

MINUTES OF A MEETING OF THE BOARD OF DIRECTORS OF
TARRANT COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NUMBER ONE
HELD ON THE 21ST DAY OF JANUARY, 1975 AT 4:00 P.M.

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

| <u>PRESENT</u> | <u>ABSENT</u> |
|--------------------|----------------|
| Wayne E. Newton | Clyde A. Penry |
| J. Oliver Shannon | |
| Paul W. Mason | |
| C. Victor Thornton | |

Also present were Messrs. Joe B. Hogsett, Honorary Chairman of the Board of Directors; John M. Scott, General Counsel for the District 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 18, 1974 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 Mason, seconded by Director Shannon, voucher-checks #15434 thru #15561 inclusive, Maintenance Fund, in the amount of \$371,917.93; voucher-checks #4030 thru #4078 inclusive, Revenue Fund, in the amount of \$271,504.76; voucher-checks #3338 thru #3342 inclusive, Construction Fund, in the amount of \$3,400.25; voucher-checks #470 thru #473 inclusive, Interest and Sinking Fund,

in the amount of \$967,352.13; and voucher-checks #4156 thru #4159 inclusive, Cedar Creek Construction Fund, in the amount of \$6,195.84 were approved and ordered paid.

3.

There was laid before the Directors the official returns of the Election for two (2) Directors held in the District on January 14, 1975, to determine who should be chosen to serve as Directors to succeed the expiring terms of J. Oliver Shannon, Sr. 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 1,291 VOTES CAST IN SAID ELECTION:

| | | |
|------------------------|----------|-------------|
| Jack A Sellers | Received | 97 Votes |
| Harry W. Baer | Received | 79 Votes |
| J. Oliver Shannon, Sr. | Received | 1,056 Votes |
| Paul W. Mason | Received | 987 Votes |
| Robert J. Carpenter | Received | 143 Votes |
| James L. Cody | Received | 78 Votes |
| David Bardwell Green | Received | 23 Votes |
| Howard G. Ray | Received | 1 Vote |
| Garfield Thompson | Received | 2 Votes |
| Bill Ray | Received | 1 Vote |
| Comer Clay | Received | 1 Vote |
| Floyd Durham | Received | 1 Vote |
| Timothy S. Stewart | Received | 2 Votes |

Therefore, it was declared by the Board of Directors of Tarrant County Water Control and Improvement District Number One, that Messrs. Shannon and Mason 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.

4.

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 J. Oliver Shannon, Jr. and Paul W. Mason, 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 (Shannon and Mason) be received and approved as good and sufficient and that J. Oliver Shannon, Sr. and Paul W. Mason 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.

5.

President Newton stated that it was now in order to select officers for the District to serve for the ensuing year; whereupon Director Thornton moved, seconded by Director Mason, 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; for Secretary, J. Oliver Shannon. Upon a vote being taken all Directors

voted for the motion and it was so ordered; also unanimously ordered that Director Paul Mason be Secretary Pro-Tem; whereon Director Mason 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 has seconded by Director Shannon and enthusiastically voted aye by all present.

6.

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. J. Oliver Shannon, Directors of the Board, should be an alternate, and act in his stead.

7.

President Newton stated that he would now appoint Committees for the ensuing year to be as follows:

LAND MATTERS

Clyde A. Penry
J. Oliver Shannon

LEGAL AND FINANCIAL

Paul W. Mason
C. Victor Thornton

ENGINEERING AND CONTRACTS

C. Victor Thornton
Paul W. Mason

OFFICE ORGANIZATION AND PERSONNEL

Wayne E. Newton
Clyde A. Penry

MAINTENANCE AND OPERATION

Clyde A. Penry
C. Victor Thornton

These Committees, with the assistance and advice of the General Manager and General Counsel for the District, shall be charged with the study of activities pertaining to their designated duties.

8.

Mr. Ben Hickey presented to the Directors, an itemized account of the cash received from the Check No. 15602, dated January 13, 1975, issued by the District, in the amount of \$2100.00 for the estimated payment of expenses, for election of Two (2) Directors held on January 14, 1975. Mr. Hickey explained that \$1,895.28 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 \$204.72 be deposited to the account of the Maintenance Fund, and it was so ordered.

8.

Management of the District presented a large scale map outlining the boundaries of a 10,000 acre ± ranch located in Jack County, Texas, owned by Mr. Joe Durham et ux. In a detailed review of the matter of the District's proposed acquisition of approximately (a) 145 acres ± that will ^{be} /subject to inundation by the raising of the Bridgeport Reservoir Dam, and conservation pool to elevation 836 mean sea level; (b) an intermittant flood flowage easement to elevation 850 feet mean sea level - all of the above more particularly described by a metes and bounds description filed in District permanent records. Following a lengthy discussion of the matter, in which was brought out that Mr. Durham had, for the past two (2) years of negotiations, held firm in his offer to accept \$67,574.00 from the District in return for the necessary easements and damages; however, management now stated that District forces had now acquired a bridge that could be dismantled and relocated on the Durham property by District employees that would alleviate some of the damages claimed by Mr. Durham. Management further stated that an offer of \$22,213.00 in cash, plus the installation of the bridge by District forces, had been offered Mr. Durham in return for all easement rights required by the District and a release of any and all damage claims of any nature against the District; whereon with the recommendation of management, Director Thornton made a motion, seconded by Director Mason and unanimously approved, that upon execution of all necessary instruments to be prepared by General Counsel for the District, \$22,213.00 be paid Mr. Joe Durham and that the bridge be placed on

the Durham property as heretofore agreed upon.

9.

Management of the District, during a lengthy review of the District's plans for a future raw water supply, recommended that prompt action be taken relating to:

- (a) Application No. 2059 filed with the Texas Water Rights Commission (Richland Permit) heretofore granted but not issued; and
- (b) the Permit Application filed by the District on January 18, 1966 for Tehuacana Creek as described in said Application and also as heretofore filed in Presentation No. 1439 and as acknowledged in a letter to the District from Texas Water Rights Commission dated January 21, 1966.

Following a discussion, Director Thornton made a motion, seconded by Director Mason and unanimously approved, that Management and Counsel of the District be now authorized and directed to do all things necessary:

- (1) to have a Permit issued in accordance with the granting heretofore of Application No. 2059 (Richland);
- (2) for the District to proceed with the processing of the Tehuacana Creek Reservoir application hereinabove described and presented to the Texas Water Rights Commission.

10.

Management recommended to the Directors that an increase of one hundred (\$100.00) Dollars per month be given to the law firm of Brown, Herman, Scott, Dean and Miles for their basic retainer fee, citing increased cost of the law firm in conducting their business and the District's every increasing request for legal services. It was the unanimous opinion of the Directors, and their order, that the increase be approved.

11.

Following a lengthy review, by management, of general flood control conditions within the District, the matter of the Lake Worth Dam, as reported in the October, 1974 Report of Assistant Manager Gene Fruhwirth, was discussed at length following which Director Mason made a motion, seconded by Director Thornton and unanimously approved, that an opinion from Counsel for the District be provided, relating to the maintenance of the Lake Worth Dam, at the earliest possible date.

12.

The Directors were presented the Monthly Financial Report, regarding Receipts and Disbursements for Program "A", "B" and "D" and Cedar Creek Project for the month of November, 1974, from the Auditor of the District, which was ordered accepted and placed in the permanent files of the District.

13.

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

J. Ernest Harrison
Secretary

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Wayne E. Newton
President

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