

LOWER RIO GRANDE AUTHORITY (LRGA) BOARD MEETING

TUESDAY, JULY 12, 2005 - 9:00 A.M.

**Rio Red Classroom - Texas A&M Citrus Center
312 North International Blvd. - Weslaco, Texas**

Presiding: Bobby Sparks, President

President Bobby Sparks called the meeting to order, and asked Mr. Ken Jones to call the roll. Upon completion of the roll call, it was ascertained that a quorum of the Board was present. In attendance were:

Bobby Sparks, <i>President</i>	Valley Acres
Tito Nieto, <i>Vice-President</i>	United Irrigation Dist. #15
Paul Heller	Rio Queen Citrus
Joe Pennington	Delta Lake
Frank Ruiz	Cameron Co. ID #6
Rick Smith	La Feria IDCC #3

Ex-Officio Members Present:

Mayor Norberto Salinas, City of Mission

Others Present:

Linda Fernandez, Fernandez Group, Inc.
Bill Norris, NRS Consulting Engineers
Troy Allen, Delta Lake Irrigation District
Nora Zapata, Donna Irrigation District
Sonny Hinojosa, Hidalgo Co. Irrigation Dist. #2
Jesse Barba, Attorney
Ken Jones, Executive Director, LRGVDC
Richard Hinojosa, Deputy Executive Director, LRGVDC
Anna Toye Bruton, LRGVDC

The President moved to agenda item 2, and entertained motions to approve the following meeting minutes:

2.A. - Board Meeting of June 2, 2005. ***Mr. Frank Ruiz made a motion to approve these minutes, Mr. Tito Nieto seconded the motion, and upon a vote, the motion passed unanimously.***

2.B. - Board Meeting of June 8, 2005. ***A motion was made by Mr. Paul Heller to***

Approve the June 8, 2005 Meeting Minutes. The motion was seconded by Mr. Joe Pennington, and upon a vote, the motion carried unanimously.

2.C. - Emergency Board Meeting of June 14, 2005. **Mr. Tito Nieto made a motion to approve the June 14, 2005 meeting minutes. Mr. Rick Smith seconded the motion, and upon a vote, the motion passed unanimously.**

2.D. - Emergency Board Meeting of June 27, 2005. **Mr. Joe Pennington moved to approve the June 27, 2005 meeting minutes. Mr. Paul Heller seconded the motion, and upon a vote, the motion carried unanimously.**

2.E. - Emergency Board Meeting of July 1, 2005. **Mr. Joe Pennington moved to approve the July 1, 2005 meeting, Mr. Rick Smith seconded the motion, and upon a vote, the motion passed unanimously.**

There were no requests for public comment,; therefore, President Sparks proceeded to agenda item 4. - Financial Report, and asked Mr. Ken Jones to address this item. Mr. Jones informed the Board that there were outstanding bills from the Development Council, Linda Fernandez, and Mr. Jesse Barba, Attorney, in the binders. A bill from NRS Consulting Engineers was also presented, and **Mr. Frank Ruiz moved to pay all bills within 30 days.** Further discussion regarding: 1) the NRS bill and whether the work already done might continue in the future, and 2) obtaining a detailed description of the work performed by NRS so this information could be provided to the irrigation districts; and **Mr. Ruiz amended the motion to state, "pay all bills within 30 days, with the exception of the NRS bill, which would be itemized for the Board's review and approval and presented at the next meeting."** **Mr. Paul Heller seconded the motion, and upon a vote, the motion carried unanimously.**

The President then deviated from the agenda and moved to agenda item 8.A.1. - Consider Transition Steps and Legislative Status as a Result of SB 2639, and asked Mr. Tito Nieto to report on a meeting that had occurred with Senator Lucio. Mr. Nieto informed the Board that in addition to himself, those in attendance at that meeting were: Bill Card, III, Paul Cowen (Senator Lucio's office), Wayne Halbert, Jo Jo White, Mr. Dalici (Bickerstaff law firm), Carlos Rubinstein, and Jim Darling (via telephone). Some other comments were: 1)the Senator would not commit to an opinion on the proposed new legislation; 2) Bill Summers apologized for having made decisions without the RGRWA Board's permission, and suggested investigating how to keep the LRGAs viable; and 3) Carlos Rubinstein had suggested that the LRGAs continue to work while keeping the water authorities separate and the LRGAs be a subcommittee of the RGRWA.

