

MINUTES OF A MEETING OF THE BOARD OF DIRECTORS OF
TARRANT COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NUMBER ONE
HELD ON THE 22ND DAY OF APRIL, 1981 at 9:00 A. M.

- - - - -

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

<u>PRESENT</u>	<u>ABSENT</u>
Wayne E. Newton	C. Victor Thornton
Robert D. Alexander	
Preston M. Geren, Jr.	
Burford I. King.	

Also present was Mr. Ben Hickey, General Manager of the District.

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

1.

On motion duly made and seconded, and with assurance
from management that all requirements of law relating to the "open
meeting" law had been met, the minutes of the meeting held April
8, 1981 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.

Director Alexander moved and the motion was seconded by
Director King and unanimously approved that the following list of
vouchers be approved and paid:

GENERAL FUND: Voucher-checks #25644 thru #25782
inclusive, in the amount of \$593,601.91.

REVENUE FUND: Voucher-checks #8790 thru #8871 inclusive, in the amount of \$884,519.15.

DEBT SERVICE: Voucher-checks #714 thru #716 inclusive, in the amount of \$1,718.40.

CEDAR CREEK PROJECT - CONSTRUCTION FUND: Voucher-checks #4759 thru #4760, inclusive, in the amount of \$11,852.99.

RICHLAND-CHAMBERS PROJECT - CONSTRUCTION FUND: Voucher-checks #742 thru #747 inclusive, and #152 thru #183 inclusive, in the amount of \$9,589,408.641.

CAPITAL PROJECTS: Voucher-check #3715 in the amount of \$200,000.00; also included the approval for payment was the amount of \$2,102.85 from the Revenue Fund, to Brown, Herman, Scott, Dean and Miles for services rendered in Cause #30.074, Walter Legg, Jr. vs. Tarrant County Water Control and Improvement District Number One Cedar Creek Reservoir.

3.

Mr. Ben Hickey, General Manager of the District, requested authority for the District to enter into Contract for the purchase of the following described tracts of land required for Program E - Richland Creek Project, on the following basis for payment, to wit:

- (a) Tract No. 81 - 14.02 acres in fee @ \$600.00 per acre from Charlie J. Folmer and Rexie Lee Folmer, Navarro County, Texas - Richland Project.
- (b) Tract No. 82 - 14.02 acres in fee @ \$600.00 per acre from Patricia Jane Johnson, Navarro County, Texas - Richland Project.
- (c) Tract No. 83 - 14.02 acres in fee @ \$600.00 per acre from Haxel Burleson Clark, Navarro County, Texas - Richland Project.

- (d) Tract No. 84 - 14.02 acres in fee @ \$600.00 per acre from V. P. Burleson, Navarro County, Texas - Richland Project.
- (e) Tract No. 85 - 14.02 acres in fee @ \$600.00 per acre from Bettie Burleson Palms, Navarro County, Texas - Richland Project.
- (f) Tract No. 86 - 173.29 acres in fee @ \$600.00 from J. D. Burleson, Navarro County, Texas - Richland Project.

Following a detailed presentation of the tracts, and upon recommendation of management of the District, Director Geren moved, seconded by Director Alexander, that the District be now authorized to enter into contract for the purchase of the above described tracts and on the basis as shown. This meeting with the approval of all Directors present it was so ordered.

4.

President Newton stated that at the last meeting of the Directors management had been instructed to discontinue all retainer agreements for services, effective May 1, 1981; and that future services be approved by the Directors after consideration of recommendations of management; whereon Mr. Ben Hickey, General Manager, reported that those firms (Legal) having retainer agreements with the District had been contacted and that management of the District would now recommend the following agreements to be approved, to wit:

- 1) Brown, Herman, Scott, Dean and Miles - Tarrant County, et al - "elected to not represent the District after May 1, 1981."
- 2) Pope, Hardwicke, Christie and Rehfeldt - Fort Worth - "Continue to represent the District at an hourly rate of \$100.00 per hour."
- 3) Sewell and Forbis - Wise and Jack Counties - "Continue to represent the District at \$75.00 per hour."

- 4) Life and Bolding - Henderson and Kaufman Counties - "Continue to represent the District on an hourly basis at \$_____ per hour."
- 5) Booth, Lloyd and Simmons - Austin - SPECIAL - Arlington vs District - "Continue to represent District @ \$125.00 per hour."
- 6) Smith, Ralston and Russell - Navarro, Freestone, Henderson and Kaufman Counties - "Continue to represent the District on following basis, to wit:

April 20, 1981

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

Dear Mr. Hickey:

Pursuant to our conference on Friday, April 17, 1981, the following represents our proposal relative to attorney's fees concerning representation of the Tarrant County Water Control and Improvement District Number One.

- a) Retainer: None.
- b) Our Per Hour Rate: \$75.00 per hour.
- c) Title Work And Closing Of Real Estate Acquisitions:

This firm has negotiated with the Title Company to be paid a percentage (generally 40%) of the Title Policy premiums to do the actual Title search. The Title Policy premiums usually paid by the Seller, and the above procedure is the standard for attorneys doing title work not only in our area but in the State of Texas.

In situations where the time spent on the actual title search exceeds the amount paid by the Title Company, the Water District would be billed for the difference at the hourly rate. This is because in some situations involving small tracts, it may require 2 to 3 hours spent on the title search, and the amount paid from the Policy premium might only cover 1/2 to 1 hour of the said time spent.

Additionally, the time expended in the actual closing of the real estate transaction including the acquisition of tax receipts, dealing with the taxing authorities, and preparation of Deeds, Releases, and other necessary instruments would be billed to the District based on our per hour rate.

- d) Trial Time And/Or Condemnation Proceedings: All time spent in trial and/or condemnation proceedings would be billed at the above set forth hourly rate.

The foregoing is an attempt to be fair to the Water District, and at the same time reasonably compensate this firm.

We certainly have enjoyed our dealings with the Water District and its personnel, and look forward to working for you in the future.

If you have any questions, and/or suggestions, please do not hesitate to let me know.

With best regards, I am

Respectfully yours,

/s/ Jack K. Smith

Following a detailed review of above recommended use of legal representation, when required and on the basis of payment as shown, without retainer, Director Alexander moved, seconded by Director Geren and unanimously approved, that the above listed recommendations of management be approved.

5.

A general discussion was held re the scheduling of meetings for the five (5) Committees heretofore appointed by the President of the Board of Directors; and it was the consensus of opinion, and recommendation to President Newton, that the Committees as such be now discontinued and a policy be now adopted whereby a "Director Advisor" for certain functions of the District would be appointed by the President, to counsel with the General Manager, when requested to study matters pertaining to their assigned activities; whereon President Newton appointed the following, to wit:

Director Alexander re Land Matters; Director Geren re Audit; Director Thornton re Engineering/Contracts; Director King re Maintenance/Operations and Director Newton re Organization/Personnel.

6.

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

R. J. Seymour
Secretary

Wayne E. Newton
President