

## A G E N D A



## Recommendation for Council Action

Austin City Council	Item ID	24638	Agenda Number	28.
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Meeting Date:	5/23/2013	Department:	Legal
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## Subject

Authorize negotiation and execution of a legal services contract with Sahs & Associates, P.C., for services related to the Lower Colorado River Authority's (LCRA) application to the Texas Commission on Environmental Quality to amend LCRA's Water Management Plan in an amount not to exceed \$400,000.

## Amount and Source of Funding

## Fiscal Note

Purchasing Language:

Prior Council Action:

For More Information:

Boards and  
Commission Action:

MBE / WBE:

Related Items:

## Additional Backup Information

This matter relates to legal services concerning the Lower Colorado River Authority's Application 5838A to the Texas Commission on Environmental Quality to amend LCRA's Water Management Plan including representation in any contested case hearing and any subsequent litigation on the matter. On April 15, 2013 TCEQ issued notice for LCRA's application. The provisions of LCRA's Water Management Plan (WMP) are critically important to the reliability of the City's water supply, especially in periods of prolonged drought such as is presently occurring. The WMP establishes how LCRA is to allocate Highland Lakes water supplies, especially in dry times, in order to assure the reliability of "firm" water supply. Firm water customers are primarily cities, industry and power plants. The City currently plans to request a contested case hearing concerning LCRA's WMP to assure that this plan protects the reliability of firm water supply.

The current drought has been unprecedented and rivals the drought of record in the 1950's on which water planning in the State of Texas and the lower Colorado River basin is based. LCRA's Water Management Plan requires periodic updating to account for, among other things, new hydrological information (including droughts) and increasing firm customer demands on LCRA's water supply. Increased protection for drought conditions and incorporating new

drought data from this current ongoing drought which has been in effect since 2008 are key to assuring the reliability of municipal supply.

The 30 day period for public comments and hearing requests on LCRA's application ends May 28, 2013. Already TCEQ has received several hearing requests on this application and it is anticipated that there will be more requests by affected persons and entities in the lower Colorado River basin. The City plans to submit public comment and will request a contested case hearing to assure the City's involvement in this important legal process.