

AGENDA ITEM # 26

Consider approving hiring of Lloyd, Gosselink, Blevins, Rochelle, Baldwin & Townsend law firm as counsel for Williamson County Water Visionary Committee

Kerry Russell advised the court Hydrologist Mike Thornhill had been interviewed by Lloyd, Gosselink, Blevins, Rochelle, Baldwin & Townsend law firm Mr Russell also answered questions from the court

Moved **Commissioner Limmer**

Seconded: **Judge Doerfler**

Motion To approve hiring Lloyd, Gosselink, Blevins, Rochelle, Baldwin & Townsend law firm as counsel for Williamson County Water Visionary Committee on an hourly basis not to exceed \$10,000.00 unless further authorized by Commissioners Court .

Vote Motion carried 5 - 0

< Clerk copy here >

Mr Russell's Direct Line {PRIVATE } (512) 322-5853
Email krussell@lglawfirm.com

February 1, 2000

Williamson County Commissioners Court
710 Main Street, Room 201
Georgetown, Texas 78626

Re Employment Agreement with Williamson
County, Texas, for Legal Services

To the Honorable Commissioners Court of Williamson County, Texas

As requested by the Williamson County Water Visionary Committee ("the Committee"), the law firm of Lloyd, Gosselink, Blevins, Rochelle, Baldwin & Townsend, P C. ("Lloyd, Gosselink") presents this revised proposal to provide legal services to Williamson County, Texas ("the County") and the Committee related to groundwater issues. The work to be performed under this agreement will be billed on an hourly basis with a not-to-exceed total cost to the County of \$10,000.00, without further authorization by the Court.

The Committee has requested a detailed delineation and schedule of services to be performed under this agreement. Once again, the services to be rendered by Lloyd, Gosselink under this agreement relate to counseling on groundwater law and evaluation of management options. Because of the legislative aspects of this matter, we feel that the County needs to reach a decision on the creation of a groundwater district as the earliest possible date, but by no later than May 1, 2000. If the decision is to maintain the status quo or to pursue a different groundwater management option, then time is obviously not an important consideration. However, if the ultimate decision is to pursue the creation of a management entity, the May 1 date will still allow the County sufficient time to address the necessary legal, technical, regulatory, legislative and political issues associated with such a decision.

Services to be provided by Lloyd, Gosselink under this agreement include, but are not limited to, the following:

- Meetings with the Committee to counsel on relevant statutory and regulatory issues and management options under Texas law: If the Committee adheres to a bi-weekly meeting schedule and accepts a May 1, 2000, decision deadline, there would be a maximum of seven bi-weekly meetings. Lloyd, Gosselink will have at least one attorney present at each meeting to make presentations as requested by the Committee, to answer questions, and to counsel committee members as they evaluate options. Lloyd, Gosselink will also

provide a paralegal to record minutes of Committee meetings and to reduce such to written form. Lloyd, Gosselink will also provide other administrative or legal services as necessary, such as drafting and posting notices of meetings of the Committee, in coordination with the Williamson County Attorney

- Assisting with identification of major stakeholders to include in discussions
- Securing necessary technical resources to aid in evaluation of options
- Consultations with state agency staff
- Conducting necessary educational and feedback meetings for stakeholders, the public, and local officials
 - Involves
 1. Helping prepare presentation
 2. Securing speakers and coordinating schedules and presentations
 3. Attending meeting
 4. Responding to follow-up questions and calls from attendees
- Education of and negotiations with key stakeholders
- Education of and answering questions for the press
- Evaluation of annexation and district creation options
- Legal research on specific issues
- Updating the members of the Committee on assigned tasks
- Phone calls and correspondence with members of the Committee, key stakeholders, and others related to these services

At the present time Lloyd, Gosselink has a fee structure ranging up to \$225.00 per chargeable hour for attorneys' services, depending on the individual involved and his or her level of experience and expertise. For this project, I will be the primary account representative and the attorney in charge of our representation. My time will be billed at the rate of \$195 per hour. Brian Sledge will be working with me and his time will be billed at the rate of \$165 per hour. From time to time other Lloyd Gosselink attorneys may be assigned to some aspect of our representation, as appropriate.

