

# ITEM E

### Condemnation/Eminent Domain Legal Services

	<b>Bickerstaff Heath Delgado Acosta LLP</b>	<b>Kent Alan Sick</b>	<b>Davidson Troilo Ream &amp; Garza</b>	<b>Sheets &amp; Crossfield, PLLC</b>
Managing Attorney	Phillip Arnold	Kent Sick	Betsy Johnson	Don Childs
Years of Experience	16	35	26	23
Number of Supporting Attorneys	5	2	3	2
Current Customers	LCRA City of Austin City of Lakeway TxDOT Austin Energy GBRA San Antonio River Authority	City of Cedar Park City of Leander City of Manor City of Kyle BCRUA	Alliance Regional Water Authority San Antonio Water System Hays County City of San Antonio County Line Special Utility District	Williamson County Hays County City of Round Rock BCRUA Driftwood Conservation District Travis County WCID #10
Disclosed Conflicts of Interest	None	None	None	None
Cost (hourly range)	\$210-\$425	\$50-\$500	\$120-\$300	\$150-\$350
Austin Offices	Yes	Yes	Yes	Round Rock
References Provided	Yes	Yes	Yes	Yes

**Response to West Travis County Public Utility Agency  
RFQ for Condemnation/Eminent Domain Legal Services**

**Kent Alan Sick  
Law Offices of Kent Alan Sick  
1114 Lost Creek Blvd., Suite 310  
Austin, Texas 78746**

**Phone: (512) 970-0485**

**Email: [kent@kentsick.com](mailto:kent@kentsick.com)**

**June 7, 2024**

# RESPONSES TO WTCPUA REQUEST FOR QUALIFICATIONS

## *Organization, date founded, and ownership of firm*

Organization: Law Offices of Kent Alan Sick  
Kent Alan Sick  
1114 Lost Creek Blvd.  
Suite 310  
Austin, Texas 78746

Date Founded: 1999

Owner: Kent Alan Sick

## *Qualifications of firm*

My firm's practice is currently primarily concentrated on representation of condemning entities for a wide array of public uses in Central Texas area. I have focused solely on eminent domain law since my graduation from the University of Texas in 1989, beginning practice at the landowner's firm of Womack and McClish (later Womack, McClish, Wall, and Sick) and transitioning to a solo practice representing a mix of condemning authorities and landowners since 1999, though over 90% of my current practice is for condemning entities. I have done all of the work for the City of Cedar Park since 1999, and have variously at one time or another represented the City of Georgetown, the City of Buda, the City of Manor, the City of Leander, the City of Kyle, Brushy Creek Regional Utility Authority ("BCRUA"), Alliance Regional Water Authority ("ARWA"), and many other public entities. Currently my active condemnor client list includes Cedar Park, Leander, Manor, Kyle, and BCRUA. The overall number of parcels I have assisted in the acquisition of is in the thousands.

In the last 25 years, I have worked on acquisitions for the entire gamut of public uses, including roadway projects, EMS stations, parkland, wastewater lines, water lines, electrical transmission lines and infrastructure, lift stations, detention ponds, the deep water intake on Lake Travis for BCRUA, submarine pipelines, elevated storage tanks, and many other uses. Some of the details of the various projects are included below.

We have extensive daily experience in getting a particular acquisition to timely possession and final acquisition, with a specific emphasis on assisting the client from the outset of the project. This includes coordinating with the design engineer, survey team, and right-of-way agent to ensure all the proper procedural parts are in place to ensure a successful condemnation should one become necessary. We have

cultivated positive relationships with the local court clerk's offices in Travis, Williamson, and Hays Counties to expedite the process where possible.

Over my career, I have tried approximately 25 jury trials, represented condemning entities in hundreds of Special Commissioners Hearings, made presentations at national eminent domain CLE seminars multiple times, and have five reported appellate cases in S.W.2<sup>nd</sup> and S.W.3<sup>rd</sup>.

### *Information on Personnel*

Key management and primary attorney:	Kent Sick
Legal assistant and case and office management:	Melissa Puntteney
Backup attorney:	Dewey Day (of counsel)
Legal research:	Audrey Blair (of counsel)

The resumes of all key day-to-day representation personnel are attached.

### *Key personnel availability*

My clients' primary point of contact is always myself or my assistant Melissa, who has worked for me for over 18 years. Mr. Day, a real estate litigation colleague who is of counsel, would also be available but I personally handle every matter. Ms. Blair, a board certified attorney, assists periodically as needed with occasional legal research on more complex questions when they arise but is not involved in day-to-day representation activities.

#### *Kent A. Sick*

1114 Lost Creek Blvd Ste 310

Austin, Texas 78746

Email: [kent@kentsick.com](mailto:kent@kentsick.com) – available by email

Office: (512) 472-8022 – available during office hours

Mobile: (512) 970-0485 – available during office and after hours

#### *Melissa Puntteney*

(same address)

Email: [melissap@kentsick.com](mailto:melissap@kentsick.com) – available by email

Office: (512) 472-8022 – available during office hours

Mobile: (512) 627-4643 – available during office and after hours

### *Methodology and Approach*

Our general approach to representing condemnor clients is to become and stay involved in a set of acquisitions as early as possible, including offering comments at the design phase based on our extensive knowledge of takings impacts to minimize cost and assist in project alignment decisions

where feasible to avoid or minimize problem acquisitions. In my experience, the earlier condemnation counsel is involved, the smoother the whole process runs. For instance, on any given project we will offer advice when requested as to which right-of-way agents and appraisal professionals might be most appropriate, when or when not to offer incentivized Possession and Use Agreements (“PUAIC”) to expedite possession, which local title companies might be the easiest to work with for smooth closings, how to gain pre-taking access to a property for surveying when a landowner is being recalcitrant, and any other issue that comes up early in the acquisition process.

Should negotiations fail, we are proficient at timely preparing the requisite resolution of public convenience and necessity (“PCN”) and quite practiced at appearing when called upon at client board meetings to present the PCN and help secure its passage. Once suit has been filed, we have abundant experience with all of the Special Commissioners in Hays, Travis, and Williamson Counties (Ms. Puntenney having a personal relationship with many of them through long years of contact) and can generally secure Special Commissioners Hearing settings within 2 to 3 months of suit being filed when needed.

When counteroffers are made, our practice is to share the information with the client’s appraiser to check its accuracy and reasoning, and then prepare a detailed settlement recommendations memo that takes into account projected litigation costs and probable hearing outcomes so the client may make a reasoned decision as to what is in the client’s overall best interest, both from a cost and project completion standpoint.

In terms of time frames, we try to work with the right-of-way agent to make sure that the negotiation process (offer and final offer) is performed strictly in accordance with the Property Code and completed within a two month window after the appraisal is complete, that a PCN gets passed by the client if needed before or immediately after expiration of the final offer acceptance period, and to get a Special Commissioners Hearing set no more than three months after the suit is filed so that a deposit may be made and possession obtained.

The above represents an overview of our general approach to every acquisition, over which Kent Sick is actively involved in all phases. Specific tasks performed by Melissa Puntenney include monitoring and tracking all parcels and projects from survey notification through initial offer, negotiation or final offer, Purchase Agreement, or condemnation; researching entities through the Secretary of State for officers/directors and associated entities; reviewing field notes and drafting PCN resolutions; preparing rough drafts and filing Original Petitions and Orders Appointing Special Commissioners; serving all parties with court filings, drafting and recording lis pendens, monitoring the Court’s appointment of Special Commissioners and filing strike letters if needed, contacting Commissioners, engineers, appraisers, land planners, court reporters and all other parties to coordinate scheduling of Special Commissioners Hearings, meeting with Special Commissioners to sign oaths and notices of hearing; preparing files and documents for hearing and providing litigation support; filing Special Commissioners Awards, processing Orders for payment of Award and Special Commissioners fees; drafting and filing Objections to the Award if necessary and serving all parties; monitoring court dockets for opposing party’s Objections; drafting and sending discovery requests for matters proceeding to litigation; monitoring discovery, calendaring docket control orders as well as Rule 11 agreements or changes in deadlines for same;

monitoring all pending matters for each client and project; updating status reports from beginning until final judgment, releasing of lis pendens at project completion; and proper closing and storage of completed cases.

In terms of what sets our firm apart from others, I believe that the fact I spent the first ten years of my career as a successful landowner's attorney gives me a unique perspective and approach to these acquisitions. For instance, I try to insure that appraisals are fair from the outset to minimize the number of cases that need to go to condemnation in the first place, and take scrupulous care to ensure compliance with all Property Code requirements to bring a condemnation in order to avoid where possible for my condemnor clients the very pitfalls in bringing the process that I was trained as a young lawyer to exploit from the other side. In addition, we maintain strong working relationships across the local eminent domain community with all the major active right-of-way negotiators, appraisers, land planners, court personnel including judges, and of course opposing counsel in this area from the last 25 years of practicing exclusively condemnation law in Travis, Williamson, and Hays Counties.

### *Fees*

Primary attorney (Kent Sick):	\$500.00 per hour
Backup attorney (Dewey Day):	\$350.00 per hour
Legal research specialist (Audrey Blair):	\$350.00 per hour
Legal assistant (Melissa Punttenney):	\$150.00 per hour
Law clerk:	\$75.00 per hour
Administrative Personnel:	\$50.00 per hour

It is anticipated that almost all of the work for WTCPUA would be performed by Kent Sick and Melissa Punttenney, with Dewey Day serving as backup counsel and Audrey Blair being called on only if extraordinary legal issues requiring detailed research in preparation for a potential appeal are presented. In our firm's experience, this is relatively rare but does arise in about 1 case in 20.

### *Expenses*

Black and white copies:	.10
Color copies:	.20
Mileage:	.67 per mile
Postage:	actual charge
Expenses advanced:	10% if over \$100.00 Less than \$100.00 - actual charge

## *References*

### **CITY OF CEDAR PARK**

Randall Lueders, PE, PMP  
Director of Engineering and Capital Projects  
450 Cypress Creek Rd., Bldg. 1.  
Cedar Park, Texas 78613  
(512) 401-5353  
[Randall.lueders@cedarparktexas.gov](mailto:Randall.lueders@cedarparktexas.gov)

Kenneth Wheeler, P.E.  
Assistant Director of Utilities  
City of Cedar Park, Texas  
2401 Brushy Creek Loop  
Cedar Park, Texas 78613  
(512) 401-5584  
[kenneth.wheeler@cedarparktexas.gov](mailto:kenneth.wheeler@cedarparktexas.gov)

J.P. LeCompte  
City Attorney  
City of Cedar Park  
450 Cypress Creek Road, Bldg. 1  
Cedar Park, Texas 78613  
(512) 401-5004  
[jp.lecompte@cedarparktexas.gov](mailto:jp.lecompte@cedarparktexas.gov)

### **CITY OF KYLE**

Amber Schmeits, Assistant City Manager  
City of Kyle, Texas  
105 N. Brushy Street  
Leander, Texas 78641  
(512) 562-2476  
[aschmeits@cityofkyle.com](mailto:aschmeits@cityofkyle.com)

Bryan Langley, City Manager  
City of Kyle, Texas  
100 W. Center Street  
Kyle, Texas 78640  
(512) 262-1010  
[blangley@cityofkyle.com](mailto:blangley@cityofkyle.com)

**CITY OF LEANDER**

Daniel Grimsbo  
Executive Director of Infrastructure  
City of Leander, Texas  
201 N Brushy Street  
Leander, Texas 78641  
(501) 528-2946  
[Dgrimsbo@leandertx.gov](mailto:Dgrimsbo@leandertx.gov)

**CITY OF MANOR**

Scott Moore  
City Manager  
105 E. Eggleston Street  
Manor, Teas 78653  
(512) 272-5555  
[smoore@manortx.gov](mailto:smoore@manortx.gov)

**BRUSHY CREEK REGIONAL UTILITY AUTHORITY**

Sam Roberts  
General Manager  
221 E. Main Street  
Round Rock, Texas 78662  
(512) 215-9151  
[sroberts@bcrua.org](mailto:sroberts@bcrua.org)

*Experiences and responsibilities for each reference*

Though the firm broadly represents each of the municipalities listed above in acquisitions for all different kinds of public uses, we have identified here only some of those we have either worked on or are currently working on germane to the kinds of projects anticipated to be needed for WTCPUA. The responsibilities for each involve all of the activities listed above in this response, including pre-acquisition coordination with client, right-of-way agent, surveyors, and design engineers, reviewing appraisals, monitoring the offer process for each parcel to ensure compliance, effectuating the filing of condemnations and convening of Special Commissioners Hearings, and prosecuting cases in court when objections are filed by either party through mediation, settlement, or jury trial as called for.

## **CITY OF CEDAR PARK**

*Regional Water Supply Project* – between Cedar Park, Round Rock and Leander and BCRUA. Consisted of a 96" raw water intake line within a 40' wide permanent subsurface easement, 16 miles of water lines and a new water treatment plant.

Phase 1 - Trails End Road – 22 parcels; 23 temporary construction easements; 3 permanent tunnel easements; 8 condemnations, two jury trials

Segment 2; 19 parcels, 2 hearings

Segment 3; 23 parcels

Raw Water Line – 7 parcels

Water treatment plant site acquisition (done before BCRUA was an entity)

*Barge Relocation Project* – this project was necessitated during the last serious drought on Lake Travis and involved the temporary re-establishment of the water supply intake barge servicing Cedar Park and Leander from its usual location in Sandy Creek downstream to deeper water, with the attendant acquisition through condemnation and negotiation of a series of submarine and aboveground easements for raw water lines, anchors, guy wires, and electrical service to the contingent deeper water barge; unique legal and valuation issues were presented. 9 parcels

*Cedar Park Ranchettes Drainage Improvement Project* – acquisition of 3 parcels, including a whole taking for detention pond for larger project to improve stormwater drainage in older neighborhood. Detention pond landowner filed jurisdictional challenge, which was successfully defended. Case resolved.

## **CITY OF KYLE**

*Cypress Road Regional Utility Project* – Currently pending project for regional utility easement in conjunction with development agreement with private developer; initial construction will be of a force main to service the Clara Vista subdivision. Possession of all parcels anticipated by 12/24.

*Clara Vista at Waterridge Waterline* – Currently pending project for waterline to abut extension of CR150; awaiting final surveys. Possession anticipated by 12/24.

*Anthem to Plum Creek Waterline* – ongoing project in landowner negotiations phase; possession anticipated by 9/24.

*Center Street Village Wastewater Utility Easement* – 4 parcel project for replacement of badly-needed 18” wastewater line. Currently awaiting commencement of negotiations; possession anticipated by 12/24.

## **CITY OF LEANDER**

*RM 2243 Reclaimed Waterline* – 6 parcel project for reclaimed waterline. All parcels acquired through negotiations without condemnations.

*RM 2243 Waterline Project* – 20 parcel project for new waterline. Project in initial offer phase; multiple condemnations anticipated. All possessions anticipated whether through negotiations or condemnation by 12/24.

## **CITY OF MANOR**

*Cottonwood Creek West Tributary Line* – 13 parcels; 7 condemnations; 1 Special Commissioners Hearing. All matters successfully resolved

*Manor Commercial Park Wastewater Line* – 8 parcels; only 1 condemnation (possession secured through PUA); hearing pending

*FM 973 and US 290 Waterline* – 12 parcels; 4 potential condemnations (project ongoing)

## **BCRUA**

*Permanent Deep Water Intake Site* – fee simple acquisition of land necessary for BCRUA’s deep water intake on Lake Travis at the mouth of Sandy Creek, currently under construction. This acquisition was done in the name of the City of Leander (a constituent member of BCRUA) and presented some unique valuation questions. Successfully completed through mediation after Special Commissioners Hearing and extensive discovery.

*Pump Site (Sandy Creek Park)* – this project involved acquisition from LCRA of land from Sandy Creek Park and areas adjacent for the deep well pump site to intake water from Lake Travis. It involved a complex proceeding and open public hearing under Tex. Parks and Wildlife Code Chapter 26 exploring whether there was no feasible and prudent alternative to the use or taking of the parkland, and that the project had included all reasonable planning to minimize harm to the parkland.

Successfully completed through negotiations with LCRA after the public hearing, without the necessity for initiating condemnation.

### *Disclosures*

I am currently unaware of any prior or existing client relationships that could limit the firm's full representation of WTCPUA. I previously represented Virginia Grumbles against the Travis County Municipal Utility District No. 18 in 2012. I am currently a WTCPUA customer (Lake Pointe).

LAW OFFICES OF  
**KENT ALAN SICK**

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1114 LOST CREEK BLVD, SUITE 310 • AUSTIN, TEXAS 78746 • PHONE (512) 472-8022 • FAX (888) 774-1322

**PROFESSIONAL QUALIFICATIONS OF KENT A. SICK**

**EDUCATION**

1989 J.D., University of Texas School of Law

1986 B.B.A., cum laude, Data Processing and Analysis; University of Texas

**CERTIFICATIONS**

1989 State Bar of Texas, Bar Number 18339300

**EXPERIENCE**

*Law Offices Of Kent Alan Sick*

1999—present

- Practice is primarily concentrated on representation of condemning entities for wide array of public uses in Central Texas area.

*Womack, McClish, Wall & Sick, P.C.*

1988—1999

- Began practice with this boutique condemnation firm as law clerk and have continuously practiced eminent domain law since.
- Represented landowners in condemnation matters across Texas and gained significant experience in preparation and presentation of Special Commissioners' Hearings, trials, and appeals, with special emphasis on trial tactics, discovery practice, and jurisdictional challenges.

**SELECT PUBLICATIONS and PRESENTATIONS** (All for CLE International Eminent Domain Seminars)

*Property Lines and Property Values: The Good, The Bad and The Ugly* (1998)

*The Attorney—Appraiser Relationship in the Eminent Domain Process* (2000)

*Rock, Paper Scissors: Condemning from Condemnors* (2003)

*Advocacy or Avarice: Ethical Issues Associated with Presentation of Expert Testimony in an Eminent Domain Matter* (2006)

**SPECIAL INTERESTS**

\* Hiking \* Offshore sailboat racing \* Camping \* Travel \* History \*



**Melissa Puntenney  
2905 Garvey Cove  
Austin, TX. 78748  
(512) 627-4643 B cell  
E-mail: mpunfun@Aol.com**

### **HIGHLIGHTS OF QUALIFICATIONS**

Results-oriented professional with strong communication skills  
Successful in managing projects, meeting strict deadlines and resolving problems  
Enthusiastic team player with the ability to supervise and motivate others  
Good writing skills

### **EXPERIENCE**

August 2005 - present

**Legal Assistant/Office Manager  
LAW OFFICES OF KENT ALAN SICK**

Legal assistant for busy condemnation attorney. Drafting Petitions, Notices of Hearing, Oaths of Special Commissioners, Possession and Use agreements, and other pleadings for condemnation and eminent domain cases from initiation through final Judgment. Setting cases for hearings, notifying and serving all parties, filing legal documents with the courts in Travis and Williamson County; recording real property records and case management.

Familiarity with billing, including Time slips and Tabs, accounting using Quickbooks, tracking case expenses and billing clients. Excellent organizational skills including reorganization of all files, forms, billing and procedures for office.

**Legal Assistant  
MELISSA M. WILLIAMS  
June 2005 B August 2005**

- Part-time legal assistant for Melissa M. Williams. Drafting and filing pleadings, agreed orders, inventories, correspondence and Rule 11 agreements. Initial client interviews for family law attorney while her legal assistant was in Spain for the summer.

**Legal Assistant III  
OFFICE OF THE ATTORNEY GENERAL CHILD SUPORT DIVISION  
1999-2004**

- Responsible for service on all establishment and enforcement cases in unit with 20,000 case load; Interact with Sheriffs and Constables on a daily basis to locate and serve parties to child support cases.
- Successful in locating four long-time child support evaders, get them served and ultimately collect over \$300,000 in delinquent child support
- Prepare and file pleadings for enforcement cases, including motions to modify, motions to enforce
- Read, evaluate and respond to attorney mail

- Reorganization of 600 license suspension files, prepare motions to revoke, repayment agreements, agreed orders and license suspensions
- Liaison for Bankruptcy attorney in Region 7
- Library Liaison in State office - reorganized field operations law library
- Research and prepare memorandum on EEOC policy for field operations
- Approximately twenty hours per week customer service -- answering telephones, resolving problems

**Legal/Executive Assistant  
Justice Raul A. Gonzalez  
TEXAS SUPREME COURT  
1984-1998**

- Complex legal, secretarial and administrative duties for Texas Supreme Court Justice
- Edit, proofread and issue Supreme Court opinions
- Track approximately 2,500 cases per year
- Prepare administrative and conference agendas
- Scheduled and maintained calendar for meetings, conferences, and travel itineraries
- Interact with other elected officials, Senators and Representatives, State Bar Board of Directors and officers and directors of law schools
- Reviewed correspondence and memoranda prepared by staff for completeness and correctness
- Evaluate resumes and schedule interviews for briefing attorney and intern positions
- Orientation and training of briefing attorneys and interns

**EDUCATION**

- Austin Community College - AA in Paralegal Studies, 1995 - GPA: 3.9
- Texas State University B 18 hours to complete degree in Political Science and Occupational Education with 18 carry over hours towards master's in legal administration
- University of Houston - 12 hours in business administration
- Kilgore College - 40 hours in business administration

**COMMUNITY INVOLVEMENT**

- Initiator of the M.D. Anderson Children's Christmas Card Project which has raised over \$40 million for the educational, emotional and recreational needs of children diagnosed with cancer
- Founder and chairperson of Single Volunteers of Austin
- Initiator of the Supreme Court Holiday Project which raises and distributes approximately \$4,000 per year to local non-profits and individuals

**References upon request**

**Dewey Day**  
[deweyday@gmail.com](mailto:deweyday@gmail.com)  
512.636.7830

14255 Hunters Pass  
Austin, Texas 78734

## Work Experience

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### **Director of Real Estate – Legal**

*Embree Development Group, Inc. – Georgetown, Texas*  
*February 2022 – February 2024*

Represented Development Company and managed its legal department in the acquisition, development, leasing and disposition of commercial projects nationwide. Handled a large volume of big box retail build-to-suit lease type developments. Negotiated and drafted retail leases with big box clients. Advised Development Company in a bond funded transaction before a Public Finance Authority to secure financing for the development of a package of hospitals and medical office buildings. Represented Development Company in transaction with a University for the development of a teaching facility. Oversaw all aspects of development from reviewing letters of intent to papering custom development agreements for transactions. Conducted due diligence and feasibility analysis of development projects. Drafted all necessary documents for financing, real estate issues, and business concerns for the Company. Managed a staff of inside and outside counsel, development coordinators, and paralegals.

### **Attorney**

*Day Law - Austin, TX*  
*May 2019 to Present*

Operated all business and legal aspects of a solo practice focused in real estate, construction, and civil litigation. Assisted clients with acquisition and disposition of real estate. Prepared all transactional documents including contracts for sale and purchase, easements, development agreements, lot takedown agreements, and closing instructions. Extensive experience with Homeowners Associations from formation to covenant enforcement. Represented clients before municipal authorities concerning entitlements, permitting, zoning and variances. Assisted construction companies in an outside general counsel capacity and with all contract needs.

### **Partner**

*Cagle Carpenter Hazlewood - Austin, TX*  
*October 2017 to May 2019*

Handled all aspects of commercial litigation primarily concerning business and construction disputes. Advised Homeowner's Associations on all matters including covenant enforcement, association protocol, collections, easements, drainage and construction issues. Drafted and amended all HOA governing documents. Negotiated and drafted transactional documents in diverse substantive areas.

### **Of Counsel**

*The Creel Law Group, PLLC - Austin, TX*  
*October 2016 to October 2017*

Managed a docket of several hundred judicial foreclosures arising from defaults on property tax loans. Responsible for all aspects of suits from prelitigation analysis to judgment and sale.

### **Attorney**

*The Law Office of Dewey Day - Austin, TX*

*April 2008 to October 2017*

Operated all business and legal aspects of a solo practice focused in real estate, construction, and civil litigation. Assisted clients with acquisition and disposition of real estate. Prepared all transactional documents including contracts for sale and purchase, easements, development agreements, lot takedown agreements, and closing instructions. Represented clients before municipal authorities concerning entitlements, permitting, zoning and variances. Assisted construction companies in an outside general counsel capacity and with all contract needs. Counsel for title research firm conducting lease due diligence in shale oil fields.

**Associate**

*Visser Shidlofsky, LLP - Austin, TX*

*May 2005 to April 2008*

Handled large commercial real estate transactions from the LOI stage to closing. Advised clients on title and due diligence issues, land use and entitlement considerations, and financing concerns. Assisted contractors with all aspects of project construction from contract stage to default and payment issues. Handled all litigation connected to these matters. First and second chair experience in trials to verdict.

**Construction Manager**

*Penco Construction - Austin, TX*

*January 2001 to August 2002*

Supervised the construction of a 140-unit condominium subdivision from site work and installation of infrastructure to turn over of completed units. Represented builder before city inspectors, developer, realtors, and purchasers.

**Construction Manager**

*Perco Construction - Fairfield, CT*

*October 1998 to December 2000*

Supervised the construction of commercial projects nationwide. Represented contractor before client representatives, property managers, and city officials.

**Education**

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**Post Graduate Certificate – Artificial Intelligence for Leaders**

The University of Texas McCombs School of Business

Expected completion September 2024

**Juris Doctorate**

The University of Texas School of Law - Austin, TX

May 2005

**BA in English and in Anthropology, cum laude**

Florida State University - Tallahassee, FL

May 1999

# Audrey J. Blair, J.D. | *Email: [audrey@audreyblairlegal.com](mailto:audrey@audreyblairlegal.com)*

Tel: (512) 663-1726 | web: [www.audreyblairlegal.com](http://www.audreyblairlegal.com)

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## SUMMARY OF EXPERIENCE:

Attorney with 20 years of experience in Texas; former partner in a highly successful law firm specializing in Family Law; experience with complex legal issues arising during divorce, including real estate, tax, business valuation and formation, pensions/investments, psychology & medicine, and all aspects of expert testimony; more recently, experience in family law appeals and legal research & writing for other attorneys on a contract basis

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## EDUCATION:

Baylor University, Waco, Texas – 2000 J.D.

College of the Holy Cross, Worcester, Massachusetts – 1997 B. A., History and Spanish

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## LICENSES & CERTIFICATIONS:

Licensed Attorney, State of Bar of Texas – Since 2001

Board Certified in Family Law, Texas Board of Legal Specialization – Since 2010 [a certification given to less than 1% of Texas attorneys following a rigorous application and examination process]

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## PROFESSIONAL EXPERIENCE

**Owner**, Law Office of Audrey J. Blair, Dallas, Texas – 2015-present

- Law practice focusing on family law appeals and legal research and writing for other lawyers on a contract basis.
- Serve as Lead Counsel in state court civil appeals, primarily in the area of family law. Additionally hired on a contract basis to draft appellate briefs for other attorneys.
- Hired to provide contract legal research to attorneys, including trial briefs and memos to assist in the preparation and strategy in cases.
- Hired to contract assistance with motion practice, including *Daubert* motions, summary judgments, jurisdictional pleas, discovery disputes, post-trial motions, and jury trial related pleadings, including motions in limine, the charge, and motions for directed verdict.
- Experience with Westlawnext, LexisAdvance, and Microsoft Office, including Word, Excel, and Power Point.
- Experience writing blog posts and website content for family law attorneys.

**Partner**, Noelke English Maples St. Leger Blair, LLP, Austin, Texas – 2011-2015

- Experience as Lead Counsel in litigated divorce and child custody cases; experience includes regular court appearances for pretrial hearings and litigated final trials, extensive client contact and counselling, witness preparation for depositions and evidentiary hearings, management of complex written discovery and expert witnesses, legal research and writing, frequent participation in mediation and settlement negotiations, and management of associate attorneys and staff involved in these cases.
- Skilled in the use of electronic technology; experience includes use of electronic technology in preparation for and presentation of court cases and for presentation at conferences.

- Extensive experience in divorce and child custody cases involving Family Violence; includes litigation of Protective Orders and other legal issues, safety planning with clients, assisting clients with obtaining non-legal needs, such as therapy and shelter, and making referrals to community resources that may assist victims of Family Violence.
- Experience with Westlaw, Westlawnext, Findlaw, LexisAdvance, and Microsoft Office, including Word, Excel, and Power Point.
- Served as an attorney *ad litem* in Guardianship (Probate) matters for incapacitated persons.

**Associate Attorney**, Noelke English Maples St. Leger, LLP, Austin, Texas – 2008-2010

- Worked for four attorneys in litigated divorce and child custody matters, both as Lead Counsel and as an assistant to the partners in the firm; experience includes trial work and experience with all other aspects of family law cases, including child support, child custody, property division, and protective orders in cases involving family violence.

**Solo Practitioner**, Law Office of Audrey J. Blair, Austin, Texas – 2004-2009

- Experience as Lead Counsel in litigated divorce and child custody matters; experience includes trial work and experience with all other aspects of family law cases, including child support, child custody, property division, and protective orders in cases involving family violence.

**Staff Attorney**, Texas Advocacy Project (formerly Women’s Advocacy Project, Inc.), Austin, Texas – 2002-2004

- Provided free legal representation as Lead Counsel in Family Law cases involving family violence.
- Litigated divorce, protective order, child custody, and child support cases.
- Placed special emphasis on safety planning with clients and advocacy in non-legal matters such as working with law enforcement in related criminal cases.
- Also assisted with obtaining Magistrate’s Order for Emergency Protection for victims while abusers were incarcerated following an arrest for Family Violence

**SPEAKING & PRESENTATIONS**

- Speaker, *Obtaining and Evaluating Financial Information*, Texas Family Law Practice for Paralegals, Halfmoon Education, Inc., November 2022.
- Speaker, *Arbitration in Family Law Cases*, the Draper Law Firm Podcast (<https://draperfirm.com/2022/01/04/audrey-blair-arbitration-in-family-law-cases/>), January 2022.
- Speaker, *The New Discovery Rules*, Walters Gilbreath Family Law Podcast (<https://www.waltersgilbreath.com/new-discovery-rules/>), January 2021.
- Co-Author, *OMG, So Mad @ the EX! #Divorce 2018: Dealing with Social Media and Your Divorce*, State Bar of Texas Marriage Dissolution 101 Course, April 2018.
- Speaker, *Family Violence and Protective Orders*, Dispute Resolution Center’s Advanced Family Mediation Training, Summer 2016
- Author, *Think Before You Tweet– Privacy, Technology & Divorce*, Texas Paralegal Journal, Summer 2014 Issue
- Author, *Texas and the Nation Re-Evaluating Marriage and Same-Sex Rights*, Texas Paralegal Journal, Summer 2014 Issue
- Speaker, *Social Media Strategies Around Discovery, Investigation, and Marketing*, Austin Bar Association Bench Bar CLE Course, Austin, Texas, April 2014

Author and Speaker, *Facebook, Twitter and Beyond – Legally Getting the Evidence*, State Bar of Texas “Sex, Drugs & Surveillance,” CLE Course, Houston, Texas, January 2014

Author, *That’s What She Said: What You Need to Know About Tweeting, Posting, Surfing, Emailing, and Texting If You Are Going Through a Divorce*, Texas Bar Journal, 2013

Speaker, *The Effects of Intimate Partner Abuse on Children*, “Family Law Essentials Seminar” CLE Course, San Marcos, Texas, September 2013

Author and Speaker, *Opening and Closing Arguments*, State Bar of Texas “Handling Your 1<sup>st</sup> Divorce” CLE Course, Austin, Texas, January 2013

Speaker, *Custody Issues*, Austin Bar Association’s “Divorce Basics” CLE Course, Austin, Texas, December 2012

Author and Speaker, *Family Law Basics*, CLE presentation at the Office of the Attorney General, Austin, Texas, Fall 2012 and 2014

Author and Speaker, *Family Law*, National Business Institute “Representing Service Members & Veterans” CLE Course, Austin, Texas, Fall 2011

Video Presentation, *Child Support Issues for Prisoners*, Texas Access to Justice Commission, Austin, Texas, Spring 2011

Author and Speaker, *Defending Against Protective Orders*, Travis County CAFA Seminar, Austin, Texas, Fall 2009

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COMMUNITY  
INVOLVEMENT

Volunteer Attorney for Volunteer Legal Services cases  
Volunteer Attorney for Dallas Volunteer Attorney Program



# WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY

## Request for Qualifications for Condemnation/Eminent Domain Legal Services

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*Proposal Submitted by:*



June 7, 2024

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Contact: Philip B. Arnold  
1601 S. MoPac Expressway  
Suite C 400  
Austin, TX 78746  
P: 512-472-8021  
F: 512-320-5638  
parnold@bickerstaff.com  
www.bickerstaff.com

## **a. Organization, Size, Structure, and Areas of Practice**

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- i. A cover sheet to include the complete legal name of the firm, the location of the office that will have responsibility for the service to be provided, and the name, address, telephone, and email address of the primary authorized representative knowledgeable of the submittal.**

We have included a cover sheet immediately preceding this page.

- ii. Describe the organization, date founded, and ownership of your firm.**

Established in September 1980 in Austin, Texas by two division chiefs from the Office of the Texas Attorney General, our firm began as Bickerstaff & Heath. Currently operating as Bickerstaff Heath Delgado Acosta LLP (“BHDA” or the “Firm”), we are one of the largest firms in Texas devoted extensively to the practice of state and local government law. The Firm has 21 practicing attorneys and 20 support staff who work together through shared technology and staffing. Subsequent to the founding of the original Austin office, the Firm established offices in Houston, El Paso, and McAllen. BHDA is a registered Texas Limited Liability Partnership. As an LLP, the Firm’s ownership is comprised of 13 equity partners.

Our qualifications and experience in providing a full range of legal services to public entities and governmental clients position us to provide timely and effective guidance to the West Travis County Public Utility Agency (“WTCPUA” or the “Agency”). We are proud that many of our lawyers are former elected, appointed, and employed members of state and local government. A particular strength that sets us apart is our understanding of the governmental process, which enables us to provide practical advice both to local government entities and to private entities that interact with or are otherwise affected by government decision-making.

- iii. Details on the qualifications of the firm, including documentation of the firm's experience with similar work as listed in Items 3a-I in the Scope of Services.**

As a full-service law firm, one of our practice areas includes representing clients in eminent domain projects and related litigation. BHDA assists public entities and utilities with the acquisition of water rights, water leases, water and wastewater right-of-way easements, street right-of-way, powerline easements, and other property interests in connection with water, wastewater, street and development projects, including acquisition through condemnation/eminent domain. In addition, our representation includes representing clients in the acquisition and development of real property and advises clients on issues related to site selection; due diligence review; compliance with environmental regulations; drafting leases, easements and license agreements; and the acquisition of property for public works projects through purchase and condemnation.

Eminent domain litigation is a highly specialized area of law. It involves a combination of property law, administrative law, real estate valuation, and litigation and is nuanced compared to other types of litigation. Our attorneys have decades of experience representing condemnors in eminent domain

proceedings, including utility, pipeline, and highway projects throughout Texas, and thus are fully equipped to handle the scope of services included in the Agency's RFQ.

### ***Representative Experience***

- ◆ The Firm is currently engaged to handle condemnation matters for the City of Austin, City of Irving, City of College Station, City of Wichita Falls, Guadalupe-Blanco River Authority, San Antonio River Authority, Austin Energy, and the Texas Department of Transportation. The nature of these cases ranges from fee simple acquisitions for roadway projects, water and sewer line projects, and easements for electric utility lines. The Firm also regularly represents local governments in inverse condemnation and regulatory takings cases.
- ◆ The Firm is currently representing the Texas Department of Transportation (TxDOT) on the Ranch Road 620 highway expansion project. This project will involve the condemnation of approximately 100 parcels. Additionally, the Firm represents TxDOT in acquiring parcels on US Highway 281 and Loop 1604.
- ◆ We also currently represent several entities in condemnation cases, including Austin Energy's upgrade to transmission line facilities through central Austin and several roadway acquisition projects for the City of Austin.
- ◆ In addition to the above projects, the Firm represented the Central Texas Regional Water Supply Corporation in negotiating complex operating and financing agreements relating to development and construction of its 142-mile, \$900 million water transmission pipeline project to deliver water from a location in Burleson County for delivery in Bexar County. This project involved the acquisition of over 400 parcels. The Firm assisted the water supply corporation in voluntary acquisitions and condemnation proceedings in acquiring waterline right-of-way easements and related fee properties necessary for its project.
- ◆ The Firm also assisted a South Texas special utility district as general counsel and in condemnation proceedings in a large-scale wastewater infrastructure project. The project involved acquiring 420 easements and related fee properties in an urbanized area for the construction of a new sewer system to provide first-time sewer service to residents. We assisted the client in all aspects of the acquisition project, from preparing, managing, and negotiating offers to landowners, and preparing conveyance documents, to representing the client in over 90 condemnation proceedings when landowner agreement could not be obtained.

## **b. Attorney Qualifications**

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- i. Identify the size of the firm's staff commitment and the credentials of key personnel.

### ***Firm Size and Staff Commitment***

BHDA employs 21 attorneys and 20 support staff across four Texas office locations in Austin, El Paso, Houston, and McAllen. Among the support staff available to the Firm's attorneys are various legal assistants, many of whom have worked for years with their respective attorneys. We also employ a full-time GIS specialist to assist with matters involving mapping production and data gathering and analysis.

The size of our firm combined with the skill and experience of our personnel, assures that the Firm's attorneys and staff will always be available to address the Agency's matters. Our proposed team of attorneys are eminently qualified to handle the legal needs of the WTCPUA, and we are fully prepared to assign supplementary staff as necessary.

### ***Key Personnel***

The Firm's proposes Philip B. Arnold to serve as lead attorney for the Agency's eminent domain/condemnation projects. He will have primary responsibility with respect to representing the Agency, including maintaining regular contact and supervising the work of the Firm's other attorneys and legal assistants.

In addition to Mr. Arnold's leadership, our proposed team includes the following key attorneys: Charles R. Kimbrough, Stefanie P. Albright, Gunnar P. Seaquist, Joshua D. Katz, and Emily W. Rogers. Brief biographies for these attorneys are included below.

#### **Philip B. Arnold, Partner (Proposed Lead Attorney)**

Philip Arnold represents private and public entity clients in litigation and general counsel matters with a principal area of practice in eminent domain litigation and right of way acquisition. Before entering private practice, Mr. Arnold worked for eight years in the Transportation Division of the Office of the Texas Attorney General where he litigated hundreds of cases for the Texas Department of Transportation involving eminent domain, tort, and State Office of Administrative Hearings (SOAH) cases. He has practiced law since 2007 and has 16 years of experience handling eminent domain and condemnation matters, trying cases before both judges and juries. Mr. Arnold is admitted to the State Bar of Texas and is admitted to practice before the United States District Courts for the Northern, Southern, Eastern, and Western Districts of Texas.

In addition, Mr. Arnold founded the Eminent Domain Section of the Austin Bar Association in 2021. Because the eminent domain bar in Texas is very small – perhaps less than 100 attorneys in the state practice eminent domain with any regularity and 45 of those work for the Texas Attorney General – Mr. Arnold wanted to help organize the eminent domain attorneys in Austin to promote good working relationships with each other. The Eminent Domain Section holds monthly meetings and regular CLEs, with the aim of bridging the gap between condemnor and landowner attorneys.

### **Charles R. Kimbrough, Partner**

Chuck Kimbrough represents governmental, commercial, and private clients in civil litigation before all levels of state and federal courts, including disputes relating to eminent domain and inverse condemnation, real property, water and wastewater service, contracts, landlord/tenant relations, bankruptcy, commercial transactions, tort claims, open government issues, removal of public officials, and other civil matters. He also provides general counsel services to governmental clients regarding a variety of property, business, and open government issues. Mr. Kimbrough was the lead attorney on the Central Texas Regional Water Supply Corporation project and oversaw a team of attorneys related to this project. Prior to joining the Firm, he served as Criminal District Attorney of Caldwell County, Texas (1991-2002). Mr. Kimbrough has practiced law for more than 40 years. He is admitted to the State Bar of Texas and is also admitted to practice before the Supreme Court of the United States; the United States Court of Appeals for the Fifth Circuit; and the United States District Courts for the Northern, Eastern, and Western Districts of Texas.

### **Stefanie P. Albright, Partner**

Stefanie Albright represents governmental entities with matters involving general counsel services, open government, permitting and compliance, and water law related issues. Her experience includes preparing and executing real property documents, including easements and license agreements; negotiating and drafting developer agreements related to the construction of water and wastewater utilities, developer reimbursements, capacity allocations, and facility conveyances; negotiations related to the purchase and sale of regional water and wastewater systems; and negotiating and preparing agreements for water and wastewater service and supply. Ms. Albright also represents clients before the Texas Commission on Environmental Quality and the Public Utility Commission of Texas in water and wastewater permitting matters, water rights, rates, and certificates of convenience and necessity (CCNs). She has more than 16 years of experience as a water law attorney and is admitted to the State Bar of Texas.

### **Gunnar P. Seaquist, Partner**

Gunnar Seaquist has extensive experience in litigation, having tried cases to both judges and juries. Mr. Seaquist represents both public and private entities in matters involving eminent domain, land use, real estate, regulatory compliance, construction defects, commercial disputes, personal injury, employment practices, voting rights, and statutory and constitutional rights. He has practiced law for 16 years and worked in the General Litigation and Taxation Divisions of the Texas Office of the Attorney General prior to joining the Firm. Mr. Seaquist worked on the Central Texas Regional Water Supply Corporation project and has also litigated several inverse condemnation and regulatory takings cases. Mr. Seaquist has practiced law for 17 years and is admitted to the State Bar of Texas. He is also admitted to practice before the United States Court of Appeals for the Fifth Circuit, and the United States District Courts for the Northern, Southern, Eastern, and Western Districts of Texas.

### **Joshua D. Katz, Partner**

Josh Katz practices in the areas of environmental law, administrative law, water law, municipal law, electric utility regulation, and related litigation. He represents public and private entities in these and related matters before state and federal agencies and in state court. Mr. Katz has also worked on complex title issues in condemnation proceedings as well as litigation involving the exercise of condemnation authority. He currently serves as City Attorney for the City of Granite Shoals and the Village of Salado, and as Assistant City Attorney for the City of Lakeway. Furthermore, Mr. Katz worked on the Central Texas Regional Water Supply Corporation and has represented several cities in inverse condemnation and regulatory takings cases. He has practiced law for more than 17 years and is admitted to the State Bar of Texas. He is also admitted to practice before the United States Court of Appeals for the Fifth Circuit, and the United States District Courts for the Southern, Eastern, and Western Districts of Texas.

### **Emily W. Rogers, Partner**

Emily Rogers practices in the areas of water and environmental law. She has extensive experience in cultivating relationships with her clients in order to resolve a broad range of issues. As special counsel to water districts, river authorities, municipalities, and special districts, Ms. Rogers assists and counsels clients regarding their water supplies, water and wastewater utility systems, and solid waste disposal issues. From permitting to transactional matters, she represents clients in matters involving surface and groundwater water rights, water and wastewater service territory and rates, water quality matters, industrial and municipal solid waste, and hazardous waste cleanup and disposal. She also counsels the Firm's general counsel clients on open meetings and open records, board governance, and similar matters. Ms. Rogers is Board Certified in Administrative Law by the Texas Board of Legal Specialization and has practiced law for more than 25 years. She is admitted to the State Bar of Texas and is also admitted to practice before the United States Court of Appeals for the Fifth Circuit and the United States District Courts for the Western District of Texas.

- ii. **A resume of key personnel who will be assigned to handle this representation. "Lead" (primary) and "backup" (alternate) personnel shall be clearly identified. Include any professional designations and affiliations, certifications, and Texas State Bar license numbers.**

In addition to the attorney biographies included in the section above, the full resumes of each proposed attorney are included as **ATTACHMENT A** to this proposal. Details on each attorney's professional designations, affiliations, and/or certifications are included above and/or in their attached resumes. Their State Bar of Texas license numbers appear below.

- ◆ Philip B. Arnold (lead attorney): 24044710
- ◆ Charles R. Kimbrough (key attorney/backup): 11424700
- ◆ Stefanie P. Albright (key attorney/backup): 24064801

- ◆ Gunnar P. Seaquist (key attorney/backup): 24043358
- ◆ Joshua D. Katz (key attorney/backup): 24044985
- ◆ Emily W. Rogers (key attorney/backup): 24002863

**iii. A statement of availability of key personnel including pertinent contact information.**

The proposed attorneys included in this document are eminently qualified and immediately available to provide the Agency with its required representation. The Firm also employs experienced legal assistants, many of whom have worked for years with their respective attorneys.

Our clients include both large and small public entities of all types located throughout the state and our attorneys routinely travel to attend client meetings and to represent clients at hearings, depositions, mediations, and at trial. In addition, we effectively use technology to facilitate efficient attorney-client communication, fast turnaround for internal work assignments, and prompt delivery of legal products to our clients.

The Firm's proposed lead attorney Philip Arnold has built lasting relationships with his clients in part by remaining easily accessible and responsive. In the event Mr. Arnold is not immediately available to respond to a request by the Agency, one of our other proposed attorneys will be able to assist with the Agency's needs. In addition to the attorneys outlined in this proposal, the full resources of our firm are available to assist on an as-needed basis for any large projects.

Our main office is located outside of downtown Austin and is a short drive to the WTCPUA Administrative Office, and our proposed attorneys are all based in the Firm's Austin office. The Firm's proposed lead attorney or another assigned attorney will be available to attend all board meetings and other meetings with staff as requested. Whenever the Agency prefers, our attorneys are available to attend meetings by videoconferencing or telephone, as these methods frequently offer cost savings to the Agency.

Our firm is fully staffed and equipped to handle the Agency's matters. As demonstrated elsewhere in our response, we are intimately familiar with eminent domain cases, and we have the resources to provide all services proposed in this response in a timely, efficient, and economical fashion.

The contact information of our proposed lead attorney, Philip Arnold, is included on the cover page of this proposal. Additionally, the contact information for all of our proposed attorneys appears in their attached resumes.

## c. Methodology and Approach

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- i. **Describe the firm’s approach to service delivery. Include a general overview of how the firm plans to fulfill service obligations.**

The Firm has designed its delivery of legal services to meet clients’ preferences for hands-on involvement in dealing with legal issues. To that end, our attorneys are committed to maintaining responsive communication with all clients, including, but not limited to, keeping our clients fully informed of problems and progress related to their legal matters.

After identifying, through factual analysis and legal evaluation, the basis of a legal issue raised by the Agency, the Firm’s proposed lead attorney, Philip Arnold, will provide a preliminary assessment of options, timelines, and other relevant matters. Should Mr. Arnold determine that, for reasons of experience, expertise, or economy, the matter is one best addressed by another of the Firm’s proposed attorneys, or one of the Firm’s associate attorneys or legal assistants, he will ask that attorney to evaluate the matter and communicate with the attorney and/or the Agency as appropriate.

Status reports will be provided frequently but no less often than monthly. In most cases, our attorneys will communicate more frequently throughout the matter both to discuss strategy and to allow the Agency to take part in the Firm’s close management of expenses. At the conclusion of the matter, the Firm will provide a final report in a manner requested by the Agency.

Collegiality and teamwork are cornerstone values for the Firm and our eminent domain team routinely collaborates with other members of the Firm for valuable insight into matters such as real estate, water, environmental, and administrative law. In addition to the attorneys outlined in this proposal, the full resources of our firm are available to assist the Agency on an as-needed basis. The size of our firm, combined with the skill and experience of our personnel, ensure that the Agency’s matters will always be handled efficiently and in a cost-effective manner.

- ii. **Proposals must indicate a clear understanding of the scope of work, including a description of major tasks and responsibilities, time frames, and staff assigned for each category of the scope of work identified above.**

Our firm routinely represents government clients in cases involving eminent domain, inverse condemnation, mediation, and litigation. As previously mentioned, BHDA represents primarily governmental entities and is accustomed to both the scope of work that a regional water and wastewater utility such as the WTCPUA will require, as well as the timelines and deadlines that coincide with such work. If selected for this engagement, we anticipate Philip Arnold, our proposed lead attorney, will perform most of the work related to the Agency’s eminent domain projects.

We have included below a general statement of work we anticipate being accomplished, and how we propose to accomplish and perform each specific service related to this general statement of work.

- ◆ **Pre-condemnation planning and negotiations** – Planning the route and determining the right of way needed for a given project is extremely important. While engineers design schematics based on what they need to complete the project, at times it is necessary to adjust plans to avoid certain businesses or homes. Engaging with the landowner in the early phase of the process is key to establish a working relationship with the landowner and to address any of their concerns. For example, sometimes moving the proposed ROW line a few feet in one direction can avoid costly litigation. It is also important to be flexible about settlement amounts. Often times a ROW Agent may only have authority to settle a case for 15% above the appraised value, even when a counter-offer is less than \$10,000, which is less than the cost to take the case to condemnation.
- ◆ **Cooperation with appraisers, land planners, and engineers** – Because eminent domain cases are fact-specific and rely heavily on opinions of value, hiring the right expert for the right case is crucial. In some instances, only an appraiser may be required. In other cases, it may be necessary to hire an engineer, land planner, architect, or broker to provide the right information to determine just compensation. We assist clients in determining what experts are needed for each project and for any particular parcel.
- ◆ **Preparation of litigation documents** – BHDA attorneys have drafted eminent domain documents for entities across the State of Texas. Drafting the appropriate petition language that suits the client’s needs is fundamental to acquiring the interest required for the project. We help clients determine what property rights are needed to complete their projects, be it an easement or fee simple interest.
- ◆ **Attending Special Commissioners Hearings** – At the initial phase of the condemnation process, the Special Commissioners determine the just compensation due to the landowner. These hearings are essentially mini-jury trials and, as with all litigation, preparation is key. Our attorneys have litigated hundreds of Special Commissioner Hearings across the state for a variety of clients. This experience allows us to tailor our arguments for the specific Special Commissioners who preside over the hearing, who often time are the same Commissioners appointed by the Court in other cases. If you can obtain a good verdict at the hearing level, you can often settle the case or, if need be, obtain a good jury verdict.
- ◆ **Jury trials in the appropriate court of jurisdiction** – If either party does not agree with the compensation determined by the Special Commissioners, they can object to the award and convert the case into a *de novo* jury trial. Condemnation cases are a classic example of the “battle of experts” because typically the facts are not in dispute. Opinion testimony is how condemnation cases are won and lost. Knowing how to exclude the other party’s evidence and limit value testimony to that allowed by case law is probably the

most important skill of an eminent domain lawyer. We have tried condemnation cases in bench and jury trials across the state and obtained excellent verdicts for our clients.

- ◆ **Appeals of trial court decisions to the appellate courts and Texas Supreme Court** – If an expert is allowed to give testimony on an issue for which they are unqualified, it may cause harmful error and result in an incorrect jury verdict. Our attorneys have experience in eminent domain appellate litigation and can argue the nuances of eminent domain law to help clients obtain a just result.

**iii. Specify what unique characteristics set the firm apart from others who perform the same or similar functions.**

The representation of governmental entities has been the cornerstone of our legal practice for almost 44 years. The Firm is staffed and organized around the specific areas of legal service needed by public entities, and private entities whose businesses intersect with them. Because we offer a full range of services to governmental clients, we are able to bring an unparalleled level of expertise and responsiveness without the need for retaining additional outside counsel for specialized issues. We understand that local government entities face complex legal issues that are as significant as any faced by the business community.

The Firm has represented numerous water districts as well as hundreds of counties, cities, special districts, and educational institutions throughout the state. As a result, we have an unmatched depth of understanding and experience in the representation of governmental entities. Our attorneys are well-versed and experienced in the responsibilities and authorities of local governments, and their collective experience and expertise span all areas of local government law. This allows us to identify and resolve important legal issues that may be missed by firms whose primary expertise is business or commercial practice and also provides efficiency by facilitating quick responses and reducing unnecessary research.

Our attorneys' substantial experience in local government representation since the Firm's founding in 1980, coupled with our significant experience in providing a full range of legal services to governmental entities make us uniquely qualified to represent the WTCPUA as eminent domain counsel.

