

AGENDA

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



SAN ANTONIO RIVER AUTHORITY

April 13, 2011, 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
- Gaylon J. Oehlke
- Roberto G. Rodríguez

- 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 OF THE EXECUTIVE COMMITTEE MEETING HELD ON MARCH 9, 2011**
8. **PRESENTATION, DISCUSSION AND APPROPRIATE ACTION REGARDING PROPOSED LEGISLATION RELATING TO A SALES AND USE TAX FOR IMPLEMENTING SPECIES PROTECTION PROGRAMS FOR THE EDWARDS AQUIFER, THE GUADALUPE AND SAN ANTONIO RIVER BASINS AND THE SAN ANTONIO BAY AND ESTUARY SYSTEM**
9. **PRESENTATION, DISCUSSION AND APPROPRIATE ACTION REGARDING SAN ANTONIO RIVER AUTHORITY BOARD APPOINTMENTS TO THE SAN ANTONIO RIVER FOUNDATION BOARD**
10. **DISCUSSION AND APPROPRIATE ACTION REGARDING THE BOARD OF DIRECTOR BYLAWS, ARTICLE XVIII, SECTION 5, DIRECTORS FEES**
11. **PRESENTATION, DISCUSSION AND APPROPRIATE ACTION REGARDING ACTIVITIES ASSOCIATED WITH THE 82ND SESSION OF THE STATE LEGISLATURE AND THE 112TH CONGRESS**
12. **EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 FOR CONSULTATION WITH ATTORNEY REGARDING THE ARANSAS PROJECT V. SHAW, ET. AL., CASE NO. 2:10-CV-00075 IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS**
13. **PRESENTATION, DISCUSSION, AND APPROPRIATE ACTION REGARDING THE ARANSAS PROJECT V. SHAW, ET. AL., CASE NO. 2:10-CV-00075 IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS**
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**
15. **ITEMS FOR FUTURE CONSIDERATION**
16. **NEXT MEETING DATE**
17. **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.

Executive Committee

Date: 04/13/2011

Approval of the Minutes

Submitted For: Suzanne B. Scott

Submitted By: Lupe Sanchez

Division: Executive Offices

CAPTION

APPROVAL OF THE MINUTES OF THE EXECUTIVE COMMITTEE MEETING HELD ON MARCH 9, 2011

Presenter

Mr. Oehlke, Committee Chairman

Estimated Presentation Time: 5 minutes

Recommendation

Motion that the minutes of the Executive Committee meeting held on March 9, 2011, be passed and approved, as presented.

Discussion

Vote

Attachments

March 9, 2011, Executive Committee Meeting Minutes

MINUTES

**MEETING OF THE BOARD OF
DIRECTORS' EXECUTIVE COMMITTEE**

SAN ANTONIO RIVER AUTHORITY

March 9, 2011, 1:00 p.m.



GENERAL AND CEREMONIAL ITEMS:

1. **CALL TO ORDER WAS MADE BY THE CHAIRMAN, MR. GAYLON J. OEHLKE, AT 1:05 P.M.**
2. **PLEDGE OF ALLEGIANCE WAS RECITED**
3. **THE COMMITTEE SECRETARY, MR. ROBERTO G. RODRÍGUEZ, CALLED THE ROLL AND REPORTED THE FOLLOWING COMMITTEE MEMBERS PRESENT:**
 - Terry E. Baiamonte (1:20 p.m. arrival)
 - Sally Buchanan (absent)
 - A.D. Kollodziej, Jr.
 - Hector R. Morales
 - Gaylon J. Oehlke
 - Roberto G. Rodríguez
4. **CERTIFICATION OF A QUORUM WAS ANNOUNCED BY THE SECRETARY, MR. RODRÍGUEZ**
5. **INTRODUCTION OF VISITORS**

Ms. Sanchez reported that there were none.
6. **CITIZENS TO BE HEARD**

Ms. Sanchez announced that there were no citizens signed up to speak.
7. **APPROVAL OF THE MINUTES OF THE EXECUTIVE COMMITTEE MEETING HELD ON FEBRUARY 16, 2011**

Motion to approve the minutes of the Executive Committee Meeting held on February 16, 2011, as presented.

Motion made by A.D. Kollodziej, Jr.

Seconded by Roberto G. Rodríguez

Vote: 5 - 0 Passed

Other: Sally Buchanan (Absent)

8. PRESENTATION, DISCUSSION AND APPROPRIATE ACTION REGARDING PROPOSED LEGISLATION RELATING TO A SALES AND USE TAX FOR IMPLEMENTING SPECIES PROTECTION PROGRAMS FOR THE EDWARDS AQUIFER, THE GUADALUPE AND SAN ANTONIO RIVER BASINS AND THE SAN ANTONIO BAY AND ESTUARY SYSTEM

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

9. PRESENTATION, DISCUSSION AND APPROPRIATE ACTION REGARDING ACTIVITIES ASSOCIATED WITH THE 82ND SESSION OF THE STATE LEGISLATURE AND THE 112TH CONGRESS

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

10. 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

Legal Counsel reported there was nothing to report since the last agendaized discussion. Therefore, the Committee opted not to meet in Executive Session.

11. 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 12.

12. 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 13.

13. ITEMS FOR FUTURE CONSIDERATION

Mr. Oehlke requested that the Directors' compensation fees be addressed at the next meeting of the Executive Committee.

14. NEXT MEETING DATE

The next Executive Committee meeting will be Wednesday, April 13, 2011, at 1:00 p.m.

15. ADJOURN

There being nothing further to report, Mr. Oehlke adjourned the Executive meeting at 2:46 p.m.

PREPARED AND RECOMMENDED FOR COMMITTEE APPROVAL BY THE MANAGER.

SUZANNE B. SCOTT, General Manager

APPROVED BY THE BOARD OF DIRECTORS' EXECUTIVE COMMITTEE AT THE MEETING HELD ON APRIL 13, 2011.

GAYLON J. OEHLKE, Board Chairman

ATTEST:

ROBERTO G. RODRÍGUEZ, Board Secretary

Executive Committee

Date: 04/13/2011

Proposed Sales Tax Legislation for Funding Water-Related Species Issues

Submitted For: Steve Raabe

Submitted By: Lupe Sanchez

Division: Technical Services

CAPTION

PRESENTATION, DISCUSSION AND APPROPRIATE ACTION REGARDING PROPOSED LEGISLATION RELATING TO A SALES AND USE TAX FOR IMPLEMENTING SPECIES PROTECTION PROGRAMS FOR THE EDWARDS AQUIFER, THE GUADALUPE AND SAN ANTONIO RIVER BASINS AND THE SAN ANTONIO BAY AND ESTUARY SYSTEM

Presenter

Steve Raabe

Estimated Presentation Time: 20 minutes

The Edwards Aquifer Recovery Implementation Program (EARIP) steering committee is considering various alternatives for funding the proposed actions in the habitat conservation plan (HCP). One of the funding alternatives involves the enactment of a sales and use tax to be used for implementing species protection programs. At its February 10, 2011, meeting, the EARIP steering committee agreed by consensus to pursue legislation allowing the people of the region to vote on a ¼ of one percent regional sales tax as a funding mechanism for the EARIP program and other water-related issues with respect to species of concern in the region. The EARIP steering committee also agreed to develop alternative funding mechanisms not involving a sales tax while the EARIP is seeking authority for the regional sales tax.