Additionally, we utilize briefing clerks, paralegals, and other support personnel to perform those tasks not requiring the time of an attorney. Paralegal time is billed at an amount not to exceed \$80.00 per hour. We will submit all out-of-pocket expenses incurred for reimbursement with a fifteen percent (15%) overhead charge added. Charges for any consulting experts hired by the Firm for work on this project will be billed directly to the County without an overhead charge added. Charges for other services, such as photocopies, fax transmissions, and messenger services will be billed according to the attached schedule. We ask the client to pay directly all filing fees, charges for consultants, etc. due to the size of such charges and to avoid the client incurring our overhead charge. We endeavor to have a statement of services rendered and expenses incurred by the 15th of each month. Full payment is due on receipt of the statement. Interest will be charged at the rate of 10% per annum on any balance not paid 60 days after the statement date.

This agreement shall become effective upon our receipt of a countersigned original of this letter. The County may terminate this agreement at any time by written notice to us. This agreement may be terminated by Lloyd, Gosselink on fifteen (15) days written notice that we are no longer in a position to continue representing the County in this particular matter for reasonable cause, including nonpayment of fees and expenses.

If this agreement is acceptable to you, please sign the duplicate original provided herein, and return it to us for our records. We appreciated the opportunity to represent the County in amending its OSSF rules and look forward to assisting the County with groundwater conservation.

Sincerely,

Kerry E Russell

KER/bls
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APPROVED Williamson County

John C Doerfler 2-22-00
(Client Signature)

County Judge
(Title)

John C Doerfler
(Printed Name)

SCHEDULE OF CHARGES

As of January 1, 1999

Photocopies	\$ 20/page
Telefax (sending only)	\$ 1 00/page
Messenger/clerical services	\$10 00/hour

WILLIAMSON COUNTY WATER VISIONARY COMMITTEE

February 2, 2000

DRAFT – revised 2/7/00

(stakeholder)
(address)
(address)

Re Participation in Groundwater Discussions

Dear Stakeholder

The Williamson County Commissioners Court has asked its appointed advisory committee on water issues, the Williamson County Water Visionary Committee (“the Committee”), to undertake an assessment and evaluation of groundwater conditions and related surface water issues in the area, especially in light of recent developments. One primary goal of the Committee’s review process is the development of recommendations to present to the Commissioners Court. The Committee has identified you or your organization as having a stake in the outcome of these discussions and seeks your participation in the process.

The Texas Water Development Board (TWDB) has recently completed an updated evaluation of water resources in Williamson County and surrounding areas. This review was initiated in response to a statutorily mandated annual review undertaken jointly by the Texas Natural Resource Conservation Commission (TNRCC) and the TWDB to identify those areas of the state that are experiencing, or are expected to experience, critical water problems within the next twenty-five years. Those problems include shortages of surface water or groundwater, land subsidence resulting from groundwater withdrawal, and contamination of groundwater supplies.

The TWDB report indicates possible groundwater supply problems for Williamson County in the near future, based on available data. The Committee intends to undertake an independent investigation of all available Williamson County groundwater data to determine if the TWDB report is based on accurate, current data. The TWDB report concludes that careful management of the groundwater resources along with increased conversion by existing groundwater users to surface water supplies will be necessary to ensure adequate availability of water in the area through the year 2030. The report now goes to the TNRCC for a determination on whether to designate the area as a priority groundwater management area (“PGMA”).

