



# Regional Planning Options for Emerging Infrastructure Issues

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# Why this Conversation Matters – Your Concerns are Very Legitimate!

Counties are facing new infrastructure pressures:

- Data centers with large electric loads
- Battery energy storage systems and fire-response concerns
- Utility-scale solar and land conversion
- Transmission, roads, water, and emergency management impacts

**The question is not whether to respond. The question is which regional vehicle works best. Cities have zoning and ordinance power. Counties?**

# ETCOG is the Region's Chapter 391 Planning Commission

**ETCOG exists under the Texas Local Government Code, Chapter 391**

Texas has a mature statewide regional structure:

- 24 Councils of Governments
- All 254 counties already fall within a planning region

**ETCOG provides the region's standing planning and coordination platform**

We are the "Full Service" regional vehicle for our counties

We have established collaborative relationships with State and Federal Agencies





# Proposed Sub-Regional Commission

## Formed Under Chapter 391

A proposed sub-regional would rely on the same Chapter 391 framework as ETCOG

## A sub-regional does not automatically create new substantive authority

It would require separate governance, compliance, staff support, and administration

## It would sit on top of ETCOG rather than replace ETCOG

Sub-Regionals have not been recognized by any Governor ever: It is a "big ask" for a subregional if the goal is compulsion

# Administrative Burden and Duplication

A new sub-regional structure would require:

- Bylaws, appointments, and governance processes
- Open Meetings compliance and records retention
- Audit and reporting obligations
- Legal review and administrative support

**It does not replace ETCOG.** It appears to add another layer on top of ETCOG





# Some Key Considerations

- **No Governor has ever delineated subregions under 391.003(b)(2) – the pathway has never been opened**
- **CJCAT General Counsel Jim Allison published this in County Progress: There is no current authority to create a subregional planning commission**
- **This is the county's own statewide association's legal conclusion, not ETCOG's**

## Key Considerations (Continued):

# Risk: Fragmenting Our Regional Voice

## Multiple regional voices can create confusion for agencies and partners

Fragmentation can weaken strategic influence, causing:

- Slower decisions
- Reduced discretionary support
- Lower grant competitiveness
- Uncertainty about who speaks for the region

**A single functioning regional platform is often in a stronger position**



# A Quick Comparison:

Topic	ETCOG Today	New Sub-Regional
Legal Entity	Already Exists	Must be Formed/Validated
Governance	Already Operating	New Appointments/Bylaws
Staff Support	Existing	Must be Created or Assigned
Agency Relationships	Established	Must be Built
Regional Plans	Existing Mechanism	Duplicative Mechanism
Compliance Burden	Existing/Administered	Additional Burden
Cost	Share at Scale	Added County Cost
Influence	Region-Wide	Narrower Footprint

# One of ETCOG's Most Important Functions

- ETCOG serves as a forum for elected officials to come together to solve common problems
- County judges, commissioners, mayors, and other local leaders can work through shared issues together
- Regional discussion can lead to practical, coordinated solutions
- Emerging infrastructure issues are exactly the type of cross-county challenge we are meant to address





## Could All ETCOG Members Get on the Same Page for Any Given Issue?

Not automatically — counties may have different interests and impacts. But ETCOG can create a structured process to move members toward alignment

- Member-led working group
- Standing committee
- Technical studies, action plans, and impact review
- Regional principles and recommendations
- Unanimous consent vs. Problem Resolution: This is the goal!

**ETCOG's role is to provide the forum, facts, and process and help secure funding from federal and state agencies, including those problems that affect some of our counties (sub-regional)**



# The ETCOG Approach: Coordination Is Collaboration and Persuasion... *Not Compulsion*

Chapter 391 supports coordination and consultation

Coordination means good-faith engagement. It does not mean veto power over state action.

**The strongest regional influence comes from preparation, credibility, and sustained engagement**

# How State Agencies Typically Respond to ETCOG

## Existing Relationships

ETCOG already works with agencies such as Governor's Office, TxDOT, HHSC, TCEQ, GLO, TDEM, TWC, DPS, and federal partners

## Regional Capacity

ETCOG offers continuity, professional capacity, and regional scale

## One Regional Voice

These agencies generally engage more effectively with one credible regional voice

## Trust and Consistency

Relationships, trust, and consistency matter in daily practice

# What ETCOG Can Do Right Now?



- 01 Place the issue(s) and a proposed framework for moving forward on the next ETCOG agenda
- 02 Create a member-led regional working group or committee
- 03 Have a requesting county official help lead the effort
- 04 Commission technical analysis and impact assessment
- 05 Develop regional principles and planning recommendations & immediately assign staff
- 06 Track legislation, rulemaking, and agency activity in real time
- 07 Procure outside expertise for studies and action plans

# Closing Recommendation

- The counties' concerns are legitimate and deserve action
- ETCOG is the region's Chapter 391 planning commission
- ETCOG is designed to convene elected officials and coordinate shared solutions at the Regional & Sub-Regional level
- Consider directing ETCOG to lead the response...



# QUESTIONS?

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