In addition to funding the EARIP program, a portion of the proceeds of the proposed sales tax could be used for other water-related issues with respect to species of concern in the region. Specifically, the proposed legislation would direct the use of the sales tax to projects and studies identified in the Senate Bill 3 environmental flows program work plan as approved by the Environmental Flows Advisory Group or projects and studies relating to water-related issues with respect to species of concern jointly designated by the River Authority and the Guadalupe-Blanco River Authority.

The region where the sales tax is proposed to be collected consists of the Edwards Aquifer region and the Guadalupe and San Antonio River basins. The proposed legislation would require the Edwards Aquifer Authority, San Antonio River Authority and Guadalupe-Blanco River Authority boards to call the confirmation election for the sales tax within their respective districts. However, where the Edwards Aquifer Authority district overlaps with either the San Antonio River Authority's or Guadalupe-Blanco River Authority's districts, the Edwards Aquifer Authority board will call the election in those areas.

The first 1/8 of one percent of the proposed sales tax would be used to implement the EARIP, provided that not less than \$1.5 million per year shall be used to fund those other water-related issues related to species of concern, and would be collected upon the approval by the voters of the entire 1/4 of one percent sales tax in the confirmation election. The second 1/8 of one percent of the proposed sales tax would not be collected until the Environmental Flows Advisory Group approves the work plan prepared by the Guadalupe, San Antonio, Mission and Aransas Rivers and Copano, Aransas and San Antonio Bays bay and basin area stakeholder committee. The proceeds of the proposed sales tax would be channeled through the Texas Water Development Board to the EARIP, Guadalupe-Blanco River Authority and the San Antonio River Authority upon the submission of applications for financial assistance by those entities for projects and studies included in the HCP, approved environmental flows work plan or as jointly designated by the San Antonio River Authority and the Guadalupe-Blanco River Authority.

Recommendation

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

Discussion

Vote

Attachments

HB 2760

HB 2760 - EA RIP

Edwards Aquifer, Guadalupe River Basin, San Antonio River basin, and San Antonio Bay and Estuary System Species Protection Sales and Use Taxes

Important provisions:

- 1) The authorities (EAA, GBRA, SARA) **may adopt** a sales and use tax in the species protection program area if authorized in an election.
- 2) The governing bodies of the authorities (EAA, GBRA, SARA) by joint order **may call** an election in the species-protection program area in each authority to authorize the adoption of the tax.

Section 1: Legislative Findings: A broad-based regional funding mechanism dedicated to the implementation of the EA RIP program is required and vital for the general economy and welfare of the Edwards Aquifer region in South Central Texas including the Guadalupe and San Antonio River Basins.

Also a broad-based regional funding mechanism dedicated to the development and implementation of the e-flows work plan for the Guadalupe River and San Antonio River Basins and the San Antonio Bay and estuary system is required and vital to general economy and welfare of this state. Environmental Flow work plan will prioritize strategies and projects as approved by the EFAG, a periodic review of the e-flow standards, recommendations and strategies once a decade

Section 2: Sales and Use Tax: Edwards Aquifer, Guadalupe River Basin, San Antonio River basin, and San Antonio Bay and Estuary System Species Protection Sales and Use Taxes. Applicable for EAA, GBRA and SARA.

EAA, GBRA and SARA **may adopt** a sales and use tax in the species protection program area if authorized in an election. Tax must be implemented at 1/8 of one percent **UNLESS** EAA determines additional species protection measures are required or the EFAG approves a work plan. The maximum tax rate is 1/4 of one percent. There is no impact on local tax rate.

Use of Tax Revenue: revenue from the sales and use tax to be deposited in Species-protection program fund administered by TWDB. The money can only be appropriated to TWDB to provide financial assistance for the following programs.

Revenue may only be used for: (1-4 concern EA RIP) (5-6 concern e-flows)

- 1) Species-protection measures for the EA RIP
- 2) Implementing the EA RIP's adaptive management plan
- 3) Paying research and planning costs associated with species-protection measures, adaptive management plan including planning, engineering, architectural, legal, title, fiscal, economic and any other study, survey, design or research and investigation
- 4) State's participation in any federal program that may provide funding for the EA RIP
- 5) Pay research, planning development and preparation costs of the work plan for the GRB, SARB and San Antonio Bay and estuary system e-flows program
- 6) Providing water projects in the GRB, SARB or San Antonio Bay and estuary system related to species of concern as recommended in the work plan OR as approved by the GBRA and SARA.

Eligible Applicants: (For items 1-4 above) The EAA or a party to the implementing agreement (one or more permittees to the requirements and responsibilities of the habitat conservation plan and incidental take permit) are eligible to apply for financial assistance from the TWDB.

(For items 5-6 above) GBRA or SARA may apply for assistance from the TWDB.

The TWDB shall allocate not less than \$1.5 million per state fiscal year for purposes 5 and 6 above. The \$1.5 million is allocated first prior to any funding for purposes 1-4 above. E-flow work plan and SARA-GBRA agreed to water projects for species of concern issues will receive the first \$1.5 million allocation in each fiscal year.

Election on Tax: governing bodies of EAA, GBRA, and SARA by joint order *may call* an election in the species-protection program area in each authority to authorize the adoption of the tax. Where there is jurisdictional overlap between EAA, GBRA and/or SARA EAA will adopt the order and conduct the election. (Bexar County for SARA; Comal, Hays, Caldwell and Guadalupe Counties for GBRA). Election can be held on a uniform election date.

Ballot Language: For or Against, "Authorization of a sales and use tax at a rate of not more than 1/4th of one percent in the species-protection program area to provide money to the TWDB for species-protection programs for the Edwards Aquifer recover implementation program and the Guadalupe River Basin, San Antonio River Basin, and San Antonio Bay and estuary system environmental flows program."

Tax adopted if a majority of the votes cast in the election favor the proposition. NOT a County by County vote, NOT a majority of Counties favoring tax, this is a majority vote election.

