

MINUTES OF A MEETING OF THE BOARD OF DIRECTORS OF
TARRANT COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NUMBER ONE
HELD ON THE 15TH DAY OF JANUARY, 1973 AT 4:00 P. M.

- - - - -

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

PRESENT

Wayne E. Newton
Clyde A. Penry
Paul W. Mason
J. Oliver Shannon
C. Victor Thornton

Also present were Messrs. Joe B. Hogsett, Honorary Chairman of the
Board of Directors and Ben Hickey, General Manager of the District.

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

1.

On motion duly made and seconded, the minutes of the
meeting held December 12, 1972 were read and approved by the
Directors and it was accordingly ordered that such minutes be
placed in the permanent files of the District.

2.

On motion of Director Penry, seconded by Director Mason
voucher-checks #3145 thru #3152 inclusive, Construction Fund;
voucher-checks #12327 thru #12474 inclusive, Maintenance Fund;
voucher-checks #3129 thru #3153 inclusive, Revenue Fund; voucher-checks
#3813 thru #3831 inclusive, Cedar Creek Construction Fund were approved
and ordered paid. All Directors voted aye thereon.

President Newton stated that he had requested Director Clyde A. Penry to prepare a Testimonial to the memory of Director Edward Hudson, deceased, and called upon Director Penry who presented the following Testimonial, to wit:

A TESTIMONIAL

To the memory of our esteemed friend and associate Edward R. Hudson who became a Director of Tarrant County Water Control and Improvement District Number One in 1965 and served until the time of his death on November 25, 1972 at which time he was Secretary of the Board.

During the period of his service many major projects of our Water District became a reality, some of which are: The commencing of construction of the pipeline from Cedar Creek Reservoir which will make our water supply available to all of Tarrant County: The completion of our floodway system including improvements to Eagle Mountain and Bridgeport lakes which gives protection to our lives and property: The construction of our new headquarters building, and the development of a highly competent administrative and operational organization. He participated in all of these and his wise counsel and sound judgment contributed substantially to their culmination.

He had many high attainments in business and community activities and his work in these was characterized by the same quiet unassuming devotion to duty as in his service on our Water Board. He was truly one of our outstanding citizens. Our community is a better place because of his good works.

It was an inspiration to work with him, and we will miss him, but the memory of his friendship and his high ideals will live on with us.

Signed on this 15th day of January, 1973.

WAYNE E. NEWTON
ROBERT M. DOBY
EUGENE FRUHWIRTH

BEN F. HICKEY
JOE B. HOGSETT
CLYDE A. PENRY
PAUL W. MASON

JOHN M. SCOTT
OLIVER SHANNON
C. VICTOR THORNTON

Following the presentation of the Testimonial, it was the unanimous opinion of the Directors, and their order, that a copy of this memorial be spread on the minutes of the District, and a copy of same be forwarded to Mrs. Hudson.

4.

There was laid before the Directors the official returns of the election for two (2) Directors held in the District on January 9, 1973, to determine who should be chosen to serve as Directors to succeed the expiring terms of J. Oliver Shannon and Paul W. Mason. Thereupon the Directors, as a Committee of the Whole, publicly opened, examined and did canvas the returns thereof. From the tabulation the Directors did find and declare that the following named candidates at such election received total votes as follows:

OUT OF THE 1,201 VOTES CAST IN SAID ELECTION:

J. O. (Oliver) Shannon	Received	872 Votes
Paul Mason	Received	969 Votes
C. F. Bedford	Received	451 votes
J. Edward Hamilton	Received	1 Vote
A. K. Brown	Received	1 Vote
George Hill	Received	1 Vote
Barry G. Johnson	Received	2 Votes
H. B. Fuqua	Received	1 Vote

Therefore, it was declared by the Board of Directors of Tarrant County Water Control and Improvement District Number One, that Messrs. Mason and Shannon were duly elected at said election as Directors to serve the District for the period of two (2) years from the date of their qualification and until their successors may be duly elected and qualified.

5.

Immediately upon the canvassing of the election returns and the declaration by the Board of the result of said election, there were presented to the Board the Statutory Oaths of Office and Bonds of Paul W. Mason and J. Oliver Shannon, which had been properly executed as required by the law.

Upon examination of said instruments, and having advice of Counsel, that they were in legal form, it was the unanimous opinion of the Board of Directors, and their order, that the bonds of each of the said Director (Mason and Shannon) be received and approved as good and sufficient and that Paul W. Mason and J. Oliver Shannon, having been elected and chosen by the voters aforesaid, be and they were hereby recognized, constituted and established to serve as Directors for the term hereinbefore designated; further, that the bonds be recorded in the official bond records of Tarrant County, and that thereafter they be preserved as records of this District in a manner conforming to the law. Further, that the said election returns be filed as required by the law governing such matters.

6.

