Chairwoman Brooke T. Paup called to order the meeting of the Texas Water Development Board at 9:35 a.m. The meeting was held at 1700 N. Congress Avenue, Stephen F. Austin Building, Room 170, and through GoToWebinar in Austin, Texas. In addition to Chairwoman Paup, Director George B. Peyton V, was also in attendance, and a quorum was present. Mr. Tony Wen, representing Senator Blanco’s office was in attendance.

The General Counsel announced the items for consideration:

1. **DISCUSSION REGARDING OUTREACH EFFORTS AND ACTIVITIES BY THE BOARD.**
   
   No action was taken on this item.


   Director Peyton moved to approve the 2022 Texas Rain Catcher Awards, as recommended by the Executive Administrator.

   The motion was seconded by Chairwoman Paup; it passed unanimously.

   Awards were presented to: 1) Agricultural - Bill Nash/Raven Canyon, LLC (Kerr County; Hunt, Texas), and Pecan Spring Ranch & Red Barn (Menard and McCulloch Counties; Menard, Texas); 2) Commercial - Grundfos Headquarters – North America (Waller County; Brookshire, Texas); 3) Educational - Reilly Elementary School Green Stormwater Retrofit (Travis County; Austin, Texas); and 4) Governmental - Prairielands Groundwater Conservation District – Rainwater Harvesting Program (Johnson County; Cleburne, Texas)

3. **CONSIDER AUTHORIZING BY RESOLUTION THE EXECUTIVE ADMINISTRATOR TO REQUEST A WAIVER FROM THE TEXAS BOND REVIEW BOARD OF CERTAIN REQUIREMENTS CONTAINED IN TEXAS WATER CODE § 17.0112(a).** Georgia Sanchez, Office of Finance, presented this item.

   Chairwoman Paup moved to adopt the proposed resolution authorizing the Executive Administrator to request a waiver from the Texas Bond Review Board of certain requirements contained in Texas Water Code § 17.0112(a), as recommended by the Executive Administrator.

   The motion was seconded by Director Peyton; it passed unanimously.

4. **CONSIDER APPROVING BY RESOLUTION THE ESTABLISHMENT OF THE LENDING RATE SCALES FOR THE STATE WATER IMPLEMENTATION REVENUE FUND FOR TEXAS**
FINANCING STRUCTURES TO BE EFFECTIVE OCTOBER 5, 2022. David Duran, Office of Finance, presented this item.

Director Peyton moved to adopt the proposed resolution approving the establishment of the lending rate scales for the State Water Implementation Revenue Fund for Texas financing structures to be effective October 5, 2022, as recommended by the Executive Administrator.

The motion was seconded by Chairwoman Paup; it passed unanimously.

5. CONSIDER AUTHORIZING THE EXECUTIVE ADMINISTRATOR TO RENEW A CONTRACT WITH THE TEXAS MUNICIPAL ADVISORY COUNCIL IN AN AMOUNT NOT TO EXCEED $361,800 FOR THE PURPOSE OF PROVIDING ANALYTICAL FINANCIAL DATA SERVICES. Daniel Palacios, Office of Finance, presented this item.

Chairwoman Paup moved to authorize the Executive Administrator to renew a contract with the Texas Municipal Advisory Council in an amount not to exceed $361,800 for the purpose of providing analytical financial data services, as recommended by the Executive Administrator.

The motion was seconded by Director Peyton; it passed unanimously.

6. CONSIDER APPROVING BY RESOLUTION AN UPDATED SEPARATION OF POLICY-MAKING RESPONSIBILITIES OF THE GOVERNING BODY OF THE TEXAS WATER DEVELOPMENT BOARD, THE MANAGEMENT RESPONSIBILITIES OF THE EXECUTIVE ADMINISTRATOR, AND RELATED DELEGATIONS TO THE EXECUTIVE ADMINISTRATOR. Alexis Lorick, Office of General Counsel, presented this item.

Director Peyton moved to adopt the proposed resolution to updated separation of policy-making responsibilities of the governing body of the Texas Water Development Board, the management responsibilities of the Executive Administrator, and related delegations to the Executive Administrator, as recommended by the Executive Administrator.

The motion was seconded by Chairwoman Paup; it passed unanimously.

7. CONSIDER AUTHORIZING THE PUBLICATION OF PROPOSED AMENDMENTS TO 31 TEXAS ADMINISTRATIVE CODE CHAPTER 363, SUBCHAPTER J TO IMPLEMENT HOUSE BILL (HB 1052) (86TH REGULAR SESSION). Jessica Peña, Water Supply & Infrastructure, presented this item.