Notice of Election and Costs: EAA, GBRA and SARA shall give notice of the election and shall pay for their respective parts of the species-protected program area. Where the EAA overlaps with the others the EAA shall pay the cost for that part of the program (SARA shall cover Wilson, Karnes and Goliad).

Section 3, Financial Assistance:

Fund: is outside of General Revenue and is a Special Fund = **Species-protection program fund**. TWDB manages the species-protection fund and may set management fee to recover administrative costs incurred by the board.

Species-protection program fund consists of: 1) tax revenue 2) earnings on the investment of money credited to the fund 3) interest earned on the fund

Species of concern are those located in the Guadalupe River Basin, San Antonio River Basin and the San Antonio Bay and estuary system that are: listed as threatened or endangered under the ESA, listed by Parks and Wildlife Department as threatened or endangered or determined by the EFAG or GBRA and SARA to be at risk because of declines in populations or habitat.

By: Hartnett

H.B. No. 2760

A BILL TO BE ENTITLED

AN ACT

relating to species-protection programs for the Edwards Aquifer, the Guadalupe River Basin, the San Antonio River Basin, and the San Antonio Bay and estuary system; imposing a tax.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. FINDINGS AND DECLARATION OF POLICY. (a) The legislature makes the findings described by this section.

(b) The Edwards Aquifer is a unique and complex hydrological system and has a hydrologic interrelationship with the Guadalupe River and San Antonio River Basins. The aquifer is the primary source of water for the residents of the region and is vital to the general economy and welfare of this state. In keeping with these findings, it is necessary, appropriate, and a benefit to the welfare of this state to provide for the continued proper and effective management of the aquifer to sustain the diverse economic and social interests associated with the aquifer and the interests of those species associated with the aquifer that have been listed under federal law as threatened or endangered.

(c) The legislature passed the Act creating the Edwards Aquifer Authority in 1993 to provide for the necessary regulation and management of the aquifer. The management of the

aquifer under the Act creating the Edwards Aquifer Authority has provided a sound and effective framework for the aquifer's management. To foster and further advance the protection of the threatened or endangered species associated with the aquifer, the legislature amended the Act creating the Edwards Aquifer Authority in 2007 to institute a consensus-based process that involves input from the United States Fish and Wildlife Service, other appropriate federal agencies, the Edwards Aquifer Authority, the Texas Commission on Environmental Quality, the Parks and Wildlife Department, the Texas Department of Agriculture, the Texas Water Development Board, the Guadalupe-Blanco River Authority, the San Antonio River Authority, the San Antonio Water System, and other interested stakeholders to develop an Edwards Aquifer recovery implementation program for the species in compliance with the federal Endangered Species Act of 1973 (16 U.S.C. Section 1531 et seq.).

(d) The legislature created a steering committee for the program that, after more than three years of consensus-based study, investigation, and decision making, will, by the end of 2011, present to the Edwards Aquifer Authority certain program documents containing recommended courses of action for the implementation of certain species-protection measures for the threatened or endangered species associated with the aquifer and the riverine and riparian lands at and proximately located

downstream of the Comal Springs and San Marcos Springs.

(e) In amending the Act creating the Edwards Aquifer Authority to institute the Edwards Aquifer recovery implementation program, a funding mechanism was not provided for the implementation of the program, and for this reason, a broad-based regional funding mechanism dedicated to the implementation of the program is required and vital to the general economy and welfare of this state, and particularly to the Edwards Aquifer region in South Central Texas and the Guadalupe River and San Antonio River Basins. The imposition of a sales and use tax in the area of the state that is the beneficiary of the activities undertaken under the Edwards Aquifer recovery implementation program is the most appropriate mechanism to generate revenue for and allocate the costs for this program and is in the public interest.

(f) The Guadalupe River and San Antonio River Basins are primary sources of water for the residents of South Central Texas and for inflows into the San Antonio Bay and estuary system and are vital to the general economy and welfare of this state. The legislature also recognizes that the ecological soundness of these river basins and bay system is important to the economy, health, and well-being of the state. For these reasons, it is necessary, appropriate, and a benefit to the welfare of this state to provide for the continued proper and

effective management of the Guadalupe River and San Antonio River Basins and the San Antonio Bay and estuary system to sustain the diverse economic and social interests associated with these river basins and bay system and the interests of those species that have been listed under federal law as threatened or endangered or are otherwise considered to be species of concern and are associated with these river basins and bay system.

(g) To improve the foundation of work accomplished by the state relating to freshwater inflow needs for bays and estuaries in the state and to fully address bay and estuary environmental flow issues, in S.B. No. 3, Acts of the 80th Legislature, Regular Session, 2007, the legislature instituted a more intensive environmental flows process across the state to evaluate riverine environmental flow conditions and develop management strategies for addressing environmental flow needs through an ongoing, regional consensus-based, and adaptive approach involving balanced representation of stakeholders.

(h) To facilitate the environmental flows process, the legislature created the environmental flows advisory group to study the public policy implications for balancing the demands on the water resources of the state resulting from a growing population and the environmental flow requirements of the riverine, bay, and estuary systems of the state, including those

in the Guadalupe River and San Antonio River Basins and the San Antonio Bay and estuary system. In the course of its work, the advisory group is considering issues that it determines have importance and relevance to the protection of environmental flows in the state's riverine, bay, and estuary systems, including those of the Guadalupe River and San Antonio River Basins and the San Antonio Bay and estuary system.

(i) To assist in the evaluation and recommendation process for the environmental flows process for the Guadalupe River and San Antonio River Basins and the San Antonio Bay and estuary system, a basin and bay area stakeholder committee and an expert science team were established to make recommendations to the environmental flows advisory group and the Texas Commission on Environmental Quality regarding environmental flow standards and strategies to meet those standards. After reviewing the work of the expert science team, the stakeholder committee is scheduled to make these recommendations in September 2011. After it submits its recommendations to the advisory group and the Texas Commission on Environmental Quality, the stakeholder committee will prepare a work plan as required by the environmental flows process that establishes, among other things, prioritized strategies and projects as approved by the advisory group, a periodic review of the environmental flow standards, recommendations, and strategies at least once every 10 years,

specific monitoring, studies, and activities, and a schedule for continuing the validation or refinement of the environmental flow standards, analyses, recommendations, and strategies. The work plan is scheduled to be completed in 2012-2013 and will be submitted to the advisory group for approval as required by the environmental flows process.

