

**Minutes of the
South Central Texas Regional Water Planning Group
November 5, 2015**

Chairman Con Mims called the meeting to order at 9:30 a.m. in the San Antonio Water System's (SAWS) Customer Service Building, Room CR 145, 2800 US Highway 281 North, San Antonio, Bexar County, Texas.

30 of the 30 voting members, or their alternates, were present.

Voting Members Present:

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| Tim Andruss | Dan Meyer |
| Donna Balin | Gary Middleton |
| Gene Camargo | Con Mims |
| Rey Chavez | Robert Puente |
| Alan Cockerell | Iliana Pena |
| Will Conley | Steve Ramsey |
| Don Dietzmann | David Roberts |
| Art Dohmann | Roland Ruiz |
| Jeremiah Leibowitz for Blair Fitzsimmons | Dianne Savage |
| Vic Hilderbran | Suzanne Scott |
| Kevin Janak | Greg Sengelmann |
| John Kight | Thomas Taggart |
| Russell Labus | Dianne Wassenich |
| Glenn Lord | Bill West |
| Doug McGooky | Adam Yablonski |

Voting Members Absent

Non-Voting Members Present:

Steve Ramos, TCEQ – South Texas Watermaster Specialists
Temple McKinnon, Texas Water Development Board (TWDB)
Ronald Fieseler, Region K Liaison

Non-Voting Members Absent:

Dan Hunter, Texas Department of Agriculture
Norman Boyd, Texas Department of Parks and Wildlife
Charles Wiedenfeld, Region J Liaison
Don McGhee, Region M Liason

AGENDA ITEM NO. 1: PUBLIC COMMENT

All public comments were related to Agenda Item 10 (Discussion and Appropriate Action on Whether to Reconsider the Vote Taken at the September 3, 2015, meeting on Removing the Cibolo Valley LGC Carrizo Projects from the 2016 Regional Water Plan as Recommended and Alternate Water Management Strategies). Therefore, Chairman Mims suggested moving all public comments to immediately preceding Agenda Item 10. No planning group members objected. *See Agenda Item 10 for public comments.*

AGENDA ITEM NO. 2: APPROVAL OF MINUTES FROM THE SOUTH CENTRAL REGIONAL WATER PLANNING GROUP'S MEETING ON SEPTEMBER 3, 2015

John Kight raised a point of concern regarding the record, saying that since the recording failed during a crucial vote, the planning group has no record of what occurred.

Dianne Wassenich advised moving the approval of the minutes to after Agenda Item 10 due to the circumstances surrounding a vote that was taken at the September 3, 2015, meeting (*see Agenda Item 9 on the minutes from September 3, 2015*). Since there was no recording of the vote that took place on September 3, 2015, and the vote did not garner a consensus, Mrs. Wassenich suggested that the planning group members may feel more comfortable approving the minutes after they reconsider the vote. Chairman Mims agreed. There were no objections. *See Agenda Item 2 following Agenda Item 10 below.*

AGENDA ITEM NO. 3: STATUS OF EDWARDS AQUIFER HABITAT CONSERVATION PLAN (HCP) – NATHAN PENCE, EXECUTIVE DIRECTOR EAHCP

No update was provided.

AGENDA ITEM NO. 4: STATUS OF GUADALUPE, SAN ANTONIO, MISSION, AND ARANSAS RIVERS AND MISSION, COPANO, ARANSAS, AND SAN ANTONIO BAYS BASIN AND BAY STAKEHOLDER COMMITTEE (BBASC) AND EXPERT SCIENCE TEAM (BBEST)

Suzanne Scott briefed the planning group on recent developments with respect to the BBASC, noting that the BBASC was in the process of choosing studies to continue funding from recent appropriations (appropriated during the 84th Legislature). A work group was chosen to develop a recommendation on how to allocate funds. The work group recommended continuing the funding of two studies, funding a new a study in the order prioritized below.

1. Focal species, blue crab and shrimp additional modeling (\$99,968) (continuation)
2. Instream flow studies, continued (TWDB \$215,000 / SARA contribution \$60,000 (continuation))
3. USGS flow and sediment loads at estuarine gauge (\$62,500) (new study)

Dianne Wassenich added that the total cost of the proposals were to be negotiated, and some components of the proposed studies may be reduced or taken out pending the negotiations.

AGENDA ITEM NO. 5: CHAIR'S REPORT

Chairman Mims had no report, but did have some comments for later on in the meeting (before Agenda Item 11).

AGENDA ITEM NO. 6: TEXAS WATER DEVELOPMENT BOARD (TWDB) COMMUNICATIONS

Temple McKinnon, Texas Water Development Board (TWDB), briefed the planning group on time-lines associated with the development of the regional water plans, the State Water Plan, and the SWIFT funding application process.

Ms. McKinnon informed the planning group that the regional water plans were due December 1, 2015, and shortly thereafter, would be presented to the TWDB Board of Directors for approval. The draft State Water Plan is anticipated to begin being developed upon the approval of the regional water plans, and should be in its final form summer 2016, following a public comment period.

