

General Best Practices for Future Planning Committee of the Interregional Planning Council Meeting Minutes

August 6, 2020, 1:30 p.m. to 3:00 p.m.

held via GoToWebinar Videoconference

Committee decisions bolded and italicized in document

Participation: Committee Members present 4 of 5: Steve Walthour (Region A), Russell Schreiber (Region B), Kelley Holcomb (Region I), and Tomas Rodriguez (Region M). Allison Strube (Region F) was absent.

Senators/Representatives/Other VIPs in Attendance: None

Texas Water Development Board (TWDB) Board Members and Staff: Sarah Backhouse, Elizabeth McCoy, and Bryan McMath.

AGENDA ITEMS

1. Call to Order and Welcome

Committee Chair Steve Walthour (Region A) called the meeting to order and determined that a quorum was present.

2. Public Comment – No public comments were offered.

3. Consider Minutes from the July 28, 2020 Committee Meeting

The committee considered the minutes of the July 28, 2020 meeting. Russell Schreiber (Region B) made a motion to approve the minutes. Kelley Holcomb (Region I) seconded the motion. The minutes were unanimously approved.

5. Discussion and Action, as appropriate – General Best Practices for Future Planning

Mr. Walthour proposed moving consideration of agenda item 4 later in the meeting. Members agreed. Members reviewed the draft committee report for August 12 Interregional Planning Council meeting. The draft report summarizes committee recommendations on several topics related to best practices.

Members reviewed Recommendation 1 on the simplified planning process, which included recommendations for the Legislature to amend the language in Texas Water Code (TWC) Section 16.053(i) to either:

1. Discontinue the requirement to update groundwater and surface water availability values in the regional water plan if those availability numbers have not changed significantly,
2. Allow regional water planning groups (RWPG) to petition the TWDB to implement simplified planning and authorize the TWDB to determine if simplified planning would be most effective,
3. Require development of the state water plan every 10 years instead of every five years, with sponsorship of special studies between planning cycles, or
4. Strike simplified planning from the statute.

Mr. Holcomb asked if the third recommendation is related to simplified planning or changing the state water plan to a 10-year process. Mr. Walthour indicated the recommendation was for simplified

planning. Mr. Holcomb suggested that recommendations 2 and 3 could possibly be combined. Mr. Schreiber agreed and asked for confirmation that simplified planning is optional for RWPGs. Mr. Walthour confirmed that the simplified planning is optional. He added that the problem with the simplified planning process is that the process still requires RWPGs to gather and analyze most of the data required for a full plan. Mr. Schreiber noted that if the intent of the recommendations is to make simplified planning a more usable option for the RWPGs, the recommendations should include the option for RWPGs to still choose to pursue simplified planning. Mr. Walthour indicated he was open to combining recommendations 2 and 3.

Tomas Rodriguez (Region M) added that he supports a 5-year planning cycle. Mr. Schreiber asked if recommendations 3 and 4 would address the problems noted with the simplified planning process and make the process more useful. Mr. Holcomb noted that the original intent of the simplified planning process was different than the outcome. The goal was to reduce the work effort, but the process remains complex and robust. Mr. Holcomb suggested that he did not know if the current simplified planning process could be reduced further and acknowledged that this is a big knowledge gap for the committee. He added that it is possible if the simplified planning process was reduced further it could potentially create gaps in the State Water Plan data, which could be a problem.

Mr. Walthour reviewed that the first recommendation asks the legislature to modify the statute to discontinue the requirement to update groundwater and surface water availability numbers if they have not significantly changed. He added that if RWPGs have to collect and review this data in simplified planning, then the process is not simplified. Mr. Holcomb and Mr. Schreiber agreed.

Mr. Holcomb noted that none of the regions have chosen to pursue simplified planning. Mr. Schreiber asked if the requirements to update availabilities are the only reasons regions are not pursuing simplified planning. It was noted that these additional requirements are why Regions A and B have not pursued simplified planning. Regions I and M only briefly considered simplified planning. Mr. Schreiber suggested bringing only recommendations 1 and 4 forward to the Council. Members agreed, and simplified planning recommendations 2 and 3 were removed.

The committee considered additional recommendations for TWDB, RWPGs, and future Interregional Planning Councils. Mr. Holcomb suggested adding a recommendation for TWDB to evaluate alternatives to the current simplified planning process to see if there is a better way to conduct simplified planning than what currently exists. Members agreed, and the recommendation for TWDB was added. No recommendations were made for RWPGs or future Interregional Planning Councils on simplified planning.

The committee discussed Recommendation 2: Enhancing membership engagement and general public engagement. The following recommendations were reviewed:

The Legislature should:

1. Provide funding for better methods of disseminating of information for the regional water planning process.
2. Authorize the use of one-way conferencing or webinars.

