

Interregional Planning Council Meeting Minutes

November 9, 2022, 1:00 p.m. to 3:00 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 15 of 16

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

Facilitator: Temple McKinnon

Senators/Representatives/Other VIPs in Attendance: None

Texas Water Development Board (TWDB) Board Members and Staff: Matt Nelson, Temple McKinnon, Sarah Lee, Ron Ellis, Brittany Condry, Lann Bookout, Jean Devlin, Kevin Smith, Annette Mass

Council alternates present in addition to members: Janet Guthrie (A), Fred Milton (D), Jonathan Stinson (L), Teresa Carrillo (N). Kelley Holcomb attended as a member of the public but had been appointed by Region I to replace David Martin as their Council member.

MEETING GENERAL

Temple McKinnon (TWDB) called the meeting to order. Ms. McKinnon called roll and determined that a quorum was present. Ms. McKinnon reviewed the agenda and supporting materials.

AGENDA ITEMS

1. Welcome and Orientation

Ms. McKinnon introduced TWDB staff present and called roll. Ms. McKinnon noted that Regions C and I have taken action to nominate planning group members to fill their vacant Council positions. The TWDB Board will consider appointment of the nominees to the Council at the November 17 meeting.

2. Operational Responsibilities

Ms. McKinnon informed Council members that as a best practice Council meetings should follow the requirements of the Texas Open Meetings Act. A summary of relevant Texas Open Meetings Act issues was provided to members as a reference. Key issues discussed included avoiding serial communications, accepting public comment at meetings, and allowances for hybrid meetings as long as a presiding officer is present in a physical location that is accessible to the public. Ms. McKinnon noted that TWDB can

Approved March 9, 2023

assist with meeting locations as long as a Council presiding member is present, with preparation of Council meeting minutes, and can serve as the repository for Council records.

Gail Peek (Region G) asked if Council committee meetings are subject to the Texas Open Meetings Act. Ms. McKinnon noted that it is a best practice for committee meetings to abide by the Texas Open Meetings Act.

Ms. McKinnon reviewed TWDB's foreseen role with the Council and noted that TWDB has limited resources to support Council operations. TWDB can prepare Council meeting minutes, assist with agenda preparation and posting in Texas Register, provide information and data to support Council deliberations, assist with report preparation and schedule milestone meetings, seek Board appointment of new members or alternates, and reimburse for travel to attend meetings, if appropriate.

Members discussed how TWDB can support Council operations. Mark Evans (Region H) asked if TWDB could support the Council if they decided to operate with committees, similar to the previous Council. Ms. McKinnon responded that TWDB has fewer planning staff available to support the Council and she is unable to commit to the previous level of support at this time. Jenna Covington (Region C) asked if there is a budget to support the Council. Ms. McKinnon noted that there are not dedicated funds to support Council operations.

Ms. Peek asked if Council committees would be required to take their own minutes if a committee approach is utilized. Ms. McKinnon noted that TWDB could transcribe committee meeting minutes from recordings. Mr. Nelson added that the TWDB support provided to the previous Council was not funded and emphasized that the TWDB is not redirecting Council funding elsewhere. TWDB never received additional funding to support the Council.

Melanie Barnes (Region O) asked if a specific region could host a Council meeting at their own headquarters to help alleviate funds. Ms. McKinnon stated that this would be up to the Council and clarified that travel for meetings is reimbursable to Council members. Ms. McKinnon mentioned that possible facility rental costs could be reimbursed, but there is no guarantee that all costs incurred by sponsoring a meeting would be reimbursable.

3. Functional Responsibilities

Ms. McKinnon introduced the agenda item and presented the purposes of the Council as outlined in Texas Water Code 16.052. Ms. McKinnon noted that the Council is required to hold at least one public meeting and prepare a report to the TWDB Board on the Council's work. 31 Texas Administrative Code 357.11(k) outlines additional requirements for the Council's report.

The report format may be determined by the Council. At a minimum, the report must include a summary of the dates that the Council convened, actions taken, minutes from meetings, and recommendations for the Board's consideration. Meeting frequency, location, and additional report

Approved March 9, 2023

content shall be determined by the Council. The Council's report is due to the TWDB no later than one year prior to the initially prepared plan due date. This cycle the Council's report is due to the TWDB by March 3, 2024. Ms. McKinnon suggested the Council consider holding milestone meetings in early Summer 2023 and Fall 2023 to assess their progress. TWDB would be available to provide support for two milestone meetings.

Ms. McKinnon oriented members to Council resources that are available on the TWDB website. Ms. McKinnon then introduced the *Status of 2020 Interregional Planning Council Report Recommendations* document included in the meeting materials and highlighted the status of recommendations made by the previous Council to the TWDB, legislature, regional water planning groups, and future Councils. TWDB is still working to implement several recommendations, and no legislative action has been taken on recommendations made to the legislature.