## **d. Fees**

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**i. Provide the firm's hourly billing rates of each attorney or other legal staff who are expected to work on this representation.**

Unless otherwise indicated in writing, our fees for legal services are determined on the basis of the hourly rates of the respective attorneys and other timekeepers who perform the services. Included below are the hourly rates for all firm personnel including each proposed team member and our legal assistants. *(Proposed team member names are in bold.)*

TIMEKEEPER	2024 HOURLY RATE
<b>Albright, Stefanie</b>	<b>\$385</b>
<b>Arnold, Philip</b>	<b>\$425</b>
Caputo, Cobby	\$435
Gonzalez, Vanessa	\$400
Heath, Bob	\$510
<b>Katz, Joshua</b>	<b>\$385</b>
<b>Kimbrough, Chuck</b>	<b>\$355</b>
Miller, Gregory	\$385
<b>Rogers, Emily</b>	<b>\$400</b>
Russell, Claudia	\$395
<b>Seaquist, Gunnar</b>	<b>\$385</b>
Than, Catherine	\$400
Weller, Steven	\$395
Kelley, Kimberly	\$310
Labashosky, Sara	\$320
Robinson, Lori	\$335
Caroom, Doug	\$470
Delgado, Hector	\$455
Dugat, Bill	\$405
Falk, Syd	\$470
Pagan, Kevin	\$420
<b>Legal Assistants/Specialists</b>	<b>\$210</b>
McCall, Sherry (Senior GIS Specialist)	\$260

ii. **List expenses for which the firm would seek reimbursement from the WTCPUA in addition to attorneys' fees.**

The Firm incurs expenses on behalf of clients only when required by the legal needs of our clients. Some cases or matters require extensive use of outside copy facilities, and other cases may not be so paper-intensive. Standard services handled within the Firm are not charged, and client-specific expenses are billed to the client needing those services. An explanation of the billing structure is as follows:

- ◆ Not Charged – Secretarial and word processing time, routine postage, file setup, file storage, local or ordinary long-distance charges, fax charges, and computerized legal research data charges.
- ◆ Delivery Services – Outside delivery services are used for the pickup and delivery of documents to the client as well as to courts, agencies, and opposing parties. Outside delivery fees are charged to the client at the rate charged to the Firm. Overnight delivery services are also charged at the rate charged to the Firm. The Firm’s administrative personnel may provide delivery service in urgent situations and charges for such in-house service will not exceed the charge that would be made by an outside service in a similar situation.
- ◆ Postage – Our postal equipment calculates exact U.S. postage for all sizes and weights of posted material. The rate charged for postage is the same as the amount affixed to the material that is mailed. We will not charge clients for postage on routine correspondence; however, the cost of large-volume mail, certified mail, or other additional mail services will be charged to the client.
- ◆ Copies and Prints – Our standard rate for black-and-white copies and prints made by the Firm’s personnel is \$0.15 per page. Color copies and prints are charged at a standard rate of \$0.55 per page. These charges cover paper, equipment costs, and other supplies. If savings can be realized within the required time frame by sending copy jobs to subcontractors, the Firm uses only qualified legal services copiers and the cost charged to the client is the same as the amount billed to the Firm.
- ◆ Phone Charges – Only charges for international calls are charged, and charges are billed at the same amount billed to the Firm by the outside provider.
- ◆ Travel – Attorney and other timekeeper time spent traveling on behalf of a client is billed to the client. Hotel, meals, local transportation, and similar expenses are charged based on receipts and travel expense forms submitted by the attorney. Documentation is available to the client if requested. We also regularly comply with *per diem* and travel limitations to comply with the internal policies of a particular client.
- ◆ Maps – Maps produced in conjunction with a project will be billed at \$50 for each 34 x 44-inch map and \$20 for each smaller map, plus cost (time fees) for preparation.
- ◆ Other Expenses – Expenses incurred with outside providers in connection with the client’s legal services will be paid by the client directly to the outside provider unless specifically arranged in advance. If the Firm agrees to pay outside providers, the cost charged to the client will be the same as the amount billed to the Firm. Examples of such charges include court reporter fees, filing fees, newspaper charges for publication notices, expert witness fees, consultants, and other similar expenses.

## e. References

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- i. **At a minimum, provide a list of three (3) relevant clients, including contact persons and telephone numbers.**

We have provided three client references and their contact information below. Our work on behalf of these clients is included in the following section.

- ◆ **City of Austin**

Contact: Angela Rodriguez, Assistant City Attorney

Phone: 512.974.6032

Email: [angela.rodriguez@austintexas.gov](mailto:angela.rodriguez@austintexas.gov)

- ◆ **Guadalupe-Blanco River Authority**

Contact: Courtney Kerr-Moore, Deputy General Counsel

Phone: 830.379.5822

Email: [ckerr-moore@gbra.org](mailto:ckerr-moore@gbra.org)

- ◆ **City of Irving**

Contact: Kuruvilla Oommen, City Attorney

Phone: 972.721.2541

Email: [CAO@cityofirving.org](mailto:CAO@cityofirving.org)

- ii. **Describe the firm's experience and responsibilities for each reference.**

- ◆ **City of Austin**

We were engaged by Austin Energy to expand an existing powerline easement because the facilities are being upgraded and require more clearance. We have handled 18 projects on this project to date. We have also been engaged on several roadway improvement projects by the City of Austin.

- ◆ **Guadalupe-Blanco River Authority**

We are currently engaged by GBRA to assist in the acquisition of water line easements for upgrades to existing water lines and the relocation of water lines necessitated by roadway improvement projects.

- ◆ **City of Irving**

The Firm has been representing the City of Irving with an eminent domain which involves acquiring ROW for a new road for the City of Irving south the Dallas Fort Worth International Airport. The acquisition is through a 115-acre parent tract of vacant land. We have also been engaged to acquire a hike and bike trail easement to complete the City's hike and bike trail program.

## f. Disclosures

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- i. **Disclose any firm client relationships that could limit your firm's full representation of the WTCPUA of this matter, whether legal or business conflicts, including, specifically a discussion of your representation of landowners or developers in Travis and Hays Counties.**

After a diligent search of our conflicts system, the Firm certifies that there are no current conflicts of interest. Furthermore, we do not anticipate any conflicts of interest that would impede or interfere with our proposed representation of the WTCPUA. If a conflict or potential conflict is identified in the future, it may be appropriate to prepare a written waiver for the potential client's signature describing the nature of the conflict and advising the client to consider consulting another law firm about the conflict and/or original matter prior to signing the waiver. Management will consult the appropriate ethical guidelines and advise the affected attorneys.

BHDA does not represent any landowners or developers that it is aware of in Travis and Hays Counties.

BHDA does represent entities in Travis and Hays Counties, that although no conflicts are anticipated, it would like to disclose. These entities include: the Lower Colorado River Authority and the City of Lakeway.

## Attachment A: Attorney Resumes

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## Philip B. Arnold

### PARTNER

#### AUSTIN OFFICE

1601 S. MoPac Expressway  
Suite C400  
Austin, Texas 78746

Phone: 512-472-8021  
Fax: 512-320-5638  
Email: [parnold@bickerstaff.com](mailto:parnold@bickerstaff.com)

### Attorney Overview

Philip Arnold represents private and public entity clients in litigation matters with a principal area of practice in eminent domain litigation and right of way acquisition.

He has counseled Texas counties and municipalities in a variety of local governmental issues, including eminent domain litigation; real estate transactional and title issues; water law litigation; redistricting; U.S.C. § 1983 Civil Rights defense; drafting Interlocal Agreements, Tax Rebate Zones (TRZs) and Economic Development Agreements.

Prior to entering private practice, Philip worked for eight years in the Transportation Division of the Office of the Texas Attorney General where he litigated hundreds of cases involving eminent domain, tort, and State Office of Administrative Hearings (SOAH) cases. He also served as the project manager for the Interstate Highway 69 and FM 2234 project in Fort Bend County.

After graduating from law school, Philip worked as a Staff Attorney for Bexar County Civil District Court Administration, and as a landman/title researcher for an oil company in South Texas.

### Career Highlights

- ◆ The Best Lawyers in America©, Eminent Domain and Condemnation Law, 2024

### Publications & Presentations

- ◆ County Purchasing, 95th Annual West Texas County Judges and Commissioners Association Conference, April 2024
- ◆ Public Information Act Requests, 66th Annual County Auditors Institute, April 2024
- ◆ Recent Trends in Eminent Domain, TexasBarCLE 35th Annual Advanced Government Law Course, August 2023

### Practice Areas

- ◆ Civil Litigation
- ◆ Eminent Domain
- ◆ Real Estate
- ◆ Civil Rights Defense
- ◆ Employment
- ◆ Open Government
- ◆ Elections
- ◆ Water Law
- ◆ Counties
- ◆ Appellate Law
- ◆ Contracts & Procurement
- ◆ Voting Rights & Redistricting

### Education

- ◆ St. Mary's University School of Law, J.D., 2007
- ◆ Certified Mediator, St. Mary's University School of Law, J.D., 2007
- ◆ Tulane University, B.A., 2003

### Admissions

- ◆ Supreme Court of Texas, 2007
- ◆ United States District Court for the Northern, Southern, Eastern, and Western Districts of Texas

- ◆ Tax Abatement and Economic Development Agreements, North and East Texas County Judges and Commissioners Association Conference, July 2023
- ◆ Eminent Domain 101, 2023 Texas City Attorneys Association Summer Conference, June 2023
- ◆ County Purchasing Act, 65th Annual V.G. Young School for County Commissioners Courts, February 2023
- ◆ Bidding and Purchasing Requirements, South Texas County Judges and Commissioners Association Annual Conference, June 2022
- ◆ Public Information Act, 93rd Annual West Texas County Judges and Commissioners Association Conference, April 2022
- ◆ The Limits of Commissioners Court Authority, 64th Annual V.G. Young School for County Commissioners Courts, February 2022
- ◆ Ultra Vires Claims, Texas Association of Community College Attorneys 2022 Virtual Conference, January 2022
- ◆ Open Meetings Act and Walking Quorums, District 10 Judges & Commissioners Conference, December 2021
- ◆ Open Meetings Act and Walking Quorums, 16th Annual District 12 Continuing Education Conference for County Judges & Commissioners, December 2021
- ◆ County Purchasing Basics, 63rd Annual V.G. Young School for County Commissioners Courts, February 2021
- ◆ Eminent Domain 101, Texas Association of Community College Attorneys 2021 Virtual Conference, January 2021
- ◆ Advanced Government Law – Government Law Bootcamp, CLE, 2017
- ◆ Attacking and Defending Real Estate Appraisals, CLE, 2016 and 2017
- ◆ Where Have We Come Since Schmidt? (Co-Presenter with Matthew Bohuslav and Elsa Ulloa), Eminent Domain Super Conference, Eminent Domain Institute – CLE International, 2013 and 2015

## **Organizations & Involvement**

- ◆ Austin Bar Association, Eminent Domain Section, Founder and Chair, 2021-present; History and Traditions Committee, 2019-present; LGBT Section, Secretary 2021-present
- ◆ University of Texas School of Law, Moot Court Competition Judge, 2008-2016
- ◆ Austin Bar Association, Legal Clinic Volunteer, 2010; Women’s Resource Clinic Volunteer, 2009-2012
- ◆ Austin Young Lawyers Association, Attorney General Liaison, 2008-2009



## Charles R. Kimbrough

### PARTNER

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#### AUSTIN OFFICE

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### Attorney Overview

Charles R. Kimbrough is as a partner of the law firm of Bickerstaff Heath Delgado Acosta LLP in Austin, Texas. He joined the firm in January of 2003.

For approximately 40 years, he has represented counties, cities, river authorities, and other local governments, and the State of Texas, in trial and appellate litigation, and has provided non-litigation services to local governments in a variety of professional practice areas including: economic development; land use regulation and enforcement; land and public infrastructure acquisition and disposition involving water, wastewater, transportation and other public works projects; contracts and inter-local governmental agreements; competitive procurement; open government issues; public official ethics; and general counsel services.

He is admitted to practice law before the following courts: Texas Supreme Court (1981) and all other Texas state courts; United States Supreme Court (1989); United States Court of Appeals for the Fifth Circuit (1988); and United States District Courts for the Northern (1988), Eastern (1989), and Western (1988) Districts of Texas.

He is a graduate of: Lockhart High School (1972); Texas A&M University (B.A. 1976; Master Agri. 1978); and South Texas College of Law (J.D. 1981).

He served as Criminal District Attorney of Caldwell County, Texas (1991-2002) after being a partner of the law firm of Blundell, Moore & Kimbrough in Lockhart, Texas (1981-1990).

He is a member of the following professional organizations: American Bar Association; Austin Bar Association; Bar Association of the Fifth Circuit; Champion of Justice Society of the Texas Access to Justice Foundation; Federal Bar Association (Austin Chapter); and Texas Aggie Bar Association.

He is a Fellow of the Texas Prosecutor Society of the Texas District & County Attorneys Association Foundation. He served as former President of the Caldwell County Bar Association when he practiced law in Caldwell County.

In 2012, he was the recipient of the James B. Sales "Boots on the Ground" Award of the Texas Access to Justice Commission, and was further recognized as an Access to Justice Pro Bono Champion in the

Texas Bar Journal, for his successful representation of pro bono clients in certain land title litigation filed against unscrupulous developers in Williamson County, Texas.

He is a frequent presenter at conferences regarding legal issues affecting Texas counties.

## **Representative Experience**

**Government Litigation (including but not limited to):** representation of cities in condemnation suits regarding municipal water, wastewater, and electrical utility development projects; representation of cities in condemnation suits regarding municipal development of waste disposal facility and public building; representation of a municipal water authority in condemnation suit for development/implementation of a salt cedar eradication program; defense of municipal water district and river authority in condemnation suits filed by natural gas carriers; defense of county in suits regarding inverse condemnation and alleged liability for guardian fees; defense of cities and county in suits regarding open government and public finance issues; representation of local governmental risk pool in arbitration regarding stop-loss insurance payments; representation of cities in suits regarding retail water service area disputes; representation of governmental entities in suits regarding tort claims for fiber optic cable damages; representation of county in suit for removal of public official; representation of city in suit to enjoin/abate floodway encroachment; representation of county in contested administrative agency proceeding regarding county protest of proposed oil/gas waste disposal facility; defense of county regarding challenge to its subdivision regulations.

**Government General Counsel Services (including but not limited to):** representation of school district regarding settlement of construction dispute; representation of counties regarding clarification of public interests in county roads; representation of cities regarding municipal prosecution and code enforcement; representation of cities and counties regarding land use restriction, subdivision regulation, and floodplain management; representation of cities and counties regarding competitive bidding and procurement; representation of cities and counties regarding open government issues; representation of counties regarding tax abatement and other economic development issues; representation of counties regarding participation in TXDOT grant program for improvement of county roads damaged by oil/gas industry activity.

**Commercial Entity and Private Client Representation (including but not limited to):** representation of water supply corporation in condemnation suits regarding multi-county water supply project; representation of landlords regarding collection, eviction, and bankruptcy litigation concerning commercial property; representation of builder regarding DTPA claims; representation of individual in federal litigation concerning cable television access claims; representation of individuals in real property suit for specific performance and damages; representation of commercial bank in secured and unsecured loan transactions and related litigation.



## Stefanie P. Albright

**PARTNER**

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E: salbright@bickerstaff.com

### Attorney Overview

Stefanie Albright practices in the areas of water law and environmental law. She has represented governmental entities, including water districts, water supply corporations, municipalities, and regional authorities with matters involving water quality, water and wastewater utilities, water rights, permitting and compliance, open government, and general counsel services.

Stefanie has almost 15 years of experience as a water law attorney. Prior to joining BHDA, she was a partner and member of the water law team at a private practice in Austin. In addition, she served as a judicial intern for the Honorable Elsa Alcalá, Texas First Court of Appeals while attending law school. Stefanie's background also includes several years of work as a lead staff member in the Texas House of Representatives.

### Representative Experience

- ◆ Provide general counsel services, including the creation, organization, and operation of water and wastewater utilities, to regional authorities, water districts, and other water utilities in Texas.
- ◆ Advise clients regarding general governance and transparency issues relating to the Texas Open Meetings Act, Texas Public Information Act, governmental immunity, competitive bidding, conflicts of interest, and general ethics.
- ◆ Represent clients before the Texas Commission on Environmental Quality and the Public Utility Commission on water and wastewater matters, including all types of issues involving water and wastewater permitting and certificates of convenience and necessity.
- ◆ Represent clients in negotiations related to the purchase and sale of regional water and wastewater systems.
- ◆ Negotiate and draft developer agreements relating to the construction of water and wastewater utilities, developer reimbursements, capacity allocations, and facility conveyances.

### Practice Areas

- ◆ Water Law
- ◆ Environmental
- ◆ General Counsel
- ◆ River Authorities & Water Districts
- ◆ Open Government
- ◆ Cities

### Education

- ◆ University of Houston Law Center, J.D., 2008
- ◆ The University of Texas School of Law, Visiting Student, Spring 2008
- ◆ Southwestern University, B.A. in Political Science, 2002

### Admissions

- ◆ Texas, 2008

- ◆ Prepare and execute real property documents, including easements and license agreements.
- ◆ Negotiate and prepare agreements for water and wastewater service and supply.
- ◆ Coordinate and manage stormwater permitting for Phase I and Phase II MS4 permit entities, including drafting and execution of permit applications and preparation of annual reports.
- ◆ Participate in Texas Commission on Environmental Quality stakeholder meetings relating to water quality and water rights, districts, and stormwater permitting.
- ◆ Assist clients with water quality matters involving permitting and compliance issues.

## **Awards & Recognition**

- ◆ Texas Rising Stars list (*Super Lawyers, Thomson Reuters*), 2018-2020
- ◆ Senior Articles Editor, *Houston Journal of Health Law & Policy*, 2007-2008
- ◆ Moot Court, Client Counseling Competition Regional Finalist, 2007
- ◆ Ewer-Oren J.D. Health Law Writing Award Recipient, 2007

## **Organizations & Involvement**

- ◆ State Bar of Texas (Environmental and Natural Resources Law Section; Administrative Law Section)
- ◆ Texas Water Conservation Association
- ◆ Austin Bar Association (Environmental, Natural Resource, and Water Law Section)
- ◆ Board Member, The University of Texas at Austin McDonald Observatory and Department of Astronomy Board of Visitors, 2019 – Present

## **Publications & Presentations**

- ◆ Speaker, "The Nuts and Bolts of a SOAH-Contested Case Hearing (including Virtual Hearings)," Texas City Attorneys Association Fall Conference/Texas Municipal League Annual Conference, Dallas, Texas (October 2023)
- ◆ Author and Speaker, "Ethics Considerations for City Officials," Texas Municipal League Annual Conference (Texas City Attorneys Association Fall Meeting), San Antonio, Texas (October 2019)
- ◆ Speaker, "Complying with Water Quality Laws and Regulations" and "Ethics and Water Law," HalfMoon Texas Water Laws and Regulations Seminar, Arlington, Texas (November 2018)
- ◆ Speaker, "The Stormwater Remand Rule: Understanding the Impacts to the Maximum Extent Practical," EPA Region 6 Stormwater Conference, San Antonio, Texas (September 2017)
- ◆ Author, "Emerging Trends in the Regulation of Stormwater," *Texas Environmental Law Journal*, Vol. 43 No. 1 (Fall 2012)
- ◆ Co-author, "SB 573, CCN Decertification, and Water Utility Service Issues," State Bar of Texas, 13th Annual Changing Face of Water Rights in Texas (February 2012)



## Gunnar P. Seaquist

### PARTNER

#### AUSTIN OFFICE

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### Attorney Overview

Gunnar Seaquist focuses his practice in the areas of litigation, employment, and public law. Before joining the Firm, he practiced for over five years in both the General Litigation and Tax divisions of the Texas Office of the Attorney General. He has extensive experience in litigation, having tried cases to both judges and juries. His experience extends to employment litigation involving Title VII, the Americans with Disabilities Act, the Age Discrimination and Employment Act, the Fair Labor Standards Act, the Family Medical Leave Act, and the Whistleblower Act, as well as the Texas Commission on Human Rights. In addition, he has defended governmental entities in civil rights actions, constitutional claims, and in challenges to constitutionality and validity of legislative enactments.

### Career Highlights

- ◆ The Best Lawyers in America®, Litigation - Labor and Employment, 2024
- ◆ Former Assistant Attorney General, General Litigation Division, Office of the Attorney General of Texas (2011-2014)
- ◆ Former Assistant Attorney General, Taxation Division, Office of the Attorney General of Texas (2008-2010)

### Selected Appellate Opinions

- ◆ *Assignees of Best Buy v. Combs*, 395 S.W. 3d 847 (Tex.App.–Austin 2013, pet. filed).
- ◆ *University of Texas El Paso v. Ochoa*, 410 S.W.3d 327 (Tex.App–El Paso, 2013, pet. filed).
- ◆ *Critical Heath Connection, Inc. v. Texas Workforce Commission*, 338 S.W.3d 758 (Tex.App.–Austin 2011, no pet.).

### Practice Areas

- ◆ Civil Litigation
- ◆ Cities
- ◆ Voting Rights and Redistricting
- ◆ Employment
- ◆ Elections
- ◆ State and Local Tax Law
- ◆ Annexation & Land Use
- ◆ Insurance Defense
- ◆ General Administrative
- ◆ Corporate
- ◆ Higher Education
- ◆ Schools
- ◆ Special Districts

### Education

- ◆ Baylor University School of Law (J.D., 2006)
- ◆ University of Miami, (B.B.A. with Honors, 2002)

### Admissions

- ◆ Supreme Court of Texas
- ◆ U.S. Fifth Circuit Court of Appeals
- ◆ U.S. District Court for the Northern, Southern, Eastern and Western Districts of Texas

- ◆ *Energy Educ. of Montana v. Tex. Comptroller of Pub. Accounts*, no. 03-10-644-CV, 2013 Tex. App. Lexis 5047 (Tex. App–Austin, Apr. 25, 2013, pet. denied.)

## **Organizations & Involvement**

- ◆ Austin Bar Association
- ◆ State Bar of Texas, Litigation Section; Governmental Section
- ◆ West Austin Neighborhood Association, Board Member



## Joshua D. Katz

### PARTNER

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### Attorney Overview

Josh Katz practices in the areas of municipal law, environmental law, administrative law, water law, electric utility regulation, and civil litigation. He represents municipalities, river authorities, water districts, and private entities in these and related matters before state agencies and in state and federal courts.

### Career Highlights

Prior to joining Bickerstaff Heath in 2010, Josh was an associate with a large Austin firm and an environmental and property law litigation boutique. He also researched and drafted publications and other documents while clerking at TCEQ and the Jones McClure Publishing Company, where he drafted and edited various *O'Connor's* legal publications.

### Representative Experience

- ◆ Handled numerous environmental and property law litigation cases, including groundwater rights cases, title and easement disputes, and land use disputes
- ◆ Represented clients in contested case hearings before the Texas Commission on Environmental Quality (TCEQ) and Public Utility Commission (PUC), including electric and water utility rate cases and issues pertaining to municipal utility districts
- ◆ Drafted comments on behalf of clients in administrative rulemaking proceedings, and successfully litigated challenges of administrative rulemakings
- ◆ Participated in administrative proceedings regarding permitting and operations of municipal solid waste facilities, permitting of groundwater wells and surface water impoundments, eminent domain proceeding, electric utility transmission, generation and cost recovery, and water utility compliance and operations

### Practice Areas

- ◆ Cities
- ◆ Civil Litigation
- ◆ Water Law
- ◆ Annexation & Land Use
- ◆ Environmental
- ◆ Voting Rights & Redistricting
- ◆ Groundwater Conservation Districts
- ◆ River Authorities & Water Districts

### Education

- ◆ University of Houston Law Center, J.D., *cum laude*  
—Chief Articles Editor, *Houston Journal of Health Law and Policy*, 2004-2005  
—President, University of Houston Environmental and Energy Law Society, 2003-2004
- ◆ Rice University, B.A. - Economics and English

### Admissions

- ◆ Supreme Court of Texas, 2005
- ◆ United States District Court for the Western District of Texas, 2012; Southern District, 2013; Eastern District, 2013
- ◆ United States Court of Appeals for the Fifth Circuit, 2010

- ◆ Litigated breach of contract disputes and other civil litigation on behalf of public entity and private party clients
- ◆ Experienced in appellate law, having drafted successful appellate briefs in appeals of administrative decisions, groundwater litigation, land use and development litigation, and breach of contract cases
- ◆ Experienced in drafting and reviewing contracts and property rights transfer documents, including water and mineral rights transfers

## **Organizations & Involvement**

- ◆ Member, State Bar of Texas (Environmental and Natural Resources Law Section and Administrative and Public Law Section); Member, Austin Bar Association (Administrative Law Section and Natural Resources, Environmental, and Water Law Section).
- ◆ Board of Directors Member – Austin Symphony BATS (Be At The Symphony); Treasurer, 2008-2010.

## **Publications, Papers, & Presentations**

- ◆ *Walk Hard: The Walking Quorum Story*, Texas City Attorneys Association Summer Conference (June 2020).
- ◆ *Can I Sue Your City? Dealing with the Public and Pro Se Litigants*, 2016 Texas City Attorneys Association Summer Conference (June 2016).
- ◆ *Regulatory Takings: The Intersection of Takings and Property Rights*, 2014 Texas Water Law Institute (November 2014).
- ◆ *Case Update on Texas Farm Bureau v. TCEQ*, Austin Bar Association, Natural Resources, Environmental, and Water Law Section (May 2013).
- ◆ *Case Update on Texas Farm Bureau v. TCEQ*, Texas Water Conservation Association Annual Conference (March 2013).
- ◆ *Case Law and Litigation Update*, Co-Author, presented at CLE International Texas Water Law Conference (September 2009).



## Emily Willms Rogers

### MANAGING PARTNER

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### Attorney Overview

Emily Rogers practices in the areas of water and environmental law. From permitting to transactional matters, Emily represents cities, river authorities, and water districts in matters involving surface and groundwater water rights, water and wastewater utility matters, water issues, and industrial and municipal solid waste disposal.

Born and raised in San Marcos, Texas, Emily earned her J.D. from the University of Houston Law Center after completing her B.A. degree from the University of Texas and her M.A. degree from Southwest Texas State University. After law school, she returned to Austin and was a staff attorney at the Texas Natural Resource Conservation Commission, the predecessor agency to the Texas Commission on Environmental Quality, where she represented the agency in contested cases involving wastewater permit applications and provided legal counsel to the state's Superfund program.

Board Certified in Administrative Law, Emily is the reporter on Water Law Developments in Texas for The Foundation for Natural Resources and Energy Law's *Water Law Newsletter*. She is also the co-author of the River Authorities and Regional Water Districts chapter in *Essentials of Texas Water Resources* and previously served as a columnist for the *Texas Environmental Law Journal*. In addition, she is a frequent speaker at water law and local government conferences.

Emily is an active member of the Texas Water Conservation Association, where she serves as a board member and chair of the Flood and Navigation Panel. She also serves on the Administrative Law Advisory Commission of the Texas Board of Legal Specialization, is a member of the Administrative and Public Law Council for the Administrative and Public Law Section of the State Bar of Texas, and is co-chair of the Water Rights Committee of the Real Estate, Probate and Trust Law Section of the State Bar of Texas. In addition to her volunteer involvement and leadership roles, Emily serves as the Managing Partner of Bickerstaff Heath Delgado Acosta LLC.



### Practice Areas

- ◆ General Counsel
- ◆ Cities
- ◆ Water Law
- ◆ Environmental
- ◆ River Authorities & Water Districts
- ◆ Groundwater Conservation Districts

### Education

- ◆ University of Houston Law Center, J.D., *cum laude*
- ◆ Southwest Texas State University, M.A. in History, with honors
- ◆ The University of Texas, B.A. in History

### Admissions

- ◆ Supreme Court of Texas, 1997
- ◆ U.S. Court of Appeals for the Fifth Circuit
- ◆ U.S. District Court for the Western District of Texas

## Career Highlights

- ◆ Board Certified in Administrative Law, Texas Board of Legal Specialization
- ◆ Former staff attorney at the Texas Natural Resource Conservation Commission (predecessor agency to the Texas Commission on Environmental Quality)
- ◆ The Best Lawyers in America©, Water Law, 2024
- ◆ Recipient of the 2017 Texas Water Conservation Association President's Award

## Representative Experience

- ◆ Emily represents cities, water districts, and private entities before the Public Utility Commission of Texas (PUC), the Texas Commission on Environmental Quality (TCEQ), and the State Office of Administrative Hearings (SOAH). Her practice before the PUC includes filing and assisting clients with the applications for new or amended certificates of convenience and necessity, assisting clients with the sale or purchase of retail public utilities, and the transfer of CCN territory between retail and public utilities including filing sale, transfer, merger applications, and Texas Water Code § 13.248 agreements designating service territory. Emily also assists clients with expedited decertification petitions. In addition, she represents clients before the PUC in rate-making proceedings and appeals of rate changes, and service area disputes. She also advises clients with issues related to retail public utilities with federal debt, and assists the Firm's litigation team in lawsuits against both private and governmental clients involving claims under 7 U.S.C.A. § 1926(b). Emily's TCEQ practice includes representing clients in permitting and enforcement matters. She assists clients in preparing and filing applications for new or amended water rights, wastewater discharge permits, and solid waste disposal permits. If any of her clients' matters before the PUC or TCEQ are contested, she represents them in contested case hearings before SOAH.
- ◆ In addition to her regulatory work before the TCEQ and the PUC, Emily negotiates water and sewer wholesale contracts, franchise fee agreements, reclaimed water agreements, and agreements for the purchase or lease of surface water and groundwater rights. She assists clients in developing pretreatment regulations, stormwater and non-point source pollution control ordinances, and onsite septic system regulations. She also counsels her local government clients on impact fees, and assists those clients in preparing water and sewer utility rates, usage and extension requirements, as well as drought contingency and water conservation plans. Additionally, Emily counsels clients in groundwater regulatory matters and assists clients with groundwater rights permitting.

## Organizations & Involvement

- ◆ Board of Directors, Texas Water Conservation Association, 2017-present
- ◆ Chair, Flood and Navigation Panel, Texas Water Conservation Association, 2022-present
- ◆ Member, Administrative Law Advisory Commission, Texas Board of Legal Specialization, 2022-present
- ◆ Member, Administrative and Public Law Council, State Bar of Texas Administrative and Public Law Section, 2022-present

- ◆ Co-chair, Water Rights Committee, State Bar of Texas Real Estate, Probate and Trust Law Section, 2023
- ◆ Co-chair, Changing Face of Water Law, 2019 and 2020
- ◆ Planning Committee, Changing Face of Water Law (formerly Changing Face of Water Rights) - 2009, 2011, 2012, 2015, 2016, 2017, 2018
- ◆ Planning Committee, Texas Water Law Institute's Texas Water Law CLE, 2014, 2015, and 2016
- ◆ Planning Committee, Texas Rural Water Association/Texas Water Conservation Association Water Law Seminars, 2013, 2017, and 2019
- ◆ Chairperson, Water Law Committee, Texas Water Conservation Association, 2015-2017
- ◆ Reporter, Water Law Developments in Texas, The Foundation for Natural Resources and Energy Law's *Water Law Newsletter*
- ◆ Recent Developments Columnist on Water Rights, *Texas Environmental Law Journal*, 2010-2023
- ◆ State Bar of Texas (Environmental and Natural Resources Law Section; Natural Resources, Environmental, and Water Law Section)
- ◆ *Houston Law Review*, Articles Editor
- ◆ Texas Water Conservation Association, Member

## **Presentations & Publications**

- ◆ Current Legal Issues, Panel Member, 2023 Texas Groundwater Summit (August 2023)
- ◆ Overview: PUC Management of Water-Related Matters, Speaker, TexasBarCLE 24th Annual Changing Face of Water Law (February 2023)
- ◆ How to Fight a MUD and Why You Should, Speaker, 2022 Texas City Attorneys Association Summer Conference (June 2022)
- ◆ "River Authorities and Regional Water Districts," Co-author (with Lyn Clancy), Chapter 9, *Essentials of Texas Water Resources*, Mary K. Sahs and Holly Heinrich, Editors
- ◆ "North Texas Municipal Water District Wholesale Rate Appeal" Co-author (with Lyn Clancy), *Rocky Mountain Mineral Law Foundation Water Law Newsletter*, Vol. LIV, No. 1 (2021)
- ◆ Public Interest Texas in Wholesale Rate Cases, Co-speaker (with Lyn Clancy), TexasBarCLE 22nd Annual Changing Face of Water Law (February 2021)
- ◆ What Water District Board Members and Managers Need to Know About Open Records, Speaker, 2020 Association of Water District Boards' Virtual Annual Conference (August 7-8, 2020)
- ◆ "Court Rules It Has Jurisdiction in Groundwater Takings Case," Author, *Rocky Mountain Mineral Law Foundation Water Law Newsletter*, Vol. LIII, No. 3 (2020)
- ◆ Key Water Related Legal Issues for Landowners, Speaker, TexasBarCLE 21st Annual Changing Face of Water Law (February 2020)

- ◆ “Court of Federal Claims Finds U.S. Liable for Taking After Hurricane Harvey,” Co-author (with Kimberly Grinnan Kelley), *Rocky Mountain Mineral Law Foundation Water Law Newsletter* - Vol. LIII, No. 1 (2020)
- ◆ This is Jeopardy: Who’s Who and What’s What in Water, Speaker, TexasBarCLE 19th Annual Changing Face of Water Law (February 2018)
- ◆ Case Law Update, Co-speaker, Texas Groundwater Summit (August 2017)
- ◆ Legislative Wrap Up, Speaker, TWCA Mid-Year Conference, (June 2017)
- ◆ “Court Addresses Reuse Permitting Requirements in the Brazos River Basin,” Author, *TWCA Confluence Newsletter* (April 2017)
- ◆ Brazos River Authority System Operation Permit, Speaker, TWCA 73rd Annual Convention (March 2017)
- ◆ Issues Out of BRA SysOps, Speaker, TexasBarCLE 18th Annual Changing Face of Water Rights (February 2017)
- ◆ Surface Water: Case Law Update & TWCA Surface Water Committee Legislative Preview, Co-Author/Speaker, TWCA/TRWA Water Law Conference (January 2017)
- ◆ CCN Updates Panel: Decertification & Compensation, Panel Moderator, TWCA/TRWA Water Law Conference (January 2017)
- ◆ Legal Issues with Permitting Amenity Ponds, Author/Speaker, UT Law CLE Texas Water Law Institute (November 2016)
- ◆ Case Law Update, Author/Speaker, TWCA Fall Conference (October 2016)
- ◆ Liability for Flooding: Takings of Property, Speaker, 18th Annual Water Quality Management and Planning Conference (May 16-22, 2016)
- ◆ “Let’s Facebook That - Using Social Media,” Author, *TWCA Confluence Newsletter* (October 2015)
- ◆ Case Law Update, Author/Speaker, UT Law CLE Texas Water Law Institute (October 2015)
- ◆ Case Law Update, Author/Speaker, TWCA Fall Conference (October 2015)
- ◆ Regional Water Contracting and Land Use Development, Author/Speaker, CLE International’s 25th Texas Water Law Conference (October 2015)
- ◆ Texas Water Law and Developing Innovative Water Supplies, Speaker, StormCon Austin - The North American Surface Water Quality Conference and Expo (August 2015)
- ◆ Legislative Update 2015: Water Law, Author/Speaker, TexasBarCLE (July 2015)
- ◆ “Texas Court of Appeals Finds TCEQ’s Drought Rules Exceed Authority,” Author, *TWCA Confluence Newsletter* (June 2015)
- ◆ “Has The Texas Supreme Court Expanded Takings Liability for Flooding?” Author, *TWCA Confluence Newsletter* (March 2015)

- ◆ Legislative Update for the 84th Legislature Regular Session, Author/Speaker, TWCA Mid-Year Conference (June 2015)
- ◆ Surface and Groundwater Water Rights 101, Speaker, 17<sup>th</sup> Annual Water Quality Management & Planning Conference (May 2015)
- ◆ State Water Planning 101, Author/Speaker, Texas City Attorneys Association, 2014 Summer Conference (June 2014)
- ◆ Environmental Regulatory Hurdles for Your Storm Water and Flood Control Project, Speaker, 16<sup>th</sup> Annual Water Quality Management & Planning Conference (April 2014)
- ◆ Legal Issues Regarding the Reuse of Wastewater, Speaker, 16<sup>th</sup> Annual Water Quality Management & Planning Conference (April 2014)
- ◆ Protecting Groundwater Quality, Speaker, 16<sup>th</sup> Annual Water Quality Management & Planning Conference (April 2014)



**West Travis County Public Utility Agency  
Attn: Jennifer Riechers, General Manager  
RFQ for Eminent Domain/Condemnation Legal Services  
13215 Bee Cave Parkway Bldg. B, Suite 110  
Austin, Texas 78738**

**PREPARED BY**

**LAW OFFICES OF  
DAVIDSON TROILO REAM & GARZA,  
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512.469.6006**

**RESPONSE TO REQUEST FOR QUALIFICATIONS FOR  
EMINENT DOMAIN/CONDEMNATION LEGAL SERVICES**

The Pyramid  
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June 6, 2024

**VIA Email: [jriechers@wtcpua.org](mailto:jriechers@wtcpua.org)**

Jennifer Riechers, General Manager  
West Travis County Public Utility Agency  
13215 Bee Cave Parkway Bldg. B, Suite 110  
Austin, TX 78738

Re: Response to Request for Qualifications for Condemnation/Eminent Domain Legal Services

Dear Ms. Riechers,

We are pleased to have the opportunity to submit this proposal for Outside Counsel for Eminent Domain, on behalf of Davidson Troilo Ream & Garza, A Professional Corporation, to provide legal services to the West Travis County Public Utility Agency (WTCPUA). Our Firm has extensive experience in providing Eminent Domain Services to public entities. Davidson Troilo Ream & Garza's history has focused primarily on the public sector and our Firm has a long history of successful collaborative effort in the representation of public entities, including municipalities, counties, public utilities, and transportation agencies. As such, we are well qualified to provide legal services to WTCPUA.

We propose to represent and promote the interests of WTCPUA, which will be accomplished by garnering and maintaining the confidence of WTCPUA and its agents in the handling of legal issues and litigation matters. Our goal is to develop a good working relationship with WTCPUA's counsel, management and staff while managing complex real estate acquisition and eminent domain matters with an emphasis on forecasting legal issues and problem solving. Our Firm has a deep bench of attorneys and state of the art technological resources to bring to our eminent domain practice. We have offices in Austin and San Antonio and clients across the State of Texas. We are happy for the opportunity to take on WTCPUA work and have the experience to work in full compliance with governing procedures and policies.

If you have any questions regarding the enclosed submission, please contact me at (512) 469-6006. Thank you for your consideration and I look forward to hearing from you.

Sincerely,

*Betsy J. Johnson*

Betsy J. Johnson

Shareholder

Davidson Troilo Ream & Garza, PC

[bjohnson@dtgrglaw.com](mailto:bjohnson@dtgrglaw.com)

## EXECUTIVE SUMMARY & STATEMENT OF QUALIFICATION

**FIRM:** DAVIDSON TROILO REAM & GARZA, A Professional Corporation  
**ADDRESS:** 9111 Jollyville Rd., Suite 280, Austin, TX 78759  
601 N.W. Loop 410, Suite 100 San Antonio, TX 78216  
**TELEPHONE:** (512) 469-6006  
**FACSIMILE:** (512) 473-2159  
**WEB SITE:** [www.dtrglaw.com](http://www.dtrglaw.com)  
**ESTABLISHED:** 1962

Davidson Troilo Ream & Garza (DTRG) started in 1962 in San Antonio and has successfully provided legal services to a variety of governmental entities throughout the State of Texas. Our Eminent Domain attorneys have extensive experience in land and right-of-way acquisition from Brownsville to North Texas. Our core client base is comprised of municipalities and utilities, and we work almost exclusively with condemning authorities. In addition to our land and easement acquisition expertise, DTRG attorneys have extensive experience in public procurement and contracting, insurance, construction, public financing and appropriations law.

DTRG is a **woman owned SBE certified business** which employs 24 attorneys and 20 staff members. DTRG has two fully staffed offices in Austin and San Antonio. DTRG has the highest rating of "AV" in the Martindale-Hubbell Legal Directory, a recognized directory of attorneys.<sup>1</sup> We have lawyers and professional staff who are bilingual and conversant in the technical languages of science, engineering and industry. We have a diverse group of attorneys bringing a wide range of knowledge and skills to our clients.

DTRG believes that successful legal business relationships are built on responsiveness, accuracy, and cost efficiency. We are committed to creating long-term engagements with our clients, our supporting vendors and within our profession. This commitment, combined with a wide variety of legal services, ensures that our clients will benefit from the latest advances in technology and a quality of service unsurpassed in the legal profession.

DTRG's current governmental entity clients include Alliance Regional Water Authority (ARWA), San Antonio Water System (SAWS), Schertz Seguin Local Government Corporation (SSLGC), County Line Special Utility District (CLSUD) Hays County, City of Mustang Ridge Kerrville Public Utility Board, VIA Metropolitan Authority, Alamo Area Metropolitan Planning Organization, Southmost Regional Water Authority, City of San Antonio, Hays County, Port Authority of San Antonio, Brooks Development Authority, The Center for Healthcare Services, and the Cities of Alamo Heights, Karnes City, Terrell Hills, Balcones Heights, Grey Forest, Helotes, Hondo, Richmond, Cotulla, Wharton, Ingleside, Dilley, Robstown, Jourdanton, Lytle, Mount Pleasant, El Paso, and Rockwall.

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<sup>1</sup> "AV" means the Firm's legal abilities are "very high" to "preeminent" and its ethical rating is "very high" according to a survey of the Firm's peers conducted by the directory.

## OVERVIEW OF THE FIRM'S EMINENT DOMAIN EXPERIENCE

In the area of land acquisition and eminent domain, the Firm has extensive experience negotiating optimal settlements in pre-petition cases as individual acquisitions and in project management where we are responsible for eminent domain issues from alignment to final acquisitions. DTRG has represented water clients, utilities, road construction entities and municipalities in Central and South Texas to successful outcomes for decades. We serve as legal counsel for roadway and utility pipeline projects, handling eminent domain matters throughout the condemnation process. We draft conveyance documents and easements tailored to address landowner concerns without compromising the objectives of the project. We work closely with landmen, right-of-way agents and engineers, assisting with project alignment and title analysis to minimize legal issues, condemnation costs and delays. Our attorneys work with governmental entities regularly and are always mindful of our clients' public role in the community. We also know that the legal team is only a part of a larger team working to design, acquire property, and build improvements on time and on budget.

The Firm maintains two (2) fully staffed offices in Austin and San Antonio. WTCPUA's work would be handled through our Austin office and the attorneys listed below. While we include travel time in our fee structure, we use technology to streamline meetings with our clients. We have paralegals, legal secretaries, and the facilities and equipment in each location to fully support WTCPUA's legal work. DTRG's staff work together from both offices to support client needs.

## LEAD ATTORNEY AND SUPPORTING ATTORNEYS

### A. Lead Attorney and Primary Point of Contact:

1. **Betsy Johnson (Shareholder)** is lead counsel for condemnation matters for the Firm's municipal, utility and water clients. Ms. Johnson has been litigating construction matters and real estate acquisitions since 1998. She is a former Assistant Attorney General for the Transportation Division representing the Texas Department of Transportation for more than eight years litigating condemnation matters, including complex acquisitions and condemnation for US 290 and SH 130 Projects. She has appeared before the State Office of Administrative Hearings for appeals, landfill permits, and matters involving Texas Commission on Environmental Quality and the Public Utility Commission of Texas. Ms. Johnson serves as Special Counsel for Alliance Regional Water Authority and County Line Special Utility District. Her eminent domain clients include Alliance Regional Water Authority, San Antonio Water System, Schertz-Seguin Local Government Corporation, County Line Special Utility District, Canyon Regional Water Authority, the Cities of Mt Pleasant, Kyle, Richmond, Rockwall, Cotulla, Cibolo, Mustang Ridge, and Hays County.

### B. Supporting Attorneys:

2. **E. Spencer Nealy (Associate)** represents public utilities and governmental entities, including handling eminent domain hearings and settlements, construction litigation, and municipal legal matters. Mr. Nealy worked as a land man for mineral and surface estates in Wilson County and Live Oak County, working on title opinions and closing

easements, giving him extensive familiarity with eminent domain and land issues. In addition, Mr. Nealy worked with various Municipal Utility Districts regarding drainage issues. Mr. Nealy was involved with mitigating drainage issues as well as the design and function of drainage ditches and detention ponds.

3. **Jessie Lopez (Shareholder)** maintains a practice in real estate law and public law. Mr. Lopez served as a project manager for the Greater Kelly Development Authority (now known as Port Authority of San Antonio), the agency established by the City of San Antonio for the redevelopment of Kelly AFB. Mr. Lopez managed the negotiations for the \$108 million purchase of the property from the US government and successfully led lease negotiations with Fortune 100 corporations, including Boeing, Lockheed Martin, General Electric, and United Technologies - Pratt & Whitney. He specializes in project site acquisition, complex real estate agreements, and resolution of title issues.
4. **Lauren T. Payne (Associate)** practice focuses primarily on real estate, eminent domain, estate and probate, and municipal law matters. Ms. Payne assists public and private clients in real estate-related matters, including land sale or purchase agreements, easements, and title review. Ms. Payne provides extensive legal research and analysis of regulatory and case law, delivering recommendations for complex legal and title issues. Ms. Payne has experience preparing various legal documents, such as original petitions, motions, and affidavits, for public clients, including those involved in eminent domain proceedings.

\*Resumes of the principal attorneys of DTR&G who will be available to provide legal services to WTCPUA are provided under Tab 3 of this Response.

### **OPEN COMMUNICATION AND ATTENTION TO CLIENTS' NEEDS**

Our Firm is committed to providing quality, timely responses to our clients. We respond promptly to client calls and emails on the same business day, or within 24 hours if on weekends. You will be provided with key personnel cell phone numbers and contact information and are invited to contact us any time. We know that this is a relationship-intensive process. We carefully cultivate mutually respectful ties to courts, judges, court clerks, experts, counsel, and many others throughout the State of Texas. A key to this is maintaining timely, courteous communications throughout the litigation process. Our Firm has been a public interest Firm since its inception and is well versed in specifics of Texas Open Meetings Act, Texas Public Information Act, and other governing regulations and procedures.

### **COST CONTROL PROCEDURES**

Betsy Johnson will be the lead attorney and primary point of contact to WTCPUA for assigned matters. The Firm's Austin office is located at 9111 Jollyville Road, Ste 280, Austin, Texas 78759. Our team will prioritize WTCPUA work, including requests for any legal work. Legal work will be assigned expeditiously to team members in a cost-effective manner.

DTRG will provide formal and informal legal opinions regarding eminent domain or other matters for which WTCPUA requests our assistance. We will provide prompt, objective assessments of the law, facts, and potential risks so that the legal impact of decision making regarding the matter can be assessed and minimized early in the process. Our team is adept in the discovery and litigation process. We are always looking for innovative ways to save time and money throughout the land and easement acquisition process, such as standardizing documents and processes, educating courts unfamiliar with the eminent domain process, and always staying alert to opportunities to settle cases. Because we have a strong litigation background, we have the experience to recognize when settlement is the better option.

Our highly experienced staff closely monitors the progress of eminent domain matters. We maintain a calendaring system to assist in keeping track of each matter. Our Firm will keep WTCPUA informed of the status of each matter, any changes in that status, and any effect it might have on the case and existing strategy.

Similarly, our team will be able to meet WTCPUA's needs promptly and efficiently. The level of experience and knowledge of our team will meet WTCPUA's needs with high quality, cost-effective, and timely work product delivered in a proficient and competent manner.

#### **CONFLICT OF INTEREST STATEMENT**

DTRG is unaware of any currently represented clients that could cause a conflict of interest with the Firm's representation of WTCPUA. DTRG does not represent landowners or developers in Condemnation/Eminent Domain matters. Potential Conflicts of Interest are electronically monitored daily at the Firm. If a conflict were ever to arise in the future, both clients would be contacted and informed, with the possibility of a conflict waiver. If the unwaived conflict is between WTCPUA and a private entity Firm client, only WTCPUA's representation will be continued. If the unwaived conflict is between two public entities, the public client with the longest history with the Firm will be maintained as a client, with all efforts focused on a smooth transition if necessary.

## REAL ESTATE ACQUISITION/CONDEMNATION MANAGEMENT PLAN

### Objectives:

- Acquire real estate necessary for WTCPUA's operations and infrastructure development in a timely and cost-effective manner.
- Ensure compliance with all legal requirements and regulations regarding eminent domain and property acquisition.
- Maintain transparency and fairness in all real estate transactions.
- Minimize disruption to property owners and the community.

### Procedures:

#### 1. Project Identification and Planning:

- Identify the need for real estate acquisition and the specific property required.
- Develop a project plan including budget, timeline, and potential legal risks.
- Conduct due diligence to verify ownership, assess environmental concerns, and identify potential title issues.

#### 2. Negotiation and Purchase:

- Initiate negotiations with property owners to acquire the desired property through voluntary purchase agreements.
- Issue an Initial Offer Letter and Final Offer Letter for the property based on an independent appraisal.
- Negotiate in good faith and address any concerns raised by the property owner.
- Finalize purchase agreements and ensure proper documentation and recording.

#### 3. Eminent Domain:

- If voluntary negotiations fail, then initiate eminent domain proceedings under Section 21 of the Texas Property Code.
- File a condemnation petition and provide proper notice to the property owner.
- Provide legal representation in Special Commissioners Hearings to determine just compensation for property to be acquired.

The Firm in partnership with its clients, closely monitors the progress of each condemnation proceeding through the various stages. The Firm has worked closely with virtually all of the top appraisers in the area. This allows direct and open communication in preparation for the administrative stage and potential litigation stage of the condemnation proceeding. The Firm and its clients benefit greatly from its experience in the area of eminent domain to ensure that its services are delivered in a quality, timely and proficient manner.

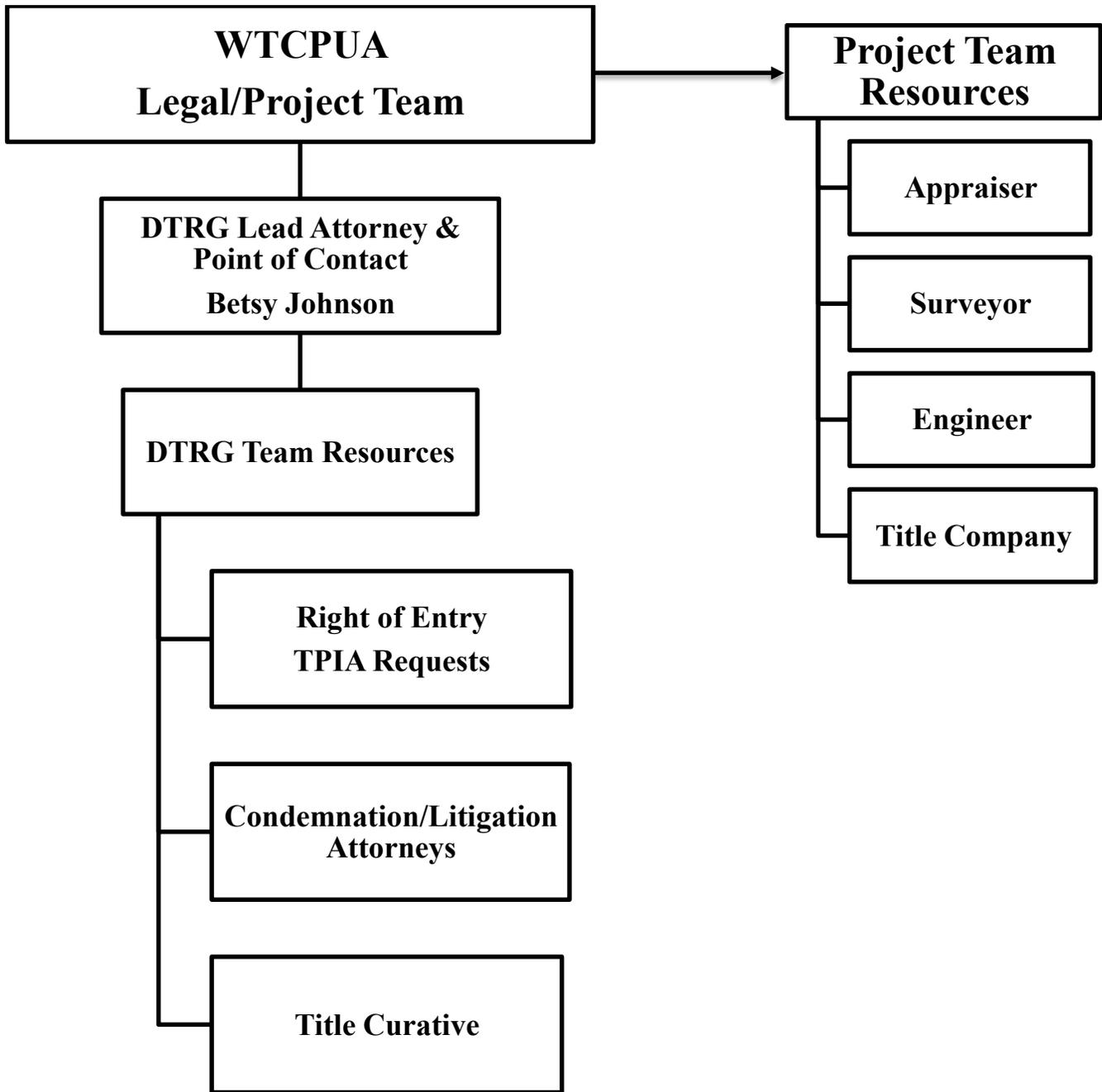
#### 4. Maintain transparency throughout the real estate acquisition process.

- Communicate regularly with WTCPUA, project engineer, and project team.
- Provide clear and accurate information about the project, the legal process, and the anticipated impacts.
- Address concerns and questions promptly and respectfully.