President Newton stated that it was now in order to select officers for the District to serve for the ensuing year; whereupon Director Mason moved, seconded by Director Thornton, that the officers to serve the District for the ensuing year be, as follows: For President Wayne E. Newton; for Vice-President, Clyde A. Penry; and for Secretary, J. O. (Oliver) Shannon, Sr., Upon a vote being taken all Directors voted for the motion and it was so

ordered; whereon Director Penry stated that he would offer another motion, that in recognition of the dedication, long faithful service and respect for Mr. Joe B. Hogsett, that he (Mr. Hogsett) be re-recognized as Honorary Chairman of the Board of Directors. This motion was seconded by Director Mason and enthusiastically voted aye by all present.

7.

It was the unanimous vote of the Directors, and their order, that Mr. Wayne E. Newton, President of the Board, should act for the District, as Custodian of Collateral Securities delivered to the District by the District's Depository, as pledge in lieu of other Bonds to secure deposits of this District, as set out in the executed "Depository Bond and Contract for Pledge of Collateral Security," between the Depository and the District.

It was also unanimously resolved and carried that in the event of the inability of Mr. Wayne E. Newton to serve, or should he be absent from the City at any such time, Mr. Clyde A. Penry and/or Mr. Paul W. Mason, Directors of the Board, should be an alternate, and act in his stead.

8.

Mr. Ben Hickey presented to the Directors, an itemized account of the cash received from the Check #12379, dated January 4, 1973, issued by the District, in the amount of \$2,100.00 for the estimated payment of expenses, for election of Two (2) Directors held on January 9, 1973. Mr. Hickey explained that \$1,778.00 was used in payment of Judges, Clerks, Helpers, etc., holding the

election. It was the unanimous decision of the Directors that the cash balance of \$322.00 be deposited to the account of the Maintenance Fund, and it was so ordered.

9.

The following letter was presented to the Directors, to wit:

Mr. R. M. Doby
Tarrant County Water Control and
Improvement District Number One
P. O. Box 4508
Fort Worth, Texas 76106

RE: Lone Star Gas Company Claim

Dear Mr. Doby:

We have reviewed the claim submitted by Lone Star Gas Company for damages and loss of gas as a result of the District's contractor breaking their 12-inch line near Saginaw on August 29, 1972.

We do not disagree with the charges for labor, equipment and materials but we do have some question concerning the amount of gas that was lost as the result of this accident.

The damaged line was inter-connected with other parallel lines serving Fort Worth and Texas Electric Service Company and apparently the meters were not situated such that a direct reading of the actual amount of gas loss could be determined. The estimate of gas loss is further complicated by the fact that the break was fed in two directions due to the inter-connection of parallel lines. For these reasons the Gas Company calculated the amount of gas loss on the basis of theoretical formulas which are reasonably accurate but are for general application and may or may not be exact in a particular instance due to other variables which are not taken into account by the formula.

The company has estimated that approximately 16 million cubic feet of gas was lost during the 30 minute period before the line was shut down. This is a theoretical figure at best and we think the District should be given the benefit of the doubt and that a lesser amount should be agreed upon by the two parties. It would seem to us that a gas loss of 10 million cubic feet while admittedly conservative would be a reasonable figure to assume for the purpose of determining the amount of damage to the Gas Company.

We have been advised by Mr. David R. Lofland of Lone Star that the value of gas at the point of the loss is 42.8¢ per 1,000 cubic feet. We have no reason to question this figure and have used it for the purpose of

our computations.

We recommend that the District settle the claim with Lone Star on the following basis:

Labor and Equipment	\$	401.73
Materials		57.27
Gas Loss		<u>4,280.00</u>
Total	\$	4,739.00

We will be pleased to assist the District in further negotiations if Lone Star is unwilling to settle on the basis of \$4,739.00.

Yours very truly,

FREESE, NICHOLS AND ENDRESS

/s/ James R. Nichols

James R. Nichols, P.E.

Following the reading of the above letter from District's Consulting Engineers, Mr. Ben Hickey, General Manager, reviewed the circumstances stating in substance that District's forces were digging a drainage ditch, on District property, and did rapture a 12 inch gasline owned and legally placed by Lone Star on District property, causing the estimated loss to Lone Star as shown; whereon Director Mason made a motion seconded by Director Shannon and unanimously passed, that the General Manager and Counsel for the District be now authorized to negotiate a settlement of the claim of Lone Star Gas Company for damages caused by District.

10.

President Newton exhibited a check payable to Mrs. Alma Bintliff, representing the amount due her, from the District's Pension and Death Benefit Fund, as beneficiary and widow of B. W. Bintliff, deceased, longtime employee of the District; and also exhibited were

various memoriums and articles relating to the many excellent attributes of Mr. Bintliff.

President Newton requested, receiving unanimous approval, that a letter be addressed to Mrs. Bintliff expressing their sorrow in her loss of a beloved husband and the District's loss of an employee who gave unselfishly of his time and talents for 37 years to the District.

11.

Following a general discussion it was the unanimous opinion of the Directors, and their order, until further notice, that a regular date and time for meetings of the Board of Directors be now established as either or both the second (2nd) and fourth (4th) Tuesdays of each month beginning at 4:00 P. M. The above dates and time to be in addition to those meeting dates, as required by the law governing the District, on the first (1st) Monday of February, May, August and November at 10:00 A. M.

12.

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

Secretary

President