

MAY 12 2016

**Central Colorado River Authority
Post Office Box 964
Coleman, Texas 76834**

Mr. Kevin Levine
Sunset Advisory Commission
Post Office Box 13066
Austin, Texas 78711-3066

May 8, 2016

Dear Mr. Levine,

In response to the Sunset Commission's letter dated April 29, 2016, the board of the Central Colorado River Authority (CCRA) appointed CCRA board members Herman Law and Andrew Young to submit the following required response.

We understand the Sunset Commission recommends dissolving the Central Colorado River Authority (CCRA) and transferring its responsibilities to the Upper Colorado River Authority (UCRA). We respectfully disagree with this recommendation and believe such action would harm the flood control efforts and water quality of Coleman County and the Colorado River. The original mission of the CCRA – provide for flood control and water conservation throughout Coleman County – is still intact and addressed everyday through the operations of the CCRA.

We want to thank the Sunset Commission for the review of our governance procedures and in fact, agree with many of these recommendations. As a Board, we can and will commit to doing a better job of updating our by-laws, operating policies, employee manuals, and other administrative functions as needed. We do, however, take issue with the premise that a lack of attention to administrative detail somehow indicates the CCRA's operations “. . .do not serve a direct public purpose or provide a public benefit.” In fact, CCRA's operations provide a much needed service to the agricultural operations not only in Coleman County but in the area surrounding our county, the Colorado River, and O. H. Ivie Reservoir.

The CCRA's current mission statement is:

To provide an ongoing assurance that the overall quality and quantity of water available is maintained and/or enhanced through brush control and maintenance.

As you can see, our mission statement addresses the same goals as provided for by the Legislature in the creation of the CCRA in 1935. Given the fact CCRA is still meeting the original intent of our enabling legislation, is reason enough not to transfer the CCRA's functions and jurisdiction to the Upper Colorado River Authority (UCRA).

The findings of the Sunset Commission seem to concentrate on the facts the CCRA is small and focused on the water quality of the local area within Coleman County. We agree the current services offered by CCRA focus primarily on

- The maintenance of the quality of watershed characteristics and flood control structures,
- The construction and maintenance of permanent waterways to eliminate soil erosion, and
- The control of noxious brush species with a concerted effort on mesquite, juniper including *Ashe juniper* and various cedars, Willows including, but not limited to, *Willow baccharis*, and salt cedar that rob the ranching, hunting, and fishing environment of our county and surrounding area's much needed water.

Unfortunately, the Sunset Commission takes these facts and jumps to the conclusion that because the CCRA is small and focused it needs to be consolidated within the UCRA. We believe these findings not only do not match the recommendations, but if the CCRA were to “. . .perform the functions typical of a river authority” we would exceed the authority vested by our enabling legislation. In effect, the Sunset Commission is recommending ‘penalizing’ the CCRA for following the original legislative purpose of the Authority. That is not good policy, and some might argue, it would be illegal for the CCRA to conduct our operations differently.

In its findings, the Sunset Commission points out several times that CCRA performs its services efficiently and even acknowledges there are water quality benefits of the services provided. We completely agree.

The Sunset Commission continues and elaborates because the CCRA does “. . .not demonstrate any measureable impact of its projects on water quality improvements. . .” and this somehow justifies the consolidation of the CCRA and the UCRA. We respectfully disagree with this conclusion. Again as the Board, we acknowledge we can perform our administrative oversight functions better, but to recommend the elimination of our important water quality functions is a leap with which we cannot agree.

Next, the Sunset Commission report mentions the services provided by the CCRA are similar to services provided by private contractors. Again, the premise of this finding is somehow validated because a private business can provide these services and,

therefore, it is a justification of consolidating the CCRA functions into the UCRA. Again, we respectfully disagree with the premise and the leap to consolidation.

The Sunset Commission incorrectly presupposes private businesses are ready to work in Coleman County to perform much needed brush clearing and other water quality work now performed by the CCRA. This supposition is wrong and does not reflect the challenges of rural Texas.

Private contractors and their operators often spend much more time performing such work as road building and maintenance. These operators often have little or no experience performing conservation work. In contrast the current Manager/operator of CCRA has over twenty years of experience with local conservation work. In contrast the tenure of equipment operators employed by private contractors is often short and doesn't allow the operator sufficient time to learn the characteristics of soil types and brush species of our local area.

Brush clearing work in Coleman County does help water quality, but it is not a simple task. The timing of conservation services are intimately tied to soil moisture conditions, which fluctuate widely over short periods of time. Thus, the ability to perform this work is often confined to very narrow windows. The citizens of Coleman County, not to mention the Texans dependent on the quality of the water within the Colorado River watershed, cannot wait on a private contractor who is managing a contract with TxDOT to "fit in" some conservation work. Rather, it is in the public's best interests to retain the expertise of the CCRA and its focus.

In addition, rural Texas is not excessively blessed with private contractors. There are only 11 private contractors serving the area around Coleman County. Of these, only one company has a bulldozer of the size to construct, renovate, repair and/or maintain earthen dams similar to the CCRA. In other words, we can't just "Google it" in rural Texas. The CCRA provides this service in absence of a vibrant private market and that is why the CCRA still provides a direct public benefit, which is the hallmark of a traditional government service.

Finally, the Sunset Commission argues since the "CCRA does not perform functions typical of a river authority. . ." there is no longer a need for its services. We disagree with this assessment. As mentioned previously, operating as a 'typical river authority' was not within the original jurisdictional powers granted to the CCRA by the Legislature in 1935 yet the Sunset Commission faults the CCRA for not doing so. This creates a 'Catch 22' for the CCRA.

