

MINUTES OF A MEETING OF THE BOARD OF DIRECTORS OF
TARRANT COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NUMBER ONE
HELD IN THE DISTRICT OFFICE IN FORT WORTH, TEXAS, ON
THE 1st DAY OF APRIL, 1952, AT 1:00 P.M.

The call of the roll disclosed the presence of Directors, as follows:

PRESENT.

Joe B. Hogsett
Houston Hill
Dan H. Priest
W. L. Pier
A.T.Seymour, Jr.

Also present were Sidney L. Samuels, General Counsel, Marvin C. Nichols of the Engineering Firm of Freese and Nichols, Consulting Engineers of the District, and C. L. McNair, General Manager of the District.

Director Hogsett acted in his capacity as President, and Director Priest acted in his capacity as Secretary, whereupon proceedings were had and done, as follows:

1.

The President of the Board at the beginning of this meeting called to the attention of the Directors the conflict that had grown up in respect to the compensation allowed by law to the County Assessor and Collector of Taxes in respect to the assessment and collection of taxes for the District.

The President then proceeded to explain the way in which the confusion had arisen and the error which had crept into the preparation of the contract between the District and the Commissioners' Court of Tarrant County in making provision for the services of the County Assessor and Collector of Taxes. The President then referred to the

minutes of the meeting of the Board on the 28th of February, 1951, in which the matter of the selection of the County Tax Assessor and Collector was to be made and the circumstances surrounding the resolution at that time. This, said the President, is made manifest in paragraph two of the minutes of the meeting held on February 28th, 1951. At that time there had been introduced before the State Senate of Texas, then in session, a bill known as Senate Bill No. 197, of which Senator Keith Kelly of Tarrant County, Texas, was the author. It further appeared that another bill of the same nature as that of Senator Keith Kelly's had been introduced on the same day in the State Senate, in which, as in the case of the measure sponsored by Senator Kelly, specific mention had been made of Water Control and Improvement Districts and the compensation to be paid county assessors and collectors for performing the work of assessing and collecting taxes for water control and improvement districts of the State of Texas.

In the meeting held on February 28, 1951, Mr. J. M. Williams, County Auditor of Tarrant County, appeared before the Board and stated that the old arrangement for compensation contained in the chapter relating to water control and improvement districts (7880-33) was too scant to pay or defray the performing of such services and that Senate Bill No. 197, above mentioned, was designed as a corrective, and that the bill of Senator Kelly's in respect to fees to be paid county tax assessors and collectors provided a rate of compensation under which county assessors and collectors could perform the work for the district without loss to the county.

It was, therefore, agreed as stated in the minutes of February 28, 1951, that the provisions of Senate Bill No. 197, pending in the Senate, of which Senator Keith Kelly was the author, were such that under the circumstances, aided by the explanation of Mr. J. M. Williams, the District should abide by it in respect to the fees to county assessors and collectors for performance of work for the district, and that the district withdraw opposition to the bill as it stood, and that Senator Keith Kelly of Tarrant County, Texas, be notified to that effect.

The President further stated in reviewing the matter that another bill, as hereinbefore mentioned, had been introduced by a different Senator in the State Senate of Texas, seeking to cover the subject and aimed at increasing the compensation of assessors and collectors of taxes for performing that kind of services in the State of Texas. This bill differed somewhat in the matter of fees from the rate prescribed and set forth in the bill introduced by Senator Kelly. This bill was designated as Ch. 218, S. B. No. 398, and it so happened that both bills--the bill of Senator Keith Kelly and the other bill, were passed and adopted on the same day at the regular session of the 52nd Legislature and approved by the Governor of Texas on May 17, 1951, and both became effective, by their respective terms, the same day--on May 17, 1951.