Additionally, Ms. McKinnon noted that TWDB would accept applications for the next round of SWIFT funding beginning December 1, 2015 through February 5, 2016.

AGENDA ITEM NO. 7: DISCUSSION AND APPROPRIATE ACTION REGARDING CONSULTANTS WORK AND SCHEDULE

Brian Perkins, HDR Engineering, reported on the schedule for plan development highlighting upcoming planning group deadlines and target dates for completing tasks. December 1, 2015, is the deadline for the submission of the 2016 Regional Water Plan. Mr. Perkins noted that upon the approval of the 2016 Regional Water Plan, HDR would work on finishing touches and have the plan ready for submittal on December 1, 2015.

Mr. Perkins briefed the planning group on chapters that had been updated since April 2015. HDR inserted language into Chapter 8 concerning the 2021 Plan Enhancement Process, which was developed as a response to the public comments submitted after the unveiling of the 2016 Initially Prepared Plan. The language reads as follows:

2021 Plan Enhancement Process

In response to comments raised by members of the SCTRWPG and the public during the review of the Initially Prepared 2016 Regional Water Plan, the SCTRWPG has categorized strategic topic areas for discussion that will enable the group to improve its development of the 2021 Regional Water Plan. The process will be referenced as the 2021 Plan Enhancement Process. The topic areas to be discussed are listed in the September 3, 2015, report from the Public Comment and Plan Assessment Workgroup included as Appendix M. The 2021 Plan Enhancement Process will begin at the SCTRWPG's first meeting in 2016. Topics will be discussed as a group and actions will be taken, as needed, to document the direction and/or policy consensus reached by the SCTRWPG. The results from the 2021 Plan Enhancement Process will be used to guide the development of the next plan within the framework of state statute, TWDB rules, and state/local funding.

Mr. Perkins also briefed the planning group on the recently added Chapter 9, which addresses Water Infrastructure Funding Recommendations. Mr. Perkins reviewed the process by which HDR gathered the information for developing Chapter 9, and explained the Infrastructure Financing Report Surveys.

Mr. Perkins provided a quick overview of Chapter 10, which summarizes the adoption of the Regional Water Plan. Chapter 10 includes a list and explanation of the various workgroups used to resolve conflicts and, among other things, a description of coordination efforts with Water User Groups, Wholesale Water Providers, and other planning regions. Additionally, Chapter 10 describes the public participation, public hearings, and public comments components of the 2016 Regional Water Planning process.

Mr. Perkins added that some minor changes were made to the Facilities Expansions project due to recent coordination with Chairman Mims and Commissioner Conley. Specifically, revisions were

made to the Hays County Pipeline to better suit the needs of Hays County, and the wishes of the Hays County Commissioners Court (pursuant to the Hays County Water Plan).

Sam Vaughn, HDR Engineering, provided a brief summary of Socio-economic Impacts Analysis completed to assess the socio-economic impacts of not meeting particular projected needs.

AGENDA ITEM NO. 8: DISCUSSION AND APPROPRIATE ACTION AUTHORIZING THE SAN ANTONIO RIVER AUTHORITY (SARA) TO SUBMIT A WRITTEN REQUEST TO THE TEXAS WATER DEVELOPMENT BOARD (TWDB) TO MODIFY TASK AND EXPENSE BUDGET CATEGORIES IN ACCORDANCE WITH SARA'S AGREEMENT FOR PROFESSIONAL SERVICES WITH HDR ENGINEERING, INC.

Brian Perkins explained to the planning group, the terms of the San Antonio River Authority's (SARA) contract with the Texas Water Development Board (TWDB) (and subsequently SARA's contract with HDR) to develop the 2016 Regional Water Plan. TWDB budgets a set amount of funds to each task required for completion of the 2016 Regional Water Plan under the contract terms. While some latitude is given to the planning group in using those funds within in the budget, the contract requires planning group action to maneuver funds from one task – which is well within its task budget – to another task with an overage of an amount in excess of 35 percent.

The planning group and its contractor (HDR) exceeded the expense budget, surpassing the 35% threshold of total authorized funds designated by TWDB for the following budget categories:

1. Regional Water Planning (RWP) Task 10 (Accounting Item No. 8), regarding Regional Water Plan Adoption, and
2. RWP Task 9 (Account Item No. 16), regarding Infrastructure Financing Analysis.

Mr. Perkins continued, clarifying that the action being requested by SARA was for permission to issue a request to TWDB to modify the task and expense budget categories to cover excess expenses, asking that excess funds be transferred from the following RWP Tasks to RWP Task 10 and 9 (indicated above), as well as to RWP Task 8 (Account Item No. 15):

1. RWP Task 4D (Accounting Item No. 7) in the amount of \$25,138.58,
2. RWP Task 5 (Accounting Item No. 10) in the amount of \$9,028.62,
3. RWP Task 6 (Accounting Item No. 13) in the amount of \$3,474.41,
4. RWP Task 7 (Accounting Item No. 14) in the amount of 581,045.88,
5. And RWP Task 11 (Accounting Item No. 17) in the amount of \$26,486.29, for a total of \$145,173.78.

