas Avenue
New Boston, Texas 75570

CCN# 13201
PWS# 0190021

February 2024

Section I: Declaration of Policy, Purpose, and Intent

In order to conserve the available water supply and/or to protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, Riverbend Water Resources District adopts the following Drought Contingency Plan (the Plan).

Section II: Public Involvement

Opportunity for the public and wholesale water customers to provide input into the preparation of the Plan was provided by Riverbend Water Resources District by means of direct communication with member cities and the public.

Section III: Wholesale Water Customer Education

Riverbend Water Resources District will periodically provide wholesale water customers with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of providing a copy of the Plan to each customer either through monthly invoice and/or an e-mail to the customer.

Section IV: Coordination with Regional Water Planning Groups

The water service area of Riverbend Water Resources District is located within the TexAmericas Center footprint as well as Bowie, Red River, and Cass counties and Riverbend Water Resources District will be more than glad to provide a copy of the Plan to any customers or civilians who are interested within these counties.

Section V: Authorization

The Executive Director or his/her designee is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The Executive Director, or his/her designee, shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

Section VI: Application

The provisions of this Plan shall apply to all customers utilizing water provided by the Riverbend Water Resources District. The terms “person” and “customer” as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

Section VII: Criteria for Initiation and Termination of Drought Response Stages

The Executive Director, or his/her designee, shall monitor water supply and/or demand conditions on a (e.g., weekly, monthly) basis and shall determine when conditions warrant initiation or termination of each stage of the Plan. Customer notification of the initiation or termination of drought response stages will be made by mail or telephone. The news media will also be informed.

The triggering criteria described below are based on pumping capacities and volume of surface supply.

Stage 1 Triggers -- MILD Water Shortage Conditions

Requirements for initiation – Riverbend Water Resources District will recognize that a mild water shortage condition exists when for a period of **72** consecutive hours **85%** of pumping capacity is utilized or when the volume of surface supply is less than **50%** of capacity.

Requirements for termination - Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of **10** consecutive days. Riverbend Water Resources District will notify its wholesale customers and the media of the termination of Stage 1.

Stage 2 Triggers -- MODERATE Water Shortage Conditions

Requirements for initiation –Riverbend Water Resources District will recognize that a moderate water shortage condition exists when for a period of **72** consecutive hours **90%** of pumping capacity is utilized or when the volume of surface supply is less than **40%** of capacity.

Requirements for termination - Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of **10** consecutive days. Upon termination of Stage 2, Stage 1 becomes operative. Riverbend Water Resources District will notify its wholesale customers and the media of the termination of Stage 2.

Stage 3 Triggers -- SEVERE Water Shortage Conditions

Requirements for initiation – Riverbend Water Resources District will recognize that a severe water shortage condition exists when for a period of **72** consecutive hours **95%** of pumping capacity is utilized or when the volume of surface supply is less than **25%** of capacity.

Requirements for termination - Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of **10** consecutive days. Upon termination of Stage 3, Stage 2 becomes operative. Riverbend Water Resources District will notify its wholesale customers and the media of the termination of Stage 3.

Stage 4 Triggers -- CRITICAL Water Shortage Conditions

Requirements for initiation - Riverbend Water Resources District will recognize that an emergency water shortage condition exists when major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or natural or man-made contamination of the water supply source(s).

Requirements for termination - Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of **10** consecutive days. Riverbend Water Resources District will notify its wholesale customers and the media of the termination of Stage 4.

Section VIII: Drought Response Stages

The Executive Director, or his/her designee, shall monitor water supply and/or demand conditions and, in accordance with the triggering criteria set forth in Section VII, shall determine that mild, moderate, or severe water shortage conditions exist or that an emergency condition exists and shall implement the following actions:

Stage 1 Response -- MILD Water Shortage Conditions

Target: Achieve a voluntary 10 percent reduction in daily demand.

Best Management Practices for Supply Management:

Communication with customers to reduce daily demand.

Water Use Restrictions for Reducing Demand:

(a) The Executive Director, or his/her designee(s), will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate voluntary measures to reduce water use (e.g., implement Stage 1 or appropriate stage of the customer's drought contingency plan).

(b) The Executive Director, or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

Stage 2 Response -- MODERATE Water Shortage Conditions

Target: Achieve a 15 percent reduction in daily demand.

Best Management Practices for Supply Management:

Communicate with customers to reduce daily demand and utilize news media to inform and convince public to reduce demand. Pro-rata curtailment will be utilized.

Water Use Restrictions for Reducing Demand:

(a) The Executive Director, or his/her designee(s), will request wholesale water customers to initiate mandatory measures to reduce non-essential water use (e.g., implement Stage 2 or appropriate stage of the customer's drought contingency plan).

(b) The Executive Director, or his/her designee(s), will initiate weekly contact with wholesale water customers to discuss water supply and/or demand conditions and the possibility of pro rata curtailment of water diversions and/or deliveries.

(c) The Executive Director, or his/her designee(s), will further prepare for the implementation of pro rata curtailment of water diversions and/or deliveries by preparing a monthly water usage allocation baseline for each wholesale customer.

