

Interregional Planning Council Meeting Minutes

May 30, 2023, 1:00 p.m. to 2:37 p.m.

Held in person in the Stephen F. Austin Building, Austin TX and virtually via Microsoft Teams

Council decisions bolded and italicized in document

Participation: Number of Interregional Planning Council members present 12 of 16

A	Ben Weinheimer	E	Scott Reinert – absent	I	Kelley Holcomb	M	Jim Darling
B	Randy Whiteman	F	Scott McWilliams – absent	J	Jonathan Letz - absent	N	Carl Crull
C	Jenna Covington	G	Gail Peek	K	David Van Dresar	O	Melanie Barnes
D	Jim Thompson	H	Mark Evans	L	Jonathan Stinson (alternate)	P	Patrick Brzozowski

Presiding Officer: Council Chair Mark Evans

Senators/Representatives/Other VIPs in Attendance: None

Texas Water Development Board (TWDB) Board Members and Staff: Temple McKinnon, Elizabeth McCoy, Yun Cho, Katie Dahlberg, Brittany Condry, Heather Rose, Michele Foss, Kevin Smith, Ron Ellis, Sarah Lee, Matt Nelson, Lann Bookout, Sabrina Anderson

Council alternates present in addition to participating members: Janet Guthrie (Region A) and Dan Buhman (Region C)

MEETING GENERAL

Temple McKinnon (TWDB) called roll and determined that a quorum was present. Council Chair Mark Evans (Region H) called the meeting to order.

AGENDA ITEMS

1. Welcome

Mr. Evans welcomed the Council to the meeting.

2. Public Comment

Mr. Evans asked if there were any comments from members of the public. No comments were provided.

3. Minutes from March 9, 2023 Meeting

The Council considered the minutes of the March 9, 2023 meeting. Jim Thompson (Region D) made a motion to approve the minutes as presented. Patrick Brzozowski (Region P) seconded the motion. ***The minutes were unanimously approved.***

4. Overview of Background Information

Ms. McKinnon introduced meeting materials that provide background information on the following subjects:

- *Interregional conflict* – TWDB was asked to define and describe interregional conflict. The supporting attachment defines interregional conflict and outlines the associated process that is followed when an interregional conflict occurs, as defined in TWDB rules. An interregional conflict is defined as an overallocation of a source supply or when there is a potential for a substantial adverse effect from a recommended strategy that would be supplied from a different regional water planning area. The TWDB's state water planning database checks for potential conflicts associated with over-allocation of sources. Within 60 days of the submission of the initially prepared plans to the TWDB Executive Administrator (EA), regional water planning groups (RWPG) may submit in writing to the EA and the other affected RWPG(s) the identification of potential interregional conflict. Upon receiving an assertion of an interregional conflict, the EA reviews the materials submitted by the RWPG and takes a recommendation on the potential conflict to the TWDB Board. If the TWDB Board determines that an interregional conflict exists, then the RWPGs work to resolve the conflict. If the conflict is not resolved, the EA will take additional recommendations back to the TWDB Board.
- *Population and water demand methodologies* – Methodologies for how TWDB develops population and water demands are included in the meeting materials. RWPGs are currently reviewing draft population and water demands. Non-municipal water demand revision requests are due July 14, 2023. Revision requests for draft population projections and municipal water demands are due August 11, 2023. Approximately 30 percent of planning groups have already submitted revision requests.
- *Rural population projections and water use estimation* – The corresponding handout describes how the TWDB estimates population and water use for rural areas and transient populations.
- *Declining Population Projections* – The corresponding handout addresses why some water user groups are projected to decline in population. The TWDB uses the Texas Demographic Center (TDC) county-level projections as the basis for regional water planning population projections. If the TDC projections show a decline in population, which is common, the TWDB projections will also reflect this decline. TWDB will no longer hold declining populations constant as has been done in the past. The TWDB has distributed two county-level population projection scenarios using the TDCs full and half migration rates for RWPG review.
- *Gallons per capita per day (GPCD)* – The corresponding handout defines different ways GPCD is calculated across TWDB programs. A key difference between planning GPCDs and other GPCDs is that the planning GPCD calculation is reconciled to census population counts and removes contracted supply, industrial, or other non-municipal water use. Other GPCDs calculations consider water use by reported connection counts from the TWDB Water Use Survey.
- *Water loss* – The associated handout summarizes TWDB water loss audit reporting requirements and outlines how that information is provided to RWPGs for consideration in the development of their plans.

Mr. Evans asked the Council members if they had any comments about the supporting materials. Gail Peek (Region G) asked if there is a place for regions to see the process for what to do if they disagree with the TWDB methodologies. Ms. McKinnon responded encouraging the regions to reach out to the TWDB projections team and regional water planners with their concerns about projections if issues are not solved within the RWPG meeting forum.