**Conclusion:**

DTRG partners with its clients to work efficiently and effectively acquire real estate and condemn property while upholding the highest standards of legal compliance, transparency, and fairness. This approach ensures that the client can meet its critical infrastructure needs while respecting the rights and interests of property owners and the community.

**Proposed Project Organization Chart**



## EXPERIENCE WITH SIMILAR PROJECTS & REFERENCES

Year	# of Parcels	Name of Client	Project Identification	Reference
2019-present	200	Alliance Regional Water Authority	Alliance Regional Water Authority Phase 1B Caldwell County, TX Hays County, Texas Guadalupe County, Texas	Graham Moore, Executive Director, Alliance Regional Water Authority <a href="mailto:gmoore@alliancewater.org">gmoore@alliancewater.org</a> 512-294-3214
2023-present	45	City of Mount Pleasant	West Loop Wastewater Collection Project Mount Pleasant, TX	City Manager Mount Pleasant, TX 903-575-4000
2022-present	13	County Line Special Utility District	Hwy 21 Waterline Extension Project Caldwell County, TX	Humberto Ramos, General Manager County Line SUD <a href="mailto:humberto@clsud.com">humberto@clsud.com</a>
2020-present	4	County Line Special Utility District	Las Estancias Force Main II, Caldwell County, TX	Humberto Ramos, General Manager County Line SUD <a href="mailto:humberto@clsud.com">humberto@clsud.com</a> 512-398-4748
2019-2022	39	City of Wharton	Lower Colorado River Basin Phase 1, City of Wharton Flood Damage Reduction Project	Paul Webb, City Attorney City of Wharton <a href="mailto:paulwebbpc@sbcglobal.net">paulwebbpc@sbcglobal.net</a> 979-532-5331
2019	1	City of Rockwall	County Line Road, Rockwall County, TX	Brad Briggs, Asst. City Manager City of Rockwall <a href="mailto:bgriggs@rockwall.com">bgriggs@rockwall.com</a> 972-771-7701
2019	2	City of Cibolo	City of Cibolo	Wayne Reed, City Manager City of Cibolo <a href="mailto:wreed@cibolotx.gov">wreed@cibolotx.gov</a> 210-658-9900
2016-2017	95	Schertz/Seguin Local Government Corporation	Second Waterline Pipeline Project	Andrew McBride Schertz/Seguin Local Government Corporation <a href="mailto:amcbride@sequintexas.gov">amcbride@sequintexas.gov</a> 830-386-2567
2017	1	City of San Antonio through San Antonio Water System	Hume Road Water Main Replacement Project	Bruce Haby, Corporate Real Estate San Antonio Water System <a href="mailto:bhaby@saws.org">bhaby@saws.org</a> 210-704-7297
2015-2016	34	City of Cotulla	Mustang Creek Drainage Project and Silvas Acquisition	Steve Pena, City Attorney <a href="mailto:spena@dtgrlaw.com">spena@dtgrlaw.com</a> 210-442-2322

2015-2016	2	City of Richmond/TXDOT	Front Street Improvement Project	Terri Vela, City Manager City of Richmond <a href="mailto:tvela@richmondtx.gov">tvela@richmondtx.gov</a> (281) 342-5456
2016-2016	3	City of Kyle	Burleson Road & Goforth Road Improvement Projects	
2014-2016	8	City of San Antonio through San Antonio Water System	Huebner Creek Improvement Project	Bruce Haby, Corporate Real Estate, San Antonio Water System <a href="mailto:bhaby@saws.org">bhaby@saws.org</a> 210-704-7297
2014-2019	13	City of Brownsville and Brownsville Public Utilities Board	Cross-Valley Pipeline Project	Marilyn D. Gilbert General Manager & CEO Brownsville Public Utilities Board 956-983-6709 <a href="mailto:mdgilbert@brownsville-pub.com">mdgilbert@brownsville-pub.com</a>

## **ATTORNEY RESUMES**

## **BETSY J. JOHNSON**

State Bar No.: 24048253

**Education** J.D., William S. Richardson School of Law, University of Hawaii, 1998 *cum laude*  
B.A., Economics, University of Hawaii 1989

**Experience** Ms. Johnson specializes in right-of-way acquisition and Eminent Domain litigation. She joined the Firm after serving as Assistant Attorney General for the Texas Office of Attorney General (OAG) in the Transportation Division for more than eight years. Her practice there included Eminent Domain, construction litigation, contract procurement and negotiation, administrative hearings before the State Office of Administrative Hearings, sovereign immunity and *ultra vires* defense representation, appropriations disputes, state appeals and general litigation matters. Before returning to Texas, she was in private practice in Honolulu, Hawaii in construction and employment litigation and corporate transactions.

Ms. Johnson's current practice includes condemnation for transportation and utilities, municipal representation, litigation, real estate acquisition and conveyance, land use issues, administrative appeals, regulatory and general litigation, judicial appeals and contract litigation and drafting. Ms. Johnson has litigated matters before Texas courts, the State Office of Administrative Hearings, the Public Utility Commission of Texas and the Texas Commission on Environmental Quality. She currently serves as Special Counsel for the Alliance Regional Water Authority project, as well as Special Eminent Domain Counsel for County Line Special Utility District and the cities of Mustang Ridge, Cotulla and Mount Pleasant.

**Membership** State Bar of Texas  
Austin Bar Association State of Texas  
United States District Court for the District of Hawaii  
United States Court of Federal Claims  
United States Court for the Western District of Texas  
United States Court of Appeals for the Fifth Circuit

## **E. SPENCER NEALY**

State Bar No. 24116818

Education: Texas Tech University School of Law (J.D., 2019)  
Texas A&M University (B.A. Science in Agricultural Business, 2013)

Experience: Mr. Spencer Nealy has experience in right of way acquisition, eminent domain, complex litigation, surface and mineral land matters, contracts, construction, municipalities, public utilities, is certified in the State of Texas as an impartial third party to serve as a mediator and has extensive experience in conducting legal research and analysis in matters of law and policy and rendering independent legal opinions.

Mr. Nealy has worked extensively with Municipal Utility Districts and private contractors in the greater Houston area to maintain and manage the functions of detention ponds, drainage ditches, flood plains, green belts, bayous, parks, water treatment facilities, levees and other public areas. He would monitor and repair any defects or natural occurrences that would threaten the functions of the property, and would provide rehabilitative and preventive solutions in order to restore and maintain functionality and design. Mr. Nealy has worked with civil engineers, water operators, landscape architects and board members to ensure property has the highest quality of function, design and aesthetic value. Through experience with severe floods, soil erosion, sink holes, outdated designs and dilapidated property, Mr. Nealy understands the importance of preserving the integrity of public areas.

Mr. Nealy has worked as a land man in both surface and mineral rights in Wilson County and Live Oak County. He has extensive knowledge in property rights and title work, as well as preparing title opinions for a wind energy project in North Texas. He has experience in working with landowner matters from utility and private easements, obstructions, disputes, sales and acquisitions.

Mr. Nealy has experience in the eminent domain process. He has utilized his past experiences in assisting with title review and closing, negotiating with landowners and attorneys, and reviewing engineering plans and appraisals. He has also been extensively involved with Special Commissioners Hearings through directing expert testimony and crossing landowner's evidence and experts.

Membership: State Bar of Texas  
San Antonio Bar Association State of Texas  
United States District Court for the Western District of Texas  
Construction Law Association

## **JESSIE LOPEZ**

State Bar No. 24041357

Education: The University of Texas School of Law (J.D., 2003)  
Columbia University (MPA, 1990)  
Earlham College (B.A., 1988)

Experience: Jessie Lopez represents public and private clients in real estate-related matters, including the land sale or purchase agreements, easements, title insurance, appraisals, and project financing. He currently provides City Attorney services for the cities of Hondo and Balcones Heights and assists several other municipal and utility clients with real estate-related matters.

Mr. Lopez represented a Texas municipal utility in acquiring a 50-mile right of way for a gas pipeline project. The project included extensive work in resolving complex title issues affecting numerous tracts along the proposed right of way. Mr. Lopez prepared the transactions documents and addressed various legal issues to allow the utility to successfully acquire the necessary right of way easements. He has worked on similar right of way projects for other municipal clients.

Mr. Lopez has represented clients in commercial litigation and commercial transactions including business contracts, land sale agreements, franchise agreements, UCC filings, corporate documents and resolutions, debt agreements, shareholder agreements and other securities-related documents.

Mr. Lopez has served as project manager for the Greater Kelly Development Authority (now known as Port Authority of San Antonio), the agency established by the City of San Antonio the redevelopment of Kelly AFB. Mr. Lopez managed the negotiations for the \$108 million purchase of the property from the US government and successfully led lease negotiations with Fortune 100 corporations, including Boeing, Lockheed Martin, General Electric, and United Technologies - Pratt & Whitney.

Membership: State Bar of Texas  
San Antonio Bar Association State of Texas  
State Bar of Florida  
United States District Courts for the Northern District of Texas, Southern District of Texas, Western District of Texas, Middle District of Florida, Southern District of Florida, and Northern District of Illinois.  
United States Courts of Appeal for the Fifth, Seventh, and Eleventh Circuits.

**LAUREN T. PAYNE**  
State Bar No. 24125435

Education: Texas Tech University School of Law (J.D., 2021)  
The University of Texas at Austin (B.B.A., 2018)

Experience: Lauren Payne's practice focuses primarily on real estate, eminent domain, estate and probate, and municipal law matters.

Ms. Payne assists public and private clients in real estate-related matters, including land sale or purchase agreements, easements, and title review. Ms. Payne provides extensive legal research and analysis of statutory and case law, and delivers recommendations to complex legal issues.

Ms. Payne has experience preparing various legal documents, such as original petitions, motions, and affidavits, for public clients, including those involved in eminent domain proceedings.

Ms. Payne represents private clients in estate planning and probate matters. She has represented numerous clients in Applications to Determine Heirship. This experience has allowed her to provide unique insight and resolutions to complex title issues that may arise in real estate and eminent domain proceedings.

While at the Texas Tech University School of Law, Ms. Payne served as Chairwoman of the Board of Barristers. She represented Tech Law in national negotiation competitions, including the ABA Negotiation Competition. Ms. Payne was in the Advanced Alternative Dispute Resolution Clinic, where she received mediation training and experience. She also served as the president of the Longhorn Bar Association.

Membership: State Bar of Texas

Affiliations: San Antonio Bar Association  
San Antonio Young Lawyer Association

## **PROPOSED FEES**

The following rates are proposed by the firm of Davidson Troilo Ream & Garza, P.C. for WTCPUA for Legal Services relating to Condemnation/Eminent Domain.

- |                             |          |
|-----------------------------|----------|
| 1. Shareholder Hourly Rate: | \$300.00 |
| 2. Associate Hourly Rate:   | \$250.00 |
| 3. Paralegal Hourly Rate:   | \$120.00 |

### **OTHER CHARGES:**

- |   |  |
|---|--|
| 1. Copies   | (\$ .10) each                          |
| 2. Out of Office travel   | IRS rate per mile plus half hourly fee |
| 3. Electronic legal research  | at cost                                |
| 4. Long distance telephone calls                                      | at cost                                |
| 5. Special deliveries as needed<br>(e.g. UPS, FedEx, Lone Star, etc.) | at cost                                |

### **OTHER CONDITIONS:**

There is no charge for clerical staff. Other routine expenditures are charged at Firm cost, with no administrative mark-up.

# Small Business Enterprise & Women Business Enterprise Certification



SOUTH CENTRAL TEXAS REGIONAL CERTIFICATION AGENCY

Your unified certification source  
[www.sctrca.org](http://www.sctrca.org)

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October 26, 2023

Cheree T. Kinzie  
Davidson Troilo Ream & Garza, A Professional Corporation  
601 NW Loop 410, Suite 100  
San Antonio, TX 78216

Dear Cheree T. Kinzie:

We are pleased to inform you that your application for certification in our Small, Minority, Woman and Veteran Business Enterprise (S/M/W/V) Program has been approved. Your firm met the requirements of the SCTRCA Policy and Procedure Manual and is currently certified as a:

**\*SBE WBE**

Certification Number: **223105817**  
Certification Expiration: **October 26, 2025**

Providing the following products or services:  
NAICS 541110: LAW OFFICES

On the two year anniversary date of your certification, you are required to provide a renewal application affirming that no changes have occurred affecting your certification status. The SCTRCA will send you a Certification Renewal reminder **sixty (60) days** prior to your expiration date. The SCTRCA will no longer include a certificate upon certification renewals. **Your expiration date is October 26, 2025.**

Please notify this office within **thirty (30) days** of any changes affecting the size, ownership, control requirements, or any material change in the information provided in the submission of the certification application. Thank you in advance.

Sincerely,

Sandra Ramos  
Executive Director



**West Travis County Public Utility Agency  
Response to RFQ  
13215 Bee Cave Parkway Bldg. B, Suite 110  
Bee Cave, Texas 78738**

**PREPARED BY**

**LAW OFFICES OF  
Sheets & Crossfield, PLLC**

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**RESPONSE TO REQUEST FOR QUALIFICATIONS FOR  
Condemnation/Eminent Domain Legal Services**

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309 E. Main St.  
Round Rock, TX 78664  
512.255.8877

[www.sheets-crossfield.com](http://www.sheets-crossfield.com)

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**Condemnation/Eminent Domain Legal Services  
RFQ**

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<b>Tab 2</b>	Firm's Executive Summary & Statement of Qualifications
<b>Tab 3</b>	Firm Resources Organizational Structure + Attorney Qualifications
<b>Tab 4</b>	Proposed Fee Structure

June 7, 2024

Jennifer Riechers  
West Travis County Public Utility Agency  
13215 Bee Cave Parkway  
Bldg. B Suite 110  
Bee Cave, Texas 78738

Re: Response to Request for Qualifications for Legal Services for Condemnation/Eminent Domain

Dear Ms. Riechers,

We are pleased to have the opportunity to submit this proposal for condemnation/eminent domain legal services on behalf of Sheets & Crossfield, PLLC to provide legal and ROW acquisition services to West Travis County Public Utility Agency (WTCPUA). Our Firm has extensive experience in providing Eminent Domain Services to public entities. Sheets & Crossfield's history has focused primarily on the public sector and our firm has a long history of successful collaborative effort in the representation of public entities, including municipalities, counties, public utilities, and transportation agencies involved in completing complex public works projects and infrastructure. As such, we are well qualified to provide ROW acquisition and legal services to WTCPUA.

We propose to represent and promote the interests of WTCPUA, which will be accomplished by garnering and maintaining the confidence of WTCPUA and its agents in the handling of ROW acquisitions, legal issues, and litigation matters. Our goal is to maintain a good working relationship with WTCPUA, counsel, management, and staff while managing complex real estate and eminent domain matters with an emphasis on forecasting legal issues and problem solving. Our firm has experienced attorneys and staff and state of the art technological resources to bring to our eminent domain practice. We are happy for the opportunity to continue working with WTCPUA on an extended basis and have the experience to work in full compliance with governing procedures and policies.

If you have any questions regarding the enclosed submission, please contact me directly at 512.738.8725 or [don@scrllaw.com](mailto:don@scrllaw.com). Thank you for your consideration and I look forward to hearing from you.

Sincerely,

*Don Childs*

Don Childs  
Sheets & Crossfield, PLLC

## **EXECUTIVE SUMMARY & STATEMENT OF QUALIFICATION**

Sheets & Crossfield, PLLC (S&C or Firm) started in 1981 in Round Rock and has successfully provided legal services to a variety of governmental entities throughout the State of Texas. Our Eminent Domain attorneys have extensive experience in land and right-of-way acquisition throughout Central Texas. Our core client base is comprised of municipalities and utilities, and we have a full-service property acquisition team who work almost exclusively with condemning authorities. S&C employs 10 attorneys and 7 staff members. We have a diverse group of attorneys bringing a wide range of knowledge and skills to our clients.

S&C believes that successful legal business relationships are built on responsiveness, accuracy, and cost efficiency. The length of service to our core clients clearly indicates that we are committed to creating long-term engagements with clients, our supporting vendors and within our profession. This commitment, combined with a wide variety of legal services, ensures that our clients will benefit from the latest advances in technology and a quality of service unsurpassed in the legal profession.

S&C's current clients include Williamson County, Hays County, the City of Round Rock, BCRUA, Driftwood Conservation District, Central Texas Regional Mobility Authority, Travis County WCID#10, Manville Water Supply Corporation, Aqua Water Supply Corporation, Leander Independent School District, Lee-Williamson Water Supply Corporation and Travis County Healthcare District D/B/A Central Health.

S&C is committed to ensuring equity, providing opportunities for growth and advancement for a diverse workplace and increasing the representation of women, minorities, and others at every level of the firm, including in management and attorney leadership. We believe that Diversity, Equity, and Inclusion enriches our firm and the professional development of each individual attorney and staff member, and ultimately leads to a greater ability to serve the unique needs of our clients.

### **OVERVIEW OF THE FIRM'S EMINENT DOMAIN EXPERIENCE**

In the area of land acquisition and eminent domain, the Firm has extensive experience negotiating right-of-way acquisitions and acquiring easements. S&C has represented water clients, utilities and municipalities in Central Texas. We serve as legal counsel for varied governmental entities, municipalities and utility service providers, handling eminent domain matters throughout the entire acquisition process. We draft conveyance documents and easements without compromising the objectives of the project. We work closely with appraisers, right-of-way agents, surveyors and engineers, assisting with project alignment and title analysis to minimize legal issues, condemnation costs and delays. Our attorneys work with governmental entities regularly and are always mindful of our clients' public role in the community. We also know that the legal team is only a part of a larger team working to design, acquire property, and build improvements on time and on budget.

## **OPEN COMMUNICATION AND ATTENTION TO CLIENTS' NEEDS**

Our Firm is committed to providing quality, timely responses to our clients. We strive to respond promptly to client calls and emails no later than the next business day. You will be provided with direct availability to key personnel and are invited to contact us any time. We know that this is a relationship-intensive process. We carefully cultivate mutually respectful ties to courts, judges, court clerks, experts, counsel, and many others throughout the State of Texas. A key to this is maintaining timely, courteous communications throughout the litigation process.

## **COST CONTROL PROCEDURES**

Don Childs will act as the managing attorney for the WTCPUA. Mylan Shaunfield and John Kelly will be the lead attorneys and primary points of contact to WTCPUA for specifically assigned matters. The office is located at 309 E. Main St. Round Rock, Texas. Our team will prioritize WTCPUA work, including requests for any legal work. Legal work will be assigned expeditiously as needed to team members in a cost-effective manner.

S&C will provide formal and informal legal opinions regarding eminent domain or other matters for which WTCPUA requests our assistance. We will provide prompt, objective assessments of the law, facts, and potential risks so that the legal impact of decision making regarding the matter can be assessed and minimized early in the process. Our team is adept in the discovery and litigation process. We are always looking for innovative ways to save time and money throughout the land and easement acquisition process, such as standardizing documents and processes, educating courts unfamiliar with the eminent domain process, and always remaining alert to opportunities to settle cases when reasonably justifiable. Because we have a strong full stage acquisition process background, we have the experience to recognize when settlement is the better option.

Our staff closely monitors the progress of eminent domain matters. We maintain a calendaring system to assist in keeping track of each matter. Our Firm will keep WTCPUA informed of the status of each matter, any changes in that status, and any effect it might have on the case and existing strategy.

Similarly, our team will be able to meet WTCPUA's needs promptly and efficiently, including regularly scheduled progress meetings as requested. The level of experience and knowledge of our team will meet WTCPUA's needs with high quality, cost-effective, and timely work product delivered in a proficient and competent manner.

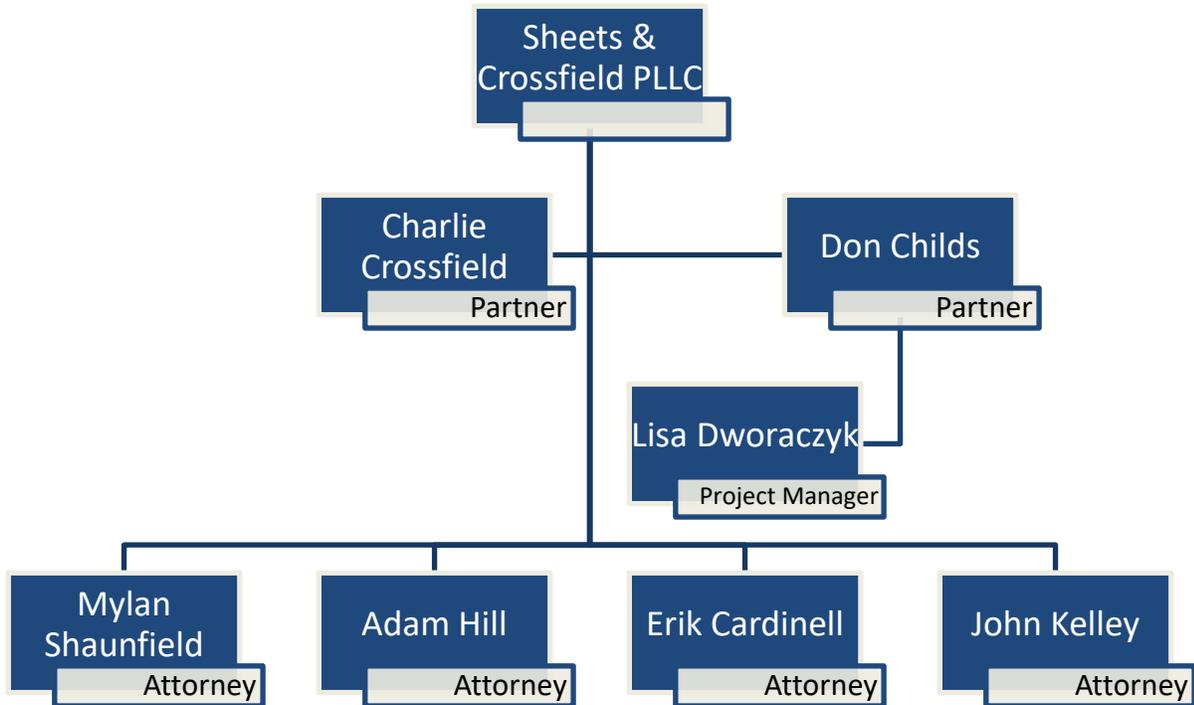
## **CONFLICT OF INTEREST STATEMENT**

S&C is unaware of any currently represented clients that could cause a conflict of interest with the Firm's representation of WTCPUA. If a conflict were ever to arise in the future, both clients would be contacted and informed, with the possibility of a conflict waiver. If the unwaived conflict is between WTCPUA and a private entity Firm client, only WTCPUA's representation will be continued. If the unwaived conflict is between two public entities, the public client with the longest history with the Firm will be maintained as a client, with all efforts focused on a smooth transition if necessary.

## SAMPLE CLIENT/PROJECT EXPERIENCE

Year	# of Parcels	Name of Client	Project Identification	Reference
1980- present	1000+	Williamson County	2006 Road Bond Program 2013 Road Bond Program 2019 Road Bond Program 2023 Road Bond Program	Judge Bill Gravell Jr. County Judge <a href="mailto:ctyjudge@wilco.org">ctyjudge@wilco.org</a> 512-943-1550
1977- present	500+	City of Round Rock	Gattis School Rd. Kenney Fort Blvd. Mays St. University Blvd. Red Bud Lane Old Settlers Blvd. Wyoming Springs Rd. RM 620	Gary Hudder, Transportation Services Director City of Round Rock, Tx <a href="mailto:ghudder@roundrocktexas.gov">ghudder@roundrocktexas.gov</a> 512-218-7044
2017- present	50+	Hays County	Darden Hill FM 110 FM 2001 Robert S. Light RR12 at FM 150 FM 621 Hillside Terrace	Debbie Ingalsbe Pct. 1 County Commissioner 512.393.2243 <a href="mailto:debbiei@co.hays.tx.us">debbiei@co.hays.tx.us</a> Walt Smith Pct. 4 County Commissioner <a href="mailto:Walt.smith@co.hays.tx.us">Walt.smith@co.hays.tx.us</a>
2017- present	50+	BCRUA	Raw Water Delivery System	
2023- present	45	Manville Water Supply Corporation	Waterline Project	Rexanne Pikenton Asst.General Manager <a href="mailto:rexannep@manvillewsc.org">rexannep@manvillewsc.org</a> 512-856-2488
2023- present	10	Driftwood Conservation District	Driftwood Country Club WW Easements	
2023- present	1	Travis County WCID #10	McConnell Tank Site Expansion	Carla Ortiz, General Manager Travis County WCID #10 <a href="mailto:generalmanager@waterdistrict10.org">generalmanager@waterdistrict10.org</a> 512-327-2230
2011- present	10+	Upper Brushy Creek WCID	Dam 101 General Counsel	Alysha Girard General Manager <a href="mailto:Alysha.girard@ubcdams.org">Alysha.girard@ubcdams.org</a> 512-799-5002

# **FIRM ORGANIZATIONAL STRUCTURE and RESOURCES**



**SUPPORT STAFF**

Terri Woodmancy      Meghan Drone      Victoria Jeffers      Alison Davis

**Litigation**

**Mylan Shaunfield  
Adam Hill  
John Kelley  
Erik Cardinell  
Lisa Dworaczyk  
Meghan Drone  
Victoria Jeffers**

**Condemnation/Court Filings**

**Terri Woodmancy  
Victoria Jeffers  
Meghan Drone**

**Litigation**

**Lisa Dworaczyk  
Meghan Drone  
Alison Davis**

**Negotiation, Acquisition  
and Contracts**

**Don Childs  
Lisa Dworaczyk  
Mylan Shaunfield  
Erik Cardinell  
Adam Hill  
John Kelley**

**Interlocal, Economic and Development Agreements**

**Don Childs  
Adam Hill**

## Sample Available Subcontractors

### **ROW Acquisition**

ROW of Texas  
Everett Real Estate Services  
Republic ROW LLC  
HDR  
Pinnacle  
Laurie Miller- Relocation

### **Surveyors**

Walker Texas Surveyor  
SAM Inc  
LSI, Inc.  
Inland Geodetics  
Diamond Surveying  
Steger & Bizzell  
BGE  
Pape-Dawson

### **Title**

Independence Title  
Longhorn Title  
Texas National Title  
Corridor Title  
First American Title  
Rise Title

### **Appraiser**

Kokel Oberrender Wood  
Hornsby & Co  
Atrium Real Estate  
Stephen Kovar  
National Valuation Group  
Allen Williford and Seale  
Sayers Group  
The Aegis Group  
JLL Group

### **Land Planning**

Land Strategies  
Duane Hutson Land Planner  
Site Specifics

### **Asbestos Testing**

Atlas Technical Consultants,  
LLC

## **ATTORNEY QUALIFICATIONS**

## LEAD ATTORNEY AND SUPPORTING ATTORNEYS

### A. Managing Attorney and Primary Points of Contact:

**Don Childs (Partner)** is managing counsel for condemnation matters to the Firm's governmental, municipal, utility, and water clients. Mr. Childs has been primarily engaged in acquisition and condemnation litigation matters and real estate acquisitions at S&C since 2001, and previously as an assistant Travis County Attorney. He has developed his expertise in the coordination of appraisal, land planning, engineering, and title consultants in the acquisition of land and rights-of-way for all entities with the power of condemnation.

Don's practice includes:

- Litigation with primary experience in eminent domain
- Acquisition of right-of-way and related property interests for public works projects
- Governmental regulations enforcement
- Real estate and general business transactions

Don has supervised acquisition and condemnation proceedings of 1000+ parcels for various governmental and corporate clients and manages the current S&C acquisition team. Representative successful right-of-way acquisition and utility relocation projects in the Central Texas area include:

- Williamson County Road Bond Program (2000-present)
- Brushy Creek Regional Utility Authority Raw Water Pipeline + Electric service
- SH 29 Liberty Hill Bypass
- East Wilco Highway (SE Loop)
- 183A (CTRMA/Wilco)
- Ronald Reagan Blvd.
- US Hwy 79 (Round Rock + Williamson County)
- Chandler Road/University Blvd.
- SH195
- US 290E Toll (CTRMA)
- Gattis School Road (Round Rock)
- Red Bud Lane (Round Rock)
- Kenney Fort Boulevard (Round Rock)
- RM 620 (TX Dot)
- Bee Cave Road (West Lake Hills)
- Brushy Creek Regional Trail + Heritage Trail
- FM110/1626 (Hays County)
- FM 621 (Hays County)
- FM 2001 (Hays County)
- Driftwood Conservation District WW Transmission (Driftwood Country Club)
- Butler Farm Wastewater Extensions (Liberty Hill)

B. Acquisition Team Attorneys:

**Mylan Shaunfield (Senior Attorney)** a fourth generation Texan, joined Sheets & Crossfield, PLLC from the Office of the Attorney General for Texas where he handled litigation for the Texas Department of Transportation. In addition to employment and tort defense trials as an Assistant Attorney General, Mylan specialized in property valuation litigation involving eminent domain for the expansion of roadways across the State. Mylan continues to focus his practice on litigating eminent domain cases, but now also provides representation to municipal clients.

Prior to starting law school in 2011, Mylan was a communications specialist in the U.S. Air Force from 2001-2004. Upon completion of his active-duty service, Mylan earned his M.I.S. undergraduate degree and M.B.A. from the University of West Florida, and then entered the business world in August 2008 as a Regional Manager with EmCare Physician Services. After obtaining his law license ahead of schedule, Mylan successfully ran the Shaunfield Law Firm for two years focusing on criminal defense prior to joining the OAG for civil litigation experience.

**John Kelley (Senior Attorney)** John Kelley joined Sheets and Crossfield after over 7 years representing various government agencies from county level to state level in all stages of condemnation proceedings. Most of that time was spent at the Office of the Attorney General where he specialized in property valuation litigation involving complex eminent domain cases for roadway expansion in many counties across the state.

Prior to law school, John was in the Air National Guard. John graduated with a B.S. in Professional Aeronautics and a minor in Business Management from Embry Riddle Aeronautical University Worldwide. John graduated from Texas A&M University School of Law

**Erik Cardinell (Senior Attorney)** re-joined Sheets & Crossfield, PLLC bringing his extensive civil litigation and condemnation practice to the firm. Mr. Cardinell has represented governmental entities, businesses, and landowners throughout the State of Texas in various civil litigation matters with an emphasis on condemnations. This has been his primary practice for more than 27 years.

Mr. Cardinell has several published opinions including *Pearce v. the City of Round Rock*, 78 SW3d 642, and *In Re State*, 355 SW3d 611.

Mr. Cardinell earned a B.A. from the University of Texas in 1991 and a JD from South Texas College of Law in 1996. He is past Vice President of the Victoria County Bar Association and is a current member of the Travis County and Williamson County Bar Associations.

Erik's practice includes:

- Litigation with primary experience in eminent domain
- Real estate and general business transactions
- Acquisition of right-of-way and related property interests for public works projects

**Adam Hill (Senior Attorney)** is an attorney at Sheets & Crossfield, PLLC, where he provides counsel to public entities in municipal and real estate matters. Adam combines a broad knowledge of real estate law and litigation experience to help guide his clients. He has demonstrated continued success in developing relationships with public officials and leaders in the private sector. Adam's practice focuses on real estate acquisitions, land use, and real estate litigation, including condemnation.

C. Project Manager:

**Lisa Dworaczyk (Project Manager)** joined Sheets & Crossfield, PLLC in 2006 and supports the attorneys in the right of way acquisition and condemnation for various governmental, municipal, utility, and water clients. She works closely with the local city and county government officials in the planning and execution of multiple projects of varying size and complexity. Lisa has developed expertise in the coordination of project scheduling and cost estimating and is responsible for subcontractor management. She also provides legal support for all of the eminent domain proceedings including drafting legal documents, discovery, interrogatories and assists in all aspects of trial preparation.

## **PROPOSED FEE SCHEDULE**

The following rates are proposed by the firm of Sheets & Crossfield, PLLC. for WTCPUA relating to Condemnation and Eminent Domain.

1. Managing Attorney Hourly Rate:	\$350.00
2. Senior Attorney Hourly Rate:	\$325.00
3. Associate Attorney Hourly Rate:	\$300.00
4. Project Manager Hourly Rate:	\$225.00
5. Paralegal/Legal Assistant	\$150.00

### **OTHER CHARGES:**

1. Copies	(\$ .10) each
2. Mileage	IRS rate per mile
3. Electronic legal research	at cost
4. Special deliveries as needed (e.g. UPS, FedEx, Lone Star, etc.)	at cost

### **OTHER CONDITIONS:**

Client agrees to pay invoices (with no added fees or mark-ups) submitted by Attorney for subcontractors of Attorney, including, but not limited to, relocation agents, right-of-way agents, appraisers, engineers, and any other expert witnesses assisting Attorney in the provision of legal services for the Client. Attorney will obtain Client approval before utilizing subcontractors to assist in the provision of legal services.

## General Counsel Services

	<b>Bickerstaff Heath Delgado Acosta LLP</b>	<b>Lloyd Gosselink</b>
Managing Attorney	Stefanie Albright	Lauren Kalisek
Years of Experience	16	29
Number of Supporting Attorneys	6	8
Current Customers	Upper Brushy Creek WCID Guadalupe-Blanco River Authority  Lavaca Navidad River Authority	North Texas Municipal Water District Upper Trinity Regional Water District  Angelina Neches River Authority
Disclosed Conflicts of Interest	None	WCID 17 Belvedere MUD Hurst Creek MUD City of Austin City of Kyle
Cost (hourly range)	\$210-\$400	\$220-\$355
Austin Offices	Yes	Yes
References Provided	Yes	Yes

# WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY

## Request for Proposals for General Counsel Services

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*Proposal Submitted by:*



June 7, 2024

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Contact: Stefanie P. Albright  
1601 S. MoPac Expressway  
Suite C400  
Austin, TX 78746  
P: 512-472-8021  
F: 512-320-5638  
salbright@bickerstaff.com  
www.bickerstaff.com

## **a. Organization, Size, Structure, and Areas of Practice**

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- i. A cover sheet to include the complete legal name of the firm, the location of the office that will have responsibility for the service to be provided, and the name, address, telephone, and email address of the primary authorized representative knowledgeable of the submittal.**

Bickerstaff Heath Delgado Acosta LLP (“BHDA” or the “Firm”) is pleased to share its qualifications to provide general counsel services to the West Travis County Public Utility Agency (“WTCPUA” or the “Agency”). We have included a cover sheet immediately preceding this page.

- ii. Describe the organization, date founded, and ownership of your firm.**

Established in September 1980 in Austin, Texas by two division chiefs from the Office of the Texas Attorney General, our firm began as Bickerstaff & Heath. Currently operating as Bickerstaff Heath Delgado Acosta LLP, we are one of the largest firms in Texas devoted extensively to the practice of state and local government law. The Firm has 21 practicing attorneys and 20 support staff who work together through shared technology and staffing. Subsequent to the founding of the original Austin office, the Firm established offices in Houston, El Paso, and McAllen.

We are proud that many of our lawyers are former elected, appointed, and employed members of state and local government. A particular strength that sets us apart is our understanding of the governmental process, which enables us to provide practical advice both to local government entities and to private entities that interact with or are otherwise affected by government decision-making.

BHDA is a registered Texas Limited Liability Partnership. As an LLP, the Firm’s ownership is comprised of 13 equity partners.

- iii. Details on the qualifications of the firm, including documentation of the firm’s experience with similar work as listed in Items 3a-I in the Scope of Services.**

Since our founding in 1980, the Firm has placed special emphasis on the representation of governmental entities. BHDA is staffed and organized around the specific areas of legal service needed by public entities, and by private entities whose businesses intersect with them. Our breadth of practice areas recognizes that these public entities face all of the complex business and legal issues of the private sector, compounded by numerous laws that pertain only to government operations.

### ***Water Law Experience***

Recognized statewide as one of the leading Texas firms in water law, we represent a wide variety of water and wastewater utilities, including special utility districts, river authorities, groundwater districts, and numerous other types of districts throughout the state. We provide experienced and comprehensive services to our clients. These services include:

- ◆ General Counsel and Outside Counsel: Representing utilities, agencies, water districts, river authorities, and groundwater districts in the capacity of general counsel or outside counsel; providing legal assistance on various matters, including employment matters, ethics issues, open records and open meetings matters, general and water-related litigation, voting rights issues, elections, annexations, redistricting, and contracts and leases; assisting our clients in drafting and adopting rules and policies; preparing takings impact assessments, if necessary; and advising our clients on scope of authority issues. (More information on our general counsel experience is included in the next section of this proposal.)
- ◆ Wholesale and Water Supply and Wastewater Treatment Contracts: Representing clients in the negotiation and drafting of wholesale raw and treated water supply contracts and wastewater treatment and disposal contracts; and representing clients in contractual disputes relating to the provision of water or wastewater services.
- ◆ Surface Water Rights, Reuse Permitting, and Interbasin Transfers: Assisting clients in obtaining, amending, and protesting permanent and temporary water rights permits, indirect reuse permits, direct reuse authorizations, and interbasin transfers, and representing clients before the Texas Commission on Environmental Quality (TCEQ) and State Office of Administrative Hearings (SOAH) in contested cases regarding the applications.
- ◆ Water Supply and Management, and Comprehensive Strategic Planning: Advising clients on water management issues; assisting in the development of water management plans; developing comprehensive strategic plans designed to maintain existing water supplies and identify and acquire additional supplies from sources, including groundwater, desalination, aquifer storage and recovery, reclamation and reuse, new reservoir construction, interstate water marketing, intrastate water transfers between basins, and conjunctive use.
- ◆ Water Sales, Transfers and Leases and Water Marketing: Assisting clients in the sale and transfer of surface water and groundwater rights; advising both sellers and purchasers in drafting and negotiating leases; and counseling clients on the acquisition of groundwater rights and related easements for use of the surface water.
- ◆ Water Facility and Land Acquisitions and Sales: Counseling clients in the acquisition of water facilities and associated real property, such as reservoirs, reservoir sites, flood easements, dams, diversion facilities, water transmission pipelines, utility easements, groundwater wells, and surface easements; and negotiating and preparing all necessary contractual documents in coordination with the financing of the project on behalf of clients.
- ◆ Water and Wastewater Utility Regulation: Assisting clients in preparing, drafting, and adopting extension policies, utility infrastructure requirements, service applications, and service contracts with developers; and preparing rate ordinances and tariffs and advising clients on impact fees.
- ◆ Water Rate Cases and Appeals: Counseling wholesale and retail water and wastewater service providers in connection with rate challenges and representing clients in rate cases before the TCEQ and its predecessor agencies and the Public Utility Commission of Texas (PUC).

- ◆ **Environmental Permitting:** Representing clients in all phases of wastewater permitting and stormwater regulation; assisting clients to obtain permits for hazardous and radioactive waste disposal, including incineration, waste storage and disposal facilities, and landfills; preparing and filing wastewater permit applications with the TCEQ, including requests for site-specific standards and variances from the water quality standards; and representing clients before the SOAH and TCEQ in administrative litigation concerning the issuance of permits; representing clients facing enforcement for alleged environmental violations before the TCEQ and EPA, both in negotiating with the agencies to try to lower or eliminate monetary fines or other sanctions and in enforcement hearings before those agencies, and in developing and negotiating supplemental environmental projects (SEPs), which may sometimes be implemented in lieu of paying all or a portion of a penalty.
- ◆ **Certificates of Convenience and Necessity:** Representing clients in all types of matters involving water or wastewater CCNs, including the application process to obtain or amend CCNs, preparing and filing the CCN applications, providing the necessary notice, and litigating the CCN application, if opposed; and representing clients before the PUC and SOAH when CCN applications are filed by competing utilities, and in decertification and cease-and-desist actions.
- ◆ **District Creation and Legislative Representation:** Representing entities before the TCEQ and the Texas Legislature concerning the creation of water districts, groundwater districts, and utility districts; representing the interests of river authorities, water districts, and groundwater districts before the Texas Legislature; and defending entities in state court challenges to their enabling legislation and legislative authority.
- ◆ **Financing:** Identifying and obtaining financing for various types of water supply projects, such as reservoirs, and water transmission, distribution, and treatment systems from a variety of financing sources, including the Texas Water Development Board, the Texas Department of Agriculture, the U.S. Department of Agriculture, and the private sector; assisting clients in financing the acquisition of water rights and other water-related projects.
- ◆ **Condemnation:** Representing public entities and utilities with the acquisition of water rights, water and wastewater right-of-way easements, street right-of-way, and other property interests in connection with water, wastewater, street, and development projects, including acquisition through condemnation.

### ***General Counsel Experience***

We have represented all types of governmental entities including special utility districts, water supply corporations, groundwater conservation districts, river authorities, water districts, cities, counties, and school and college districts in the capacity of general counsel. Our representation includes counseling on various matters, including water and environmental law; open government issues and compliance; employment law; general and industry related litigation; public finance; attending board meetings and preparing agendas, motions, resolutions and orders; and contracts and leases among many others. We have served as general counsel to a variety of public entity clients, some of which include:

- ◆ El Paso Water Utilities Public Service Board
- ◆ Colorado River Municipal Water District
- ◆ Lavaca-Navidad River Authority
- ◆ Upper Brushy Creek Water Control and Improvement District
- ◆ Ranch at Cypress Creek Municipal Utility District No. 1
- ◆ Austin Community College District
- ◆ City of Lago Vista
- ◆ City of Lakeway

### ***Additional Areas of Experience***

In addition to water law, our attorneys advise clients in a variety of areas including:

- ◆ **Open Government** – Advising local governments on open meetings and open records and defending local governments in lawsuits over the same. Our attorneys are widely recognized for their expertise with Texas’ open government laws. We have extensive experience counseling and defending local governmental entities regarding compliance with requirements and procedures under the Open Meetings Act and have counseled numerous local governmental entities on how to respond to requests made under the Texas Public Information Act. Our attorneys have written numerous widely distributed analyses on open meetings and open records law addressing questions about adequacy of notice, bona fide purposes for executive sessions, what constitutes an emergency, and other problems frequently faced by local governments.
- ◆ **Employment Matters** – Our firm provides comprehensive employment consulting to local governments, non-profits, public entities, and private businesses. Our experienced employment attorneys counsel employers to ensure compliance with federal and state laws, improve employment policy manuals through regular review and revisions, minimize risk of future claims through consistent training, and prepare proper documentation in the event defending litigation may be necessary.
- ◆ **Litigation** – Litigation on behalf of clients is at the core of our expertise as a law firm. We have served as lead counsel in extensive litigation of landmark cases in areas as diverse as water rights, government contracts, voting rights, and county jail overcrowding. Our cases have resulted in the successful recovery of, as well as the successful defense against, claims of hundreds of millions of dollars. Eminent domain/condemnation, water and wastewater service area disputes, employment litigation, environmental litigation, litigation relating to competitive bidding and awarding of contracts, and Public Information Act and Open Meetings Act litigation are among the substantive areas of our litigation practice. Our

attorneys also have considerable knowledge related to the array of governmental immunity defenses that protect public entities.

- ◆ **Contracts and Procurement** – Drafting, reviewing, and negotiating contracts, including wholesale water supply and wastewater treatment agreements, as well as other types of agreements, for all types of public clients and private clients. The Firm also has extensive experience in competitive procurement for private and public clients, including public entities subject to HUB, DBE, and similar processes – bids, proposals, qualification statements – requirements.
- ◆ **Real Estate** – Assisting clients in acquiring and selling real property and other real property interests; providing services such as title and survey review, review of environmental site assessments, and negotiation and drafting of purchase contracts, deeds, leases, easements, and other real estate documents.
- ◆ **Public Finance** – Advising clients on financing mechanisms, conduit financing, public securities law, and related legislation; serving as bond counsel, underwriter’s counsel and issuers counsel; and interpreting public finance legislation. Our attorneys also represent clients in bond election and bond validation suits.

## b. Attorney Qualifications

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- i. Identify the size of the firm's staff commitment and the credentials of key personnel.

### ***Firm Size and Staff Commitment***

BHDA employs 21 attorneys and 20 support staff across four Texas office locations in Austin, El Paso, Houston, and McAllen. Among the support staff available to the Firm’s attorneys are various legal assistants, many of whom have worked for years with their respective attorneys. We also employ a full-time GIS specialist to assist with matters involving mapping production and data gathering and analysis.

The size of our firm combined with the skill and experience of our personnel, assures that the Firm’s attorneys and staff will always be available to address the Agency’s matters. Our proposed team of attorneys are eminently qualified to handle the legal needs of the WTCPUA, and while we do not anticipate the need to replace any of these attorneys, we are fully prepared to assign supplementary staff as necessary. Multiple firm attorneys practice in the legal service areas that affect the Agency, and most of our attorneys have competencies which carry across a number of different practice areas. We are confident that should the need arise to replace any staff previously assigned to an Agency matter, the Firm can make the replacement seamlessly without any disruption in the quality or timeliness of service to the WTCPUA.

### ***Key Personnel***

The Firm proposes Stefanie P. Albright to serve as lead attorney and general counsel for the WTCPUA. She will have primary responsibility with respect to representing the Agency, including maintaining regular contact and supervising the work of the Firm's other attorneys and legal assistants.

In addition to Ms. Albright's leadership, our proposed team includes the following key attorneys: Emily W. Rogers, Kimberly G. Kelley, Gunnar P. Seaquist, Vanessa A. Gonzalez, Lori A. Robinson, and Gregory D. Miller.

The biographies for each proposed attorney are included immediately below.

#### **Stefanie P. Albright, Partner (proposed lead attorney)**

Stefanie Albright represents governmental entities, including municipalities, regional authorities, water districts, and water supply corporations with matters involving open government, general counsel services, water quality, water and wastewater utilities, water rights, and permitting and compliance. She has served as general counsel to a variety of governmental entities and utilities throughout her career.

Ms. Albright's representative experience includes providing general counsel services, including the creation, organization, and operation of water and wastewater utilities, to regional authorities, water districts, and other water and wastewater utilities in Texas; advising clients regarding general governance and transparency issues relating to the Texas Open Meetings Act, Texas Public Information Act, governmental immunity, competitive bidding, conflicts of interest, and general ethics; representing clients in negotiations related to the purchase and sale of regional water and wastewater systems; negotiating and drafting developer agreements relating to the construction of water and wastewater utilities, developer reimbursements, capacity allocations, and facility conveyances; preparing and executing real property documents, including easements and license agreements; and negotiating and preparing agreements for water and wastewater service and supply. Ms. Albright also represents clients before the Texas Commission on Environmental Quality and the Public Utility Commission of Texas in water and wastewater permitting matters, water rights, rates, and certificates of convenience and necessity (CCNs).

She has more than 16 years of experience as a water law attorney and is admitted to the State Bar of Texas. Ms. Albright's background also includes several years of work as a lead staff member in the Texas House of Representatives.

#### **Emily W. Rogers, Partner**

Emily Rogers practices in the areas of water and environmental law. She has extensive experience in cultivating relationships with her water clients to resolve a broad range of issues. As special counsel to municipalities, special districts, river authorities, and water districts, Ms. Rogers assists and counsels clients regarding their water supplies, water and wastewater utility systems, and solid waste disposal issues. From permitting to transactional matters, she represents clients in matters involving surface and groundwater water rights, water and wastewater service territory

and rates, water quality matters, industrial and municipal solid waste, and hazardous waste cleanup and disposal. She also advises the Firm's general counsel clients on open meetings and open records, board governance, and similar matters.

Ms. Rogers represents numerous entities before the TCEQ in permitting and enforcement matters. She assists clients in preparing and filing applications for new or amended water rights, wastewater discharge permits, and solid waste disposal permits, and represents those clients in contested case hearings regarding those applications. She also assists water and sewer utilities before the PUC regarding service territory disputes and water and sewer rate matters. In addition to her regulatory work, Ms. Rogers negotiates water and sewer wholesale contracts, franchise fee agreements, reclaimed water agreements, and agreements for the purchase or lease of water rights. She assists clients in developing pretreatment regulations, stormwater and non-point source pollution control ordinances, and onsite septic system regulations. She also counsels her local government clients on impact fees and assists those clients in preparing water and sewer utility rates, usage and extension requirements, as well as drought contingency and water conservation plans.

Ms. Rogers has been practicing law for more than 25 years, is Board Certified in Administrative Law by the Texas Board of Legal Specialization and is admitted to the State Bar of Texas. She is also admitted to practice before the United States Court of Appeals for the Fifth Circuit and the United States District Courts for the Western District of Texas.

**Kimberly G. Kelley, Associate**

Kimberly Kelley practices in the areas of water and environmental, open government, and municipal law. She currently represents the City of Lakeway, City of Granite Shoals, and Village of Salado with matters including open government compliance (Public Information Act), drafting resolutions and ordinances on issues ranging from First Amendment to land use to general city matters, and frequently fills in as city attorney in open meetings for these cities.

Ms. Kelley is an active member of the Texas Water Conservation Association and frequently presents on water law topics at local and state conferences and CLE programs. She also oversees the internship program for the Environmental and Natural Resources Program section of the State Bar of Texas. She has practiced law for more than seven years and is admitted to the State Bar of Texas.

**Gunnar P. Seaquist, Partner**

Gunnar Seaquist has extensive experience in litigation, having tried cases to both judges and juries. Mr. Seaquist represents public and private entities in matters involving commercial disputes, regulatory compliance, land use, real estate, construction defects, employment practices, eminent domain, voting rights, statutory and constitutional rights, and personal injury. He also advises clients on compliance with state and federal laws and administrative regulations, and counsels governmental entities on issues of open government, governmental procedure, and contracting. Before joining the Firm, he practiced in the General Litigation and Tax divisions of the Texas Office of the Attorney General.

Mr. Seaquist has practiced law for 17 years and is admitted to the State Bar of Texas. He is also admitted to practice before the U.S. Fifth Circuit Court of Appeals; and the U.S. District Courts for the Northern, Southern, Eastern, and Western Districts of Texas.

**Lori J. Robinson, Associate**

Lori Robinson assists governmental entities with an extensive range of employment law matters including employee relations; compliance issues; employee grievances; FMLA; the ADA process; FLSA; FERPA; employee rights; and discrimination and harassment complaints. Ms. Robinson also has substantial experience in advising clients on the Texas Public Information Act and the Texas Open Meetings Act. Additionally, her background in employment law and open government law extends to all aspects of general counseling.

Prior to joining the Firm, Ms. Robinson served as part of the Austin Independent School District's in-house legal counsel and later as Director of Employee Relations. She has practiced law for 16 years and is admitted to the State Bar of Texas.

**Vanessa A. Gonzalez, Partner**

Vanessa Gonzalez represents clients in employment law matters and litigation. She regularly counsels government and private employers to ensure compliance in all areas of state and federal employment laws; conducts workplace investigations; prepares and negotiates employment contracts; prepares and updates employee manuals; and provides management training. In addition to traditional employment law claims brought under the FLSA, Title VII, the ADA, the FMLA, and the Texas Labor Code, Ms. Gonzalez has extensive experience defending constitutional employment law claims and whistleblower claims against government entities with a focus on defending cities. She has also represented employers in administrative proceedings before the Equal Employment Opportunity Commission, the Texas Workforce Commission, and the Department of Labor; and she has defended law enforcement in claims of excessive force, denial of medical care, and false arrest claims.

Ms. Gonzalez has practiced law for more than 25 years and is Board Certified in Labor and Employment Law by the Texas Board of Legal Specialization. She is admitted to the State Bar of Texas as well as the U.S. District Courts for the Northern, Southern, Eastern, and Western Districts of Texas.

**Gregory D. Miller, Partner**

Gregory Miller practices in the areas of public finance, economic development, and construction law. In his role as bond counsel, he has worked with numerous local government clients through all aspects of their bond transactions in matters ranging from the issuance of certificates of obligation to the issuance of Public Improvement District bonds. He has significant experience in representing water utilities and municipalities in financing projects through the Texas Water Development Board and he has substantial experience with TWDB processes and policies. Mr. Miller is listed in the Bond Buyer's Municipal Marketplace (The Red Book) as bond counsel and is a member of the National Association of Bond Lawyers (NABL).

Prior to joining the Firm, he worked as an Assistant City Attorney for the City of Austin with a focus on economic development. In his time with the City of Austin, he represented the City's Urban Renewal Agency Board, participated in their meetings, and assisted in the revision of that agency's by-laws.

Mr. Miller's background also includes work with a substantial range of economic development efforts involving federal, state, and local funding sources and multi-party collaboration. He has been practicing law for 18 years and is admitted to the State Bar of Texas.

- ii. **A resume of key personnel who will be assigned to handle this representation. "Lead" (primary) and "backup" (alternate) personnel shall be clearly identified. Include any professional designations and affiliations, certifications, and Texas State Bar license numbers.**

In addition to the attorney biographies included in the section above, the full resumes of each proposed attorney are included as **ATTACHMENT A** to this proposal. Details on each attorney's professional designations, affiliations, and/or certifications are included in their attached resumes, and their State Bar of Texas license numbers appear below.

