

AGENDA

MEETING OF THE BOARD OF DIRECTORS' EXECUTIVE COMMITTEE AND/OR OF THE BOARD OF DIRECTORS

SAN ANTONIO RIVER AUTHORITY

September 2, 2010, 1:00 p.m.

**Estimated Presentation Time: 2 hours*



GENERAL AND CEREMONIAL ITEMS:

Estimated Presentation Time: 5 minutes

1. **CALL TO ORDER BY THE CHAIRMAN, MR. GAYLON J. OEHLKE**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL BY THE SECRETARY, MR. ROBERTO G. RODRÍGUEZ**

- Terry E. Baiamonte
- Sally Buchanan
- A.D. Kollodziej, Jr.
- Hector R. Morales
- Roberto G. Rodríguez
- Gaylon J. Oehlke

4. **CERTIFICATION OF A QUORUM BY THE SECRETARY**
5. **INTRODUCTION OF VISITORS**
6. **CITIZENS TO BE HEARD**

**Represents the time staff anticipate that it will take to make presentations or give briefings; does not include an estimate of the time required for discussions generated by Board members.*

7. **APPROVAL OF THE MINUTES FOR THE EXECUTIVE COMMITTEE MEETING HELD ON AUGUST 11, 2010**
8. **PRESENTATION, DISCUSSION, AND APPROPRIATE ACTION REGARDING THE SAN ANTONIO RIVER AUTHORITY'S DRAFT STATE AND FEDERAL LEGISLATIVE AGENDAS FOR THE 82nd STATE LEGISLATURE AND THE 112th SESSION OF CONGRESS, 1st SESSION**
9. **EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 FOR CONSULTATION WITH ATTORNEY REGARDING *THE ARANSAS PROJECT V. SHAW, ET. AL.*, CASE NO. 10-40633 IN THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT**
10. **PRESENTATION, DISCUSSION AND APPROPRIATE ACTION REGARDING *THE ARANSAS PROJECT V. SHAW, ET. AL.*, CASE NO. 10-40633 IN THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT**
11. **GENERAL MANAGER'S REPORT CONCERNING THE FOLLOWING:**
 - **UPCOMING EVENTS CALENDAR,**
 - **FUTURE BOARD AND/OR COMMITTEE MEETINGS, AND**
 - **MEETINGS INVOLVING THE ATTENDANCE OF ONE OR MORE BOARD MEMBERS**
12. **ITEMS FOR FUTURE CONSIDERATION**
13. **NEXT MEETING DATE**
14. **ADJOURN**

Estimated Presentation Time: 2 Hours

SAN ANTONIO RIVER AUTHORITY
General Statements

This meeting is wheelchair accessible. Accessible parking is located at 100 E. Guenther Street. Requests for an interpreter for the hearing impaired must be received at least 48 hours prior to the meeting, or, to arrange for special assistance to attend this meeting, please call the Operator at 210-227-1373.

The Board of Directors' Executive Committee of the San Antonio River Authority may discuss and/or take action on any item listed in this agenda while convened in open session. The Board of Directors of the San Antonio River Authority may also meet in Executive Session, pursuant to Section 551.071 of the Texas Government Code, to receive advice from legal counsel on any item listed in this agenda.

Date: 09/02/2010

Approval of the Minutes

Submitted By: Linda Whitaker, Technical Services

Division: Executive Offices

Submitted For: Suzanne B. Scott

Department:

Information

CAPTION

APPROVAL OF THE MINUTES FOR THE EXECUTIVE COMMITTEE MEETING HELD ON AUGUST 11, 2010

Presenter

Mr. Oehlke, Committee Chair

Estimated Presentation Time: 5 minutes

Recommendation

Motion to approve the minutes of the Executive Committee meeting held on August 11, 2010, as presented.

Discussion

Vote

Attachments

Link: August 11, 2010, Executive Committee Meeting Minutes

MINUTES

MEETING OF THE BOARD OF DIRECTORS' EXECUTIVE COMMITTEE

SAN ANTONIO RIVER AUTHORITY

August 11, 2010, 2:00 p.m.



