



Best Management Practices Guide for Regional Water Planning Group Designated Political Subdivisions

Fifth Cycle of Regional Water Planning

Water Use, Projections, & Planning Division

Regional Water Planning

**Maintained and published by the Texas
Water Development Board on behalf of
Regional Water Planning Group
administrators**

Latest updates to this document as of February
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Table of Contents

1	Introduction	3
2	TWDB requirements	3
2.1	Political subdivision and administrator responsibilities from 31 TAC §355 and §357 ...	3
2.2	Notable contract requirements.....	5
3	Recommended Best Practices for Political Subdivisions	6
3.1	Communication with RWPG members.....	6
3.2	New member orientation.....	7
3.3	Paying for administrative costs.....	8
3.4	Web posting and newsletter distribution.....	8
4	Open Meetings Act and Public Information Act	9
4.1	Training requirements	9
4.2	Meeting minutes and committee quorums	10
4.3	Additional guidance.....	10
5	Contacts	14
6	Useful TWDB webpage and document links	15

1 Introduction

The purpose of this guide is to provide an orientation to the responsibilities of acting as a regional water planning group's (RWPG) designated political subdivision and/or administrative agent, and to provide suggestions on some of the best administrative practices that may be used by a political subdivision in the execution of their duties on behalf of the RWPG. This guide has been distributed to the 16 RWPG political subdivisions for review and input.

Each five-year planning cycle, an RWPG must designate a political subdivision to act as a representative of the RWPG and apply for and receive financial assistance from the Texas Water Development Board (TWDB) to develop a regional water plan or revision pursuant to 31 Texas Administrative Code (TAC) §355, Subchapter C. Examples of designated political subdivisions include river authorities, municipalities, or councils of governments.

The political subdivision enters into a primary contract with the TWDB on behalf of the RWPG and administers the contract throughout the planning cycle. The political subdivision also executes and administers a subcontract with the primary technical consultant on behalf of the RWPG that mirrors the requirements laid out in the primary TWDB contract. Political subdivisions may expend a portion of these funds for direct costs related to public notice and other administrative costs. In addition, some planning groups also authorize their designated political subdivision to raise local funds from the region's stakeholders in order to cover expenses not eligible for reimbursement through the TWDB's grant funds.

In the capacity of serving as the RWPG's administrative agent, the political subdivision (or other identified entity) organizes the RWPG meeting locations, public notices, agendas, meeting presentations, handouts, and meeting minutes.

Political subdivisions may familiarize themselves with and utilize the RWPG administrative resources located on the TWDB's Regional Water Planning (RWP) Fifth Cycle Working Documents webpage. Hyperlinks to useful TWDB webpages and documents mentioned throughout this document are found in Section 6.

2 TWDB requirements¹

RWPGs and their designated political subdivisions must adhere to the TWDB's rules on regional water planning and regional water planning grants, as well as requirements in the TWDB grant contracts. This section highlights the specific responsibilities within the TWDB's rules and notable contract requirements that are directly applicable to the political subdivisions.

2.1 Political subdivision and administrator responsibilities from 31 TAC §355 and §357

1. Obtain designation by the RWPG as the political subdivision in order to be eligible to apply for, receive, and administer TWDB funds on behalf of the region (§357.12(a)(4); §355.90(b)(5)).
 - This process must occur before or at the beginning of each new five-year planning cycle.

¹ See the TWDB water planning rules pamphlet (Section 6) for full rule requirements.

