

MINUTES

SPECIAL MEETING OF THE BOARD OF DIRECTORS

SAN ANTONIO RIVER AUTHORITY

September 1, 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 BOARD SECRETARY, MR. ROBERTO G. RODRÍGUEZ, CALLED THE ROLL AND REPORTED THE FOLLOWING BOARD MEMBERS PRESENT:**

BEXAR COUNTY:

- Sally Buchanan, Vice-chair (Absent)
- Michael W. Lackey, P. E.
- Hector R. Morales
- Názirite Rubén Pérez
- Roberto G. Rodríguez, Secretary
- Thomas G. Weaver

GOLIAD COUNTY:

- Terry E. Baiamonte, Treasurer
- Adair R. Sutherland (Absent)

KARNES COUNTY:

- Gaylon J. Oehlke, Chair
- H. B. Ruckman III

WILSON COUNTY:

- Darrell T. Brownlow, Ph.D.
- John J. Flieller

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

Ms. Bishop reported that there were none.

6. **CITIZENS TO BE HEARD**

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

INDIVIDUAL AGENDA ITEMS:

7. APPROVAL OF THE MINUTES OF THE REGULAR BOARD OF DIRECTORS MEETING HELD ON JUNE 15, 2011

Staff recommended a motion to approve the minutes of the Regular Meeting of the Board of Directors held on June 15, 2011.

Motion made by Thomas G. Weaver

Seconded by Hector R. Morales

Vote: 10 - 0 Passed

Other: Sally Buchanan (Absent)

Adair R. Sutherland (Absent)

8. PUBLIC HEARING ON THE 2011 PROPOSED AD VALOREM TAX RATE

Ms. McCoy-Huber announced and opened the public hearing on the 2011 proposed ad valorem tax rate at 2:05 p.m.

There being no citizens present nor any action taken on this item, Chairman Oehlke closed the public hearing at 2:06 p.m. and then called for Agenda Item 9.

9. DISCUSSION AND APPROPRIATE ACTION REGARDING AN ORDINANCE AUTHORIZING THE 2011 AD VALOREM TAX RATE

Staff recommended a motion that Ordinance No. O-1351 be passed and approved setting a tax rate of \$0.017370 per \$100 valuation.

Motion made by Thomas G. Weaver

Seconded by John J. Flieller

Chairman Oehlke then called on Secretary Rodríguez to conduct a roll call vote and reported the following:

BEXAR COUNTY:

- Sally Buchanan
(Absent)
- Michael W. Lackey
- Hector R. Morales
- Názirite Rubén Pérez
(Voted not in favor)
- Roberto G. Rodríguez
- Thomas G. Weaver

GOLIAD COUNTY:

- Terry E. Baiamonte
- Adair R. Sutherland
(Absent)

KARNES COUNTY:

- Gaylon J. Oehlke
- H. B. Ruckman III

WILSON COUNTY:

- Darrell T. Brownlow
(Voted not in favor)
- John J. Flieller

Motion passed by a vote of 8-2 in favor of the motion.

Attachments:

O-1351

10. PRESENTATION AND DISCUSSION RELATING TO THE USE OF EMINENT DOMAIN AUTHORITY IN TEXAS FOLLOWING THE IMPLEMENTATION OF SENATE BILL 18, 82ND TEXAS LEGISLATURE

There being no action taken on this item and 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 2:40 p.m. for consultation with attorney regarding Agenda Item 11.

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

The Executive Session having concluded, the Special Meeting of the Board of Directors resumed into Open Session at 3:18 p.m.

12. 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 13.

13. 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 14.

14. ADJOURN

There being nothing further to report, Mr. Oehlke called the meeting adjourned at 3:24 p.m.

PREPARED AND RECOMMENDED FOR BOARD APPROVAL BY THE MANAGER.

SUZANNE B. SCOTT, General Manager

APPROVED BY THE BOARD OF DIRECTORS AT THE REGULAR MEETING HELD ON SEPTEMBER 21, 2011.

GAYLON J. OEHLKE, Board Chairman

ATTEST:

ROBERTO G. RODRÍGUEZ, Board Secretary

ORDINANCE NO. O-1351

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE SAN ANTONIO RIVER AUTHORITY DECLARING THAT THE SAN ANTONIO RIVER AUTHORITY DOES HEREBY LEVY FOR TAX YEAR 2011 THE AD VALOREM TAX ON TAXABLE PROPERTY WITHIN THE COUNTIES OF BEXAR, WILSON, KARNES AND GOLIAD, TEXAS, AUTHORIZED BY ARTICLE 8280-119, V.A.T.S., AND BY THE VOTERS OF SAID COUNTIES AT THE ELECTION HELD OCTOBER 17, 1961, AND AUTHORIZING AND DIRECTING THE GENERAL MANAGER TO TRANSMIT CERTIFIED COPIES OF THIS ORDINANCE TO THE TAX ASSESSOR-COLLECTORS OF SAID COUNTIES

PREAMBLE

WHEREAS, the voters of Bexar, Wilson, Karnes and Goliad Counties, Texas, at an election held October 17, 1961, pursuant to Section 15-a of Article 8280-119, V.A.T.S., authorized the AUTHORITY to annually levy and collect an ad valorem tax at a maximum rate of \$.02 per \$100 assessed valuation of taxable property within said counties; and

WHEREAS, the taxes thus levied and collected are required by law to be used only for the purposes of general administration, planning and related services; and

WHEREAS, the AUTHORITY has approved a budget for the fiscal year 2011/12 that will pay for general administration, planning and related services with the levying and collecting said ad valorem tax; and

WHEREAS, the Board of Directors has found and determined that the levy of said tax for the 2011 calendar year is desirable and is in the public interest;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE SAN ANTONIO RIVER AUTHORITY THAT:

1. The AUTHORITY does intend to levy and hereby does levy for the 2011 calendar year the ad valorem tax authorized by the voters of Bexar, Wilson, Karnes and Goliad Counties, Texas, at the election held October 17, 1961; and
2. The debt service rate is \$0.00 per \$100 valuation, the maintenance and operation rate is \$0.017370 per \$100 valuation which will be assessed for the 2011 calendar year; and
3. The passage and approval hereof is not intended to limit or waive the duty and responsibility of the Board to determine in succeeding years whether or not such tax will be levied in such years; and

4. The GENERAL MANAGER is directed to transmit by certified mail a certified copy of this Ordinance to the Tax Assessor-Collectors of said counties not more than five (5) days after this Ordinance is passed and approved; and
5. A duplicate original hereof be duly filed and recorded in the real property records of Bexar, Wilson, Karnes and Goliad Counties, Texas.

PASSED AND APPROVED this the 1st day of September, A.D., 2011.

GAYLON J. OEHLKE, Chairman

ATTEST:

ROBERTO G. RODRÍGUEZ, Secretary

ACKNOWLEDGEMENT OF CHAIRMAN

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

BEFORE ME, the undersigned authority on this day personally appeared THOMAS G. WEAVER, Chairman of the Board of Directors of the SAN ANTONIO RIVER AUTHORITY, a political subdivision of the State of Texas known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated, and as the act and deed of said political subdivision.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 1st day of September, 2011.

LUPE SANCHEZ, Notary Public
In and for the State of Texas
My commission expires: 11/14/2012