(j) In creating the environmental flows process, a funding mechanism was not provided for the development of the work plan or the implementation of strategies to meet the environmental flow standards recommended by the stakeholder committee for the Guadalupe River and San Antonio River Basins and the San Antonio Bay and estuary system, and for this reason, a broad-based regional funding mechanism dedicated to the development and implementation of the environmental flows work plan for the Guadalupe River and San Antonio River Basins and the San Antonio Bay and estuary system is required and vital to the general economy and welfare of this state, and particularly to the region encompassed by these river basins and estuary system. The imposition of a sales and use tax in the area of the state that is the beneficiary of the activities undertaken under the environmental flows process for these river basins and estuary system is the most appropriate mechanism to generate revenue for and allocate the costs for this process and is in the public interest. Because the Edwards Aquifer and the Guadalupe River

and San Antonio River Basins have a hydrologic interrelationship, it is appropriate to consider them together in the creation of a regional funding mechanism for the implementation of the species-protection programs associated with these hydrologic systems.

SECTION 2. SALES AND USE TAX. Subtitle C, Title 3, Tax Code, is amended by adding Chapter 328 to read as follows:

CHAPTER 328. EDWARDS AQUIFER, GUADALUPE RIVER BASIN, SAN ANTONIO RIVER BASIN, AND SAN ANTONIO BAY AND ESTUARY SYSTEM SPECIES-PROTECTION SALES AND USE TAXES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 328.001. DEFINITION. In this chapter, "authorities" means the Edwards Aquifer Authority, the Guadalupe-Blanco River Authority, and the San Antonio River Authority.

Sec. 328.002. MEANING OF WORDS AND PHRASES. The words and phrases used in this chapter and defined by Chapters 151 and 321 have the meanings assigned by Chapters 151 and 321.

Sec. 328.003. APPLICABILITY OF CERTAIN TAX CODE PROVISIONS. (a) Subtitles A and B, Title 2, and Chapter 151 apply to taxes imposed under this chapter and to the administration and enforcement of those taxes in the same manner that those laws apply to state taxes.

(b) Chapter 321 applies to the application, collection, and administration of a sales and use tax imposed under this

chapter by the authorities.

(c) The following provisions of this code do not apply to a tax imposed under this chapter:

(1) Section 321.101; and

(2) Subchapter F, Chapter 321.

Sec. 328.004. APPLICABILITY TO AREA IN CERTAIN WATER AUTHORITIES. This chapter applies to the species-protection program area in the Edwards Aquifer Authority, the Guadalupe-Blanco River Authority, and the San Antonio River Authority.

Sec. 328.005. SPECIES-PROTECTION PROGRAM AREA DEFINED.

(a) In this section:

(1) "Guadalupe River Basin" has the meaning assigned by Section 17.1001, Water Code.

(2) "San Antonio River Basin" has the meaning assigned by Section 17.1001, Water Code.

(b) "Species-protection program area" means the area of a county:

(1) bordering or transected by the Guadalupe River and located in the geographical extent of the Guadalupe River Basin;

(2) bordering or transected by the San Antonio River and located in the geographical extent of the San Antonio River Basin; and

(3) in the Edwards Aquifer Authority.

[Sections 328.006-328.050 reserved for expansion]

SUBCHAPTER B. IMPOSITION OF SALES AND USE TAX FOR SPECIES-
PROTECTION PROGRAMS

Sec. 328.051. AUTHORIZATION. The authorities may adopt a sales and use tax under this chapter in the species-protection program area if imposition of the tax is authorized at an election under Subchapter C.

Sec. 328.052. MAXIMUM SALES AND USE TAX RATE. (a) The maximum tax rate for the tax imposed under this chapter is one-fourth of one percent.

(b) The tax authorized under this chapter must be imposed at the rate of one-eighth of one percent unless the Edwards Aquifer Authority determines under Section 17.1013, Water Code, that additional species-protection measures are required or the environmental flows advisory group approves a work plan under Section 11.02362(t), Water Code.

(c) On notification to the comptroller under Section 17.1013(a) or Section 11.02362(t), Water Code, the tax shall be imposed at the rate of one-fourth of one percent beginning on the date provided by Section 321.102.

Sec. 328.053. EFFECT ON COMBINED LOCAL TAX RATE. The rate of the tax imposed under this chapter may not be considered in determining the combined or overlapping rate of local sales and use taxes in any area under this subtitle or another law,

including:

- (1) the Health and Safety Code;
- (2) the Local Government Code;
- (3) the Special District Local Laws Code; or
- (4) the Transportation Code.

Sec. 328.054. DURATION OF TAX. (a) In this section, "Edwards Aquifer recovery implementation program" and "implementing agreement" have the meanings assigned by Section 17.1001, Water Code.

(b) The tax imposed under this chapter may not be abolished or decreased during the term of the implementing agreement for the Edwards Aquifer recovery implementation program.

Sec. 328.055. USE OF TAX REVENUE. The revenue from a tax imposed under this chapter shall be deposited to the credit of the species-protection program fund established under Section 17.1002, Water Code. The money in the fund may be appropriated only to the Texas Water Development Board to provide financial assistance under Subchapter N, Chapter 17, Water Code.

[Sections 328.056-328.100 reserved for expansion]

SUBCHAPTER C. ELECTION

Sec. 328.101. ELECTION ON TAX. (a) The governing bodies of the authorities by joint order may call an election in the species-protection program area in each authority to authorize

the adoption of the tax under this chapter. For an area of jurisdictional overlap between the Edwards Aquifer Authority and one of the other two authorities, the Edwards Aquifer Authority will adopt the order and conduct the election for that part of the program area in the Edwards Aquifer Authority's jurisdiction.

(b) The election may be held on a uniform election date and in conjunction with any other election.

(c) The ballot shall be printed to provide for voting for or against the proposition: "Authorization of a sales and use tax at a rate of not more than one-fourth of one percent in the species-protection program area to provide money to the Texas Water Development Board for species-protection programs under Subchapter N, Chapter 17, Water Code, for the Edwards Aquifer recovery implementation program and the Guadalupe River Basin, San Antonio River Basin, and San Antonio Bay and estuary system environmental flows program."

(d) The tax is adopted if a majority of the votes cast in the election favor the proposition.

(e) Notwithstanding any other law, the board of the authorities may meet in a joint meeting to canvass the votes of the election, declare the results, and, if necessary, send notice to the comptroller of those results.

Sec. 328.102. NOTICE OF ELECTION. In addition to the

notice required by Section 4.003(c), Election Code, the authorities shall give notice of the election to adopt the sales and use tax under this chapter by publishing a substantial copy of the joint order under Section 328.101 in a newspaper with general circulation in each county of the species-protection program area once a week for two consecutive weeks. The first publication must appear not earlier than the 30th day before the date set for the election.

Sec. 328.103. ELECTION COSTS. The authorities shall pay for the cost of an election held under this subchapter for their respective parts of the species-protection program area. For an area of jurisdictional overlap between the Edwards Aquifer Authority and one of the other two authorities, the Edwards Aquifer Authority shall pay the cost of conducting the election for that part of the program area in the Edwards Aquifer Authority's jurisdiction.