- The RWPG must provide a written designation to the TWDB Executive Administrator (EA) naming their authorized political subdivision.
2. Apply for planning grant funds through a formal Request for Application (RFA) process (§355.91).
 - Public notice requirements for this application are subject to §357.21(e).
 - Utilize the most up-to-date online “Regional Water Planning Public Notification Quick-Reference” document that is located on the TWDB’s RWP Fifth Cycle Working Documents webpage.
 - The RFA Process typically occurs twice during the planning cycle.
 - The TWDB will provide a special webpage for application instructions and supporting documentation during each RFA process.
 3. Execute contracts with the TWDB by the specified deadline (§355.93), including the following:
 - The initial TWDB/political subdivision contract that will contain initially committed grant funds.
 - All TWDB/political subdivision contract amendments that are issued during the planning cycle.
 - All political subdivision/consultant subcontracts and consultant sub-subcontracts must also be updated to reflect changes or additions to the TWDB/political subdivision contract and submitted to the TWDB for acceptance.
 4. Political subdivisions must adhere to the limitations of use of contractual funds that are identified in the expense budgets footnotes and elsewhere in these contracts (§355.92).
 5. Procure technical consultants at the beginning of each planning cycle in accordance with §355.92(c) and submit the required Certification of Procurement (COP) form to the TWDB.
 6. Submit either RWP advance or reimbursement payment requests with all necessary backup documentation to the TWDB on a quarterly basis as stated in the TWDB contract. These funds are utilized to reimburse eligible political subdivision, consultant, and voting member expenses.
 7. Ensure all meetings of the RWPG, committees, and subcommittees are posted and held in accordance with the Texas Open Meetings Act and additional Chapter 357 public notice requirements for specific RWPG activities (§357.21).
 - Post notices, meeting agendas, and materials in accordance with §357.21. An Excel file tool has been provided on the TWDB’s RWP Fifth Cycle Working Documents webpage, under ‘Administrative Documents’, to help calculate when various notices and/or documentation should be provided for a RWPG meeting and RWPG activities.
 - Maintain and use contact lists (depending on the activity) for voting and non-voting RWPG members, any person or entity who has requested notice of RWPG activities, county clerks within the regional water planning area (RWPA) (if notices are not posted on RWPG host website), each mayor of a municipality that is located in whole or in part of the RWPA with a population of 1,000 or more or which is a county seat, and each county judge of a country located in whole or in part of the RWPA.
 - Notification lists for surface water rights holders, public water utilities, and general/special law districts and river authorities may be obtained from the TWDB’s RWP Fifth Cycle Working Documents webpage.
 8. Maintain RWPG membership contact information and provide membership lists to the TWDB (§357.11(f)). Since the vast majority of planning group communications occur via email, it is recommended that the political subdivision request updated email address information from planning group members at every RWPG meeting. This could be successfully accomplished by utilizing a sign-in sheet for RWPG members prefilled with their name and current email

addresses, with an adjacent space to write updated email addresses. Full contact information may be solicited on a less frequent schedule.

9. Provide copies of updated bylaws to the TWDB (§357.11(c)). It is recommended that the planning groups review and/or update their bylaws at least at the beginning of each planning cycle in order to account for legislative or other changes that may have occurred since the previous bylaws update.
10. Follow draft and final regional water plan (RWP) submittal requirements, including holding a public hearing on the initially prepared plan (IPP) (§357.50) (see the “Regional Water Planning Public Notification Quick Reference Document”).

2.2 Notable contract requirements

At the beginning of each planning cycle, the TWDB will present a regional water planning contracts webinar as a refresher on important contract requirements. The current webinar is available as an on-demand video on the TWDB’s RWP 5th Cycle Working Documents webpage. Some of the important items covered in the webinar include the following:

