

**TRI-STATE WATER RESOURCE COALITION  
COMBINED MEETING OF MEMBERS  
AND BOARD OF DIRECTORS  
WEDNESDAY, JANUARY 15, 2014 – 9:00 A.M.  
CITY HALL – COUNCIL CHAMBERS**

**Welcome:**

President David Hertzberg called the meeting to order. He announced that this was the annual meeting of the coalition and asked those present to introduce themselves. The following were present:

David Hertzberg – City of Joplin, Missouri  
George Campbell – Missouri American Water (representing Matt Barnhart)  
Hal VanDaGriff – Empire District Electric Company  
Carl Francis – City of Webb City, Missouri  
Gene Stanton – City of Mt. Vernon, Missouri  
Roddy Rogers – Springfield City Utilities, Springfield, Missouri  
Brian Bingle – City of Nixa, Missouri  
Lynn Calton – City of Lamar, Missouri  
Steve Walensky – City of Cassville, Missouri  
Tom Pittman – City of Carthage, Missouri  
Mike Ray – City of Branson, Missouri  
Jason Choate – Carthage Water/Electric Plant  
Bob Nichols – Freese and Nichols, Inc.  
Don Lucietta – Senator Roy Blunt’s office  
Fred Schlegel – Missouri Department of Natural Resources  
Paul Crabtree – Southwest Missouri Irrigation Association  
Kyle Slagle – Empire District Electric Company  
Susan Champlin - City of Joplin, Missouri

**Approval of Minutes from November 20, 2013:**

Mr. Hertzberg asked for any corrections or additions to the minutes from November 20, 2013. He asked for a motion to approve those minutes as written.

**Hal VanDaGriff moved, seconded by Lynn Calton, that the minutes from November 20, 2013 be approved as written. The motion carried, with all voting “aye”.**

**Standing Committee Reports:**

**President:**

**Executive:**

Mr. Hertzberg received Executive Director Harry Styron’s report on his activities and recommendations. Mr. Styron had a prior commitment and was unable to attend this meeting. With the imminent delivery of the Phase 2 report from CDM Smith, the coalition is poised to take the next step, which is to negotiate a financial assistance agreement with the Missouri Department

of Natural Resources and the Corps of Engineers that will consider allocation of water from reservoirs.

Mr. Styron discussed his involvement with the November, 2013 water conference. He has been reviewing some internal issues with the coalition and addressing them. He asked for the executive committee to review the bylaws and discuss possible amendments to the bylaws. The technical committee will be receiving the final Phase 2 report from CDM Smith.

Mr. Styron recommended that the finance committee address the preparation of an annual budget as stated in the bylaws. He has compiled a list of Tri-State's current members and has asked for the annual update of Tri-State's PowerPoint presentation. He has also discussed legislative activities with Mr. Bingle and asked for guidance about making legislative contacts.

Mr. Hertzberg discussed the Joint Municipal Utility Commission (JMUC) and stated that Mr. Williams has reported that the JMUC hasn't had any new activities but will continue their activities during the coming year. Mr. Styron is already planning for the next water conference for November, 2014.

Mr. Rogers asked if the bylaws will be reviewed during the next executive committee meeting, and Mr. Hertzberg replied yes.

#### **Financial:**

Mr. VanDaGriff reported that the current fund balance is \$400,047.64.

#### **Technical:**

There was nothing new to report at this time.

#### **Communications:**

Mr. Hertzberg asked Mr. Campbell if he received a report from Mr. Barnhart, and he replied no. There was nothing new to report at this time. The committee will continue to annually update Tri-State's PowerPoint presentation.

#### **Membership:**

Mr. Rogers had nothing new to report at this time.

#### **Legislative/Regulatory:**

Mr. Bingle reviewed the new legislative house and senate bills but saw nothing that would be pertinent to Tri-State. He will continue to seek direction from Tri-State and from Mr. Styron regarding any federal regulations. He will seek assistance from the legislative bodies to notify Tri-State of any issues they may have.

#### **Ad Hoc Committee Reports:**

##### **JMUC:**

Mr. Hertzberg received a report from Mr. Williams indicating no new activities since the last meeting in November.

**Executive Director Report:**

**a. Submitted in writing.**

Mr. Hertzberg will incorporate Mr. Styron's executive report into the minutes.

**Comments by Representatives of Federal and State Offices/Agencies:**

Mr. Hertzberg asked for comments by representatives from the federal and state offices and agencies, and no new comments were received at this point.

**New Business:**

**Election of Directors and Officers:**

Mr. Hertzberg stated that the current officers are:

David Hertzberg, President  
Matt Barnhart, Vice-President  
Roddy Rogers, Past-President  
Lynn Calton, Secretary  
Hal VanDaGriff, Treasurer

The officers are elected for one-year terms and can be extended for a second term. Mr. Hertzberg and Mr. Rogers have contacted these officers, who are all willing to serve an additional year.

