



**MINUTES  
BRAZOS VALLEY GROUNDWATER  
CONSERVATION DISTRICT**

**Special Session of the Board of Directors  
March 18, 2009 at 3:00 p.m.  
Brazos Valley Groundwater Conservation District Office  
112 West Third Street  
Hearne, Texas 77859**

1. Call meeting to order.  
Board Chairman Kent Watson called the meeting to order at 3:00 p.m.

**Kent Watson, welcomed new board members David Stratta and John Hicks, and offered his appreciation to the newly appointed Directors.**

Directors present:	Kent Watson,	Chairman
	Pete Brien,	Vice Chairman
	Dave Coleman,	Director
	John Hicks,	Director
	David Stratta,	Director
	Tom McDonald,	Director
	Wayne Wilson,	Director

Directors absent:	Steve Lazarus,	Director
-------------------	----------------	----------

Staff present:	Bill Riley,	General Manager
	Ralph Crum,	Assistant General Manager
	Monique Norman,	Attorney
	Cynthia Lopez,	Administrative Assistant

2. Pledge of Allegiance.
3. Acceptance of resignation from the Board, by Director Steve Lazarus.

**Chairman Kent Watson, addressed the Board on the resignation of Steve Lazarus. Steve has been sick for quite a while. I've received a letter from Steve stating that, because of his health, he was going to be required to resign from the board. Kent Watson stated that he would like to say thank you to Steve at this time, even though he's not here. Steve did an excellent job as Director and served for a number of years, and we certainly understand why he has to resign. Kent Watson stated that the resignation had indeed been accepted, and that the vacancy needed to be filled by the Commissioner's Court of Robertson County. Monique Norman, Attorney for the District stated that, despite the resignation of Steve Lazarus, he will remain in his position as Director until replaced.**

4. Closed Session: Texas Government Code 551.071 – Consultation with Attorney regarding: Brazos Barton Farming Partnership, et al. v. Brazos Valley Groundwater Conservation District, et al, Cause No. CI-08L-103, in the District Court of Deaf Smith County, Texas, 222<sup>nd</sup> Judicial District; C.A. Skiles Family Partnership LTD and Cliff Skiles, Jr., D.V.M. contested case hearing before the Brazos Valley Groundwater Conservation District; and Cliff A. Skiles, Jr., D.V.M. v. William H. Riley, Cause No. CI-098-056, in the District Court of Deaf Smith County, Texas, 22<sup>nd</sup> Judicial District. **A motion was made by David Stratta, second by John Hicks to table items 4 and 6 for the next board meeting. This motion was requested by Director Stratta in order to provide him time to review the recusal presented to him by Monique Norman, Attorney for the district. The motion carried unanimously.**
5. Closed Session: Government Code 551.071 – Consultation with Attorney regarding: Cause No. 09 03-18,322 CV, State of Texas vs. Wayne Wilson in the District Court of Robertson County, Texas, 82<sup>nd</sup> Judicial District.
6. Discussion and possible action regarding matters discussed in Closed Session regarding Brazos Barton Farming Partnership, et al. v. Brazos Valley Groundwater Conservation District, et al, Cause No. CI-08L-103, in the District Court of Deaf Smith County, Texas, 222<sup>nd</sup> Judicial District; C.A. Skiles Family Partnership LTD and Cliff Skiles, Jr., D.V.M. contested case hearing before the Brazos Valley Groundwater Conservation District; and Cliff A. Skiles, Jr., D.V.M. v. William H. Riley, Cause No. CI-098-056, in the District Court of Deaf Smith County, Texas, 22<sup>nd</sup> Judicial District. **A motion was made by David Stratta, second by John Hicks to table items 4a and 6 for the next board meeting. This motion was requested by Director Stratta in order to provide him time to review the recusal presented to him by Monique Norman, Attorney for the district. The motion carried unanimously.**