A PGMA designation could have a significant impact on future management of Williamson County groundwater resources. The Committee has been charged with reviewing the available options to manage groundwater resources. Such options range from continued uncoordinated management by individual property owners to the formation of a statutory

groundwater district. The Committee intends to identify and examine all available options before making any recommendations to the Commissioners Court

Since Williamson County's common groundwater resources cross local political and property boundaries, the Committee recognizes that the development and implementation of any successful course of action will require coordination, support, and input from all of the local persons and entities who have a stake in the outcome of these deliberations. The Committee would like to invite your participation and assistance in this assessment of groundwater conditions and issues in Williamson County and the evaluation of options to address the groundwater conservation issue.

You will be included on our mailing list for notices of Committee meetings. At this point, the Committee intends to meet from 3:00 to 5:00 p.m. every other Wednesday beginning on February 16, 2000. All meetings are fully open to the public. The meeting on February 16th will be at _____. The Committee intends to hold all remaining meetings at the Williamson County Maintenance Facility, which is located at 3151 Southeast Inner Loop, Suite-A, in Georgetown, Texas. The Committee's goal is to complete its initial investigations and deliberations by early May, 2000.

Representatives of the Committee would like to meet with you individually in the coming weeks to better understand your individual needs and concerns and where they fit into the "big picture." A representative of the Committee will be contacting you in the coming days to set up a meeting. We look forward to working cooperatively with you as we undertake this challenging task that affects us all.

Sincerely,

Jim Mills
Committee Co-Chair

Sincerely,

Randy Grimes
Committee Co-Chair

WILLIAMSON COUNTY WATER VISIONARY COMMITTEE

Meeting Minutes February 2, 2000

KER COPY

Attendees:

Barbara Nordby, Williamson County Sun
Carl Liddell, Jobah Water Supply
William Adams, City of Georgetown
Patty Rodgers, Chisholm Trail SUD
Kerry Russell, Lloyd Gosselink
Janet Fulk, Lloyd Gosselink
Jim Mills, Committee Member
Jody Giddens
Jim Nuse, City of Round Rock
Lisa Birkman, Brushy Creek MUD resident

Mike Robinson
John Yearwood, Yearwood Ranch
Gary Nelson, First Texas Bank
Philip Coffin, C7 Ranch
Gene Finely
Larry Koker
W. T. Snead, Texas Crushed Stone
Mark G. O'Conner, Centex Materials, Inc.
Jim Powell, Newland Communities

Mr. Nuse, with the City of Round Rock gave an overview and update on the Planning Group G activities. Planning Group G is made up of 34 counties. It holds public meetings and plans for 2050. Their study will be meshed with the state study that is looking at all water opportunities. Mr. Nuse would like to attend the Williamson County meetings and provide updates on what the Planning Group G is doing.

Mr. Mills then introduced the need to identify and notify major users in Williamson County or "Stakeholders". Kerry Russell stated that Mr. Mulligan with the Texas Water Development Board is providing information on Stakeholders. Mr. Nuse stated that Planning Group G also has a list.

A committee member wondered if information regarding the committee's efforts should be published rather than sending just a letter to identified stakeholders.

There was also a discussion of soliciting representatives from the agriculture community, such as the Texas Farm Bureau. Small users, surface water users that may need to supplement with ground water or major landowners, developers, or business that are water dependent should not be exempted from the committee's efforts.

A discussion followed regarding the purpose of the Williamson County Visionary Committee. Members asked if there was any way to identify signs that the state felt the necessity of regulating water in the aquifer areas, including Williamson County. Mr. Russell stated the community, i.e. the county, must show significant effort, and then they could go to the legislature and show that they have things under control. The committee should identify growth trends, surface water and groundwater resources, users, where to get more groundwater, as well as, understand the Edwards Aquifer and its recharge area. Mr. Russell pointed out that proximity to Austin and the TNRCC made Williamson County vulnerable to the State deciding to take over the management of the water in the area. If the committee plans any action regarding legislature, such as the formation of a Groundwater District, they need to make decisions and plans by May 1st. Although the committee may decide they do not want to form a Groundwater District, they

need to be aware that indications are that action from the state/TNRCC is much less than 2-3 years away.