Mr. Evans asked if the Council could consider removing recommendations from the previous Council. Ms. McKinnon confirmed that the Council could do so. Janet Guthrie asked who is responsible for carrying on the Council's legislative recommendations to the legislature. Ms. McKinnon responded that TWDB provided the previous Council's 2020 Report to Senator Charles Perry, chair of the Senate Committee on Water, Agriculture & Rural Affairs, and Representative Lyle Larson, chair of the House Natural Resources Committee. Mr. Evans asked if the TWDB had heard anything back from Senator Perry or Representative Larson. Ms. McKinnon noted that to her knowledge the agency had not received a response, but she would confirm with Government Relations staff.

Ms. Peek shared that in the previous planning cycle she kept her region informed of the Council's work and received planning group input on potential recommendations. Ms. Peek proposed that in their review of the previous Council's recommendations, the Council should prioritize recommendations based on what they want to accomplish.

4. Discussion and possible action taken on operational preferences

Ms. McKinnon introduced the agenda item. Members discussed how they would like to make decisions as a group. David Van Dresar (Region K) stated that motions, seconds, and simple majority vote is a good way to make decisions in large groups. Carl Crull (Region N) and Ms. Barnes agreed. Mr. Crull added that the Council may want to consider using committees to complete their work. Jim Darling (Region M) noted that materials should be sent in advance of meetings so that the Council is prepared to vote.

Mr. Van Dresar made a motion for the Council to use a simple majority of at least 9 members for decision making. Mr. Crull seconded the motion. The Council unanimously approved the motion.

Ms. McKinnon asked for opinions on quorum establishment. ***Mr. Evans made a motion for the Council to use a simple majority of at least 9 members for quorum. Patrick Brzozowski (Region P) seconded the motion. The Council unanimously approved the motion.***

Approved March 9, 2023

Ms. Peek asked for clarification on if Council members and alternates can both vote if present. Ms. McKinnon clarified that each region has one vote. Alternates may vote if their region's member is not present. Mr. Evans added that only members and alternates appointed by the TWDB can vote. If a region sends a public representative, they are unable to vote because they are not appointed. Ms. Barnes agreed.

Scott McWilliams (Region F) asked if the Council has bylaws that outline how alternate members vote and count toward quorum. Ms. McKinnon noted that the Council does not have bylaws, but bylaws could be established. Ms. Covington stated that she is comfortable with simply documenting the role of alternates in the meeting minutes. Mr. McWilliams agreed.

Mr. Brzowski made a motion that on Council decisions each region may have one vote by either the member or the alternate. Mr. Van Dresar seconded the motion. The Council unanimously approved the motion.

Ms. McKinnon asked for operational preferences on officers. She mentioned that previous Council had a chair and a vice chair position. ***Mr. Crull made a motion to have both a chair and a vice chair position. Mr. Brzowski seconded this motion. The Council unanimously approved the motion.***

Members discussed establishing committees at a later date after the Council identifies specific issues to address. ***Mr. Brzowski made a motion that the Council may establish committees at a later date if needed. Ms. Covington seconded the motion. The Council unanimously approved the motion.***

5. Nomination and selection of officer(s)

Ms. McKinnon introduced the agenda item and opened the floor for nominations for Council chair.

Ms. Peek nominated Mark Evans as Council chair. Mr. Brzowski seconded the motion. The Council unanimously approved the motion. Mr. Evans accepted the position.

Ms. McKinnon opened the floor for nominations for Council vice chair. ***Mr. Evans nominated Gail Peek as Council vice-chair. Jonathan Letz (Region J) seconded the motion. The Council unanimously approved the motion. Ms. Peek accepted the position.***

6. Discussion and possible action taken on schedule and potential agenda items for next meeting

Mr. Evans introduced this agenda item and asked what background materials the members need for future meetings. Ms. Covington shared that she utilized the previous Council's materials on the TWDB website to orient herself. Ms. McKinnon noted that Council members are welcome to reach out to herself and other TWDB points of contact for any needed information. Point of contact information will be sent out following the meeting.

Approved March 9, 2023

Mr. McWilliams asked how the agenda is developed for Council meetings. Mr. Evans noted that the previous Council discussed future action items at the end of each Council meeting. Ms. McKinnon noted that in the past TWDB staff would meet with the chair and vice chair to finalize what needs to be on the agenda. Council members can email their suggestions for agenda items to the chair, vice chair, or TWDB points of contact. Mr. Evans encouraged members to bring up suggestions in the meetings so that all members can hear and contribute to the discussion. Ms. McKinnon noted that Council meeting agendas are posted and sent to members no later than 8 days prior to the meeting date.