Chairwoman Paup moved to authorize the Executive Administrator to execute multiple contracts in a total amount not to exceed $1,250,000 for lidar data collection and quality control in Texas, using the Strategic Mapping Program and their associated contracts at the Texas Department of Information Resources, as recommended by the Executive Administrator.

The motion was seconded by Director Peyton; it passed unanimously.
8. CONSIDER AUTHORIZING THE EXECUTIVE ADMINISTRATOR TO: (A) NEGOTIATE AND EXECUTE A CONTRACT IN AN AMOUNT NOT TO EXCEED $2,091,375 (INCLUDING $1,727,640 FROM THE TEXAS WATER DEVELOPMENT BOARD) FOR CONTINUATION OF THE WATER RESOURCES INVESTIGATIONS DATA COLLECTION PROGRAM WITH THE U.S. GEOLOGICAL SURVEY IN FISCAL YEAR (FY) 2023; AND (B) AMEND THE CONTRACT IN AN AMOUNT NOT TO EXCEED $100,000 IF ADDITIONAL FUNDS BECOME AVAILABLE. Dr. Mark Wentzel, Water Science & Conservation, presented this item.

Director Peyton moved to authorize the Executive Administrator to: (a) negotiate and execute a contract in an amount not to exceed $2,091,375, $1,727,640 from the Texas Water Development Board, for continuation of the Water Resources Investigations data collection program with the U.S. Geological Survey in Fiscal Year (FY) 2023; and (b) amend the contract in an amount not to exceed $100,000 if additional funds become available as recommended by the Executive Administrator.

The motion was seconded by Chairwoman Paup; it passed unanimously.

9. CONSIDER AUTHORIZING THE EXECUTIVE ADMINISTRATOR TO: (A) SELECT CONTRACTORS THAT MAY BE USED TO COMPLETE ASSET MANAGEMENT PROGRAM FOR SMALL SYSTEMS (AMPSS) CONTRACT DELIVERABLES ON BEHALF OF PARTICIPANT SYSTEMS; (B) SELECT 20 SYSTEMS TO PARTICIPATE IN THIS ROUND OF AMPSS; AND (C) INITIATE AND ENTER INTO CONTRACTS IN A TOTAL AMOUNT NOT TO EXCEED $2,000,000 TO IMPLEMENT AMPSS. Patrick Kading, Water Supply & Infrastructure, presented this item.

Chairwoman Paup moved to authorize the Executive Administrator to: (a) select contractors that may be used to complete Asset Management Program for Small Systems (AMPSS) contract deliverables on behalf of participant systems; (b) select 20 systems to participate in this round of AMPSS; and (c) initiate and enter into contracts in a total amount not to exceed $2,000,000 to implement AMPSS, as recommended by the Executive Administrator.

The motion was seconded by Director Peyton; it passed unanimously.

ITEMS 10 & 11 WERE PRESENTED TOGETHER

10. CONSIDER APPROVING THE STATE FISCAL YEAR 2023 CLEAN WATER STATE REVOLVING FUND INTENDED USE PLAN COVERING GENERAL ACTIVITIES.

11. CONSIDER APPROVING THE STATE FISCAL YEAR 2023 DRINKING WATER STATE REVOLVING FUND INTENDED USE PLAN COVERING GENERAL ACTIVITIES. Marvin Cole-Chaney, Water Supply & Infrastructure presented these items. Also addressing the Board was Danielle Goshen, Policy Specialist & Counsel, National Wildlife Federation.

Director Peyton moved to approve the State Fiscal Year 2023 Clean Water and Drinking Water State Revolving Fund Intended Use Plans covering General Activities, as recommended by the Executive Administrator.
The motion was seconded by Chairwoman Paup; it passed unanimously.

12. CONSIDER AUTHORIZING THE EXECUTIVE ADMINISTRATOR TO EXECUTE THE STATE FISCAL YEAR 2023 DRINKING WATER STATE REVOLVING FUND SET-ASIDE CONTRACT BETWEEN THE TEXAS WATER DEVELOPMENT BOARD AND THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY COVERING REGULAR ANNUAL APPROPRIATIONS. Marvin Cole-Chaney, Water Supply & Infrastructure presented these items.

Chairwoman Paup moved to authorize the Executive Administrator to execute the State Fiscal Year 2023 Drinking Water State Revolving Fund Set-Aside Contract between the Texas Water Development Board and the Texas Commission on Environmental Quality covering regular annual appropriations, as recommended by the Executive Administrator.