The transfer of \$145,173.78 would be redistributed as follows:

1. RWP Task 10 (Accounting Item No. 8) would receive \$136,000.00
2. RWP Task 9 (Accounting Item No. 16) would receive \$ 5,173.78
3. RWP Task 8 (Accounting Item No. 15) would receive \$4,000.00 (needed just in case additional work was necessary before the plan submittal)

John Kight made a motion to authorize SARA to submit a written request to the TWDB to modify the task and expense budget categories in accordance with aforesaid distributions pursuant to the contracts' terms. Gary Middleton seconded the motion. There were no objections. The motion carried by consensus.

AGENDA ITEM NO. 9: DISCUSSION AND APPROPRIATE ACTION REGARDING THE PRIORITIZATION OF WATER MANAGEMENT STRATEGIES IN THE 2016 REGIONAL WATER PLAN

Brian Perkins briefed the planning group on the prioritization of the 2016 Regional Water Plan., noting that at the meeting on September 5, 2015, the planning group authorized HDR to conduct a prioritization of projects in the same manner that was used for prioritizing projects in the 2011 Regional Water Plan. TWDB provided the requisite data used for the prioritization, while the HB 4 Committee (composed of Chairs of all 16 regional water planning groups) elected not to change any of the criteria, scoring, or weighting of the prioritization process used in the 2011 Regional Water Plan.

Mr. Perkins reminded the group that HDR had sent out the draft prioritization in early October asking for feedback. Mr. Perkins identified one question and one set of comments he received in response to the prioritization from planning group members (SAWS and GBRA respectively). Mr. Perkins explained the project scoring and prioritization methodology, and presented the ranking of projects.

Donna Balin asked whether No. 22 on the ranking list, the “Cibolo Valley LGC Carrizo Project,” was referring to “MAG-limited” version of the project or the version purporting to convert permits to municipal use. Mr. Perkins confirmed that the project identified in the ranking at No. 22 of the prioritized list was the “Conversions” version of the Cibolo Valley LGC Carrizo Project.

Will Conley, referencing the ranking list, asked Mr. Perkins whether, having removed the Hays County Forestar Project from the plan, the project was still being scored. Mr. Perkins informed Commissioner Conley that, since project was evaluated as a potentially feasible water management strategy, TWDB requires the project to be listed, but without a score.

Suzanne Scott asked which projects were ranked, specifically if only MAG-limited project were captured in the prioritization. Mr. Perkins confirmed that only recommended water management strategies were ranked, and thus, only MAG-limited projects were included. Temple McKinnon added that the list only contains recommended water management strategies with capital costs. Conservation and drought management strategies are not reflected in the prioritization.

Chairman Mims asked for a motion to approve the Prioritization of Water Management Strategies in the 2016 Regional Water Plan, and authorize the Administrator to submit the prioritization to the TWDB. Tom Taggart made the motion. David Roberts seconded the motion. There were no objections. The motion carried by consensus.

AGENDA ITEM NO. 10: DISCUSSION AND APPROPRIATE ACTION ON WHETHER TO RECONSIDER THE VOTE TAKEN AT THE SEPTEMBER 3, 2015, MEETING ON REMOVING THE CIBOLO VALLEY LGC CARRIZO PROJECTS FROM THE 2016 REGIONAL WATER PLAN AS RECOMMENDED AND ALTERNATIVE WATER MANAGEMENT STRATEGIES

Chairman Mims informed the planning group that he was approached by two voting members wanting to revisit the vote taken at the September 3, 2015, meeting, noting that his response to both was that he saw no justification for it. Therefore, the planning group would decide. The complaint is that the process (vote to remove the Cibolo Valley LGC Carrizo projects from the 2016 Regional Water Plan as recommended, and alternative water management strategies) was flawed for three reasons:

1. The first alleged flaw was that the planning group, confused as to what they were voting on, could not have accurately recorded a vote. Chairman Mims recited the order of events that occurred at the September 3, 2015 meeting. Chairman Mims recalled that before the meeting on September 3, he had explained to the planning group that the vote would be to include the recommended project as a recommended strategy. If the vote failed, the planning group would vote to include the project as an alternative strategy. If the second vote failed, the planning group would vote to include the project as one needing further study. The planning group would use this approach for each version of the project (Conversions, MAG-limited, and Envisioned). However, Chairman Mims added that at the meeting on September 3, he changed the procedure. Rather than vote to *include* the project, the planning group would vote to *remove* the project from the plan. If the vote to remove the project from the plan failed, there would be no further votes on that version of the project. If the vote to remove the project succeeded, then there would be follow up votes on whether to include the project in the “alternate” category, or in the “needing further study” category. Chairman Mims explained that he changed the procedure to be consistent with the wishes of the opponents of this project, which has been to remove all versions of the project from the plan. Chairman Mims also noted that he felt it made more sense to vote to remove something, than to vote to include something that had already been included in the plan. Chairman Mims continued, recalling that at the September 3 meeting, he explained how the vote would be taken, and asked for objections. Chairman Mims further explained that, in his opinion, there was nothing confusing about the process used to conduct the vote.
2. The second alleged flaw addressed the digital recording, which typically tracks the meetings. The recording stopped prior to the vote. Therefore there was no way one could determine exactly what occurred during the vote. Chairman Mims noted that everyone in attendance on September 3, knows what happened, and would agree that several votes were taken to remove the project from the plan, and none passed.
3. The third claim alleged that the process was flawed because Alan Cockerell had a conflict of interest that he should have stated prior to the vote in accordance with the Bylaws. Chairman Mims stated that Mr. Cockerell did not believe he had a conflict, and he did not vote. Additionally, even if he had voted, his vote would not have influenced the outcome of the vote. Those wanting to remove the project from the plan needed 16 votes. Such votes were not achieved.