Mr. Hertzberg asked for additional nominations from the floor, but none were received. He asked for a motion to retain the current slate of officers for 2014.

**Brian Bingle moved, seconded by Gene Stanton, that the current officers be retained for 2014. The motion carried, with all voting "aye".**

Mr. Hertzberg stated that the executive committee can handle the appointments to the standing committees. He asked for additional comments from the board members.

Mr. VanDaGriff stated that the technical committee does not currently have a chairman and asked about an overview for Phase 3 to submit to the committee. Mr. Rogers replied that the Missouri Department of Natural Resources (DNR) normally develops the scope for Tri-State's review and approval.

Mr. VanDaGriff asked if this is yet to take place, and Mr. Rogers thought Mr. Styron would schedule that. Mr. Hertzberg understood work could begin on Phase 3 before the final version of Phase 2 is received. He thought it would be appropriate to begin the negotiations on Phase 3. Phase 3 will require some major financial participation by the Tri-State Water Resource Coalition.

Mr. Rogers mentioned some discussion about obtaining some financial assistance for Phase 3, and Mr. Hertzberg noted some assistance from the DNR and from the Corps of Engineers.

Mr. Bingle stated that during the November meeting, Geo Engineers indicated that they were planning to make a presentation at this meeting. He asked if this has changed, or if Mr. Hertzberg has heard anything regarding this presentation. Mr. Hertzberg stated that they weren't able to make the presentation at this time.

Mr. Rogers mentioned Mr. Styron's question as to how the JMUC will function. Mr. Rogers did not believe they would be active until a project is in place, and Mr. Hertzberg stated that is correct.

Mr. Rogers asked if the bylaws for the JMUC have been approved, and Mr. Hertzberg thought they were being reviewed by the members' legal departments. The bylaws and articles for the JMUC have not been finalized at this point. He stated that once the Phase 3 report is complete, the JMUC should be ready to plunge into a project depending on what that report says.

**Adjournment:**

Mr. Hertzberg asked for a motion to adjourn the meeting.

**Hal VanDaGriff moved, seconded by Brian Bingle, that the meeting be adjourned. The motion carried, with all voting "aye".**



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Lynn Calton, Secretary



January 13, 2014

To: Tri-State Water Resources Coalition  
Board and members

From: Harry Styron, executive director

Subject: Report and outlook for 2014

Because I am unable to attend the meeting on January 15, 2014, due to a longstanding commitment, I have chosen to make a written report of my recent activities as executive director and to present some of my ideas of what I would like for the Coalition to accomplish in 2014 and the direction that I need from the board and committees.

With the imminent delivery of the Phase 2 report from CDM Smith, we are poised to take the next big step, which is to negotiate a financial assistance agreement with the Missouri Department of Natural Resources and the Corps of Engineers that will consider allocation of water from reservoirs.

## **Recent Activities**

Since the conference in November, most of my activities for the Coalition have been focused on learning about the internal details of the organization, looking at matters that I had not been able to delve into because most of my time since being hired had been devoted to putting the conference together. Here are some things that I learned:

**Articles of Incorporation.** The Coalition's primary governing documents are its articles of incorporation and bylaws. The articles of incorporation, filed with the Missouri Secretary of State on September 25, 2003, as a part of the creation of the Coalition, contain typical provisions for a non-profit organization.

One amendment needs to be made. Article VII indicates that the Coalition is a tax-exempt organization under section 501(c)(3) of the Internal Revenue Code. According to the Coalition's tax returns, the tax-exemption is under section 501(c)(4), which allows the

Coalition greater activity in influencing legislation, which is restricted for 501(c)(3) organizations.

**Bylaws.** The Coalition’s actual functioning has drifted a bit from the bylaws, not in any momentous ways, but I recommend that the bylaws and the actual operations of the Coalition be made consistent over the next few months. Here are the discrepancies I noticed:

1. From discussions with the previous executive director and various board members, it seems that there is no real distinction between the persons who represent the member entities and the board of directors. In other words each member is represented on the board of director. However, Article IV of the bylaws contemplates that there would be 14 directors, serving staggered 3-year terms, with either five or four directors elected each year to fill expiring terms.
2. The annual meeting, according to Article III, is to be a combined meeting of the general members and the board of directors. I am not aware that a distinction has been made between regular meetings and the annual meeting or between meetings of the members and board meetings.
3. Section 2 of Article V indicates that officers are to be “appointed at the annual meeting of the Board of Directors and General Members by majority vote of the Board of the Directors.” Section 4 of Article V indicates that the officers “shall be elected by the Board of Directors.”
4. Section 2(a) of Article VI indicates that the executive committee is to meet in the months that the Board of Directors does not meet.
5. The bylaws (Article X, section 1 and Article XI, section 1) indicate that the Coalition is exempt under section 501(c)(3), rather than 501(c)(4).

I recommend that the executive committee determine how it would like to address these discrepancies so that the bylaws accurately depict the operation of the Coalition.