The motion was seconded by Director Peyton; it passed unanimously.

13. APPROVE BY RESOLUTION A REQUEST FROM EL PASO COUNTY FOR $4,650,500 IN FINANCIAL ASSISTANCE CONSISTING OF $2,372,000 IN FINANCING AND $2,278,500 IN GRANT FROM THE FLOOD INFRASTRUCTURE FUND FOR PLANNING, ACQUISITION, DESIGN, AND CONSTRUCTION OF A FLOOD MITIGATION PROJECT. Jesse Milonovich, Water Supply & Infrastructure presented this item.

Director Peyton moved to adopt the proposed resolution for El Paso County for financial assistance from the Flood Infrastructure Fund for planning, acquisition, design, and construction of a flood mitigation project, as recommended by the Executive Administrator.

The motion was seconded by Chairwoman Paup; it passed unanimously.

14. APPROVE BY RESOLUTION A REQUEST FROM THE WELCH WATER SUPPLY CORPORATION (DAWSON COUNTY) FOR $1,475,000 IN FINANCIAL ASSISTANCE CONSISTING OF $675,000 IN FINANCING AND $800,000 IN PRINCIPAL FORGIVENESS FROM THE DRINKING WATER STATE REVOLVING FUND FOR PLANNING, DESIGN, AND CONSTRUCTION OF A WATER TREATMENT PLANT IMPROVEMENTS PROJECT. Jesse Milonovich, Water Supply & Infrastructure presented this item.

Chairwoman Paup moved to adopt the proposed resolution for the Welch Water Supply Corporation for financial assistance from the Drinking Water State Revolving Fund for planning, design, and construction of a water treatment plant improvements project, as recommended by the Executive Administrator.

The motion was seconded by Director Peyton; it passed unanimously.

15. APPROVE BY RESOLUTION A REQUEST FROM THE CITY OF GLADEWATER (GREGG AND UPSHUR COUNTIES) FOR $2,638,900 IN FINANCIAL ASSISTANCE CONSISTING OF $1,861,000 IN FINANCING AND $777,900 IN PRINCIPAL FORGIVENESS FROM THE DRINKING WATER STATE REVOLVING FUND FOR PLANNING, DESIGN, AND CONSTRUCTION OF A WATER SYSTEM IMPROVEMENTS PROJECT. Joe Koen, Water Supply & Infrastructure presented this item.
Director Peyton moved to adopt the proposed resolution for the City of Gladewater for financial assistance from the Drinking Water State Revolving Fund for planning, design, and construction of a water system improvements project, as recommended by the Executive Administrator.

The motion was seconded by Chairwoman Paup; it passed unanimously.

16. APPROVE BY RESOLUTION A REQUEST FROM THE CITY OF MORAN (SHACKELFORD COUNTY) FOR $491,400 IN PRINCIPAL FORGIVENESS FROM THE CLEAN WATER STATE REVOLVING FUND FOR PLANNING, DESIGN, AND CONSTRUCTION OF A WASTEWATER SYSTEM IMPROVEMENTS PROJECT. Tom Barnett, Water Supply & Infrastructure presented this item.

Chairwoman Paup moved to adopt the proposed resolution for the City of Moran for financial assistance from the Clean Water State Revolving Fund for planning, design, and construction of a wastewater system improvements project, as recommended by the Executive Administrator.

The motion was seconded by Director Peyton; it passed unanimously.

17. APPROVE BY RESOLUTION A REQUEST FROM THE CITY OF MARBLE FALLS (BURNET COUNTY) FOR $1,488,000 IN FINANCIAL ASSISTANCE CONSISTING OF $995,000 IN FINANCING AND $493,000 IN PRINCIPAL FORGIVENESS FROM THE CLEAN WATER STATE REVOLVING FUND FOR PLANNING AND DESIGN OF WASTEWATER SYSTEM IMPROVEMENTS. Dain Larsen, Water Supply & Infrastructure presented this item.

Director Peyton moved to adopt the proposed resolution for the City of Marble Falls for financial assistance from the Clean Water State Revolving Fund for planning and design of wastewater system improvements, as recommended by the Executive Administrator.

The motion was seconded by Chairwoman Paup; it passed unanimously.

18. APPROVE BY RESOLUTION A REQUEST FROM THE MULLIN INDEPENDENT SCHOOL DISTRICT (MILLS COUNTY) FOR $998,000 IN FINANCIAL ASSISTANCE CONSISTING OF $398,000 IN FINANCING AND $600,000 IN PRINCIPAL FORGIVENESS FROM THE DRINKING WATER STATE REVOLVING FUND FOR THE PLANNING AND DESIGN OF WATER SYSTEM IMPROVEMENTS. Dain Larsen, Water Supply & Infrastructure presented this item.