1. All contract-related question emails should be sent to the TWDB’s Contracts Department (contracts@twdb.texas.gov) with the appropriate regional water planning project manager copied on the email.
2. All subcontracts must be submitted to the TWDB for review and acceptance prior to submitting invoices for reimbursement. Complete subcontracting guidelines are available on the TWDB website.
3. Consultant procurement and the COP form.
 - Every contractor and subcontractor must be listed on the COP.
 - COP responsibility resides with the entity that procures the subcontract.
 - COP forms must be submitted to the TWDB for review and acceptance prior to submitting subcontracts for review and acceptance, and invoices for reimbursement.
4. Payment request submittals, including the associated but separate task progress reports, are due on a minimum quarterly basis as part of the payment request as specified in the TWDB/political subdivision contract.
 - Advance/reimbursement request packets should be emailed to invoice@twdb.texas.gov and include copies of invoices, receipts, and statements. Provide details of travel information and proof of payment to subcontractors.
 - The TWDB will provide a payment request checklist to the political subdivision (a checklist template is available online).
 - If the political subdivision chose the “advance” method of distributing RWP funds, then these advances must be deposited into a separate interest bearing account and the “interest earned” amount must be recorded on the payment request checklist.
 - Advance requests may be submitted once 90 percent of the previous advance has been expensed.
 - Advances are distributed on a 20 percent maximum of total committed funds basis.
5. Adjustments may be applied to the TWDB/political subdivision contract task or expense budget, in line with the following contract requirements:
 - If the requested adjustment is less than 35 percent of either a task’s total budget or expense line amount, there is flexibility to do so informally by notifying the TWDB of this change in writing via email to contracts@twdb.texas.gov and the region’s project manager.

- If the requested adjustment exceeds the 35 percent threshold of either a task's total budget or expense line amount, the political subdivision must submit a request for a Budget Memorandum and obtain approval from the TWDB. The request must be approved by the RWPG at a regular RWPG meeting provides approval to the political subdivision to request adjustments to the TWDB/political subdivision contract task or expense budgets, then the political subdivision may send the request by email to contracts@twdb.texas.gov and the region's project manager. The request should include a written documentation of why the revision is necessary, the date the planning group approved the budget memorandum request, and a table showing the current budget and the proposed revision (contact the regional project manager, or contracts@twdb.texas.gov for a budget memorandum template).
- Please note that the TWDB considers subcontractor budgets as "working budgets" only and if revisions are needed, the political subdivision simply needs to send an email request to the TWDB contracts department providing the revised subcontract budget information. It is the discretion of the political subdivision whether subcontracts are amended following budget memorandums. Additionally, subcontracts should reflect the estimated total study cost allocated for tasks, as applicable; however, contractors are responsible for managing expenses within the committed amount. Clauses may be added to subcontracts limiting reimbursement up to committed amounts.

Please refer to the online TWDB contracts webinar for additional contract information.

It is also important to note that some task budgets may require scoping and a written "Notice to Proceed" prior to commencing reimbursable work, as noted in the contract.

3 Recommended Best Practices for Political Subdivisions

This section includes recommendations and information for political subdivisions related to communication, new member orientations, administrative costs, and web posting and newsletter distribution.

3.1 Communication with RWPG members

1. Request updated planning group member contact information at each RWPG meeting.
2. Forward all TWDB communications and data provided in emails to planning group members (the TWDB provides information to chairs, political subdivisions, and technical consultants) with the intent of creating more interest from the members and facilitating their engagement in the planning process by receiving these informational emails directly from the planning group's representative.
3. Forward meeting notices and agendas to neighboring planning groups via their liaisons. Liaisons should then pass along this information to their respective RWPGs.
4. During development of the draft RWPG meeting agenda, it is recommended that the political subdivision solicit comments from planning group chair and/or officers, consultants, and the TWDB project manager in order to ensure that the final agenda will meet necessary action item requirements.
 - Include a standing agenda item for updates from groundwater management area representatives, liaisons, and other non-voting members.
 - Include a standing agenda item to receive public input. RWPGs may want to consider the practice of handling items on the agenda so that members of the public have an opportunity to address the RWPG on an item before a vote is taken.