SECTION 3. FINANCIAL ASSISTANCE FOR SPECIES-PROTECTION PROGRAMS. Chapter 17, Water Code, is amended by adding Subchapter N to read as follows:

SUBCHAPTER N. FINANCIAL ASSISTANCE TO THE SPECIES-PROTECTION PROGRAMS FOR THE EDWARDS AQUIFER RECOVERY IMPLEMENTATION PROGRAM AND THE GUADALUPE RIVER BASIN, SAN ANTONIO RIVER BASIN, AND SAN ANTONIO BAY AND ESTUARY SYSTEM ENVIRONMENTAL FLOWS PROGRAM

Sec. 17.1001. DEFINITIONS. In this subchapter:

(1) "Adaptive decision-making process" means the procedures incorporated into and made a part of the implementing agreement that provide for an integrated, structured, and interactive decision-making process to review and evaluate the results of the monitoring and research programs that allows for adjusting previous decisions made for the Edwards Aquifer recovery implementation program regarding the appropriate species-protection measures in light of the results of the monitoring program and other sources of new data and information.

(2) "Adaptive management plan" means the plan incorporated into and made a part of the implementing agreement for examining alternative strategies for meeting measurable biological goals and objectives and then, if necessary, adjusting future species-protection measures according to what is learned.

(3) "Advisory group" has the meaning assigned by Section 11.002.

(4) "Edwards Aquifer" has the meaning assigned by Section 1.03, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993.

(5) "Edwards Aquifer recovery implementation program" means the program developed under Section 1.26A, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, for the

Edwards Aquifer for the protection of the plan species.

(6) "Financial assistance" means the money provided from the fund by the board for the purposes described by Section 17.1002.

(7) "Fund" means the species-protection program fund created by Section 17.1002.

(8) "Guadalupe River Basin" means the geographical extent of the river basin as delineated by maps maintained by the board and in the Guadalupe-Blanco River Authority.

(9) "Guadalupe River Basin, San Antonio River Basin, and San Antonio Bay and estuary system environmental flows program" means the environmental flows program developed under Article 1, Chapter 1430 (S.B. 3), Acts of the 80th Legislature, Regular Session, 2007, for the Guadalupe River Basin, San Antonio River Basin, and San Antonio Bay and estuary system for, among other things, the protection of the species of concern.

(10) "Implementing agreement" means the agreement that binds one or more permittees to the requirements and responsibilities of the habitat conservation plan and incidental take permit approved and issued under Section 10 of the federal Endangered Species Act of 1973 (16 U.S.C. Section 1531 et seq.), for the Edwards Aquifer recovery implementation program, and any changes to, or renewals of, the agreement.

(11) "Plan species" means the species identified in

the implementing agreement.

(12) "San Antonio River Basin" means the geographical extent of the river basin as delineated by maps maintained by the board and in the San Antonio River Authority.

(13) "San Antonio Bay and estuary system" means the geographical extent of the bay and estuary system having a hydrologic interrelationship with the Guadalupe River and San Antonio River Basins, separated from the Gulf of Mexico by Matagorda Island, and composed of those interconnected bodies of water known as Hynes Bay, Mission Lake, and Guadalupe Bay in the northwest, Ayres and Mesquite Bays to the southwest, and Espiritu Santo Bay to the east.

(14) "Species of concern" means species located in the Guadalupe River Basin, the San Antonio River Basin, and the San Antonio Bay and estuary system that are:

(A) listed as threatened or endangered under Section 4 of the federal Endangered Species Act of 1973 (16 U.S.C. Section 1531 et seq.);

(B) listed by the Parks and Wildlife Department as threatened or endangered; or

(C) determined by the advisory group, or the Guadalupe-Blanco River Authority and the San Antonio River Authority, to be at risk because of declines in populations or habitat, or are otherwise in need of concentrated conservation

actions.

(15) "Species-protection measure" means the activities incorporated into and made a part of the implementing agreement to:

(A) manage water in and withdrawn from the Edwards Aquifer, and water discharging from Comal Springs and San Marcos Springs, for the protection of the species identified in the implementing agreement;

(B) restore the habitat of the species identified in the implementing agreement;

(C) minimize and mitigate the impact of the adverse effects of the activities covered by the incidental take permit issued for the Edwards Aquifer recovery implementation program;

(D) implement the adaptive management plan; and

(E) implement the adaptive decision-making process.

(16) "Work plan" means the document required to be prepared for the Guadalupe River Basin, San Antonio River Basin, and San Antonio Bay and estuary system environmental flows program by the stakeholder committees established under Section 11.02362(d) and submitted to the advisory group for approval under Section 11.02362(p) that:

(A) makes recommendations regarding

environmental flow standards and strategies and projects to meet those standards;

(B) prioritizes the strategies and projects;

(C) provides for a periodic review to occur at least once every 10 years of the environmental flow analyses and environmental flow regime recommendations, environmental flow standards, and strategies;

(D) prescribes specific monitoring, studies, and activities; and

(E) establishes a schedule for continuing the validation or refinement of the environmental flow analysis and environmental flow regime recommendation, the environmental flow standards adopted by the Texas Commission on Environmental Quality, and the strategies to achieve those standards.

Sec. 17.1002. FUND CREATED. (a) There is created in the state treasury outside the general revenue fund a special fund known as the species-protection program fund, and the board shall administer the fund in accordance with this subchapter.

(b) The fund consists of:

(1) revenue from the tax imposed under Chapter 328, Tax Code;

(2) earnings on the investment of money credited to the fund; and

(3) interest earned on the fund.

(c) The fund may be appropriated only to the board and only to provide financial assistance for:

(1) implementing species-protection measures for the Edwards Aquifer recovery implementation program;

(2) implementing the adaptive management plan for the Edwards Aquifer recovery implementation program;

(3) paying research and planning costs associated with the implementation of species-protection measures or the adaptive management plan, including planning, engineering, architectural, legal, title, fiscal, economic, and any other study, survey, design, or research and investigation costs;

(4) providing money for the state's participation in any federal program that may provide money for the Edwards Aquifer recovery implementation program;

(5) paying research, planning, development, and preparation costs of the work plan for the Guadalupe River Basin, San Antonio River Basin, and San Antonio Bay and estuary system environmental flows program; or

(6) providing water projects in the Guadalupe River Basin, the San Antonio River Basin, or the San Antonio Bay and estuary system related to species of concern as recommended in the approved work plan, or as approved by the Guadalupe-Blanco River Authority and the San Antonio River Authority.