- ◆ Stefanie P. Albright (lead attorney): 24064801
- ◆ Emily W. Rogers (key attorney/backup): 24002863
- ◆ Kimberly G. Kelley (key attorney/backup): 24086651
- ◆ Gunnar P. Seaquist (key attorney/backup): 24043358
- ◆ Lori J. Robinson (key attorney/backup): 24062800
- ◆ Vanessa A. Gonzalez (key attorney/backup): 793832
- ◆ Gregory D. Miller: (key attorney/backup): 24046443

- iii. **A statement of availability of key personnel including pertinent contact information.**

Our proposed team of key attorneys are immediately available to assist the WTCPUA. While we are proud to maintain a considerable workload, it will in no way diminish our ability to render high quality legal services to the Agency in a timely manner. Our attorneys have built lasting relationships with their clients in part by remaining easily accessible and responsive. Not only do we provide a physical presence at meetings and special events if needed, but we also effectively use technology to facilitate efficient attorney-client communication, fast turnaround for internal work assignments, and prompt delivery of legal products to our clients.

The contact information of our proposed lead attorney, Stefanie Albright, is included on the cover page of this proposal. Additionally, the contact information for all of our proposed attorneys appears in their attached resumes.

## c. Methodology and Approach

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- i. **Describe the firm’s approach to service delivery. Include a general overview of how the firm plans to fulfill service obligations.**

BHDA is prepared to handle the Agency’s full range of legal issues. In addition to the attorneys outlined in this proposal, the full resources of our firm are available to assist the WTCPUA on an as-needed basis. As a matter of procedure, all substantive legal work performed by associates, staff attorneys, Of Counsel attorneys, and legal assistants is reviewed by a partner to ensure it is complete, accurate, and a high-quality product before it is distributed to anyone outside the Firm. The Firm’s proposed lead attorney Stefanie Albright will be responsible for quality oversight and timeliness for all legal work performed on behalf of the WTCPUA.

Furthermore, the Firm has designed its delivery of legal services to meet clients’ preferences for hands-on involvement in dealing with legal issues. To that end, our attorneys are committed to maintaining responsive communication with all clients, including, but not limited to, keeping our clients fully informed of problems and progress related to their legal matters. After identifying through factual analysis and legal evaluation the basis of a legal issue raised by the Agency, Stefanie Albright will provide the WTCPUA with a preliminary assessment of options, timelines, and other relevant matters. Should Ms. Albright determine that, for reasons of experience, expertise, or economy, the matter is one best addressed by another of the Firm’s proposed attorneys, she will ask that attorney to evaluate the matter and communicate with her or him and/or the District as appropriate. Status reports will be provided frequently. At the conclusion of the matter, the Firm will provide a final report in a manner requested by the Agency.

Our main office is located outside of downtown Austin and is a short drive to the WTCPUA Administrative Office, and our proposed attorneys are all based in the Firm’s Austin office. The Firm’s proposed lead attorney or another assigned attorney will be available to attend all board meetings and other meetings with staff as requested. Whenever the Agency prefers, our attorneys are available to attend meetings by videoconferencing technology or telephone, as these methods frequently offer cost savings to the Agency.

We are committed to remaining accessible and providing timely legal support to the Agency’s board of directors, general manager, and other administrative personnel. The prompt provision of services to the Agency will be a top priority for the Firm’s members composing the Agency’s legal team.

- ii. **Proposals must indicate a clear understanding of the scope of work, including a description of major tasks and responsibilities, time frames, and staff assigned for each category of the scope of work identified above.**

As stated above, BHDA represents primarily governmental entities and is accustomed to both the scope of work that a regional water and wastewater utility such as the WTCPUA will require, as well as the timelines and deadlines that coincide with such work. Additionally, Ms. Albright is

familiar with the unique projects, responsibilities, and expectations of the WTCPUA from prior experience with the Agency.

**iii. Specify what unique characteristics set the firm apart from others who perform the same or similar functions.**

Over the decades, the Firm has represented hundreds of governmental entities throughout the state. As a result, we have an unmatched depth of understanding and experience. The Firm’s attorneys are well-versed and experienced in the responsibilities and authorities of local governments, and their collective experience and expertise span all areas of local government law. This allows us to identify and resolve important legal issues that may be missed by firms whose primary expertise is business or commercial practice and provides efficiency by facilitating quick responses and reducing unnecessary research.

Because we offer a full range of services to our clients, we are able to bring an unparalleled level of expertise and responsiveness without the need for retaining additional outside counsel for specialized issues. We understand that local government entities face complex legal issues that are as significant as any faced by the business community.

Serving the needs of small and large governmental entities throughout Texas requires a variety of expertise that is best provided by attorneys who understand the full extent of governmental authorities and responsibilities. We have an experienced group of governmental attorneys that advise water districts in all areas of public law, and our attorneys have decades of experience assisting public entities in handling matters and meeting the objectives of clients similar to WTCPUA.

**d. Fees**

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**i. Provide the firm's hourly billing rates of each attorney or other legal staff who are expected to work on this representation.**

Unless otherwise indicated in writing, our fees for legal services are determined on the basis of the hourly rates of the respective attorneys and other timekeepers who perform the services. Included below are the hourly rates for all firm personnel including each proposed team member and our legal assistants. *(Proposed team member names are in bold.)*

TIMEKEEPER	2024 HOURLY BILLING RATE
<b>Albright, Stefanie</b>	<b>\$385</b>
Arnold, Philip	\$425
Caputo, Cobby	\$435
<b>Gonzalez, Vanessa</b>	<b>\$400</b>
Heath, Bob	\$510
Katz, Joshua	\$385

Kimbrough, Chuck	\$355
<b>Miller, Gregory</b>	<b>\$385</b>
<b>Rogers, Emily</b>	<b>\$400</b>
Russell, Claudia	\$395
<b>Seaquist, Gunnar</b>	<b>\$385</b>
Than, Catherine	\$400
Weller, Steven	\$395
<b>Kelley, Kimberly</b>	<b>\$310</b>
Labashosky, Sara	\$320
<b>Robinson, Lori</b>	<b>\$335</b>
Caroom, Doug	\$470
Delgado, Hector	\$455
Dugat, Bill	\$405
Falk, Syd	\$470
Pagan, Kevin	\$420
<b>Legal Assistants/Specialists</b>	<b>\$210</b>
McCall, Sherry (Senior GIS Specialist)	\$260

ii. **List expenses for which the firm would seek reimbursement from the WTCPUA in addition to attorneys' fees.**

The Firm incurs expenses on behalf of clients only when required by the legal needs of our clients. Some cases or matters require extensive use of outside copy facilities, and other cases may not be so paper-intensive. Standard services handled within the Firm are not charged, and client-specific expenses are billed to the client needing those services. An explanation of the billing structure is as follows:

- ◆ Not Charged – Secretarial and word processing time, routine postage, file setup, file storage, local or ordinary long-distance charges, fax charges, and computerized legal research data charges.
- ◆ Delivery Services – Outside delivery services are used for the pickup and delivery of documents to the client as well as to courts, agencies, and opposing parties. Outside delivery fees are charged to the client at the rate charged to the Firm. Overnight delivery services are also charged at the rate charged to the Firm. The Firm’s Office Services Department personnel may provide delivery service in urgent situations and charges for such in-house service will not exceed the charge that would be made by an outside service in a similar situation.
- ◆ Postage – Our postal equipment calculates exact U.S. postage for all sizes and weights of posted material. The rate charged for postage is the same as the amount affixed to the material that is mailed. We will not charge clients for postage on routine correspondence; however, the cost of large-volume mail, certified mail, or other additional mail services will be charged to the client.

- ◆ Copies and Prints – Our standard rate for black-and-white copies and prints made by the Firm’s personnel is \$0.15 per page. Color copies and prints are charged at a standard rate of \$0.55 per page. These charges cover paper, equipment costs, and other supplies. If savings can be realized within the required time frame by sending copy jobs to subcontractors, the Firm uses only qualified legal services copiers and the cost charged to the client is the same as the amount billed to the Firm.
- ◆ Phone Charges – Only charges for conference calls or international calls are charged, and charges are billed at the same amount billed to the Firm by the outside provider.
- ◆ Travel – Attorney and other timekeeper time spent traveling on behalf of a client is billed to the client. Hotel, meals, local transportation, and similar expenses are charged based on receipts and travel expense forms submitted by the attorney. Documentation is available to the client if requested.
- ◆ Maps – Maps produced in conjunction with a project will be billed at \$50 for each 34 x 44-inch map and \$20 for each smaller map, plus cost (time fees) for preparation.
- ◆ Other Expenses – Expenses incurred with outside providers in connection with the client’s legal services will be paid by the client directly to the outside provider unless specifically arranged in advance. If the Firm agrees to pay outside providers, the cost charged to the client will be the same as the amount billed to the Firm. Examples of such charges include court reporter fees, filing fees, newspaper charges for publication notices, expert witness fees, consultants, and other similar expenses.

## e. References

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- i. **At a minimum, provide a list of three (3) relevant clients, including contact persons and telephone numbers.**

We have provided three client references and their contact information below. Our work on behalf of these clients is included in the following section.

- ◆ **Upper Brushy Creek Water Control and Improvement District**

Contact: Alysha Girard, General Manager

Phone: 512.652.3536

Email: Alysha.Girard@UBCdams.org

- ◆ **Guadalupe-Blanco River Authority**

Contact: Joe Cole, General Counsel

Phone: 830.379.5822

Email: jcole@gbra.org

- ◆ **Lavaca Navidad River Authority**

Contact: Patrick Brzozowski, P.E., General Manager

Phone: 361.782.5229

Email: pbrzozowski@lnra.org

ii. **Describe the firm's experience and responsibilities for each reference.**

The Firm has a long history and vast experience in representing governmental entities similar to the WTCPUA. The following are just a few examples of our experience providing general counsel services to water districts throughout Texas. More information is available upon request.

- ◆ **Upper Brushy Creek Water Control and Improvement District**

Serve as general counsel to the District. Services include attending board meetings, assisting with Texas Open Meetings Act and Texas Public Information Act requests, coordinate regarding permitting at TCEQ, and reviewing and preparing contracts including construction contracts and vendor contracts.

- ◆ **Guadalupe-Blanco River Authority**

Served as interim general counsel; serves as outside counsel on a variety of matters including negotiating and drafting wholesale water supply and wastewater contracts, representing GBRA before the Public Utility Commission of Texas and the Texas Commission on Environmental Quality, and assisting with Public Information Act requests and litigating disputes regarding the same.

- ◆ **Lavaca Navidad River Authority**

Serve as general counsel, which includes advising on various matters such as employment issues, ethics issues, open records and open meetings matters, general and water-related litigation, voting rights issues, elections, annexations, establishing annual tax rate, redistricting, and contracts and leases; assisting in drafting and adopting rules and policies; and scope of authority issues.

## f. Disclosures

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i. **Disclose any firm client relationships that could limit your firm's full representation of the WTCPUA of this matter, whether legal or business conflicts, including, specifically a discussion of your representation of landowners or developers in Travis and Hays Counties.**

After a diligent search of our conflicts system, the Firm certifies that there are no current conflicts of interest. Furthermore, we do not anticipate any conflicts of interest that would impede or interfere with our proposed representation of the WTCPUA. If a conflict or potential conflict is identified in the future, it may be appropriate to prepare a written waiver for the potential client's

signature describing the nature of the conflict and advising the client to consider consulting another law firm about the conflict and/or original matter prior to signing the waiver. Management will consult the appropriate ethical guidelines and advise the affected attorneys.

BHDA does not represent any landowners or developers that it is aware of in Travis and Hays Counties.

BHDA does represent entities in Travis and Hays Counties, that although no conflicts are anticipated, it would like to disclose. These entities include: the Lower Colorado River Authority and the City of Lakeway.

## Attachment A: Attorney Resumes

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## Stefanie P. Albright

**PARTNER**

### AUSTIN OFFICE

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Suite C400  
Austin, Texas 78746

P: 512-472-8021  
F: 512-320-5638  
E: salbright@bickerstaff.com

### Attorney Overview

Stefanie Albright practices in the areas of water law and environmental law. She has represented governmental entities, including water districts, water supply corporations, municipalities, and regional authorities with matters involving water quality, water and wastewater utilities, water rights, permitting and compliance, open government, and general counsel services.

Stefanie has almost 15 years of experience as a water law attorney. Prior to joining BHDA, she was a partner and member of the water law team at a private practice in Austin. In addition, she served as a judicial intern for the Honorable Elsa Alcalá, Texas First Court of Appeals while attending law school. Stefanie's background also includes several years of work as a lead staff member in the Texas House of Representatives.

### Representative Experience

- ◆ Provide general counsel services, including the creation, organization, and operation of water and wastewater utilities, to regional authorities, water districts, and other water utilities in Texas.
- ◆ Advise clients regarding general governance and transparency issues relating to the Texas Open Meetings Act, Texas Public Information Act, governmental immunity, competitive bidding, conflicts of interest, and general ethics.
- ◆ Represent clients before the Texas Commission on Environmental Quality and the Public Utility Commission on water and wastewater matters, including all types of issues involving water and wastewater permitting and certificates of convenience and necessity.
- ◆ Represent clients in negotiations related to the purchase and sale of regional water and wastewater systems.
- ◆ Negotiate and draft developer agreements relating to the construction of water and wastewater utilities, developer reimbursements, capacity allocations, and facility conveyances.

### Practice Areas

- ◆ Water Law
- ◆ Environmental
- ◆ General Counsel
- ◆ River Authorities & Water Districts
- ◆ Open Government
- ◆ Cities

### Education

- ◆ University of Houston Law Center, J.D., 2008
- ◆ The University of Texas School of Law, Visiting Student, Spring 2008
- ◆ Southwestern University, B.A. in Political Science, 2002

### Admissions

- ◆ Texas, 2008

- ◆ Prepare and execute real property documents, including easements and license agreements.
- ◆ Negotiate and prepare agreements for water and wastewater service and supply.
- ◆ Coordinate and manage stormwater permitting for Phase I and Phase II MS4 permit entities, including drafting and execution of permit applications and preparation of annual reports.
- ◆ Participate in Texas Commission on Environmental Quality stakeholder meetings relating to water quality and water rights, districts, and stormwater permitting.
- ◆ Assist clients with water quality matters involving permitting and compliance issues.

## **Awards & Recognition**

- ◆ Texas Rising Stars list (*Super Lawyers, Thomson Reuters*), 2018-2020
- ◆ Senior Articles Editor, *Houston Journal of Health Law & Policy*, 2007-2008
- ◆ Moot Court, Client Counseling Competition Regional Finalist, 2007
- ◆ Ewer-Oren J.D. Health Law Writing Award Recipient, 2007

## **Organizations & Involvement**

- ◆ State Bar of Texas (Environmental and Natural Resources Law Section; Administrative Law Section)
- ◆ Texas Water Conservation Association
- ◆ Austin Bar Association (Environmental, Natural Resource, and Water Law Section)
- ◆ Board Member, The University of Texas at Austin McDonald Observatory and Department of Astronomy Board of Visitors, 2019 – Present

## **Publications & Presentations**

- ◆ Speaker, "The Nuts and Bolts of a SOAH-Contested Case Hearing (including Virtual Hearings)," Texas City Attorneys Association Fall Conference/Texas Municipal League Annual Conference, Dallas, Texas (October 2023)
- ◆ Author and Speaker, "Ethics Considerations for City Officials," Texas Municipal League Annual Conference (Texas City Attorneys Association Fall Meeting), San Antonio, Texas (October 2019)
- ◆ Speaker, "Complying with Water Quality Laws and Regulations" and "Ethics and Water Law," HalfMoon Texas Water Laws and Regulations Seminar, Arlington, Texas (November 2018)
- ◆ Speaker, "The Stormwater Remand Rule: Understanding the Impacts to the Maximum Extent Practical," EPA Region 6 Stormwater Conference, San Antonio, Texas (September 2017)
- ◆ Author, "Emerging Trends in the Regulation of Stormwater," *Texas Environmental Law Journal*, Vol. 43 No. 1 (Fall 2012)
- ◆ Co-author, "SB 573, CCN Decertification, and Water Utility Service Issues," State Bar of Texas, 13th Annual Changing Face of Water Rights in Texas (February 2012)



## Emily Willms Rogers

### MANAGING PARTNER

#### AUSTIN OFFICE

1601 S. MoPac Expressway  
Suite C400  
Austin, Texas 78746

Phone: 512-472-8021  
Fax: 512-320-5638  
Email: [erogers@bickerstaff.com](mailto:erogers@bickerstaff.com)

### Attorney Overview

Emily Rogers practices in the areas of water and environmental law. From permitting to transactional matters, Emily represents cities, river authorities, and water districts in matters involving surface and groundwater water rights, water and wastewater utility matters, water issues, and industrial and municipal solid waste disposal.

Born and raised in San Marcos, Texas, Emily earned her J.D. from the University of Houston Law Center after completing her B.A. degree from the University of Texas and her M.A. degree from Southwest Texas State University. After law school, she returned to Austin and was a staff attorney at the Texas Natural Resource Conservation Commission, the predecessor agency to the Texas Commission on Environmental Quality, where she represented the agency in contested cases involving wastewater permit applications and provided legal counsel to the state's Superfund program.

Board Certified in Administrative Law, Emily is the reporter on Water Law Developments in Texas for The Foundation for Natural Resources and Energy Law's *Water Law Newsletter*. She is also the co-author of the River Authorities and Regional Water Districts chapter in *Essentials of Texas Water Resources* and previously served as a columnist for the *Texas Environmental Law Journal*. In addition, she is a frequent speaker at water law and local government conferences.

Emily is an active member of the Texas Water Conservation Association, where she serves as a board member and chair of the Flood and Navigation Panel. She also serves on the Administrative Law Advisory Commission of the Texas Board of Legal Specialization, is a member of the Administrative and Public Law Council for the Administrative and Public Law Section of the State Bar of Texas, and is co-chair of the Water Rights Committee of the Real Estate, Probate and Trust Law Section of the State Bar of Texas. In addition to her volunteer involvement and leadership roles, Emily serves as the Managing Partner of Bickerstaff Heath Delgado Acosta LLC.



### Practice Areas

- ◆ General Counsel
- ◆ Cities
- ◆ Water Law
- ◆ Environmental
- ◆ River Authorities & Water Districts
- ◆ Groundwater Conservation Districts

### Education

- ◆ University of Houston Law Center, J.D., *cum laude*
- ◆ Southwest Texas State University, M.A. in History, with honors
- ◆ The University of Texas, B.A. in History

### Admissions

- ◆ Supreme Court of Texas, 1997
- ◆ U.S. Court of Appeals for the Fifth Circuit
- ◆ U.S. District Court for the Western District of Texas

## Career Highlights

- ◆ Board Certified in Administrative Law, Texas Board of Legal Specialization
- ◆ Former staff attorney at the Texas Natural Resource Conservation Commission (predecessor agency to the Texas Commission on Environmental Quality)
- ◆ The Best Lawyers in America©, Water Law, 2024
- ◆ Recipient of the 2017 Texas Water Conservation Association President's Award

## Representative Experience

- ◆ Emily represents cities, water districts, and private entities before the Public Utility Commission of Texas (PUC), the Texas Commission on Environmental Quality (TCEQ), and the State Office of Administrative Hearings (SOAH). Her practice before the PUC includes filing and assisting clients with the applications for new or amended certificates of convenience and necessity, assisting clients with the sale or purchase of retail public utilities, and the transfer of CCN territory between retail and public utilities including filing sale, transfer, merger applications, and Texas Water Code § 13.248 agreements designating service territory. Emily also assists clients with expedited decertification petitions. In addition, she represents clients before the PUC in rate-making proceedings and appeals of rate changes, and service area disputes. She also advises clients with issues related to retail public utilities with federal debt, and assists the Firm's litigation team in lawsuits against both private and governmental clients involving claims under 7 U.S.C.A. § 1926(b). Emily's TCEQ practice includes representing clients in permitting and enforcement matters. She assists clients in preparing and filing applications for new or amended water rights, wastewater discharge permits, and solid waste disposal permits. If any of her clients' matters before the PUC or TCEQ are contested, she represents them in contested case hearings before SOAH.
- ◆ In addition to her regulatory work before the TCEQ and the PUC, Emily negotiates water and sewer wholesale contracts, franchise fee agreements, reclaimed water agreements, and agreements for the purchase or lease of surface water and groundwater rights. She assists clients in developing pretreatment regulations, stormwater and non-point source pollution control ordinances, and onsite septic system regulations. She also counsels her local government clients on impact fees, and assists those clients in preparing water and sewer utility rates, usage and extension requirements, as well as drought contingency and water conservation plans. Additionally, Emily counsels clients in groundwater regulatory matters and assists clients with groundwater rights permitting.

## Organizations & Involvement

- ◆ Board of Directors, Texas Water Conservation Association, 2017-present
- ◆ Chair, Flood and Navigation Panel, Texas Water Conservation Association, 2022-present
- ◆ Member, Administrative Law Advisory Commission, Texas Board of Legal Specialization, 2022-present
- ◆ Member, Administrative and Public Law Council, State Bar of Texas Administrative and Public Law Section, 2022-present

- ◆ Co-chair, Water Rights Committee, State Bar of Texas Real Estate, Probate and Trust Law Section, 2023
- ◆ Co-chair, Changing Face of Water Law, 2019 and 2020
- ◆ Planning Committee, Changing Face of Water Law (formerly Changing Face of Water Rights) - 2009, 2011, 2012, 2015, 2016, 2017, 2018
- ◆ Planning Committee, Texas Water Law Institute's Texas Water Law CLE, 2014, 2015, and 2016
- ◆ Planning Committee, Texas Rural Water Association/Texas Water Conservation Association Water Law Seminars, 2013, 2017, and 2019
- ◆ Chairperson, Water Law Committee, Texas Water Conservation Association, 2015-2017
- ◆ Reporter, Water Law Developments in Texas, The Foundation for Natural Resources and Energy Law's *Water Law Newsletter*
- ◆ Recent Developments Columnist on Water Rights, *Texas Environmental Law Journal*, 2010-2023
- ◆ State Bar of Texas (Environmental and Natural Resources Law Section; Natural Resources, Environmental, and Water Law Section)
- ◆ *Houston Law Review*, Articles Editor
- ◆ Texas Water Conservation Association, Member

## **Presentations & Publications**

- ◆ Current Legal Issues, Panel Member, 2023 Texas Groundwater Summit (August 2023)
- ◆ Overview: PUC Management of Water-Related Matters, Speaker, TexasBarCLE 24th Annual Changing Face of Water Law (February 2023)
- ◆ How to Fight a MUD and Why You Should, Speaker, 2022 Texas City Attorneys Association Summer Conference (June 2022)
- ◆ "River Authorities and Regional Water Districts," Co-author (with Lyn Clancy), Chapter 9, *Essentials of Texas Water Resources*, Mary K. Sahs and Holly Heinrich, Editors
- ◆ "North Texas Municipal Water District Wholesale Rate Appeal" Co-author (with Lyn Clancy), *Rocky Mountain Mineral Law Foundation Water Law Newsletter*, Vol. LIV, No. 1 (2021)
- ◆ Public Interest Texas in Wholesale Rate Cases, Co-speaker (with Lyn Clancy), TexasBarCLE 22nd Annual Changing Face of Water Law (February 2021)
- ◆ What Water District Board Members and Managers Need to Know About Open Records, Speaker, 2020 Association of Water District Boards' Virtual Annual Conference (August 7-8, 2020)
- ◆ "Court Rules It Has Jurisdiction in Groundwater Takings Case," Author, *Rocky Mountain Mineral Law Foundation Water Law Newsletter*, Vol. LIII, No. 3 (2020)
- ◆ Key Water Related Legal Issues for Landowners, Speaker, TexasBarCLE 21st Annual Changing Face of Water Law (February 2020)

- ◆ “Court of Federal Claims Finds U.S. Liable for Taking After Hurricane Harvey,” Co-author (with Kimberly Grinnan Kelley), *Rocky Mountain Mineral Law Foundation Water Law Newsletter* - Vol. LIII, No. 1 (2020)
- ◆ This is Jeopardy: Who’s Who and What’s What in Water, Speaker, TexasBarCLE 19th Annual Changing Face of Water Law (February 2018)
- ◆ Case Law Update, Co-speaker, Texas Groundwater Summit (August 2017)
- ◆ Legislative Wrap Up, Speaker, TWCA Mid-Year Conference, (June 2017)
- ◆ “Court Addresses Reuse Permitting Requirements in the Brazos River Basin,” Author, *TWCA Confluence Newsletter* (April 2017)
- ◆ Brazos River Authority System Operation Permit, Speaker, TWCA 73rd Annual Convention (March 2017)
- ◆ Issues Out of BRA SysOps, Speaker, TexasBarCLE 18th Annual Changing Face of Water Rights (February 2017)
- ◆ Surface Water: Case Law Update & TWCA Surface Water Committee Legislative Preview, Co-Author/Speaker, TWCA/TRWA Water Law Conference (January 2017)
- ◆ CCN Updates Panel: Decertification & Compensation, Panel Moderator, TWCA/TRWA Water Law Conference (January 2017)
- ◆ Legal Issues with Permitting Amenity Ponds, Author/Speaker, UT Law CLE Texas Water Law Institute (November 2016)
- ◆ Case Law Update, Author/Speaker, TWCA Fall Conference (October 2016)
- ◆ Liability for Flooding: Takings of Property, Speaker, 18th Annual Water Quality Management and Planning Conference (May 16-22, 2016)
- ◆ “Let’s Facebook That - Using Social Media,” Author, *TWCA Confluence Newsletter* (October 2015)
- ◆ Case Law Update, Author/Speaker, UT Law CLE Texas Water Law Institute (October 2015)
- ◆ Case Law Update, Author/Speaker, TWCA Fall Conference (October 2015)
- ◆ Regional Water Contracting and Land Use Development, Author/Speaker, CLE International’s 25th Texas Water Law Conference (October 2015)
- ◆ Texas Water Law and Developing Innovative Water Supplies, Speaker, StormCon Austin - The North American Surface Water Quality Conference and Expo (August 2015)
- ◆ Legislative Update 2015: Water Law, Author/Speaker, TexasBarCLE (July 2015)
- ◆ “Texas Court of Appeals Finds TCEQ’s Drought Rules Exceed Authority,” Author, *TWCA Confluence Newsletter* (June 2015)
- ◆ “Has The Texas Supreme Court Expanded Takings Liability for Flooding?” Author, *TWCA Confluence Newsletter* (March 2015)

- ◆ Legislative Update for the 84th Legislature Regular Session, Author/Speaker, TWCA Mid-Year Conference (June 2015)
- ◆ Surface and Groundwater Water Rights 101, Speaker, 17<sup>th</sup> Annual Water Quality Management & Planning Conference (May 2015)
- ◆ State Water Planning 101, Author/Speaker, Texas City Attorneys Association, 2014 Summer Conference (June 2014)
- ◆ Environmental Regulatory Hurdles for Your Storm Water and Flood Control Project, Speaker, 16<sup>th</sup> Annual Water Quality Management & Planning Conference (April 2014)
- ◆ Legal Issues Regarding the Reuse of Wastewater, Speaker, 16<sup>th</sup> Annual Water Quality Management & Planning Conference (April 2014)
- ◆ Protecting Groundwater Quality, Speaker, 16<sup>th</sup> Annual Water Quality Management & Planning Conference (April 2014)



## Kimberly Grinnan Kelley

### ASSOCIATE

#### AUSTIN OFFICE

1601 S. MoPac Expressway  
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Phone: 512-472-8021  
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### Attorney Overview

Kimberly Kelley practices in the areas of municipal, open government, water, and environmental law, among others. She is a frequent speaker on topics ranging many areas of public law, from compliance with open meetings/open records laws to municipal and water law topics.

In addition to her work at the Firm, Kimberly serves as the Internship Coordinator for the State Bar of Texas Environmental and Natural Resources Section and is involved in the Barbara Jordan American Inn of Court. She has interned for Chairman Ralph M. Hall of the House Committee on Science, Space, and Technology; interned for Judge Reed O'Connor of the U.S. District Court for the Northern District of Texas; and served as a State Bar of Texas Environmental and Natural Resources Section Intern at the Texas Parks and Wildlife Department.

Kimberly earned her J.D. from Texas Tech University School of Law, where she received numerous awards and recognition for both academic performance and extracurricular involvement. Prior to attending law school, Kimberly received her undergraduate degree from Texas A&M University.

### Organizations & Involvement

- ◆ Barbara Jordan American Inn of Court
- ◆ State Bar of Texas Environmental and Natural Resources Section, Internship Coordinator
- ◆ Austin Bar Association, Austin Young Lawyers Association
- ◆ Texas Water Conservation Association
- ◆ Texas Aggie Bar Association

### Practice Areas

- ◆ Cities
- ◆ Open Government
- ◆ Water Law
- ◆ Environmental

### Education

- ◆ **Texas Tech University School of Law, J.D.**
  - summa cum laude
  - Order of the Coif
  - Executive Board, Symposium Editor, Texas Tech Law Review
  - Water Symposium Coordinator
  - Member, Board of Barristers—First Year Negotiations Champion
  - Distinguished Student Award—Environmental Law, Energy Law, Legal Practice, Commercial Law, American Indian Law
- ◆ **Texas A&M University, B.A.-English, magna cum laude**
  - Phi Beta Kappa Honor Society
  - Hawk Rotary Citizenship Award

## Publications & Presentations

- ◆ *Case Law Update*, TWCA Annual Convention, March 2024
- ◆ Water Rights and Water Development, *Texas Practice Series, Environmental Law*, 45, Ch. 14 (2024 ed.) (with Doug G. Caroom and Susan M. Maxwell)
- ◆ *Water Law 101*, 24th Annual Changing Face of Water Law Course, February 2023
- ◆ *A Refresher on the Public Information Act and Open Meetings Act*, County Judges and Commissioners Association, October 2021
- ◆ *Legal Issues Panel: Federal Litigation of Interest*, 10th Annual Texas Groundwater Summit, Texas Alliance of Groundwater Districts, September 2021
- ◆ *Case Law Update*, TRWA/TWCA Water Law Seminar, January 2021
- ◆ *Open Government Update*, 15th Annual Advanced Texas Administrative Law Seminar presented by UT Law CLE, September 2020
- ◆ *2020 Case Law Update*, TWCA Virtual Mid-Year Conference, June 2020
- ◆ *Case Law Update*, 21st Annual Changing Face of Water Law Course, February 2020
- ◆ *Court of Federal Claims Finds U.S. Liable for Taking After Hurricane Harvey*, Co-author (with Emily W. Rogers), Rocky Mountain Mineral Law Foundation Water Law Newsletter - Vol. LIII, No. 1 2020)
- ◆ *Public Engagement in Water Decisions: Requirements and Opportunities for Public Participation and Access to Information*, 10th Annual Texas Water Law Conference, September 2019
- ◆ *Trends in Open Government*, UT Law CLE—14th Annual Advanced Texas Administrative Law Seminar, August 2019
- ◆ *Case Law Update*, Texas Water Conservation Association Annual Convention, March 2019
- ◆ *Common Issues Arising Under the Public Information Act and Open Meetings Act*, Texas Water Conservation Association / Texas Rural Water Association Water Law Seminar, January 2019
- ◆ *Administrative Appeals of Decisions by City Officials*, International Municipal Lawyers Association Conference, October 2018
- ◆ *FAQ on the Public Information Act and Texas Open Meetings Act*, Texas Association of Groundwater Districts Groundwater Summit, September 2018
- ◆ *Converting Irrigation Rights to Industrial Rights*, University of Texas Rio Grande Valley Stormwater Conference, May 2018
- ◆ *Administrative Appeals of Decisions by Code Officials*, Summit for Texas Code Enforcement Attorneys and Officials, May 2018
- ◆ *Paxton v. City of Dallas: Summary of Oral Arguments*, September 2016
- ◆ "Updates on Key Water Cases," *TWCA Confluence*, October 2016

## Admissions

- ◆ Supreme Court of Texas, 2016



## Gunnar P. Seaquist

### PARTNER

#### AUSTIN OFFICE

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### Attorney Overview

Gunnar Seaquist focuses his practice in the areas of litigation, employment, and public law. Before joining the Firm, he practiced for over five years in both the General Litigation and Tax divisions of the Texas Office of the Attorney General. He has extensive experience in litigation, having tried cases to both judges and juries. His experience extends to employment litigation involving Title VII, the Americans with Disabilities Act, the Age Discrimination and Employment Act, the Fair Labor Standards Act, the Family Medical Leave Act, and the Whistleblower Act, as well as the Texas Commission on Human Rights. In addition, he has defended governmental entities in civil rights actions, constitutional claims, and in challenges to constitutionality and validity of legislative enactments.

### Career Highlights

- ◆ The Best Lawyers in America®, Litigation - Labor and Employment, 2024
- ◆ Former Assistant Attorney General, General Litigation Division, Office of the Attorney General of Texas (2011-2014)
- ◆ Former Assistant Attorney General, Taxation Division, Office of the Attorney General of Texas (2008-2010)

### Selected Appellate Opinions

- ◆ *Assignees of Best Buy v. Combs*, 395 S.W. 3d 847 (Tex.App.–Austin 2013, pet. filed).
- ◆ *University of Texas El Paso v. Ochoa*, 410 S.W.3d 327 (Tex.App–El Paso, 2013, pet. filed.).
- ◆ *Critical Heath Connection, Inc. v. Texas Workforce Commission*, 338 S.W.3d 758 (Tex.App.–Austin 2011, no pet.).

### Practice Areas

- ◆ Civil Litigation
- ◆ Cities
- ◆ Voting Rights and Redistricting
- ◆ Employment
- ◆ Elections
- ◆ State and Local Tax Law
- ◆ Annexation & Land Use
- ◆ Insurance Defense
- ◆ General Administrative
- ◆ Corporate
- ◆ Higher Education
- ◆ Schools
- ◆ Special Districts

### Education

- ◆ Baylor University School of Law (J.D., 2006)
- ◆ University of Miami, (B.B.A. with Honors, 2002)

### Admissions

- ◆ Supreme Court of Texas
- ◆ U.S. Fifth Circuit Court of Appeals
- ◆ U.S. District Court for the Northern, Southern, Eastern and Western Districts of Texas

- ◆ *Energy Educ. of Montana v. Tex. Comptroller of Pub. Accounts*, no. 03-10-644-CV, 2013 Tex. App. Lexis 5047 (Tex. App–Austin, Apr. 25, 2013, pet. denied.)

## **Organizations & Involvement**

- ◆ Austin Bar Association
- ◆ State Bar of Texas, Litigation Section; Governmental Section
- ◆ West Austin Neighborhood Association, Board Member



## Lori J. Robinson

### ASSOCIATE

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### Attorney Overview

Lori Robinson assists educational institutions and other public employers in navigating an extensive range of employee relations, student, and compliance issues. Since joining BHDA, Lori has worked extensively with a higher education institution's responsibility under Title IX and the Clery Act, which included successful completion of a one week Clery Act compliance training academy.

Lori previously served as part of the Austin Independent School District's in-house legal counsel and later as Director of Employee Relations. She also worked as a staff attorney for the Association of Texas Professional Educators and as a staff assistant and legislative correspondent to U.S. Representative Solomon P. Ortiz.

Her background in school and employment law extends to Title VI, Title VII and Title IX claims, grievances, FMLA, the ADA process, student discipline and safety, student and employee rights, special education compliance, and all aspects of general counseling.

### Organizations & Involvement

- ◆ Texas Council of School Attorneys – Member
- ◆ Texas Association of Community Colleges – Member

### Publications & Presentations

- ◆ The Duality of Dual Credit and the Legal Issues Presented, Co-presenter (with Dr. Shasta Buchanan), 22nd Annual TACCA Conference, January 2020

### Practice Areas

- ◆ School Law
- ◆ Employment
- ◆ Higher Education

### Education

- ◆ University of North Carolina at Wilmington, B.A., Political Science
- ◆ Widener University School of Law, J.D.

### Admissions

- ◆ Supreme Court of Texas



## Vanessa A. Gonzalez

### PARTNER

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### Attorney Overview

Vanessa Gonzalez is Board Certified in Labor and Employment Law by the Texas Board of Legal Specialization and leads the Firm's employment litigation group. She defends employers in complaints filed with the EEOC, the TWC, the DOL, and in state and federal courts. Ms. Gonzalez's jury trial experience includes successful employment law verdicts in federal courts.

She also represents and provides consultation to institutions of higher education in employment law matters as well as matters related to Title IX, the Clery Act, the Public Information Act, and the Family Educational Rights and Privacy Act.

### Representative Experience

#### Employment Law Counseling

- ◆ Ms. Gonzalez regularly counsels employers on personnel issues and compliance with state and federal employment laws. She also assists employers in the preparation and updating of their employee personnel manuals and employee documentation.
- ◆ Ms. Gonzalez counsels employers in the preparation and negotiation of employment agreements, including non-compete agreements, non-solicitation agreements, severance agreements, and independent contractor agreements. She also represents clients in contract disputes in state court and in audits by the Department of Labor.

#### Administrative Representation

- ◆ Ms. Gonzalez has represented numerous clients before the Equal Employment Opportunity Commission (EEOC), the Texas Workforce Commission (TWC), the former Texas Commission on Human Rights (TCHR), and the Austin Human Rights Commission.
- ◆ Ms. Gonzalez has represented restaurants, janitorial companies, and other small businesses in audits and investigations conducted by the Department of Labor.



### Practice Areas

- ◆ Employment
- ◆ Civil Litigation
- ◆ Higher Education
- ◆ General Counsel

### Education

- ◆ University of Texas School of Law, J.D. 1995
- ◆ Texas A&M University, B.A., Speech Communication 1991

### Admissions

- ◆ Supreme Court of Texas, 1995
- ◆ United States Court of Appeals for the Fifth Circuit
- ◆ United States District Courts for the Eastern, Northern, Southern, and Western Districts of Texas

### **Training and Investigations**

- ◆ Ms. Gonzalez regularly speaks at conferences on employment law matters and provides training for employers, supervisors, and managers.
- ◆ Ms. Gonzalez is often selected as an outside investigator to investigate allegations of workplace misconduct. She has conducted investigations of police chiefs, city managers, elected officials, judges, CEO's, and managers. Ms. Gonzalez also advises employers when they conduct their own internal workplace investigations including consultation for institutions of higher education in their Title IX investigations.

### **Employment Law Litigation and Jury Trials**

- ◆ Ms. Gonzalez recently defended a private institution of higher education in a disability discrimination lawsuit in federal court. The case was dismissed after Ms. Gonzalez filed a Motion to Dismiss for failure to state a claim.
- ◆ Ms. Gonzalez recently defended a community college in a section 1981 federal court lawsuit. The case was dismissed after Ms. Gonzalez filed a Motion for Judgment on the Pleadings.
- ◆ Ms. Gonzalez defended a Central Texas employer wrongfully accused of violating the Equal Pay Act. She successfully tried the case to a jury in federal court and the jury determined the employer did not violate the Act.
- ◆ Ms. Gonzalez defended a Central Texas employer with over 12,000 employees in a racial harassment lawsuit filed in state court by two plaintiffs. The matter was prepared for two separate jury trials but was then resolved before trial.
- ◆ Ms. Gonzalez defended an employer in a claim brought in federal court by a terminated employee under the Family and Medical Leave Act. Summary judgments were filed by both sides and the case was prepared for trial but was then resolved before trial.
- ◆ Ms. Gonzalez recently defended a private employer in a disability discrimination and failure to accommodate claim brought under the Texas Labor Code in state district court. The plaintiff claimed he was entitled to medical expenses and damages for injuries sustained after the employer allegedly failed to accommodate the plaintiff. The case was resolved shortly after Ms. Gonzalez filed a motion for summary judgement with the court.

### **Constitutional Law and Whistleblower Litigation and Jury Trials**

- ◆ Ms. Gonzalez defended a Texas county and county commissioner in a First Amendment retaliation lawsuit filed in federal court. The terminated employee claimed he was terminated because of his political affiliation. Ms. Gonzalez' motion for summary judgment was granted by the court and the case was dismissed.
- ◆ Ms. Gonzalez defended a Texas county sheriff who was accused of terminating a chief deputy in violation of the chief deputy's freedom of speech and freedom in political association. Ms. Gonzalez successfully tried the case to a jury in federal court and the judgment was entered for the defense.
- ◆ Ms. Gonzalez defended a Texas county and county commissioner in a First and Fourteenth Amendment lawsuit filed by a former employee in federal court in Austin, Texas. The lawsuit involved a previous sexual harassment claim, and sensitive depositions were taken under a protective order from the court. The matter was resolved before trial.
- ◆ Ms. Gonzalez defended a First Amendment employment retaliation claim and a whistleblower claim in federal court in Houston, Texas. The jury awarded \$1,200 on the plaintiff's \$97,000 claim.

### **Higher Education and School Law**

- ◆ Ms. Gonzalez represented a community college in a claim brought by a student under the Texas Human Resources Code, the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. Ms. Gonzalez's plea to the jurisdiction was granted and the case was dismissed.
- ◆ Ms. Gonzalez recently defended a community college in a claim brought under Title II of the Americans with Disabilities Act for alleged restricted access due to architectural barriers present on the college campus.
- ◆ Ms. Gonzalez represented a school district sued by a contractor for breach of contract. Ms. Gonzalez drafted the motion for summary judgment which led to a prompt settlement of the case for a low amount favorable to the school district.

### **Organizations & Involvement**

- ◆ Austin Bar Association – Member
- ◆ Austin Human Resources Management Association - Member
- ◆ Travis County Women Lawyers' Association - Member
- ◆ The Robert W. Calvert American Inn of Court - Member
- ◆ Communities in Schools - Board of Directors (2018 - 2021)
- ◆ KLRU-TV— Board of Directors (2010-2016) (2017-2023)
- ◆ Greater Austin Hispanic Chamber of Commerce - Former Board of Directors (2013-2017); Education Committee Chair, Developed the AISD High School Entrepreneurs Competition (2014-2018)
- ◆ Literacy Coalition of Central Texas - Former Board of Directors (2007-2013)
- ◆ Leadership Austin - Graduate, Essential Class of 2007
- ◆ Hispanic Bar Association of Austin - President (2004-2005); Education Outreach Committee Chair, Developed the Middle School Essay Competition (2004-2014)

### **Publications & Presentations**

- ◆ Employment Law Updates 2024, 66th Annual V.G. Young School for County Commissioners Courts (February 2024)
- ◆ DEI Initiatives in the Private Workplace After Supreme Court Decision on Affirmative Action, Austin SHRM Meeting (September 2023)
- ◆ Employment Law Updates 2023, Austin HR Roundtable (February 2023)
- ◆ Civil Rights Issues, 65th Annual V.G. Young School for County Commissioners Courts (February 2023)
- ◆ Employment Law Practices and the Pandemic, Texas Association of Community College Attorneys 2021 Virtual Conference (January 2021)
- ◆ Stump the Experts: A Legal Panel Discussion of FFCRA, COVID-19, and Return to Work Issues, Austin Human Resources Management Association Webinar (June 2020)
- ◆ Constitutional Employment Law Claims, TCAA Summer Conference (June 2019)
- ◆ Workplace Harassment After #MeToo Movement, Austin Human Resources Management Association (July 2018)
- ◆ Harassment Response and Investigations, Williamson County HR Management Association (May 2018)
- ◆ Employment Law Hot Topics, South Texas County Judges and Commissioners Association Conference (June 2017)



## Gregory D. Miller

### PARTNER

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### Attorney Overview

Gregory Miller practices in the areas of public finance, housing, economic development, and public procurement. His broad experience includes a focus on financing mechanisms such as public facility corporations, Tax Increment Financing, and Public Improvement Districts, as well as experience in construction, general procurement, and alternative project delivery methods such as Design-Build and Developer Participation Agreements. Gregory's prior government experience includes time as an Assistant City Attorney for the City of Austin's Municipal Operations Division, Right of Way Attorney and Associate General Counsel at the Texas Department of Transportation, and Assistant Attorney General of Texas.

### Career Highlights

- ◆ Assistant City Attorney, Municipal Operations Division, City of Austin (2013-2016)
- ◆ Associate General Counsel & Right of Way Attorney, Texas Department of Transportation (2011-2013)
- ◆ Assistant Attorney General, Transportation Division, Office of the Attorney General of Texas (2006-2008)

### Presentations & Publications

- ◆ Public Finance for Texas Counties, Presenter, West Texas Rural Counties Association 2023 Professional Education Conference, October 2023
- ◆ Purchasing Applications, Presenter, 101st Annual County Judges and Commissioners Association of Texas Conference, October 2023
- ◆ Bonds & Certificates of Obligation, Presenter, 65th Annual V.G. Young School for County Commissioners Courts, February 2023
- ◆ From Wellness to Dollars: Values-Based Strategic Approaches to Sustainability, Presenter, Lone Star Sustainability Forum, August 2022

### Practice Areas

- ◆ City and County General Law
- ◆ Contracts and Procurement
- ◆ Economic Development
- ◆ Housing
- ◆ Public Finance

### Education

- ◆ Temple University, Beasley School of Law, J.D., 2003
- ◆ University of Texas at Austin, B.A., 1998

### Admissions

- ◆ Supreme Court of Texas, 2004

- ◆ Municipal Borrowing in a Time of Climate Change, Presenter, 2022 Texas City Attorneys Association Summer Conference, June 2022
- ◆ "Public Improvement Districts," Author, article published for the Texas Conference of Urban Counties 2022 Education & Policy Conference, January 2022
- ◆ *2021 Public Finance Handbook for Texas Counties*, Author, published by the Texas Association of Counties (TAC)
- ◆ Public Finance for Texas Counties, Presenter, District 4 Northeast Texas Continuing Education Conference for County Judges and Commissioners, December 2021
- ◆ Public Finance for Texas Counties - Bonds and Certificates of Obligation, Presenter, 99th Annual County Judges and Commissioners Association of Texas Conference, October 2021
- ◆ The Home Team Advantage: Working With Your City's PID Team to Ensure PID Project Success, Co-presenter (with Veronica Rivera), Texas City Attorneys Association Fall Conference, October 2021
- ◆ "Public Finance Options," Author, *Texas County Progress* magazine, August 2021
- ◆ "Bond Elections: Recent Legislative Changes," Co-Author (with Claudia C. Russell), *Texas County Progress* magazine, August 2020
- ◆ *Rural Development - Groundwater Issues and Agricultural Districts*, Panelist, Advanced Real Estate Strategies, TexasBarCLE 13th Annual Course, December 2019
- ◆ *2019 Public Finance Handbook for Texas Counties*, Co-Author (with David Méndez), Published by the Texas Association of Counties (TAC)
- ◆ *Municipal Green Bond Financing*, International Municipal Lawyers Association 84th Annual Conference, September 2019
- ◆ Green Bonds and Local Infrastructure Projects, *Thomson Reuters Practical Law, State & Local Practice Notes*, July 2019
- ◆ *Alexa, Please State Your Name for the Record*, Presenter (with Kelli Fuqua), TCAA Summer Conference (June 2019)
- ◆ *Financing Analysis and Requirements for Economic Development Projects*, UT CLE Land Use Conference (April 2019)
- ◆ *Green Bonds*, Presenter, Bond Buyer's Texas Public Finance Conference (February 2019)
- ◆ Using Green Bonds to Finance Your Next Water Infrastructure Project, *Confluence* magazine (Fall/Winter 2018 issue)

## **Organizations & Involvement**

- ◆ Council of Development Finance Agencies
- ◆ National Association of Bond Lawyers
- ◆ Texas Affiliation of Affordable Housing Providers
- ◆ Texas Housing Association
- ◆ Texas Municipal League



LLOYD GOSSELINK ROCHELLE AND TOWNSEND, P.C.'S  
PROPOSAL FOR GENERAL COUNSEL SERVICES FOR THE  
WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY

MAY 30, 2024

Point of Contact: Lauren Kalisek | [lkalisek@lglawfirm.com](mailto:lkalisek@lglawfirm.com) | (512) 322-5847



## INTRODUCTION

Lloyd, Gosselink Rochelle & Townsend, PC (Lloyd Gosselink or the Firm) is pleased to provide this response to the West Travis County Public Utility Agency's (WTCPUA or Agency) Request for Proposal for General Counsel Services (Response). We are grateful to have served as general counsel to the WTCPUA since its creation in 2011, and we appreciate this opportunity to highlight our qualifications for the continuing work ahead.

This Response focuses on the current Lloyd Gosselink attorney team supporting the WTCPUA:

- Lauren Kalisek (General Counsel), Principal Attorney, Firm Managing Director (since 2017), Districts Practice Group Chair, practicing for more than 25 years, and Principal in charge of WTCPUA representation
- Kathryn Bibby (General Counsel), Associate Attorney practicing for almost four years, 2024 Firm Associate Representative, and a member of the Districts and Water Practice Groups
- James Parker (Litigation), Principal Attorney practicing for over 20 years and member of the Litigation Practice Group
- Sarah Glaser (Employment) Principal Attorney practicing for over 12 years, Chair of Employment Law Practice Group.

Other members of our Firm are available to provide support to this core group as identified later in this Response.

The WTCPUA is an important client to our Firm as evidenced by this team. With over 60 plus years of combined experience, our team members are leaders in their fields and within our Firm, and we are vested in the success of the WTCPUA.

We propose to continue our work for the WTCPUA at our current rates which provide significant value to the Agency in today's market. We are able to provide these discounted rates in recognition of (i) our long-standing relationship with the WTCPUA, (ii) the amount of day to day work required to support the WTCPUA; and (iii) the fact that our services are ultimately paid for by WTCPUA ratepayers.

## A. ORGANIZATION, SIZE, STRUCTURE AND AREAS OF PRACTICE

- I. A cover sheet to include the complete legal name of the firm, the location of the office that will have responsibility for the service to be provided, and the name, address, telephone, and email address of the primary authorized representative knowledgeable of the submittal.
- II. Describe the organization, date founded, and ownership of your firm.

### FIRM NAME & SIZE

Lloyd Gosselink Rochelle & Townsend, P.C. is a medium-sized law firm. We have 33 licensed attorneys. As a whole, the Firm has 71 employees.

### ORGANIZATION

Lloyd Gosselink is a professional corporation owned by shareholders who are practicing attorneys. There are no recent or proposed changes in management or ownership other than the successful retirement of our founding shareholders over the past seven years. We are organized into Practice Groups to provide the most capable and cost-effective representation possible. Our Practice Groups coordinate caseloads, share information on new developments in the law, and routinely discuss new matters to avoid conflicts of interest. Our ten Practice Groups include:

- Air and Waste;
- Appellate;
- Business Services;
- Compliance and Enforcement;
- Districts;
- Employment Law;
- Energy and Utility;
- Government Relations;
- Litigation; and
- Water

### LOCATION

We maintain an office in Austin, Texas to support our practice representing local government clients from across the State of Texas before relevant regulatory agencies, including the Public Utility Commission (“PUC”), the Texas Commission on Environmental Quality (“TCEQ”), the Texas Water Development Board (“TWDB”), the Railroad Commission (“RRC”), the State Office of Administrative Hearings (“SOAH”), the Office of the Attorney General (“OAG”), the Texas Legislature, and state executive offices. Our attorneys regularly travel throughout the state to attend client meetings and visit client sites as needed.

## FIRM OVERVIEW

Lloyd Gosselink was founded on March 15, 1984 by Robert “Robin” Lloyd (retired) and Paul Gosselink (retired) with a focus on representing local governments in environmental and energy/utility law. Since our founding, the Firm has used a team-oriented approach for the provision of excellent legal services that has attracted a talented group of attorneys committed to serving this important client base with backgrounds in regulatory agencies, state and federal courts, and private practice. We have been providing legal services to local governments for over forty (40) years.

In recent years, Lloyd Gosselink has successfully transitioned its practice to its next generation of leaders, including members of the WTCPUA team highlighted in this Response. Since opening in 1984, Lloyd Gosselink has become the preeminent law firm in Texas representing public entities in the areas of energy, utility, and water across the state, including cities, municipally owned utilities, river authorities, and other special districts and authorities. Our original core practices in environmental and energy/utility law have grown to include employment, litigation, and government relations to meet the needs of our clients, with a long history of serving public entities throughout Texas.

We have been recognized for our expertise across our practice areas as well as the culture that embodies our day-to-day work. Most recently, in 2024, Best Lawyers ranked our practices in the top two tiers of its “Best Law Firms,” for Energy, Water, Administrative/Regulatory, Employment (Management), and Litigation (Labor & Employment). Our attorneys have consistently been rated as Best Lawyers and Super Lawyers, reflecting the depth of experience on our team. To that end, in 2024, six Lloyd Gosselink attorneys were named as Best Lawyers, and two were named as Super Lawyers’ Rising Stars in 2024. We take pride in our firm culture as well, striving to be a place where clients see a team that collaborates effectively to solve important problems.



**OWNERSHIP**

Below is a copy of the Firm’s Form 1295 listing top shareholders. The Firm has a total of thirteen shareholders who all participate in the management and administration of the Firm.

