

Bays endangered during drought

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The Port Lavaca Wave

Five major Texas bays including San Antonio and Matagorda bays are endangered during drought situations, according to a report presented Thursday to County Commissioners by the Texas Living Waters Coalition. Norman Johns, representing the Texas Living Waters Project and the National Wildlife Federation (NWF), asked commissioners court to consider passing a resolution urging their Texas Legislators to develop and enact legislation to protect the freshwater needs of Texas bays in the upcoming legislative session.

Commissioners court agreed to have the resolution placed on the Dec. 23 meeting agenda and to research a prior resolution which court believes addresses the same problem.

"Five of Texas' seven major bays including San Antonio and Matagorda Bays received a danger ranking in the NWF study, which means their shrimp, crab, oyster and fish populations could decline dramatically in the future unless the state takes action," Johns stated in a news release before the meeting.

Johns said Sabine Lake, Galveston Bay, Matagorda Bay, San Antonio Bay and Corpus Christi Bay are most at risk and received "danger" rankings in the "Bays in Peril" study.

Johns cited "Bays in Peril," a new NWF report that documents how Texas growing water demands and its century-old water permitting process threaten vital freshwater inflows to Texas bays.

Johns of the Texas NWF office, said the Texas Living Waters Project is a collaborative effort of Environmental Defense, the NWF and the Lone Star Chapter of the Sierra Club. Johns is the primary author of "Bays in Peril".

Park renamed

In other action, commissioners court re-named Swan Point Park in Precinct 4 R.W. 'Bill' Sanders Memorial Park.

Court officially dedicated the park in memory of Sanders.

"Shortly after taking office, Bill Sanders saw the need of a community park and boat ramp in Seadrift," the resolution states. "Bill Sanders began working toward filling that need by establishing Swan Point Park and Boat Ramp."

The late Sanders was Precinct 4 county commissioner from 1967 through 1974. He was responsible for the initial ground work on Swan Point Park and Boat Ramp.

The park was further developed by later county commissioners John Finster, Bill Maddux, Oscar Hahn and the current commissioner Kenneth W. Finster.

Lawsuits discussed

Commissioners went into two closed sessions for the purpose of discussing lawsuits with their attorney John Griffin.

According to Griffin, the 24th Judicial District Court has awarded a judgment in favor of Calhoun County in the Leonard and Vanessa Kunefke vs. Calhoun County and Precinct 3 Commissioner H. Floyd lawsuit. The court said the judgment is appealable.

The final judgment document noted a hearing was held on Nov. 23 for the defendants motion for summary judgment and no-evidence motion for summary judgment.

"The court after considering such motion, arguments of counsel and evidence submitted in support thereof is of the opinion that judgment should be entered in favor of the defendant," the final judgment stated. "It is therefore ordered, adjudged and decreed that defendant's motion for summary judgment and no-evidence motion for summary judgment are granted in their entirety and further that the court declares as a matter of law that the right of ways that formed the basis of the dispute were dedicated and accepted for public use. It is further ordered that defendant (Calhoun County) recover of and from Plaintiffs Leonard Kunefke and et ux Vanessa Kunefke attorney's fees in the amount of \$9,442.50 that were incurred in the prosecution of this suit; if this case is appealed to the court of appeals, the court awards the additional amount of \$10,000 and if this case is appealed to the Texas Supreme Court, the Court awards the additional amount of \$7,500 conditioned upon the Defendant prevailing at such courts. It is further ordered all relief not expressly granted herein is denied. This is a final and appealable judgment."

Griffin said the amounts awarded in the judgment are for Calhoun County, not his law firm. All moneys paid by Kunefke will be to Calhoun County.

"We believe the court correctly awarded those fees to the county," Griffin said. "Mr. Kunefke should pay the fees in the judgment."

Commissioners went into the second closed session to review the Richard 'Skip' Hughes lawsuit filed on Nov. 18 against Precinct 1 County Commissioner Roger Galvan and Calhoun County. Hughes protests the removal of some poles allegedly from his property. He also is seeking a declaratory judgment about the relocation of Ocean Drive in 1961. He alleges the relocation of the road took property that is his and he has been taxed for it unceasingly.

After returning to open session, Griffin said the county is being sued by Hughes over the removal of 45 posts he had, "placed on county right of way. He was given opportunity to pick up the posts at the county barn. He did not. The county will respond appropriately and ask Hughes to pay all county expenses. We will ask for attorney fees as well as a declaratory judgment act."

Commissioners heard a report from 4-H Ambassadors Kayla Hahn, Christine Malaer and Matt Pfeifer who attended the meeting to report on the status of the county 4-H program. The 4-H Ambassadors presented an interpretation of the ES-237, a state document that outlines membership, project participation and other community based educational efforts. In 2004, the county program included 283 members and 115 adult volunteer leaders. There were 41 projects and 10 chartered clubs. The projects included but were not limited to livestock projects, foods and nutrition, leadership, shooting sports and community service.

In other action, Pct. 2 Commissioner Michael Balajka was authorized to sign a coastal lease agreement with the General Land Office authorizing rip-rap placement at the end of Bauer Road.

Commissioners also reviewed a claim from David Valadez for glass damage to a vehicle and authorized payment of \$171, approved an inter local agreement with the City of Port Lavaca for fire services totaling \$75,000, OK'd an inter local agreement with the City of Port Lavaca for animal control services totaling \$60,000 and removed items from an inventory list.