

MINUTES OF THE
TEXAS WATER DEVELOPMENT BOARD
BOARD MEETING
February 8, 2024 – 9:30 A.M.

Chairwoman Brooke T. Paup called to order the meeting of the Texas Water Development Board at 9:36 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 in attendance with Director L'Oreal Stepney attended remotely, and a quorum was present.

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.

2. BRIEFING AND DISCUSSION ON MATERIAL CHANGES TO CONTRACTS FOR GOODS AND SERVICES EXECUTED DURING THE FIRST QUARTER OF FISCAL YEAR 2024, AND THE CONTRACT AND PERFORMANCE REPORT FOR THE FIRST QUARTER OF FISCAL YEAR 2024. Cameron Turner, Office of Finance, presented this item.

No action was taken on this item.

3. CONSIDER AUTHORIZING THE PUBLICATION OF AN ADOPTION OF A REVIEW OF RULES IN 31 TEXAS ADMINISTRATIVE CODE CHAPTER 359. Kendal Kowal, Office of General Counsel, presented this item.

Director Peyton moved to authorize the publication of an adoption of a review of rules for 31 TAC Chapter 359, as recommended by the Executive Administrator.

The motion was seconded by Director Stepney; and it passed unanimously.

4. CONSIDER AUTHORIZING THE PUBLICATION OF AN ADOPTION OF A REVIEW OF RULES IN 31 TEXAS ADMINISTRATIVE CODE CHAPTER 364. Michael Perez, Office of General Counsel, presented this item.

Director Stepney moved to authorize the publication of an adoption of a review of rules for 31 TAC Chapter 364, as recommended by the Executive Administrator.

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

5. CONSIDER AUTHORIZING THE PUBLICATION OF A NOTICE OF INTENT TO REVIEW OF RULES IN 31 TEXAS ADMINISTRATIVE CODE CHAPTER 365. Michael Perez, Office of General Counsel, presented this item.

Director Peyton moved to authorize the publication of a notice of intent to review rules in 31 Texas Administrative Code Chapter 365, as recommended by the

Executive Administrator.

The motion was seconded by Director Stepney; and it passed unanimously.

6. CONSIDER AUTHORIZING PUBLICATION OF A PROPOSED AMENDMENT TO 31 TEXAS ADMINISTRATIVE CODE CHAPTER 357 RELATING TO REGIONAL WATER PLANNING. Sarah Lee, Office of Planning, presented this item.

Director Stepney moved to authorize publication of a proposed amendment to 31 Texas Administrative Code, Chapter 357, relating to regional water planning, as recommended by the Executive Administrator.

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

7. CONSIDER AUTHORIZING PUBLICATION OF A PROPOSED AMENDMENT TO 31 TEXAS ADMINISTRATIVE CODE CHAPTER 359 RELATING TO THE TEXAS WATER BANK AND TEXAS WATER TRUST.

Chairwoman Paup moved to table the item. Director Peyton seconded. The motion passed unanimously.

8. CONSIDER AMENDING BY RESOLUTION PREVIOUSLY ADOPTED TEXAS WATER DEVELOPMENT BOARD RESOLUTION NO. 21-014 TO EXTEND TOWN OF PECOS CITY'S CLEAN WATER STATE REVOLVING FUND FUNDING COMMITMENT TO JUNE 30, 2024, AND THE EXECUTIVE ADMINISTRATOR MAY, AT HIS DISCRETION, GRANT UP TO ONE EXTENSION. Jesse Milonovich, Water Supply & Infrastructure, presented this item.

Director Peyton moved to adopt the resolution recommended by our Executive Administrator amending previously adopted Texas Water Development Board resolution No. 21-014 to extend the Town of Pecos City's Clean Water State Revolving Fund remaining commitment with the following changes: (1) the deadline for submitting audits is extended to May 31, 2024 for submission of the FY 2021 Audit; to August 31, 2024 for submission of the FY 2022 audit; and to October 31, 2024 for submission of the FY 2023 audit; and (2) the commitment expires automatically if the town fails to submit any of the audits in a form satisfactory to the Executive Administrator by the deadlines set in the resolution., as recommended by the Executive Administrator.

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

9. BRIEFING AND SOLICITATION OF COMMENTS REGARDING THE IMPLEMENTATION OF THE TEXAS WATER FUND. Kathleen Ligon, Executive Administration, presented this item. Perry Fowler, Exec Dir, Texas Water

Infrastructure Network and Marie Camino, Government Relations Manager, The Nature Conservancy Texas addressed the Board. also addressed the Board.

No action was taken on this item.

10. The Board will receive comments from the public on any matters within the jurisdiction of the TWDB with the exception of matters which are subject to the ex parte prohibition found in Texas Government Code Section 2001.061.

Dr. Jacob Torres, PE, Torres & Associates, addressed the Board in person and Mr. Sam Vernon, Asst. City Engineer, City of Bryan, addressed the Board via webinar.

11. 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 open session of the Texas Water Development Board recessed at 10:12 a.m.

After an Executive Session of the Board, the Chairwoman called the meeting of the Texas Water Development Board back into session at 3:08 p.m. There being no further business

for the Board, the meeting was adjourned at 3:09 p.m.

APPROVED and ordered of record this, the 8th day of February 2024.

TEXAS WATER DEVELOPMENT BOARD

Brooke T. Paup, Chairwoman

DATE SIGNED: _____

ATTEST:

Jeff Walker, Executive Administrator