Mr. Evans asked what items the Council needs to accomplish before the next meeting. Ms. McKinnon suggested that as a starting point members might review the *Status of 2020 Interregional Planning Council Report Recommendations* document and the Council's statutory requirements in Texas Water Code 16.052. Ms. Peek and Ms. Barnes agreed with Ms. McKinnon's suggestion and wanted to hear goals of the newer members. Mr. Evans encouraged members to familiarize themselves with Texas Water Code 16.052 and the previous Council's recommendations. He encouraged members to consider the viability and relevance of the recommendations. Ms. Barnes introduced the idea of assessing liaison roles and how Council could support those roles.

Ms. Covington noted that there are 52 recommendations in the 2020 Council Report and proposed prioritizing the recommendations. Mr. Evans, Ms. Barnes, and Ms. McKinnon agreed. Ms. Barnes suggested that each member decide their top 10 recommendations for discussion at the next meeting. Ms. McKinnon offered to send a poll to Council members to prioritize their top recommendations and bring the results to the next meeting. Ms. Peek agreed with the prioritization approach and suggested members consider which recommendations might need to be taken off the list.

Mr. Evans suggested the Council start by focusing on the 25 recommendations made to the TWDB. Ms. Barnes asked for clarification on the previous Council's recommendations. Ms. McKinnon and Mr. Evans provided additional information on how the previous Council's recommendations were directed to the TWDB, legislature, planning groups, and future Councils. Mr. Evans indicated the need to review recommendations to future Councils as part of the review/prioritization assignment.

Ms. Barnes proposed that members review recommendations made to planning groups, see if their respective regions are implementing the recommendations, and report back to the group. Mr. Evans responded saying that he believes regions have already reviewed and considered the recommendations.

Ms. Barnes asked if it would be helpful for the Council to know if the planning groups have or have not taken the recommendations into consideration. Ms. McKinnon mentioned that the TWDB may have some information on the planning groups that could be gathered and shared, but the TWDB does not know the degree to which regions have considered the recommendations. Mr. Darling suggested that members rank 2-5 recommendations each and then go from there.

Mr. Van Dresser commented that the previous Council had to navigate COVID-19 and relied on virtual meetings. The regional water planning groups also had to meet virtually. This may have limited the flow

Approved March 9, 2023

of information to the planning groups. It would be good to see which recommendations are being implemented and then consider putting procedures in place for planning groups to implement the recommendations. Mr. Evans noted that the Council does not have the jurisdiction to do anything other than make recommendations. Ms. McKinnon noted that TWDB could help gather implementation information from planning group chairs and sponsors.

Mr. Brzozowski stated that he thought the previous Council's recommendations regarding planning groups was something that would be considered by the TWDB in this next planning round. Ms. McKinnon responded that those recommendations were made to TWDB directly and have been incorporated into rules or contracts as outlined in the *Status of 2020 Interregional Planning Council Report Recommendations* document.

Ms. Brzozowski asked if items 1 through 11 under the regional water planning group recommended actions were made available and are to be adopted by the planning groups. Ms. McKinnon noted that the Council's 2020 Report was sent out to every planning group member. The Council's recommendations to regional water planning groups have been implemented differently in each region. Mr. Brzozowski suggested the Council create a questionnaire to be sent to the regions to see how they are addressing the recommendations. This can help inform Council recommendations. Ms. McKinnon noted that TWDB can assist the Council with this if needed.

Mr. McWilliams asked for the date that the recommendations were sent to planning group members. Ms. McKinnon noted that recommendations were sent out as part of the Council's 2020 Report, which was emailed to planning group members in the fall of 2020.

Mr. Evans suggested adding a new section to the Council's report that follows up on the implementation of previous Council recommendations. Mr. Brzozowski and Ms. Peek agreed with the suggestion.

The Council discussed potential agenda items for their next meeting. Mr. Evans suggested the Council review and discuss the previous Council's recommendations, determine where to go from there, and consider if committees are needed. Mr. Evans proposed the Council meet again in March 2023. Ms. McKinnon asked if Doodle poll is a good application to use to determine the next Council meeting date. No issues noted. Ms. McKinnon will poll members for their availability.

Ms. Covington asked if Ms. McKinnon was going to create a survey for members to prioritize recommendations prior to the next meeting. Members discussed the survey and agreed that it should be limited to recommendations that have not been implemented. Ms. Peek suggested identifying if recommendations are duplicative of others. Mr. Thompson suggested including a few blank lines to allow for any additions. Members agreed. Ms. McKinnon will work with the Council chair and vice-chair to develop and conduct the survey. The Council will review the survey results at their next meeting in March or early April 2023.

7. Public comment

No public comments were provided.

Approved March 9, 2023

8. Adjourn

Mr. Evans adjourned the meeting at 3:16 p.m.