If the CCRA were performing services of a 'typical river authority' like providing raw water to customers, treating wastewater, or developing additional water rights, the Sunset Commission would likely show the CCRA was exceeding its original jurisdiction

and recommend changes to bring the Authority in line with our Legislative mandates. Yet, because the CCRA is following the original mandates of providing flood control and water quality improvement work, the Sunset Commission is critical of our efforts and recommends consolidating our functions. In rural Texas, we understand the importance of doing a job well and following the will of the Legislature.

Again, the Sunset Commission is critical of the administrative functions of the CCRA in this section of the report. As we have stated previously, we agree with the overall need to improve our oversight of the CCRA. We are committed to that work and the improvements needed to correct these deficiencies.

Before closing, we would like to address some information contained in the report and notify the Commission of the several ongoing projects conducted by the CCRA:

- a) The CCRA Manager continues to have a steady and stable revenue source for the organization by providing much needed services of conservation services in Coleman County. These services include specialized conservation methods, construction of earthen dams, ponds, and stock tanks, and brush control management which all contribute to improve water quality and enhance flood control. These services have improved Coleman County access to clean water and mitigated floods all while allowing good grass growth during drought conditions and throughout the different seasons.
- b) During large rains and floods, CCRA has been responsible for repairing large earthen dams not constructed by CCRA but by private contractors and/or landowners. Therefore, the Sunset Review's statement, "CCRA has not demonstrated any measurable impact of its projects on water conservation or flood prevention." is not a true statement. CCRA has been and continues to be the ultimate source for water conservation and flood prevention.
- c) CCRA works with all local government agencies. In discussions with Central Colorado Soil Water Conservation District, they have expressed they have no desire to assume the responsibility for the three (3) dams as owned by CCRA and/or the equipment. They have the responsibility of 81 dams with an average age of 50 years. When money is available for maintenance, they do try to use local private contractors and/or find the funds for the landowner to do the work themselves. They prefer this working agreement with CCRA since it has worked well for over 50 years.
- d) CCRA does not sell water, but former board members and clients of CCRA have represented CCRA at district, regional, and state planning committees. Perhaps they have not identified themselves as CCRA representatives, but they attend the meetings and share the information with the Manager and/or the board.

These representatives usually pay their own expenses; however, this can readily be corrected by paying for the workshop and expenses and recorded in the meetings and in the monthly financial report.

- e) In March, 2015 a group of citizens approached the Coleman City Council about the development of a City of Coleman Water Advisory Committee that would advise the city about the maintenance, care and development of their valuable four (4) water properties. An additional duty, as added by the council, was the development of an overall plan for the sale of water from Lake Coleman that would be beneficial to the city but stay within the boundaries of water conservation as needed for the county and its future plans. The council appointed Lynn Cardinas, CCRA Manager, and five (5) other former and/or current CCRA clients. Sale of water would be to several of the counties you are proposing for the UCRA; therefore, the CCRA Board of Directors fill the inclusion of Coleman County to the proposed new UCRA's territory would be in direct conflict and jeopardize any proposed water sales and/or plans.
- f) The removal of property purchased through funds generated by local projects – with no state funds – may be akin to eminent domain if those assets are used outside of Coleman County. The CCRA assets are tied to projects funded by local payments and as a result removal of this equipment may constitute a taking for the benefit of another governmental entity.

Because of the review, the CCRA is currently:

- I. Investigating sponsorship of several local workshops in cooperation with FSA, NRCS, and the Coleman County Extension Service. Subject matter the board has shown an interest in co-sponsoring is pond management, brush control, improved game habitat, identifying noxious plants, and plant identification.
- II. Developing a website that will promote more awareness of the organization, transparency of the agency, and provide posting of meetings, information for board meetings, minutes of meetings, and agency educational information.
- III. Researching additional board trainings to promote transparency and human resource improvements.
- IV. Reviewing projects to increase revenue potential including land brush management, conservation intense long range plans that will be made available through interviews, visits, and discussions with land owners with final written recommendations made by the Manager. This plan will be a working blueprint for the landowner to use with CCRA and/or private contractors, but also provide

information to the agency for an overall county improvement to the water supply and watershed.

- V. Contacting the Texas Commission on Environmental Quality (TCEQ) to perform the needed water quality monitoring for the Colorado River watershed and increase the number of inspections need to maintain the three (3) dams.
- VI. Updating our by-laws, history, board policies, employee manual, records, agency policies as required by the state and TCEQ, and improve the documentation for its operations and contracts for services.

CCRA regards its participation and assistance in the O. H. Ivie Reservoir a strong voice for maintaining its office in Coleman County. Without CCRA, the battle for O. H. Ivie might not have been possible. The battle was hard fought and still has our county split. To lose this agency now, would only deepen the resentment felt by those historical landowners whose property is underwater due to forced sales and/or eminent domain.

If the CCRA constituted a drain on state financial resources, we, as a board, as landowners, stewards of the land, and as taxpayers, could appreciate the effort to eliminate the agency; however, in as much as CCRA has managed to offer their services to farmers and ranchers of this area without the benefit of any public revenues, it simply doesn't make sense to remove the option from our agricultural producers. Therefore, our board will be testifying, presenting back up information, and plans for the future of CCRA at the tentative Texas Sunset Advisory Commission Public Meeting (Testimony) set for June 23 to June 24, 2016.


Respectfully submitted,



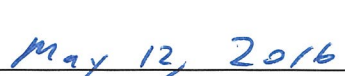
Herman Law, CCRA Board of Directors



(Date)



Andrew Young, CCRA Board of Directors



(Date)