The TWDB should:

1. Provide policy recommendations developed by the Interregional Planning Council to all RWPGs to inform their planning process.

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2. Provide a distilled policy recommendations report from all adopted regional water plans, sorted by topic, to the RWPGs and the Council.
3. Provide an update to the above report, at an appropriate time in the planning cycle, of the implementation status of recommendations to the RWPGs and the Council.
4. Consider engaging a media consultant to develop better methods of coordination among the RWPGs.
5. Develop standardized, easy to adopt practices and protocols that apply to all regions.

The RWPGs should:

1. Provide more focus on new member orientations.
2. Utilize educational programs and subject matter speakers in each RWPG.
3. Develop better methods to encourage public participation:
 - Surveys
 - Targeted emails blasts
 - Website updates for all RWPGs

Future Interregional Planning Councils should:

1. Hold work sessions to “deep dive” into more complicated topics.
2. Require RWPG Chairs to meet on an annual basis at minimum.

Mr. Holcomb shared that, as he understands it, RWPGs have the potential of using one-way webinars to disseminate information, but legislative action is needed to make this clear. Mr. Walthour agreed and suggested the second legislative recommendation should remain.

Mr. Walthour asked if the TWDB recommendation to engage a media consultant should be removed since it is considered under recommendations on communication. Mr. Holcomb agreed this could be removed if it is included elsewhere. Members agreed. The fourth TWDB recommendation to engage a media consultant to develop better methods of coordination among the RWPGs was removed.

Mr. Holcomb noted that the first three recommendations for TWDB came from a discussion with Council Chair Suzanne Scott. There currently isn't a report on recommendations from the regional water plans, and there is no documentation of the implementation status of these recommendations. The proposed TWDB recommendations would provide a mechanism for TWDB to report back to the RWPGs on progress that has been made. Members agreed with the recommendation.

Members agreed with proposed RWPG recommendations on engagement as presented. Mr. Holcomb noted that the recommendation for future Interregional Planning Councils to hold work session to “deep dive” into more complicated topics formed from his experience with the first meeting of the RWPG chairs to develop the uniform standards used for project prioritization. The work session brought people together and was a valuable experience. Mr. Holcomb proposed that this should be done more often in order to deal with tougher issues that will only get more complicated with time. Mr. Rodriguez agreed.

Mr. Walthour asked what kind of surveys the RWPGs should conduct under the third RWPG recommendation. Mr. Holcomb proposed a poll of RWPG members at the end of the planning cycle to see what is working and what could be done differently to improve engagement. Sarah Backhouse (TWDB) asked if the intent of the recommendation for RWPG Chair meetings was for an in person meeting. Mr. Holcomb confirmed that was his intent, but he did not want to specify that in the recommendation.

Members reviewed Recommendation 3: Communication between TWDB, RWPG, and Members. This included the following recommendations:

The TWDB should:

1. Require RWPGs to receive orientation services provided by the TWDB at the beginning of each cycle,
2. Require RWPG Chairs and Administrative Agents to follow recommendations in the Best Management Practices Guide document, and
3. Invest in professional media consultants to assist TWDB in effectively delivering digital messages to RWPG members.

The RWPGs should:

1. Follow recommendations regarding communication with RWPG members as outlined in the Best Management Practices Guide.
2. RWPG members should read the Best Management Practices Guide and New Member Guide.

Mr. Walthour proposed the third recommendation to TWDB be revised to: invest in inter-agency, intra-agency, or professional media consultants to assist TWDB in effectively delivering digital messages to RWPG members. He suggested that TWDB may internally have professionals to assist in messaging to RWPG members. Members agreed with the proposed change.

The committee considered recommendations for future Interregional Planning Councils. Mr. Walthour recommended future Councils revisit this issue every cycle. Mr. Holcomb proposed future Councils review existing technology and recommend appropriate changes. Members agreed.

The committee reviewed Recommendation 4: Texas Commission on Environmental Quality (TCEQ) as an Ex-Officio Member. This included recommendations that: The Legislature should amend TWC Sec. 16.053(c) to add TCEQ has an ex-officio member of each RWPG. The TWDB should, in coordination with TCEQ, amend Texas Administrative Code (TAC) 357.11(e) to require RWPGs to add a staff member from TCEQ as a non-voting member. RWPGs should consider adding TCEQ as an ex-officio member if changes to the TWC or TAC are not implemented.

Mr. Rodriguez noted that Region M has a TCEQ representative that serves as a non-voting member. Mr. Walthour added that TCEQ has a representative serve as a non-voting member on 5 out of 16 regions (Regions B, E, L, M, and O). Mr. Holcomb noted this recommendation would make TCEQ participation permanent and consistent across all regions. Mr. Walthour asked the committee if they should add a recommendation for TWDB to review and make a recommendation to the Legislature regarding additional non-voting members that affect statewide regional water planning stakeholders. Members agreed.