5. Process for Report Preparation

Ms. McKinnon provided an overview of the draft outline of the Council's report. The intent is to build out the outline with content at the Council's direction. Mr. Evans asked if there are any comments about the table of contents on the draft report outline. Ms. McKinnon noted that an observation section is included, as requested, for any observations of the Council. Mr. Evans clarified that the observations section will be a place for the Council to document any discussions that do not rise to the level of a recommendation. Jenna Covington (Region C) agreed with the structure of the report and how it aligns with the Council's legislative charges.

6. Review Implementation Status of Previous Council Recommendations

Mr. Evans asked Ms. McKinnon to provide an update on any recent legislative action on past Council recommendations. Ms. McKinnon noted that there was not any legislation introduced in the recent legislative session that directly pertained to the previous Council's legislative recommendations. Two bills were filed that peripherally related to the previous Council's recommendations. Senate Bill 28 pertains to a new source of funding called the Texas Water Fund and is somewhat aligned to the previous Council recommendation that the legislature provide financial incentives for local sponsorship of innovative, visionary, multi-benefit projects. Senate Bill 42 would amend the Open Meetings Act to add additional requirements for open meetings for the majority of the members participating virtually, which relates to previous Council recommendations that the legislature authorize the use of remote conferencing or webinars and amend the Open Meetings Act to allow virtual participation during the regional water planning process. Senate Bill 42 would have applied to RWPGs and the Interregional Planning Council, but the bill did not get a committee hearing. Mr. Evans asked if there were any comments on the legislative action. No comments were provided.

The Council reviewed the status of recommendations made to the TWDB, RWPGs, and future Councils. Recommendations to TWDB have been implemented. TWDB surveyed RWPGs on how they have or plan to implement recommendations made to RWPGs. From responses received from nine regions, most regions have or plan to implement the Council's recommendations.

Mr. Evans asked members how they would like to review the recommended actions for future Councils. Mr. Evans also asked for members to consider if this Council should make recommendations to the legislature, TWDB, RWPGs, and future Councils. He noted that the Council is not required by statute to make recommendations.

Melanie Barnes (Region O) asked if the RWPG survey could be reopened so that the Council could obtain a response from all of the RWPGs. Ms. McKinnon noted that only 9 regions responded to the initial survey and the survey could be reopened. Mr. Evans stressed that the Council is working on a tight

Approved August 15, 2023

timeline and survey responses would need to be timely. David Van Dresser (Region K) stated that hearing from the regions that did not respond would be valuable. Mr. Evans stated that Council members should facilitate a response from their region. Mrs. Barnes stated that this will help the Council review progress on the previous Council's recommendations and monitor the effectiveness of enhanced efforts to promote interregional coordination. Mr. Evans stated that the survey would be sent out again to the regions that did not originally respond.

Dan Buhman (Region C) asked for the origin of the recommendations being discussed. Mr. Evans clarified that these recommendations came from the 2022 State Water Plan Interregional Planning Council.

Mr. Evans asked if members if the Council should make recommendations to the legislature, RWPGs, or TWDB based on the status of the recommendations previously made. Mrs. Covington noted there were a lot of recommendations made in the previous Council report. She proposed that the Council focus on making recommendations to the TWDB, which might allow for an obtainable, uniformed response.

Jim Darling (Region M) commented that the Council could repeat the future Interregional Planning Council recommended actions every cycle because the actions are broad.

Ms. Barnes explained why the last Council chose to make recommendations to the legislature, TWDB, and RWPGs. She stated that there were some actions that the TWDB could take to improve the planning process and other actions required legislative action. Mr. Evans responded that the Council could reissue the previous Council's recommendations to the legislature. Ms. Peek agreed with Ms. Barnes' recollection and noted that the previous Council made recommendation actions for future Council's broad to allow flexibility.

Mr. Darling asked if work sessions had been held to "deep dive" into more complicated topics, which is a recommended action for future Councils. Ms. Barnes responded that such work sessions have not been held, noting that there have been time constraints since the recommendation was made. Mr. Evans added that this action could be addressed by the regular RWPG chairs calls. Ms. McKinnon mentioned that the target is for RWPG chairs to meet at least three times a year. Mr. Evans suggested that the Council could consider more specifics related to this recommendation. Ms. Barnes agreed with Mr. Evans. Ms. Covington asked if this action would fall under the third Council charge related to best practices. Ms. Barnes suggested it might fall under the second charge since the action effects multiple regional water planning areas. Ms. Covington and Mr. Evans agreed. Ms. Barnes agreed that RWPG chairs should be involved and stated that the Council should think big when it comes to involvement. Mr. Evans added that since the Council works on a short timeframe, it would be good to have the chairs involved in the "deep dive" work sessions. The Council may not have the capacity to think big about the broader recommended actions and complete its report.

Ms. McKinnon stated that the Council report is due in about a year; however, the Council continues to exist until the next state water plan is adopted. Mr. Evans shared that the Council could meet after the report is submitted to consider these broader recommended actions. Ms. Barnes asked for clarification on the timeline for the Council. Ms. McKinnon noted that the Council is appointed every 5 years. Within

those 5 years, the Council has two years to develop a report so that RWPGs can take into consideration any recommendations as they prepare their plans. Ms. Barnes proposed that the Council's report could recommend that the Council have a deep dive session and information from the deep dive session can be passed on to the next cycle. Mr. Darling asked if reuse permitting process issues could be an example of a topic that could be addressed in a "deep dive" meeting. Ms. Barnes agreed. Carl Crull (N) noted that Region N has experienced the same permitting issues as Region M. Mr. Darling suggested these meetings could provide a venue for discussion on other statewide issues.