- Encourage the technical consultant to provide a planning process recap and next steps during each full RWPG meeting.
5. The Excel template on the TWDB's RWP Fifth Cycle Working Documents webpage may be used for calculating public notice deadlines for various types of meeting requirements, comment period requirements, and for scheduling political subdivision tasks prior to an RWPG meeting.
 6. Encourage technical consultants to provide meeting materials to members as far in advance as possible to allow for additional time for members to review and digest the material and make informed decisions.
 - It is recommended for this to occur at least one week before the meeting via email attachments or email links to the RWPG's website.
 7. Communicate with the membership to encourage meeting materials to be reviewed prior the scheduled meetings.
 8. Encourage appropriate time for agenda item discussion.
 9. Survey RWPG members occasionally to determine how frequently they feel the group should meet, within budget limitations, in order to effectively develop their regional water plan.
 10. Survey RWPG members occasionally to determine the preferred location, acknowledging facility constraints, to hold planning group meetings.
 11. Ensure that the RWPG's required website is kept up to date and that members are able to successfully navigate the website and access documents. Some RWPGs have the political subdivision directly perform the ongoing maintenance of the planning group's website while others delegate the maintenance to the consultants.
 12. Ensure that planning group members are aware of how they can access the groups bylaws.
 13. Ensure that planning group members are aware of the RWPG's terms of office and process for selecting new members. Note that groundwater management area representation should be appointed in accordance with the [2011 TWDB letter to RWPGs](#) regarding Senate Bill 660. This information will be reviewed following each Legislative Session to determine if there are new districts. Table 1 in the letter is correct as of 8/16/18.
 14. Encourage all planning group members to attend committee meetings to assist with informed decision making.
 15. Facilitate interregional cooperation as appropriate.

3.2 New member orientation

Planning groups have different methods of orienting new members. Many political subdivisions either call or hold meetings with new members to provide such orientations. Orientations may occur during planning group meetings, or held separately for the new members. Examples of topics covered by political subdivisions to new members include an overview of the state and regional water planning process, planning group history, open meetings requirements, groundwater and surface water law, and environmental flows. Examples of documents provided to new members include a copy of the region's bylaws, previous meeting packages or presentations, a copy of the current plan or plan summary (available online), a list of members and consultants, a map of the region, and the TWDB regional water planning rules pamphlet.

A [new member guide](#) maintained by the TWDB includes information on the regional water planning process, key roles and responsibilities, funding the planning process, required planning considerations, plan contents, and TWDB resources. The TWDB website includes a dedicated new RWPG member page, and additionally, TWDB staff is available to present regional water planning 101 as requested.

3.3 Paying for administrative costs

The TWDB RWP contracts contain Task 10 funding to cover eligible RWPG public participation activities as defined in the TWDB/political subdivision contracts. Eligible expenses are direct non-labor administrative costs as well as certain travel costs for voting members to attend RWPG meetings, if approved under §355.92(b)(1). These activities and the associated funds are reimbursable to the political subdivision and the technical consultants. As an example of the amount of time a political subdivision spends in their RWPG administrative role, Region N's political subdivision estimates 240 hours and \$60,000 per year was required to cover their administrative expenses for the previous 4th cycle of planning and this cost was paid for 100% with local funds.

For planning group administrative costs that are not eligible for reimbursement with the TWDB's funds, some RWPG's (A, C, I, O, M, N, L) have obtained additional local funds that may be necessary to support the administrative work performed by the political subdivisions.

Examples of how political subdivisions account for ineligible administrative expenses include the following:

- Some political subdivisions pass through all Task 10 funds for eligible reimbursable activities to the consultant, and the political subdivision volunteers all of its time and resources that are necessary to sufficiently perform contract administrative duties that are not eligible reimbursable activities.
- Some political subdivisions pass through all Task 10 funds for eligible reimbursable activities to the consultant and the political subdivision is authorized by the planning group to solicit local funds from RWPA stakeholders to cover their ineligible administrative expenses.
- Some political subdivisions split Task 10 funds for eligible reimbursable activities with the technical consultants, and the political subdivision is also authorized by the planning group to solicit additional local funds to cover the remaining ineligible administrative activities.
- Historically, most voting members have not requested to be reimbursed with RWP funds for their meeting travel expenses. Some of these members are reimbursed by their employers while others cover these costs themselves. Reimbursement of travel expenses to an RWPG member requires RWPG approval under §355.92(b)(1) and must meet the specifications listed in the contract expense budget.