Mr. Rodriguez asked if the Texas State Soil and Water Conservation Board (TSSWCB) was a required RWPG member. Mr. Walthour confirmed the TSSWCB is required by statute to serve as a non-voting RWPG member.

Members revised the RWPG recommendation to: In the event that TWC 16.053(c) or TAC 357.11(e) are not amended, RWPGs should consider adding TCEQ has an ex-officio member. No recommendations were made to future Interregional Planning Councils on this topic.

Members reviewed Recommendation 5: Reimbursement of Labor costs for Regional Water Planning Administrative Agents. This included the following recommendations: The Legislature should provide additional funding for the regional water planning process to accommodate labor costs for administering RWPGs so that grant resources are not taken from required planning tasks. The TWDB should consider allowing for the reimbursement of labor costs for the RWPG's designated administrative agency. The TWDB should revise TAC Chapter 355 and regional water planning grant contract expense budget limitations to accommodate these expenses.

Ms. Backhouse (TWDB) outlined proposed revisions to Mr. Schreiber's write up on the topic and provided additional context on RWPG funding and reimbursement. A legislative recommendation to provide additional funding to cover administrative labor costs was added. TWDB is considering a rule revision next cycle to allow reimbursement of administrative labor costs, but reimbursement will be made out of existing funds unless additional funds are appropriated by the legislature. Mr. Schreiber offered that RWPGs could use voting member travel expense funds to cover administrative labor costs. Ms. Backhouse clarified that expense budgets are determined by the RWPG political subdivisions and is not something TWDB weighs in on.

Mr. Holcomb asked if RWPG member travel expenses are reimbursed out of local funds. Ms. Backhouse clarified that RWPGs can allocate TWDB funds to reimburse voting member travel to RWPG meetings if a member cannot be reimbursed by another entity, such as an employer. Ms. Backhouse added that the key to this recommendation is a request that administrative labor costs become an eligible expense for reimbursement. Mr. Holcomb noted that this is a complicated topic and asked members if they should include a recommendation for TWDB to further evaluate this topic. Ms. Backhouse noted that TWDB is looking into allowing reimbursement of administrative labor costs. The new regional flood planning program allows for reimbursement of limited administrative labor costs. It was noted that TWDB has received feedback that some RWPGs spend \$70,000 a year out of pocket to cover administrative labor costs. This is a large amount of money to shift from other RWPG tasks out of existing funding. It may be appropriate to consider a recommendation that the legislature provide additional funding for RWPG administrative costs.

Ms. Backhouse noted that making administrative costs eligible for reimbursement would require a TWDB rule change since it is currently prohibited in Chapter 355 Regional Planning Grant rules. TWDB would also need to revise limitations in regional water planning expense budgets. Mr. Holcomb recommended breaking the TWDB recommendations into two separate recommendations. Members agreed. Mr. Schreiber asked if the committee should consider recommending a cap for administrative expenses or if that language should be removed for the recommendation. Members agreed to remove the language for establishing a cap for administrative expenses. This would allow TWDB flexibility to evaluate and determine what costs should be eligible for reimbursement.

Mr. Schreiber noted that many RWPGs included this recommendation in Chapter 8 of the regional water plans. He proposed adding a recommendation for RWPGs to include requests for funding in Chapter 8 policy recommendations. Members agreed.

Members discussed recommendations for future Interregional Planning Councils. A recommendation for future Councils to revisit a potential cap to labor reimbursement was considered, but members decided to make no recommendations for future Interregional Planning Councils at this time.

The committee reviewed Recommendation 6: Open Meetings Act Modification of Video-Conference Restrictions. This included a recommendation that the Legislature amend the Open Meetings Act to allow state and local governments to use electronic media such as video conferencing as an alternative to requiring the public and governmental officials to be physically present to make public comment or consider actions during an open meeting.

Mr. Walthour noted this would require legislative action. Mr. Holcomb suggested that if the legislature amends the Open Meetings Act to make these allowances, the TWDB should fund the technology to allow RWPGs to use video conferencing. Mr. Walthour offered that maybe the TWDB should investigate the cost to implement these changes. Mr. Holcomb agreed, noting that this will have a fiscal impact. A recommendation was added for TWDB to evaluate the fiscal impacts associated with technology used for virtual meetings.

Members reviewed Recommendation 7: Improving the Regional Water Planning Process. This included a recommendation that the TWDB incorporate a set of management practices to improve efficiency and effectiveness by eliminating waste in the regional water planning process. This includes reducing or eliminating non value-added activities and engaging the RWPG membership to map out all critical steps in planning.