**LLOYD GOSSELINK ROCHELLE & TOWNSEND, P.C. FORM 1295**

<b>CERTIFICATE OF INTERESTED PARTIES</b>		<b>FORM 1295</b>		
		1 of 1		
<small>Complete Nos. 1 - 4 and 6 if there are interested parties.            Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.</small>		<b>OFFICE USE ONLY CERTIFICATION OF FILING</b>		
<b>1 Name of business entity filing form, and the city, state and country of the business entity's place of business.</b> Lloyd Gosselink Rochelle & Townsend PC Austin, TX United States		Certificate Number: 2024-1153515  Date Filed: 04/29/2024  Date Acknowledged:		
<b>2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.</b> City of New Fairview				
<b>3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.</b> 2024-04-29 Legal Services				
4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	Kaisek, Lauren	Austin, TX United States	X	
	Brocato, Thomas	Austin, TX United States	X	
	Gershon, Mike	Austin, TX United States	X	
	Norton, Duncan	Austin, TX United States	X	
	Embry, Ty	Austin, TX United States	X	
<b>5 Check only if there is NO interested Party.</b> <input type="checkbox"/>				
<b>6 UNSWORN DECLARATION</b>  My name is _____ and my date of birth is _____  My address is _____ <small>(street) (city) (state) (zip code) (country)</small>  I declare under penalty of perjury that the foregoing is true and correct.  Executed in _____ County, State of _____ on the _____ day of _____, 20____. <small>(month) (year)</small>  <div style="text-align: center; border-top: 1px solid black; width: 80%; margin: 0 auto;">             _____  <small>Signature of authorized agent of contracting business entity (Declarant)</small> </div>				

### III. Details on the qualifications of the firm, including documentation of the firm’s experience with similar work as listed in Items 3a-l in the Scope of Services.

Our services for the WTCPUA draw from our Districts, Water, Employment, and Litigation Practice Groups discussed below. We describe these groups below along with example representations and projects relevant to the specific lawyers identified in this Response.

#### DISTRICTS PRACTICE GROUP

Our Districts Practice Group focuses on the use of conservation and reclamation districts and other special law districts and authorities to assist our clients with their water infrastructure planning and delivery of utility services. Such entities include:

- Water control and improvement districts
- Municipal utility districts;
- Fresh water supply districts; and
- other special law districts and public utility agencies.

Attorneys in the Districts Practice Group provide expertise in:

- Entity creation, organization, and administration
- Contract negotiations and drafting
- Infrastructure financing
- Competitive bidding requirements
- Certificates of Convenience and Necessity or other service area disputes
- Texas Commission on Environmental Quality regulations for developer reimbursement
- Setting tax rates
- Adoption of impact fees, standby fees, and utility rates
- Open meetings and open records laws
- Governmental tort claims and immunity
- Acquisition, sale, and leasing of real and personal property
- Governmental licenses and easements
- Legislative counseling and local bills

District Practice Group attorneys serve as general and special counsel to water-related entities throughout the State of Texas. Our attorneys routinely represent clients before the TCEQ, the TWDB, the PUC, and the Texas Legislature.

#### WATER PRACTICE GROUP

While our Districts Practice Group focuses on general counsel support to local governmental entities providing water and wastewater services, our Water Practice Group also focuses on the technical and regulatory aspects of state water resources. Our Firm comprises the largest group

of water lawyers in Texas, with a distinct reputation for handling the most complex and challenging water issues facing our great State.

In addition to the state agencies listed above, our lawyers routinely represent clients before the U.S. Environmental Protection Agency, U.S. Fish & Wildlife Service, U.S. Army Corps of Engineers, in state and federal courts, and before the Texas Legislature, in a variety of matters, including:

- Complex regional water supply and water quality projects, from planning and permitting to construction
- Surface water, groundwater, wastewater, and reclaimed water permitting and enforcement
- Administrative and judicial conflict resolution of complex water supply and water quality matters
- Clean Water Act, Safe Drinking Water Act, National Environmental Policy Act, and Endangered Species Act issues counseling

Water Practice Group attorneys contribute to the development of legislative and regulatory processes and protocol, to ensure our clients' priorities and needs are met. We work proactively to represent the best interests of clients in legislative and regulatory processes by:

- Creating and maintaining relationships with state officials crucial to the development of sound water policies and effective water programs
- Actively participating in legislative and regulatory water policy work groups
- Testifying and assisting our clients in testifying before legislative committees and regulatory bodies
- Monitoring and tracking emerging policy issues, including legislation, rules and regulations
- Serving on agency committees charged with developing and implementing water policies, guidance and rules

## LITIGATION PRACTICE GROUP

Lloyd Gosselink's Litigation Practice Group has decades of experience advocating for public sector clients in Texas. We have litigated unique and challenging cases on our clients' behalf in state and federal courts throughout the state.

We're an essential part of our clients' teams, seeking creative solutions and balancing results with value. The pre-litigation process—either allowing a client to avoid litigation altogether or positioning the client for success once the matter becomes a formal dispute—is a key part of our approach. We excel in alternative dispute resolution processes (mediation, arbitration, med-arb and other ADR mechanisms).

Our Litigation Practice Group has experience in a variety of areas including:

- Public entity legal issues, such as immunity, preemption, and statutory scopes of authority
- Complex commercial, transactional and contract disputes
- Bond validation suits

- Environmental litigation
- Business torts litigation
- Employment litigation
- Real estate and land development controversies
- Construction and construction-related disputes
- Fiduciary, partnership and corporate liability claims

Our clients enjoy the unique advantage of our trial attorneys working closely with the attorneys in our other practice groups. Combining our experience in the courtroom with our attorneys' experience and knowledge in the other practice areas allows us to serve as aggressive, effective advocates and use a team approach to resolve oftentimes highly technical and publicly sensitive disagreements more discreetly and cost-effectively.

### EMPLOYMENT LAW PRACTICE GROUP

The employer-employee relationship is among the most regulated in the country. Our Labor and Employment Law Practice Group provides:

- Straightforward, common sense advice on navigating the complexities of employment laws
- Prompt response to employee complaints
- Quality, useful training in an accessible and entertaining format
- Serious representation in the face of claims

We understand and appreciate the real-world business needs of our clients when helping them work through employment-related issues. If a matter ends up in court, we work closely with the Litigation Practice Group to ensure thorough and effective representation.

Our attorneys regularly represent clients before government agencies such as the Equal Employment Opportunity Commission, the Texas Commission on Human Rights, the Department of Labor's Wage and Hour Division, the Office of Federal Contract Compliance Programs, the National Labor Relations Board, the Occupational/Mining Safety and Health Administrations, the Texas Workforce Commission, arbitrators, local civil service commissions and state and federal courts.

Our Employment Law team assists public and private employers in all aspects of state and federal employment law, including:

- Discrimination and harassment
- Wage and hour
- Labor relations
- Leave and disability
- Whistleblower
- Workers' Comp retaliation
- Employment and severance agreements
- Hiring, discipline and termination

To ensure our clients' successful compliance with employment laws, we:

- Advise employers on hiring and performance management issues
- Plan and assess business decisions affecting personnel
- Understand public employers' special compliance challenges
- Audit human resources and practices for legal compliance
- Review wage classification and pay policies and practices for wage and hour compliance
- Draft and review personnel policies, forms, and employment contracts
- Conduct internal investigations
- Defend employers in audits, investigations, administrative proceedings, and litigation
- Investigate and negotiate demands
- Conduct training on employment law, workplace harassment, litigation avoidance, ethics, and best management practices
- Prepare opinion letters and position statements
- Negotiate at mediations and conciliation

### **Examples of Similar Work**

**North Texas Municipal Water District (NTMWD)** — Regional water district in North Texas comprised of thirteen member cities including Plano, McKinney, Frisco, Richardson, Wylie and surrounding communities providing water, wastewater, and solid waste services to over 2 million customers.

- Ms. Kalisek has served as special counsel to NTMWD for over ten years. Her work has included the successful settlement of a significant member city contract dispute that allowed for the completion of financing for the first reservoir constructed in Texas for many decades, Bois d' Arc Lake. Bois d' Arc Lake is expected to provide a firm yield of 82 million gallons per day of raw water supply for the fast growing region and was constructed at a cost of over \$1.6 billion. More recently, she has supported NTMWD's efforts to revise and update its customer contract wholesale rate. In addition to such special projects, Ms. Kalisek's day to day work for NTMWD includes support of District Board and Committee meetings and counsel on open government laws and ethics.
- Ms. Glaser provides support to NTMWD on personnel matters including updates to NTMWD's Personnel Policy, counsel on individual personnel issues, and defense of employment discrimination claims.
- Mr. de la Fuente and Mr. Parker have provided counsel on and represented NTMWD before state courts on administrative agency appeals as needed.

**Coalition of Central Texas Utilities** – Ms. Kalisek and her team created and served as general counsel to the local government corporation formed by over 25 local governmental entities that participated in a public bid process competing with private investors for acquisition of the Lower Colorado River Authority's (LCRA) portfolio of retail water and wastewater systems culminating in successful acquisition of systems by Coalition members. The Coalition's work led to the ability of the WTCPUA to acquire its water and wastewater systems from the LCRA.

**West Travis County Public Utility Agency –**

- Ms. Kalisek and other Firm attorneys have provided general counsel services to the WTCPUA since the agency's creation in 2011. Highlights include:
  - Ms. Kalisek's successful negotiation of the LCRA purchase agreement and help in leading the WTCPUA team to secure the WTCPUA's first bond issue at the time of its creation
  - The transition and assumption of over 150 developer agreements and wholesale contracts and over 300 real property interests
  - Close out of the LCRA Purchase agreement and completion of the systems transfer
  - Implementation of creative and successful rules and policies that address WTCPUA's specific needs regarding service level commitments, impact fees, USFWS MOU compliance and related matters.
  - Successful defense of wholesale rates at the PUC
  - Development of a clear service extension request process and support of project administration and close-out
  - More recently, Ms. Kalisek's work has focused on support for the WTCPUA's ongoing operations. Please see the enclosed project list for description of current work (**Attachment A**).
- Ms. Glaser provides support to the WTCPUA on personnel matters including updates to WTCPUA's Personnel Policy and counsel on individual personnel issues.
- Mr. de la Fuente and Mr. Parker have provided counsel on and represented WTCPUA on litigation matters involving contract disputes with developers.

**Upper Trinity Regional Water District (UTRWD)** — Regional water district in Denton and surrounding counties providing wholesale water and wastewater and solid waste services to over 20 member cities, customers, towns and utilities. UTRWD owns and operates 4 regional wastewater treatment plants.

- Ms. Kalisek serves as special counsel to UTRWD on regulatory matters including reuse, water quality, and TPDES permitting.

**Angelina Neches River Authority (ANRA)**— River Authority located in Angelina and Neches River Basins.

- Ms. Kalisek has assisted ANRA with several recent retail system acquisitions.

## B. ATTORNEY QUALIFICATIONS

### I. Identify the size of the firm's staff commitment and the credentials of key personnel.

The following 9 attorneys make up our proposed attorney team for the WTCPUA and can be available as needed. With respect to individual availability and minimum notice required to guarantee availability, each of these attorneys prides themselves and makes the effort to be immediately responsive and available for in-person or virtual meetings and calls with reasonable notice.

#### LEAD PRINCIPALS

Lauren Kalisek | [lkalisek@lglawfirm.com](mailto:lkalisek@lglawfirm.com) | (512) 322-5847 | Overall Representation and General Counsel Services, Water and Wastewater Utility Matters

James Parker | [jparker@lglawfirm.com](mailto:jparker@lglawfirm.com) | (512) 322-5881 | Litigation

Sarah Glaser | [sglaser@lglawfirm.com](mailto:sglaser@lglawfirm.com) | (512) 322-5857 | Employment

#### SUPPORTING PRINCIPALS

José de la Fuente | [jdelafuente@lglawfirm.com](mailto:jdelafuente@lglawfirm.com) | (512) 322-5849 | Support for James Parker

Gabrielle Smith | [gsmith@lglawfirm.com](mailto:gsmith@lglawfirm.com) | (512) 322-5820 | Support for James Parker

Laura Ingram | [lingram@lglawfirm.com](mailto:lingram@lglawfirm.com) | (512) 322-5848 | Support for Sarah Glaser

#### ASSOCIATES

Kathryn Bibby | [kbibby@lglawfirm.com](mailto:kbibby@lglawfirm.com) | (512) 322-5839 | Support for Lauren Kalisek

Sydney Sadler | [ssadler@lglawfirm.com](mailto:ssadler@lglawfirm.com) | (512) 322-5856 | Support for James Parker

Michelle White | [mwhite@lglawfirm.com](mailto:mwhite@lglawfirm.com) | (512) 322-5821 | Support for Sarah Glaser

All attorneys are located at our office in Austin, TX:

816 Congress Avenue, Suite 1900  
Austin, Texas 78701

- II. A resume of key personnel who will be assigned to handle this contract. “Lead” (primary) and “backup” (alternate) personnel shall be clearly identified. Include any professional designations and affiliations, certifications, and Texas State Bar license numbers.

See resumes included on the following pages.

## LAUREN J. KALISEK – DISTRICTS PRACTICE GROUP CHAIR

Role: Lead – General Counsel | [lkalisek@lglawfirm.com](mailto:lkalisek@lglawfirm.com) | (512) 322-5847

Texas State Bar Number: 00794063



**L** Lauren is the Firm's Managing Director and leads our Districts Practice Group. She has practiced for more than 20 years in Texas water utility and water quality law and provides counsel to cities, river authorities, water districts, and other local governmental organizations.

In addition to her water quality expertise, Lauren has focused much of her practice in recent years on organizational governance of public water utilities, including the duties and roles of board members, conflicts of interest, compliance with open government requirements, and drafting bylaws, rules and policies. In addition, she is author of the West Texas Practice Series Environmental Law Chapter on Water Quality and has served as a speaker on the topic of water quality and Texas' regulation of water utilities at numerous conferences.

**PRACTICE AREAS:** Districts, Water

### EMPLOYMENT HISTORY

- Principal | Lloyd Gosselink Rochelle & Townsend, P.C. | 1995 - Present · 29 yrs 2 mos

### REPRESENTATIVE EXPERIENCE

- General counsel to regional water authorities, water control & improvement districts, and municipal utility districts throughout the State of Texas
- Development of rules and policies regarding operations, administration, service rules and related matters for water utilities
- Special counsel on water quality matters for river authorities, cities, and other retail public utilities throughout the State of Texas
- Prosecution of TPDES applications for publicly owned treatment works with the Texas Commission on Environmental Quality (TCEQ) including contested case hearings held at the State Office of Administrative Hearings (SOAH)
- Appeal of federalized Texas Pollutant Discharge Elimination System (TPDES) permit to the United States Environmental Appeals Board on issue of whole effluent toxicity
- Creation and organization of water districts
- Negotiation and drafting of wholesale water and wastewater supply contracts, developer reimbursement agreements, shared capacity agreements for water and wastewater facilities, and reclaimed water contracts
- Negotiation of purchase and sale of regional water and wastewater systems by local governmental entities

## PUBLICATIONS AND PRESENTATIONS

- Speaker, "Using Ethics As a Guide in Challenging Times," Texas Water Conservation Association Fall Conference, 2020
- Speaker, "PUC Rate Case Panel: Emerging Trends," Texas Water Conservation Association Fall Conference, October, 2018
- Speaker, "Communicating Public Value: Emerging Best Practices in Public Water Administration and Governance," Texas Water Conservation Association Fall Conference, October, 2016.
- Author, "Finding the High Ground in the Clean Water Rule," Texas Lawyer, July 27, 2015.
- Speaker, "Empowering Innovation: The Role of Clean Water Lawyers in Advancing the Utility of the Future," National Association of Clean Water Agencies, National Clean Water Law Seminar, Henderson, Nevada, November, 2015.
- Author, "Surface Water Quality," Chapter, Vol. 45 Texas Practice, Environmental Law (West 2013-present).
- Speaker, "Federal Water Quality Enforcement and Integrated Planning," Texas Water Conservation Association Annual Conference, The Woodlands, Texas, March, 5, 2014.

## PROFESSIONAL LICENSES AND EDUCATION

- Admitted to State Bar of Texas (1995)
- J.D., University of Texas School of Law (1995)
- B.A., University of Texas at Austin (1992)

## PROFESSIONAL ASSOCIATIONS AND MEMBERSHIPS

- Texas Water Conservation Association, Board Member (2019-2022)
- Associate of Water Board Directors, Advisory Council Member, Law and Advocacy Membership Group Leader
- Travis County Women Lawyers' Association
- Travis County Bar Association
- Austin Bar Association, Equity Committee 2020-2021
- State Bar of Texas, Environmental Natural Resources Law Section

## AWARDS & HONORS

- The Best Lawyers in America Administrative/Regulatory Law - Districts 2021-2024
- Travis County Women Lawyers' Association Attorney Award - Advancement of Womens' Interests 2017

## JAMES F. PARKER – LITIGATION PRACTICE GROUP PRINCIPAL

Role: Lead – Litigation | [jparker@lglawfirm.com](mailto:jparker@lglawfirm.com) | (512) 322-5881

Texas State Bar Number: 24027591



**F**or more than two decades, James has represented clients in complex litigation and appeals that affect not just the parties, but have broad public consequences.

As an experienced litigator, James listens closely to his clients in order to quickly learn the details of their businesses, disputes, and needs. But it's not enough that he knows the details—he has to explain those details in terms the judge and jury will understand. At the same time, James' clients trust him to translate the litigation process into recommendations on which they can act. James has been his clients' explainer/translator in

courts across the country.

But James does not focus solely on the courthouse, James recognizes that a client's needs are often best pursued through negotiation, conciliation, and mediation. So James' early involvement will often result in litigation not being undertaken at all.

And when litigation can't be avoided, James recognizes that litigation is often decided before suit is filed. Accordingly, James and his team often get involved in a dispute at the earliest possible time. When that happens, James and his team can identify potential witnesses, develop possible claims against the opposing party, and identify the most favorable venue in which to bring suit. With early involvement of a trusted litigator, a party can ensure that it can enter litigation in the best possible location and on the best possible footing.

When litigation is necessary, James has the experience to take the case from its very beginning to its ultimate conclusion. James and his team have tried numerous cases to judges and juries, obtaining favorable outcomes from both. In addition, James has argued cases in the state and federal appeals courts, obtaining favorable decisions for clients at the appellate level.

**PRACTICE AREAS:** Litigation, Appellate, Business Services, Employment Law

### EMPLOYMENT HISTORY:

- Principal | Lloyd Gosselink Rochelle & Townsend, P.C. | Mar 2015 - Present· 9 yrs
- Senior Associate | Kurzner PC | 2007 - Feb 2015· 8 yrs 2 mos
- Associate | Godwin Lewis PC | 2005 - 2007· 2 yrs
- Associate | Bracewell LLP | 2000 - 2005· 5 yrs

## REPRESENTATIVE EXPERIENCE:

- Represents clients in litigation over complicated water conveyances and property rights for river authorities, groundwater conservation districts, and municipal water districts
- Represents clients in litigation and administrative proceedings involving contracts, permitting, and federal civil rights claims for cities and other governmental entities
- Represents clients in contract and tort claims, including allegations of fraud and misrepresentation, tortious interference with a contract, and personal injury in cases involving private industries –from electric utilities to oil & gas to telecommunications to specialized manufacturing
- Represents public and private employers in employment litigation and pre-litigation administrative proceedings, including wage-hour disputes, discrimination and harassment claims, enforcement of covenants not compete, and ERISA actions

## REPRESENTATIVE JUDGMENTS

- *B v. Steak N Shake Operations*, No. 380-02686-2012 (380th Dist. Ct., Collin County, Tex. July 20, 2012)(obtained defense summary judgment on allegations of workplace harassment and assault).
- *Verizon Employee Benefits Committee v. Felton*, Civil Action No. 3:05-CV-0971-P in the United States District Court for the Northern District of Texas (obtained summary judgment for the pension plan in ERISA overpayment recovery case)
- *FedEx National LTL, Inc. v. Smith Protective Services, Inc.*, Cause No. 08-13718 in the District Court for the 95th Judicial District, Dallas County, Texas (obtained judgment in favor of plaintiff on breach of security contract claim)

## REPRESENTATIVE APPELLATE CASES

- *Chambers-Liberty Counties Navigation District v. State*, 575 S.W.3d 339 (Tex. 2019)
- *City of Waco v. Citizens to Save Lake Waco*, No. 10-17-00202-CV, 2019 WL 3047205 (Tex. App.—Waco Jul. 10, 2019, no pet.)
- *W. Travis Cty. Pub. Util. Agency v. Travis Cty. Mun. Util. Dist.* No. 12, 537 S.W.3d 549 (Tex. App.—Austin 2017, pet. denied)

## PROFESSIONAL LICENSES AND EDUCATION

- Admitted to State Bar of Texas (2000)
- J.D., Southern Methodist University Dedman School of Law (2000)
- B.A., Government, The University of Texas at Austin (1997)

## PROFESSIONAL ASSOCIATIONS AND MEMBERSHIPS

- State Bar of Texas
- Admitted to U.S. District Courts for Western, Northern, Southern, and Eastern Districts of Texas
- U.S. Courts of Appeals for the Fifth and District of Columbia Circuits

## AWARDS & HONORS

- The Best Lawyers in Appellate Practice - 2024

## SARAH T. GLASER – EMPLOYMENT LAW PRACTICE GROUP CHAIR

Role: Lead – Employment | [sglaser@lglawfirm.com](mailto:sglaser@lglawfirm.com) | (512) 322-5857

Texas State Bar Number: 24079482



**S**arah is an employment attorney who helps employers navigate compliance with federal, state, and local employment laws. She works directly with her clients in hiring, leave programs, performance counseling, workplace safety, and the many issues that arise after termination. Sarah advises her clients with the goal of providing efficient, cost-effective representation rooted in an understanding of the business. When a strong defense is necessary, Sarah represents clients in front of federal and state courts and administrative agencies, such as the EEOC, TWC, and DOL. Sarah has been named a Texas Super Lawyers Rising Star in the area of Employment

Litigation: Defense and a Top Austin Attorney by Austin Monthly Magazine in Labor and Employment for several years running.

**PRACTICE AREAS:** Employment law, Litigation

### EMPLOYMENT HISTORY

- Lloyd Gosselink Rochelle & Townsend, P.C. | Mar 2019 - Present · 5 yrs
  - Chair of Employment Law Practice Group | January 2023 – Present
  - Principal | January 2022 – Present
  - Associate | March 2019 - December 2021
- Attorney | Welter Law Firm, P.C. | Nov 2011 - Nov 2013 · 2 yrs 1 mo · 5 yrs 4 mos
- Associate | Fridge & Resendez, LLC | 2000 - 2005 · 2 yrs 1 mo

### REPRESENTATIVE EXPERIENCE:

- Counseling employers on the myriad of issues that might arise during employment, including hiring, firing, administration of leave, and FMLA and ADA compliance
- Reviewing and revising employment handbooks, internal procedures, and employment agreements (including employment agreements, confidentiality agreements, non-compete agreements, etc.)
- Conducting training for management and staff on important compliance issues
- Developing workplace safety programs
- Investigating and submitting position statements on behalf of employers for submission to federal and state agencies like the EEOC and the Texas Workforce Commission
- Defending employers in employment litigation and appeals
- Conducting workplace investigations, including ethics violations and complaints of harassment and discrimination

## PUBLICATIONS AND PRESENTATIONS

- “Employment Law Update” Presentation at Big Country SHRM, September 2022
- “Dos and Don’ts of Hiring” Presented at Texas Workforce Commission San Marcos Conference for Employers, September 2022
- “Navigating The Price of Talent Acquisition and The Potential For an Impending Train Wreck” Panel Presentation at Texas Association of Business/Texas SHRM Texas Employment Relations Symposium, August 2022
- “Pandemic Lessons Learned” Presentation at Equal Employment Opportunity Commission Virtual Webinar, July 2022
- “Employment Law Update” Presentation and Paper at Texas Bar CLE Advanced Government Law CLE, July 2022
- “Employment Law Update” Presentation and Paper at Texas City Attorneys Association Annual Conference, June 2022
- “Dos and Don’ts of Hiring” Presented at Texas Workforce Commission Laredo Conference for Employers, June 2022
- “Dos and Don’ts of Hiring” Presented at Texas Workforce Commission Austin/Virtual Conference for Employers, February 2022
- "Top Ten Employment Law Updates for 2021," Presented to the Williamson County SHRM, 2021
- "Top Ten Employment Law Updates for 2021," Presented to the South Texas SHRM, 2021
- “Updating Your Policies to Reflect Your Organization's Culture and the Law,” Presented to the Texas Municipal Human Resources Association (TMHRA), 2019
- “10 Words Every Lawyer Should Know,” Moderated Panel for Travis County Women Lawyers' Association, 2018
- “Best Practices for Managing Employees with Mental Illness,” Presented to the Austin Human Resources Association, 2018

## PROFESSIONAL LICENSES AND EDUCATION

- Admitted to the State Bar of Texas (2011)
- Admitted to U.S. District Court for the Western, Northern, Southern, and Eastern Districts of Texas
- J.D., University of Texas School of Law (2011)
- B.A., Washington University in Saint Louis (2008)

## PROFESSIONAL ASSOCIATIONS AND MEMBERSHIPS

- Texas Society of Human Resource Management (Texas SHRM)
  - Texas State Council, Co-Director, Legal and Legislative 2022 – Present
- Austin Society of Human Resource Management (Austin SHRM)
  - Board of Directors, Vice President, Legal and Legislative 2019-Present
- Travis County Women Lawyers' Foundation
  - Board of Directors 2018-Present
  - Chair 2020-2021

- Fellow 2016-Present
- Travis County Women Lawyers' Association
  - Board of Directors 2016-Present
  - President 2019-2020
- State Bar of Texas
  - Labor and Employment Section
- Austin Young Lawyers' Association
  - Austin Bar Association/Austin Young Lawyers Association Leadership Academy Class of 2018

## AWARDS & HONORS

- Texas Super Lawyers Rising Star Employment Litigation: Defense 2019-2024
- Top Austin Attorney, Austin Monthly Magazine, Labor & Employment 2020-2023

## JOSÉ DE LA FUENTE – LITIGATION PRACTICE GROUP CHAIR

Roles: Backup | [jdelafuente@lglawfirm.com](mailto:jdelafuente@lglawfirm.com) | (512) 322-5849

Texas State Bar Number: 00793605



**J**oe is an aggressive advocate who loves fighting on behalf of Texans and the entities that represent them in all corners of the State. Joe is comfortable in any courtroom, state or Federal, trial or appellate. As the chair of the firm’s Litigation Practice Group and as a member of a skilled and efficient team, Joe uses his knowledge of his clients and the law, along with his skills as a seasoned advocate, to help clients both avoid disputes through pre-litigation counseling and resolve disputes through negotiation, mediation, arbitration, trial, and appeals. Joe knows that his first role with any client is that of trusted advisor. The cases that Joe handles are often complex, unique, or unusual, often involving novel questions of law, the scope of governmental authority and immunity, and broad questions of public policy. These matters frequently have hundreds of millions or even billions of dollars at stake, with implications for people throughout the State of Texas.

**PRACTICE AREAS:** Litigation, Alternative Dispute Resolution, Business Services, Compliance and Enforcement

### EMPLOYMENT HISTORY

- Principal, Chair of Litigation, Appellate, and Business Services Practice Groups  
Lloyd Gosselink Rochelle & Townsend, P.C. | Sep 2005 - Present · 18 yrs 6 mos
- Attorney | Schaffer Law Firm, P.C. | Apr 2004 - Sep 2005 · 1 yr 6 mos
- Associate | Haynes and Boone, LLP | Sep 1995 - Mar 2004 · 8 yrs 7 mos

### REPRESENTATIVE EXPERIENCE

- Presently representing a governmental entity in a matter pending before the Supreme Court of Texas involving issues of governmental immunity with respect to environmental contamination claims
- Presently representing a governmental entity in a matter pending before the Supreme Court of Texas involving questions of immunity arising from contract for wastewater treatment services
- Presently representing a river authority in defense of takings suits arising from the flooding caused by Hurricane Harvey in trial courts and courts of appeal
- Presently representing a local government entity in defense of a taking-by-flood case
- Presently representing local government entities in multidistrict litigation in defense of claims arising from the impacts of Winter Storm Uri on the Texas electric market
- Represented a local government entity in defense of a taking-by-flood case at trial, appeal, before the Supreme Court of Texas, and on remand to the trial court

- Represented a local government entity in defense of claims involving disputed rights and interests in groundwater, resolving the case by agreement
- Represented and provided advice to several local government entities in managing construction contracts and potential disputes
- Represented numerous local government entities in Chapter 1205 bond validation suits, obtaining validation of hundreds of millions of dollars in public financing, including extensive work with the Attorney General of the State of Texas to reach appropriate final declaratory judgments
- Represented a river authority in multi-forum litigation involving a long-term water contract in both trial and appellate courts, successfully resolving the case by agreement
- Represented a public utility in several contract disputes in district court, successfully resolved by agreement
- Represented municipal electric utility in contract dispute with energy provider, case resolved by agreement
- Represented municipal and electric cooperative wholesale electric customers in contract litigation with their wholesale electric provider, with all cases resolved by agreement
- Represented a municipality in successful defense against a bond validation lawsuit involving issues of permissible water and wastewater services
- Represented public entities in successful challenge of bond validation lawsuit relating to the issue of water rights, including dismissal of suit at trial court and successful defense of result at the Court of Appeals
- Representing a municipality in successful contest of a bond validation lawsuit, with over \$1.5 billion at issue
- Negotiating and drafting complex indemnity and risk-sharing agreements
- Successful jury trials of insurance premium fraud cases

## REPRESENTATIVE APPELLATE CASES

- *San Jacinto River Auth. v. Gonzalez*, 657 S.W.3d 713, 716 (Tex. App.—Houston [14th Dist.] 2022, no pet.)
- *City of Ames v. City of Liberty*, No. 09-22-00092-CV, 2023 WL 2180967 (Tex. App.—Beaumont Feb. 23, 2023, no pet. h.)
- *Weatherford Int'l, LLC v. City of Midland*, 652 S.W.3d 905, 907 (905 (Tex. App.—Eastland 2022, pet. filed)
- *City of Schertz v. Tex. Comm'n on Env't Quality*, 653 S.W.3d 468, 470 (Tex. App.—Amarillo 2022, no pet.)
- *Travis Cnty.Pub. Util. Agency v. Weekley Homes LLC*, No. 07-21-00094-CV, 2022 WL 1052283 (Tex. App.—Amarillo Apr. 7, 2022, no pet.)
- *City of Georgetown v. Putnam*, 646 S.W.3d 61, 65 (Tex. App.—El Paso 2022, pet. denied, Mar. 10 2023)
- *City of El Paso v. Ramirez*, 633 S.W.3d 246, 249 (Tex. App.—El Paso 2021, pet. denied, Jan. 27, 2023)

- *San Jacinto River Auth. v. Lewis*, 629 S.W.3d 768, 769 (Tex. App.—Houston [14th Dist.] 2021, no pet.)
- *San Jacinto River Auth. v. Guajardo*, No. 01-20-00662-CV, 2021 WL 1878337 (Tex. App. — Houston [1st Dist.] May 11, 2021)
- *Travis Cty. Pub. Util. Agency v. Travis Cty. Mun. Util. Dist. No. 12*, 357 S.W.3d 549 (Tex. App.—Austin 2017, pet. denied)
- *Chisholm Trail SUD Stakeholders Grp. v. Chisholm Trail Special Util. Dist.*, No. 03-16-00214-CV, 2017 WL 2062258 (Tex. App. May 11, 2017)
- *City of Dallas v. Sabine River Auth. of Texas*, No. 03-15-00371-CV, 2017 WL 2536882 (Tex. App. June 7, 2017)
- *City of Dallas v. Abney*, No. 09-16-00038-CV, 2016 WL 3197591 (Tex. App. June 9, 2016)
- *Guadalupe-Blanco River Auth. v. Texas Attorney Gen.*, No. 03-14-00393-CV, 2015 WL 868871 (Tex. App. Feb. 26, 2015)
- *Zachry Const. Corp. v. Port of Houston Auth. of Harris Cty.*, 449 S.W.3d 98 (Tex. 2014)
- *Lower Colorado River Auth. v. City of Boerne, Tex.*, 422 S.W.3d 60 (Tex. App. 2014)

## PROFESSIONAL LICENSES AND EDUCATION

- Admitted to State Bar of Texas (1995)
- Admitted to U.S. District Courts for Western, Eastern, Northern, and Southern Districts of Texas
- J.D., University of Texas (1995) (Associate Editor, *The Review of Litigation*; Teaching Quizmaster)
- B.A., Plan II Honors, University of Texas (1992)

## PROFESSIONAL ASSOCIATIONS AND MEMBERSHIPS

- State Bar of Texas
- Austin Bar Association; Past Chair, Construction Law Section
- American Inns of Court

## AWARDS & HONORS

- The Best Lawyers in Litigation – Environmental, 2024
- Fellow, Texas Bar Foundation
- Member, Robert W. Calvert American Inn of Court
- Recipient of 2010 IMLA Amicus Service Award

## GABRIELLE C. SMITH – LITIGATION PRACTICE GROUP PRINCIPAL

Role: Backup - Litigation | [gsmith@lglawfirm.com](mailto:gsmith@lglawfirm.com) | (512) 322-5820

Texas State Bar Number: 24093172



**G**abrielle represents clients in litigation matters in state and federal courts. She provides guidance to clients as they navigate through the steps of the process at both the trial and appellate levels. Gabrielle also has experience in alternative dispute resolution, exploring options through both pre-litigation and litigation routes. She works to determine assessment of risk, potential outcomes, and cost-efficient solutions.

Prior to joining the Firm, Gabrielle represented federal government employees in their discrimination complaints and appeals of adverse personnel actions before the Equal Employment Opportunity Commission and Merit Systems Protection Board. She has also represented Texas public school districts in the areas of employment law, student discipline, and school board governance.

**PRACTICE AREAS:** Litigation, Appellate, Business Services, Employment Law

### EMPLOYMENT HISTORY

- Lloyd Gosselink Rochelle & Townsend, P.C. | May 2019 – Present · 4 yrs 10 mos
- Principal. | Jan 2022 - Present · 2 yrs 2 mos
- Associate | May 2019 - Dec 2021 · 2 yrs 8 mos
- Senior Associate Attorney, Employment Litigation | The Devadoss Law Firm, P.L.L.C. | 2016 - 2019 · 3 yrs
- Associate Attorney, General School Law | Walsh, Gallegos, Trevino, Russo & Kyle, P.C. | 2014 - 2016 · 2 yrs

### REPRESENTATIVE EXPERIENCE

- Represents clients in complex litigation matters in state and federal courts
- Represents clients in judicial and administrative proceedings involving contract disputes, permitting, and federal civil rights claims for cities and other governmental entities
- Evaluates disputes to identify and develop possible litigation and non-litigation resolutions
- Represents clients in alternative dispute resolution
- Advises clients on litigation objectives and provides guidance on risk assessment in order to identify paths toward most favorable outcome
- Represented employees in administrative hearings before the Equal Employment Opportunity Commission for discrimination and retaliation claims under Title VII, ADA, GINA, Equal Pay Act, ADEA, and USERRA

## PROFESSIONAL LICENSES AND EDUCATION

- Admitted to U.S. District Court for the Northern, Western, Eastern, and Southern Districts of Texas
- Admitted to the State Bar of Texas
- J.D., The University of Texas School of Law
- B.B.A., Texas A&M University, Business Honors and Marketing

## PROFESSIONAL ASSOCIATIONS AND MEMBERSHIPS

- Travis County Women Lawyers' Association
- Board of Directors 2021-Present
- Austin Bar Association/Austin Young Lawyers Association Leadership Academy Class of 2020
- Austin Black Lawyers Association

## AWARDS & HONORS

- Fellow, Texas Bar Foundation
- Selected to the Texas Rising Star List, Thomson Reuters: 2022-2024

## LAURA C. INGRAM – EMPLOYMENT LAW PRACTICE GROUP PRINCIPAL

Role: Backup – Employment | [lingram@lglawfirm.com](mailto:lingram@lglawfirm.com) | (512) 322-5848

Texas State Bar Number: 24074469



**L**aura is a principal in the Firm’s Employment Law Practice Group. She draws upon over a decade of experience advising on employment law matters as well as several years focused on defense litigation. Laura started her legal career advising county government on employment law and other civil matters in Wichita County. After a few years, she made her way back down to Austin to work in private practice, advising and defending client interests in civil litigation matters. Laura then refocused her career on employment law and found her niche, serving in state government as Employment Counsel for the Texas Health and Human Services Commission and then as Deputy General Counsel (Employment Law) and Ethics Officer for the Texas Department of Agriculture.

Laura enjoys helping her clients navigate the complexities of employment law, providing them with timely and comprehensive guidance on a full spectrum of personnel issues. When consulting on any particular matter, Laura makes sure to gather all information necessary to properly assess the situation and understand her client’s concerns, so she can explain any legal risks and potential solutions in line with their risk tolerance. She tries to focus on claim prevention to the extent possible but will help her clients articulate the best defense when claims do arise. Ultimately, Laura’s client-centered approach, personal integrity, and thoughtful communication style helps promote the trust that is indispensable for client relationships when dealing with tough workplace issues.

**PRACTICE AREAS:** Employment Law, Districts, Litigation

### REPRESENTATIVE EXPERIENCE

- Advising and counseling public and private sector employers on personnel issues, decisions, and strategy
- Conducting workplace investigations, including general workplace misconduct, ethics violations, and complaints of harassment, discrimination, and retaliation
- Drafting and reviewing personnel policies, procedures, forms, and agreements
- Conducting training on employment law (including FMLA and ADA compliance), ethics, and good management practices
- Investigating and submitting position statements on behalf of employers for submission to federal and state agencies like the EEOC and the Texas Workforce Commission
- Defending employers in employment litigation and appeals

## PROFESSIONAL LICENSES AND EDUCATION

- Admitted to the State Bar of Texas (2010)
- Admitted to the U.S. District Court for the Northern District of Texas
- J.D., University of San Diego School of Law (2010)
- B.A., University of Texas (2007)

## PROFESSIONAL ASSOCIATIONS AND MEMBERSHIPS

- State Bar of Texas
  - Labor and Employment Section
- Austin Bar Association
  - Labor and Employment Section
- Travis County Women’s Lawyers Association

## KATHRYN B. BIBBY – DISTRICTS PRACTICE GROUP ASSOCIATE

Role: Backup – Districts | kbibby@lglawfirm.com | (512) 322-5839

Texas State Bar Number: 24120476



**A**s a member of the Water and Districts Practice Groups, Kathryn assists in the governance, organization, and operation of a variety of local government entities, including water districts and utilities. She also assists clients with regulatory compliance issues, including open meeting requirements and public information requests.

Kathryn received her B.A. in English and History from The University of Texas at Austin. After working as a legislative research associate for a political nonprofit, she left Texas to attend George Mason University Law School in Arlington, Virginia.

Prior to joining Lloyd Gosselink, Kathryn provided trademark, patent, and operational support for an Austin startup.

**PRACTICE AREAS:** Districts, Water

### REPRESENTATIVE EXPERIENCE

- Represents governmental entities such as water districts, municipalities, regional water authorities, water and wastewater utilities, and water supply corporations.
- Advises governmental entities with respect to governmental immunity, ethics, conflicts of interests, statutory scopes of authority, records retention, and Texas Open Meetings Act and Texas Public Information Act compliance.

### PROFESSIONAL LICENSES AND EDUCATION

- Admitted to the State Bar of Texas (2020)
- Admitted to the District of Columbia Bar (2020)
- J.D., George Mason University Law School (2019)
- B.A., The University of Texas at Austin (2015)

## SYDNEY P. SADLER – LITIGATION PRACTICE GROUP ASSOCIATE

Role: Backup – Litigation | [ssadler@lglawfirm.com](mailto:ssadler@lglawfirm.com) | (512) 322-5856

Texas State Bar Number: 24117905



**A**s a member of the Litigation Practice Group, Sydney represents clients in state and federal courts. She assists clients with matters relating to all aspects of litigation, from pre-trial resolution to the appeals process. Prior to joining Lloyd Gosselink, Sydney practiced business and commercial litigation in Dallas, Texas.

**PRACTICE AREAS:** Appellate, Business Services, Litigation

### PROFESSIONAL LICENSES AND EDUCATION

- Admitted to the State Bar of Texas (2020)
- Admitted to U.S. District Court for the Northern District of Texas
- J.D., cum laude, SMU Dedman School of Law (2020)
- B.S., Honors in Advanced Human Development, University of Texas at Austin (2014)

### PROFESSIONAL ASSOCIATIONS AND MEMBERSHIPS

- State Bar of Texas
- Austin Bar Association
- Austin Young Lawyers Association
- Travis County Women Lawyers' Association

### AWARDS & HONORS

- National Order of the Barristers
- Pro Bono Honor Roll, SMU Dedman School of Law, (2020)

## MICHELLE D. WHITE – EMPLOYMENT LAW PRACTICE GROUP ASSOCIATE

Role: Backup – Employment | [mwhite@lglawfirm.com](mailto:mwhite@lglawfirm.com) | (512) 322-5821

Texas State Bar Number: 24137290



**M**ichelle is a member of the Firm’s Employment Law Practice Group. Her practice focuses on advising employers in all aspects of employment law, auditing employment policies and practices for legal compliance, and conducting workplace investigations. Prior to law school, Michelle worked for 7 years in human resources, ultimately working as Director of Human Resources for a multi-state private employer. While in law school, Michelle clerked at Lloyd Gosselink with a primary focus on the Employment Law Practice Group.

**PRACTICE AREAS:** Employment Law, Litigation

### REPRESENTATIVE EXPERIENCE

- Counseling public and private sector employers on employment law issues, such as hiring, firing, administration of leave, and FMLA and ADA compliance
- Reviewing and revising employment handbooks, internal procedures, and employment agreements
- Conducting workplace investigations, including ethics violations and complaints of harassment and discrimination
- Auditing management practices, FLSA compliance, personnel forms, policies and procedures, and providing legal interpretations on employment-related matters
- Drafting and reviewing personnel policies, forms, and agreements

### PUBLICATIONS AND PRESENTATIONS

- “Disability, Pregnancy, and Religion: How to Be Accommodating,” The Lone Star Current, 2023
- “Episode Two – Employment Law Update,” Listen In with Lloyd Gosselink Podcast, Season 5, 2023
- “Employment Law Update” Paper at Texas Bar CLE Advanced Government Law CLE, August 2023

### PROFESSIONAL LICENSES AND EDUCATION

- Admitted to the State Bar of Texas
- J.D., Southern Methodist University Dedman School of Law
- B.B.A., University of Texas at Austin McCombs School of Business

### PROFESSIONAL ASSOCIATIONS AND MEMBERSHIPS

- Texas Bar Association

- Labor and Employment Law Section
- Administrative and Public Law Section
- Government Law Section
- Austin Bar Association

### **III. A statement of availability of key personnel including pertinent contact information.**

The lawyers identified in this section are available to work on WTCPUA matters. Please also see previous section for their contact information.

## C. METHODOLOGY AND APPROACH

### I. Describe the firm's approach to service delivery. Include a general overview of how the firm plans to fulfill service obligations.

The lawyers identified in this Response are available to assist the WTCPUA immediately. Ms. Kalisek and Ms. Bibby are available to attend Board meetings and assist with the day-to-day workload for the WTCPUA and project tracking. Ms. Glaser and her team on employment law matters and Mr. Parker and his team on litigation matters are available on an as needed project basis.

### II. Proposals must indicate a clear understanding of the scope of work, including a detailed project plan for this engagement outlining major tasks and responsibilities, time frames, and staff assigned for each category of the scope of work identified above.

General Counsel services for the WTCPUA require the daily availability of key points of contact, including the core team of Lauren Kalisek, Kathryn Bibby, and paralegal Natalie Marquez. This group maintains a written project list that is updated on a regular basis and is reviewed with the WTCPUA General Manager and Controller once a month. Specific tasks, responsibilities and timeframes are discussed at these project meetings. Assistance from the Employment Law Practice Group or the Litigation Practice Group is based on project needs. Please see **Attachment A** for an example project list. Our team members have routinely worked after hours and on weekends when a project requires timely attention, and we propose to continue this approach of being available to successfully move WTPUA projects forward.

### III. Specify what unique characteristics set the firm apart from others who perform the same or similar functions.

What is unique about Lloyd Gosselink is the depth of our practice in the areas of local government/natural resources law. We have over thirty attorneys in our firm skilled in these areas with a state-wide practice that brings to bear a range and depth of expertise from which we can draw to serve the WTCPUA's unique needs and challenges. We can also provide strong litigation support and employment counsel by leaders in these fields as discussed in this Response.

## D. FEES

- I. Provide the firm’s hourly billing rates of each attorney or other legal staff who are expected to work on this representation.
- II. List all expenses for which the firm would seek reimbursement from the WTCPUA in addition to attorneys’ fees.

We propose to continue our representation of the WTCPUA under our current rate structure. We believe our rates provide a significant value to the WTCPUA considering the years of experience and expertise provided by our team. Our rates are discounted in recognition of our local government client base, WTCPUA specific workload, and our history with the WTCPUA.

<u>Attorney</u>	<u>Hourly Rate</u>
Lauren Kalisek	\$330
James Parker	\$325
Sarah Glaser	\$310
Jose de la Fuente	\$355
Gabrielle Smith	\$310
Laura Ingram	\$300
Kathryn Bibby	\$240
Michelle White	\$230
Sydney Sadler	\$220

For a monthly flat fee of \$8,250, we attend Board meetings, draft Board minutes, assist in Board agenda preparation, maintain the project list, hold scheduled routine project meetings, address conflicts of interest and ethics questions and attend to other on-going WTCPUA matters.

We charge our costs for copies, mileage, filing fees and other similar expenses. We do not charge for Westlaw or Lexis research.

## E. REFERENCES

- I. At a minimum, provide a list of three (3) relevant clients, including contact persons and telephone numbers.
- II. Describe the firm's experience and responsibilities for each reference.

Representative clients include:

- **North Texas Municipal Water District (NTMWD)**
  - Client Point of Contact: Jenna Covington, Executive Director | (469) 626-4329
  - Lloyd Gosselink representative to NTMWD: Lauren Kalisek, Chair, Districts Practice Group
    - Counsel to Board of Directors and Executive Team regarding conflicts, ethics, open government, parliamentary procedures and special high-profile projects.
  - Lloyd Gosselink representative to NTMWD: Sarah Glaser, Chair Employment Law Practice Group
    - Employment counsel to NTMWD
- **Upper Trinity Regional Water District (UTRWD)**
  - Client Point of Contact: Larry Patterson, Executive Director | 972-219-7521
  - Lloyd Gosselink representative to UTRWD: Lauren Kalisek, Chair, Districts Practice Group
    - Ms. Kalisek assists UTRWD with water quality, reuse, and TPDES permitting matters.
- **Angelina & Neches River Authority (ANRA)**
  - Client Point of Contact: Kelley Holcomb, General Manager | (936) 633-7543
  - Lloyd Gosselink representative to ANRA: Lauren Kalisek, Chair, Districts Practice Group
    - Ms. Kalisek assists ANRA with negotiations and acquisitions of neighboring water utilities.
- **City of Waco**
  - Client Point of Contact: Jennifer Richie, City Attorney | (254) 750-5688
  - Lloyd Gosselink representative to the City of Waco: James Parker, Principal, Litigation Practice Group
    - Litigation regarding landfill sites successfully resolved with a favorable decision issued by the Tenth Court of Appeals at Waco.
  - Lloyd Gosselink representative to the City of Waco: Lauren Kalisek, Chair Districts Practice Group
    - Special counsel on water utility and water district matters
- **City of Cedar Park**
  - Client Point of Contact: Keneth Wheeler, Assistant Director of Utilities | (512) 401-5584

- Client Point of Contact: J.P. LeCompte, City Attorney | (512) 401-5004
- Lloyd Gosselink representative to the City of Cedar Park: Sarah Glaser, Chair, Employment Law Practice Group
  - Employment law counsel
- Lloyd Gosselink representative to the City of Cedar Park: Lauren Kalisek, Chair, Districts Practice Group and Kathryn Bibby
  - Special counsel on water and wastewater utility matters

## F. DISCLOSURES

- I. **Disclose any firm client relationships that could limit your firm’s full representation of the WTCPUA of this matter, whether legal or business conflicts, including, specifically, a discussion of your representation of landowners or developers in Travis and Hays Counties.**

We have several clients that pre-date the WTCPUA’s creation that we disclosed at the time of our engagement. These entities include Travis County WCID No. 17, Belvedere MUD, Hurst Creek MUD and Lazy 9 MUD No. 1E. Recently, Lazy 9 MUD 1E has dissolved. We represent the City of Austin on water and wastewater utility ratemaking matters and employment matters and the City of Kyle on water and wastewater utility matters. Other members of our Firm serve as general counsel to Alliance Regional Water Authority and County Line Special Utility District. We do not represent any landowners or developers in Travis or Hays Counties located in the WTCPUA service area.

## ATTACHMENT A

### MEMORANDUM

#### CONFIDENTIAL/ATTORNEY-CLIENT COMMUNICATION

**TO:** Jennifer Riechers (JR)

**CC:** Jennifer Smith (JS)

**FROM:** Lauren Kalisek (LJK); Kathryn Bibby (KBB)

**DATE:** May 22, 2024

**RE:** Ongoing WTCPUA Projects Memo

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#### Pending Items:

- ✓ City of Dripping Springs (3319-28) (LJK/KBB):
  - Amended & Restated Wholesale Water Agreement:
    - CoDS approved Restated Wholesale Agreement (3/19/23); Item presented and approved at March 21<sup>st</sup> Board meeting (3/21) WTCPUA to coordinate circulation of execution copy with CoDS; Executed copy received (3/28); Wholesale Agreement should be filed with PUC; LG to file with PUC.
  - Anarene SER (3319-77) (LJK/KBB):
    - L. Kalisek to work with G. Murfee and J. Riechers to finalize supplement now that CoDS Amended and Restated Agreement has been finalized; supplemental agreement forwarded to J. Riechers; J. Riechers sent supplemental agreement to G. Faught (4/9); J. Riechers to follow-up with G. Faught.
  - Cynosure/Wild Ridge SER (3319-124) (LJK/KBB):
    - L. Kalisek to work with G. Murfee and J. Riechers to finalize supplement now that CoDS Amended and Restated Agreement has been finalized; supplemental agreement forwarded to J. Riechers; J. Riechers sent supplemental agreement to G. Faught (4/9); J. Riechers to follow-up with G. Faught.
  - Cannon Ranch SER (3319-134) (LJK/KBB):
    - L. Kalisek sent e-mail to D. Tuckfield checking the status of executed copies of the agreement (3/6/23); Item approved at February 2023 Special Board Meeting; LG has received executed copies.

- Cannon East SER/Gateway Village (3319-133) (LJK/KBB):
  - L. Kalisek to work with G. Murfee and J. Riechers to finalize supplement now that CoDS Amended and Restated Agreement has been finalized; supplemental agreement forwarded to J. Riechers; J. Riechers sent supplemental agreement to G. Faught (4/9); J. Riechers to follow-up with G. Faught.
  
- ✓ Amicus Curiae Brief for TCEQ v. Save Our Springs, Inc. in the 8th District Court of Appeals (El Paso, Tex.) (3319-01) (LJK/KBB):
  - J. Aldredge preparing brief on behalf of WTCPUA; filed on 7/19; Court of Appeals reversed the decision of the District Court and upheld TCEQ's issuance of the discharge permit (12/13); 8th Circuit Court of Appeals requested briefing on Motion for Rehearing; 8<sup>th</sup> Circuit Court of Appeals denied Save our Spring's Motion for Rehearing; Order issued (3/6/23).
  
- ✓ Land Use Assumptions/Capital Improvements Plan/Impact Fees (3319-71) (LJK/KBB):
  - Murfee Engineering conducting CIP to be used in the next impact fee update.
  
- ✓ Closing/Real Property Matters (3319-01) (KBB/LJK):
  - LCRA real property conveyance issues, including, but not limited to:
    - Lingering easements that need to be conveyed that were not identified by LCRA at the time of the system transfer;
    - Other easements that were discovered during the WTCPUA Highway 290 pipeline research process; and
    - Other easements, if any, that MEC discovered during its research with other WTCPUA pipeline projects.
  - We are working with J. Riechers and G. Murfee to secure real property rights for drainage/irrigation purposes from intermediate pump station.
  
- ✓ 1080 Transmission Main Project (3319-72) (LJK/KBB):
  - T. Kimball working to negotiate easements and purchase agreements; K. Bibby coordinating with J. Baze and T. Kimball to execute agreements.
    - Parcel 36: Landowners signed initial offer letter but have not provided lienholder consent form; T. Kimball would like advice as to whether he should proceed without lienholder consent (4/22/24).
    - Parcel 56&57: waiting to hear from N. Laurent (4/22/24); Parcel 56 has been approved; owners of Parcel 57 are still in negotiations with PUA.
    - Parcel 64 &65: K. Bibby had phone conference with J. Riechers and T. Altamirano to discuss parcels (1/29/24); Call set for 2/13 with landowner; on February 15<sup>th</sup>

Board agenda; J. Riechers met with developers; T. Kimball sent over counteroffer to N. Laurent; awaiting update from T. Kimball regarding parcel owner's response.