Chairman Mims continued, saying that the question now, is whether the planning group wants to reconsider the vote it took on September 3. He then opened the topic for discussion to the planning group.

Donna Balin reminded Chairman Mims that some attendees were still waiting to issue public comments to the planning group. Chairman Mims agreed, and called upon those with comments in the following order.

Guadalupe County Commissioner Jim Wolverton:

Chairman, members of the board, thank you very much. I'm Jim Wolverton, Precinct 3 County Commissioner for Guadalupe County. I have the good fortune of representing both the city of Cibolo and Schertz. I am here today to ask you to continue to look favorably upon this project in your long range plan. It is a needed project, and the people are really good people who will treat the people of Wilson County respectfully. Thank you.

Dudley Wait:

Good morning, my name is Dudley Wait, I am the Executive Director of Operation for the City of Schertz. Prior to the meeting, we distributed a letter to all of the planning group members, and I here today to officially read this letter in the record on behalf of the City of Schertz and the City of Cibolo.

Chairman Mims, the City of Schertz and the City of Cibolo, and the founding members of the Cibolo Valley LGC, are greatly concerned with Agenda Item No. 10 of the November 5, 2015, Region L meeting. This project was originally brought forward by concerned parties over the summer and was a specific agenda item at the September 3, 2015, Region L meeting. At that time, with a significant amount of public input, the planning group voted not remove the CVLGC projects from the Region L Regional Water Plan. To once again entertain taking a vote on these projects calls into question the validity of the planning process and the plan itself. It is our understanding that the purpose of the regional water planning group is to provide comprehensive regional water planning and to carry out the related responsibilities placed on regional water planning groups by state law. The foremost among those responsibilities is the development of a regional water plan for the planning area. The plan identifies both short and long term needs, and water management strategies for addressing them. It is not the purpose or role of the regional water planning group to do the business of the local groundwater districts. House Bill 1763 clearly established that regional water planning groups shall develop their plans based upon the water availability of districts within the region while leaving the decision of permitting the projects to the local districts that are charged with that function. CVLGC projects were included in the draft plan after being carefully evaluated by the same measures and standards as all projects that were placed in the plan. The Region L Planning Group acknowledged that the CVLGC projects should not be removed from the plan, and any local concerns should be handled during the permitting process. It appears the CVLGC projects are facing disparaging scrutiny above and beyond any other project currently included the plan. A second vote on this project would be unfair, inappropriate and establishes a dangerous precedent. The CVLGC projects should be treated equally with all other projects. The plan should be finalized and submitted to the State. The CVLGC project should be allowed to progress to the local level where the officials can engage in the permitting process. We look forward to reviewing a Region L Regional Water Plan that includes the CVLGC projects. Sincerely, Michael Carpenter, Mayor of the City of Schertz, Jay Hogue, Mayor Pro Tem City of Cibolo. Thank you.

Justin Murray:

Good morning, I am the President of CVLGC, and I am also the appointed member by the City of Schertz. Thanks for the opportunity to speak with you again this morning. The CVLGC water management strategies were considered individually with laborious detail over the past four years. Most recently, a special vote was called where the ramifications of the vote were well explained and discussed in intimate detail. The vote included extensive discussion in between each of the three votes explained. This was more detail and

deliberation than any other water management strategy in the plan. I relay that there are no unique challenges to this project, especially none that would preclude its ability to remain in the 2016 Region L Regional Water Plan. The time to consider the technical aspects of this project are during the permitting stage by the Evergreen Underground Water Conservation District. CVLGC has engaged engineering and hydrogeology consultants to continue to document the technical feasibility of our project. Preliminary review by consultants hired by Evergreen Underground Water Conservation District to review stratigraphy of Wilson County, indicate that this project is feasible. The support for this project in Wilson County remains strong. CVLGC received letters of support from Representative Kuemple, whose district includes Wilson County, Senator Campbell, Guadalupe County Commissioners Court, and the Schertz-Cibolo-Universal City ISD, among others. State representatives continue to standby in support the ability of Texans to exercise their landowner rights. CVLGC is a supporter of groundwater rights and agricultural production. CVLGC has structured the terms of our lease to allow for flexibility. The landowners are given the option to opt out of their lease for any given year if agricultural production is more beneficial to the landowner. The continued reconsideration of this project, in spite of numerous successful votes and public support, is needless. The groundwater permitting process is the appropriate time to address technical concerns, well mitigation, and public concerns. I appreciate the efforts of this group. Thank you for supporting this project, the City of Schertz, the City of Cibolo, and the continued support of our region.

