

**AGENDA**



**Recommendation for Council Action**

|                     |         |       |               |     |
|---------------------|---------|-------|---------------|-----|
| Austin City Council | Item ID | 14706 | Agenda Number | 19. |
|---------------------|---------|-------|---------------|-----|

|               |           |             |       |
|---------------|-----------|-------------|-------|
| Meeting Date: | 5/24/2012 | Department: | Legal |
|---------------|-----------|-------------|-------|

**Subject**

Authorize negotiation and execution of a legal services agreement with The Law Offices of Ken Ramirez, PLLC for legal representation, advice, and counsel concerning Austin's water rights and water supply, including regulatory matters involving the Colorado River, the Lower Colorado River Authority, and the Texas Commission on Environmental Quality, and contractual matters relating to raw water supply, for an amount not to exceed \$100,000.

**Amount and Source of Funding**

Funding is available in the Fiscal Year 2011-2012 Operating Budget of Austin Water Utility.

**Fiscal Note**

There is no unanticipated fiscal impact. A fiscal note is not required.

|                               |   |
|-------------------------------|---|
| Purchasing Language:          |   |
| Prior Council Action:         |   |
| For More Information:         | Ross Crow, Assistant City Attorney / 974-2159 |
| Boards and Commission Action: |   |
| MBE / WBE:                    |   |
| Related Items:                |   |

**Additional Backup Information**

The City has engaged Ken Ramirez for many years to represent the City in water rights matters. Mr. Ramirez is an expert in this area and has recently started his own law firm specializing in environmental and water rights issues.

Among other matters, the Law Offices of Ken Ramirez would represent the City on a significant water rights application that the City filed jointly with LCRA seeking an undivided interest in the City of Austin's return flows (treated effluent discharged into the Colorado River from the City's wastewater treatment facilities).

The City will need legal representation in other TCEQ water rights permits matters affecting the City. Starting in July 2010 the City participated in an extensive stakeholder process for proposing revisions to LCRA's Water Management Plan (WMP), culminating in the March 2012 submittal by LCRA to TCEQ of an application seeking significant revisions to the WMP. Legal representation is needed to advocate for the City's interests as the application proceeds through the process at TCEQ, including the possibility of a contested case hearing.