

TRISH ERLINGER CARLS

PROFESSIONAL EXPERIENCE

Managing Partner, Carls, McDonald & Dalrymple, LLP, Austin, Texas, September 1, 2007 to present.
Local government law, environmental law, and water law.

Co-Managing Partner, Brown & Carls, LLP, Austin, Texas, January 1, 1996 to August 31, 2007.
Local government law, environmental law, and water law.

Partner/Associate, Brown McCarroll, LLP, Austin, Texas, April 1990 to December 31, 1995.
Environmental law.

Staff Attorney, Lower Colorado River Authority, Austin, Texas, 1987 - 1990.
Environmental law.

Staff Attorney, Texas Water Commission, Austin, Texas, November 1985 - 1987.
Water law.

Contract City Attorney, Georgetown (October 2001 – April 2009; Acting City Attorney May 2009 – October 2009), and special counsel for Lampasas, Bastrop, Sunset Valley, Georgetown, and various other municipalities (1996-present).
Municipal law.

EDUCATION

University of Texas School of Law, Austin Texas, Doctor of Jurisprudence, May 1985.

Loyola University, New Orleans, Louisiana, Bachelor of Arts in Economics and English with High Honors, December 1981.

LICENSES AND CERTIFICATION

Admitted to the State Bar of Texas - November 1985.

Admitted to practice in the United States District Court for the Western District of Texas -2004.

PROFESSIONAL MEMBERSHIPS

State Bar of Texas, Government Lawyers Section; Environmental and Natural Resources Law Section

REPRESENTATIVE WORK

Land Development/Utility Agreements:

Sun City, Georgetown - Represented city in multi-year negotiations on several amendments related to the reduction in size of partially built-out development, including negotiating and drafting agreement removing 2,500 acres of land from the original 5,000-acre development; addressing stranded cost recovery for oversized utilities; revising impact fees; providing for potable, non-potable, and wastewater utility services; and drafting new land development standards. Also negotiated and drafted land development and utility agreements for the 2,500 acres of land removed from Sun City and made part of a separate development.

Cimarron Hills, Georgetown – Represented city in negotiating and drafting agreements to levy revised Public Improvement District (PID) assessments in a partially built-out development, remove undeveloped land from the PID, and create a new municipal utility district (MUD) with more flexible financing opportunities for the undeveloped land. Work included evaluating infrastructure built to date and reconciling past PID assessments, negotiating PID assessment formulas and amounts going forward, determining MUD funding for remaining portion of development, and negotiating and drafting consent agreement allowing creation of the MUD.

Water Oaks, Georgetown – Represented city in negotiating and drafting development agreement and wastewater utility agreement for a 1,700-acre subdivision. Wastewater utility agreement was a public-private partnership to construct a 26,000 linear foot, \$11 Million wastewater utility interceptor beginning on the east side of IH-35, tunneling underneath IH-35, and continuing west along the South San Gabriel River. Represented city, as owner of the wastewater interceptor, in drafting bid documents and construction contract, and on all contract administration issues from commencement to final completion. Represented city in renegotiating all agreements after economic downturn, restoring project viability.

Wolf Ranch, Georgetown – Represented city in negotiating and drafting economic development agreement with Simon Properties for development of mall in Georgetown, Texas. Project included creation of a Tax Increment Reinvestment Zone and a Public Improvement District. Project also involved negotiation and drafting electric services agreement whereby electric service to the project and to another Simon project in the area was served by the city-owned electric utility.

The Rivery Hotel/Conference Center, Georgetown – Represented city in negotiating and drafting documents related to construction of new hotel/conference center, including Tax Increment Reinvestment Zone ordinance and project plan; master development agreement for construction of hotel, conference center, and related infrastructure; performance agreements with Type A and Type B corporations for roadway improvements; parkland improvements; and joint use and access agreement. Project also included multiple complex financing mechanisms.

Municipal Utility District Consent Agreements – Represented city in negotiating and drafting consent agreements authorizing the creation of several municipal utility districts in the city limits and/or the city's extraterritorial jurisdiction. Representation included evaluation of property and sales tax impacts, land development and planning issues, MUD bond issuance and MUD tax rates, and provision of wholesale utility services to the MUDs.

REPRESENTATIVE WORK

Economic Development/Project Financing:

380 Agreements – Represented municipalities in negotiating and drafting economic development agreements under Chapter 380 of the Local Government Code involving grants or loans to biotech companies and various retailers to promote economic development.

Tax Abatement Agreements – Represented municipalities in negotiating and drafting property tax abatement agreements to incentivize job creation and retention for large data center and secondary auto supply parts manufacturing company.

Tax Increment Financing Agreements – Represented municipalities in drafting ordinances creating Tax Increment Reinvestment Zones and negotiating and drafting tax increment financing agreements for the promotion of economic development for hotel/conference center project and various retail projects. Representation included drafting and/or revising project plans and review of feasibility reports for statutory compliance.

Type A/Type B Corporation Sales Tax Agreements – Represented municipalities in negotiating and drafting performance agreements for use of sales taxes to construct roadways and related infrastructure for new and expanded business enterprises in several underdeveloped areas.