3.4 Web posting and newsletter distribution

New for the Fifth Cycle of RWP is the requirement that all RWPGs have either an external website or an RWPG-dedicated webpage on the RWPG administrator's website. The required RWPG external website content includes RWPG meeting notices, agendas, materials, and plan information. Materials could include presentations and handouts, and meeting minutes can also be posted on the RWPG website. The RWPG could post additional links to relevant materials available on the TWDB website to save the planning group time and storage space, such as links to the current adopted regional water plans, the 2017 State Water Plan, Interactive State Water Plan, current planning cycle information, and water planning data.

Also new for the Fifth Cycle of RWP is the eligibility of expenses incurred in the development, production, and distribution of an RWPG newsletter. The maximum amount of eligible expenses that can be reimbursed as stated in the contract is up to 3% of Task 10 funds, not to exceed \$5,000.00.

4 Open Meetings Act and Public Information Act

Effective September 1, 2017, SB 347, 85th Legislative Session, requires that, in addition to RWPG meetings and hearings, RWPG committee and subcommittee meetings are subject to the Texas Government Code (Gov't Code) §§ 551 and 552 (Texas Open Meetings Act and the Public Information Act).

Although the TWDB is not in a position to provide legal advice to the RWPGs, an interpretation of Texas Water Code (TWC) §16.053(h)(12) (as added by SB 347) is described below. RWPG members may wish to consult with attorneys for their organizations to analyze the legislation themselves, rather than solely relying on the TWDB's interpretation. Members who would like a more in-depth understanding of the Open Meetings Act or Public Information Act will find the Attorney General's (AG's) handbooks on the Open Meetings Act and Public Information Act helpful resources:

- Open Meetings Act Handbook:
https://www.texasattorneygeneral.gov/sites/default/files/files/divisions/open-government/openmeetings_hb.pdf
- Public Information Act Handbook:
https://www.texasattorneygeneral.gov/sites/default/files/files/divisions/open-government/publicinfo_hb.pdf

4.1 Training requirements

It is the TWDB's interpretation of TWC §16.053(h)(12) (as added by SB 347) that RWPG members must complete the Open Meetings Act training required by Texas Government Code (Gov't Code) §551.005 and the Public Information Act training required by Gov't Code §552.012. TWC §16.053(h)(12) states that the RWPGs themselves, not just their meetings, are "subject to" the Open Meetings Act. Gov't Code §551.005 applies to all elected or appointed officials who are members of a governmental body "subject to" the Open Meetings Act. Furthermore, TWC §16.053(h)(12) states that the RWPGs are subject to the Public Information Act. The Public Information Act applies to all elected or appointed officials who are members of a multimember governmental body. The AG's Public Information Act Handbook further explains that Public Information Act requirements apply to all governmental bodies "subject to" the Public Information Act.

The Open Meetings Act and Public Information Act both state that completing the training in one capacity satisfies the requirement in all capacities, so RWPG members who have completed these trainings as part of their outside employment with cities, water supply corporations receiving TWDB funds, groundwater conservation districts, etc., would not need to complete them again as RWPG members.

Additionally, for the Public Information Act training, the members of a governmental body may appoint a "public information coordinator" to attend training in their place so long as the designee is the person primarily responsible for the processing of open records requests for the governmental body.

It is the TWDB's interpretation that these training requirements only apply to voting members of the RWPGs and their alternates. However, the RWPGs may wish to require all members of the RWPGs and their alternates to attend or watch the training. The RWPGs may wish to consult with the attorneys for their organizations to discuss this question further. Each RWPG may have different rules and customs regarding non-voting members. Any individual who wishes to take the training may do so.

