

MINUTES OF A MEETING OF THE BOARD OF DIRECTORS OF
TARRANT COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NUMBER ONE
HELD IN THE DISTRICT OFFICE AT FORT WORTH, TEXAS, ON
THE 2ND DAY OF NOVEMBER, 1956 AT 11:00 A. M.

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The call of the roll disclosed the presence or absence
of Directors as follows:

<u>PRESENT</u>	<u>ABSENT</u>
Joe B. Hogsett	W. L. Pier
Houston Hill	
Lacy Boggess	
A. T. Seymour, Jr.	

Also present were Messrs. William M. Brown, General Counsel of the
District, Ben F. Hickey, General Manager of the District and C. L.
McNair, Water Master of the District.

Director Hogsett acted in his capacity as President, and
Director Boggess acted in his capacity as Secretary, whereupon pro-
ceedings were had and done as follows:

1.

On motion duly made and seconded, the minutes of the
meeting of October 29, 1956 were read and approved by the Directors
and it was accordingly so ordered.

2.

President Hogsett reported that he had received a letter
from J. F. Davis, City Manager of the City of Fort Worth, dated
October 31, 1956, transmitting an executed copy of a resolution
passed by the City Council in session on Wednesday, October 31, 1956,

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together with a copy of "Tentative Findings and Recommendations of Report on Water Supply for FortWorth and Tarrant County, September, 1956." Whereupon, the letter from City Manager Davis, together with the Resolution of the City of Fort Worth, were read to the members of the Board of Directors, said letter, Resolution, and "Tentative Report and Recommendations" being attached to these minutes and made a part thereof.

After a general discussion of the Fort. Worth water supply problem and the request that had been made that the Tarrant County Water Control and Improvement District Number One assume the responsibility for providing Fort Worth with adequate future water supplies, the following Resolution was offered by Director Seymour and seconded by Director Boggess:

WHEREAS the City Council of the City of Fort Worth, in session on October 31, 1956, has passed a resolution expressing approval of the "Tentative Findings and Recommendations of Report on Water Supply for Fort Worth and Tarrant County," and has found that the plans contained therein are practical and feasible; and

WHEREAS the City Council of the City of Fort Worth, as well as the Fort Worth-Tarrant County Water Commission, has officially requested the Tarrant County Water Control and Improvement District Number One to undertake and assume the responsibility of providing for Fort Worth and Tarrant County an adequate supply of water for the future, and recommended that steps be taken to carry out the tentative plan referred to with as little delay as possible, subject to such modifications as may be deemed necessary from time to time.

NOW, THEREFORE, BE IT RESOLVED that the official request embodied in the Resolution of the City of Fort Worth dated October 31, 1956, be received and accepted, and that the Board of Directors of the Tarrant County Water Control and Improvement District Number One express itself as being not only appreciative of the trust and confidence in the District which has been expressed by the City Council and by the Fort Worth-Tarrant County Water Commission, but mindful also of the tremendous responsibility which it has been asked to assume.

BE IT FURTHER RESOLVED that the Tarrant County Water Control and Improvement District Number One, in response to said request, officially accepts the responsibility of carrying forward a plan, together with such modifications thereof as may, in the judgment of the Board, be required from time to time to insure for Fort Worth an adequate future supply of good water; and, further, that the Board express its determination to proceed to put in motion with as little delay as possible the initial phases of such a program.

BE IT FURTHER RESOLVED that the President of the Board of Directors be and he is hereby authorized to sign this resolution, cause the seal of the District and the attesting signature of the District Secretary to be affixed hereto, and to cause an executed copy of the resolution to be delivered to the Mayor of the City of Fort Worth and to the Chairman of the Fort Worth-Tarrant County Water Commission.

Whereupon the resolution was unanimously passed, all Directors present voting "aye" thereon.

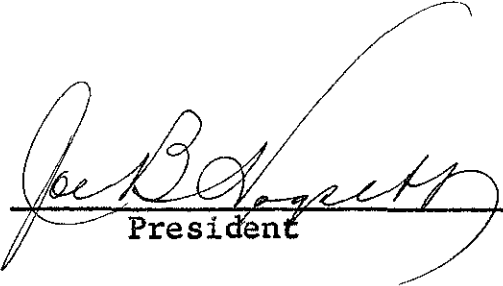
3.