The President followed this up by saying, that under date of September 6, 1951, a contract was drawn and prepared between this District and the Commissioners' Court of Tarrant County, whereby the services of the County Tax Assessor and Collector were secured for this District, inasmuch as it was less expensive for this District to

enter into such employment than to set up independent facilities of its own for the assessment and collection of its taxes. However, due to the confusion created by the enactment of the two bills on the same day, in referring to the legislation under which the contract was made, the contract provided that the District was to pay the Tax Assessor and Collector of Tarrant County for the use and benefit of the county, to be computed as fees of office, for the performance of the services of assessing and collecting taxes for the district as provided by the terms of Ch. 218, Sen. Bill No. 398, when in truth and in fact, it was the intention of the Board to refer to and adopt the rate of compensation in Senate Bill No. 197, which had been sponsored by Senator Keith Kelly, for such had been the agreement between the Board of Directors of this District and Mr. Williams, when he appeared before the Board meeting on the 28th day of February, 1951.

The President then stated that he was prepared to entertain a motion for a resolution on the part of the Board, making due correction of the error in referring to the bill above mentioned, so that the original contract be so altered as to express the true intent of all parties concerned. Thereupon, Director Hill moved, seconded by Director Pier, the adoption of the following resolution:

BE IT RESOLVED by the Board of Directors of Tarrant County Water Control and Improvement District Number One, that the contract heretofore made and entered into between this District and the Commissioners' Court of Tarrant County, of date September 6, 1951, for the employment of the services of the County Tax Assessor and Collector of Tarrant County, set forth in paragraph 4 of said contract, be so amended in respect to subdivision (c) as to read as follows:

"The Second Party (the district herein) will pay to the Tax Assessor and Collector of Tarrant County for the use and benefit of the County, to be computed as fees of office, for the performance of the services herein contemplated for the two-year period as provided by the terms of Ch. 204, S. B. No. 197, passed and adopted at the Regular Session of the 52nd Legislature and approved by the Governor of Texas, on May 17, 1951, (which legislation became effective by its terms on May 17, 1951)".

And be it further resolved that a certified copy of this resolution be transmitted to the Commissioners' Court of Tarrant County for the amendment of the contract dated September 6, 1951, and further, that a voucher-check be drawn in the sum of \$15,009.97, payable to the order of Reed Stewart, Tax Assessor and Collector of Tarrant County, for the performance of services by virtue of said contract, under the terms of Senate Bill No. 197, passed and adopted at the Regular Session of the 52nd Legislature of Texas.

On submission of the resolution to the Board all the Directors voted "aye" thereon and the President declared the same carried and adopted.

2.

The Board then turned to the consideration of the proposed contract with the Texas Electric Service Company, mention of which has been made in the minutes of preceding sessions of the Board. The provisions of the contract were read paragraph by paragraph by the General Counsel of the Board and each paragraph received consideration. It was resolved by the Board, after having discussed the various provisions and terms of the contract, that the matter be once again submitted to the General Counsel and Mr. Marvin C. Nichols, Consulting Engineer, for further study, and that a conference be held with Mr. Beeman Fisher, Vice President of the Texas Electric

Service Company, and Mr. Bean, the Engineer thereof. Mr. Nichols and Mr. Samuels were directed to make report at a future meeting of the Board when further consideration would be given to the subject.

3.

Mr. Marvin Nichols submitted to the Board a communication which bore his signature, dated March 31, 1952, addressed to Mr. Elton M. Hyder, in response to a letter which had been previously written to the Board by Mr. Hyder concerning the East Lancaster and Riverside Drive area. The reply of Mr. Nichols, which is attached to these minutes in folio, pointed out to Mr. Hyder that the improvement which Mr. Hyder had so earnestly requested was not included in Program B, Flood Control Program, and, therefore, Mr. Hyder was advised that the District did not have the authority or the funds with which to perform the work on the river channel requested in his letter of March 26, 1952. The letter was approved by the Board and Mr. Nichols instructed to transmit it to Mr. Hyder, all the Directors voting "aye" thereon.

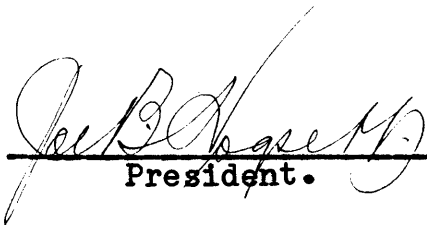
4.