GENERAL AND CEREMONIAL ITEMS:

1. **CALL TO ORDER WAS MADE BY THE CHAIRMAN, MR. GAYLON J. OEHLKE, AT 2:00 P.M.**
2. **PLEDGE OF ALLEGIANCE WAS RECITED**
3. **THE COMMITTEE SECRETARY, MR. ROBERTO G. RODRÍGUEZ, CALLED THE ROLL AND REPORTED THE FOLLOWING BOARD MEMBERS PRESENT:**

- Terry E. Baiamonte
- Sally Buchanan
- A.D. Kollodziej, Jr.
- Hector R. Morales
- Roberto G. Rodríguez
- Gaylon J. Oehlke

4. **CERTIFICATION OF A QUORUM WAS ANNOUNCED BY THE SECRETARY, MR. RODRÍGUEZ**
5. **INTRODUCTION OF VISITORS**

Ms. Sanchez announced the visitor who was present in the audience.

6. **CITIZENS TO BE HEARD**

Ms. Sanchez announced that there were no citizens signed up to speak.

7. **APPROVAL OF THE MINUTES FOR THE EXECUTIVE COMMITTEE MEETING HELD ON APRIL 14, 2010.**

Staff recommended a motion to approve the minutes of the Executive Committee meeting held on April 14, 2010, as presented.

Motion made by Sally Buchanan
Seconded by A.D. Kollodziej, Jr.
Motion passed unanimously

8. PRESENTATION, DISCUSSION, AND APPROPRIATE ACTION REGARDING THE SAN ANTONIO RIVER AUTHORITY'S DRAFT STATE AND FEDERAL LEGISLATIVE AGENDAS FOR THE 82nd STATE LEGISLATURE AND THE 112th SESSION OF CONGRESS, 1st SESSION

There being no action taken on this item, Mr. Oehlke called for Agenda Item 9.

9. PRESENTATION, DISCUSSION, AND APPROPRIATE ACTION REGARDING REVIEW OF THE SAN ANTONIO RIVER AUTHORITY'S STRATEGIC VISION AND MISSION STATEMENT

There being no action taken on this item, Mr. Oehlke called for Agenda Item 10.

10. PRESENTATION, DISCUSSION AND APPROPRIATE ACTION REGARDING DRAFT RULES OF ORDER DOCUMENTING THE PARLIAMENTARY PROCEDURES OF THE SAN ANTONIO RIVER AUTHORITY BOARD OF DIRECTORS

Staff recommended a motion of Executive Committee support for presenting the draft Rules of Order, as amended by the Committee, to the San Antonio River Authority Board of Directors for approval.

Motion made by Sally Buchanan
Seconded by A.D. Kollodziej, Jr.
Motion passed unanimously

Attachment: [Rules of Order](#)

11. EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 FOR CONSULTATION WITH ATTORNEY REGARDING *THE ARANSAS PROJECT V. SHAW, ET. AL.*, CASE NO. 10-40633 IN THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

After appropriate disclosure in accordance with Chapter 551 of the Texas Government Code, the Open Meetings Act, Section 551.071, Mr. Oehlke then recessed to meet in Executive Session at 4:08 p.m. for deliberation regarding *The Aransas Project v. Shaw, et. al.*, Case No. 10-40633 in the United States Court of Appeals for the Fifth Circuit. The Executive Session having concluded, the Executive Committee Meeting resumed into Open Session at 4:20 p.m.

12. PRESENTATION, DISCUSSION AND APPROPRIATE ACTION REGARDING *THE ARANSAS PROJECT V. SHAW, ET. AL.*, CASE NO. 10-40633 IN THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

There being no action taken on this item, Mr. Oehlke called for Agenda Item 13.

13. DISCUSSION AND APPROPRIATE ACTION REGARDING THE PROPOSED OUTLINE FOR THE BOARD OF DIRECTORS WORKSHOP TO DISCUSS THE ROLE OF THE NATURE-BASED PARK PROGRAM IN THE ACCOMPLISHMENT OF THE SAN ANTONIO RIVER AUTHORITY'S MISSION

There being no action taken on this item, Mr. Oehlke called for Agenda Item 14.

14. GENERAL MANAGER'S REPORT CONCERNING THE FOLLOWING:

- **UPCOMING EVENTS CALENDAR,**
- **FUTURE BOARD AND/OR COMMITTEE MEETINGS, AND**
- **MEETINGS INVOLVING THE ATTENDANCE OF ONE OR MORE BOARD MEMBERS**

There being no action taken on this item, Mr. Oehlke called for Agenda Item 15.

