



REGION E – FAR WEST TEXAS WATER PLANNING GROUP  
 SPECIAL MEETING MINUTES  
 January 12, 2024  
 1:30 P.M. (MDT) / 2:30 P.M. (CDT)  
 8037 Lockheed, Suite 100  
 El Paso, TX 79925

<u>Voting Member</u>	<u>Interest Category</u>	<u>Present (✓)/Absent (X) / Alternate Present (*)</u>
Chairman Scott Reinert	<i>Water Utilities</i>	✓, physically present
Vice-Chairman Dave Hall	<i>Public</i>	✓, physically present
Secretary, Teresa Todd	<i>Counties</i>	✓, virtual
Summer Webb	<i>Groundwater Districts</i>	✓, virtual
Albert Miller	<i>Water Utilities</i>	X
Becky Brewster	<i>Municipalities</i>	✓, virtual
Haley Davis	<i>GMA #4</i>	✓, virtual
David Etzold	<i>Real Estate</i>	✓, virtual
Sterry Butcher	<i>Public</i>	✓, virtual
Rick Tate	<i>Agriculture</i>	X
Randy Barker	<i>Groundwater Districts</i>	X
Jeff Bennett	<i>Environment</i>	X
Tim Leary	<i>Agriculture</i>	X
Sean Woodard	<i>Industries</i>	X
Gerry Grijalva	<i>Water Districts</i>	X
Arlina Palacios	<i>Public</i>	X
Avi Nash	<i>Counties</i>	X
Omar Martinez	<i>Water Districts</i>	✓, virtual
Dan Dunlap	<i>Small Business</i>	✓, virtual
Jay Ornelas	<i>Water Districts</i>	✓, virtual
<u>Non-voting Member</u>	<u>Agency</u>	<u>Present(✓)/Absent(X)/ Alternate Present (*)</u>
Heather Rose	Texas Water Development Board	✓, virtual
Others Present:		
Jennifer Herrera, WSP, virtual	Sarah Lee, TWDB, virtual	

Dale Carruthers, Terrell County Judge, virtual	John Ashworth, WSP, virtual
Peggy O'Brien, RGCOG, virtual	Annette Gutierrez, RGCOG, physically present
Al Blair, virtual	Alberto Halpern, Public, virtual
Irving Woodrow, virtual	Diana Valdez, RGCOG Attorney, virtual
Samantha Strickler, virtual	

1. **Welcome –Chairman Scott Reinert**

Chairman Reinert welcomed the group and received confirmation that a quorum was present. The meeting started at 1:51 pm MDT.

2. **Consider, discuss and take appropriate action for the Minutes from the September 21, 2023 meeting.**

This item was tabled until the next meeting because the Minutes were not posted in time. Dave Hall made a motion to table this item. Sterry Butcher seconded the motion. Chairman Reinert called for a vote and the motion was approved.

3. **Consider, discuss and take appropriate action to approve a letter to terminate the current agreement between RIOCOG and WSP for the current regional water planning cycle.**

Annette Gutierrez updated the group that Jennifer Herrera is no longer employed with WSP and that there is great concern that if Ms. Herrera is not part of Region E's planning process. Region J is in the same position and Annette shared how Region J handled the situation for this board's consideration. Region J made a motion to send a letter to WSP requesting a mutual termination and give WSP three days to respond. There could be some potential liability to RIOCOG that may be brought forth by WSP because of how the contract is constructed. Ask for the consideration of mutual termination and state concerns of moving forward with a new planning team that have experience working on a Texas water plan. WSP has suggested Joshua Palmer out of Utah to lead the team. Annette will confirm the experience of the team, but stated to the board that WSP was selected for this planning cycle specifically due Ms. Herrera's expertise and involvement in prior Region E planning cycles. Omar Martinez made a motion to approve the recommendation of Annette to draft a letter to mutually terminate the current agreement with three days for WSP to respond. Dave Hall seconded the motion. Chairman Reinert called for further discussion. Teresa Todd asked who will be involved with respect to underlying issues involving the termination of the agreement. RIOCOG Counsel Diana Valdez recommended the group go into Executive Session before making a decision. Teresa Todd suggested the letter be sent to WSP and if there is no reply in three days, then reconvene to go into Executive Session to review the contract and decide next steps. Ms. Todd offered to assist counsel Valdez. David Etzold added that Region E should own the work product created during the Agreement. Mr. Etzold offered to assist to draft the letter. Chairman put forth a vote and the motion was approved.

4. **Consider, discuss and take appropriate action to authorize RIOCOG, Political Subdivision for FWTWPG (Region E) to solicit Technical Consultants through a Request for Qualifications to complete the 2026 Regional Water Plan.**

With an eye on being proactive, Annette told the group that if WSP agrees to a mutual termination, RIOCOG would post the RFQ that the RIOCOG is considering (so there is no appearance of bad faith pending WSP's response) soliciting successor Technical Consultants on January 26, pending RIOCOG board approval, with a two-week turnaround to ensure that upcoming deadlines can be met. Becky Brewster made a motion to authorize RIOCOG to post the RFQ to solicit Technical Consultants. David Etzold seconded the motion. Chairman Reinert called for a vote and the motion was approved.

5. **Consider, discuss, and take appropriate action to authorize a request to the TWDB for a 60-day extension to the deadline for submission of the Technical Memorandum.**

Annette explained that an extension would give Region E more time to meet this fast-approaching deadline for submission of the Technical Memorandum. Teresa Todd made a motion to authorize a request to the TWDB for an extension to the deadline. Sterry Butcher seconded the motion. Chairman Reinert called for a vote and the motion was approved.

6. **Consider, discuss, and take appropriate action to approve all feasible strategies listed in the previous Regional Water Plan to remain in the current plan.**

Annette asked the group's consideration to keep all the feasible strategies listed in the previous Regional Water Plan to remain in the current plan so all strategies can still be included in the 2026 plan. David Etzold made a motion to approve all feasible strategies listed in the previous Regional Water Plan to remain in the current plan. Jay Ornelas seconded the motion. Chairman Reinert called for a vote and the motion was approved.

It was recognized that there should have been an opportunity for Public Comment, which was inadvertently omitted from the Agenda. Chairman Reinert asked if there were any comments and there were none. John Ashworth wishes Region E the best in handling these issues.

7. **Consider and discuss a date for the next regular meeting.**

The group suggested not to meet on January 25, 2024 but to determine the next meeting pending WSP response to the above-referenced termination letter. Annette will send out a Doodle poll w everyone's availability for the next meeting.

8. **Adjourn**

Dave Hall made a motion to adjourn the meeting. Becky Brewster seconded the motion. Chairman Reinert called for a vote and the motion was approved. The meeting adjourned at 2:36 pm MDT.