Once again the consideration of the request of Westover Hills for the supply of water from Eagle Mountain Lake for domestic uses to the inhabitants of that community was taken up by the Board. In that connection, the advice of Mr. Marvin C. Nichols, Consulting Engineer, was elicited on the matter. Mr. Nichols informed the Board that before the request could be considered, it would be necessary for the Board to enlarge the permit that had theretofore been granted by the State Board of Water Engineers to the District; that as the permit now stands, no such authority existed in the

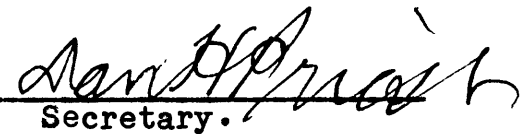
District which would enable it to comply with the request of the City of Westover Hills. It was the unanimous sense of the Directors that Mr. Nichols should advise the City of Westover Hills to that effect, and that the mayor of the City of Westover Hills be informed of this situation. All the Directors voted "aye" thereon.

5.

There being no further business before the Board, the meeting thereupon adjourned.



President.



Secretary.

To be attached to copy of
minutes of April 18, 1952 at 1:00PM

March 31, 1952

*Draft only.
will not be mailed
until after Board
meeting 4/1/52
MLN*

Mr. Elton M. Hyder
Attorney at Law
W. T. Waggoner Building
Fort Worth, Texas

Dear Mr. Hyder:

Your letter of March 26, 1952, addressed to Tarrant County Water Control and Improvement District Number One has been referred to us for reply.

In August, 1950, as District Engineers for Tarrant County Water Control and Improvement District Number One, we prepared "A Report on Program B Flood Control Improvements". This report was subsequently approved by the Texas State Board of Water Engineers and adopted by the Board of Directors of TCM&ID No. 1 as the District Plan. This plan was the basis for the voting by the District of \$7,000,000.00 in bonds. We quote below from the report.

A1-05. Lancaster and Riverside Drive Area. - Consideration has been given to the Lancaster and Riverside Drive Area. The comprehensive flood control program as proposed and now under way will give substantial relief to this area. The Army Engineers' Project, which includes Benbrook dam and reservoir, will materially reduce the flood hazard in this area. The area is subject to floods from (1) Sycamore Creek and (2) West Fork of Trinity River. Near Sycamore Creek on East Lancaster the street elevation is 519.0. The design water surface of the West Fork floodway is elevation 526.0. To protect this area would require (1) a levee north of Lancaster (2) raising of East Lancaster Street at Sycamore Creek approximately 10 feet. Detention dams on Sycamore Creek will not solve this problem.

The East-West Expressway is tentatively located between Lancaster and the West Fork. A grade separation will be required at Riverside Drive, Lancaster and East-West Expressway. No detail planning has been completed by the State Highway Department and the City.

In view of all the factors, it is not considered feasible to undertake further protection of this area at this time.

The work on the channel as requested in your letter is not included in the District Plan for Program B. We must therefore advise you that the District does not have (1) the authority or (2) the funds with which to perform the work on the river channel requested in your letter.

Mr. Elton M. Hyder

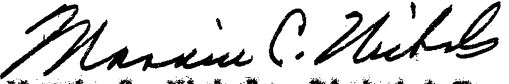
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March 31, 1952

As of this date, no work has been done on the Sycamore Creek Channel. The District has acquired some property and evacuated the residents of those areas below the May, 1949, flood line.

Yours very truly,

FREESE AND NICHOLS


Marvin C. Nichols, District Engineer,
Tarrant County Water Control and
Improvement District No. 1

MCN/he

cc: Mr. Joe B. Hogsett
Mr. W. L. Piser
Mr. Dan H. Priest
Mr. Houston Hill
Mr. A. T. Seymour, Jr.
Mr. Sidney Samuels