Because SB 347 becomes effective on September 1, 2017, it is the TWDB's interpretation that RWPG members have 90 days from that date to complete the Open Meetings Act and Public Information Act

trainings. Individuals may comply with the requirements by watching training videos on the AG’s website and printing completion certificates:

<https://www.texasattorneygeneral.gov/open-government/governmental-bodies/pia-and-oma-training-resources/open-meetings-act-training>

<https://www.texasattorneygeneral.gov/open-government/governmental-bodies/pia-and-oma-training-resources/public-information-act-training>

RWPGs shall maintain and make available for public inspection the record of its members’ completion of training.

4.2 Meeting minutes and committee quorums

It is the TWDB’s interpretation of TWC §16.053(h)(12) (as added by SB 347) that the RWPGs are required to either keep minutes or make a recording of each open meeting of the RWPG or its committees and subcommittees, in accordance with Gov’t Code §551.021. According to Gov’t Code §551.022, the minutes or recordings are public records, and the RWPGs would be required to keep these minutes or recordings available for public inspection. It does not appear that the Open Meetings Act requires the RWPGs to post these minutes or recordings anywhere; they are simply required to keep them and make them available for inspection if requested. The Open Meetings Act does not require minutes or recordings of closed (executive) sessions, but rather requires a certified agenda of those meetings. Please keep in mind that the regional water planning contracts also require contractors to “develop, provide, and archive minutes.”

With regards to whether committees and subcommittees must keep minutes, note that meetings of less than a quorum of a governmental body are not subject to the Open Meetings Act. However, when a governmental body appoints a committee that includes less than a quorum of the parent body and grants it authority to supervise or control public business or public policy, the committee may itself be a governmental body subject to the Open Meetings Act. In other words, if a committee or subcommittee meets and this group constitutes less than a quorum of the RWPG as a whole, the meeting could still be subject to the Open Meetings Act if the committee or subcommittee has authority to supervise or control public business or public policy. If that is the case, a quorum is determined based on a quorum of the committee or subcommittee, not a quorum of the RWPG as a whole.

Furthermore, TWC §16.053(h)(12) (as added by SB 347) states that each RWPG and any committee or subcommittee of a RWPG are subject to the Open Meetings Act. Therefore, quorums should be calculated based on the membership of the committee or subcommittee, **not the RWPG as a whole**.

For example, an RWPG has 30 members and a committee has 5 members. The committee has control over the public business or public policy of the RWPG. For a deliberation of committee to constitute a “meeting” under the Open Meetings Act, a quorum of 3 people must be present (not the RWPG quorum of 16).

Please see Section V(D) of the AG’s Open Meetings Act Handbook for more information on this subject.

4.3 Additional guidance

The following information is based on questions TWDB staff has received.

1. Would a conference call (generally to discuss agenda setting) with Executive Committee members be subject to the Open Meetings Act?