(d) From money appropriated to the board from the fund,

the board shall allocate not less than \$1.5 million per state fiscal year for purposes described by Subsections (c)(5) and (6). After that first \$1.5 million has been allocated, the board shall give priority to providing financial assistance for purposes described by Subsections (c)(1)-(4).

Sec. 17.1003. EXEMPTION FROM LAW ON USE OF DEDICATED REVENUE. Section 403.095, Government Code, does not apply to the fund.

Sec. 17.1004. DEPOSITS TO FUND. The board shall deposit in the fund all amounts received from the tax imposed under Chapter 328, Tax Code.

Sec. 17.1005. INVESTMENT OF MONEY IN FUND; INTEREST. (a) The board shall invest, reinvest, and direct the investment of money accumulated in the fund.

(b) Section 404.071, Government Code, does not apply to the fund.

Sec. 17.1006. USE OF FUND. The board shall provide financial assistance to an applicant from money in the fund only in accordance with this subchapter. The board may not make financial assistance available under this subchapter from any other fund.

Sec. 17.1007. FEES; RULE. (a) The board by rule may set a fee at an amount necessary to recover the costs incurred by the board in administering the fund.

(b) The board may not set a fee for the filing of an application for financial assistance.

(c) Board fees may not exceed the cost to the board of performing the administrative functions necessary to administer the fund. The fee may be deducted from the fund on an annual basis as determined by the board.

Sec. 17.1008. ELIGIBLE APPLICANT. (a) The following persons may apply to the board for financial assistance for a purpose described by Section 17.1002(c)(1), (2), (3), or (4):

(1) the Edwards Aquifer Authority; or

(2) a party to the implementing agreement authorized under Section 17.1009(b)(2) to apply for financial assistance.

(b) The following persons may apply to the board for financial assistance for a purpose described by Section 17.1002(c)(5) or (6):

(1) the Guadalupe-Blanco River Authority; or

(2) the San Antonio River Authority.

Sec. 17.1009. APPLICATION FOR FINANCIAL ASSISTANCE. (a) A person who applies to the board for financial assistance shall apply in affidavit form.

(b) The application must include:

(1) the name and contact information of the applicant and its principal officers;

(2) a resolution of the applicant representing that

the filing of the application has been authorized by the governing body or other appropriate official of the applicant;

(3) a description of the purposes for which financial assistance is applied for under Section 17.1002(c);

(4) for applications for financial assistance under Section 17.1002(c)(1), (2), (3), or (4), a statement that the implementing agreement, habitat conservation plan, incidental take permit, or other appropriate regulatory document authorizes the proposed activity to be performed;

(5) for applications for financial assistance under Section 17.1002(c)(5) or (6):

(A) a statement that the financial assistance is for researching, planning, developing, and preparing the work plan for the Guadalupe River Basin, San Antonio River Basin, and San Antonio Bay and estuary system environmental flows program;
or

(B) a description of a water project demonstrating that:

(i) the project is in the Guadalupe River Basin, the San Antonio River Basin, or the San Antonio Bay and estuary system;

(ii) the project relates to species of concern; and

(iii) the approved work plan, or the action

of the Guadalupe-Blanco River Authority and the San Antonio River Authority, authorizes the proposed water project to be performed;

(6) citations to all appropriate documents requested by the board demonstrating that the proposed activity is authorized;

(7) a brief action plan for the proposed activity for the period for which financial assistance is sought;

(8) a budget showing the estimated total cost of the proposed activity and the amount anticipated to be expended for the period for which financial assistance is sought; and

(9) the amount of financial assistance requested.

(c) The application must be filed with the board not later than September 30th of the year preceding the year for which financial assistance is sought.

Sec. 17.1010. ACTION ON THE APPLICATION. (a) The board shall approve an application under Section 17.1009 for an applicant that demonstrates:

(1) the applicant is eligible to apply under Section 17.1008;

(2) authorization as described by Section 17.1009(b)(2);

(3) the proposed activity is authorized for financial assistance in Section 17.1002(c);

(4) the proposed activity is authorized to be performed by the implementing agreement or work plan, or other authorization, as applicable;

(5) the action plan describes the proposed activity for the period for which financial assistance is sought;

(6) the budget states the estimated total costs of the proposed activities and the amount anticipated to be spent for the period for which financial assistance is sought;

(7) the fund balance is sufficient to provide financial assistance in the applied for amount; and

(8) the prioritization required by Section 17.1002(d) has been met, if applicable.

(b) The board may withhold action on an application if it identifies a consideration in Subsection (a) that is deficient and it allows reasonable time to file additional information before the application is reconsidered for final action. If the reason for withholding action is the insufficiency of money in the fund, the board shall advise the applicant and withhold action on the application until sufficient money is available.

(c) The board shall notify the applicant in writing of its decision on the application.

(d) The board shall provide a written statement to an applicant whose application has been denied because it did not qualify under Subsection (a). The statement must provide the

reasons and justification for the denial.

(e) If the board approves an application under this section, it shall enter into a grant agreement with the applicant not later than the 30th day after the date it takes final action on the application and promptly remit the amount of the approved financial assistance to the applicant.

Sec. 17.1011. APPLICATION AMENDMENT. (a) An applicant may amend an application for financial assistance by filing a written request to the board to take action on the application as amended.

(b) The board shall take action under Section 17.1010 on the amended application in the same manner as provided for in the original application.

Sec. 17.1012. DELEGATION TO EXECUTIVE ADMINISTRATOR. The board may delegate to the executive administrator its authority to take action on an application under this subchapter.

Sec. 17.1013. NOTICE OF ADDITIONAL MEASURES. (a) If at any time during the term of the implementing agreement the Edwards Aquifer Authority determines that additional species-protection measures are required to achieve the biological goals of the Edwards Aquifer recovery implementation program and that additional financial assistance is required to pay for the additional measures, the Edwards Aquifer Authority shall give notice to the board and the comptroller that additional measures

are required and that the sales and use tax rate will be increased as provided by Section 328.052(b), Tax Code, if the tax is being imposed at a rate of one-eighth of one percent. The Edwards Aquifer Authority shall send the notice to the board and the comptroller by United States certified or registered mail.

(b) The notice must include:

(1) a summary of the findings of the adaptive management plan;

(2) a description of the alternative measures that are recommended to be implemented in addition to, or instead of, the species-protection measures that are being implemented under the implementing agreement;

(3) a summary of the results of the adaptive decision-making process; and

(4) a certified copy of the final decision by the United States Fish and Wildlife Service that the additional species-protection measures are required and that they are approved for implementation by the Edwards Aquifer recovery implementation program.

Sec. 17.1014. REPORT. Not later than April 1 of each year, the Edwards Aquifer Authority shall prepare and file with the board a report of:

(1) the preceding year's activities to implement the

Edwards Aquifer recovery implementation program;

(2) the activities that are scheduled for the next year; and

(3) the amount of financial assistance that will likely be applied for in the next two years.

