

**OKLAHOMA WATER RESOURCES BOARD
OFFICIAL MINUTES**

SPECIAL MEETING

September 29, 2009
1:30 p.m.

1. Call to Order

The Special Meeting of the Oklahoma Water Resources Board was called to order by Chairman Rudolf Herrmann, at 1:30 p.m., on September 29, 2009, in the Board Room of the Oklahoma Water Resources Board, 3800 N. Classen Boulevard, Oklahoma City, Oklahoma. The meeting was conducted pursuant to the Oklahoma Open Meeting Law with due and proper notice provided pursuant to Sections 303 and 311 thereof. The Special Meeting agenda was posted on September 23, 2009, at 2:00 p.m. at the offices of the Oklahoma Water Resources Board.

A. Roll Call

Board Members Present

Rudy Herrmann, Chairman
Mark Nichols, Vice Chairman
Linda Lambert, Secretary
Ed Fite
Jack Keeley
Joe Taron

Board Members Absent

Ford Drummond
Kenneth Knowles
Richard Sevenoaks

Staff Members Present

Duane A. Smith, Executive Director
Dean Couch, General Counsel
Mary Lane Schooley, Executive Secretary

Others Present

Mr. Dan Weitman, Assistant Attorney General, Oklahoma City, OK

B. Introductions and Announcements.

Chairman Herrmann recognized a quorum of members and called the meeting to order. He stated the purpose of the Special Meeting, as indicated on the agenda.

2. PROPOSED EXECUTIVE SESSION

As authorized by the Oklahoma Open Meeting Act in Section 307(B)(4) of Title 25 of the Oklahoma Statutes, an executive session may be held for the purpose of confidential communications between a public body and its attorneys concerning a pending investigation, claim or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation or proceeding in the public interest.

Pursuant to this provision, the Board proposes to hold an executive session for the purpose of discussing the pending litigation styled *City of Hugo v. Nichols*, CIV-08-303-RAW, pending in the United States District Court for the Eastern District of Oklahoma.

A. Vote on whether to hold Executive Session – before an executive session can be convened, it must be authorized by a majority vote of a quorum of members present and such vote must be recorded.

Chairman Herrmann said there must be a majority vote of the Board to hold the executive session, and he would designate Mary Schooley to keep written minutes.

Mr. Nichols moved the Board enter executive session, and Dr. Taron seconded. Chairman Herrmann said the motion is for executive session specifically for the purpose of discussing *Hugo v. Nichols*. He asked if there were any questions about the process, and seeing none, he called for the vote.

AYE: Keeley, Lambert, Fite, Taron, Nichols, Herrmann
NAY: None
ABSTAIN: None
ABSENT: Sevenoaks, Drummond, Knowles

B. Designation of person to keep written minutes of Executive Session, if authorized.

Mary Schooley was so designated.

C. Executive session, if authorized.

The executive session was authorized by majority vote of the Board; the Board entered executive session at 1:32 p.m.

3. VOTE ON MATTER DISCUSSED IN EXECUTIVE SESSION - Return to open meeting and possible vote on any matter discussed in the Executive Session

Chairman Herrmann announced the Board returned to regular session at 2:42 p.m. by directive of the Chair. He asked if there was any business the Board should consider.

Mr. Fite moved to approve the draft resolution before the Board's consideration, and Ms. Lambert seconded.

Chairman Herrmann asked if there was any discussion regarding the resolution that specifically states, "Whereas, the United States District Court for the Eastern District located in Muskogee, Oklahoma...." basically, the settlement authorization language.

There was no discussion, and Chairman Herrmann called for the vote.

AYE: Keeley, Lambert, Fite, Taron, Nichols, Herrmann
NAY: None
ABSTAIN: None
ABSENT: Sevenoaks, Drummond, Knowles

4. ADJOURNMENT

Chairman Herrmann stated that was the only item of business the Board was authorized to conduct, and therefore, the meeting was adjourned at 2:44 p.m. on September 29, 2009.

OKLAHOMA WATER RESOURCES BOARD

_____/s/_____
Rudolf Herrmann, Chairman

_____/s/_____
Jess Mark Nichols, Vice Chair

_____/s/_____
Jack Keeley

_____/s/_____
Ed Fite

_____/s/_____
Joe Taron

_____/s/_____
Richard Sevenoaks

_____/s/_____
F. Ford Drummond

_____/s/_____
Kenneth Knowles

ATTEST:

_____Absent_____
Linda Lambert, Secretary

(SEAL)