- According to Gov't Code §551.125, an RWPG may not conduct meetings subject to the Open Meetings Act by telephone conference unless a statute expressly authorizes it to do so. The TWDB knows of no statute that would expressly authorize a RWPG to meet by telephone or conference. The RWPGs may wish to consult with attorneys for their organizations on this question. If the call constitutes a "meeting" subject to the Open Meetings Act, it can only be held by telephone conference call in limited circumstances (such as an emergency) and subject to procedures that may include special requirements for notice, record-keeping, and two-way communication between meeting locations. Video conference calls are addressed in a different section of the Open Meetings Act than telephone conference calls. These requirements are included in §551.127 and allow video conference calls in certain situations. Please see Section VI(G) of the AG's Open Meetings Act Handbook for more information on the issue of both telephone and video conference calls, including references to cases and AG Opinions that may be helpful.
 - A call would be a meeting subject to the Open Meetings Act if it meets the definition of "meeting" in Gov't Code §551.001(4). This analysis also requires an analysis of the definition of "deliberation" in Gov't Code §551.001(2). Please see Section VI of the AG's Open Meetings Act Handbook and the cases and AG Opinions cited in that section for more information on this issue. Section VI(E) provides important information on "walking quorums," which are serial meetings of less than a quorum.
2. Is having a pre-meeting "huddle" with Executive Committee members to discuss how the meeting will be run subject to the Open Meetings Act?
- A pre-meeting "huddle" with Executive Committee members to discuss how the meeting will be run is subject to the Open Meetings Act if it meets the definition of "meeting" in Gov't Code §551.001(4). This analysis also requires an analysis of the definition of "deliberation" in Gov't Code §551.001(2). Please see Section VI of the AG's Open Meetings Act Handbook and the cases and AG Opinions cited in that section for more information in this issue. Section VI(E) provides important information on "walking quorums," which are serial meetings of less than a quorum.
3. Are email discussions subject to the Open Meetings Act, if all member emails are visible in the "to" or "cc" fields?
- An email discussion is subject to the Open Meetings Act if it meets the definition of "meeting" in Gov't Code §551.001(4). This analysis also requires an analysis of the definition of "deliberation" in Gov't Code §551.001(2). The Open Meetings Act does not provide that the words exchanged must be spoken in person; members of a governmental body need not be in each other's physical presence to constitute a quorum. A deliberation may include an exchange of written materials or electronic mail. The definition of meeting reaches gatherings of a quorum of a governmental body even when the members of the quorum do not participate in deliberations among themselves or third parties; the governmental body may be subject to the Open Meetings Act when it merely listens to a third party speak at a gathering the governmental body conducts or for which the governmental body is responsible. An email discussion could be a meeting subject to the Open Meetings Act if a quorum of the RWPG (or committee/subcommittee) were in the to, cc, or bcc fields. Please see Section VI of the AG's Open Meetings Act Handbook and the cases and AG Opinions cited in that section for more information in this issue. Section VI(E) provides important information on "walking quorums," which are serial meetings of less than a quorum.

- Note: Attorney General Opinion GA-0896 specifically discusses questions regarding email exchanges.
4. What are record-keeping expectations for RWPGs now that they are fully subject to the Public Information Act?
 - The Public Information Act states that “a governmental body... may determine a time for which information that is not currently in use will be preserved, subject to any applicable rule or law governing the destruction and other disposition of state and local government records or public information” (Gov’t Code §552.004). The Public Information Act goes on to state that except for social security numbers, “the confidentiality provisions of [the PIA], or other law, information that is not confidential but is excepted from required disclosure under Subchapter C is public information and is available to the public on or after the 75th anniversary of the date the information was originally created or received by the governmental body” (Gov’t Code §552.0215). The RWPGs should consult with the attorneys for their organizations to determine whether any other laws or rules governing the preservation of records would apply to the RWPG. Please see Section IX of the AG’s Public Information Act Handbook and the cases and AG Opinions cited in that section for more information on this issue.
 5. Can staff from the RWPG’s designated political subdivision be appointed as the Public Information Act public information coordinator?
 - The Public Information Act states that “A public official may designate a public information coordinator to satisfy the training requirements of this section for the public official if the public information coordinator is primarily responsible for administering the responsibilities of the public official or governmental body under this chapter...” (Gov’t Code §552.012). It is the discretion of the RWPG who they choose to be the designated coordinator, if one is designated. It is also up to the RWPGs if they desire additional individuals to complete the training than required by the Public Information Act.
 6. Can older training certificates be accepted for maintaining the record of members’ completion of training?
 - The Open Meetings Act and Public Information Act both state that completing the training in one capacity satisfies the requirement in all capacities, so RWPG members who have completed these trainings as part of their outside employment with cities, water supply corporations receiving TWDB funds, groundwater conservation districts, etc., would not need to complete them again as RWPG members. The Acts simply require public officials to complete the training within 90 days of taking office/assuming responsibilities as a member of the governmental body; it does not specify repeat training requirements.
 7. Would a notarized statement affirming training completion be acceptable if a member has taken the training but cannot locate the completion certificate?
 - It will be up to the RWPGs to prove compliance with the Act if they’re questioned on it. It is up to the RWPG to prove compliance however they see fit.
 8. May RWPGs meet via telephone conference calls?

