

LOWER RIO GRANDE AUTHORITY (LRGA) BOARD MEETING

THURSDAY, AUGUST 4, 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 announced that a quorum was present. In attendance were:

Bobby Sparks, <i>President</i>	Valley Acres
Tito Nieto, <i>Vice-President</i>	United Irrigation Dist. #15
Joe Pennington	Delta Lake
Frank Ruiz	Cameron Co. ID #6
Harold Seiver Jr.	Donna Irrigation Dist.
Rick Smith	La Feria IDCC #3
Frank "Jo Jo" White	H&CCID #9

Others Present: Richard Perez, City of Mission
Bill Norris, NRS Consulting Engineers
Linda Fernandez, Fernandez Group, Inc.
Gregory M. Ellis, Attorney
Joe Barrera, Brownsville Irrigation District
Nora Zapata, Donna Irrigation District
Jesus Flores, Engleman Irrigation District
Mary Zuniga, Engleman Irrigation District
Jesse Barba, Attorney
Ken Jones, Executive Director
Anna C. Bruton, LRGVDC

Following the call to order, President Sparks moved to agenda item 2. - Consider Approval of July 12, 2005 Minutes. ***Mr. Joe Pennington made a motion to approve these minutes, and Mr. Rick Smith seconded the motion. Upon a vote, the motion passed unanimously.***

There were no requests for public comment, and the president asked Mr. Joe Barrera to address agenda item 4 - Financial Report. It was reported that there were two new bills: LRGVDC - \$832.94; Fernandez Group, Inc. - \$2,770.76, and an itemized list of time spent

by NRS Consulting Engineers. At the conclusion of discussion, the following action occurred: **Mr. Tito Nieto made a motion to pay NRS Consulting Engineers 50% of their billing. Mr. Harold Seiver seconded the motion, and upon a vote, the motion carried unanimously.**

Mr. Harold Seiver made a motion to develop a contract for the balance owed to NRS Consulting, subject to grant funding received. Mr. Rick Smith seconded the motion, and upon a vote, the motion passed unanimously. Mr. Jesse Barba agreed to draft this contract.

Mr. Rick Smith made a motion to pay the LRGVDC (\$832.94) and Fernandez Group, Inc. (2,770.76) Mr. Tito Nieto seconded the motion, and upon a vote, the motion carried unanimously.

It was mentioned at this time that a bill from Mr. Gregory M. Ellis, Attorney would be presented and paid before the next meeting. This expense had been approved at a previous meeting.

Following action on the Financial Report, Chairman Sparks moved to agenda item 5. - Consider Submission of Letter to Senator Juan Hinojosa RE: - Request for Interim Committee Charge to Merge Water Authorities, and opened the floor for discussion. Following discussion, **Mr. Joe Pennington made a motion that the letter to Senator Hinojosa be approved with the following changes: 1) add the fact that both authorities unanimously voted for the proposed legislation; 2) include the resolutions from both authorities; 3) change legislative session to legislative opportunity; and 3) Letters requesting support be sent to both Senator Lucio and Governor Perry with copies to all concerned legislators. Mr. Rick Smith seconded the motion, and upon a vote, the motion passed unanimously.**

At this time, Ms. Linda Fernandez, Fernandez Group, Inc. introduced Mr. Gregory Ellis, attorney-at-large. Mr. Ellis advised the Board Members that there was a possibility of filing a "friendly" lawsuit (with the cooperation of the other authority), a temporary restraining order (TRO), or injunction regarding the inappropriate and/or alleged illegal filing of S.B. 2639, and the State Attorney General must be involved in such a legal proceeding. He added that such legal proceedings could cost up to \$50,000, and discussion followed; however, no action was taken.

At this time, after being recognized by the President, Mr. Jones read an email from Mr. I.N. Randolph, Legislative Director, Senator Lucio's office. Mr. Randolph stated that the LRGA proposal was interesting, but it is not the product of all the parties involved. It was Mr. Randolph's understanding that the RGRWA would now be housed and meet at the Watermaster's Office and future negotiations would take place there with the Watermaster's assistance. Mr. Randolph wrote that Senator Lucio believes that there are a few issues with the proposal that are problematic: 1) it takes away representation from the counties, which the counties do not want to lose, and it also does not address representation for Webb, Starr and Zapata counties; 2) it once again relies on the Water Conference, which Senator Lucio does not think allows for enough public accountability, it does however, create a good balancing mechanism based on water rights. The email

further stated that all these things are fixable, and that we can come to an accord if everyone stays at the table, and that a counter-proposal was in process to run by the working group. Mr. Jones informed the Board that Melissa with Senator Juan Hinojosa's office should be getting that proposal soon, and this would be furnished to the LRGA Board.

Linda Fernandez distributed copies of a document titled, "Concepts for LRGA Legal Defense Fund" at this time; however, no action was taken regarding that issue.

Mr. Jim Darling, McAllen City Attorney, suggested that interlocal agreements among the members be entered into. At the conclusion of discussion, *it was the consensus of the Board that Mr. Jesse Barba develop such an agreement.*

The President then moved to agenda item 6. - Consider Process of Handling Funds in Account (Tabled at July 12, 2005 Meeting). ***Mr. Jo Jo White made a motion that all matching funds be returned immediately to the cities, irrigation districts and other contributing entities. Mr. Rick Smith seconded the motion, and upon a vote, the motion carried unanimously.***

Following further discussion, ***Mr. Jo Jo White moved that after all debts are paid, the remainder of assessments be refunded to the irrigation districts on a prorata basis by September 1st. Mr. Rick Smith seconded the motion, and upon a vote, the motion passed unanimously.***

Agenda item 7A. - Master Plan Implementation had been addressed earlier in the meeting, and the President moved to agenda item 8. - Consider Transition Steps and Legislative Status as a Result of SB 2639. Following discussion, ***Mr. Tito Nieto made a motion to table this item until after August 17th. Mr. Rick Smith seconded the motion, and upon a vote, the motion carried unanimously.***

With reference to agenda item 9. - Discussion and Action RE: Meeting Schedule, Mr. Jones suggested Friday, August 19th, and Ms. Linda Fernandez suggested that the Board include an Executive Session to discuss legal issues. Following discussion, ***Mr. Frank Ruiz made a motion to schedule the next meeting for Friday, August 19, 2005, at the same time, and same place. Mr. Rick Smith seconded the motion, and upon a vote, the motion passed unanimously.***

Mr. Jim Darling, upon being recognized by the President, gave a report on membership in a consortium of political entities, such as cities, irrigation districts and school districts, that would enable members to obtain a lower electrical utility rate.

The President then moved to agenda item 10.A. - Consider Board Recognition (Tabled at July 12, 2005 Meeting). Following discussion, ***Mr. Joe Pennington moved to remove this item from the table. Mr. Jo Jo White seconded the motion, and upon a vote, the motion carried unanimously. Then, Mr. Pennington moved that no plaques of recognition needed to be purchased. Mr. Rick Smith seconded the motion, and upon a vote the motion passed unanimously.***

Then, there being no further business to be acted on, President Sparks adjourned the meeting.

Bobby Sparks, President

Tito Nieto, Vice President