15. ITEMS FOR FUTURE CONSIDERATION

There being no action taken on this item, Mr. Oehlke called for Agenda Item 16.

16. NEXT MEETING DATE

After Committee discussion, it was decided that the next Executive Committee meeting will be September 2, 2010, at 1:00 p.m.

17. ADJOURN

There being nothing further to report, Mr. Oehlke called the meeting adjourned at 5:05 p.m.

PREPARED AND RECOMMENDED FOR COMMITTEE APPROVAL BY THE MANAGER.

SUZANNE B. SCOTT, General Manager

APPROVED BY THE BOARD OF DIRECTORS AT THE EXECUTIVE COMMITTEE MEETING HELD ON SEPTEMBER 2, 2010.

GAYLON J. OEHLKE, Committee Chairman

ATTEST:

ROBERTO G. RODRÍGUEZ, Committee Secretary

RULES OF ORDER

Introduction

Robert's Rules of Order recognizes the need to modify its standard parliamentary procedural rules for small boards. According to *Robert's*, a small board will generally not have more than 12 members. The San Antonio River Authority Board qualifies as a small board under *Robert's Rules of Order*. For a small board, most parliamentary rules apply, but certain modifications permitting greater flexibility and informality are commonly allowed.

The meetings of the River Authority Board and Committees are governed by the River Authority enabling act and by-laws, general law and by these Rules of Order, which do not incorporate parliamentary procedure addressed in the act, by-laws, or general law.

Ceremonial

The Pledge of Allegiance is recited at the beginning of each meeting.

River Authority, Board member, staff, and other acknowledgements are generally made at Board meetings prior to the regular order of business.

Meeting Procedures

Visitors to each meeting are asked to sign in and are recognized during each meeting.

Citizens who wish to address the Board or Committee are asked to sign in. Their comments are limited to three minutes. As required by the Open Meetings Act, the Board or Committee does not discuss the topics raised by the citizen unless that topic is on the agenda for the meeting.

The River Authority staff prepares the meeting agendas and the public notices for the meetings.

The River Authority staff presents each agenda item and recommends action as appropriate for the agenda items.

Officer reports are not a standing agenda item for the Board or Committee meetings.

Committee reports and Director conference attendance reports are a standard component of the Board meetings and are not discussed or deliberated by the Board.

The minutes of the previous meeting are not read. Board meeting minutes are considered under the consent segment of the agenda. Committee minutes are considered as a general course of business.

River Authority staff prepare action minutes that reflect only the Board's action and not staff's presentation or Board members' discussion. Board members who wish for their comments to be represented in the minutes direct staff by stating that their comments are on the record.

The minutes will reflect the attendance and time of arrival of Board or Committee members who arrive after the Roll Call has been taken.

The Chair has discretion to take agenda items out of order and to pull items at the recommendation of staff.

Those persons addressing the Board or Committee will stand at the podium.

Board and Committee agendas include a caption under which items for future consideration may be identified.

The General Manager may place a report item on Board and Committee agendas to inform the Board of its upcoming events calendar, future Board or Committee meetings, and meetings involving the attendance of one or more Board members.

Directors may attend Committee meetings regardless of whether they are a member of the Committee. In the event the attendance of a Director at a Committee meeting will result in a quorum of the Board being present at that Committee meeting, the Directors who are not members of that Committee may not participate in the Committee deliberations unless the Committee meeting is convened as a meeting of the Board.

The Board and Committees generally do not meet in July.

The Board may meet in Wilson, Karnes or Goliad counties during each year. The location will rotate between the three downstream counties.

Rules of debate

The Chair may participate in debate.

The Chair may make a motion or second a motion.

The Chair may vote on any motion.

There is no limit on debate, unless a motion for the previous question is made, seconded and approved by a majority vote of those Directors present at the meeting.

There is no requirement that a Director address comments to the Chair; a Director may address comments to other Directors.

The General Manager may participate in debate.

Staff may respond to questions during the course of debate.

Staff may provide information during the course of debate.