The President asked Mr. Jesse Barba, Attorney, Jones, Galligan, Key & Lozano, LLP about the Attorney General's opinion. In response, Mr. Barba reported that according to the Attorney General's Office, this authority had been advised to consult a county or district attorney for assistance in resolving this matter. During discussion on various issues, **Mr. Paul Heller made a motion to not consider developing a hybrid organization with the RGRWA as the main entity and the LRGAs acting as an advisory subcommittee. Mr. Joe Pennington seconded the motion, and upon a vote, the motion carried unanimously.**

Then, specifically regarding agenda items 6.B. - Filing of Repealer Legislation and 6.C. - Filing of Public Notice RE: Merger Legislation, President Sparks informed the Board that he had been advised that the Repealer could be filed, but legislation must be in place to replace the repealer, and the legislation required a 30-day advance posting period (with the counties who had representatives on the Board). Ms. Linda Fernandez advised the Board to seek the support of Tarrant County in this endeavor. Following discussion, **Mr. Joe Pennington moved that this organization file the repealer and post the legislation immediately. Mr. Paul Heller seconded the motion.** Then, Mr. Jesse Barba advised the Board that it was necessary to have a senator introduce the bill, and Ms. Fernandez stated that the Board should initiate the filing of an injunction against SB 2639. Mayor Norberto Salinas, City of Mission stated that he thought that the cities would be supportive of the LRGA, and added that the counties should not be involved in water authorities. Following discussion, it was agreed that Mayor Salinas and COG staff would contact Senator Juan Hinojosa and Mr. Hollis Rutledge regarding the legislation. **The President then called for a vote, and upon a vote, the motion passed unanimously.**

Ms. Fernandez suggested initiating a campaign to enlist the cities' assistance in requesting that Senator Lucio support the proposed legislation. It was mentioned that 26 cities were "on board" with the LRGA in their efforts, and Ms. Fernandez advised the Board of the following: 1) the legislation must have a 2/3 majority positive vote to pass, and the Board could ask for summary judgment on this issue; and 2) Mr. Greg Ellis estimated the legal costs for pursuing litigation would be from \$40,000 to \$50,000. Mr. Rick Smith then suggested that the LRGA could become a subcommittee of the Irrigation District Managers Association. Mr. Barba stated that if his firm were hired to pursue litigation, they would probably require a \$10,000 retainer fee. Ms. Fernandez stated that litigation regarding the legislation had to be acted on before September 1, 2005. She added that a defense fund for the LRGA could be developed and a press conference scheduled to address the issue. Ms. Fernandez is to bring back some plans for addressing the issues and bring them back to the LRGVDC Board for review and approval.

The President then returned to the regular agenda sequence, and moved to agenda item 5. - Consider Process of Handling Funds in Account. Following discussion, **Mr. Paul Heller made a motion to table this item until subsequent meetings when more information will be available. Mr. Joe Pennington seconded the motion, and upon a vote, the motion passed unanimously.**

With regard to agenda item 6.A. - Appointment of Joe Barrera as Secretary-Treasurer. Mr. Jones reminded the Board that they had appointed Mr. Barrera to this position, and following Mr. Barba advising the Board that this action was legal, **Mr. Rick Smith made a motion to ratify the actions of the Executive Committee in appointing Mr. Barrera as the Secretary-Treasurer. Mr. Paul Heller seconded the motion, and upon a vote, the motion carried unanimously.**

It was stated that agenda item 7.A. - Master Plan Implementation had been discussed under agenda item 4., and the President addressed agenda item 9. - Discussion and Action RE: Meeting Schedule. During discussion, the Board was informed that the Rio Grande Regional Water Authority was scheduled to meet at 9:00 a.m. at this location next Tuesday - July 19, 2005. Following discussion and upon Mr. Jones' suggestion, **Mr. Rick Smith made a motion to schedule the next meeting for 10:30 a.m., Tuesday, July 19, 2005 at this same location. Mr. Paul Heller seconded the motion, and upon a vote, the motion passed unanimously.**

Following scheduling the meeting, President Sparks asked Mr. Jones to address agenda item 10.A. - Consider Board Recognition. Mr. Jones explained that he was suggesting the Board consider purchasing plaques or something expressing appreciation to those who had served on the LRGA Board; however, this could be done at a later date. Following discussion, **Mr. Paul Heller made a motion to table action on this item. Mr. Rick Smith seconded the motion, and upon a vote, the motion passed unanimously.**

There being no further business to be considered, President Sparks adjourned the meeting.

Bobby Sparks, President

Tito Nieto, Vice President