

MINUTES

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

SAN ANTONIO RIVER AUTHORITY

September 14, 2011, 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 COMMITTEE MEMBERS PRESENT:**
 - Gaylon J. Oehlke, Chair
 - Sally Buchanan, Vice-chair (Absent)
 - Roberto G. Rodríguez, Secretary
 - Terry E. Baiamonte, Treasurer (Absent)
 - John J. Flieller
 - Hector R. Morales
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 BOARD OF DIRECTORS' EXECUTIVE COMMITTEE MEETING HELD ON AUGUST 10, 2011**

Due to a lack of quorum for the Executive Committee meeting held on August 10, 2011, there were no minutes to approve for that date. Staff will present for approval the minutes for the Executive Committee meeting held on June 8, 2011, at the next Executive Committee meeting.

8. PRESENTATION, DISCUSSION, AND APPROPRIATE ACTION REGARDING A RESOLUTION OF THE SAN ANTONIO RIVER AUTHORITY BOARD OF DIRECTORS SUPPORTING THE PASSAGE OF PROPOSED STATE CONSTITUTIONAL AMENDMENTS NUMBERED PROPOSITIONS 8 AND 2 ON THE NOVEMBER 8 BALLOT, AS THEY ENCOURAGE TEXAS LANDOWNERS TO PRACTICE WATER STEWARDSHIP PRINCIPLES AND ALLOW THE TEXAS WATER DEVELOPMENT BOARD TO ISSUE GENERAL OBLIGATION FUND BONDS UP TO SIX BILLION DOLLARS FOR THE IMPLEMENTATION OF PROJECTS LISTED IN THE STATE WATER PLAN

Mr. Oehlke suggested that the Committee discuss and vote on each proposition separately and if both should pass, then staff should present both propositions as one item on the consent agenda at the upcoming Regular Meeting of the Board.

After Committee discussion on Proposition 8, Mr. Flieller made a motion that the Executive Committee support and approve taking Proposition 8 to the full Board for approval.

Seconded by Hector R. Morales

Vote: 3 - 1 Passed

Nay: Roberto G. Rodríguez

Other: Terry E. Baiamonte (Absent)
Sally Buchanan (Absent)

After Committee discussion regarding Proposition 2, Mr. Morales made a motion in support of Proposition 2 going before the full Board for approval.

Seconded by John J. Flieller

Vote: 3 - 1 Passed

Nay: Roberto G. Rodríguez

Other: Terry E. Baiamonte (Absent)
Sally Buchanan (Absent)

Attachments:

Ten Constitutional Amendments
Water Stewardship Proposition Bill
TWDB Bonding Authority Proposition Bill

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 2:58 p.m. for consultation with the attorney regarding Agenda Item 9.

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

The Executive Session having concluded, the Executive Committee resumed into Open Session at 3:37 p.m.

10. 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

There being no action taken on this item, Mr. Oehlke called for Agenda Item 11.

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**

There being no action taken on this item, Mr. Oehlke called for Agenda Item 12.

12. ITEMS FOR FUTURE CONSIDERATION

Ms. Scott announced that an item regarding a change to the SARA policy pertaining to delinquencies, as well as a quarterly report on SARA's Key Actions and Accountabilities (KAAs), would be presented at the next Executive Committee meeting.

13. NEXT MEETING DATE

Mr. Oehlke announced that the next Executive Committee meeting will be Wednesday, October 12, 2011, at 2:00 p.m.

14. ADJOURN

There being nothing further to report, Mr. Oehlke called the meeting adjourned at 3:49 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 NOVEMBER 9, 2011.

GAYLON J. OEHLKE, Board Chairman

ATTEST:

ROBERTO G. RODRÍGUEZ, Board Secretary

Constitutional Amendment Propositions on the November Ballot

PROPOSITION 1

The constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of all or part of the market value of the residence homestead of the surviving spouse of a 100 percent or totally disabled veteran.

PROPOSITION 2

The constitutional amendment providing for the issuance of additional general obligation bonds by the Texas Water Development Board in an amount not to exceed \$6 billion at any time outstanding.

PROPOSITION 3

The constitutional amendment providing for the issuance of general obligation bonds of the State of Texas to finance educational loans to students.