DRAFT

Date: 09/02/2010

Federal and State Legislative Agendas

Submitted By: Brian Mast,
Intergovernmental and
Comm Relations

Division: Intergovernmental and
Comm Relations

Department: Intergovernmental Relations

Information

CAPTION

PRESENTATION, DISCUSSION, AND APPROPRIATE ACTION REGARDING THE SAN ANTONIO RIVER AUTHORITY'S DRAFT STATE AND FEDERAL LEGISLATIVE AGENDAS FOR THE 82nd STATE LEGISLATURE AND THE 112th SESSION OF CONGRESS, 1st SESSION

Presenter

Brian Mast

Estimated Presentation Time: 20 minutes

In preparation for the 82nd Texas Legislature Session and the end of the 111th Congress 2nd Session, the San Antonio River Authority staff, with assistance from Tuggey Rosenthal Pauerstein Sandoloski Agather LLP and the Carmen Group, has begun to identify particular issues that are germane to the River Authority. At the last Executive Committee meeting in August we discussed the 82nd Texas Legislative Session, so at the September Board meeting the focus will be on the upcoming end of the 111th Congress.

Staff of Intergovernmental Relations continue to track the following federal initiatives through the closing of the 111th Congress 2nd Session and into the opening of the 112th Congress 1st Session:

- HR 5088 America's Commitment to Clean Water Act
- Sustainable Watershed Planning Act (unfiled legislation)
- Principles and Guidelines update by the Corps of Engineers
- MS4 permit renewal developments
- FY 2012 Budget and Appropriation developments

Staff will distribute handouts to the Committee members at the meeting.

Discussion

Date: 09/02/2010

Executive Session: Whooping Crane Lawsuit

Submitted By: Steve Raabe, Technical
Services

Division: Technical Services

Department:

Information

CAPTION

EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 FOR CONSULTATION WITH ATTORNEY REGARDING *THE ARANSAS PROJECT V. SHAW, ET. AL.*, CASE NO. 10-40633 IN THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

Presenter

Steve Raabe; David Ross; and Ed McCarthy of Jackson, Sjoberg, McCarthy and Wilson

Estimated Presentation Time: 1 hour

Discussion

Date: 09/02/2010

Whooping Crane Lawsuit

Submitted By: Steve Raabe, Technical Services

Division: Technical Services

Department:

Information

CAPTION

PRESENTATION, DISCUSSION AND APPROPRIATE ACTION REGARDING *THE ARANSAS PROJECT V. SHAW, ET. AL.*, CASE NO. 10-40633 IN THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

Presenter

Steve Raabe; David Ross; and Ed McCarthy of Jackson, Sjoberg, McCarthy and Wilson
Estimated Presentation Time: 10 minutes

A citizen group named The Aransas Project filed suit against the Texas Commission on Environmental Quality on March 11, 2010, for violations of Section 9 of the Federal Endangered Species Act regarding alleged takes of whooping cranes at the Aransas National Wildlife Refuge. "Take" is broadly defined in the Endangered Species Act to include harassing, harming, pursuing, wounding or killing of a species covered under the Act. The briefing will focus on the status of the suit and what potential impact the suit would have regarding the San Antonio River Authority's activities.

Recommendation

Motion to be crafted, if necessary, after Board discussion.

Discussion

Vote

Executive Committee

Individual Items 11. - 13.

Date: 09/02/2010

GM's Report / Items for Future Consideration / Next Meeting Date

Submitted By: Lupe Sanchez, Executive
Offices

Division: Executive Offices

Submitted For: Suzanne B. Scott

Department:

Information

11.

CAPTION

GENERAL MANAGER'S REPORT CONCERNING THE FOLLOWING:

- **UPCOMING EVENTS CALENDAR,**
- **FUTURE BOARD AND/OR COMMITTEE MEETINGS, AND**
- **MEETINGS INVOLVING THE ATTENDANCE OF ONE OR MORE BOARD MEMBERS**

Presenter

Suzanne B. Scott

Estimated Presentation Time: 10 minutes

Discussion

Information

12.

CAPTION

ITEMS FOR FUTURE CONSIDERATION

Presenter

Suzanne B. Scott

Estimated Presentation Time: 5 minutes

Discussion

Information

13.

CAPTION

NEXT MEETING DATE

Presenter

Mr. Oehlke, Committee Chairman

Estimated Presentation Time: 5 minutes

Unless otherwise decided by the Committee, the next Executive Committee meeting will be Wednesday, October 13, 2010, at 2:00 p.m.

Discussion

Executive Committee

14.

Date: 09/02/2010

Adjourn

Submitted By: Lupe Sanchez, Executive
Offices

Division: Executive Offices

Department:

Information

CAPTION

ADJOURN

Presenter

Mr. Oehlke, Board Chairman