Kay Love:

The Wilson County Judge Jackson, the Commissioners Court of Wilson County, the city councils of all the cities in Wilson County and the boards of all the water services companies in Wilson County placed resolutions before you in opposition the CVLGC projects. If the landowners and the residents of Wilson County could vote today, they would vote overwhelmingly in opposition to this project.

Chairman Mims restated the question of, whether the planning group wants to reconsider the vote it took on September 3.

Robert Puente made a motion to not reconsider the vote taken at the September 3, meeting. Rey Chavez seconded the motion. Chairman Mims asked for discussion.

Donna Balin acknowledged that she was one of the planning group members that requested this item, and reiterated the complaints summarized by Chairman Mims (above), adding that the method by which the voting was to proceed was outlined in a memo from Chairman Mims. The memo, which reflected some of the points brought up in the Public Comment Workgroup session prior the current meeting, had been included in the September 3, 2015, regular Region L meeting agenda.

Chairman Mims responded, saying that, to the question of whether the Chair may change the procedure or process of how a vote is administered, he holds that the Chair retains such powers so long as the planning group agrees.

Art Dohmann expressed his concern that while the planning group was given the option to vote to remove the project, it was never given the opportunity to retain the project. Mr. Dohmann argued that such a process could affect the outcome of the vote.

Chairman Mims responded, saying that the purpose of the vote was, for the members who opposed the project and wanted to remove it from the plan, to see whether the opposition could achieve enough votes to meet their goal of removing the projects from the plan.

John Kight disagreed, saying that since there were only 28 members present at the September 3, 2015, meeting, the opposition only needed 15 votes. Chairman Mims replied, saying the Bylaws require a majority of the total planning group members, not members present.

Iliana Pena expressed support of the positions of Mr. Dohmann and Mr. Kight, that the process should have been clearer, and fairer. Mrs. Pena suggested that the vote should have been recorded with ayes and nays, as opposed to counting hands. Additionally, Mrs. Pena questioned whether the threshold of 16 votes could have been met if the question was asked in reverse at the vote.

Roland Ruiz made the point that he was not aware of any venue operating in a similar nature to that of the planning group, where a previous vote could be nullified simply because recording device failed during the meeting. Mr. Ruiz suggested taking the consideration of the recording device failure off the table as a rationale in deciding this matter. Chairman Mims agreed.

Donna Balin reiterated that she believes that Alan Cockerell needs to express his potential conflict of interest.

Alan Cockerell expressed that he had statement he would like to read into the record:

My name is Alan Cockerell, and I serve as an agriculture representative on this planning group. I would like to read the following statement regarding my representation of agricultural interests. I currently deal with landowners in three counties in Region L, Guadalupe, Gonzales and Wilson counties. They want their landowner rights represented. Included in those rights is the ability to market and sell ground water. I continue to represent those agriculture interests and vote accordingly in support of individual land owner rights. I do not view that I have conflict of interest. I categorize it as a difference of opinion.

Chairman Mims reminded the planning group of the motion from Robert Puente and second from Rey Chavez to not reconsider the vote taken at the September 3, meeting. Chairman Mims asked for a vote of those who were in favor of not reconsidering the September 3, vote. 21 votes were recorded in favor of not reconsidering the vote.

Chairman Mims asked for those opposed to record their vote by raising their hands.

Nine planning group members voted against the motion to not reconsider the September 3, vote.

The motion passed.

AGENDA ITEM NO. 2 (moved during meeting**): APPROVAL OF MINUTES FROM THE SOUTH CENTRAL REGIONAL WATER PLANNING GROUP'S MEETING ON SEPTEMBER 3, 2015**

Chairman Mims returned to the topic of approving the minutes from September 3, 2015. Roland Ruiz made a motion to approve the minutes. Gary Middleton seconded the motion. Chairman Mims asked for discussion.

John Kight suggested that, where there was a lack of recording for a crucial vote (see agenda item 10 above), there could be some misinformation about what took place during the time that was unrecorded. Chairman Mims recalled a time, prior to the use of electronic recording devices, where minutes were completed by note taking and memory.

Ronald Fieseler, asked for a correction to be made to his attendance at the September 3, 2015, meeting. The changes were noted (and reflected in the approved minutes for that meeting).

Dianne Wassenich noted that she was unable to find anywhere in the minutes from September 3, 2015, where Chairman Mims changed the vote process (described under Agenda Item 10 above) from that which was outlined in the memo. Mrs. Wassenich suggested adding the language italicized below under Agenda Item 9 of the September 3, 2015, meeting.

Chairman Mims then explained how the voting process would play out, *since it was different than the memo provided by Chairman Mims in the agenda packet distributed to the planning group on September 3, 2015.*

Mrs. Wassenich, in support of her recommend language, noted that minutes should provide clarity as to what occurred prior to the vote (Agenda Item 9 of the September 3 Region L meeting).