Committee members indicated doubt that a District was the only solution to the problem of possible state regulation. The political process goes two ways. Mr. Russell pointed out that the current TNRCC commissioners had tried to make common sense decisions regarding environmental protection, but that those decisions were being over turned in the courtroom. EPA pressure and Austin based environmentalist with concerns about issues such as water conservation and endangered species could promote some knee jerk decisions that would be difficult for the Williamson County community to live with. There are reasons to have a water district other than fear of regulation. The committee needed to look at management options to forestall potential state action. The first step in developing options was to demonstrate a thorough understanding of water use and water resources in their own area.

The committee returned to a discussion of the stakeholder letter. It was suggested that a list of committee members should be an attachment to the letter. However, not everyone's telephone number should be included. A committee contact relevant to the stakeholder should be offered. It was also suggested that a website was needed so that people could get information without going through committee members

Although the County Commissioner's visualized the committee for groundwater, it should be charged with planning for long-term water supply. The goal of the stakeholder letters should be a sit down meeting with the stakeholders contacted to obtain their feelings about ground water problems, planning, the formation of a district, general alliance, exchange of information or other purposes. The committee's consensus was that the objective is to obtain more reliable information about current and future water usage. The state's figures are way off. Developers or other users may have extensive needs that no one knows about.

Some committee members indicated that the committee needed to gather data. They needed to know if what the state was saying was true. The users in the county should determine their own needs

Mr. Mills opened a discussion about Mr. Russell's redrafted proposal for Phase I legal services to the committee that does not include legal services related to the formation of a Ground Water District. The proposal will be considered at the County Commissioner's meeting on February 8, 2000. Mr. Russell discussed the specific items in the proposal include, administrative details, meeting with agencies and legislators, information gathering, legal research and perhaps. Mr. Russell also reiterated that the committee needed the information to make a decision as soon as possible about the Ground Water District. Efforts to create major legislation should start by May 1st. A single county district does not have much chance for success

Mr. Mills then introduced Mr. Mike Thornbill, as a potential candidate for an independent ground water hydrologist to conduct a review and evaluate data concerning aquifer levels. Mr. Mike Thornbill stated that the problems need to be thrown out on the table, then the committee could talk about options. Everyone should be pulled into the decision making process. Obviously the aquifer is depleting. But each part of Edwards Aquifer is different, geological

formations that dictate water availability and how the aquifer recharges are different, any animal habitat is different, pollution concerns are different. Therefore, policies for one part of the aquifer are not best for all of the aquifer. However the state draws broad generalized conclusions. One of the problems is communicating the real world to the state, getting them to utilize the scientific and accurate information specific for the area in developing policies and procedures. In order to protect the ground water, you need to understand the ground water. There should be a technical justification for the rules.

Mr. Thornbill suggested that a review and evaluation would cost around \$5,000. The state is collecting data. A review would include seeing where the data comes from and how it was gathered. There are other studies being done, such as Planning Group G, that should be reviewed, rather than create new data.

There are other water resources. The aquifer is part of the whole and should not detract from the whole. There is surface water, reuse water, ground water, alluvial water, but the committee needs current and accurate information in order not to ask for or accept something they don't need. There should be an analysis and balance of water. It would be good to see if the state, TWDB, Planning Group G all come up with information that reaches the same decision. Everyone wants the truth so that they can figure out options and solutions to the problem that are specific as required.

AGENDA ITEM # 27

Consider approving interlocal agreement with Taylor Fire Department t for used equipment consisting of light bars and switch boxes.

Moved. **Commissioner Limmer**

Seconded **Judge Doerfler**

Motion To approve interlocal agreement with Taylor Fire Department for used equipment consisting of light bars and switch boxes

Vote Motion carried 5 - 0

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