**Mary Sahs, Attorney for the District Board, gave a statement about the contested case on the record. Recent actions by the parties to the contested case hearing and their counsel have raised concerns about ex parte communication and about facts outside the record. Ms. Sahs wanted to explain to the parties her expectations and the expectations of the board. About how communications should be taking place to avoid ex parte and to protect the board from obtaining facts outside the record. First of all, there must be no unilateral communications with Ms. Sahs or any director regarding any issues of law or fact. In the future if a party or parties representative appears at a board meeting and there is no agenda item regarding the contested case, then Ms. Sahs will recommend that the board not allow the individual to address the board. No party or parties representative should communicate directly with any director. No recused director should communicate directly with any director on those issues. If the parties agree that a communication should take place with a director, that communication should take place through her with all parties participating. This board is working very hard to insure that its ultimate decision is based on contested case matters, and is based solely on the official record of the contested case. Additionally, the information that is being published in area**

newspapers, as well as information that is being distributed in public letters and unilateral invitations to view activities outside the record, pose challenges to this boards commitment to make this decision based on the contested case hearing record alone. For counsels involved in such activity, this borders on unprofessionalism. While Ms. Sahs appreciates receiving copies of the pleadings. Ms. Sahs does not appreciate and does not want copies of all the email exchanges among counsels. Ms. Sahs is not one of the parties nor does she represent one of the parties. We have this on the record and we have a court reporter here and Ms. Sahs certainly encourages counsel in this case, to take her seriously and to talk to their clients as well.

7. Discussion and possible action on retaining legal counsel to represent William H. Riley in Cliff A. Skiles, Jr., D.V.M. v. William H. Riley, Cause No. CI-098-056, in the District Court of Deaf Smith County, Texas, 22<sup>nd</sup> Judicial District.

**A motion was made by Director Stratta, to table item 7 until a new representative from Robertson County has been appointed, second by Pete Brien. Additionally, Director Stratta asked for a second motion, to adjourn the meeting. Chairman Watson informed Director Stratta that there was already a motion on the floor for discussion. Chairman Watson called for a vote and the motion failed 4 to 3. With directors Wilson, McDonald, Watson, and Coleman voting against.**

**A motion was made by Tom McDonald, second by Wayne Wilson to retain and pay the fees and expenses of attorneys Monique Norman, John Mozola and Renea Hicks to represent William H. Riley in Cliff A. Skiles, Jr., D.V.M., Cause No. CI-098-056, in the District Court of Deaf Smith County. The motion carried unanimously.**

8. Discussion and possible action on retaining legal counsel related to and representation in Cause No. 09 03-18,322 CV, State of Texas vs. Wayne Wilson in the District Court of Robertson County, Texas, 82<sup>nd</sup> Judicial District.

**A motion was made by David Stratta, second by John Hicks, to table item number 8 of the agenda until another board member could be appointed to replace Steve Lazarus. Chairman Watson called for a vote and the motion failed 4 to 3. With directors Wilson, McDonald, Watson, and Coleman voting against.**

**A motion was made by Tom McDonald, second by Dave Coleman to retain and pay the fees and expenses of attorneys Monique Norman, John Mozola and Renea Hicks to represent Wayne Wilson Cause No. 09 03-18,322 CV, State of Texas vs. Wayne Wilson in the District Court of Robertson County, Texas, 82<sup>nd</sup> Judicial District. The motion carried unanimously.**

9. Adjourn.

Signed this 19, day of March, 2009

\_\_\_\_\_  
Cynthia Lopez  
Administrative Assistant

The Board of Directors may meet in closed session, pursuant to the Texas Open Meetings Act, Texas Government Code §§ 551.071-551.076, to:

- (1) consult with attorney;
- (2) deliberate regarding the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the District in negotiations with a third person;
- (3) deliberate a negotiated contract for a prospective gift or donation to the District if deliberation in an open meeting would have a detrimental effect on the position of the District in negotiations with a third person;
- (4) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a Board member or District employee
- (5) to receive information from employees or question employees, but not deliberate public business or agency policy that affects public business; and
- (6) to deliberate the deployment or specific occasions for implementation of security personnel or devices.

The Board may also meet in open session on these matters as required by the Texas Open Meetings Act, Texas Government Code § 551.102.

**\*\* Agenda items may be taken out of order at the discretion of the Board Chairman**