- ✓ Lake Pointe Municipal Utility District – (3319-91) Napa Drive (3319-01) (LJK/KBB):
  - K. Bibby sent draft copy of Special Warranty Deed to K. Carlton (1/5/24); K. Carlton sent e-mail to K. Bibby with requested changes (3/22); N. Marquez sent e-mail to K. Carlton with updated special warranty deed (3/25); LG waiting on executed copy; K. Bibby and E. Selvera held phone conference regarding pond property being transferred to LPMUD and access easement (4/9); E. Selvera asking if there is a need to have additional instrument in addition to the existing easement provided in the plat and whether the PUA would agree to an indemnification agreement due to the proximity of the property to the WWTP and LPMUD's concern regarding potential flooding (4/9); waiting to hear back from E. Selvera following Board meeting and to confirm with J. Riechers there are no historical flooding issues; K. Bibby and E. Selvera had conference call to discuss Special Warranty Deed (4/16).
  
- ✓ Surplus Property out of 17 Acre Tract on Highway 71 (3319-01) (LJK/KBB):
  - Board approved work order for Murfee Engineering regarding subdivision and replat of surplus property out of 17 acre tract on Highway 71 for future sale as workforce housing development (note: also need to consider impervious cover calculations) at April meeting; Board would like to move forward with sale even before replat is complete; L. Kalisek sent email listing out process to J. Creveling and J. Riechers (7/6/23); R. Gilbert requested a “nothing further” certificate as required by City of Bee Cave application for replat of 17-acre tract on Highway 71 (9/15/23); N. Marquez forwarded Abstractor's Report to R. Gilbert 9/30; J. Riechers sent e-mail checking status (4/23/23); J. Riechers sent e-mail to R. Gilbert requesting update; R. Gilbert sent e-mail to J. Riechers and G. Murfee advising that the replat for lot 12 was approved by the CoBC and submitted to Travis County (5/15/23); R. Gilbert sent e-mail to J. Riechers and G. Murfee providing the replat of the 17 acre track; J. Riechers provided replat to L. Kalisek and K. Bibby and requested next steps; L. Kalisek sent e-mail to J. Riechers providing next steps (5/16/23); L. Kalisek forwarded Order (6/10/23); item postponed until October Board meeting (6/15/23); L. Kalisek had a call with J. Riechers and Board committee on 10/17 and discussed authority to list with broker under municipal law; C. Garza to follow up with Bee Cave City attorney regarding municipal law reference; Concern that municipal law may require taking highest offer; Item presented at March 21<sup>st</sup> agenda regarding interest from Aerospace Company that would like to build on tract.; Item discussed at April Board meeting; Item to be placed on June Agenda.
  
- ✓ Travis County MUD 12/Rough Hollow (3319-106) (LJK/KBB):

- Important dates/deadlines:
  - Effective date of the agreement is August 3, 2023;
  - 18 month deadline from effective date for TC MUD 12 to cancel the Termination Agreement is February 3, 2025;
  - 36 month deadline from effective date for TC MUD 12 to satisfy Conditions Precedent is February 3, 2026.
  
- ✓ Hamilton Pool Rd Line ROW (3319-019)(LJK/KBB):
  - L. Kalisek to review relevant contracts for PUA’s ability to assume ROW from developer; L. Kalisek reviewed relevant contracts with J. Riechers; J. Riechers to contact developer about ROW acquisition; J. Riechers met with Developer about ROW acquisition; L, Kalisek to research options for WTCPUA to take over construction in preparation for possible presentation to Board in April; item to be presented June Board meeting in Executive Session.
  
- ✓ 1240 TM Alt Alignments (3319-170)(LJK/KBB):
  - Monitoring as needed.
  
- ✓ Belterra/Hays Co. WCID 1 and 2 (3319-68)(LJK/KBB):
  - WTCPUA received letter from counsel for Hays County WCID 1 and Hays County WCID 2 seeking to address complaints from their clients customers regarding water pressure at the delivery points; Districts suggested that issues began after being switched to the 1340 pressure plane and are requesting they be placed on 1420 pressure plane permanently or until such time that the 1340 pressure plane may potentially be evaluated and updated (11/6/23); LG to provide guidance regarding path forward; J. Riechers would like to set a meeting with the District Representatives; Meeting with District Representatives set for December 12<sup>th</sup>. District and WTCPUA engineers are discussing addition of new delivery points in Hays County WCID No. 2 to serve high point in District; Another long term option is for District to construct EST and get credit on wholesale rate; J. Riechers would like to come to a resolution by May 2024; monitoring as needed.
  
- ✓ Central Park Reclaimed Water Irrigation Project (3319-01)(LJK/KBB):
  - CoBC and WTCPUA working together to draft a Memorandum of Understanding related to project to provide reclaimed water for irrigation through a subsurface area drip dispersal system to the CoBC’s Central Park; D. Lozano sent email to L. Kalisek and J. Riechers with redlined and clean versions of MOU from city for review (2/9/24); L. Kalisek sent email to D. Lozano requesting clarification on who would be installing irrigation lines and how it would be paid for and suggested such language be included in the MOU; J. Riechers sent e-mail advising PUA would construct or hire a contractor to install the lines (2/9/24);

- L. Kalisek, D. Lozano and J. Riechers working to ensure completion of agreement. Item is on 2/15 Board agenda; approved at Board meeting; Agreement sent to D. Lozano (4/5/24); D. Lozano sent email to L. Kalisek with comments to agreement and requested phone conference to discuss (5/9/24); J. Riechers and L. Kalisek coordinating to set phone conference (5/16/24).
- ✓ Bee Cave Elementary Lift Station MOU (3310-01) (LJK/KBB)
    - District 17 reports that it will be transferring the LS to WTCPUA after some refurbishment and would like to enter into an MOU regarding the arrangement; J. Riechers would like to receive a detailed agreement proposal from District 17; L. Kalisek to follow-up with D. Lozano to confirm amount of capacity transfer; J. Riechers to discuss plan for lift station with G. Murfee.
  
  - ✓ Penn Ranch (3319-177)(LJK/KBB):
    - 1416 LUEs on 290 system; SAL on February Agenda. Awaiting instruction from J. Riechers regarding NSSA drafting; Project is located within a wholesale customers service area; L. Kalisek sent draft letter for Dripping Springs Water Supply Corporation (3/25); S. Roberts would like copy of letter to be provided to G. Faught (3/26); copy sent to G. Faught.
  
  - ✓ Silver Creek (3319-176)(LJK/KBB):
    - NSSA and SAL sent to developers for execution; project is located within a wholesale customers service area; L. Kalisek sent draft letter for Dripping Springs Water Supply Corporation to J. Riechers (3/25) Copy to be provided to G. Faught (3/26); copy sent to G. Faught.
  
  - ✓ 290 Parallel Line (3319-141)(LJK/KBB):
    - K. Bibby working with J. Riechers to secure and execute easements for installation of water supply pipeline.
  
  - ✓ Greenhawe WCID No. 2 Lease Amendment (3319-01)(LJK/KBB):
    - L. Kalisek sent e-mail to J. Riechers regarding email received from counsel for Greenhawe WCID No. 2 requesting an amendment to current lease agreement to include new completed phases (3/20); J. Riechers sent e-mail advising she is ok with amendment and will try to include in April agenda (3/21); item presented and approved at April Board meeting; J. Riechers sent email providing partially executed copy of agreement to L. Kalisek (5/1/24); K. Bibby to coordinate execution with Greenhawe WCID No. 2.
  
  - ✓ Dripping Springs WSC (3319-029)(LJK/KBB):
    - Research regarding TCEQ regulatory requirements related to control flow meters; Memo regarding flow control meters sent to J. Riechers (4/12/24); J. Riechers forwarded email to

L. Kalisek from R. Broun requesting the WTCPUA and DSWSC representatives meet to discuss ongoing matters (4/29/24).

- ✓ The Backyard (3319-006)(LJK/KBB):
  - PUA has not received payment of reservation fee for the year and has not responded to communication from the PUA; Agency would like LG to draft default letter to send to K. McDaniel (4/19/24); K. Bibby sent e-mail to J. Smith advising that LG would prepare a default notice letter but that under the terms of the NSSA the PUA is required to give the Developer 30 days to make payment following written demand (4/25/24); J. Riechers sent email to developer providing 10 days to respond regarding payment (5/20/24); May 31<sup>st</sup> deadline to respond; LG to draft default notice.
- ✓ The Pearl Cost Share (3319-171)(LJK/KBB):
  - J. Riechers sent email to K. Bibby requesting review of draft reimbursement agreement with Pearl (5/14/24); K. Bibby sent email to J. Riechers with comments on draft reimbursement agreement (5/21/24).
- ✓ PUC Filing by AAA Storage (3319-01)(KBB/LJK):
  - AAA Storage filed petition with PUC requesting discontinuation of service and cancellation of CCN in Travis Counties; Order No. 1 Requiring comments and Recommendations on the Sufficiency of the Petition and Notice, and Requiring Procedural schedule issued on May 14<sup>th</sup>; LG to prepare response.
- ✓ Petition for ETJ Release (3319-01)(KBB):
  - LG to determine process to be remove Circle Drive Pump Station from the ETJ of the City of Austin.
- ✓ City of Bee Cave Platting Requirements (3319-01)(KBB/LJK):
  - CoBC has requirement that all site plans with improvements must be platted; this requirement will apply to Uplands WWTP; LG to research requirements and determine path forward.
- ✓ Board of Directors
  - Current terms—LG to confirm calendar for 2024 Director appointments
    - Position 1 (Appointed by Hays County) Walt Smith 2020-2024
    - Position 2 (Appointed by City of Bee Cave)  
Jack Creveling 2020-2024
    - Position 3 (Appointed by Lake Pointe MUD)  
Jason Bethke 2020-2024

- Position 4 (Recommended by Hays County; Ratified by other entities; Hays County resident)  
Scott Roberts 2022-2026
  - Position 5 (Recommended by City of Bee Cave; Ratified by other entities; Travis County resident)  
Clint Garza 2022-2026
- ✓ Future Agenda Items:
- Discussion Re: Policy Update on Wholesale Customers (June)
    - PUA to sets meters and collections impact fees;
    - PUA collects Impact fees before additional water is supplied;
    - Wholesale customer confirms its retail systems are capable of supplying additional water and provides current customer information and engineering data to PUA.
  - Call public hearing on Land Use Assumption, Capital Improvements Plan and Impact Fees (June)
    - Review draft CIP from G. Murfee
  - Surplus Property (June)
  - HPR Project (June)
  - Oaths of Office/Commencement of new Board member terms (October, 2024)
    - Appoint an Alternate Secretary
  - October of even numbered years: officer election (2024) (Bylaws Section VI.E.1)

# **ITEM F**

**RESOLUTION DECLARING THE PUBLIC NECESSITY FOR ACQUIRING BY  
CONDEMNATION CERTAIN DESCRIBED REAL PROPERTY INTERESTS  
FOR PURPOSES OF THE HIGHWAY 290 TRANSMISSION MAIN PROJECT,  
AND AUTHORIZING LEGAL PROCEEDINGS TO SECURE RIGHT OF  
ENTRY**

**(9415 Hwy. 290, Austin, TX 78736)**

**THE STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS         §**

**WHEREAS**, West Travis County Public Utility Agency (the “WTCPUA”), a public utility agency created by concurrent ordinance of Hays County (the “County”), the City of Bee Cave (the “City”), and Lake Pointe Municipal Utility District<sup>1</sup> (the “District”) and governed by Chapter 572 of the Texas Local Government Code, has determined that in order to promote public health, safety, and welfare, public necessity requires acquisition of the necessary easements for the Highway 290 Transmission Main Project (the “Project”) pursuant to the WTCPUA’s Capital Improvements Plan; and,

**WHEREAS**, the WTCPUA and the owners of the property required for the Project have not been able to agree on a fair market value of the real property interest sought by the WTCPUA for voluntary purchase, in compliance with all prerequisites of the laws of the State of Texas and the requirements of Texas Property Code Chapter 21 in order to acquire a permanent and/or temporary easement interest as described below.

**WHEREAS**, the WTCPUA desires to proceed with condemnation proceedings using its power of eminent domain to obtain the permanent and/or temporary easement interest that is necessary to promote public health, safety, welfare, and public necessity.

**NOW THEREFORE**, it is resolved by the Board of Directors of the West Travis County Public Utility Agency as follows:

1. That in order to promote the public health, safety, welfare, and public necessity requires the acquisition of a temporary and/or permanent utility easement(s) for the transportation of water and other facilities and uses incidental thereto or in connection therewith for the WTCPUA’s water treatment system, including but not limited to, construction, reconstruction, operation, maintenance, inspection and repair of transmission mains and other facilities or improvements, in 0.0696 acres and 0.1267 acres (Parcel 27TCE) of land described more particularly by metes and bounds in the attached **Exhibit A and owned by OCCORP, LLC** (the “Property”); and that public necessity and convenience require the use of WTCPUA’s power of eminent domain for the condemnation of this Property in order to acquire it for such purpose.

The WTCPUA legal representatives are hereby authorized and directed to initiate and file condemnation proceedings against the owners and any other interested parties of the Property because the owner of the property at issue and the WTCPUA have been unable to voluntarily agree

<sup>1</sup>Lake Pointe Municipal Utility District is a successor in interest to West Travis County Municipal Utility District No. 5

on the value of the real Property sought pursuant to the WTCPUA's eminent domain authority to acquire the necessary permanent and/or temporary easement rights required for the Project, and to perform or undertake all other proceedings necessary to complete the acquisition and use of the Property.

3. That all previous acts and proceedings done or initiated by the WTCPUA's agents, representatives, or employees for establishment of the Project, including the negotiation for and/or acquisition of any necessary property rights for this easement are hereby authorized, ratified, approved, confirmed, and validated. The findings of fact, recitations of provisions set in the preamble of this Resolution are adopted and made a part of the body of this Resolution, as fully as if the same were set forth herein. This resolution shall take effect immediately from and after its passage.

4. It is the intent of the Board of Directors that this resolution authorizes all processes and procedures for the acquisition, or the condemnation of all property required to complete the Project and to perform associated public purposes. If it is later determined that there are any errors in the descriptions contained herein or if later surveys contain more accurate revised descriptions, the WTCPUA's attorney is authorized to have such errors corrected or revisions made without the necessity of obtaining a new resolution from the Board of Directors authorizing the condemnation of the corrected or revised Property.

5. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Scott Roberts  
President Board of Directors

ATTEST:

\_\_\_\_\_  
Walt Smith, Secretary  
Board of Directors

# EXHIBIT "A"

0.0696 Acre (Parcel A)  
0.1267 Acre (Parcel B) (0.1963 Acres Total)  
Temporary Construction Easements  
Page 1 of 5

J. M. Oliver Survey No. 44, Abst. No. 2117

Project No. 22515.70  
January 5, 2023

## PARCEL A

STATE OF TEXAS                    §  
  §  
COUNTY OF TRAVIS               §

FIELDNOTE DESCRIPTION of a tract or parcel of land containing 0.0696 Acre situated in the J. M. Oliver Survey No. 44, Abst. No. 2117, Travis County, Texas, being a portion of Lot 8, Glen-Ledge Park, Section Two-A, a subdivision recorded in Book 82, Page 177 of Official Plat Records of Travis County, Texas, as conveyed to Occorp, LLC, by deed recorded in Document No. 2016096187 of the Official Public Records of Travis County, Texas; said 0.0696 acre tract is more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod, without cap, found on the southerly right-of-way line of U.S. Highway 290 (right-of-way varies) for the northeast corner of the said Lot 8, Glen-Ledge Park, Section 2-A, same being the northwest corner Lot 7, Glen-Ledge Park, subdivision, a subdivision recorded in Book 69, Page 16 of the Plat Records of Travis County, Texas, from which a 1/2" iron rod, with cap (unreadable), found for the northeast corner of said Lot 7, Glen-Ledge Park, bears N77°14'26"E, 199.90 feet;

THENCE, S12°42'20"E, leaving the southerly right-of-way line of U.S. Highway 290, with the common easterly line of said Lot 8 and westerly line of said Lot 7, a distance of 8.16 feet to a calculated point for corner;

THENCE, leaving the westerly line of said Lot 7, across aforesaid Lot 8, for the following two (2) courses:

- 1) S32°05'24"W, a distance of 9.65 feet to a calculated point for corner;
- 2) S77°14'26"W, a distance of 203.65 feet to a calculated point on the westerly line of said Lot 8, same being the easterly line of that 12.54 acre tract conveyed to Capella Capital Partners-Storage II, LLC, by deed recorded in Document No. 2014168468 of the of the said Official Public Records, for the southwest corner of the herein described tract;

THENCE, N28°46'58"E, with the common westerly line of said Lot 8, and easterly line of said 12.54 acre tract, a distance of 20.04 feet to a calculated point on the aforesaid southerly right-of-way line of U.S. Highway 290, same being the calculated common north corner of said Lot 8 and aforesaid 12.54 acre tract, for the northwest corner of the herein described tract;

THENCE, N77°14'26"E, leaving the westerly line of the said 12.54 acre tract, with the common northerly line of said Lot 8 and the southerly right-of-way line of U.S. Highway 290, a distance of 197.17 feet to the POINT OF BEGINNING, and CONTAINING within these metes and bounds 0.0696 Acre of land area for Parcel A.

## PARCEL B

FIELDNOTE DESCRIPTION of a tract or parcel of land containing 0.1267 Acre situated in the J. M. Oliver Survey No. 44, Abst. No. 2117, Travis County, Texas, being a portion of Lot 8, Glen-Ledge Park, Section Two-A, a subdivision recorded in Book 82, Page 177 of Plat Records of Travis County, Texas, as conveyed to Occorp, LLC, by deed recorded in Document No. 2016096187 of the Official Public Records of Travis County, Texas; said 0.1267 acre tract is more particularly described by metes and bounds as follows:

COMENCING, at a 1/2" iron rod, without cap, found on the southerly right-of-way line of U.S. Highway 290 (right-of-way varies) for the northeast corner of the said Lot 8, Glen-Ledge Park, Section 2-A, same being the northwest corner Lot 7, Glen-Ledge Park, subdivision, a subdivision recorded in Book 69, Page 16 of the Plat Records of Travis County, Texas, from which a 1/2" iron rod, with cap (unreadable), found for the northeast corner of said Lot 7, Glen-Ledge Park, bears N77°14'26"E, 199.90 feet;

THENCE, S77°14'26"W, with the common southerly right-of-way line of U.S. Highway 290, and northerly line of said Lot 8, a distance of 197.17 feet to the calculated northwest corner of said Lot 8, same being the northeast corner of that 12.54 acre tract conveyed to Capella Capital Partners-Storage II, LLC, by deed recorded in Document No. 2014168468 of the said Official Public Records;

THENCE, S28°46'58"W, leaving southerly right-of-way line of U.S. Highway 290, with the common westerly line of said Lot 8 and easterly line of said 12.54 acre tract, a distance of 20.04 feet;

THENCE, S49°02'07"E, leaving the easterly line of said 12.54 acre tract and across said Lot 8, a distance of 39.90 feet to the calculated northwest corner and the POINT OF BEGINNING of the 0.1267 acre tract (Parcel B);

THENCE, continuing across said Lot 8, for the following four (4) courses:

- 1) N77°14'26"E, a distance of 98.00 feet to a calculated northeast corner of the herein described tract;
- 2) S23°10'58"W, a distance of 98.81 feet to the calculated southeast corner of the herein described tract;
- 3) S77°14'26"W, a distance of 40.00 feet to the calculated southwest corner of the herein described tract;

- 4) N12°45'34"W, a distance of 80.00 feet to the POINT OF BEGINNING, and CONTAINING within these metes and bounds 0.1267 Acre of land area for Parcel B.

Basis of Bearing is the Texas State Plane Coordinate System, Central Zone, NAD83 (Grid).

I, Blaine J. Miller, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this the 5th day of January, 2023.



*Blaine J. Miller*

---

BLAINE J. MILLER  
Registered Professional Land Surveyor  
No. 5121 State of Texas



SURVEY OF A 0.0696 ACRE (PARCEL A)  
 AND 0.1267 ACRE (PARCEL B)  
 TEMPORARY CONSTRUCTION EASEMENT  
 OUT OF THE J. M. OLIVER  
 SURVEY NO. 44, ABSTRACT NO. 2117  
 TRAVIS COUNTY, TEXAS

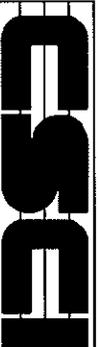
LINE TABLE		
LINE	BEARING	LENGTH
L1	S12°42'20"E	8.16'
L2	S32°05'24"W	9.65'
L3	N28°46'58"E	20.04'
L4	S49°02'07"E	39.90'
L5	N77°14'26"E	98.00'
L6	S23°10'58"W	98.81'
L7	S77°14'26"W	40.00'
L8	N12°45'34"W	80.00'

LEGEND

- O.P.R.T.C. OFFICIAL PUBLIC RECORDS TRAVIS COUNTY  
 T.C.P.R. TRAVIS COUNTY PLAT RECORDS  
 R.O.W. RIGHT-OF-WAY  
 P.O.B. POINT OF BEGINNING  
 ● 1/2" IRON ROD, WITH CAP (UNREADABLE), FOUND  
 ● 1/2" IRON ROD, WITHOUT CAP, FOUND  
 ▲ CALCULATED POINT

Dwg. # 22515e17 CRD # 22515

SHEET 5 OF 5



CAPITAL  
 SURVEYING  
 COMPANY  
 INCORPORATED

925 Capital of Texas Highway South  
 Building B, Suite 115  
 Austin, Texas 78746  
 (512) 327-4005

FIRM REGISTRATION  
 No. 101267-0



**RESOLUTION DECLARING THE PUBLIC NECESSITY FOR ACQUIRING BY  
CONDEMNATION CERTAIN DESCRIBED REAL PROPERTY INTERESTS  
FOR PURPOSES OF THE HIGHWAY 290 TRANSMISSION MAIN PROJECT,  
AND AUTHORIZING LEGAL PROCEEDINGS TO SECURE RIGHT OF  
ENTRY**

**(10301 Hwy. 290, Austin, TX 78737)**

**THE STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS         §**

**WHEREAS**, West Travis County Public Utility Agency (the “WTCPUA”), a public utility agency created by concurrent ordinance of Hays County (the “County”), the City of Bee Cave (the “City”), and Lake Pointe Municipal Utility District<sup>1</sup> (the “District”) and governed by Chapter 572 of the Texas Local Government Code, has determined that in order to promote public health, safety, and welfare, public necessity requires acquisition of the necessary easements for the Highway 290 Transmission Main Project (the “Project”) pursuant to the WTCPUA’s Capital Improvements Plan; and,

**WHEREAS**, the WTCPUA and the owners of the property required for the Project have not been able to agree on a fair market value of the real property interest sought by the WTCPUA for voluntary purchase, in compliance with all prerequisites of the laws of the State of Texas and the requirements of Texas Property Code Chapter 21 in order to acquire a permanent and/or temporary easement interest as described below.

**WHEREAS**, the WTCPUA desires to proceed with condemnation proceedings using its power of eminent domain to obtain the permanent and/or temporary easement interest that is necessary to promote the public health, safety, welfare, and public necessity.

**NOW THEREFORE**, it is resolved by the Board of Directors of the West Travis County Public Utility Agency as follows:

1. That in order to promote the public health, safety, welfare, and public necessity requires the acquisition of a temporary and/or permanent utility easement(s) for the transportation of water and other facilities and uses incidental thereto or in connection therewith for the WTCPUA’s water treatment system, including but not limited to, construction, reconstruction, operation, maintenance, inspection and repair of transmission mains and other facilities or improvements, in 0.9149 acre (Parcel 36TCE) of land described more particularly by metes and bounds in the attached **Exhibit A and owned by 290 RANCH, LLC, A TEXAS LIMITED LIABILITY COMPANY** (the “Property”); and that public necessity and convenience require the use of WTCPUA’s power of eminent domain for the condemnation of this Property in order to acquire it for such purpose.

The WTCPUA legal representatives are hereby authorized and directed to initiate and file condemnation proceedings against the owners and any other interested parties of the Property because the owner of the property at issue and the WTCPUA have been unable to voluntarily agree

<sup>1</sup>Lake Pointe Municipal Utility District is a successor in interest to West Travis County Municipal Utility District No. 5

on the value of the real Property sought pursuant to the WTCPUA's eminent domain authority to acquire the necessary permanent and/or temporary easement rights required for the Project, and to perform or undertake all other proceedings necessary to complete the acquisition and use of the Property.

3. That all previous acts and proceedings done or initiated by the WTCPUA's agents, representatives, or employees for establishment of the Project, including the negotiation for and/or acquisition of any necessary property rights for this easement are hereby authorized, ratified, approved, confirmed, and validated. The findings of fact, recitations of provisions set in the preamble of this Resolution are adopted and made a part of the body of this Resolution, as fully as if the same were set forth herein. This resolution shall take effect immediately from and after its passage.

4. It is the intent of the Board of Directors that this resolution authorizes all processes and procedures for the acquisition, or the condemnation of all property required to complete the Project and to perform associated public purposes. If it is later determined that there are any errors in the descriptions contained herein or if later surveys contain more accurate revised descriptions, the WTCPUA's attorney is authorized to have such errors corrected or revisions made without the necessity of obtaining a new resolution from the Board of Directors authorizing the condemnation of the corrected or revised Property.

5. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Scott Roberts  
President Board of Directors

ATTEST:

\_\_\_\_\_  
Walt Smith, Secretary  
Board of Directors

## EXHIBIT "A"

STATE OF TEXAS                   §  
  §  
COUNTY OF TRAVIS           §

FIELDNOTE DESCRIPTION of a tract or parcel of land containing 0.9149 acre situated in the William P. Baxter Survey No. 58, Abstract No. 118, Travis County, Texas, being a portion of that 361.939 acre tract as conveyed to 290 Ranch, LLC recorded in Document No. 2016072127 of the Official Public Records of Travis County, Texas; said 0.9149 acre area is more particularly described by metes and bounds as follows:

COMMENCING at a ½” iron rod, with cap, marked “Capital Surveying Co., Inc.” set for the most northerly northwest corner of the said 361.939 acre tract, same being on the easterly line of that 5.26 acre tract conveyed to Arturo Lozano recorded in Document No. 2011114817 of the said Official Public Records, described in Volume 12968, Page 3296 of the Real Property Records of Travis County, Texas;

THENCE, N64°02’13”E, leaving the southerly right-of-way line of State Highway 290 and easterly line of the said 5.26 acre tract, across the said 361.939 acre tract, a distance of 411.16 feet to the calculated northwest corner and POINT OF BEGINNING of the herein described tract;

THENCE, continuing across the said 361.939 acre tract, for the following seven (7) courses:

- 1) N58°26’24”E, a distance of 300.13 feet to a calculated angle point;
- 2) N56°32’04”E, a distance of 101.02 feet to the calculated northeast corner of the herein described tract, from which a ½” iron rod, with cap, marked “Capital Surveying Co., Inc.” set for the northeast corner of the said 361.939 acre tract bears N61°06’34”E, 1852.88 feet;
- 3) S31°27’56”E, a distance of 64.13 feet to a calculated angle point;
- 4) S00°00’00”W, a distance of 40.00 feet to the calculated southeast corner of the herein described tract;
- 5) S56°32’04”W, a distance of 78.97 feet to a calculated angle point;
- 6) S58°26’24”W, a distance of 301.79 feet to the calculated southwest corner of the herein described tract;

- 7) N31°33'36"W, a distance of 100.00 feet to the POINT OF BEGINNING, and CONTAINING within these metes and bounds 0.9149 acre of land area.

Basis of Bearing is the Texas State Plane Coordinate System, Central Zone, NAD83 (Grid).

I, Blaine J. Miller, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and that the property described herein was determined by a survey made on the ground under my direction and supervision.

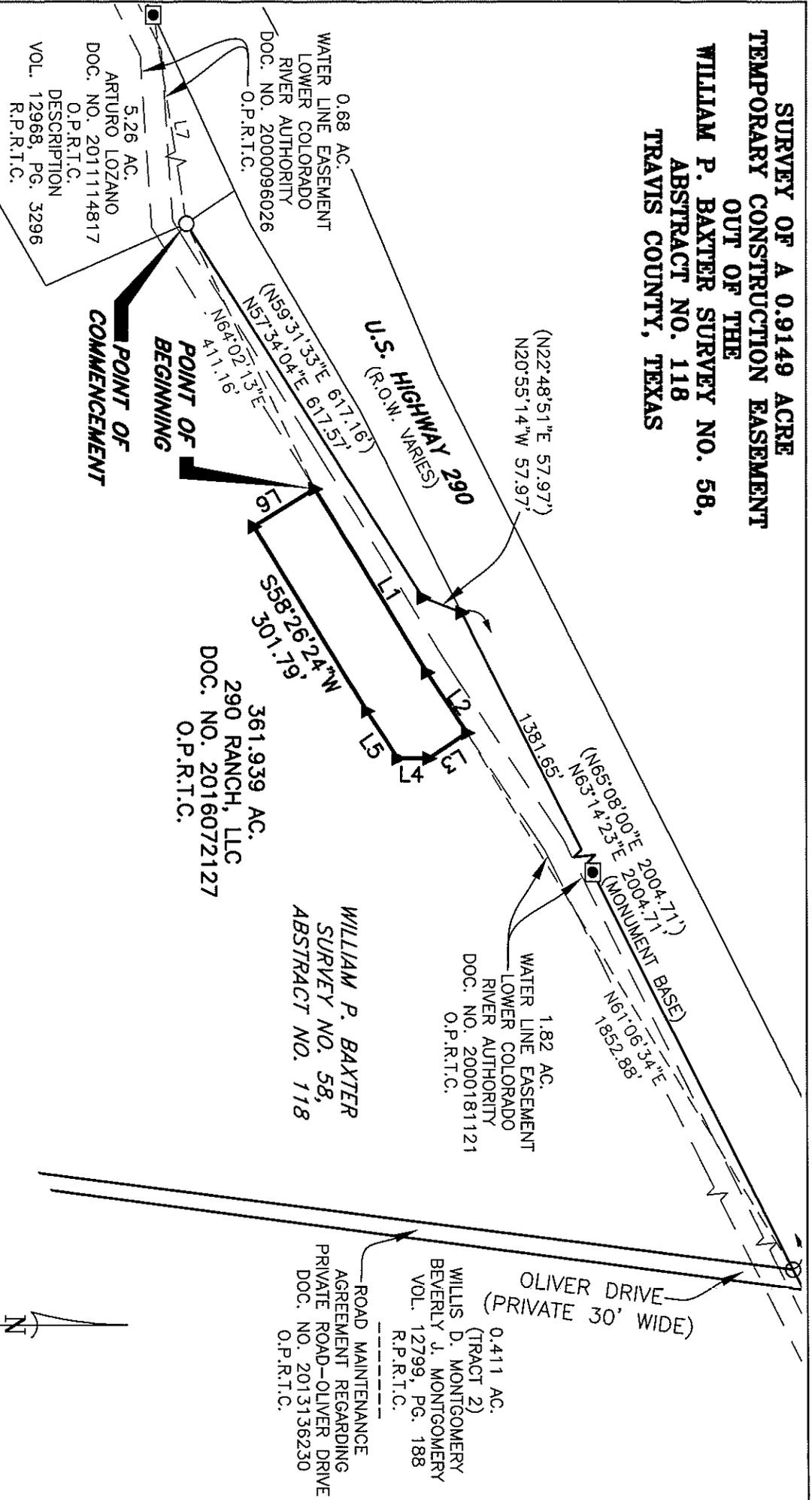
WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this the 5th day of January, 2023.



*Blaine J. Miller*

BLAINE J. MILLER  
Registered Professional Land Surveyor  
No. 5121 State of Texas

**SURVEY OF A 0.9149 ACRE  
 TEMPORARY CONSTRUCTION EASEMENT  
 OUT OF THE  
 WILLIAM P. BAXTER SURVEY NO. 58,  
 ABSTRACT NO. 118  
 TRAVIS COUNTY, TEXAS**

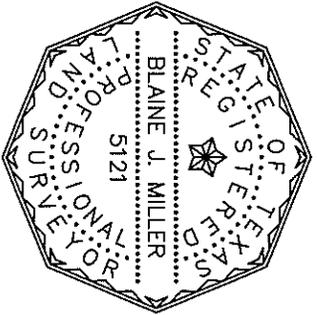


I, Blaine J. Miller, a Registered Professional Land Surveyor do hereby certify that the above map or plat is true and correct to the best of my knowledge and that the property shown hereon was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 5th day of January 2023, A.D.

*Blaine J. Miller*

Blaine J. Miller  
 Registered Professional Land Surveyor  
 No. 5121 — State of Texas



- NOTES:
- 1) BASIS OF BEARING IS THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83.
  - 2) LEGEND AND LINE TABLE ON SHEET 4 OF 4.
- Dwg. # 22515e11 CRD # 22515 SHEET 3 OF 4

**CSI**  
 CAPITAL SURVEYING COMPANY INCORPORATED

925 Capital of Texas Highway South  
 Building B, Suite 115  
 Austin, Texas 78746  
 (512) 327-4008

FIRM REGISTRATION  
 No. 101267-0

**SURVEY OF A 0.9149 ACRE  
 TEMPORARY CONSTRUCTION EASEMENT  
 OUT OF THE  
 WILLIAM P. BAXTER SURVEY NO. 58,  
 ABSTRACT NO. 118  
 TRAVIS COUNTY, TEXAS**

LINE TABLE		
LINE	BEARING	LENGTH
L1	N58°26'24"E	300.13'
L2	N56°32'04"E	101.02'
L3	S31°27'56"E	64.13'
L4	S00°00'00"W	40.00'
L5	S56°32'04"W	78.97'
L6	N31°33'36"W	100.00'
L7	S67°28'26"W	1212.75'

**LEGEND**

- O.P.R.T.C. OFFICIAL PUBLIC RECORDS TRAVIS COUNTY  
 R.P.R.T.C. REAL PROPERTY RECORDS TRAVIS COUNTY  
 ( ) RECORD INFORMATION
- ▣ TxDOT TYPE 1 MONUMENT, FOUND
- 1/2" IRON ROD SET WITH PLASTIC CAP  
 MARKED "CAPITAL SURVEYING CO., INC."
- ▲ CALCULATED POINT
- ~ BREAK IN SCALE

Dwg. # 22515e11 CRD # 22515 SHEET 4 OF 4



925 Capital of Texas Highway South  
 Building B, Suite 115  
 Austin, Texas 78746  
 (512) 327-4006

FIRM REGISTRATION  
 No. 101267-0



**RESOLUTION DECLARING THE PUBLIC NECESSITY FOR ACQUIRING BY  
CONDEMNATION CERTAIN DESCRIBED REAL PROPERTY INTERESTS  
FOR PURPOSES OF THE HIGHWAY 290 TRANSMISSION MAIN PROJECT,  
AND AUTHORIZING LEGAL PROCEEDINGS TO SECURE RIGHT OF  
ENTRY**

**(10115 State Hwy. 71, Austin, TX 78735)**

**THE STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS         §**

**WHEREAS**, West Travis County Public Utility Agency (the “WTCPUA”), a public utility agency created by concurrent ordinance of Hays County (the “County”), the City of Bee Cave (the “City”), and Lake Pointe Municipal Utility District<sup>1</sup> (the “District”) and governed by Chapter 572 of the Texas Local Government Code, has determined that in order to promote public health, safety, and welfare, public necessity requires acquisition of the necessary easements for the Highway 290 Transmission Main Project (the “Project”) pursuant to the WTCPUA’s Capital Improvements Plan; and,

**WHEREAS**, the WTCPUA and the owners of the property required for the Project have not been able to agree on a fair market value of the real property interest sought by the WTCPUA for voluntary purchase, in compliance with all prerequisites of the laws of the State of Texas and the requirements of Texas Property Code Chapter 21 in order to acquire a permanent and/or temporary easement interest as described below.

**WHEREAS**, the WTCPUA desires to proceed with condemnation proceedings using its power of eminent domain to obtain the permanent and/or temporary easement interest that is necessary to promote the public health, safety, welfare, and public necessity.

**NOW THEREFORE**, it is resolved by the Board of Directors of the West Travis County Public Utility Agency as follows:

1. That in order to promote the public health, safety, welfare, and public necessity requires the acquisition of a temporary and/or permanent utility easement(s) for the transportation of water and other facilities and uses incidental thereto or in connection therewith for the WTCPUA’s water treatment system, including but not limited to, construction, reconstruction, operation, maintenance, inspection and repair of transmission mains and other facilities or improvements, in 2.1925 acres of land (Parcels 5&6WE), 0.4591 acre of land (Parcel 5TCE), and 0.4925 acre of land (Parcel 6TCE) described more particularly by metes and bounds in the attached **Exhibits A-C and owned by THE NATURE CONSERVANCY, A DISTRICT OF COLUMBIA NON-PROFIT CORPORATION f/k/a The Nature Conservancy of Texas, Inc.** (the “Property”); and that public necessity and convenience require the use of WTCPUA’s power of eminent domain for the condemnation of this Property in order to acquire it for such purpose.

<sup>1</sup>Lake Pointe Municipal Utility District is a successor in interest to West Travis County Municipal Utility District No. 5

The WTCPUA legal representatives are hereby authorized and directed to initiate and file condemnation proceedings against the owners and any other interested parties of the Property because the owner of the property at issue and the WTCPUA have been unable to voluntarily agree on the value of the real Property sought pursuant to the WTCPUA's eminent domain authority to acquire the necessary permanent and/or temporary easement rights required for the Project, and to perform or undertake all other proceedings necessary to complete the acquisition and use of the Property.

3. That all previous acts and proceedings done or initiated by the WTCPUA's agents, representatives, or employees for establishment of the Project, including the negotiation for and/or acquisition of any necessary property rights for this easement are hereby authorized, ratified, approved, confirmed, and validated. The findings of fact, recitations of provisions set in the preamble of this Resolution are adopted and made a part of the body of this Resolution, as fully as if the same were set forth herein. This resolution shall take effect immediately from and after its passage.

4. It is the intent of the Board of Directors that this resolution authorizes all processes and procedures for the acquisition, or the condemnation of all property required to complete the Project and to perform associated public purposes. If it is later determined that there are any errors in the descriptions contained herein or if later surveys contain more accurate revised descriptions, the WTCPUA's attorney is authorized to have such errors corrected or revisions made without the necessity of obtaining a new resolution from the Board of Directors authorizing the condemnation of the corrected or revised Property.

5. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

---

Scott Roberts  
President Board of Directors

ATTEST:

---

Walt Smith, Secretary  
Board of Directors

2.1925 Acre  
Waterline Easement

J. D. Survey No, 606, Abst. No. 579  
Arnold and Barrett Survey No. 45, Abst. No. 2283  
Project No. 22515.70  
January 5, 2023

Page 1 of 9

# EXHIBIT "A"

STATE OF TEXAS                   §  
  §  
COUNTY OF TRAVIS           §

FIELDNOTE DESCRIPTION of a tract or parcel of land containing 2.1925 acre situated in the J. D. Morgan Survey No. 606, Abstract No. 579 and Arnold and Barrett Survey No. 45, Abstract No. 283, Travis County, Texas, being a portion of that 1,138.51 acre tract, described as Tract 3, conveyed to Nature Conservancy of Texas by deed recorded in Volume 12122, Page 1031 of the Real Property Records of Travis County, Texas; said 2.1925 acre tract is more particularly described by metes and bounds as follows:

COMMENCING at a 1/2" iron rod, with plastic cap marked "Capital Surveying Co., Inc.", set for the southeast corner of the said 1,138.51 acre tract, same being on the westerly right-of-way line of State Highway 71 (right-of-way varies) and the northerly right-of-way line of Thomas Springs Road (right-of-way varies), from which a 1/2" iron rod, with cap marked "CARSON" found, N19°34'37"W, with the common westerly right-of-way line of State Highway 71 and the easterly line of the said 1,138.51 acre tract, a chord distance of 399.03 feet to the calculated point of tangency and N89°09'49"E, 0.82 feet;

THENCE, S83°43'10"W, leaving the westerly right-of-way line of State Highway 71, with the common southerly line of the said 1,138.51 acre tract and the northerly right-of-way line of Thomas Springs Road, for a distance of 32.05 feet to the calculated southeasterly corner and POINT OF BEGINNING of the herein described tract, same being the most southerly southwest corner of that 4.58 acre Water Line Easement conveyed to Lower Colorado River Authority by deed recorded in Document No. 2000185921 of the Official Public Records of Travis County, Texas and as transferred to the West Travis County Public Utility Agency in Document No. 2012106239 of the said Official Public Records;

THENCE, S83°43'10"W, continuing with the common southerly line of the said 1,138.51 acre tract and the northerly right-of-way line of Thomas Springs Road, a distance of 15.99 feet, to the point of curvature of a non-tangent curve to the right and most southerly southwest corner of the herein described tract, from which a 1/2" iron pipe found on the common line between the said 1,138.51 acre tract and Thomas Springs Road, being on the northeasterly line of Lot 39, Blue Hills Estates, a subdivision as recorded Book 45, Page 49 of the Plat Records of Travis County, Texas, bears S83°43'10"W, 267.14 feet;

THENCE, leaving the northerly right-of-way line of Thomas Springs Road and across the said 1,138.51 acre tract, 15.00 feet parallel to the westerly line of the said 4.58 acre Water Line Easement, for the following sixteen (16) courses:

- 1) With said non-tangent curve to the right, having a central angle of  $14^{\circ}26'11''$ , a radius of 1567.39 feet, a chord distance of 393.88 feet (chord bears  $N19^{\circ}15'53''W$ ), for an arc distance of 394.92 feet to the calculated point of tangency;
- 2)  $N12^{\circ}03'20''W$ , 1,126.96 feet to a calculated corner;
- 3)  $N14^{\circ}48'48''W$ , 539.43 feet to a calculated corner;
- 4)  $N17^{\circ}35'44''W$ , 570.68 feet to a calculated corner;
- 5)  $N24^{\circ}55'22''W$ , 558.59 feet to a calculated corner;
- 6)  $N32^{\circ}22'03''W$ , 486.54 feet to a calculated corner;
- 7)  $N54^{\circ}52'03''W$ , 52.26 feet to a calculated corner;
- 8)  $N32^{\circ}22'03''W$ , 190.10 feet to a calculated corner;
- 9)  $N09^{\circ}52'03''W$ , 52.26 feet to a calculated corner;
- 10)  $N32^{\circ}22'03''W$ , 477.66 feet to the calculated point of curvature for a curve to the right;
- 11) With said curve to the right, having a central angle of  $06^{\circ}09'58''$ , a radius of 5864.81 feet, a chord distance of 630.86 (chord bears  $N29^{\circ}17'00''W$ ), for an arc distance of 631.16 feet to the calculated point of tangency;
- 12)  $N26^{\circ}09'11''W$ , 181.51 feet to a calculated corner;
- 13)  $N48^{\circ}38'21''W$ , 52.20 feet to a calculated corner;
- 14)  $N26^{\circ}08'21''W$ , 128.17 feet to a calculated corner;
- 15)  $N17^{\circ}15'16''W$ , 128.86 feet to a calculated corner;
- 16)  $N26^{\circ}09'11''W$ , 795.82 feet to the calculated most northerly northwest corner of the herein described tract, same being on the common north line of the aforesaid 1,138.51 acre tract and the south line of Lot 1, Cedar Bluff Research Park, Section One, subdivision as recorded in Book 81, Page 303 of the said Plat Records;

THENCE, N78°03'43"E, with the said common north line of the said 1,138.51 acre tract and the south line of said Lot 1, a distance of 15.47 feet to the calculated northeast corner of the herein described tract, same being the northwest corner of the said 4.58 acre Water Line Easement, from which a TxDOT type 1 monument found for the northeast corner of the aforesaid 1,138.51 acre tract and the southeast corner of said Lot 1, being on the westerly right-of-way line of State Highway 71, bears N78°03'43"E, 30.95 feet;

THENCE, leaving the southeasterly line of the said Lot 1 and across the said 1,138.51 acre tract, with the westerly line of the said 4.58 acre Water Line Easement, for the following sixteen (16) courses:

- 1) S26°09'11"E, 793.19 feet to a calculated corner;
- 2) S17°15'16"E, 128.86 feet to a calculated corner;
- 3) S26°08'21"E, 124.02 feet to a calculated corner;
- 4) S48°38'21"E, 52.20 feet to a calculated corner;
- 5) S26°09'11"E, 184.48 feet to the calculated point of curvature for a curve to the left;
- 6) With said curve to the left, having a central angle of 06°09'58", a radius of 5849.81 feet, a chord distance of 629.24 feet (chord bears S29°17'00"E), for an arc distance of 629.55 feet to the calculated point of tangency;
- 7) S32°22'03"E, 480.65 feet to a calculated corner;
- 8) S09°52'03"E, 52.26 feet to a calculated corner;
- 9) S32°22'03"E, 184.13 feet to a calculated corner;
- 10) S54°52'03"E, 52.26 feet to a calculated corner;
- 11) S32°22'03"E, 490.50 feet to a calculated corner;
- 12) S24°55'22"E, 560.53 feet to a calculated corner;
- 13) S17°35'44"E, 572.00 feet to a calculated corner;
- 14) S14°48'48"E, 540.16 feet to a calculated corner;

- 15) S12°03'20"E, 1,127.32 feet to the calculated point of curvature for a curve to the left;
- 16) With said curve to the left, having a central angle of 14°38'25", a radius of 1552.39 feet, a chord distance of 395.59 feet (chord bears S19°22'00"E), for an arc distance of 396.67 feet to the POINT OF BEGINNING, and CONTAINING within these metes and bounds 2.1925 acre of land area.

Basis of Bearing is the Texas State Plane Coordinate System, Central Zone, NAD83 (Grid).

I, Blaine J. Miller, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this the 5th day of January, 2023.

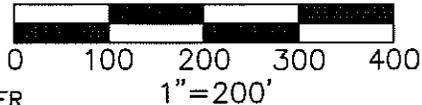


*Blaine J. Miller*

---

BLAINE J. MILLER  
Registered Professional Land Surveyor  
No. 5121 State of Texas

**SURVEY OF A 2.1925 ACRE  
WATERLINE EASEMENT OUT OF THE  
J. D. MORGAN SURVEY NO. 606,  
ABSTRACT NO. 579 AND  
ARNOLD AND BARRETT SURVEY NO. 45,  
ABSTRACT NO. 2283  
TRAVIS COUNTY, TEXAS**



SEE SHEET 5  
MATCH LINE

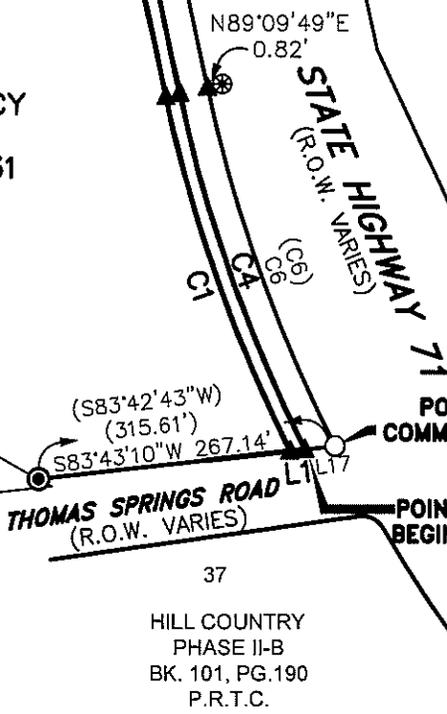
4.58 AC.  
WATER LINE EASEMENT  
LOWER COLORADO  
RIVER AUTHORITY  
DOC. NO. 2000185921  
O.P.R.T.C.  
TRANSFERRED  
WEST TRAVIS COUNTY  
PUBLIC UTILITY AGENCY  
DOC. NO. 2012106239  
O.P.R.T.C.

NOTICE OF MERGER  
NATURE CONSERVANCY  
DOC. NO. 2007174119  
O.P.R.T.C.  
TRACT 2  
676.58 ACRES  
NATURE CONSERVANCY  
OF TEXAS  
VOL. 12122, PG. 1031  
R.P.R.T.C.

NOTICE OF MERGER  
NATURE CONSERVANCY  
DOC. NO. 2007174119  
O.P.R.T.C.  
TRACT 3  
1138.51 ACRES  
NATURE CONSERVANCY  
OF TEXAS  
VOL. 12122, PG. 1031  
R.P.R.T.C.

BLUE HILLS  
ESTATES  
BK. 45, PG. 49  
P.R.T.C.

J. D. MORGAN  
SURVEY NO. 606,  
ABSTRACT NO. 579



OLD BEE  
CAVE SUBDIVISION  
DOC. NO. 200400102  
O.P.R.T.C.

I, Blaine J. Miller, a Registered Professional Land Surveyor do hereby certify that the above map or plat is true and correct to the best of my knowledge and that the property shown hereon was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 5th day of January 2023, A.D.

*Blaine J. Miller*  
Blaine J. Miller  
Registered Professional Land Surveyor  
No. 5121 - State of Texas

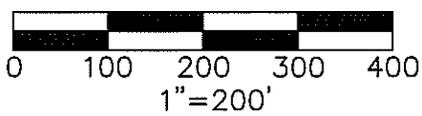
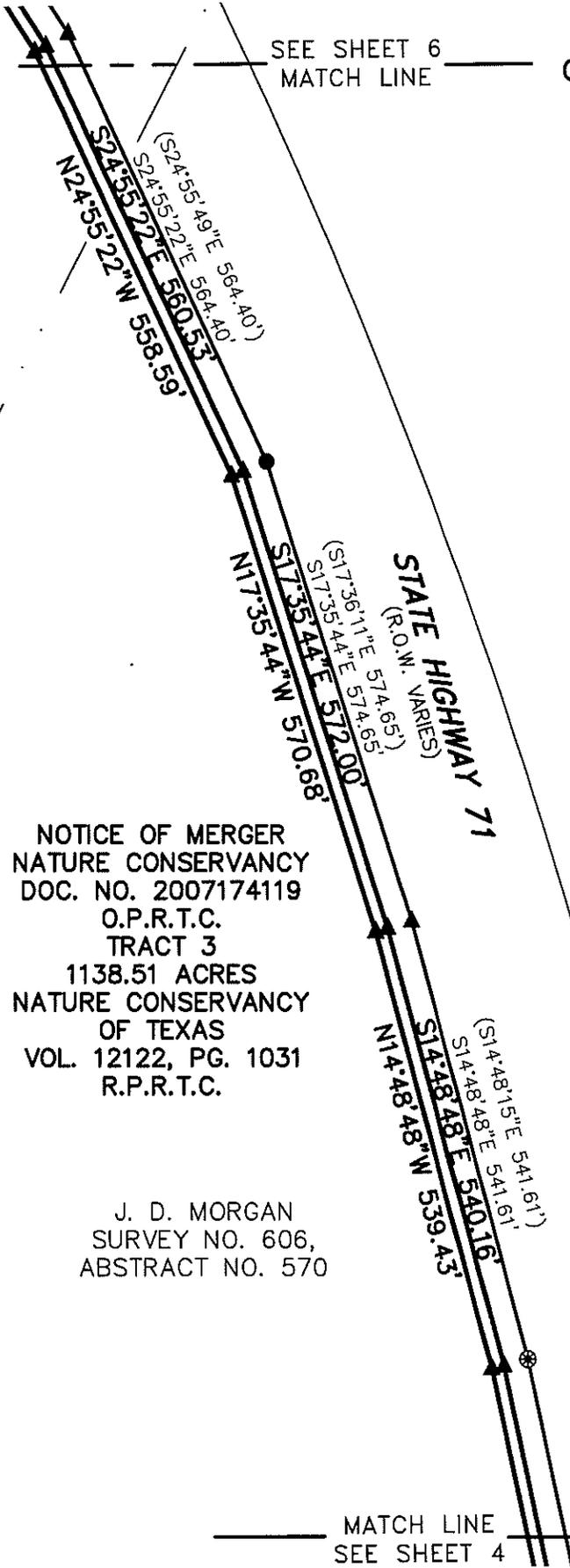
- NOTES:  
 1) BASIS OF BEARING IS THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83.  
 2) LEGEND, CURVE TABLE AND LINE TABLE ON SHEET 4 OF 4.

Dwg. # 22515e34 ORD # 22515 SHEET 5 OF 8

<b>CSCI</b>	<b>CAPITAL SURVEYING COMPANY</b>
	<b>INCORPORATED</b>
925 Capital of Texas Highway South Building B, Suite 115 Austin, Texas 78746 (512) 327-4006	FIRM REGISTRATION No. 101267-0

SURVEY OF A 2.1925 ACRE  
 WATERLINE EASEMENT  
 OUT OF THE J. D. MORGAN SURVEY NO. 606,  
 ABSTRACT NO. 579 AND  
 ARNOLD AND BARRETT SURVEY NO. 45,  
 ABSTRACT NO. 2283  
 TRAVIS COUNTY, TEXAS

SEE SHEET 6  
 MATCH LINE



NOTICE OF MERGER  
 NATURE CONSERVANCY  
 DOC. NO. 2007174119  
 O.P.R.T.C.  
 TRACT 2  
 676.58 ACRES  
 NATURE CONSERVANCY  
 OF TEXAS  
 VOL. 12122, PG. 1031  
 R.P.R.T.C.