Jim Thompson (Region D) noted his support for Ms. Covington's suggestion to streamline and reduce the number of recommendations the Council makes. Ms. Peek commented that the Council should review and work within its statutory charges while making recommendations. Mr. Evans agreed. Mr. Crull noted his support for focusing on a few recommendations.

Ms. McKinnon asked if the Council wants the TWDB to add unaddressed recommendations from the previous Council to the report outline sorted by the Council's three legislative charges. Patrick Brzozowski (Region P) stated that he thinks that would be ideal. Ms. Barnes agreed. Ms. McKinnon stated that TWDB will prepare this and share the document with Mr. Evans and Ms. Peek before distribution to the entire Council. Mr. Evans and Ms. Peek agreed.

7. Discussion and Potential Action on Recommendations

Beyond action items identified in agenda item 6 above, Mr. Brzozowski asked if the Council should discuss the unaddressed legislative recommended actions. Mr. Evans asked members for their thoughts on if unaddressed legislative recommendations should be restated in the Council's report or narrowed. Ms. Barnes suggested reviewing relevant bills related to recommendations to see why they were not passed. Mr. Evans expressed hesitation due to the consideration that many bills that are filed do not get passed. Ms. McKinnon stated that she can work with the TWDB Government Relations to identify bills that may have address the previous Council's legislative recommendations. Mr. Evans proposed that maybe those recommendations that had bills filed could become the focus for the Council. Ms. Barnes agreed.

Ms. Covington asked what the expectation is of who will carry bills for the Council's legislative recommendations. Mr. Evans stated that it was a good question. He suggested that if the Council chose to recommend legislative actions, this should include recommendations for additional funding for the planning process. Ms. McKinnon noted that the TWDB does not have a finalized budget yet, but the TWDB exceptional item request for additional funding for planning groups appears to be in the budget. Mr. Evans referred to Ms. Covington's question and stated that he does not recall that there was any expectation that a specific member of the legislature would carry bills on the Council's recommended actions. Ms. Barnes asked if it would be appropriate for the Council to ask legislators to share their views about the Council's recommendations. Mr. Evans stated that the Council has the flexibility to do this. Ms. Peek suggested a first step could be to review the legislative record to identify legislators that have supported water issues and contact those legislators about the Council's legislative recommendations. This could be a first step to implementing the Council's legislative recommendations.

Approved August 15, 2023

8. Discuss Schedule Potential Agenda Items for Next Meeting

Mr. Evans asked members if the following dates and times worked to schedule future Council meetings: Tuesday, August 15th from 1:00pm–3:00pm and Thursday, November 30th from 1:00pm–3:00 pm. Members agreed.

Mr. Evans asked Ms. McKinnon to review what TWDB staff will prepare for the August Council meeting. Ms. McKinnon stated that TWDB will review final actions of bills that were filed and add unaddressed recommendations to the report outline sorted by the Council's three legislative charges. TWDB will re-open the RWPG survey and reach out to regions that have not responded. TWDB will also send out appointments for the Council's August and November meetings. Mr. Evans asked for the TWDB to help with language in the observations section of the report. Ms. McKinnon stated that she will confirm how Council members should submit information for the report to TWDB to ensure that the Open Meetings Act is followed. Mr. Evans noted that three observations have been suggested by Council members, including water loss by Jim Thompson, rural water use by Jonathan Letz, and population projections by Kelley Holcomb. Mr. Evans asked for these Council members to email a brief summary of their concerns to the TWDB to add to the Council's draft report.

Mr. Evans asked the Council if they needed any further background materials. No additional materials were requested.

Ms. Barnes asked how members should submit ideas for recommendations and the Council's report. Mr. Evans suggested that members email this information to Ms. McKinnon and Ms. McCoy and cc Ms. Peek and Mr. Evans. Information will be reviewed and compiled before it is distributed to the rest of the Council. Ms. Peek suggested that Council members should not copy her and Mr. Evans in any emails to adhere to the Open Meetings Act. Ms. McKinnon will work with the TWDB Office of General Counsel to ensure that the Open Meetings Act is followed. TWDB will follow up with the Council via email on how to submit information. For now, send all thoughts to only Ms. McKinnon and Ms. McCoy.

Mr. Evans asked if there were other potential agenda items for the next meeting besides report preparation, discussion on observations, and discussion on recommendations. Ms. McKinnon suggested reviewing the RWPG survey results. Mr. Evans agreed and asked that the survey results be due by July 14, 2023.

Mr. Evans asked if there are any further comments from the Council. No comments were provided.

9. Public Comment

Mr. Evans asked if there were any comments from members of the public. No comments were provided.

10. Adjourn

Mr. Evans adjourned the meeting at 2:37 p.m.