President Hogsett instructed Mr. William Brown, attorney for the District, to prepare in letter form, the rights of the District in participation of proposed projects, and also outline the general procedure in the annexation of territory not now within

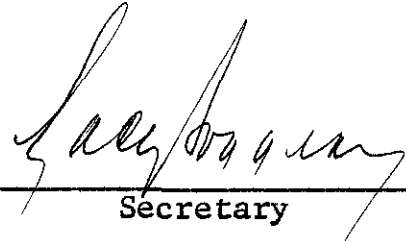
the district boundaries. This being the unanimous instructions from all members present, it was so ordered.

4.

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



President



Secretary

CITY OF FORT WORTH
TEXAS

October 31, 1956

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Mr. Joe B. Hogsett, President
Tarrant County Water Control and
Improvement District No. 1
Danciger Building
Fort Worth 2, Texas

Dear Mr. Hogsett:

Transmitted herewith is an executed copy of the Resolution passed by the City Council in session Wednesday, October 31, 1956 accepting engineering report prepared by Freese and Nichols, Consulting Engineers, on "Tentative Findings and Recommendations for Raw Water Supply for the Fort Worth Area" and also, requesting that the Tarrant County Water Control and Improvement District No. 1 assume the responsibility for providing and maintaining a raw water supply for the Fort Worth Area.

Very truly yours,

/s/ J. F. Davis

J. F. Davis
CITY MANAGER

JFD:GA

- cc - Mr. Ben Hickey, Manager
TCWC & ID No. 1
- cc - Freese & Nichols, Consulting Engrs
- cc - Mr. R. E. Rouer, City Attorney
- cc - Mr. Uel Stephens, Director Water Dept

A RESOLUTION

WHEREAS the Fort Worth City Council in regular session on October 31, 1956 did approve and adopt the following recommendations of the Fort Worth-Tarrant County Water Commission dated October 30, 1956:

FORT WORTH-TARRANT COUNTY WATER COMMISSION
RECOMMENDATIONS

October 30, 1956

1. We recommend that the City Council request the Tarrant County Water Control and Improvement District Number One to proceed expeditiously with the provision of additional water supplies for Fort Worth. The District is in good position to do this for the following reasons:

a. The District is a going concern, responsible for the water supply of the District including Fort Worth.

b. The District is a local agency, "owned and operated" by the citizens of the District and is not subject to outside control with diverse interests.

c. The District is capable of enlargement to include all of the acres of Tarrant County which desire water from the District.

d. The District has a good financial record, is capable of financing major additions to the water supply, and probably can borrow money at less interest and with less coverage than would be the case of any other agency.

2. The City Council is to be commended for having initiated a water supply study when it did, for having secured the extensions of time under the fillings on Cedar and Richland Creeks accepted by the State Board of Water Engineers, and for exploring the water rights situation in Oklahoma. The Presentations should be transferred to the Tarrant County Water District and the City should lend its offices in helping preserve the Presentations against encroachment. Continued consideration should be given to securing water rights in Oklahoma for future use beyond the capabilities of nearer and more economical sources.

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3. From our study of Freese and Nichols "Preliminary Findings and Recommendations," we recommend:

a. That the Cedar Creek Project be completed by the end of 1960 if at all possible. (We are advised by Freese and Nichols that Cedar Creek has had an average flow, at the dam site, of over 200 million gallons per day during the past five years of drouth conditions on the more westerly West Fork of the Trinity drainage area.)

b. That the water rights on Richland Creek be preserved at all costs and that at least \$2,000,000 be included in the initial financing for a start on the Richland Creek Project and the holding of the water rights.

c. That full consideration be given to the water needs of Corsicana, Athens, Kerens, Trinidad, Malakoff and other cities near the proposed reservoirs and pipe lines.