NOTICE OF MERGER  
 NATURE CONSERVANCY  
 DOC. NO. 2007174119  
 O.P.R.T.C.  
 TRACT 3  
 1138.51 ACRES  
 NATURE CONSERVANCY  
 OF TEXAS  
 VOL. 12122, PG. 1031  
 R.P.R.T.C.

J. D. MORGAN  
 SURVEY NO. 606,  
 ABSTRACT NO. 570

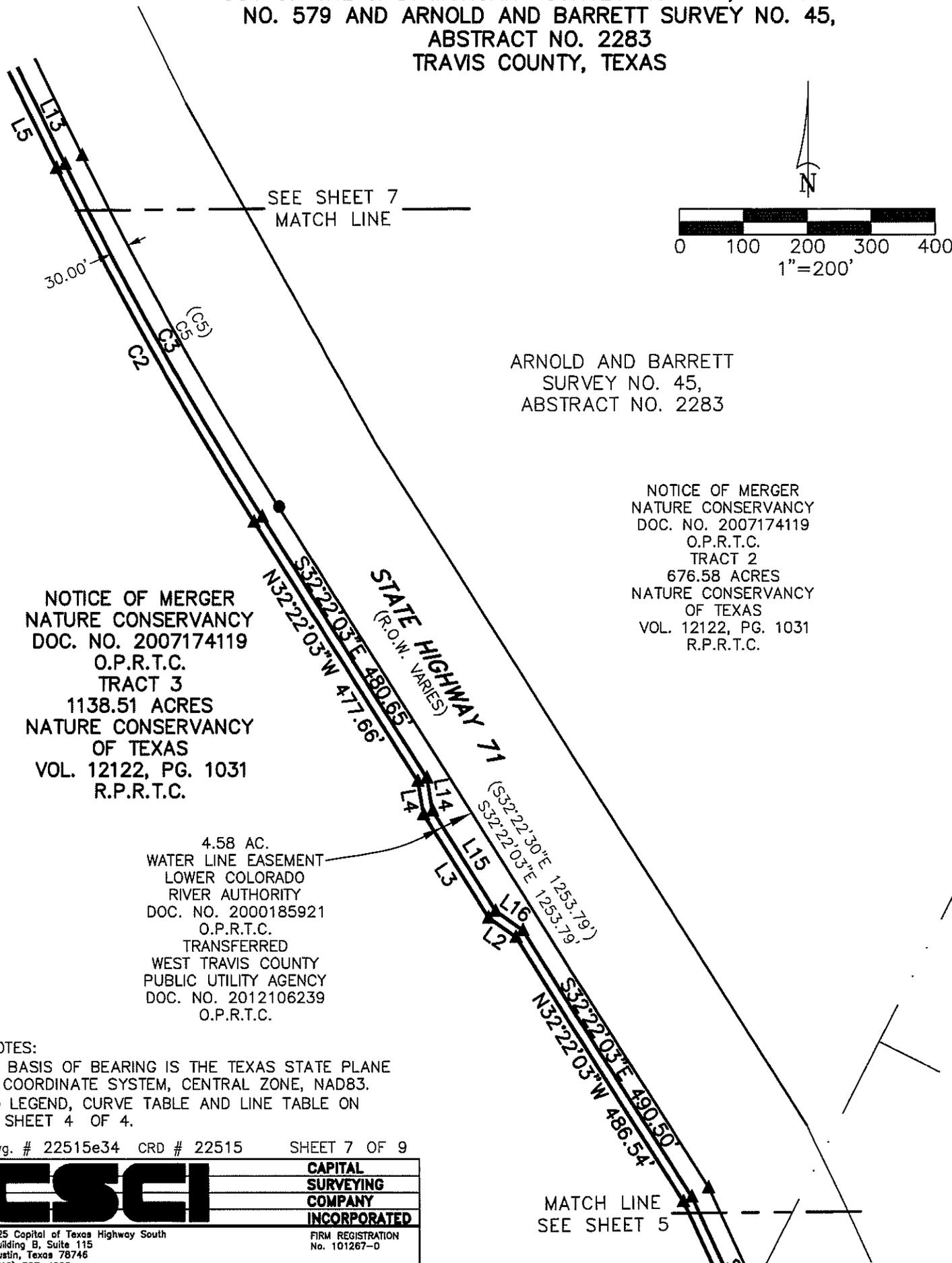
MATCH LINE  
 SEE SHEET 4

- NOTES:
- 1) BASIS OF BEARING IS THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83.
  - 2) LEGEND, CURVE TABLE AND LINE TABLE ON SHEET 4 OF 4.

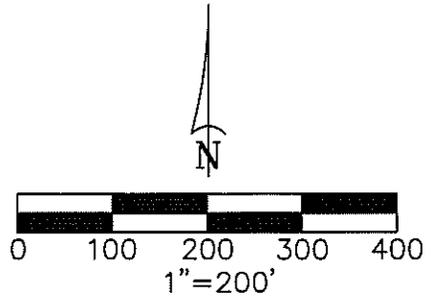
Dwg. # 22515e34 CRD # 22515 SHEET 6 OF 8

<b>CSEI</b>	<b>CAPITAL</b>
	<b>SURVEYING</b>
925 Capital of Texas Highway South Building B, Suite 115 Austin, Texas 78746 (512) 327-4006	<b>COMPANY</b>
	<b>INCORPORATED</b>
	FIRM REGISTRATION No. 101267-0

SURVEY OF A 2.1925 ACRE  
WATERLINE EASEMENT  
OUT OF THE J. D. MORGAN SURVEY NO. 606, ABSTRACT  
NO. 579 AND ARNOLD AND BARRETT SURVEY NO. 45,  
ABSTRACT NO. 2283  
TRAVIS COUNTY, TEXAS



SEE SHEET 7  
MATCH LINE



ARNOLD AND BARRETT  
SURVEY NO. 45,  
ABSTRACT NO. 2283

NOTICE OF MERGER  
NATURE CONSERVANCY  
DOC. NO. 2007174119  
O.P.R.T.C.  
TRACT 2  
676.58 ACRES  
NATURE CONSERVANCY  
OF TEXAS  
VOL. 12122, PG. 1031  
R.P.R.T.C.

NOTICE OF MERGER  
NATURE CONSERVANCY  
DOC. NO. 2007174119  
O.P.R.T.C.  
TRACT 3  
1138.51 ACRES  
NATURE CONSERVANCY  
OF TEXAS  
VOL. 12122, PG. 1031  
R.P.R.T.C.

4.58 AC.  
WATER LINE EASEMENT  
LOWER COLORADO  
RIVER AUTHORITY  
DOC. NO. 2000185921  
O.P.R.T.C.  
TRANSFERRED  
WEST TRAVIS COUNTY  
PUBLIC UTILITY AGENCY  
DOC. NO. 2012106239  
O.P.R.T.C.

- NOTES:
- 1) BASIS OF BEARING IS THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83.
  - 2) LEGEND, CURVE TABLE AND LINE TABLE ON SHEET 4 OF 4.

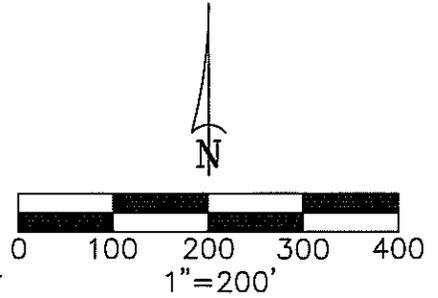
Dwg. # 22515e34 CRD # 22515 SHEET 7 OF 9

<b>CSCI</b>	<b>CAPITAL SURVEYING COMPANY</b>
	<b>INCORPORATED</b>
925 Capital of Texas Highway South Building B, Suite 115 Austin, Texas 78746 (512) 327-4006	FIRM REGISTRATION No. 101267-0

MATCH LINE  
SEE SHEET 5

**SURVEY OF A 2.1925 ACRE  
WATERLINE EASEMENT OUT OF THE  
J. D. MORGAN SURVEY NO. 606, ABSTRACT NO. 579  
AND ARNOLD AND BARRETT SURVEY NO. 45,  
ABSTRACT NO. 2283  
TRAVIS COUNTY, TEXAS**

NOTICE OF MERGER  
NATURE CONSERVANCY  
DOC. NO. 2007174119  
O.P.R.T.C.  
TRACT 1  
2463.08 ACRES  
NATURE CONSERVANCY  
OF TEXAS  
VOL. 12122, PG. 1031  
R.P.R.T.C.



CEDAR BLUFF  
RESEARCH PARK  
SECTION ONE  
BK. 81, PG. 303  
P.R.T.C.

1  
BLOCK "A" L9 L18

(N78°03'45"E 608.13')

30.00'  
15.00'

**SOUTHWEST PARKWAY**  
(R.O.W. VARIES)

N26°09'11"W 795.82'

**STATE HIGHWAY 71**  
(R.O.W. VARIES)

NOTICE OF MERGER  
NATURE CONSERVANCY  
DOC. NO. 2007174119  
O.P.R.T.C.  
TRACT 2  
676.58 ACRES  
NATURE CONSERVANCY  
OF TEXAS  
VOL. 12122, PG. 1031  
R.P.R.T.C.

NOTICE OF MERGER  
NATURE CONSERVANCY  
DOC. NO. 2007174119  
O.P.R.T.C.  
TRACT 3  
1138.51 ACRES  
NATURE CONSERVANCY  
OF TEXAS  
VOL. 12122, PG. 1031  
R.P.R.T.C.

(S26°10'35"E 1269.63')  
(S26°09'11"E 793.19')

L8 L10  
L11 L12  
L6 L5  
L13

MATCH LINE  
SEE SHEET 6

30.00'

**NOTES:**

- 1) BASIS OF BEARING IS THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83.
- 2) LEGEND, CURVE TABLE AND LINE TABLE ON SHEET 4 OF 4.

Dwg. # 22515e34 CRD # 22515 SHEET 8 OF 9



**CAPITAL  
SURVEYING  
COMPANY  
INCORPORATED**

925 Capital of Texas Highway South  
Building B, Suite 115  
Austin, Texas 78746  
(512) 327-4066

FIRM REGISTRATION  
No. 101267-0

SURVEY OF A 2.1925 ACRE  
WATERLINE EASEMENT OUT OF THE  
J. D. MORGAN SURVEY NO. 606, ABSTRACT NO. 579  
AND ARNOLD AND BARRETT SURVEY NO. 45,  
ABSTRACT NO. 2283  
TRAVIS COUNTY, TEXAS

LINE TABLE					
LINE	BEARING	LENGTH	LINE	BEARING	LENGTH
L1	S83°43'10"W	15.99'	L11	S26°08'21"E	124.02'
L2	N54°52'03"W	52.26'	L12	S48°38'21"E	52.20'
L3	N32°22'03"W	190.10'	L13	S26°09'11"E	184.48'
L4	N09°52'03"W	52.26'	L14	S09°52'03"E	52.26'
L5	N26°09'11"W	181.51'	L15	S32°22'03"E	184.13'
L6	N48°38'21"W	52.20'	L16	S54°52'03"E	52.26'
L7	N26°08'21"W	128.17'	L17	S83°43'10"W	32.05'
L8	N17°15'16"W	130.03'	L18	N78°03'43"E	30.95'
L9	N78°03'43"E	15.47'			
L10	S17°15'16"E	128.86'			

CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CHORD	BEARING
C1	14°26'11"	1567.39'	394.92'	393.88'	N19°15'53"W
C2	06°09'58"	5864.81'	631.16'	630.86'	N29°17'00"W
C3	06°09'58"	5849.81'	629.55'	629.24'	S29°17'00"E
C4	14°38'25"	1552.39'	396.67'	395.59'	S19°22'00"E
C5	06°09'58"	5819.58'	626.29'	625.99'	S29°17'00"E
(C5	06°09'58"	5819.58'	626.29'	625.99'	S29°17'28"E)
C6	15°03'40"	1522.39'	400.18'	399.03'	S19°34'37"E
(C6	15°03'39"	1522.39'	400.18'	399.03'	S19°35'04"E)

**LEGEND**

- O.P.R.T.C. OFFICIAL PUBLIC RECORDS TRAVIS COUNTY  
 R.P.R.T.C. REAL PROPERTY RECORDS TRAVIS COUNTY  
 P.R.T.C. PLAT RECORDS TRAVIS COUNTY  
 R.O.W. RIGHT-OF-WAY  
 ( ) RECORD INFORMATION  
 ⊗ 1/2" IRON ROD, WITH CAP, FOUND  
    MARKED "CARLSON"  
 ⊙ 1/2" IRON PIPE FOUND  
 ⊠ TxDOT TYPE 1 MONUMENT FOUND  
 ▲ CALCULATED POINT  
 ----- APPROXIMATE LOCATION OF SURVEY LINE

Dwg. # 22515e34 CRD # 22515 SHEET 9 OF 9

<b>CSCI</b>	<b>CAPITAL SURVEYING COMPANY</b>
	<b>INCORPORATED</b>
925 Capital of Texas Highway South Building B, Suite 115 Austin, Texas 78746 (512) 327-4006	FIRM REGISTRATION No. 101267-0

0.4591 Acre  
Temporary Construction Easement  
Page 1 of 3

Arnold And Barrett Survey No. 45, Abst. No. 2283  
Project No. 22515.70  
January 5, 2023

# EXHIBIT "B"

STATE OF TEXAS           §  
  §  
  §  
COUNTY OF TRAVIS       §

FIELDNOTE DESCRIPTION of a tract or parcel of land containing 0.4591 acre situated in the Arnold And Barrett Survey No. 45, Abstract No. 2283, Travis County, Texas, being a portion of that 1138.51 acre tract, described as Tract 3, conveyed to Nature Conservancy of Texas by deed recorded in Volume 12122, Page 1031 of the Real Property Records of Travis County, Texas; said 0.4591 acre tract is more particularly described by metes and bounds as follows:

COMMENCING at a 1/2" iron rod, without cap found on the westerly right-of-way line of State Highway 71 (right-of-way varies), same being on the easterly line of said 1138.51 acre tract, for the point of tangency of a curve to the right, from which a TxDOT Type I monument on the easterly right-of-way line of State Highway 71, bears N57°31'09"E, 179.66 feet;

THENCE, S32°20'08"E, with the common easterly line of said 1138.51 acre tract and westerly right-of-way line of State Highway 71, a distance of 326.21 feet a calculated point, from which a 1/2" iron, without cap found on the easterly line of said 1138.5 acre tract bears S32°20'08"E, 927.58 feet and S24°55'40"E, 564.48 feet;

THENCE, S57°39'52"W, leaving the westerly right-of-way line of State Highway 71, across the said 1138.51 acre tract, a distance of 30.08 feet to the northeast corner and POINT OF BEGINNING of the herein described tract;

THENCE, continuing across the said 1138.51 acre tract, for the following four (4) courses:

- 1) S32°20'08"E, a distance of 200.00 feet to the calculated southeast corner the herein described tract;
- 2) S57°39'52"W, a distance of 100.00 feet to the calculated southwest corner of the herein described tract;
- 3) N32°20'08"W, a distance of 200.00 feet to the calculated northwest corner the herein described tract;
- 4) N57°39'52"E, a distance of 100.00 feet to the POINT OF BEGINNING, and CONTAINING within these metes and bounds 0.4591 acre of land area.

Basis of Bearing is the Texas State Plane Coordinate System, Central Zone, NAD83 (Grid).

I, Blaine J. Miller, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and that the property described herein was determined by a survey made on the ground under my direction and supervision.



WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this the 5th day of January, 2023.

*Blaine J. Miller*

BLAINE J. MILLER  
Registered Professional Land Surveyor  
No. 5121 State of Texas

**SURVEY OF A 0.4591 ACRE  
TEMPORARY CONSTRUCTION EASEMENT  
OUT OF THE ARNOLD AND  
BARRETT SURVEY NO. 45, ABSTRACT NO. 2283  
TRAVIS COUNTY, TEXAS**

**POINT OF  
CPOMMENCEMENT**

**POINT OF  
BEGINNING**

NOTICE OF MERGER  
NATURE CONSERVANCY  
DOC. NO. 2007174119  
O.P.R.T.C.  
TRACT 3  
1138.51 ACRES  
NATURE CONSERVANCY  
OF TEXAS  
VOL. 12122, PG. 1031  
R.P.R.T.C.

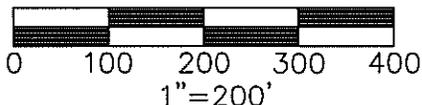
4.58 AC.  
WATER LINE EASEMENT  
LOWER COLORADO  
RIVER AUTHORITY  
DOC. NO. 200018591  
O.P.R.T.C.

**STATE HIGHWAY 71**  
(R.O.W. VARIES)  
S32°20'08"E 927.58'

S24°55'40"E 564.48'

N57°31'09"E  
179.66'  
S32°20'08"E  
326.21'

L1  
L2  
L3  
S32°20'08"E  
200.00'  
N32°20'08"W  
200.00'



I, Blaine J. Miller, a Registered Professional Land Surveyor do hereby certify that the above map or plat is true and correct to the best of my knowledge and that the property shown hereon was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 5th day of January 2023, A.D.

*Blaine J. Miller*

Blaine J. Miller  
Registered Professional Land Surveyor  
No. 5121 - State of Texas

**NOTES:**

- 1) BASIS OF BEARING IS THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83.
- 2) LEGEND AND LINE TABLE ON SHEET 3 OF 3.

Dwg. # 22515e30 CRD # 22515 SHEET 2 OF 3



925 Capital of Texas Highway South  
Building B, Suite 115  
Austin, Texas 78748  
(512) 327-4006

**CAPITAL  
SURVEYING  
COMPANY  
INCORPORATED**

FIRM REGISTRATION  
No. 101267-0

SURVEY OF A 0.4591 ACRE  
 TEMPORARY CONSTRUCTION EASEMENT  
 OUT OF THE ARNOLD AND BARRETT SURVEY NO. 45,  
 ABSTRACT NO. 2283  
 TRAVIS COUNTY, TEXAS

LINE TABLE		
LINE	BEARING	LENGTH
L1	S57°39'52"W	30.08'
L2	S57°39'52"W	100.00'
L3	N57°39'52"E	100.00'

LEGEND

- O.P.R.T.C. OFFICIAL PUBLIC RECORDS TRAVIS COUNTY  
 R.P.R.T.C. REAL PROPERTY RECORDS TRAVIS COUNTY  
 R.O.W. RIGHT-OF-WAY
- 1/2" IRON ROD, WITHOUT CAP, FOUND
  - TxDOT TYPE 1 MONUMENT FOUND
  - ▲ CALCULATED POINT

Dwg. # 22515e30 CRD # 22515 SHEET 3 OF 3

<b>CSCI</b>	<b>CAPITAL</b>
	<b>SURVEYING</b>
	<b>COMPANY</b>
	<b>INCORPORATED</b>
925 Capital of Texas Highway South Building B, Suite 115 Austin, Texas 78746 (512) 327-4006	
FIRM REGISTRATION No. 101267-0	

# EXHIBIT "C"

STATE OF TEXAS                   §  
  §  
COUNTY OF TRAVIS           §

FIELDNOTE DESCRIPTION of a tract or parcel of land containing 0.4925 acre situated in the J. D. Morgan Survey No. 606, Abstract No. 579, Travis County, Texas, being a portion of that 1138.51 acre tract, described as Tract 3, conveyed to Nature Conservancy of Texas by deed recorded in Volume 12122, Page 1031 of the Real Property Records of Travis County, Texas; said 0.4925 acre tract is more particularly described by metes and bounds as follows:

COMMENCING at calculated point on the westerly right-of-way line of State Highway 71 (right-of-way varies), same being on the easterly line of said 1138.51 acre tract, for the point of curvature for a curve to the left, from which a 1/2" iron rod, with cap marked "CARSON" found bears N89°09'49"E, 0.82 feet and a 1/2" iron rod, with cap marked "CARSON" found on said State Highway 71 right-of-way and easterly line of the said 1138.51 acre tract bears N12°03'20"W 1128.04 feet;

THENCE, S04°33'52"E, leaving the westerly right-of-way line of State Highway 71, across the said 1138.51 acre tract, a distance of 164.45 feet to the northeast corner, same being a point of curvature for a non-tangent curve to the left, and POINT OF BEGINNING of the herein described tract, a TxDOT Type I monument found on the easterly right-of-way line of State Highway 71, bears N65°02'30"E, 236.46 feet and S24°57'30"E, 609.13 feet;

THENCE, With said non-tangent curve to the left, having a central angle of 08°36'41", a radius of 1552.39 feet, chord distance of 233.10 feet (chord bears S22°22'52"E), for an arc distance of 233.32 feet to the calculated southeast corner the herein described tract, being on the common southerly line of the said 1138.51 acre tract and the northerly right-of-way line of Thomas Springs Road (right-of-way varies), from which a calculated point for the southeast corner of the said 1138.51 acre tract bears S83°43'10"W, 32.05 feet;

THENCE, S83°43'10"W, with the said common southerly line of the said 1138.51 acre tract and northerly right-of-way line of Thomas Springs Road, a distance of 106.32 feet to the calculated southwest corner of the herein described tract;

THENCE, leaving the northerly line of Thomas Springs Road and across the said 1138.51 acre tract, for the following two (2) courses:

- 1) N21°46'38"W, a distance of 204.60 feet to the calculated northwest corner the herein described tract;
- 2) N68°10'42"E, a distance of 100.00 feet to the POINT OF BEGINNING, and CONTAINING within these metes and bounds 0.4925 acre of land area.

Basis of Bearing is the Texas State Plane Coordinate System, Central Zone, NAD83 (Grid).

I, Blaine J. Miller, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this the 5th day of January, 2023.



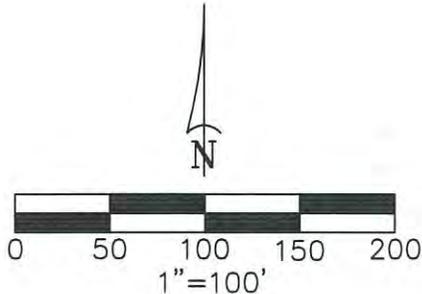
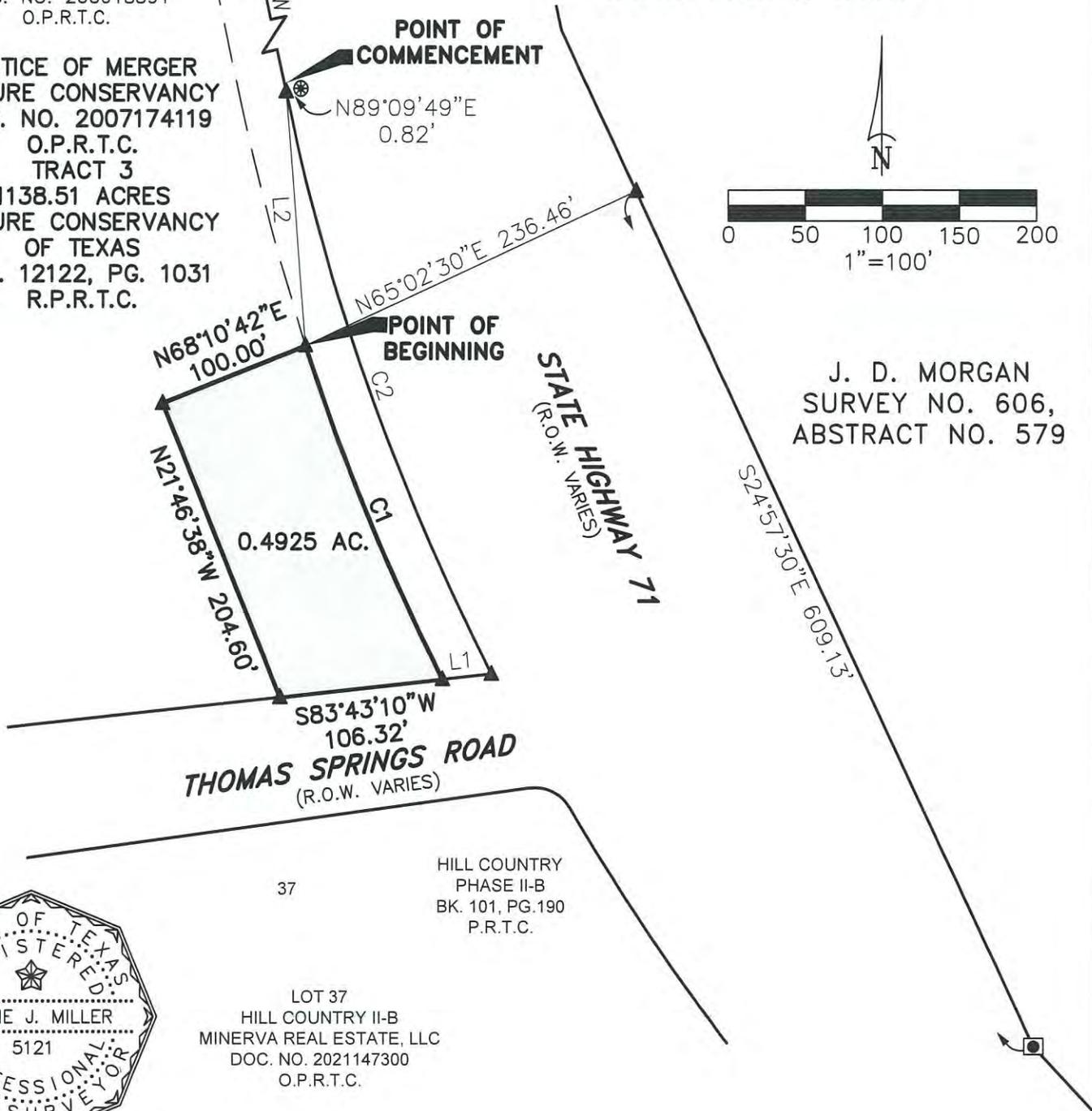
*Blaine J. Miller*

BLAINE J. MILLER  
Registered Professional Land Surveyor  
No. 5121 State of Texas

**SURVEY OF A 0.4925 ACRE  
TEMPORARY CONSTRUCTION EASEMENT  
OUT OF THE J. D. MORGAN  
SURVEY NO. 606, ABSTRACT NO. 579  
TRAVIS COUNTY, TEXAS**

4.58 AC.  
WATER LINE EASEMENT  
LOWER COLORADO  
RIVER AUTHORITY  
DOC. NO. 200018591  
O.P.R.T.C.

NOTICE OF MERGER  
NATURE CONSERVANCY  
DOC. NO. 2007174119  
O.P.R.T.C.  
TRACT 3  
1138.51 ACRES  
NATURE CONSERVANCY  
OF TEXAS  
VOL. 12122, PG. 1031  
R.P.R.T.C.



J. D. MORGAN  
SURVEY NO. 606,  
ABSTRACT NO. 579



37  
HILL COUNTRY  
PHASE II-B  
BK. 101, PG.190  
P.R.T.C.  
  
LOT 37  
HILL COUNTRY II-B  
MINERVA REAL ESTATE, LLC  
DOC. NO. 2021147300  
O.P.R.T.C.

I, Blaine J. Miller, a Registered Professional Land Surveyor do hereby certify that the above map or plat is true and correct to the best of my knowledge and that the property shown hereon was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 5th day of January 2023, A.D.

*Blaine J. Miller*  
Blaine J. Miller  
Registered Professional Land Surveyor  
No. 5121 - State of Texas

- NOTES:  
1) BASIS OF BEARING IS THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83.  
2) LEGEND, CURVE TABLE AND LINE TABLE ON SHEET 4 OF 4.

Dwg. # 22515e33 CRD # 22515 SHEET 3 OF 4

<b>CSCI</b>	<b>CAPITAL SURVEYING COMPANY</b>
	<b>INCORPORATED</b>
925 Capital of Texas Highway South Building B, Suite 115 Austin, Texas 78746 (512) 327-4006	FIRM REGISTRATION No. 101267-0

SURVEY OF A 0.4925 ACRE  
 TEMPORARY CONSTRUCTION EASEMENT  
 OUT OF THE J. D. MORGAN SURVEY NO. 606  
 45, ABSTRACT NO. 579  
 TRAVIS COUNTY, TEXAS

LINE TABLE		
LINE	BEARING	LENGTH
L1	S83°43'10"W	32.05'
L2	S04°33'52"E	164.45'

CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CHORD	BEARING
C1	08°36'41"	1552.39'	233.32'	233.10'	S22°22'52"E
C2	15°03'40"	1522.39'	400.18'	390.03'	S19°34'37"E

LEGEND

- O.P.R.T.C. OFFICIAL PUBLIC RECORDS TRAVIS COUNTY
- R.P.R.T.C. REAL PROPERTY RECORDS TRAVIS COUNTY
- P.R.T.C. PLAT RECORDS TRAVIS COUNTY
- R.O.W. RIGHT-OF-WAY
- ⊗ 1/2" IRON ROD, WITH CAP, FOUND  
MARKED "CARLSON"
- TxDOT TYPE 1 MONUMENT FOUND
- ▲ CALCULATED POINT

Dwg. # 22515e33 CRD # 22515 SHEET 4 OF 4

<b>CSCI</b>	<b>CAPITAL SURVEYING COMPANY</b>
	<b>INCORPORATED</b>
925 Capital of Texas Highway South Building B, Suite 115 Austin, Texas 78746 (512) 327-4006	FIRM REGISTRATION No. 101267-0



Protecting nature. Preserving life.™

*Legal Department  
2632 Broadway St., Suite 201 South  
San Antonio, Texas 78215  
(210) 224-8774 Tele.  
(888) 203-5400 Fax*

January 5, 2024

Jennifer Riechers, General Manager  
West Travis County Public Utility Agency  
13215 Bee Cave Pkwy., Suite 110  
Bee Cave, Texas 78738

*Via Email & U.S. Mail*

**Re: WTCPUA Hwy 290 Transmission Main Project  
Utility Pipeline and Right of Way Easement  
Parcel Nos. 5 & 6  
10115 State Hwy. 71, Austin, TX 78735**

Dear Ms. Riechers,

On behalf of The Nature Conservancy (TNC), I'm writing in response to your initial offer letter dated October 2, 2023 and final offer letter dated December 20, 2023, involving an offer by the West Travis County Public Utility Agency (WTCPUA) to acquire a 2.1925 acre permanent water transmission pipeline easement and 0.4591 acre and 0.4925 acre temporary construction easement on the above described property, which forms a part of TNC's Barton Creek Habitat Preserve (Preserve) for the price of \$47,000.

TNC does not desire for the pipeline easement to be located on the Preserve and is also restricted from granting the requested pipeline easement by the conservation easement held by the City of Austin (COA) on the Preserve. COA purchased the conservation easement in 2021 with voter-approved open space bond funding (Conservation Easement). The Conservation Easement restricts TNC from granting easements such as you have requested, and COA has a vested and compensable property interest pursuant to the Conservation Easement.

Given COA's interest in the subject property and the restrictions under the Conservation Easement, WTCPUA would need to condemn and provide compensation for COA's interest as well if this proposed project proceeds to litigation. We plan to consult with the City Attorney and potentially outside counsel on whether such condemnation will be contested given the Preserve is already providing an important public use and other alternatives may exist for the WTCPUA to avoid crossing the Preserve or whether TNC and COA might be amenable to proceeding with the pipeline easement in lieu of condemnation.

Additionally, TNC believes the offered purchase price of \$47,000 is inadequate. The WTCPUA appraisal dated effective September 18, 2023, from the W.F. Smith Company has numerous deficiencies without even considering the valuation comps. For example, the appraisal determines the value of the property as restricted by the Conservation Easement and does not attribute any value to COA's interest in the Conservation Easement. A portion of proceeds would need to be paid to COA for the damages to its interest, which would require a determination of

the land value without the Conservation Easement restrictions. The appraisal also fails to provide for any damages at all to the remainder of the property.

TNC cannot voluntarily agree on its own to the pipeline easement as proposed; however, if the WTCPUA will not avoid the Preserve, please let us know if the WTCPUA still plans to proceed with this project under condemnation.

Please let me know if any questions or you would like to discuss further. Any such discussions will also need to involve COA given its interest in the subject property through the Conservation Easement.

Best regards,

A handwritten signature in blue ink, appearing to read "Justin G. Rice".

Justin G. Rice, Senior Attorney

cc: *Via Email*

Brandon Crawford (TNC Preserve Manager)

Patrick Abernethy (City Attorney)

Kevin Thuesen (City Environmental Conservation Program Manager/WQPL)

Fred Moore (Heidaker Land Services)



**RESOLUTION DECLARING THE PUBLIC NECESSITY FOR ACQUIRING BY  
CONDEMNATION CERTAIN DESCRIBED REAL PROPERTY INTERESTS  
FOR PURPOSES OF THE HIGHWAY 290 TRANSMISSION MAIN PROJECT,  
AND AUTHORIZING LEGAL PROCEEDINGS TO SECURE RIGHT OF  
ENTRY  
(11886 Rimrock Tr., Austin, TX 78737)**

**THE STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS         §**

**WHEREAS**, West Travis County Public Utility Agency (the “WTCPUA”), a public utility agency created by concurrent ordinance of Hays County (the “County”), the City of Bee Cave (the “City”), and Lake Pointe Municipal Utility District<sup>1</sup> (the “District”) and governed by Chapter 572 of the Texas Local Government Code, has determined that in order to promote public health, safety, and welfare, public necessity requires acquisition of the necessary easements for the Highway 290 Transmission Main Project (the “Project”) pursuant to the WTCPUA’s Capital Improvements Plan; and,

**WHEREAS**, the WTCPUA and the owners of the property required for the Project have not been able to agree on a fair market value of the real property interest sought by the WTCPUA for voluntary purchase, in compliance with all prerequisites of the laws of the State of Texas and the requirements of Texas Property Code Chapter 21 in order to acquire a permanent and/or temporary easement interest as described below.

**WHEREAS** the WTCPUA desires to proceed with condemnation proceedings using its power of eminent domain to obtain the permanent and/or temporary easement interest that is necessary to promote public health, safety, welfare, and public necessity.

**NOW THEREFORE**, it is resolved by the Board of Directors of the West Travis County Public Utility Agency as follows:

1. That in order to promote the public health, safety, welfare, and public necessity requires the acquisition of a temporary and/or permanent utility easement(s) for the transportation of water and other facilities and uses incidental thereto or in connection therewith for the WTCPUA’s water treatment system, including but not limited to, construction, reconstruction, operation, maintenance, inspection and repair of transmission mains and other facilities or improvements, in 0.2479 acre (Parcel 51TCE) of land described more particularly by metes and bounds in the attached **Exhibit A and owned by ANCHOR EQUITIES, LTD.** (the “Property”); and that public necessity and convenience require the use of WTCPUA’s power of eminent domain for the condemnation of this Property in order to acquire it for such purpose.

The WTCPUA legal representatives are hereby authorized and directed to initiate and file condemnation proceedings against the owners and any other interested parties of the Property because the owner of the property at issue and the WTCPUA have been unable to voluntarily agree

<sup>1</sup>Lake Pointe Municipal Utility District is a successor in interest to West Travis County Municipal Utility District No. 5

on the value of the real Property sought pursuant to the WTCPUA's eminent domain authority to acquire the necessary permanent and/or temporary easement rights required for the Project, and to perform or undertake all other proceedings necessary to complete the acquisition and use of the Property.

3. That all previous acts and proceedings done or initiated by the WTCPUA's agents, representatives, or employees for establishment of the Project, including the negotiation for and/or acquisition of any necessary property rights for this easement are hereby authorized, ratified, approved, confirmed, and validated. The findings of fact, recitations of provisions set in the preamble of this Resolution are adopted and made a part of the body of this Resolution, as fully as if the same were set forth herein. This resolution shall take effect immediately from and after its passage.

4. It is the intent of the Board of Directors that this resolution authorizes all processes and procedures for the acquisition, or the condemnation of all property required to complete the Project and to perform associated public purposes. If it is later determined that there are any errors in the descriptions contained herein or if later surveys contain more accurate revised descriptions, the WTCPUA's attorney is authorized to have such errors corrected or revisions made without the necessity of obtaining a new resolution from the Board of Directors authorizing the condemnation of the corrected or revised Property.

5. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Scott Roberts  
President Board of Directors

ATTEST:

\_\_\_\_\_  
Walt Smith, Secretary  
Board of Directors

Exhibit A

0.2479 Acre  
Temporary Construction Easement  
Page 1 of 4

Elzy Harrison Survey No. 59, Abst. No. 379  
Project No. 22515.70  
January 5, 2023

STATE OF TEXAS                   §  
  §  
COUNTY OF TRAVIS           §

FIELDNOTE DESCRIPTION of a tract or parcel of land containing 0.2479 acre situated in the Elzy Harrison Survey No. 59, Abstract No. 379, Travis County, Texas, being a portion of Unit 3, Southwest Hills Condominium Declaration, recorded in Document No. 2010176545 of the Official Public Records of Travis County, Texas conveyed to Anchor Equities, Ltd., recorded in Document No. 2014153215 of the said Official Public Records; said 0.2479 acre area is more particularly described by metes and bounds as follows:

COMMENCING at a ½” iron pipe found on the southeasterly right-of-way line of State Highway 290 (right-of-way varies) for the north corner of Unit 5, of said Southwest Hills Condominium Declaration, same being the west corner of that 18.285 acre tract as conveyed to Kincorp, Inc., recorded in Document No. 2016050671 of the said Official Public Records;

THENCE, with the common the southeasterly right-of-way line of State Highway 290 and northwesterly line of said Southwest Hills Condominium Declaration, for the following two (2) courses:

- 1) S43°13'45"W, a distance of 95.65 feet to a TxDOT Type I monument found;
- 2) S34°29'34"W, a distance of 443.68 feet to a calculated point, from which a ½” iron rod, without cap, found for the west corner of Unit 1, of said Southwest Hills Condominium Declaration, same being on the northerly right-of-way of Rim Rock Trail (right-of-way varies), bears S34°29'34"W, a distance of 563.19 feet;

THENCE, S55°30'26"E, leaving the southerly right-of-way line of State Highway 290, across aforesaid 18.75 acre tract, a distance of 30.00 feet to the calculated north corner and POINT OF BEGINNING of the herein described tract;

THENCE, continuing across the said 18.75 acre tract, for the following four (4) courses:

- 1) S55°30'26"E, a distance of 90.00 feet to the calculated east corner of the herein described tract;
- 2) S34°29'34"W, a distance of 120.00 feet to the calculated south corner of the herein described tract;
- 3) N55°30'26"W, a distance of 90.00 feet to the west corner of the herein described tract;

- 4) N34°29'34"E, a distance of 120.00 feet to the POINT OF BEGINNING, and CONTAINING within these metes and bounds 0.2479 acre of land area.

Basis of Bearing is the Texas State Plane Coordinate System, Central Zone, NAD83 (Grid).

I, Blaine J. Miller, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this the 5th day of January, 2023.

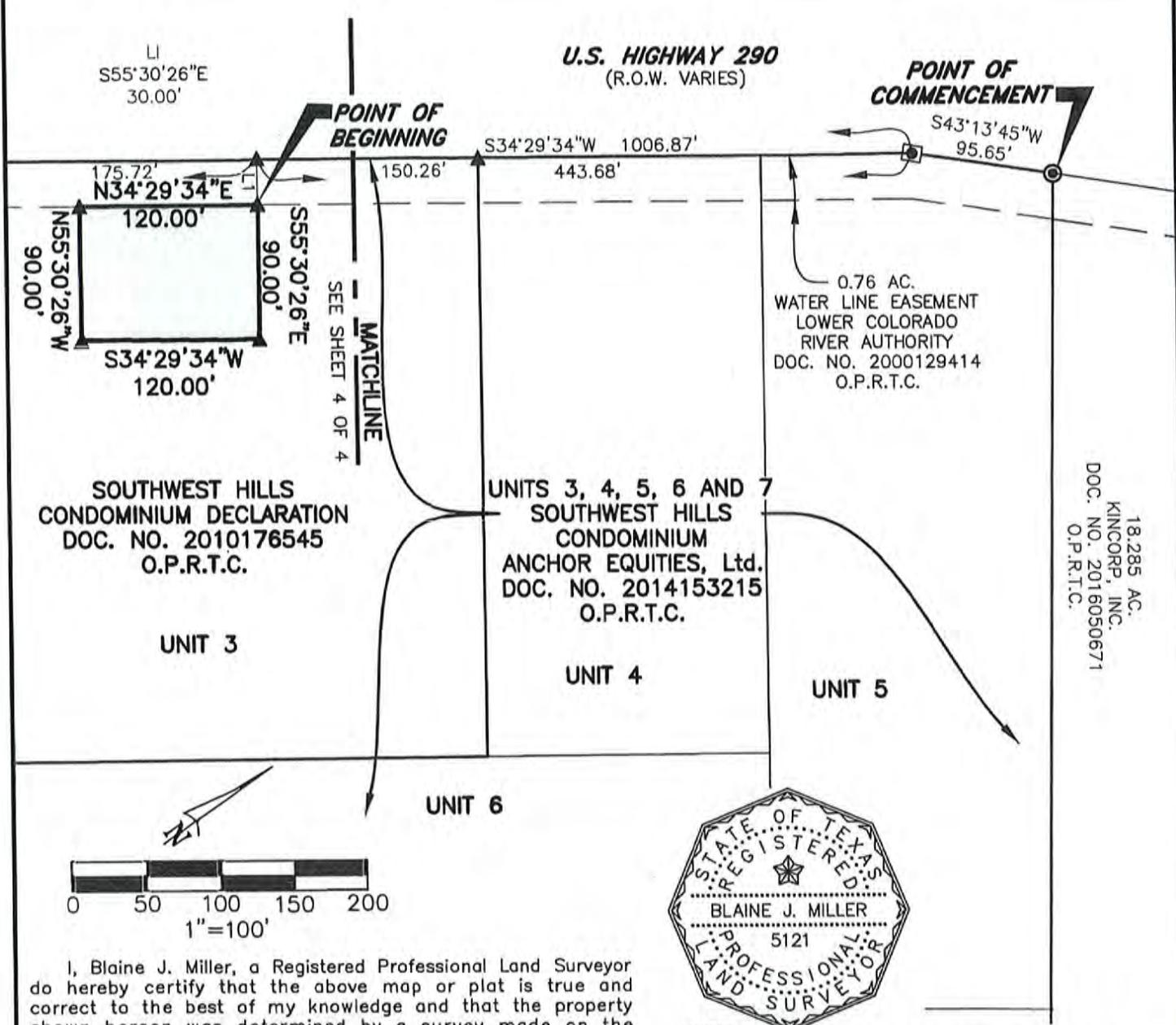


*Blaine J. Miller*

---

BLAINE J. MILLER  
Registered Professional Land Surveyor  
No. 5121 State of Texas

**SURVEY OF A 0.2479 ACRE  
 TEMPORARY CONSTRUCTION EASEMENT  
 OUT OF THE ELZY HARRISON  
 SURVEY NO. 59, ABSTRACT NO. 379  
 TRAVIS COUNTY, TEXAS**



SOUTHWEST HILLS  
 CONDOMINIUM DECLARATION  
 DOC. NO. 2010176545  
 O.P.R.T.C.

UNITS 3, 4, 5, 6 AND 7  
 SOUTHWEST HILLS  
 CONDOMINIUM  
 ANCHOR EQUITIES, Ltd.  
 DOC. NO. 2014153215  
 O.P.R.T.C.

18.285 AC.  
 KINCORP, INC.  
 DOC. NO. 2016050671  
 O.P.R.T.C.



I, Blaine J. Miller, a Registered Professional Land Surveyor do hereby certify that the above map or plat is true and correct to the best of my knowledge and that the property shown hereon was determined by a survey made on the ground under my direction and supervision.

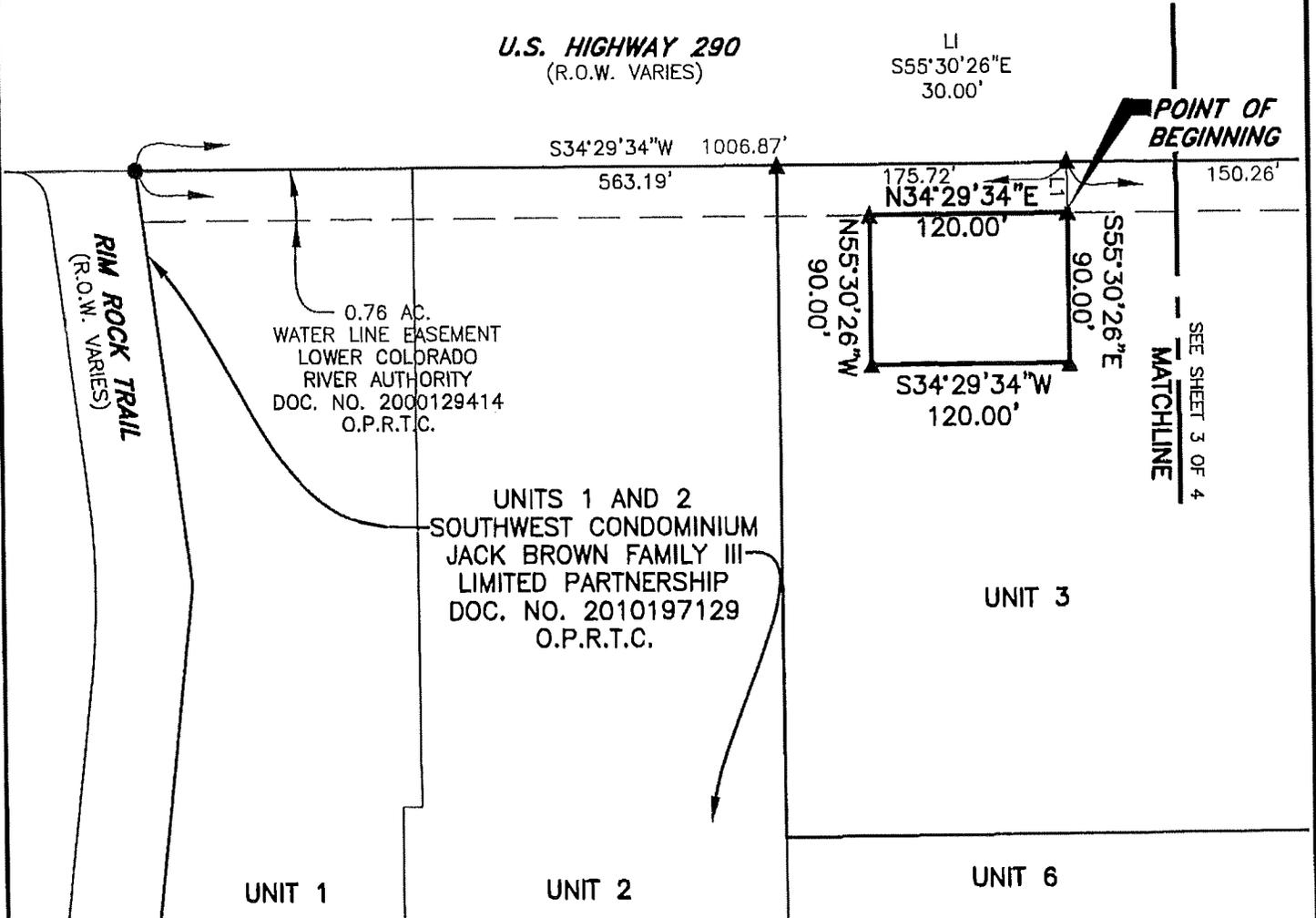
WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 5th day of January 2023, A.D.

*Blaine J. Miller*  
 Blaine J. Miller  
 Registered Professional Land Surveyor  
 No. 5121 - State of Texas

NOTES:  
 BASIS OF BEARING IS THE TEXAS STATE PLANE  
 COORDINATE SYSTEM, CENTRAL ZONE, NAD83.  
 Dwg. # 22515e20 CRD # 22515 SHEET 3 OF 4

<b>CSCI</b>	<b>CAPITAL SURVEYING COMPANY</b>
	<b>INCORPORATED</b>
925 Capitol of Texas Highway South Building B, Suite 115 Austin, Texas 78746 (512) 327-4006	FIRM REGISTRATION No. 101267-0

**SURVEY OF A 0.2479 ACRE  
 TEMPORARY CONSTRUCTION EASEMENT  
 OUT OF THE ELZY HARRISON  
 SURVEY NO. 59, ABSTRACT NO. 379  
 TRAVIS COUNTY, TEXAS**

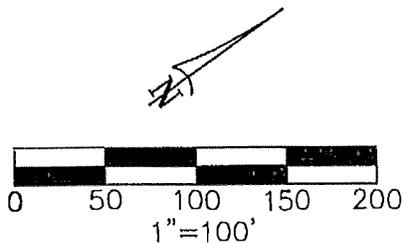


**LEGEND**

- O.P.R.T.C. OFFICIAL PUBLIC RECORDS TRAVIS COUNTY
- R.O.W. RIGHT-OF-WAY
- $1/2''$  IRON PIPE FOUND
- $1/2''$  IRON ROD, WITHOUT CAP, FOUND
- TxDOT TYPE 1 MONUMENT FOUND
- ▲ CALCULATED POINT

**NOTES:**  
 BASIS OF BEARING IS THE TEXAS STATE PLANE  
 COORDINATE SYSTEM, CENTRAL ZONE, NAD83.

Dwg. # 22515e20 CRD # 22515 SHEET 4 OF 4



<b>CSCI</b>	<b>CAPITAL</b>
	<b>SURVEYING</b>
	<b>COMPANY</b>
	<b>INCORPORATED</b>
925 Capital of Texas Highway South Building B, Suite 115 Austin, Texas 78746 (512) 327-4006	
FIRM REGISTRATION No. 101267-0	

# ITEM J

**ORDER DECLARING SURPLUS REAL PROPERTY  
AND AUTHORIZING NOTICE AND SALE  
(LCRA—Bee Cave Subdivision No. 1, Block A, Lot 2)**

THE STATE OF TEXAS                   §  
  §  
COUNTIES OF TRAVIS               §  
AND HAYS                               §

**WHEREAS** the West Travis County Public Utility Agency (the “Agency”) is a Texas public utility agency governed by Chapter 572 of the Texas Local Government Code;

**WHEREAS** the Agency owns certain real property re-platted as LCRA—Bee Cave Subdivision No. 1, Block A, Lot 2 at Document No. 202200327 in the Official Public Records of Travis County, Texas (“Lot 2”);

**WHEREAS** the Agency’s Board of Directors has assessed and considered the usefulness and value of Lot 2 and believes that Lot 2 is not needed by the Agency for water or wastewater system operations;

**WHEREAS**, the Board of Directors desires to declare Lot 2 as surplus property and to authorize public notice and sale of Lot 2 through the solicitation of sealed bids pursuant to Section 272.001 of the Texas Local Government Code.

**NOW THEREFORE**, it is ordered by the Board of Directors of the West Travis County Public Utility Agency as follows:

**Section 1:** The above recitals are true and correct and are incorporated into this Order for all purposes.

**Section 2:** The Agency’s Board of Directors hereby declares that Lot 2 is surplus property and is not needed by the Agency.

**Section 3:** The Agency’s Board of Directors authorizes its General Manager to take all actions necessary to provide public notice of the sale of Lot 2 in the form attached at Exhibit A and to solicit sealed bids for purchase of the property in accordance with Texas law.

**Section 4:** The General Manager is further authorized to negotiate, execute, and close on the sale of Lot 2 with a successful bidder on behalf of the Agency and to take such further action as necessary to carry out the intent of this Order.

**PASSED AND APPROVED** this 20th day of June 2024.

\_\_\_\_\_  
Scott Roberts, President

ATTEST:

\_\_\_\_\_  
Walt Smith, Secretary

**EXHIBIT A**

(to be published in a newspaper of general circulation in Travis County on two separate dates with the sale occurring no earlier than 14 days after the last publication date)

Notice of Offer of Sale of Land  
by West Travis County Public Utility Agency

The West Travis County Public Utility Agency (WTCPUA) has identified Lot 2, Block A of the LCRA—Bee Cave Subdivision Document No. 202200327 in the Official Public Records of Travis County along Highway 71 and west of the intersection with Hamilton Pool Road (the Property) as not needed by the WTCPUA and available for purchase. Property information and bid materials are available at \_\_\_\_\_. The WTCPUA will accept sealed bids from prospective purchasers no later than \_\_\_\_\_. Sealed bids may be submitted electronically or by hard copy to \_\_\_\_\_. WTCPUA reserves the right to accept or reject any or all bids. Please contact \_\_\_\_\_ for further information.