Sec. 17.1015. EXEMPTION FROM UNIFORM GRANT AND CONTRACT MANAGEMENT LAW. Chapter 783, Government Code, does not apply to financial assistance.

SECTION 4. ENVIRONMENTAL FLOW RECOMMENDATION. Section 11.02362, Water Code, is amended by adding Subsection (t) to read as follows:

(t) On approval by the advisory group of the work plan for the river basin and bay system consisting of the Guadalupe River Basin, the San Antonio River Basin, and the San Antonio Bay and estuary system, the advisory group shall send to the comptroller by United States certified or registered mail a certified copy of the advisory group's approval action and a map of those river basins and bay system and give notice that the sales and use tax rate will be increased as provided by Section 328.052(b), Tax Code, if the tax is being imposed at a rate of one-eighth of one percent.

SECTION 5. TRANSITION. (a) The Texas Water Development Board may not approve an application for financial assistance under Section 17.1010, Water Code, as added by this Act, before

January 1, 2012.

(b) The Texas Water Development Board may not remit money under Subchapter N, Chapter 17, Water Code, as added by this Act, for applications for financial assistance approved in 2012 under Section 17.1010, Water Code, as added by this Act, before January 1, 2013.

SECTION 6. EFFECTIVE DATE. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

Executive Committee

Date: 04/13/2011

SARA Appointments to SARF Board

Submitted For: Suzanne B. Scott

Submitted By: Karen Bishop

Division: Executive Offices

CAPTION

PRESENTATION, DISCUSSION AND APPROPRIATE ACTION REGARDING SAN ANTONIO RIVER AUTHORITY BOARD APPOINTMENTS TO THE SAN ANTONIO RIVER FOUNDATION BOARD

Presenter

Suzanne B. Scott

Estimated Presentation Time: 10 minutes

The San Antonio River Authority Board of Directors is represented on the Board of the San Antonio River Foundation through five membership positions. Those positions may either be active SARA Board members or other individuals appointed by the SARA Board. The current SARA appointments are Sally Buchanan, Sonny Collins, Clifton McNeel, Trip Ruckman, and Adair Sutherland. During this item, staff will discuss upcoming term expirations and discuss the process to appoint a potential slate of SARA Board members and/or appointees to replace them.

Recommendation

Motion to be crafted, as necessary, after Committee discussion.

Discussion

Vote

Executive Committee

Date: 04/13/2011

Bylaws Directors Fees Review

Submitted For: Gaylon Oehlke

Submitted By: Karen Bishop

Division: Executive Offices

CAPTION

DISCUSSION AND APPROPRIATE ACTION REGARDING THE BOARD OF DIRECTOR BYLAWS, ARTICLE XVIII, SECTION 5, DIRECTORS FEES

Presenter

Karen Bishop and Gaylon Oehlke

Estimated Presentation Time: 20 minutes

During the March 9, 2011, Executive Committee meeting, Chairman Oehlke requested that the April agenda include an item under which the Committee could discuss directors meetings and other director activity eligible for fee claims.

The current Article XVIII, Section 5, Bylaws language reads as follows:

5. Directors Fees: Directors may receive a director fee for attendance at eligible District Directors meetings.

a. Eligible Directors Meetings: The following lists the types of meeting/activities eligible for Director fee claim:

- i. Regular Board Meeting
- ii. Special Board Meeting
- iii. Budget Workshop
- iv. Directors Planning Workshop
- v. Committee Meetings (Executive, Fiscal, Communications, Operations, Special, etc.)
- vi. Activity attended at a public meeting with an agenda where the Board member is the District's delegated member.
- vii. Other Activity Attended at the Request of the Board Chair or General Manager.

To the extent possible, Committee meetings or other eligible activities will be scheduled on the day of a regular or other Board meeting. If two or more of the eligible activities occur on one day, a Director will be eligible to claim only one day of service.

b. Payment Amount: The per diem eligible payment amount is \$150.

One of the issues that has prompted this agenda item is whether state and federal legislative and other travel conducted by Board members at the request of the General Manager qualifies as *meetings* under this article and, thus, for Director fee claims.

Recommendation

Motion to be crafted, as necessary, after Committee discussion.

Discussion

Vote

Executive Committee

Date: 04/13/2011

State and Federal Legislative Activities Update

Submitted For: Brian Mast

Submitted By: Lupe Sanchez

Division: Intergovernmental and Comm Relations Department: Intergovernmental Relations

CAPTION

PRESENTATION, DISCUSSION AND APPROPRIATE ACTION REGARDING ACTIVITIES ASSOCIATED WITH THE 82ND SESSION OF THE STATE LEGISLATURE AND THE 112TH CONGRESS

Presenter

Brian Mast

Estimated Presentation Time: 20 minutes

82nd State Legislature Update:

Over the past month, the Intergovernmental Relations team has been working on the following bills with our legislative consultants and senior staff.

HB 338: Relating to disclaimers by certain entities promulgating lists of noxious or invasive terrestrial plant species. The bill would require the following be placed on a published list of invasive species in a conspicuous location and in no smaller than 12 point font:

THIS PLANT LIST IS ONLY A RECOMMENDATION AND HAS NO LEGAL EFFECT IN THE STATE OF TEXAS. IT IS LAWFUL TO SELL, DISTRIBUTE, IMPORT, OR POSSESS A PLANT ON THIS LIST UNLESS THE TEXAS DEPARTMENT OF AGRICULTURE LABELS THE PLANT AS NOXIOUS OR INVASIVE ON THE DEPARTMENT'S PLANT LIST.

SARA had a concern that the bill, as introduced, did not provide a waiver for materials printed prior to the passage of the bill. This could have impacted SARA's Creek Book as we have thousands of Creek Books stocked for distribution at future events. The bill, in its current form, addresses our concern by exempting previously printed materials. The bill has been passed by the House and has been received in the Senate. As of this writing, it has not been referred to a committee yet.

HB 405: Relating to the storage, transportation, and disposal of tires; and providing criminal penalties. This bill provides for criminal penalties for the illegal disposal of tires as well as creates a *cradle to grave* manifest for tire distributors, haulers, recyclers and disposal facilities. Luke Habenicht testified for SARA in favor of this bill on Wednesday, April 6, in the House Environmental Regulation Committee. As of this writing, the bill remains pending in the House Environmental Regulations Committee. From the House Environmental Regulation Committee minutes: *Luke Habenicht, San Antonio River Authority, testified in favor of the bill, saying it will be an important step forward in preventing illegal dumping of tires. He said illegal dumping negatively affects water quality and the animals that live in rivers, with criminal penalties in this bill providing for additional deterrence to this crime.*

HB 1132 (SB 1814, Zaffirini): Relating to the time permitted for the abatement of a public nuisance. This bill filed by Representative Larson seeks to decrease the amount of time a landowner has to begin to abate a public nuisance. The bill will decrease the amount of time a landowner has to clean up a public nuisance

(dump) from 30 days to 15 days. SARA supports this effort as it will allow Bexar County to more quickly address landowner-created or tolerated public nuisances. As of this writing, the bill has been heard in House County Affairs; however, it has been left pending. The Senate bill has been referred to Senate Criminal Justice but has not been scheduled for a hearing.