Roland Ruiz offered input regarding the nature of Region L minutes, describing the recent scrutiny of the minutes as more akin to a transcript than minutes. Whereas a transcript offers a higher standard of detail and discussion, minutes are purposed for record keeping and tracking actions taken by the group. Mr. Ruiz distinguished transcripts from minutes, noting that a transcript requires a heightened standard of scrutiny, such may not be necessary for planning group purposes. Mr. Ruiz suggested that, moving forward, the planning group should revisit the practice of developing minutes. Chairman Mims suggested placing that item on the agenda for the next Region L meeting.

Dianne Wassenich, responding to Mr. Ruiz, noted that since there was a lack of recording, there was an attempt to insert a higher level of detail than usual.

Gary Middleton reemphasized that the planning group is not an implementing committee, but simply a group tasked with assessing the needs of a region, and forming a plan to meet those needs. Mr. Middleton suggested that the planning group, at times, goes beyond what they are tasked with, meddling in the politics of planning.

Mrs. Wassenich responded to Mr. Middleton, point out that the planning group plays a role in the prioritization and funding of water projects. Therefore, these types of discussion are not political, but very important to the public.

Robert Puente made a motion to amend Mrs. Wassenich's addition to the minutes as follows (see italicized)

Chairman Mims then explained how the voting process would play out, since it was

different than the memo provided by Chairman Mims in the agenda packet distributed to the planning group on September 3, 2015. *There was no opposition to Chairman Mims's changes to the voting procedure.*

Mr. Puente added that he supports Mr. Ruiz's assessment that current practice of scrutinizing the minutes are more akin to transcribing discussions.

Gary Middleton made a motion to accept Mr. Puente's amendment to Mrs. Wassenich's amendment. Kevin Janak seconded the motion. Chairman Mims asked for a vote on Mr. Puente's amendment to Mrs. Wassenich's amendment. 29 votes were recorded in favor of the motion, with one vote opposing the motion.

Gary Middleton made a motion to accept Mrs. Wassenich's amendment as amended by Mr. Puente. Kevin Janak seconded the motion. Chairman Mims asked for a vote to accept Mrs. Wassenich's amendment to the minutes, as amendment by Mr. Puente. 28 were votes recorded in favor of the motion, with one abstention and one vote opposing the motion.

The minutes from September 3, 2015, were approved as amended.

AGENDA ITEM NO. 11: DISCUSSION AND APPROPRIATE ACTION REGARDING THE ADOPTION OF THE 2016 SOUTH CENTRAL TEXAS REGIONAL WATER PLANNING GROUP (REGION L) 2016 REGIONAL WATER PLAN WITH THE AUTHORIZATION OF HDR ENGINEERING TO MAKE NON-SUBSTANTIVE EDITS PRIOR TO ITS SUBMITTAL TO THE TEXAS WATER DEVELOPMENT BOARD (TWDB)

Chairman Mims made some comments emphasizing the importance of this agenda item, and approving a Region L 2016 Regional Water Plan. Chair Mims asked for a vote to adopt the 2016 Regional Water Plan for the South Central Texas Regional Water Planning Group, to authorize HDR Engineering to make non-substantive edits, and to authorize the Administrator to submit the plan to the Texas Water Development Board no later than December 1, 2015. Before voting, Chairman Mims asked if there were any objections as to how the vote was framed. There were no objections. Chairman Mims then asked Temple McKinnon if the vote met the standards of TWDB. Mrs. McKinnon confirmed.

Kevin Janak made a motion to conduct the vote, as framed (above). Robert Puente seconded the motion.

Bill West requested that the vote be conducted by roll call, and that any planning group member can submit individual comments to TWDB addressing their concerns. There were no objections.

Dianne Wassenich requested that notice of any non-substantive changes that may be made prior to submission of the plan. Brian Perkins agreed that they would update the planning group with non-substantive changes.

A roll call vote was conducted, where the motion passed by 28 recorded votes in favor of the motion, and two votes in opposition.

AGENDA ITEM NO. 12: DISCUSSION AND APPROPRIATE ACTION CONFIRMING REIGON L REGIONAL WATER PLANNING GROUP MEETINGS SCHEDULE FOR CALENDAR YEAR 2016

Cole Ruiz, San Antonio River Authority, presented the proposed dates for 2016 meetings of the Region L Planning Group. The following dates were proposed

- Thursday, February 11, 2016
- Thursday, May 5, 2016
- Thursday, August 4, 2016
- Thursday, November 3, 2016

Bill West made a motion to approve the 2016 Region L Planning Group schedule as proposed (above). Glenn Lord seconded the motion. There were no objections. The motion passed by consensus.

AGENDA ITEM NO. 13: DISCUSSION AND APPROPRIATE ACTION AUTHORIZING THE ADMINISTRATOR TO PROVIDE PUBLIC NOTICE AND HOLD A PREPLANNING PUBLIC MEETING TO GATHER SUGGESTIONS AND RECOMMENDATION FROM THE PUBLIC AS TO ISSUES THAT SHOULD BE ADDRESSED OR PROVISION THAT SHOULD BE INCLUDED IN THE 2021 REGIONAL WATER PLAN

Chairman Mims explained TWDB's requirement to hold preplanning public meeting, and requested a motion hold that meeting at the next regularly scheduled Region L meeting (February 11, 2016) and to authorize the Administrator to issue the requisite public notice.