Chairwoman Paup moved to adopt the proposed resolution for the Mullin Independent School District for financial assistance from the Drinking Water State Revolving Fund for the planning and design of water system improvements, as recommended by the Executive Administrator.

The motion was seconded by Director Peyton; it passed unanimously.

19. AMEND BY RESOLUTION THE PREVIOUSLY ADOPTED TEXAS WATER DEVELOPMENT BOARD RESOLUTION NO. 22-034, TO MODIFY THE NORTH ALAMO WATER SUPPLY
CORPORATION’S CLEAN WATER STATE REVOLVING FUND COMMITMENT EXPIRATION DATE. Mireya Loewe, Water Supply & Infrastructure presented this item.

Director Peyton moved to adopt the proposed resolution to amend the previously adopted Texas Water Development Board Resolution No. 22-034, to modify the North Alamo Water Supply Corporation’s Clean Water State Revolving Fund commitment expiration date, as recommended by the Executive Administrator.

The motion was seconded by Chairwoman Paup; it passed unanimously.

20. CONSIDER AUTHORIZING THE EXECUTIVE ADMINISTRATOR TO EXECUTE AN AMENDMENT TO AN INTERAGENCY CONTRACT WITH THE UNIVERSITY OF TEXAS AT ARLINGTON TO INCREASE THE CONTRACT TOTAL BY AN AMOUNT NOT TO EXCEED AN ADDITIONAL $800,000 TO PROVIDE ENGINEERING SERVICES. Clay Schultz, Water Supply & Infrastructure presented this item.

Chairwoman Paup moved to authorize the Executive Administrator to execute an amendment to an interagency contract with the University of Texas at Arlington to increase the contract total by an amount not to exceed an additional $800,000 to provide engineering services, as recommended by the Executive Administrator.

The motion was seconded by Director Peyton; it passed unanimously.


22. THE BOARD MAY ADJOURN INTO EXECUTIVE SESSION AND CONDUCT A CLOSED MEETING TO CONSIDER ANY ITEM ON THIS AGENDA IF A MATTER IS RAISED THAT IS APPROPRIATE FOR THE BOARD TO CONDUCT A PRIVATE CONSULTATION WITH ITS ATTORNEY ON A MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE GOVERNMENTAL BODY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH CHAPTER 551 OF THE TEXAS GOVERNMENT CODE. THE BOARD MAY CONDUCT A CLOSED MEETING TO RECEIVE LEGAL ADVICE AND DISCUSS PENDING OR CONTEMPLATED LITIGATION, SETTLEMENT OFFERS, OR THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE OR DISMISSAL OF SPECIFIC BOARD EMPLOYEES, INCLUDING THE EXECUTIVE ADMINISTRATOR AND GENERAL COUNSEL, AS PERMITTED BY SECTIONS 551.071 AND 551.074, THE TEXAS OPEN MEETINGS ACT, CODIFIED AS CHAPTER 551 OF THE TEXAS GOVERNMENT CODE. THE BOARD MAY ALSO MEET IN OPEN MEETING TO TAKE ACTION ON LEGAL OR PERSONNEL MATTERS CONSIDERED IN THE CLOSED MEETING AS REQUIRED BY SECTION 551.102 OF THE OPEN MEETINGS ACT, CHAPTER 551 OF THE GOVERNMENT CODE. THE BOARD MAY CONDUCT A CLOSED MEETING TO CONSIDER AND DISCUSS FINANCIAL MATTERS RELATED TO THE INVESTMENT OR POTENTIAL INVESTMENT OF THE BOARD’S FUNDS, AS PERMITTED BY SECTION 6.0601(A) OF THE TEXAS WATER CODE. THE BOARD MAY ALSO MEET IN OPEN MEETING TO TAKE ACTION ON A FINANCIAL MATTER DISCUSSED IN THE CLOSED MEETING AS REQUIRED BY SECTION 6.0601(B) OF THE TEXAS WATER CODE.
The Board did not meet in closed session, the meeting was adjourned at 10:40 a.m.

APPROVED and ordered of record this, the 5th day of October, 2022.

TEXAS WATER DEVELOPMENT BOARD

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Brooke T. Paup, Chairwoman

DATE SIGNED: ____________________

ATTEST:

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Jeff Walker, Executive Administrator