PROPOSITION 4

The constitutional amendment authorizing the legislature to permit a county to issue bonds or notes to finance the development or redevelopment of an unproductive, underdeveloped, or blighted area and to pledge for repayment of the bonds or notes increases in ad valorem taxes imposed by the county on property in the area. The amendment does not provide authority for increasing ad valorem tax rates.

PROPOSITION 5

The constitutional amendment authorizing the legislature to allow cities or counties to enter into interlocal contracts with other cities or counties without the imposition of a tax or the provision of a sinking fund.

PROPOSITION 6

The constitutional amendment clarifying references to the permanent school fund, allowing the General Land Office to distribute revenue from permanent school fund land or other properties to the available school fund to provide additional funding for public education, and providing for an increase in the market value of the permanent school fund for the purpose of allowing increased distributions from the available school fund.

PROPOSITION 7

The constitutional amendment authorizing the legislature to permit conservation and reclamation districts in El Paso County to issue bonds supported by ad valorem taxes to fund the development and maintenance of parks and recreational facilities.

PROPOSITION 8

The constitutional amendment providing for the appraisal for ad valorem tax purposes of open-space land devoted to water stewardship purposes on the basis of its productive capacity.

PROPOSITION 9

The constitutional amendment authorizing the governor to grant a pardon to a person who successfully completes a term of deferred adjudication community supervision.

PROPOSITION 10

The constitutional amendment to change the length of the unexpired term that causes the automatic resignation of certain elected county or district officeholders if they become candidates for another office.

SENATE JOINT RESOLUTION

proposing a constitutional amendment providing for the appraisal for ad valorem tax purposes of open-space land devoted to water-stewardship purposes on the basis of its productive capacity.

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

SECTION 1. Subsection (a), Section 1-d-1, Article VIII, Texas Constitution, is amended to read as follows:

(a) To promote the preservation of open-space land, the legislature shall provide by general law for taxation of open-space land devoted to farm, ranch, ~~[or]~~ wildlife management, or water-stewardship purposes on the basis of its productive capacity and may provide by general law for taxation of open-space land devoted to timber production on the basis of its productive capacity. The legislature by general law may provide eligibility limitations under this section and may impose sanctions in furtherance of the taxation policy of this section.

SECTION 2. The following temporary provision is added to the Texas Constitution:

TEMPORARY PROVISION. (a) This temporary provision applies to the constitutional amendment proposed by the 82nd Legislature, Regular Session, 2011, providing for the appraisal for ad valorem tax purposes of open-space land devoted to water-stewardship purposes on the basis of its productive capacity.

(b) The amendment to Section 1-d-1(a), Article VIII, of this constitution takes effect January 1, 2012.

(c) This temporary provision expires January 1, 2013.

SECTION 3. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 8, 2011.

The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment providing for the appraisal for ad valorem tax purposes of open-space land devoted to water-stewardship purposes on the basis of its productive capacity."

SENATE JOINT RESOLUTION

proposing a constitutional amendment providing for the issuance of additional general obligation bonds by the Texas Water Development Board.

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

SECTION 1. Article III, Texas Constitution, is amended by adding Section 49-d-11 to read as follows:

Sec. 49-d-11. (a) In addition to the bonds authorized by the other provisions of this article, the Texas Water Development Board may issue general obligation bonds, at its determination and on a continuing basis, for one or more accounts of the Texas Water Development Fund II in amounts such that the aggregate principal amount of the bonds issued by the board under this section that are outstanding at any time does not exceed \$6 billion.

(b) Section 49-d-8 of this article applies to the bonds authorized by this section. The limitation in Section 49-d-8 of this article that the Texas Water Development Board may not issue bonds in excess of the aggregate principal amount of previously authorized bonds does not apply to the bonds authorized by and issued under this section.

(c) A limitation on the percentage of state participation in any single project imposed by this article does not apply to a project funded with the proceeds of bonds issued under the authority of this section or Section 49-d-8 of this article.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 8, 2011.

The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment providing for the issuance of additional general obligation bonds by the Texas Water Development Board in an amount not to exceed \$6 billion at any time outstanding."