Gary Middleton made the motion. Tom Taggart seconded the motion.

There were no objections, however, Commissioner Conley emphasized the importance of public involvement from the beginning of the planning process. There was general agreement to continue making an effort toward public participation in the planning process.

Chairman Mims asked for all in favor of carrying out the motion to say aye. A consensus of ayes was heard. Chairman Mims then asked for those opposed. There were none. Motion passed.

AGENDA ITEM NO. 14: DISCUSSION AND APPROPRIATE ACTION CONFIRMING THE ADMINISTRATOR'S BUDGET FOR CALENDAR YEAR 2016

Cole Ruiz explained to the planning group that this item would presented at the meeting on February 11, 2016. No action was taken.

AGENDA ITEM NO. 15: DISCUSSION AND APPROPRIATE ACTION DEFINING CONFLCITS OF INTERESTS AMONG TECHNICAL CONSULTANTS AND PLANNING GROUP MEMBERS

Chairman Mims explained that this agenda item is related to, though not replacing, a subject that the Public Comments and Plan Assessment Workgroup had identified in its plan to enhance the 2021 Regional Water Plan, and other future planning cycles. Since the planning group would be considering whether to authorize the Administrator to issue a Request for Proposal to procure professional services for the Fifth Cycle of Regional Water Planning later during the current meeting (see Agenda Item 16 below), it was prudent to offer the opportunity to discuss the subject prior to issuing the RFP.

Chairman Mims asked if there was any language the planning group would want include in the RFP regarding conflict of interest among the technical consultants and planning group members.

Roland Ruiz suggested simply adding a statement requesting the firms who respond to the RFP to provide a statement disclosing their contractual relationships with the planning group members. Both Robert Puente and Bill West agreed with Mr. Ruiz's proposal, adding that such relationships should not preclude a firm from being considered. Tom Taggart followed with similar sentiments.

Dianne Wassenich informed the planning group she had brought forward the concern of conflicts of interest among technical consultants and planning group members during the public comment period. Mrs. Wassenich offered a whitepaper she had read by Norman Johns on the potential conflict of interest in Texas Regional Water Planning, which she suggested should be distributed to the planning group before the next meeting.

Chairman Mims asked what the RFP timeline looked like. Steve Raabe, San Antonio River Authority, answered, saying that the RFP would ideally be issued before the holidays, and the planning group would be able to pick a consultant at the next Region L meeting on February 11, 2016.

Chairman Mims asked the planning group members in favor of adding a statement requesting firms to disclose contractual relationships with the planning group members, and to disclose any such relationships throughout the term of the contract, to the RFP. A consensus was heard in favor of the statement. There were no objections.

AGENDA ITEM NO. 16: DISCUSSION AND APPROPRIATE ACTION AUTHORIZING THE ADMINISTRATOR TO ISSUE A REQUEST FOR PROPOSAL TO PROCURE PROFESSIONAL SERVICES FOR THE FIFTH CYCLE OF REGIONAL WATER PLANNING

Steve Raabe informed the planning group that TWDB requires the designated political subdivision, who will be contracting with the technical consultant, to issue the RFP according to their policies and procedures. A copy of the SARA's boilerplate RFP was provided to the planning group members in the agenda packet. Mr. Raabe described the scope and budget currently in effect for the fifth cycle of regional water planning, and noted that the scope and budget were subject to future amendment(s) as more TWDB funds are appropriated to the plan. Mr. Raabe explained that, in past cycles, the planning group has sought proposals from entities who are capable of performing the duties delegated by TWDB. Traditionally, engineering firms submit proposals, and then enter a subcontract with another group to conduct the outreach components of the plan. Mr. Raabe further explained that the RFP is written to allow firms to form relationships on their own terms and determine who will be the primary contractor, and who will be the subcontractor. There is no requirement that only engineering firms can be the primary contractor. However, engineering firms tend to be the most qualified to conduct the type of work demanded in developing a regional water plan.

Dianne Wassenich, referencing the whitepaper by Norman Johns, suggested entertaining the idea of having a non-engineering firm be the primary contractor. Ms. Wassenich confirmed that she was satisfied with the language currently in the RFP so long as it allowed for the possibility of such teams being formed.

Discussion ensued concerning the nature of the RFP, the proposal process, and the firms' submitting proposals. There was a general consensus that contracting with the designated political subdivision (SARA) should not preclude those firms from entering contracts with the entities represented on the

planning group. Rather, mere transparency of contractual relationships would be required. Several points were made supporting the idea that the planning group could not reasonably proscribe the contractual relationships between the technical consultant and entities represented on the planning group, several of which are identified below.

- Contracting with the entities represented on the planning group to conduct similar technical analysis of projects and planning is the very experience which qualifies firms for the job.
- The regional planning contract is not a big money maker, so restricting the future business of the consultants would make the contracting opportunity unattractive, resulting in an unqualified, or small pool of applicants to choose from.
- Finding a qualified firm with the requisite experience and capability, who is not contracted with any of the entities represented on the planning group, would be virtually impossible.
- There is no certainty of which entities will be represented on the planning group over the course of the next 5 years. By requiring planning group member entities to have no contractual ties to the technical consultant, the planning group would be burdening potential future members by requiring a severance of contractual relations the technical consultant, or otherwise disqualifying their nomination.