HB 1279 (SB 1625, Hegar, is similar but not identical): Relating to the administration, powers, duties, and operation of the Edwards Aquifer Authority. This bill filed by Representative Doug Miller removes the Edwards Aquifer Authority (EAA) from Chapter 36 of the Water Code and provides other basic updates to the EAA statute. SARA was asked to support this bill so we submitted a card of support for the originally filed bill. This bill was heard in the House Natural Resources Committee on April 5th and left pending. The Senate bill was heard in Senate Natural Resources Committee on March 29th and voted favorably from the committee on April 5.

HB 1628 (SB 1345, Wendy Davis): Relating to the crediting of appropriated funds from the collection of taxes imposed on the sale of sporting goods. Representative Larson asked SARA to draft and submit a letter of support for this bill which we have done. The House Bill has been referred to the House Ways and Means Committee; however, it has not been scheduled for a hearing. The Senate Bill has been referred to Senate Finance, but it has not been scheduled for a hearing.

HB 2025: Relating to the implementation of county solid waste management programs. This bill filed by Representative McClendon addresses an issue Bexar County requested be addressed. The bill would allow Bexar County to implement mandatory trash collection in San Antonio's ETJ (extra-territorial jurisdiction) where there is a population of at least 3000/square mile. SARA was asked by Bexar County to support this legislation as it supports our efforts to combat illegal dumping through our own programs and the BRWM Illegal Dumping Task Force. SARA submitted a card of support at the House Environmental Regulation Committee hearing on April 30. The bill has been left pending in the House Environmental Regulation Committee.

HB 2760 (SB 1595, Wentworth): Relating to species-protection programs for the Edwards Aquifer, the Guadalupe River Basin, the San Antonio River Basin, and the San Antonio Bay and estuary system. Testimony suggested amendments to the filed bill will be forthcoming, likely excluding SARA and GBRA's downstream counties. The Edwards Aquifer Recovery Implementation Program (EARIP) funding bill was heard on April 5, and left pending.

HB 2853 - Relating to tax increment financing. This bill has a bracketed amendment to section 311 of the Tax Code that will permit SARA to appoint a board or staff member to a TIF board, in which we have chosen to participate, without our appointment being a qualified voter of the municipality where the TIF is located or 18 years of age and own real property in the zone. We attempted to pass this provision last session but it died in the closing minutes of the session on a technicality.

HB 2977: Relating to electronic communications during a public meeting, creating an offense. This bill filed by Representative Hunter (Corpus Christi) would create an offense for a member or members of a governmental body who transmits an e-communication during a public meeting that concerns more than administrative or ministerial information or is sent in relation to an emergency. The bill has been referred to House State Affairs but has not been scheduled for hearing.

SB 732 (HB 1338, Hopson): Relating to the prohibition of certain regulations by a municipality in its extraterritorial jurisdiction involving trees and vegetation. This bill was heard in Senate Intergovernmental Relations Committee on March 23. SARA was part of a large contingent from San Antonio and Bexar County opposing this bill. Former Mayor Hardberger, Mayor Castro, Camp Bullis, SAWS and the San Antonio City Council all opposed the bill. At the hearing, the bill has been presented

as a property rights issue. The bill was voted favorably from the Senate Committee on March 30, and placed on the Senate Intent Calendar.

112th Federal Congress Update:

Board Members Tom Weaver and Adair Sutherland, along with SARA staff Suzanne Scott, Steven Schauer and Russell Persyn, traveled to Washington, D.C. to meet with targeted federal agencies and Congressional members to discuss issues relevant to the River Authority. Meetings were held with the U.S. Army Corps of Engineers (USACE), Federal Emergency Management Agency (FEMA), Natural Resources Conservation Service (NRCS), Environmental Protection Agency (EPA), Congressmen Lamar Smith and Quico Canseco and Senate staffs for Hutchison and Cornyn.

Recommendation

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

Discussion

Vote

Attachments

82nd Bill Statistics

82nd LEGISLATURE BILL FILING STATISTICS

*There are reserved numbers which is why the total count doesn't match the last number

Bill Type	2011	2009	+/-
House Bills	3801	4697	-896
Senate Bills	1871	2439	-568
House Joint Resolutions	153	139	14
Senate Joint Resolutions	48	49	-1
Totals	5873	7324	-1451

Executive Committee

Date: 04/13/2011

Executive Session: Whooping Crane Lawsuit

Submitted For: Karen Bishop

Submitted By: Lupe Sanchez

Division: Executive Offices

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. 2:10-CV-00075 IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF TEXAS**

Presenter

Steve Raabe and David Ross

Estimated Presentation Time: 10 minutes

Discussion

Executive Committee

Date: 04/13/2011

Whooping Crane Lawsuit Briefing

Submitted For: Karen Bishop

Submitted By: Lupe Sanchez

Division: Executive Offices

CAPTION

PRESENTATION, DISCUSSION, AND APPROPRIATE ACTION REGARDING THE ARANSAS PROJECT V. SHAW, ET. AL., CASE NO. 2:10-CV-00075 IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS

Presenter

Steve Raabe and David Ross

Estimated Presentation Time: 10 minutes

Recommendation

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

Discussion

Vote

Executive Committee

Individual Items 14. - 16.

Date: 04/13/2011

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

Submitted For: Suzanne B. Scott

Submitted By: Lupe Sanchez

Division: Executive Offices

14.

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

15.

CAPTION

ITEMS FOR FUTURE CONSIDERATION

Presenter

Mr. Oehlke, Committee Chair

Estimated Presentation Time: 5 minutes

Discussion

16.

CAPTION

NEXT MEETING DATE

Presenter

Mr. Oehlke, Committee Chair

Estimated Presentation Time: 5 minutes

Unless otherwise decided by the Committee, the next Executive Committee meeting will be Wednesday, May 11, 2011, at 1:00 p.m.

Discussion

Executive Committee

Item #: 17.

Date: 04/13/2011

Adjourn

Submitted By: Lupe Sanchez

Division: Executive Offices

CAPTION

ADJOURN

Presenter

Mr. Oehlke, Committee Chairman