# ITEM K

### 5.2.1 Stage 1 – Mild Water Shortage

- the combined storage of lakes Travis and Buchanan drops below 1.1 million acre-feet;
- When total daily water demand equals or exceeds
  - 80 percent of the total design capacity (**16 MGD**) of the WTCPUA water treatment plant for three consecutive days; or
  - 90 percent of the total design capacity (**19 MGD**) of the WTCPUA water treatment plant for a single day;

Twice per week watering schedule

### 5.2.2 Stage 2 – Moderate Water Shortage

- the combined storage of lakes Travis and Buchanan drops below 900,000 acre-feet;
- When total daily water demand equals or exceeds:
  - 85 percent of the total design capacity (**17 MGD**) of the WTCPUA water treatment plant for three consecutive days;
  - 95 percent of the total design capacity (**19 MGD**) of the WTCPUA water treatment plant for a single day; or
  - the total design capacity of the WTCPUA raw water transmission main for three consecutive days;

Once per week watering schedule

Current (6/17) combined lake levels are 1.117 M acre-ft.

## **VII. STAFF REPORTS**

# ITEM A

# General Manager's Report

June 20, 2024



## Meeting Updates:

### **AMI Meter Study:**

- 2/5/24: Master Meter
- 5/8/24: Badger Meter
- 5/15/24: Neptune Meter
- 6/11/24: Kamstrup Meters

### **Development:**

- 5/16/24, 6/6/24: Lake Travis Youth Association regarding effluent use for ball fields
- 5/9/24: Brett Hammann (Meritage Homes) regarding status of Wild Ridge development (City of Dripping Springs)
- 5/14/24: Jim Meredith regarding status of Hamilton Pool Road parallel line
- 6/5/24: Dripping Springs Water Supply Corporation regarding SER request
- 6/6/24: David Knapp regarding Live Oak Springs Ph 2 development
- 6/13/24: City of Bee Cave City Manager regarding City assistance with easement acquisition for 1080 TM project

### **Miscellaneous:**

- 4/30/24: LCRA Firm Water Customer Meeting
- 5/8/24: Strategies 360 regarding PUA legislation review
- 5/9/24: Internal meeting regarding lead service line reporting requirements
- 5/14/24: Murfee Engineering regarding 2024 CIP Update
- 6/6/24: Impact Fee Advisory Committee meeting

## May Customer Disconnects:

- 129 delinquent notices were mailed to **Hwy. 290 customers** on 5/6/24.
  - 31 accounts were disconnected on 5/22/24.
- 175 delinquent notices were mailed to **Hwy. 71 customers** on 4/22/24.
  - 30 accounts were disconnected on 5/14/24.

## AMI Meter Study:

- PUA staff has met with 4 meter distributors regarding AMI (smart meter) technology to evaluate:
  - o Customer portal options
  - o Types of service (cellular vs radio)
  - o Cost of project
- Next Steps: Formal board proposal in '25 Fiscal Year
- Benefits:
  - o Provide real time usage data to staff and customers
  - o Give customers more access to their daily water usage and historical trends
  - o More easily identify water leaks and irregular water usage

## Neighboring Utilities Water Restrictions (as of June 16<sup>th</sup>):

### **Stage 1 (Twice per week):**

- WCID 17
- City of Burnet
- City of Cedar Park
- Lakeway MUD

### **Stage 2 (Once per week):**

- City of Austin
- City of Pflugerville
- City of Leander

## Current Lake Levels (as of June 16<sup>th</sup>):

- Combined storage of Lake Buchanan and Lake Travis is **1.13M acre/feet**.
  - Lake Travis is 42% full.
  - Lake Buchanan is 74% full.

## **ITEM B**



West Travis County Public Utility Agency

# Budget Variance Report

As Of: 5/31/2024

Fund: 10 - General Fund

	CURRENT MONTH			YEAR TO DATE			ANNUAL BUDGET		%
	ACTUAL	BUDGETED	VARIANCE	ACTUAL	BUDGETED	VARIANCE	TOTAL	REMAINING	
<b>REVENUE SUMMARY</b>									
Water Revenue	1,771,591	2,200,571	(428,980)	14,639,241	15,642,368	(1,003,127)	27,230,000	12,590,759	
Wastewater Revenue	455,005	465,923	(10,918)	3,524,481	3,543,227	(18,746)	5,400,000	1,875,519	
SER Project Revenue	101,639	43,450	58,189	1,629,364	1,665,746	(36,382)	1,951,000	321,636	
Other Income	25,822	4,165	21,657	82,954	33,320	49,634	50,000	(32,954)	
Investment Income	19,602	8,330	11,272	621,055	66,640	554,415	100,000	(521,055)	
Investment Unrealized Gain (Loss)	13,852	-	13,852	62,505	-	62,505	-	(62,505)	
<b>TOTAL REVENUE</b>	<b>2,387,511</b>	<b>2,722,439</b>	<b>(334,928)</b>	<b>20,559,600</b>	<b>20,951,301</b>	<b>(391,701)</b>	<b>34,731,000</b>	<b>14,171,400</b>	<b>41%</b>
<b>EXPENSE SUMMARY</b>									
Water	446,265	523,517	77,252	3,538,570	3,913,219	374,649	5,977,325	2,438,755	
Wastewater	154,565	227,459	72,894	1,384,234	1,623,012	238,778	2,339,225	954,991	
Electromechanical	35,888	44,708	8,820	312,108	383,132	71,024	559,050	246,942	
Line Maintenance	99,690	103,180	3,490	872,611	878,968	6,357	1,335,950	463,339	
SER Projects	22,492	17,493	(4,999)	176,765	139,944	(36,821)	210,000	33,235	
Engineering	26,787	33,869	7,082	218,797	290,687	71,890	443,250	224,453	
Customer Service	32,549	33,851	1,302	250,084	294,525	44,441	444,425	194,341	
Meter Tech	39,372	65,020	25,648	419,671	504,696	85,025	777,425	357,754	
Information Technology	34,174	46,371	12,197	342,662	519,080	176,418	738,700	396,038	
Admin	214,103	216,083	1,980	1,909,536	1,979,006	69,470	3,020,550	1,111,014	
Transfers Out	1,875,000	1,875,000	-	15,000,000	15,000,000	-	25,500,000	10,500,000	
<b>TOTAL EXPENSE</b>	<b>2,980,885</b>	<b>3,186,551</b>	<b>205,666</b>	<b>24,425,038</b>	<b>25,526,269</b>	<b>1,101,231</b>	<b>41,345,900</b>	<b>16,920,862</b>	<b>41%</b>
<b>REVENUE OVER/(UNDER) EXPENDITURE</b>	<b>(593,374)</b>	<b>(464,112)</b>	<b>(129,262)</b>	<b>(3,865,438)</b>	<b>(4,574,968)</b>	<b>709,530</b>	<b>(6,614,900)</b>	<b>(2,749,462)</b>	

# Balance Sheet-All Funds

## Account Summary

As Of 5/31/2024

MajorGroup	10 - General Fund	20 - Rate Stabilization Fund	30 - Facilities Fund	40 - Debt Service Fund	50 - Capital Projects Fund	60 - Impact Fee Fund	Total
<b>Asset</b>							
10 - Cash & Cash Equivalents	\$ 30,420,321	\$ 2,017,645	\$ 2,111,051	\$ 16,790,099	\$ 26,475,526	\$ 2,266,513	\$ 80,081,155
11 - Investments	3,314,192	3,283,099	6,309,445	13,633,632	26,587,068	31,276,321	84,403,757
12 - Receivables	4,292,594	-	-	-	-	-	4,292,594
17 - Deposits	36,087	-	-	-	111,032	-	147,119
<b>Total Asset:</b>	<b>\$ 38,063,194</b>	<b>\$ 5,300,744</b>	<b>\$ 8,420,496</b>	<b>\$ 30,423,731</b>	<b>\$ 53,173,626</b>	<b>\$ 33,542,834</b>	<b>\$ 168,924,625</b>
<b>Liability</b>							
30 - Accounts Payable	\$ 618,407	\$ -	\$ 295,724	\$ -	\$ 1,050,848	\$ -	\$ 1,964,979
31 - Refundable Deposits	2,531,560	-	-	-	-	-	2,531,560
32 - Other Accrued Liabilities	467,450	-	-	-	-	-	467,450
33 - Unearned New Service Fees	4,288,141	-	-	-	-	-	4,288,141
<b>Total Liability:</b>	<b>7,905,558</b>	<b>-</b>	<b>295,724</b>	<b>-</b>	<b>1,050,848</b>	<b>-</b>	<b>9,252,130</b>
<b>Equity</b>							
50 - Fund Balances	34,023,074	5,191,969	7,226,710	24,753,791	53,544,334	31,832,498	156,572,376
<b>Total Beginning Equity:</b>	<b>34,023,074</b>	<b>5,191,969</b>	<b>7,226,710</b>	<b>24,753,791</b>	<b>53,544,334</b>	<b>31,832,498</b>	<b>156,572,376</b>
Total Revenue	20,559,600	112,571	3,548,241	10,122,293	4,265,803	3,099,844	41,708,352
Total Expense	24,425,038	3,796	2,650,179	4,452,353	5,687,359	1,389,508	38,608,233
<b>Revenues Over/Under Expenses</b>	<b>(3,865,438)</b>	<b>108,775</b>	<b>898,062</b>	<b>5,669,940</b>	<b>(1,421,556)</b>	<b>1,710,336</b>	<b>3,100,119</b>
<b>Total Equity and Current Surplus (Deficit):</b>	<b>30,157,636</b>	<b>5,300,744</b>	<b>8,124,772</b>	<b>30,423,731</b>	<b>52,122,778</b>	<b>33,542,834</b>	<b>159,672,495</b>
<b>Total Liabilities, Equity and Current Surplus (Deficit):</b>	<b>\$ 38,063,194</b>	<b>\$ 5,300,744</b>	<b>\$ 8,420,496</b>	<b>\$ 30,423,731</b>	<b>\$ 53,173,626</b>	<b>\$ 33,542,834</b>	<b>\$ 168,924,625</b>

# Income Statement-All Funds

## Account Summary

For the Period Ending 5/31/2024

	10 General Fund	20 Rate Stabilization Fund	30 Facilities Fund	40 Debt Service Fund	50 Capital Projects Fund	60 Impact Fee Fund	Total
<b>Revenue</b>							
60 - Water Revenue	\$ 14,639,241	\$ -	\$ -	\$ -	\$ -	\$ 1,908,217	\$ 16,547,458
61 - Wastewater Revenue	3,524,481	-	-	-	-	131,492	3,655,973
62 - SER Project Revenue	1,629,364	-	-	-	-	-	1,629,364
68 - Other Income	82,954	-	-	-	-	-	82,954
69 - Investment Income	621,055	52,489	97,030	202,706	420,433	457,725	1,851,438
69 - Investment Unrealized Gain (Loss)	62,505	60,082	117,878	274,618	512,037	602,410	1,629,530
89 - Bond Proceeds	-	-	-	-	-	-	-
90 - Other Financing Sources (Uses)	-	-	3,333,333	9,644,969	3,333,333	-	16,311,635
<b>Revenue Total:</b>	<b>20,559,600</b>	<b>112,571</b>	<b>3,548,241</b>	<b>10,122,293</b>	<b>4,265,803</b>	<b>3,099,844</b>	<b>41,708,352</b>
<b>Expense</b>							
70 - Water Expense	3,538,570	-	-	-	-	-	3,538,570
71 - Wastewater Expense	1,384,234	-	-	-	-	-	1,384,234
72 - Shared Operations Expense	1,184,719	-	-	-	-	-	1,184,719
74 - SER Project Expense	176,765	-	-	-	-	-	176,765
79 - Shared Admin Expense	3,140,750	3,796	6,060	13,509	21,115	77,872	3,263,102
80 - Capital Outlay	-	-	2,644,119	-	5,666,244	-	8,310,363
88 - Debt Service	-	-	-	4,438,844	-	-	4,438,844
89 - Bond Issuance Costs	-	-	-	-	-	-	-
90 - Other Financing Sources (Uses)	15,000,000	-	-	-	-	1,311,636	16,311,636
<b>Expense Total:</b>	<b>24,425,038</b>	<b>3,796</b>	<b>2,650,179</b>	<b>4,452,353</b>	<b>5,687,359</b>	<b>1,389,508</b>	<b>38,608,233</b>
<b>Current Surplus (Deficit):</b>	<b>\$ (3,865,438)</b>	<b>\$ 108,775</b>	<b>\$ 898,062</b>	<b>\$ 5,669,940</b>	<b>\$ (1,421,556)</b>	<b>\$ 1,710,336</b>	<b>\$ 3,100,119</b>

# ITEM C

## WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY

13215 Bee Cave Pkwy  
Building B, Suite 110  
Bee Cave, Texas 78738  
Office: 512/263-0100  
Fax: 512/263-2289  
wtcpua.org



# Operations Report

June 2024

### Executive Summary

During the Month of **April and May**, all Water facilities performed well with no environmental compliance issues.

### Environmental Compliance

All TCEQ compliance parameters were within State limits during the month of **April and May 2024**. Please see the below process control summaries for the Water Treatment Plant and both Wastewater Treatment Plants.

#### Water and Wastewater Process Summary: April 2024

Water Treatment Plant	Actual
AVG Raw Water	9.821 MGD
AVG Treated Water	10.224 MGD
PEAK Treated Water	12.489 MGD
AVG CFE Turbidity	0.07 NTU
AVG Chlorine	2.74 mg/L

Lake Point WWTP	Actual	Permit Limit
AVG Flow	0.496 MGD	0.675 MGD
MAX Flow	0.688 MGD	
AVG CBOD	1.56 mg/l	5 mg/l
AVG Fec.Coli	1.00 mg/l	20 mg/L
AVG NH3	2.09 mg/l	2 mg/L
AVG Turbidity	1.06 mg/l	3 mg/L

Bohls WWTP	Actual	Permit Limit
AVG Flow	0.233 MGD	0.325 MGD
MAX Flow	0.364 MGD	
AVG CBOD	1.89 mg/l	5 mg/L
AVG Fec.Coli	2.5 mg/l	20 mg/L
AVG NH3	0.31 mg/l	2 mg/L
AVG Turbidity	1.86 mg/l	3 mg/L

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## Water and Wastewater Process Summary: May 2024

<b>Water Treatment Plant</b>	<b>Actual</b>
AVG Raw Water	9.039 MGD
AVG Treated Water	9.725 MGD
PEAK Treated Water	13.234 MGD
AVG CFE Turbidity	0.08 NTU
AVG Chlorine	2.75 mg/L

<b>Lake Point WWTP</b>	<b>Actual</b>	<b>Permit Limit</b>
AVG Flow	0.491 MGD	0.675 MGD
MAX Flow	0.587 MGD	
AVG CBOD	2.33 mg/l	5 mg/l
AVG Fec.Coli	2.30 mg/l	20 mg/L
AVG NH3	1.97 mg/l	2 mg/L
AVG Turbidity	1.18 mg/l	3 mg/L

<b>Bohls WWTP</b>	<b>Actual</b>	<b>Permit Limit</b>
AVG Flow	0.240 MGD	0.325 MGD
MAX Flow	0.314 MGD	
AVG CBOD	1.86 mg/l	5 mg/L
AVG Fec.Coli	20 mg/l	20 mg/L
AVG NH3	0.56 mg/l	2 mg/L
AVG Turbidity	1.70 mg/l	3 mg/L

## Electromechanical Department Update

### **Water Treatment Plant**

- Replacement of HSP 2&3(per 5-yr plan).
  - Contracted Payton Construction estimated start date of first week of July.
- Unit #2 Air compressors purchased.
  - Installation started.
- Replacement of Unit #2 Actuators and positioners.
  - Completed Phase 1.
- Installed rotating assembly HSP #4.
- Replaced Poly feed water line.
- Completed PM on Transfer Pumps 1-3.

### **Raw Water Intake**

- 
- PM completed on Pump #2.

#### **Pump Station #1**

- Repaired Motor #2, installation completed.
- Completed full rebuild of Pump control Valve #3.

#### **Pump Station #2**

- Ground Storage Tank #1 Fill Valve per 5yr plan.
  - Fill Valve is on site. installation schedule pending.
- Replaced Output card on PLC.

#### **Pump Station #4**

- Rebuild of Pump #3.
  - Started- waiting on materials.

#### **Pump Station #7**

- Ordered Pump #4 replacement per 5-year plan.
  - The pump is currently being modified to match duty conditions of the recently installed pumps 1&2. After the pump modifications are complete installation will be scheduled.
- Pump Control Valve #4 replacement per 5-yr plan.
  - PCV is on site; installation will coincide with Pump #4.
- Installation of electrical, mechanical, and pneumatic devices and equipment for County Line maintenance building will be starting in March.
  - Completed.

#### **Lakepointe WWTP**

- Installation of the second rebuilt blower is in process.
- Replacing weir seals as needed on PLT #1.
- Installed spare EQ Pumps, removed existing for rehab.
- Performed oil change on blowers.

#### **Bohls WWTP**

- Completed PM on A/C unit.

#### **Lift Station #11**

- Pulled and cleared debris from both pumps.

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### **Lift Station #16**

- Generator replacement per 5-yr plan is on order.
  - Expected to arrive August 2024.

### **Lift Station #17**

- Installed actuated gate.

### **Lift Station #18**

- Pump #2 in shop due to cord damage. Installed spare.
- Cleared drain from check vault to wet well.

### **Communication Project**

- Phase 2(Lakepointe Area)
  - Lift Station #2: Remaining item: Install gate.
  - Lift Station #6: Completed.
  - Lift Station #7: Completed.

## **Line Maintenance Department Update**

### **Leak repairs:**

- 11620 Musket Rim St – Excavated and repaired leaking sewer line; Replaced leaking curb angle stop valve.
- FM 2244 @ Hwy 71 – Excavated and repaired leaking sewer effluent line
- 12400 Hwy 290 W (@ IHOP) – Excavated and repaired service line leak
- 11906 Colleyville Dr. – Replaced leaking curb angle stop valve

### **Leak repairs: Leaks caused by contractor.**

- 18630 Madrone Vista – Excavated and repaired

### **Hydrants:**

- Surveying, inspecting, painting, and performing maintenance in 290 areas – complete.
- Surveying, inspecting, painting, and performing maintenance in Lake Pointe – 95% complete.
- Brookhurst Cv – Located hydrant and valve in high grass, services and painted the unit

- 
- 13341 US 290 W – Repair loose bonnet on hydrant
  - Bee Cave Pkwy @ Market St. – Repair hydrant

#### Street /Main water valves:

- Hwy 290 W @ Geneva – Raised valve stacks to grade, poured concrete wrap

#### Street /WW manholes:

- Surveying, inspecting, and performing maintenance – Lake Pointe.
- Surveying, inspecting, and performing maintenance – Spanish Oaks.
- Spanish Oaks - GPS 30.29635N, 97.93680W - Raised sewer manhole to grade
- Spanish Oaks – Located sewer manhole holding water, schedule hydrojet and clean
- Home Depot – Hydrojet manholes and gravity lines onsite
- 

#### Misc. repairs/projects:

- 9010 N Madrone Trl – Replaced meter box set
- Appaloosa Run – Replaced meter box set
- 119924 La Barzola Bend – Replaced broken angle stop valve
- 17978 Hamilton Pool Rd – Replaced 6 inch meter

## Staffing

#### **Electro-mechanical**

- 1 position filled – Electrician, **Zenn Carlos - Vasquez**

#### **Wastewater Treatment**

- 2 positions filled – **Matt Mullins**  
**Greg Luther**

#### **Line Maintenance**

- 2 positions filled – **Jose Rodriguez**  
**Jose Tovar**

# ITEM D

# MURFEE ENGINEERING COMPANY, INC.

Texas Registered Firm No. F-353  
1101 Capital of Texas Hwy., South, Bldg., D  
Austin, Texas 78746  
(512) 327-9204

## M E M O R A N D U M

**DATE:** June 13, 2024

**TO:** BOARD OF DIRECTORS – WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY

**FROM:** George Murfee, P.E.

**RE:** Engineer's Report – June 2024

**MEC File No.:** 11051.174

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### Current Items

#### **Wastewater Flow**

An updated figure tracking wastewater flows is attached.

#### **Raw and Treated Water Flows**

Figures are attached. Trend is typical.

### Water-System Wide

#### ***Beneficial Water Recycling Project***

The TCEQ Application for a Class V injection well has been denied by the TCEQ. The injection well, as a method of effluent disposal would have complemented the pilot effort required for the BWR (Beneficial Water Recycling) facility. Alternative disposal alternatives are being assessed, which include routing of effluent to the proposed subsurface drip fields at Falconhead West and potential SADDs conversion of the current spray irrigation system at the CoBC City Park. Future meetings with the LCRA are being discussed to obtain permission to discharge BWR effluent and replace the injection well as the pilot program.

#### ***Uplands Water Treatment Plant Design***

The project has surpassed 90% design completion and is undergoing QA\QC and a constructability review. The site plan has been resubmitted with all required variance letters to the City of Bee Cave. Austin Energy is performing studies to determine which electrical service options are available for the expansion. A final plat application packet is being prepared for the tract in accordance with city regulations. MEC has subcontracted with BGE to assist in the QA\QC and to provide senior level review of the plans.

### ***Impact Fee Study***

MEC is updating the Land Use Assumptions (LUAs) within the WTCPUA service planning area and the demographics study for Dripping Springs ISD and Lake Travis ISD are in use for supporting project growth estimates. We have reviewed the current customer service account summary and existing SER list for development of the updated LUA. Construction costs have been updated for the 2021 CIP and the draft report is being updated for discussion. The recently amended contract with the City of Dripping Springs has required some major adjustment to the CIP from 2021. The draft CIP has been prepared for discussion and direction pertinent to this meeting.

### ***Alternative Water Supply***

Capital Cost estimates for the two groundwater supply alternatives have been completed. Capital cost estimates for the expansion of the existing Uplands WTP beyond the planned 33MGD are currently being prepared and are anticipated to be complete in mid-summer. Estimates for operation and maintenance costs of these alternatives will follow. The detailing and cost alternatives for surface water supply from Lake Travis have been completed, and another potential groundwater resource has been identified and is being investigated. The draft report is being reviewed and will be provided to the PUA staff soon.

### **Water – SH71 System**

#### ***Highway 620 Widening***

MEC and WTCPUA staff have begun coordination with TxDOT consultants for the Highway 620 widening project. We are investigating what facilities may conflict with the proposed road construction plans and identifying which utilities are in the ROW and which are in WTCPUA Easements, including water, wastewater and effluent facilities along Highway 620 and within Highway 71 at the intersection with Highway 620. A map depicting the road improvements and the existing PUA facilities is being prepared. Coordination is ongoing with the road design engineer for TxDOT, and we are coordinating a meeting onsite in July to discuss the approach.

#### ***1080 Transmission Main***

Segment B plans were resubmitted for review to the City of Bee Cave and to TXDOT (Texas Department of Transportation), all outstanding comments have been addressed except for easement acquisition. We continue to coordination among the staff, attorney, the surveyor, and land acquisition agents. We have prepared plans and bidding documents and completed the bidding phase. Austin Engineering has begun coordination of the construction submittals, installing erosion controls and beginning site work.

#### ***Hamilton Pool Road Transmission Main No. 2***

Masonwood development is working on securing easements. The developer is having difficulty with easement acquisition and has verbally asked for assistance from the PUA. Staff has instructed him to put this request in writing. Following easement acquisition by the developer, MEC will submit site development plans for review to the reviewing agencies. The oversizing options for the transmission main will be considered during the ongoing CIP update.

### ***TCWCID 18 Emergency Interconnect***

MEC has coordinated with TCWCID 18's district engineer on the final plan comments. The project was bid on November 29<sup>th</sup>, 2023, by the TCWCID 18 district engineer, and awarded to TTE construction. The project is under construction, and we are coordinating with the contractor and WTCPUA staff on the installations and a schedule for completion. The TCWCID 18 Engineer has requested temporary use of the interconnect for facility maintenance next winter.

### ***Water – US290 System***

#### ***Southwest Parkway Pump Station***

Bids were received April 30, 2024. There were two bidders, and the final pricing was within 4% of each other. The project was bid and awarded to Payton Construction, Inc.

#### ***US 290 Parallel Transmission Main Design***

Right of Entry (ROE) have been obtained for all easements, and the environmental work has been completed. We are responding to resident requests for site meetings for permanent and temporary easements and resident questions. Appraisals have been completed and offer letters delivered. We are continuing discussions with homeowners to acquire easements voluntarily. Twelve easements have been executed, twelve Counter offers and agreements on easements have been received and eight Counteroffers have been accepted. We will continue to analyze the existing easements and identify easement constraints that will require additional permanent or construction easements. Four parcels have been sent for eminent domain.

- Segment 2 is scheduled to be the first contract to be let for construction (from North of Circle Drive Pump Station to South of Hwy 71 ROW). Permit application update was submitted to Travis County on 6/10 and scheduled to be submitted to COA on 6/14.
- Segment 3 was submitted to the City of Austin and Travis County on 11/13/2023. Comments have been received from the County on 12/5/23. Comments have been received by the City of Austin and a response was submitted 1/9/24. Comments from the county were received 2/21/2024 and a response has been prepared. Comments have been received from the City of Austin 4/12/24 and an update is scheduled for submittal on 6/21/24.
- Segment 4 has completed preliminary horizontal design and profile design. Permit submittal will follow.
- Segment 1 has a completed preliminary horizontal design. Vertical preliminary profile design is in progress.

Design surveys have been completed for all segments. Subsurface Utility Engineering (SUE) level D (records research) has been completed for all segments and locations for higher level locations are being determined. Field work for environmental constraints identification is complete and the final report is being drafted.

### ***Ledgestone Terrace Waterline Relocation***

MEC coordinated plans with the County design team and received approval for construction. Public Bids were opened on October 12th, 2023, and the contract executed with EVT. A Pre-Construction Conference was held on Dec 28, 2023, the notice to proceed was issued. Submittals have been reviewed and the contractor is ordering materials. Site meeting with contractors, PUA and the county was held on March 27, 2024. Contractors have started work. Major items of work completed to date include the casing installation and temporary service, and the waterline installation. Testing and connection to the distribution system is currently being coordinated. All progress is being coordinated with Travis County staff and consultants.

### ***Bear Creek Pass Waterline Relocation***

MEC and WTCPUA staff continue coordinating plans and ROW modifications with the County design Team. We have received County roadway design plans and have developed a plan for the waterline relocation. We have addressed comments from the WTCPUA staff and the county consultants. We are preparing bidding and contract documents.

### ***1240 Conversion Waterline***

Site development permits were received by Travis County and the City of Austin in July 2023. We are investigating an alternative alignment and easement acquisition for the transmission main between the Live Oaks Springs Subdivision and Highway 290, due to major constraints involved with construction along Derecho Drive. An alternative route has been determined and easement acquisition is in process. We are currently coordinating with the landowners, have received the designs from our subconsultants and are developing construction plans for the alternative route.

### ***1240 Elevated Storage Tank***

Work in progress includes tank coating touch ups, site grading, and completion of electrical infrastructure. A design for the relocation of an existing Texas Gas line in conflict with the storm line that conveys flows from the access drive to the adjacent curb inlet along Old Stone Road has been approved and is being prepared for construction by Texas Gas. A start date has not yet been provided. MEC continues holding monthly progress meetings, reviewing requests for Information, and coordinating site inspections to assure conformance to the design and specifications.

### ***Circle Drive Pump Station and Ground Storage Tank***

MEC is processing SB 2038 to obtain a release from the CoA ETJ to remove the City of Austin Impervious cover requirements to allow for a less restrictive footprint of facilities on the site. Other than work needed to accommodate Segment 3 of 290 Parallel Transmission Main, work on this project is on hold.

### ***12 Inch Waterline Extension Hwy 290***

MEC has begun preliminary design of a 12" waterline extension to serve the Endeavor tract. Right of entry (ROE) and Survey have been engaged. Sub-surface utility engineering (SUE) has been incorporated to examine the existing 6" WL location and tie-in utilities. An alternate route is being

considered and we are awaiting the easement execution. Subsurface utility engineering is required for one tract and we are awaiting right of entry. ROE on the parcel with the existing PUE is pending. Survey and SUE to follow shortly thereafter. Alternate parcel is willing to provide easement, pending further discussions.

## Wastewater – US290 System

### ***Bohls Wastewater Treatment Plant Expansion Design***

MEC met with operations staff and management in April and May to discuss proposed design revisions. MEC is coordinating with its subconsultants to scope the changes and will provide an amendment to the Board for consideration. Design efforts to incorporate the requested scope changes are in progress. MEC has retained BGE to help with QA\QC and some design changes.

### **Lake Pointe Lift Station Rehab**

The bypass pumping plan has been finalized through coordination between the contractor, WTCPUA operations staff, and MEC. The PUA and MEC have presented the bypass plan to the Lake Pointe HOA and Lake Pointe MUD prior to beginning bypass operations. A force main leak was discovered during setup for bypass operations and the forcemain bypass location was modified as a workaround, however the PUA will repair this leak in-house. After further issues with the rental electrical pump, bypass pumping is in place. Substantial completion of the lift station rehab is scheduled for August.

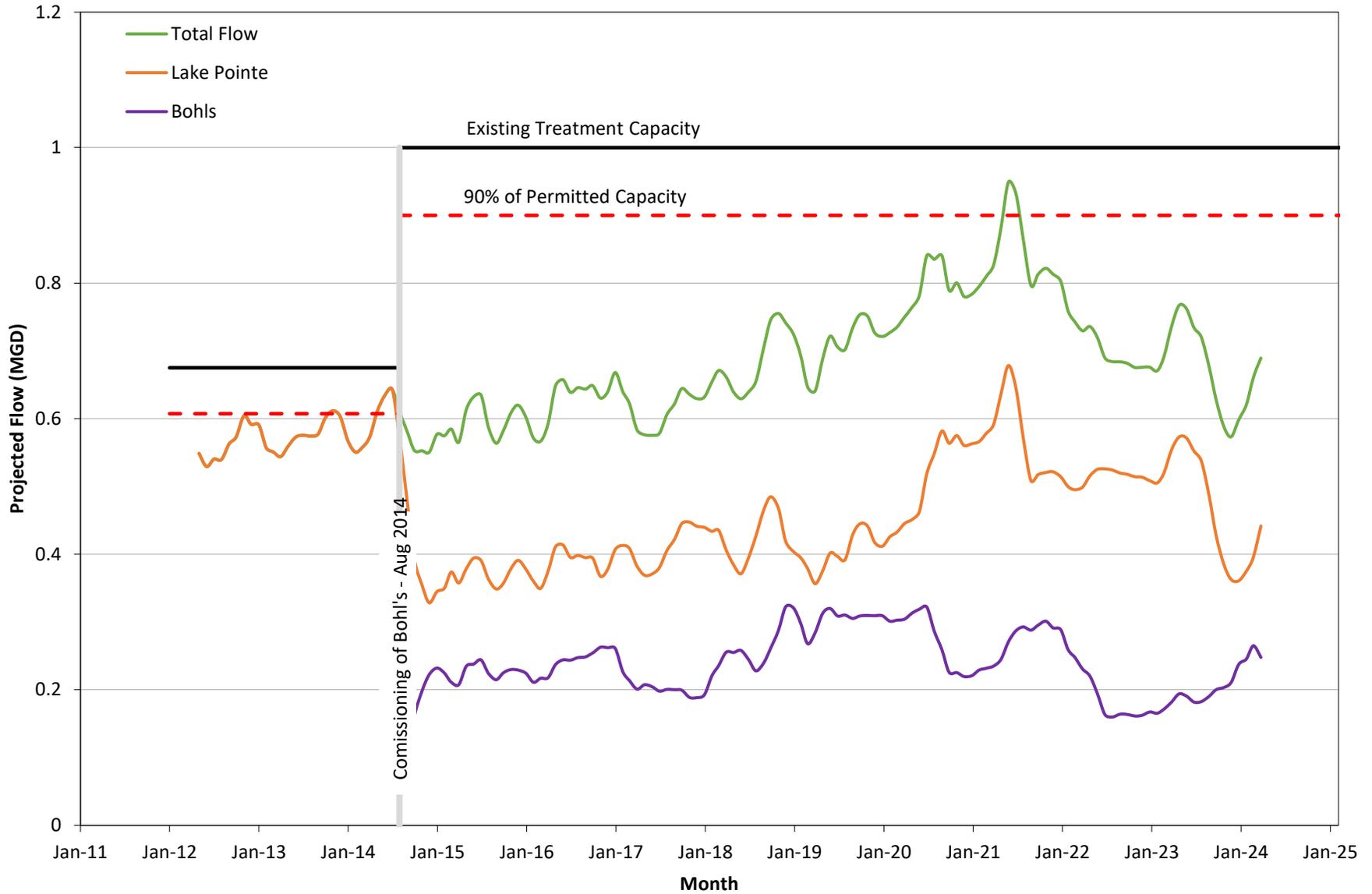
### ***Wastewater Permit Renewal and Minor Amendment***

The TLAP renewal application was submitted to TCEQ on 5/10/2024 with a minor amendment to account for escalation of construction of the SADDs fields at Falconhead West ahead of the BWR facility and the addition of anoxic basins at the Bohls WWTP. We are awaiting a draft permit from TCEQ. The current permit expires November 13, 2024.

### ***Preliminary Engineering Report for the Development of 50,000 gpd of Effluent Drip Fields at Falconhead West Property***

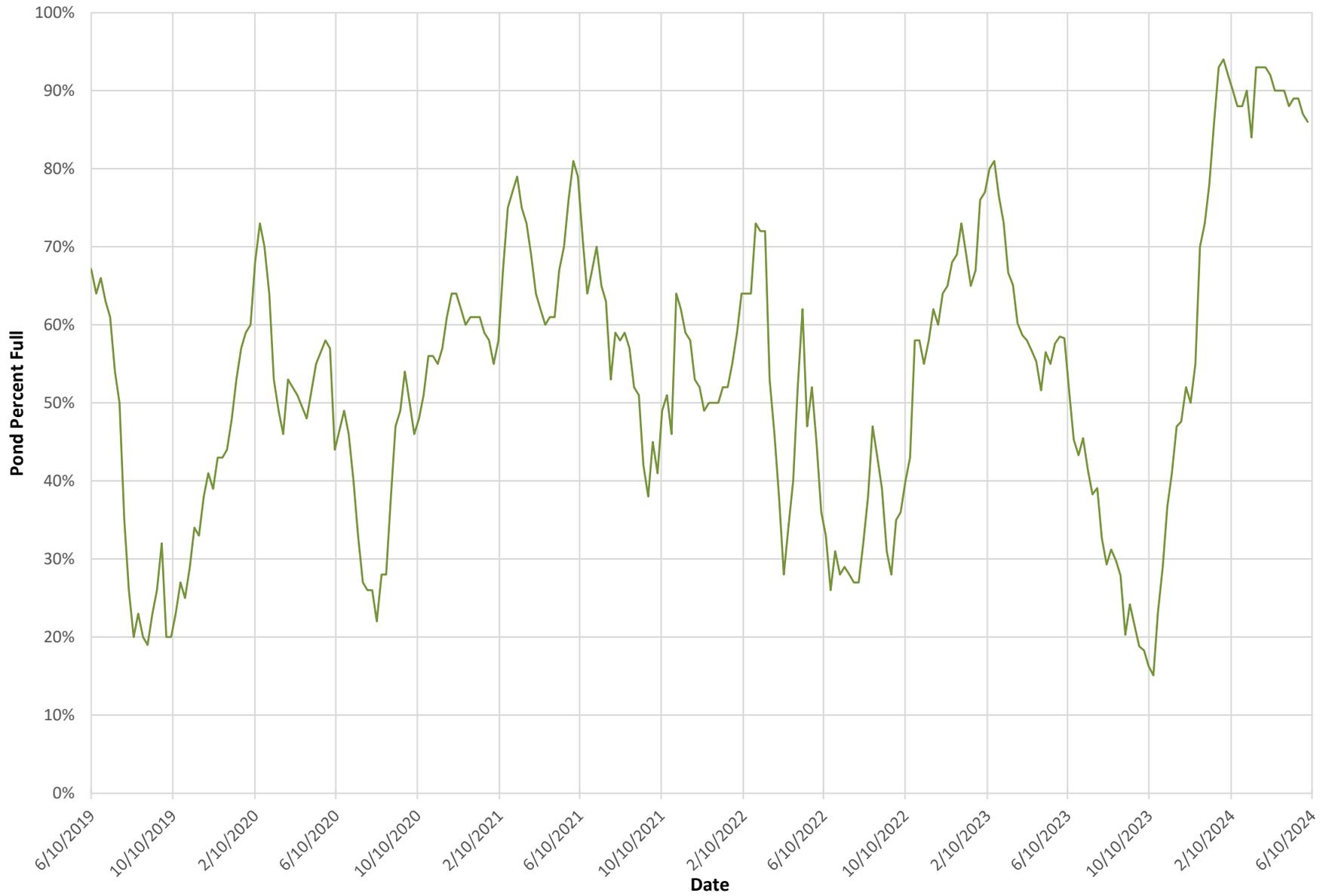
MEC has generated preliminary alignment alternatives and proposed pump station locations for the proposed force main to extend the existing effluent distribution system to the drip fields. MEC is finalizing real estate needs and generating estimates of construction costs for each alignment with considerations to be included as part of the overall preliminary engineering report.

### WTCPUA Wastewater 3-Month Average Daily Flow

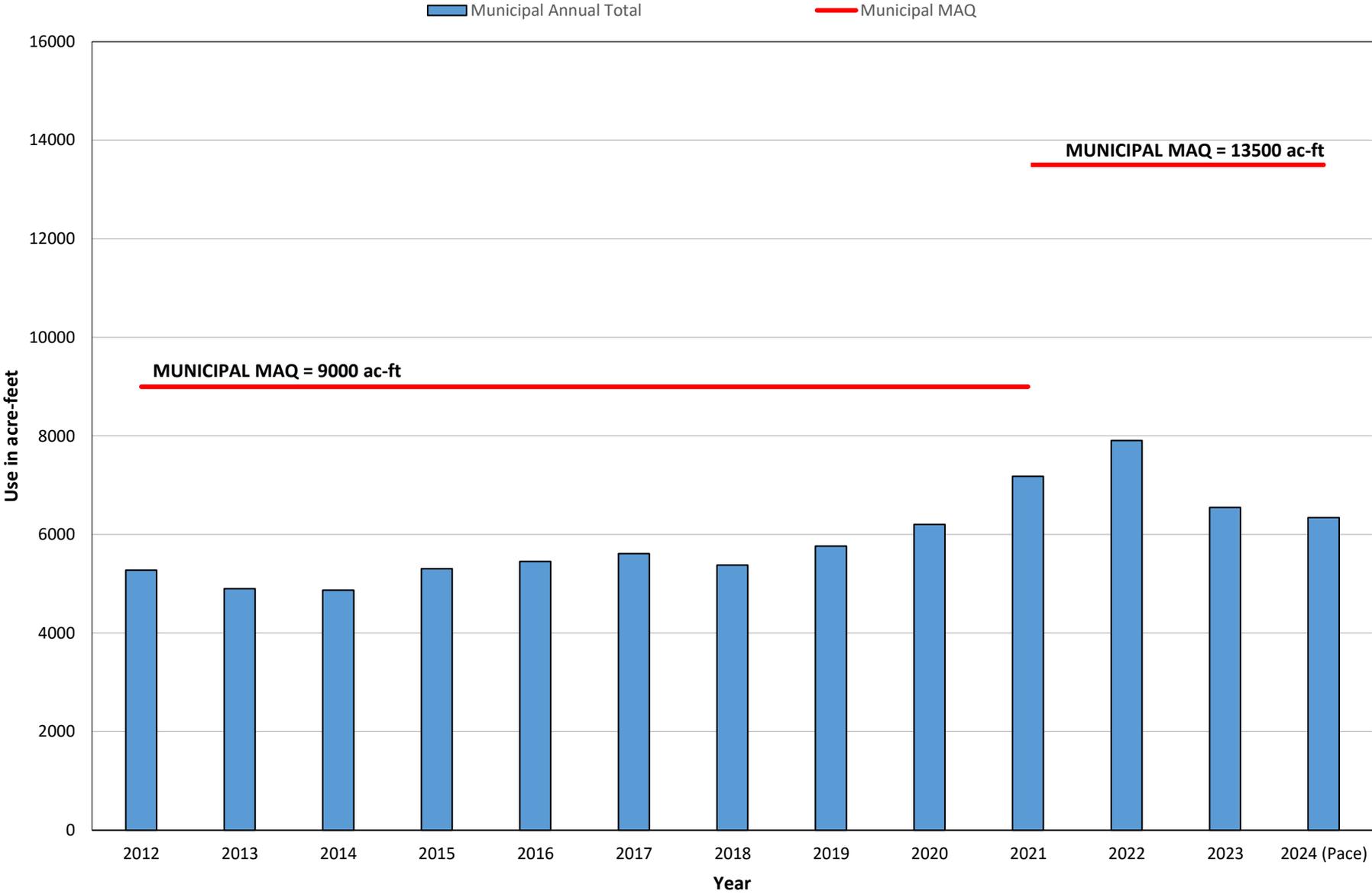


Murfee Engineering Co., Inc.  
Texas Registered Firm No. F-353  
1101 Capital of Texas Hwy., S., Bldg. D  
Austin, Texas 78746

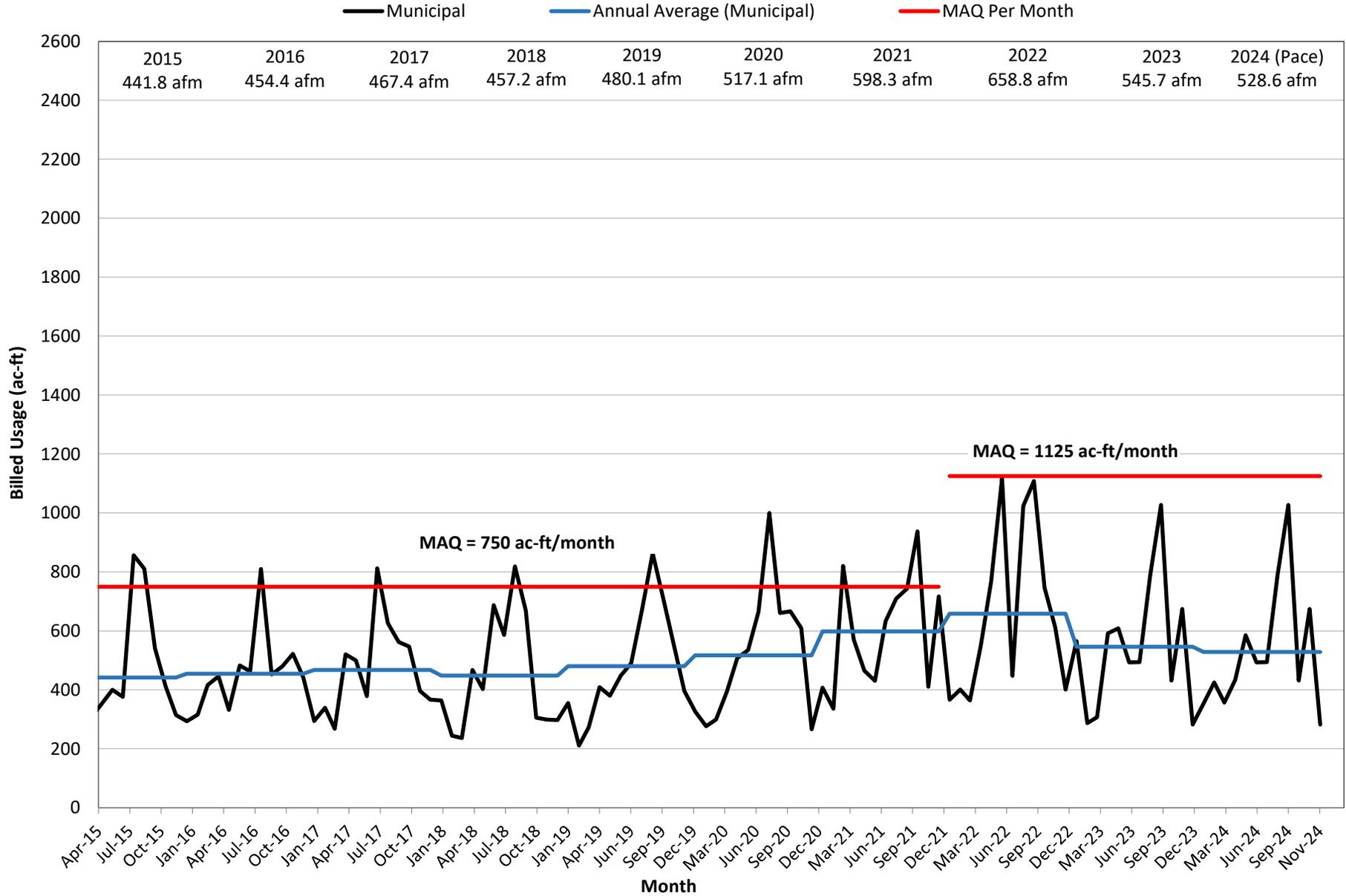
### WTCPUA 5 Year Combined Effluent Pond Levels



### WTCPUA Annual Cumulative Municipal Raw Water Use

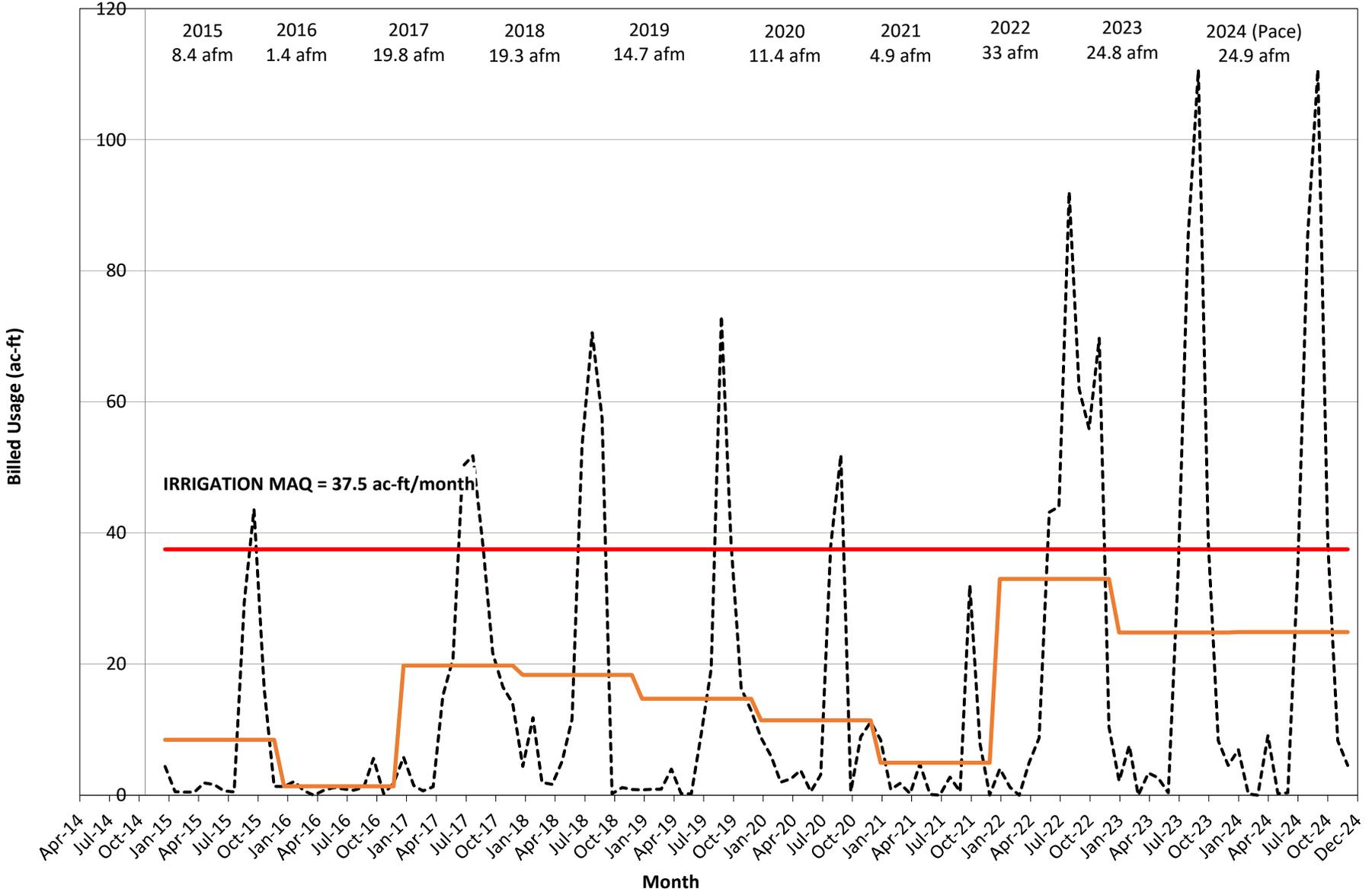


### WTCPUA Municipal Raw Water Usage

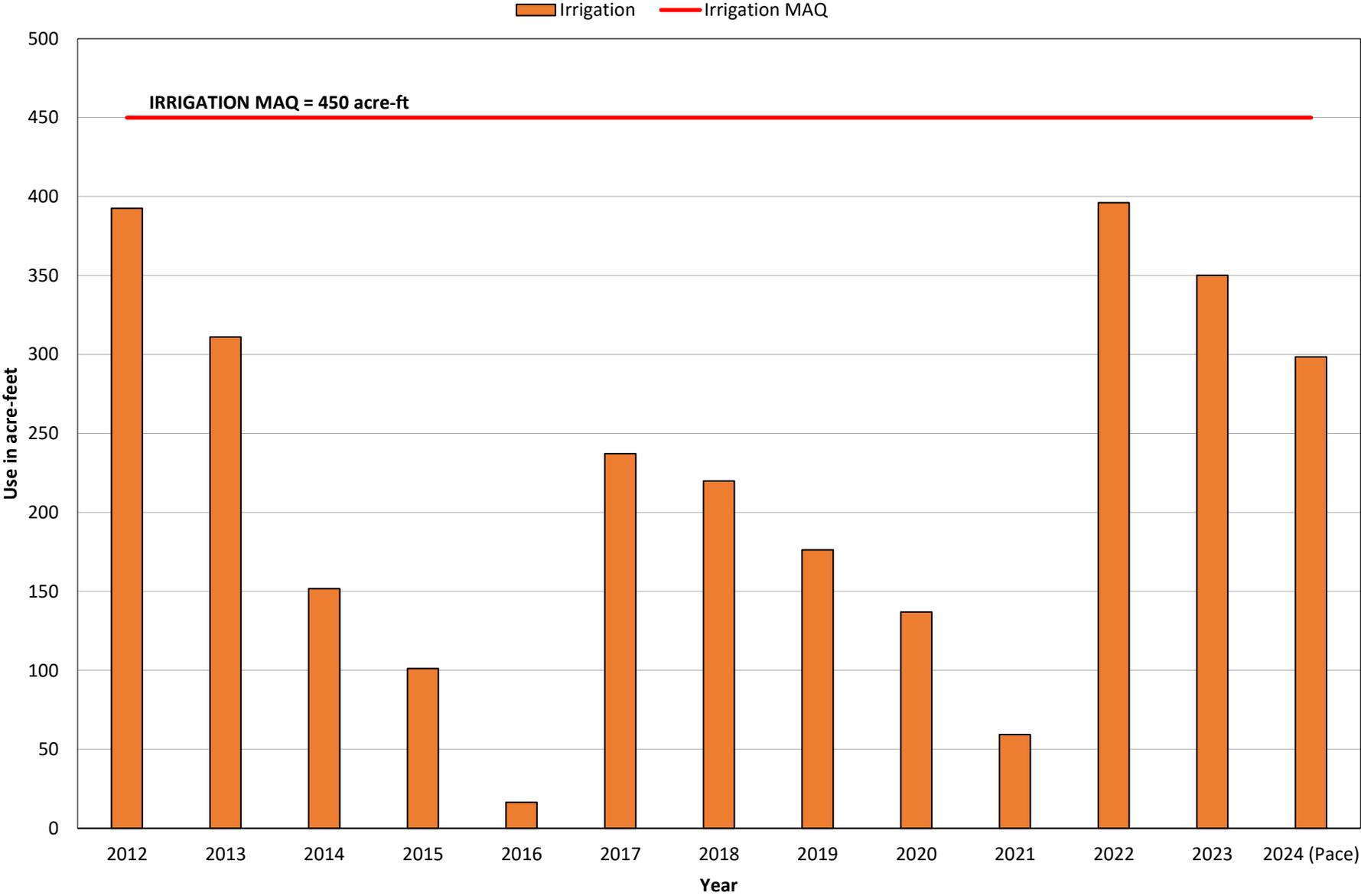


### WTCPUA Irrigation Raw Water Usage

----- Irrigation      ——— Annual Average (Irrigation)



### WTCPUA Annual Cumulative Irrigation Raw Water Use



Murfee Engineering Company, Inc.  
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Bldg. D, Ste. 110  
Austin, Texas 78746

### WTCPUA Uplands Water Treatment Plant Production Annual Production