Mr. Walthour noted that this topic goes back to TWDB reviewing its processes and evaluating the regional water planning program. Mr. Holcomb asked if this was related to the protocols for developing the plan or how RWPGs meet. Mr. Walthour noted it covers all of the above. He added that a lot of money is spent on regional water planning, which is important, and yet members are not engaged. Mr. Walthour recommended that every once in a while, it is beneficial for an agency to step back and review its processes to see if there is a more efficient way to do business. Mr. Holcomb agreed and suggested the committee request TWDB evaluate the cost of administering the regional water planning process, specifically looking at the fiscal impacts not included in the planning grants, such as travel time and labor hours of RWPG members. A recommendation was added for TWDB to evaluate the RWPG voting and non-voting membership costs of time and funding.

Mr. Schreiber noted he is ok with the recommendation and added that it is an important number to understand. He added that the regional water planning process was a top down process. Now that the process is bottom up, he suggested it is more realistic that it requires members to commit time and funds to participate. He added that this should be considered holistically for the regional water planning process. Mr. Holcomb suggested it would be good to know the miles and labor hours dedicated to regional water planning.

Mr. Walthour noted that in his experience when the state government has to make cuts it relies on local government to pick up the costs. When the legislature looks at fiscal impact, costs to local governments and entities are often not considered or calculated. Mr. Rodriguez noted he was not against the recommendation but not in favor of asking for reimbursement these items. He suggested that locals should pay a share of the regional plans. Mr. Holcomb added it is hard to plan for what you don't know and suggested that even an approximate estimate of the costs would be valuable information. Mr. Schreiber asked if the recommendation should be directed to the RWPG since TWDB would likely have to ask the RWPGs for information. Mr. Holcomb suggested the recommendation was best suited for TWDB to prepare a standardized cost estimate. Members agreed.

Mr. Holcomb asked if TWDB ever meets to discuss best practices with RWPG consultants. Ms. Backhouse noted that at the end of the last planning cycle, TWDB held a technical meeting with all RWPG consultants and used feedback from the consultants to update and improve regional water planning guidance documents. TWDB plans to do this again at the end of the current cycle. Technical documents and guidance is also provided to consultants for feedback prior to being finalized.

Mr. Holcomb asked if the Interregional Planning Council also needs to be involved and suggested output from this work effort should be made available to future Councils. Mr. Schreiber agreed that making this information available to future Councils would be beneficial. A recommendation was added for future Interregional Planning Councils to review materials and meeting notes from TWDB's lessons learned technical meetings with RWPG consultants. Mr. Rodriguez asked if this information was provided to the regions previously. Ms. Backhouse noted she will confirm what information was provided to the RWPGs and follow up with the committee. Mr. Holcomb noted that the Interregional Planning Council brings a new level of coordination that didn't exist before and having this information in front of the Council is a new opportunity. No recommendations were made to the legislature or RWPGs on this topic.

No additional recommendations are under consideration by the committee.

6. Consideration and Action, as appropriate – Committee reports and recommendations to the Interregional Planning Council regarding General Best Practices for Future Planning

Mr. Walthour will provide a report on behalf of the committee to the full Council at August 12, 2020 Council meeting. Members discussed the committee report. Mr. Walthour will briefly review observations and then present the committee's seven recommendations in his report to the Council.

7. Discussion of Next Steps

The next committee meeting is scheduled for 1:30 p.m. on August 20, 2020. At the August 20 meeting, the committee plans to review any amendments to recommendations received at the August 12 Council meeting. The committee will also review the existing practice write-ups for the committee report. Mr. Holcomb suggested members review the seven recommendation topics for current practices.

Ms. Backhouse (TWDB) noted TWDB staff will compile the committee's write ups into a report format and fact check information. Mr. Holcomb will prepare a write up on existing practices on engagement. Mr. Schreiber will prepare a write up on existing practices for reimbursement of RWPG administrative costs. Mr. Walthour asked members to provide write ups to TWDB as soon as possible after the August 12 Council meeting so staff can compile the information into a draft report.

Mr. Rodriguez informed the committee he will not be able to attend the August 20 meeting.

8. Discussion of Agenda for Future Meetings

The agenda for August 20, 2020 meeting will include consider approval of minutes, status of assignments, consider committee reports and recommendations, and discuss next steps. Mr. Walthour thanked members for their patience and participation in the committee meetings.

The committee then considered agenda item 4.

4. Discussion and Action, as appropriate – Action Plan for Committee Work and Status of Assignments

No discussion under this agenda item.

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9. **Public Comment** – No public comments were offered.
10. **Adjourn** – Mr. Walthour adjourned the meeting at approximately 3:20 p.m.