Donna Balin explained that, while she agrees that mere disclosure of contractual agreements with planning group members is sufficient, she did not want to limit future discussion concerning this topic. Chairman Mims agreed, adding that any future changes would be applied to the next procurement process (sixth cycle of regional water planning).

Further discussion ensued regarding process, and to some extent duplicating the conversation under Agenda Item 15 (above).

Sam Vaugh (HDR Engineering), added a measure of context, noting that HDR currently had, or has had, contracts with 12 planning group member entities.

Steve Raabe reiterated his points made about how SARA typically issues an RFP, and how the planning group has approached procuring technical services in the past, noting specifically that the RFP, as issued, identifies the duties expected by the submitting entity. Each may approach the application on their own terms. Thus, a non-engineering firm could submit a proposal on the condition that they would contract with a qualified firm capable of performing the technical tasks required for completion of the plan. Mr. Raabe analogized the process as casting a broad net. After receiving the submittals, the planning group could then evaluate each based on their preference. Based on the type of submittals received, the planning group would discuss the options while considering the dialogue represented under Agenda Items 15 and 6 of this meeting.

Chairman Mims asked for a motion authorizing SARA to issue an RFP to procure professional services for the Fifth Cycle of Regional Water Planning, which is open and non-limiting, yet still maintains minimum requisite expertise. Art Dohmann made the motion. Gene Camargo seconded the motion. Chairman Mims asked for those in support to say aye. There was a consensus heard. Chairman Mims asked for those opposed to say nay. There were none opposed.

Steve Raabe noted that the planning group has historically created a workgroup to evaluate the submission in response to the RFP. Chairman Mims suggested that the Executive Committee serve that function, and bring a recommendation to the full planning group in February.

AGENDA ITEM NO. 17: POSSIBLE AGENDA ITEMS FOR THE NEXT SOUTH

CENTRAL TEXAS REGIONAL WATER PLANNING GROUP MEETING

Dianne Wassenich asked for information on who contributes to the planning process, and how much. Steve Raabe added that an item addressing the administrative budget will be placed on the agenda for the February 2016 meeting.

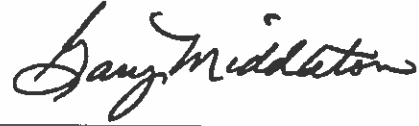
Suzanne Scott asked how the planning group was planning to move forward in addressing the issues identified during the public comment component the 2016 Regional Water Plan. A discussion among several planning group members, Brian Perkins and Sam Vaughn confirmed that a workgroup had been created at the staff workgroup meeting two weeks prior to the current meeting. Chairman Mims said that the planning group will either proceed with the previously establish workgroup or go with a different direction depending on future developments. Those discussions will begin at the February 2016 meeting.

AGENDA ITEM NO. 17: PUBLIC COMMENT

Ellen Berky, resident of San Antonio and registered architect, made some comments regarding the RFP discussed earlier (Agenda Item 15). Ms. Berky said that, from the perspective of professional engineers and architects, the purposes of conflict of interests disclosure is that both professional engineers and architects are required by the licensing entities to disclose conflicts of interests. If such conflicts are disclosed, such disclosure does not automatically preclude the submitting entity from the job. Rather, it provides evaluation criteria to equip the hiring entity with insight as to measure the judgment and experience of the submitting entity. She also mentioned that “Conflict of Interest” questionnaire provided in the boilerplate RFP did not guide the evaluators on the magnitude of conflicts, noting that not all conflicts of interests are equal. Rather, some may cause a greater degree of concern than others.

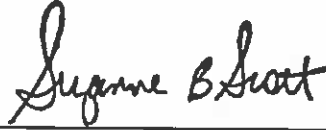
Ginger Coleman, a Wilson County resident, made some remarks indicating that the agenda packets provided to the public attendees was incomplete as it did not include “Appendix M” to the 2016 Regional Water Plan. Ms. Coleman explained her opinion that such inconsistency is in violation of the Region L Bylaws, the Texas Open Meeting Act, and the other laws. Additionally, Ms. Coleman added the 2016 IPP, which is linked on the Region L website, lacks appendices F and L, so she was unable to review those portions of the plan. Furthermore, Ms. Coleman noted that the public comments were not being addresses appropriately, that each unique comment should be addressed individually, and that she disagrees with the planning group’s decision to take up some of those comments as issues in the next planning cycle. Lastly, Ms. Coleman noted that Alan Cockerell has a conflict of interest, and said planning group violated its own bylaws by not requiring him to recuse himself from votes where he has a potential conflict.

Chairman Mims adjourned the meeting.



GARY MIDDLETON, SECRETARY

Approved by the South Central Texas Regional Water Planning Group at a meeting held on February 11, 2016.



SUZANNE SCOTT, CHAIR