

MINUTES

WATER PROVIDER LEGISLATIVE TASK FORCE

NOVEMBER 20, 2018

The Water Provider Legislative Task Force met Thursday, November 20, 2018 at 9:30 a.m. in Room 151, State Capitol, Little Rock, Arkansas.

Legislative Task Force members present: Senator Alan Clark, Co-Chair. Representatives Tim Lemons, Co-Chair, and Fredrick Love.

Non-Legislative Task Force members present: Mark Bennett, Andrea Hopkins-filling in for Dr. Bob Blanz, Jack Critcher, Judge Rick Davis, Jennifer Enos, Tom Fox, Barry Haas, Dale Kimbrow, and Jean Noble.

Other members present: Senator Garner, Jim Hendren, and Jimmy Hickey. Representatives Trevor Drown, Kenneth Ferguson, Austin McCollum, Reginald Murdock, James Sorvillo, and Nelda Speaks.

Call to Order

Senator Clark called the meeting to order.

Opening Remarks by Committee Co-Chairs

Senator Clark explained that Mr. Barry Weathers has been unable to attend the meetings due to ill health. Senator Clark then thanked the Task Force members for their continued work on drafting the report.

Consideration of Motion for Approval of Minutes – October 25 and November 8, 2018 [Exhibit C, C-1]

A motion was made by Jack Critcher and seconded by Dale Kimbrow to amend the minutes of the October 25, 2018 Task Force meeting to reflect the attendance of Jack Critcher at that meeting. The motion carried. A motion to approve the amended minutes of the October 25, 2018 Task Force meeting and the minutes of the November 8, 2018 was made by Jack Critcher and seconded by Judge Davis. The motion carried.

Continued Drafting of the Water Provider Task Force Vision Report, Action Report, Suggested Best Practices for Providing New Services, and Other Areas as Specified in Act 1056 of 2017 [Exhibit D, D-1]

Senator Clark recognized Ms. Denice Davis who has been instrumental in editing the Task Force Report. Ms. Davis said the revisions to the draft report in today's packet are the result of work with BLR staff and Ms. Noble to incorporate the recommendations made at the November 8, 2018 Task Force meeting.

Mr. Kimbrow gave an overview of his handout regarding training and said the list of educational training strategies from surrounding states were provided by Mr. Sternberg. After reviewing the different models, Mr. Kimbrow and Mr. Sternberg believe the best training model for elected

officials and board members that has been implemented by Mississippi would be a good fit for Arkansas, with the exception to reduce the time frame for individuals to obtain training from two years to one year. Senator Clark said that Section 1E in the draft report contains suggestions for educational training in water and wastewater management and operations. He cited portions of the handout for discussion:

- Key regulatory responsibilities of a board member
- Key management responsibilities of a board member

Mr. Bennett suggested adding language concerning the U.S. Environmental Protection Agency (EPA) regulations in what is commonly known as the Clean Water Act. Mr. Bennett suggested adding wording regarding open meetings and open records as required in the Freedom of Information Act (FOIA) and language similar to educational training strategies for surrounding states' municipal bodies.

Task Force members discussed aspects of educational training:

- List which officials should receive the training
- Develop training curriculum
- List the number of hours of training to be required
- Recommend that training be mandatory
- List venues and entities who could provide training, including the Arkansas Department of Health (ADH) Communities Unlimited, the Arkansas Department of Environmental Quality (ADEQ), the Arkansas Rural Water Association, (ARWA) the Arkansas Municipal League (AML), and the Association of Arkansas Counties (AAC)

Task Force members agreed that the educational training recommendations should be a separate attachment as an appendix to the Vision Report.

Senator Clark suggested Task Force members consider including a recommendation to establish a subcommittee of the Senate and House City, County, and Local Affairs Committees to specifically address water and wastewater issues. The subcommittee would be modeled similarly like the Water Provider Task Force. Members of the subcommittee would also serve on the Task Force.

Following discussion concerning who should receive training, tentative wording was suggested: Set up a committee, including members of the Water and Wastewater Subcommittee of the Senate and House City, County, and Local Affairs (CCLA) Committees, with representatives from each entity who already provide training in the state to develop the training curriculum. It will need to be decided how the Continuing Education Units (CEUs) will be tracked. The proposals could be brought before the full CCLA Water and Wastewater Subcommittee for approval.

The Task Force recessed for lunch at 11:45 a.m. Following the lunch recess, Senator Clark, Co-Chair, called the meeting to order at 1:10 p.m.

Senator Clark offered suggestions in his handout to be added under Section 1.B of the recommendations in the draft report. Task Force members discussed Senator Clark's suggested changes and additions, including ideas for wording limiting and/or prohibiting the development of new wastewater systems.

Following discussion, a consensus was reached to table final approval of his proposed wording to be taken up at the November 26, 2018 Task Force meeting:

- The requirement of water and wastewater systems to obtain a rate study
- Identifying systems in fiscal distress for failure to comply with a rate study
- Identifying systems who fail to comply with ADH and ADEQ and EPA regulations

Task Force members continued discussion on sections of the report concerning agency regulations, regionalization and/or consolidation, assistance programs, promoting public education on water issues, and negating politically motivated and/or forced annexation.

Senator Clark announced that the Task Force will meet November 26, 2018.

There being no further business, the meeting adjourned at 3:50 p.m.

DRAFT