**Geographic Scope.** The mission statement contained in Article 1 of the bylaws includes “determining the water resource requirements of the geographical area served” and development and implementation of a plan “to bring a good quality, economical water

source or sources to the area.” However, the bylaws do not define the geographical area served.

The statement of purposes in the articles of incorporation includes:

- “To develop a good quality water resource to ensure the economic, social and cultural growth of the geographical area in Southwest Missouri, Southeast Kansas and Northeast Oklahoma.”
- “To conserve and enhance the environment quality in Southwest Missouri, Southeast Kansas and Northeast Oklahoma.”

As will be discussed below with respect to the Membership Committee, I am interested in whether the Coalition should redefine the geographic scope of its efforts.

On January 3, I made a presentation about the Coalition to the Watershed Committee of the Ozarks.

## **Outlook for 2014**

To assist with defining the work of the committees, this part of my report is organized by committee.

### **Executive Committee**

I request that the Executive Committee take a look at whether amendments to the bylaws and articles of incorporation are warranted.

### **Technical Committee**

The delivery of the final Phase 2 report, promised in December 2013, should happen soon. I received the following email message from Michael Beezhold of CDM Smith on January 13, 2014:

The Corps and I met with Ryan in Jefferson City prior to the Conference in November. We have incorporated MDNR’s edits and recommendations and are preparing to have the Corps and MDNR give it once last review before releasing it. As for the analyses and quantities, nothing has changed since we presented to the Board in September and again at the conference in November.

Ryan Mueller of MDNR told me in December 2013 that when the Technical Committee is in place that we should begin working on defining the scope of the Phase 3 study.

### **Finance Committee**

In looking over past minutes, I did not see that the board of directors or general membership had formally approved an annual budget. Article VI, Section 1(c) of the bylaws indicates that the Finance Committee is responsible for preparing an annual budget.

The treasurer has provided me with a rough draft of a short budget. I would like to work with the treasurer to refine it based upon dues received and submit it to the board at the next meeting for approval.

### **Membership Committee**

Defining the geographic area for the Coalition is important for finding and retaining members. From the Phase 2 water supply study, we have data that we can use to tailor to prospective members.

The following table shows current and potential members in Southwest Missouri:

<b>System</b>	<b>Number of Connections</b>		
Aurora-Verona	3,685	Golden City	382
Branson	4,369	Granby	909
Carthage	5,420	Greene Co PWSD No. 1	3,260
Carl Junction North	1,342	Highlandville	544
Cassville	1,614	Hollister	1,653
Clever	912	Hurley	85
Crane	650	Jasper	400
Diamond	476	Jasper Co PWSD No. 1	2,197
Duenweg	293	Jasper Co PWSD No. 2	1,152
Freistatt	90	Lamar	2,187
Galena	217	Liberal	353
		Lockwood	474

Mo-American Joplin	23,269
Monett	4,044
Mount Vernon	1,908
Neosho	4,953
Nixa	7,780
Oronogo	880
Ozark	7,657
Pierce City	657
Purdy	486

Reeds Spring	450
Republic	5,641
Rogersville	1,136
Sarcoxie	585
Seneca	920
Springfield	82,633
Webb City	4,462
Willard	2,942

The Membership Committee and I need to work together to prioritize our efforts on particular locations and sizes of systems. I also need to learn from the history of membership recruitment efforts.

#### **Communications Committee**

As far as I know, the communications plan prepared by a consultant is still good. With the committee's review and approval, I need to update our placards and other printed materials and prepare one or more PowerPoint presentations for recruitment and public education.

#### **Legislative-Regulatory Committee**

I met with Brian Bingle, the chair of this committee in December. We didn't discuss any urgent legislative issues, though we did discuss the JMUC. With the legislature back in session, I expect to be on the lookout for bills that would affect the Coalition and will work with the committee to determine our responses. I have just registered as a lobbyist with the Missouri Ethics Commission.

I need some guidance about making legislative contacts.

#### **Joint Municipal Utility Commission Committee**

At this point, though I have reviewed the JMUC bylaws and the ordinances that have been adopted by several members of the JMUC, I still need to gain a clear idea of how the

JMUC will function, particularly concerning the benefits and responsibilities of membership. In working on obtaining members for the Coalition, I will need to know how to answer questions concerning the distinctions between membership in the JMUC and the Coalition.

### **Water Conference Committee**

It's already time to start planning the 2014 water conference, even though we don't yet have a final accounting for the 2013 conference.

I made several mistakes with this year's conference, which I hope to avoid. Here are a few:

- I failed to have printed materials about the Coalition ready for distribution in packets to attendees.
- I did not place placards describing the Coalition in the meeting facility.
- I didn't develop a list of marketing targets to promote attendance.
- I was late in getting the program in final form.

I would like the committee to take a critical look at past programs to determine if we can reach more people with fresh topics and different ways of presenting information. We may decide that we should have other educational events.