- A governmental body may only hold a meeting by telephone conference call if (1) an emergency or public necessity exists within the meaning of Gov't Code §551.045; and (2) the convening at one location of a quorum of the governmental body is difficult or impossible; or (3) the meeting is held by an advisory board (Gov't Code §551.125(b)). If an entity holds an emergency meeting pursuant to §551.125, and a quorum is physically present at the meeting place, other members may not telephone in (Tex. Att'y Gen. Op. No. JC-0352 (2001)). "Difficult or impossible" contemplates meetings by telephone conference call in extraordinary circumstances and not merely when attending a meeting at short notice would inconvenience members of the governmental body.
- <https://www2.texasattorneygeneral.gov/opinions/opinions/49cornyn/op/2001/pdf/jc0352.pdf>

9. Are "workgroups" formed by the RWPG subject to the Open Meetings Act?

- The AG's Open Meetings Act Handbook states that when a governmental body appoints a committee that includes less than a quorum of the parent body and grants it authority to supervise or control public business or public policy, the committee may itself be a governmental body subject to the Act (see Section V(D) and (E) of the AG's Open Meetings Act Handbook). It further states that the fact that a committee is called an advisory committee does not necessarily mean it is considered an advisory committee under the Act. Based on the language in the AG's Open Meetings Act Handbook, the TWDB believes the more conservative interpretation would be to treat a workgroup in the same way as a committee.

Below are informational resources for the AG and links to the Open Meetings Act and Public Information Act.

- [Texas Open Meetings Act](#)
- [Texas Public Information Act](#)
- [Public Information Act and Open Meetings Act Training Resources](#)

5 Contacts

Below is a list of RWPG political subdivision administrator contacts and the associated TWDB project managers.

Region	Political Subdivision Point of Contact	TWDB Project Manager
A	Dustin Meyer (PRPC) dmeyer@theprpc.org	William Alfaro william.alfaro@twdb.texas.gov
B	Randy Whiteman (RRA) randy.whiteman@rra.texas.gov	Kevin Smith kevin.smith@twdb.texas.gov
C	Howard Slobodin (TRA) slobodinh@trainityra.org	Kevin Smith kevin.smith@twdb.texas.gov
D	Walt Sears (NETMWD) netmwd@aol.com	Ron Ellis (Team Lead) ron.ellis@twdb.texas.gov
E	Annette Gutierrez (RGCOG) annetteg@riocog.org	Elizabeth McCoy elizabeth.mccoy@twdb.texas.gov
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6 Useful TWDB webpage and document links

Rules and contract related links

- [31 Texas Administrative Code \(TAC\) §355, Subchapter C](#)
- [31 Texas Administrative Code §357](#)
- [Water Planning Rules and Texas Statute Reference Pamphlet](#)
- [Regional Water Planning Public Notification Quick-Reference Document](#)
- [TWDB Subcontracting Guidelines](#)
- [Certification of Procurement Form](#)
- [Regional Water Planning Advance Request Checklist](#)
- [TWDB Regional Water Planning Contracts Webinar](#)

State and regional water planning related links

- [Fifth Cycle of Regional Water Planning homepage](#)
- [Fifth Cycle Working Documents Page](#)
- [2016 Approved Regional Water Plans](#)
- [2017 State Water Plan](#)
- [Interactive State Water Plan](#)
- [Water Planning Data](#)
- [Water Supply & Infrastructure Staff Contact List](#)
- [Regional Water Planning Groups](#)
- [New RWPG Member page](#)