4. We recommend that the additional water supplies be financed as fully as practicable from water revenues. To this end, equitable contracts for the sale and purchase of raw water should be worked out between the District and Fort Worth and the other larger municipalities to be served. We further recommend that the City of Fort Worth adjust its water rates in a timely manner in anticipation of the required financing of additional supplies.

5. We believe that prompt action along the line of these recommendations will result in the most advantageous enlargement of our water supply and that such action merits the whole hearted support of all of the interested parties.

Adopted by unanimous vote of the members of the Fort Worth-Tarrant County Water Commission present at the called meeting held on October 30, 1956.

APPROVED /s/ Robt. F. Windfohr
Chairman

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A RESOLUTION

C WHEREAS the Fort Worth City Council in regular session on October 31, 1956 did approve the following recommendation of the City Manager and the Director of the Water Department:

October 30, 1956

Re: 86M-6P
Water Supply Report

O Mr. J. F. Davis
City Manager
Building

Dear Mr. Davis:

P On September 27th I received a copy of the "Tentative Findings and Recommendation of the Report on Water Supply for Fort Worth and Tarrant County" prepared by Freese and Nichols, Consulting Engineers, under a contract the firm has with the City.

Y The "Tentative Findings and Recommendations" are not considered to be the final report of the engineers but it is, however, the basic outline of a definite step by step plan for providing a water supply for the Fort Worth area. The document has been very carefully reviewed and discussed with its author. It is my opinion that the plans as outlined are the most feasible and best plans which have so far been devised for providing a water supply for the Fort Worth area. It is therefore, my recommendation that the "Tentative Findings and Recommendations," dated September 27, 1956 be accepted by the City as being a suitable outline of plans for supplying the Fort Worth area with additional water and further that the Board of Directors of the Tarrant County Water Control and Improvement District No. 1 (Water Board) be officially requested to take all actions necessary to carry out the plans step by step as outlined, subject only to such modification as may be warranted from time to time.

Very truly yours,

US:bs
cc Freese and Nichols
Consulting Engineers
cc Mr. Robert F. Windfohr
Water Commission

/s/ UEL STEPHENS, DIRECTOR
Fort Worth Water Department

I concur in the above recommendation of the Director of the Water Department.

/s/ J.F. DAVIS, CITY MANAGER
City of Fort Worth, Texas

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WHEREAS the Fort Worth City Council after careful consideration and study of the above quoted recommendations and the "Tentative Findings and Recommendations," dated September 27, 1956 has found that the proposed plans contained therein are the most practicable and feasible plans so far devised for providing additional water for the Fort Worth area, and

WHEREAS the Tarrant County Water Control and Improvement District No. 1 is deemed to be the most logical and proper public agency for carrying out the said plans to the best advantage of all parties concerned; and

WHEREAS the Fort Worth City Council did by proper official action on September 28, 1955 recommend that the said Tarrant County Water Control and Improvement District No. 1 assume full responsibility for providing and maintaining an adequate raw water supply for the Fort Worth area;

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Fort Worth, Texas, does hereby officially request the Board of Directors and the officials of the Tarrant County Water Control and Improvement District No. 1 to assume full responsibility for providing and maintaining an adequate supply of raw water for the Fort Worth Area, and

BE IT FURTHER RESOLVED that the said Board of Directors and officials of the said district are hereby officially requested to adopt as its basis outline of plans for furnishing such an adequate raw water supply the "Tentative Findings and Recommendations" presented herewith and made a part hereof and with as little delay as possible carry out the plans contained therein step by step subject only to such modifications as may be found necessary from time to time, and

BE IT FURTHER RESOLVED that the City of Fort Worth at the

proper time will assign and transfer to the said Tarrant County Water Control and Improvement District No. 1 all Presentations and its interest therein and rights and benefits thereof which it has on file with or pending before the Texas State Board of Water Engineers without reimbursement to the City for any expenditures it may have already incurred in connection with such Presentation, and

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BE IT FURTHER RESOLVED that the City of Fort Worth will at the proper time make available to the said Tarrant County Water Control and Improvement District No. 1 without cost to the District a copy of the final report of the Consulting Engineers on the long range water study and report which is now being compiled by the Consulting Engineers, Freese and Nichols, and

BE IT FURTHER RESOLVED that the Mayor of the City of Fort Worth be and hereby is authorized to sign this Resolution, cause the City seal and attesting signature of the City Secretary to be affixed hereto and have an executed copy of this Resolution and a copy of the "Tentative Findings and Recommendations" dated September 27, 1956 delivered to the Chairman of the Board of Directors of the Tarrant County Water Control and Improvement District No. 1.

