

Spring Creek Coalition Board Meeting October 13, 2022, Minutes

The meeting was held virtually by Zoom as announced ahead-of-time by President Beth Rooney. The meeting was **called to order** by Beth at 6:07 pm on Thursday, October 13, 2022. Present were Board Members Chris Beckwith, Jennifer Donnelly, Karen Harris, David Martinez, and Beth Rooney. Travis Fite joined after the meeting started. Mike Appel, Angela Brazeal, Bill Chambers, and Sandy Whitekiller were absent. While waiting for a quorum to be present, the meeting began with informational items.

1. Treasurer's Report: Beth reviewed the report as distributed and summarized in the agenda. The largest income item was a Board member donation (\$500) and the largest expense was a payment to Indian & Environmental Law (\$7,910.40) for work related to the ODAFF lawsuit. Someone asked how much had been paid for legal services this calendar year and Beth answered about \$12,500. Members present accepted the Treasurer's Report for filing, showing a balance of \$45,538.24 as of 9-30-2022.

2. Lawsuit Hearing: The hearing was still scheduled for Friday, October 21, 1:30 pm, at the Delaware County Courthouse. Board members were encouraged to attend, if they did not have conflicting commitments. Beth reported that other supporters were likely to attend, such as Kelly Hunter Foster.

3. Illinois River watershed planning: Karen attended a public meeting held October 11 in Siloam Springs, AR, to kickoff an update of the watershed plan for the Illinois River. The planning is being conducted jointly by the Oklahoma Conservation Commission and the Arkansas Department of Agriculture's Natural Resource Division. The effort is especially interested in addressing stable but still elevated levels of phosphorus in the river. Karen reported that Shannon Phillips of the OCC did a good job of describing the background and current status. Otherwise, Karen felt many officials praised themselves for progress made managing the watershed. To Karen, key questions remained unanswered.

4. Farmers' motion to dismiss SCC's legal petition and motion: Beth reported on the motion filed on September 30 on behalf of operators of the poultry feeding operations identified in the SCC's actions. The farmers' motion, which Beth had distributed to Board members on October 6, alleged that the SCC does not have legal standing to bring its actions. Our legal counsel is not terribly concerned about the motion and would prepare a response for the court to be signed by Beth.

5. SCC petition and motion: (Quorum present) ODAFF itself had not responded to the SCC's actions at the time of the Board meeting. David asked whether ODAFF's failure to respond in a timely manner created negative consequences for them, and Chris replied ODAFF was likely to receive a default judgement against them.

6. Goal 1d (Community Events): Fall trash cleanup with Cedar Crest, November 5, 10 am-Noon: This event was highlighted due to it being scheduled to occur before the next Board meeting. Separate teams would focus on Cooper's Bridge and King's Curve. All were encouraged to attend.

7. Approval of September 2022 Board Meeting Minutes: It was moved/seconded (Martinez/Donnelly) to approve the September minutes as submitted. Approved unanimously.

8. Goal 11 (Community Relations): Bylaw concerns: The bylaws revision concerns in 2021 included (a) a revised time period for member submission of Director nominees to better coordinate with the timing of the annual meeting, and (b) revisions placing power to amend policies and the bylaws with the Board of Directors rather than the general membership. Beth sent out a survey to SCC members on October 4 seeking feedback on placement of power to establish SCC policies and amend the bylaws. She had received about 50 responses to date with one more day remaining before the identified deadline.

Beth asked Board members present for opinions about whether the Board should follow member preferences indicated by the survey responses. Jennifer said yes and supported following member

preferences, as long as the Board deemed them to be reasonable. She questioned, however, whether determining member preferences would be workable in situations calling for a rapid response. Travis expressed potential concern about changes in *policy* (defined in the survey as a course or principal of action) and whether that could be interpreted as including involvement in various activities, such as lobbying. David also expressed concerns about a requirement to obtain membership approval impeding situations needing a quick response and potential disagreements over what constituted a policy decision. He thought it advisable to have the bylaws include definitions for policies, smaller decisions, and activities and distinguish which of those would require membership approval. Karen asked if decisions like a change of legal counsel would have to be approved by the membership and also supported a clarification of what constituted policy. Beth recalled the dispute over SCC's collaboration with other organizations and suggested that might be considered a policy decision. Someone asked how member proposals would be presented for consideration; Beth answered that the proponents would be given an opportunity to explain them at the annual meeting, as was done this year. Chris suggested we consider requiring support by a supermajority of the Board to amend the bylaws. Karen asked wouldn't we expect a majority of proposed bylaws changes to come from the Board, as it would be most aware of circumstances warranting a change. The discussion ended with Beth saying further responses would be added to the member feedback already received and the subject discussed further at the November board meeting.

9. Board members for 2023: As indicated in the agenda, 3 current members are due to run for a second term (Chambers, Donnelly, and Harris). There is one vacancy on the Board created by the resignation of Russell Hayes. No new candidates had been identified, and Beth intended to ask Russell if he would be available to serve in 2023. Beth asked any current members intent on leaving the Board to notify her by November 15.

10. Goal 7: Water quality:

(a) Engaging stakeholders: Beth reported that the Cherokee Nation has been non-responsive to Bill's attempts to set up a meeting with them to discuss shared interest in water quality monitoring. Bill, Mike and Beth had a meeting with Jahna Hill, former Wastewater Manager of the City of Tahlequah, who gave tips on how her team tracked down E. coli from an untreated sewage discharge into Town Branch Creek which flows through Tahlequah.

(b) PFAS testing: SCC participated in a monitoring effort to detect PFAS (per- and polyfluoroalkyl substances) in waters nationwide. Waterkeepers paid for the testing kits that they distributed to all their affiliates. We haven't heard the results yet; a rollout of the sampling results is expected on October 18th.

(c) E. coli next steps: Bill and Mike are continuing to work on trying to identify the source of high bacteria numbers in Spring Creek.

11. Goal 12: Field day at the creek for watershed schools: Beth reported on a field day held with 7th & 8th graders from Lowrey School on September 23rd, and shared pictures from the event. It was held on the Drury's property and included instruction from Oklahoma Conservation Commission Blue Thumb water quality educators and a hot dog and watermelon lunch. All present enjoyed the day.

12. Goal 9: Strengthening our relationship with like-minded groups: Beth and Martin Rooney and Travis Fite attended the STIR annual meeting on September 17. Travis reported learning about the historical partnership between STIR and the Sequoyah Club, an outing club in Tahlequah. STIR has started a scholarship at Northeastern State University for study of freshwater science. Travis thought there might be potential for projects funded by the scholarship to examine Spring Creek in addition to the Illinois River.

The meeting adjourned at 7:09 pm. The next meeting will be virtual by Zoom on November 10 at 6pm.

Minutes prepared by SCC Vice-Secretary David Martinez