(d) The Executive Director, or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

Stage 3 Response -- SEVERE Water Shortage Conditions

Target: Achieve a 20 percent reduction in daily demand

Best Management Practices for Supply Management:

Communicate with customers to reduce daily demand and utilize news media to inform and convince public to reduce demand. Pro-rata curtailment will be utilized.

Water Use Restrictions for Reducing Demand:

- (a) The Executive Director, or his/her designee(s), will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate additional mandatory measures to reduce non-essential water use (e.g., implement Stage 3 or appropriate stage of the customer's drought contingency plan).
- (b) The Executive Director, or his/her designee(s), will initiate pro rata curtailment of water diversions and/or deliveries for each wholesale customer.
- (c) The Executive Director, or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

Stage 4 Response -- EMERGENCY Water Shortage Conditions

Whenever emergency water shortage conditions exist as defined in Section VII of the Plan, the Executive Director shall:

- 1. Assess the severity of the problem and identify the actions needed and time required to solve the problem.
- 2. Inform the utility director or other responsible official of each wholesale water customer by telephone or in person and suggest actions, as appropriate, to alleviate problems (e.g., notification of the public to reduce water use until service is restored).
- 3. If appropriate, notify city, county, and/or state emergency response officials for assistance.
- 4. Undertake necessary actions, including repairs and/or clean-up as needed.
- 5. Prepare a post-event assessment report on the incident and critique of emergency response procedures and actions.

Section IX: Pro Rata Water Allocation

In the event that the triggering criteria specified in Section VII of the Plan for Stage 3 – Severe Water Shortage Conditions have been met, the Executive Director is hereby authorized initiate allocation of water supplies on a pro rata basis in accordance with Texas Water Code, §11.039.

Section X: Contract Provisions

Riverbend Water Resources District will include a provision in every wholesale water contract entered into or renewed after adoption of the plan, including contract extensions, that in case of a shortage of water resulting from drought, the water to be distributed shall be divided in accordance with Texas Water Code, §11.039.

Section XI: Enforcement

Surcharge:

During any period when either mandatory water use restrictions or pro rata allocation of available water supplies are in effect, wholesale customers shall pay the following surcharges on excess water diversions and/or deliveries:

1.5 times the normal water charge per 1000 gallons for water diversions and/or deliveries in excess of the monthly allocation from 5 percent through 15 percent above the monthly allocation.

2 times the normal water charge per 1000 gallons for water diversions and/or more than 15 percent above the monthly allocation, to the extent legally permitted.

Fines and/or discontinuation of service:

Mandatory water use restrictions or pro rata allocation of available water supplies may be imposed during drought stages and emergency water management actions. These water use restrictions will be enforced by warnings and penalties as follows:

- On the first violation, customers will be notified by written notice that they have violated the mandatory water use restriction.
- If the first violation has not been corrected after ten (10) days from the written notice, Riverbend Water Resources District may assess a fine up to \$ 100 per violation.
- Riverbend Water Resources District may install a flow restricting device in the line to limit the amount of water which will pass through the meter in a 24-hour period. The utility may charge the customer for the actual cost of installing and removing the flow restricting device, not to exceed fifty dollars (\$50.00);
- Riverbend Water Resources District maintains the right, at any violation or action level, to disconnect irrigation systems and/or suspend water services to a customer for public safety issues with reconnection fees and possible citations.
- Subsequent violations of the plan shall result in increased fines or upon the occurrence of 3 violations, after notice, the discontinuation of services. Services discontinued under this provision shall be restored only upon payment of a reconnection fee and any other costs incurred by the utility in discontinuing service.

Section XII: Variances

The Executive Director, or his/her designee, may, in writing, grant a temporary variance to the pro rata water allocation policies provided by this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the public health, welfare, or safety and if one or more of the following conditions are met:

- (a) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.

- (b) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this Plan shall file a petition for variance with the Executive Director within 5 days after pro rata allocation has been invoked. All petitions for variances shall be reviewed by the Riverbend Water Resources District Board of Directors, and shall include the following:

- (a) Name and address of the petitioner(s).
- (b) Detailed statement with supporting data and information as to how the pro rata allocation of water under the policies and procedures established in the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
- (c) Description of the relief requested.
- (d) Period of time for which the variance is sought.
- (e) Alternative measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (f) Other pertinent information.

Variances granted by the Riverbend Water Resources District Board of Directors shall be subject to the following conditions, unless waived or modified by the Riverbend Water Resources District Board of Directors or its designee:

- (a) Variances granted shall include a timetable for compliance.
- (b) Variances granted shall expire when the Plan is no longer in effect unless the petitioner has failed to meet specified requirements.

No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

Section XIII: Severability

It is hereby declared to be the intention of the Riverbend Water Resources District Board of Directors) that the sections, paragraphs, sentences, clauses, and phrases of this Plan are severable and, if any phrase, clause, sentence, paragraph, or section of this Plan shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Plan, since the same would not have been enacted by the Riverbend Water Resources District Board of Directors without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.