

MINUTES OF  
MARCH 17, 2009

THE STATE OF TEXAS           §

COUNTY OF CHAMBERS         §

WHEREAS, on the 17<sup>th</sup> day of March, 2009 a regular meeting of the Board of Navigation and Canal Commissioners of the Chambers-Liberty Counties Navigation District was duly convened at the District's office at 211 Miller Street, Anahuac, Texas, and held in all respects in accordance with law, and to the extent required by law due and proper notice of such meeting was given; that a legal quorum was present throughout the meeting, and a legally sufficient number of members of said District voted in the proper manner; that all other requirements and proceedings under the law incident to the proper adoption or passage of the following order, including publication, as required, has been duly fulfilled, carried out, and otherwise observed; and the following members were present, to wit:

Terry Haltom, Chair  
Billy Combs, Vice-Chair  
James B. Sterling III, Secretary  
Allen Herrington, Member

Board absent:                   Tommy Myzell, Member

Staff present:                 Mary Beth Stengler, General Manager  
                                  Claudia Sandoval, Administrative Assistant  
                                  Wayne Morris, Canal Superintendent

Guests present:               Allen Willcox, American Rice Growers  
                                  John W. Jenkins, Farmer, TRA Board  
                                  Judy & Bobbie Payne, Liberty County Residents  
                                  Pudge Willcox, Consultant  
                                  Amy Turner, WEC  
                                  Wes Kruger, WEC  
                                  Otho Turner, Farmer

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2009-03-01 Budget hearing: First on the agenda was the budget hearing which began at 3:00 pm. Discussion was brought up concerning the last date for preventative planning which is May 31<sup>st</sup>. The Board looked over the different options of the budget we could use, with farming, without, with FEMA reimbursement, and without FEMA. The Navigation budget's options were with FEMA reimbursement and without FEMA. As of today ORCA does not pay for

the FEMA gap funding of 25%. There being no further discussion or public comment, the budget hearing was closed at 3:10 pm.

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2009-03-02 Financial reports: Motion was made by Combs, seconded by Sterling and unanimously passed to approve the financial reports. Passed

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2009-03-03 Investment report: Motion was made by Combs, seconded by Sterling and unanimously passed to approve the investment report for 2008. Passed

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2009-03-04 Resolution LNVA Senate Bill 913 and House Bill 2666: Pudge Willcox reported this resolution was drawn up by our attorney in Austin. Based on our understanding of what the resolution was going to be. This resolution does not spell out what we want it, does authorize the General Manager, Pudge, and our attorney to negotiate with the attorney of LNVA to try to come together on what the wording needs to be and this give us flexibility of what we want. We have no objections to them owing and operating the canal, but the way the bill is worded they can expand that canal anywhere in Chambers and Liberty County. The Commissioners Court will support whatever we do. Motion was made by Combs, seconded by Herrington and unanimously passed to execute the resolution concerning Senate Bill 913 and House Bill 2666, relating to the authority of the Lower Neches Valley Authority. Passed

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2009-03-05 Water rental 2008: The Board was given a report showing the current statues with regard to the 2008 water rent.

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2009-03-06 Irrigation water 2009: Lake Livingston has been sending water down, but this water is not dependable for rice. Lake Anahuac is still salty. All of the fresh water we have is what is stored in the canal. We need at lease 6" in one day along with the river to freshen the lake. Lake Livingston will not have enough water to flush out Lake Anahuac. The Lake plant pumps are ready to be installed once the building is repaired.

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2009-03-07 Resolution farm service agency: Motion was made by Combs, seconded by Herrington and unanimously passed to execute the resolution authorizing signatures for Farm Service Agency. Passed

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2009-03-08 Irrigation 2009-2010 budget: Motion was made by Combs, seconded by Sterling and unanimously passed to utilize the 2009-2010 fiscal year budget using the FEMA reimbursement and no rice acreage. Passed

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2009-03-09 Navigation 2009-2010 budget: Motion was made by Combs, seconded by Herrington to utilize the 2009-2010 fiscal year budget using the FEMA reimbursement. Passed

2009-03-10 Interlocal agreement GLO: This agreement is not ready at this time.

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2009-03-11 Alternate project replace Smith Point Vessel: FEMA wanted to know if we want to do an alternate project in the amount of \$80,000. Mr. Combs wanted to know if we can apply this to our have to do projects. We have sent the resolution donating the Smith Point to the Maritime Academy.

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2009-03-12 Channel dredging: Pudge Willcox reported the Corps of Engineers omnibus bill that was just passed; there was \$994,000.00 for Trinity River and tributaries. They are placing their priority on doing the dredging in the Anahuac Channel. Cedar Bayou funding will come from emergency money from Hurricane Ike. John Hebert would like part of that money to be used for surveying the Trinity to Liberty. The Corps does not want to use the money at this time for a survey. The Anahuac Channel will be no expense to the District.

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2009-03-14 House Bills 4119 & 4209: The Board was given a copy of HB 4119 and 4209. Pudge Willcox as a board member of TWCA will make TWCA aware of this bill because it will impact all Ports.

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2009-03-15 Public Comments: Otho Turner asked if we can get water from LNVA. LNVA cannot get water to us where we could tie in at this time.

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2009-03-16 Executive Session: The Board went into executive session at 4:07 pm to discuss economic development; regular session was reconvened at 4:51 pm at which time upon a motion made by Combs, seconded by Herrington, and unanimously passed the meeting was adjourned. Passed

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Accept this the 19<sup>th</sup> day of May, 2009.

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Terry Haltom, Chair

Attest:

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James B. Sterling III, Secretary