Public Improvement Districts – Represented municipalities in drafting ordinances to levy and collect special assessments on property to facilitate construction of public infrastructure within several districts to attract or sustain quality growth and development. Representation included drafting project plan and review of feasibility reports for statutory compliance.

Neighborhood Empowerment Zones – Represented municipality in drafting resolution to create a neighborhood empowerment zone allowing city to waive fees, provide sales tax refunds, and/or abate property taxes for land and development within the zone.

Environmental Matters:

Water:

Groundwater Permitting – Successfully obtained permits from the Gonzales County Underground Water Conservation District for 15 public water supply wells in the Carrizo-Wilcox Aquifer for the Hays Caldwell Public Utility Agency. Work included assisting in preparation of permit application, negotiating and drafting several settlement agreements with area landowners, preparing prefiled direct testimony, and representing the client in several hearings before an appointed administrative law judge and the District's board of directors.

Appeal of Desired Future Condition – Appealed the Desired Future Condition for the Carrizo-Wilcox Aquifer established by Groundwater Management Area 13 to the Texas Water Development Board.

REPRESENTATIVE WORK

Rulemaking – Participating as a stakeholder in development of rules in various groundwater conservation districts, including filing written comments and appearing at public hearings.

Purchase of LCRA Raw Water Barge – Represented Lakeway Municipal Utility District in joint purchase (with three other wholesale water supply customers) from LCRA of a raw water barge/pump/intake structure located in Lake Travis. Lead attorney for negotiating and drafting the bid, final offer, and purchase and sale agreement. Efforts enabled client to successfully sever the asset from the bundle of assets being divested by LCRA and directly acquire the target asset.

LCRA Water Management Plan – Represent group of governmental entities in the Highland Lakes area, including special districts and municipalities, protesting water rights application by LCRA to amend its water management plan, which governs releases of water from the Highland Lakes.

Surface Water – Represent international corporation in researching chain of title of surface water rights, including forensic research of out of state bankruptcy records, and filing application with the TCEQ to transfer water rights to current owner or to purchase the water rights from its current owner.

Hazardous Waste:

Dry Cleaner Remediation - Represent dry cleaner in voluntary cleanup and enforcement actions pertaining to ownership and operation of dry cleaning facilities. Work includes assistance with regulatory compliance issues for the TCEQ's Voluntary Compliance Program to clean up contaminated sites and receive protection from liability to the State of Texas.

Hazardous Waste Permitting and Compliance - Assisted in representation of oil and chemical companies on hazardous waste permitting and compliance issues under the federal Resource Conservation and Recovery Act and the Texas Solid Waste Disposal Act.

Superfund - Represented potentially responsible parties in federal and state superfund cleanup negotiations.

Electricity:

CCN for the Riley-Krum West 345-KV CREZ Transmission Line – Represented landowner in Wise County in contested case hearing regarding the proposed route of a CREZ transmission line. Work included drafting and filing prefiled direct testimony, participating in several hearings before an administrative law judge from the State Office of Administrative Hearings and before the Public Utility Commission, and negotiating and drafting settlement agreement.

CCN for the Leander-Round Rock Transmission Line – Represented city in Williamson County in contested case hearing regarding the proposed route of a transmission line. Work included drafting and filing prefiled direct testimony, participating in a contested case hearing before an administrative law judge from the State Office of Administrative Hearings and in proceedings before the Public Utility Commission.

REPRESENTATIVE WORK

Contracts:

Negotiated and drafted a variety of contracts including:

- Development Agreements
- Economic Development Agreements
- Utility Agreements
- MUD Consent Agreements
- Construction contracts
- Utility cost sharing agreements
- Wholesale water and wastewater agreements
- Architect and engineering agreements
- Other professional services agreements (e.g., planning professionals, environmental services, surveyors, real estate appraisers, landscape architects, accountants)
- Real estate purchase and sale agreements
- Easements and rights of entry
- Electric utility agreements
- Utility franchise agreements
- Municipal solid waste hauling and disposal agreements
- Contracts for procurement of miscellaneous goods and services (e.g., printing, landscaping, equipment procurement, janitorial services, etc.)

PUBLICATIONS AND PRESENTATIONS

- *"Impacts of Regional Water Planning Decisions on Permitting and Financing (Whom Do You Sue?)"*, co-author with Mark B. Taylor, presented at the Texas Water Law Institute, sponsored by the University of Texas, 2015.
- *"Texas Open Meetings Act," "Conflicts of Interest," "Parliamentary Procedure,"* presented at the Seminar for Newly Elected Officials, sponsored by the Capital Area Council of Governments 2009, 2010, and 2011.
- *"Advanced Policy Making,"* presented at Advanced Policy Making Workshop, sponsored by the Capital Area Council of Governments, 2011
- *"Texas Open Meetings Act – Government in the Sunshine,"* presented at the Advanced Administrative Law Course, sponsored by the State Bar of Texas, 2008.
- *"Lost in Translation – the Texas Open Meetings Act,"* presented at the Texas Environmental Superconference, sponsored by the State Bar of Texas, 2007.
- *"Ready to Buy – How Do I Pay for This,"* speaker on utility cost sharing agreements and MUDs at the Austin Bar Association Real Estate Section Land Development Seminar, 2004.