IN WITNESS WHEREOF I have herewith set my hand and caused the seal of the City of Fort Worth, Texas to be affixed hereto on this 31st day of October 1956, A.D., in the City of Fort Worth, Texas

ATTESTED:

/s/ F. E. Garrison
F. E. GARRISON, MAYOR

/s/ Roy A. Bateman
Roy E. Bateman, City Secretary

(S E A L)

Fort Worth, Texas
October 31, 1956

TO WHOM IT MAY CONCERN:

I, Roy A. Bateman, City Secretary of the City of Fort Worth, do hereby certify that the above Resolution was unanimously adopted by the Fort Worth City Council on October 31, 1956 and that a copy thereof is duly spread upon the minutes of the City Council meeting on that date.

/s/ Roy A. Batemen
Roy A. Bateman, City Secretary

(S E A L)

SIDNEY L. SAMUELS
JESSE M. BROWN
A. M. HERMAN
WILLIAM M. BROWN
JOHN M. SCOTT
ARDELL M. YOUNG
RICHARD E. MILES
LOUIS M. SUITER

SAMUELS, BROWN, HERMAN & SCOTT
ATTORNEYS AND COUNSELORS AT LAW
12TH FLOOR ELECTRIC BUILDING
FORT WORTH 2, TEXAS

TELEPHONE
EDISON 2-1248

November 14, 1956

TO BE ATTACHED TO THE MINUTES
OF THE BOARD OF DIRECTORS HELD
NOVEMBER 15, 1956 AT 1:30 PM

Mr. Joe B. Hogsett
President, Board of Directors
Tarrant County Water Control and
Improvement District Number One
Danciger Building
Fort Worth, Texas

Dear Mr. Hogsett:

At the last meeting of the Board of Directors we were asked to advise the Board in writing concerning the legal authority of the District to spend funds in paying for certain coring tests at the site of the proposed dam on Cedar Creek necessary in order to complete the information upon which Freese & Nichols, Consulting Engineers to the City of Fort Worth, will be able to base their final opinion and recommendation.

Similar questions undoubtedly will arise from time to time with reference to other particular problems as they arise in connection with completing the plan for a future water supply for Tarrant County.

It is our opinion that the Board has no authority to spend money which it has obtained from past bond issues on anything except the project for which the bonds were voted. This inhibition would extend, in our opinion, to the spending of tax money obtained from the levy of taxes to service and retire our existing bonded indebtedness.

We have heretofore discussed with the Board of Directors the problem arising in connection with our need for maintenance funds, and, without going further into that problem at this time, it is sufficient to add that the Board, in our opinion, could not properly divert money from its tax-supported maintenance fund for application to any project not directly connected with maintenance of its present works.

In addition to the funds which become available to the Water District from tax sources, the Board also realizes revenue from other sources, such as lease rentals, delay rentals,

Mr. Joe B. Hogsett
President, Board of Directors

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November 14, 1956

royalties, and the like. These funds, in our opinion, can be used by the Water Board to defray expenses arising in connection with the general conduct of the District's business. For example, we think it would be proper for the Board, from this fund, to employ special assistants to preserve and protect the water permits which the District now holds from the State Board of Water Engineers, or to help protect the rights of the District against possible encroaching applications. From the very nature of the non-tax revenues available, however, the Board is limited in the amounts that can be thus expended.

So far as concerns the expenditure of any substantial sums of money in making feasibility studies for contemplated projects, the statute permits the Board to vote preliminary bonds. This, of course, would require an election and affirmative vote of the taxpayers in the District.

Trusting that the foregoing summary will answer the questions you had in mind, we are

Yours very truly,

SAMUELS, BROWN, HERMAN & SCOTT

By:


WILLIAM M. BROWN

WMB:cp