

MINUTES OF  
REGULAR MEETING  
OCTOBER 1, 2008

STATE OF TEXAS           §

COUNTY OF NUECES       §

On the 1st day of October, 2008, the Board of Directors for the Nueces County Water Control & Improvement District No. 4 convened at 5:00 p.m. in a Regular Meeting at the District Office, 315 South 9th Street, Port Aransas, Texas, there being present and in attendance the following to wit:

	President	Russ Miget
	Vice President	Marc Teller
	Secretary	Joan Holt
	Director	Ed Reed
Absent:	Secretary Pro-Tem	Suzette Freeman
Staff:	Manager	Mark Young
	Engineer	Jim Urban
	Attorney	Charles Zahn
	Finance Director	Denise Fox

The meeting was called to order at the scheduled hour by the presiding officer, Mr. Miget, pursuant to notice posted.

**Minutes**                   A motion was made by Mr. Reed and seconded by Mr. Teller to approve the minutes for the August 26th, 2008 meeting. The motion carried unanimously. (The minutes were mailed to each director prior to the meeting.)

**Fire Equip.**               Mr. Reed made a motion to approve the Fire Equipment Maintenance  
**Maintenance** Contract with the City of Port Aransas and authorize the District Manager to execute the document. The motion carried unanimously with a second by Mr. Teller. (This contract is on file in the District's Office.)

**TRWA**                   Mrs. Holt made a motion to authorize the District Manager to sign a  
**Mutual** Mutual Aid Contract with the Texas Rural Water Association. The motion carried  
**Contract** unanimously with a second from Mr. Teller.

**Bulk**                   Mr. Young presented a review of the Harbor Island Bulk Water  
**Water** contracts for their annual renewal. Mr. Reed made a motion to approve the contracts  
**Contracts** as presented and authorized execution by the District Manager. Mr. Teller seconded the motion and it carried unanimously. (These contracts are on file in the District's Office.)


<b>Tank Maintenance Bid</b>	Mr. Young Presented the bid tabulation for the Mustang Ground Storage Tank received and opened as advertised on September 23 <sup>rd</sup> , 2008. Mr. Urban recommended the low bid of \$466,126.00 by N.G. Painting. After discussion, Mr. Reed made a motion to award the bid as recommended and authorize the District Manager to execute the contract. Mr. Teller seconded the motion and it carried unanimously. (This contract is on file in the District's Office.)
<b>Attorney Contract</b>	A motion was made by Mr. Reed and seconded by Mr. Teller to approve a one-year renewal of the employment contract between the District and Attorney Charles Zahn and authorized the District Manager to execute the agreement. The motion carried unanimously. (This contract is on file in the District's office.)
<b>Corpus Christi Water Rates</b>	Mr. Young presented an interim water rate agreement with the City of Corpus Christi. After discussion, Mr. Reed made a motion to authorize the District Manager to execute the agreement. The motion was seconded by Mr. Teller and carried unanimously.
<b>Easement Resolution</b>	Mr. Young presented a resolution establishing criteria for easements. After discussion, Mr. Reed made a motion to adopt the resolution. The motion was seconded by Mr. Teller and carried unanimously. This resolution is attached and becomes a permanent part of the Policy Book.
<b>Personnel Policy</b>	Mr. Young presented the amended Personnel Policy to the Board. After discussion, Mr. Reed made a motion to approve the Personnel Policy. Mr. Teller seconded the motion and it carried unanimously. A copy is attached and becomes a permanent part of the Policy Book.
<b>Amend Rate Schedule</b>	The proposed Resolution and Order Amending the Rate Schedule was presented for review. After discussion, Mr. Reed made a motion to approve the Resolution and Order to increase the water and sewer rates. Mr. Teller seconded the motion and it carried unanimously. (A copy of the Resolution and Order is attached and becomes a permanent part of these minutes.)
<b>2008-2009 Budget &amp; Financial Reports</b>	Mr. Young presented the projected year-end along with the proposed 2008-2009 Budget. After review and discussion, Mr. Reed made a motion to accept the financial reports and approve the General Operating Budget as presented. Mr. Teller seconded the motion and it carried unanimously. (A copy of the budget and financial reports are on file in the District's office.)
<b>Engineer's Report</b>	No report given.
<b>Manager's Report</b>	Mr. Young reported on maintenance and operations of the District. (A copy of this report is on file in the District's office.)

As there was no further business to come before the Board, a motion was duly made and seconded to adjourn.

NUECES COUNTY WATER CONTROL  
& IMPROVEMENT DISTRICT NO. 4

ATTEST:

  
\_\_\_\_\_  
Joan Holt, Secretary

  
\_\_\_\_\_  
Russ Miget, President

NUECES COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 4  
RESOLUTION AND ORDER  
AMENDING THE RATE SCHEDULE

On the 1st day of October, 2008 the Board of Directors of the Nueces County Water Control & Improvement District No. 4, convened in a Regular Meeting being open to the public at the regular meeting place thereof in said District, with the following members of the Board present:

<u>Russ Miget</u>	<u>President</u>
<u>Marc Teller</u>	<u>Vice- President</u>
<u>Joan Holt</u>	<u>Secretary</u>
<u>Suzette Freeman</u>	<u>Secretary Pro-tem</u> (absent)
<u>Ed Reed</u>	<u>Director</u>

The President of the Board presented an order amending the Nueces County Water Control and Improvement District No. 4 Rate Schedule. Minutes of the October 1st, 2008 meeting will reflect the amended rates. Therefore, the Board of Directors organized a resolution to legally establish the amended rates.

The resolution and order was read in full and, after a full discussion thereof, Mr. Ed Reed made a motion that it be adopted. The motion was seconded by Mr. Marc Teller. The motion, carrying with it the adoption of the resolution and order, prevailed by the following vote:

Ayes: 4  
Nayes: -0-

The President then declared the resolution and order finally passed and adopted. The resolution and order is as follows;

BE IT ORDERED, by the Board of Directors of the Nueces County Water Control & Improvement District No. 4, that the Rate Schedule is amended as listed on the attached schedule and is effective after publication.

Passed and approved by the Board of Directors of the Nueces County Water Control & Improvement District No. 4 on the 1st day of October, 2008.

ATTEST:

Joan Holt  
Joan Holt, Secretary

Russ Miget  
Russ Miget, President

NUECES COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 4  
R A T E   S C H E D U L E

<u>Meter Size</u>	<u>WATER RATES *</u>		<u>Taps</u> <sup>*2,3</sup>
	<u>Minimum</u>	<u>SWO Fee</u> <sup>*1</sup>	
3/4	14.75	25.00	925.00
1"	34.25	25.00	1,125.00
1&1/2	68.50	35.00	2,250.00 <sup>*4</sup>
2"	137.00	35.00	2,500.00 <sup>*4</sup>
3"	270.75	35.00	3,000.00 <sup>*4</sup>
4"	541.50	35.00	3,000.00 <sup>*4</sup>
6"	845.00	35.00	3,000.00 <sup>*4</sup>

- PLUS**    \$3.50 for each 1,000 gallons over the minimum of 3,000 gallons.
- <sup>\*1</sup> Charge is doubled for service work orders after business hours, weekends and holidays. Delinquent service work orders have a \$5.00 surcharge and unauthorized connections have a \$40.00 surcharge.
  - <sup>\*2</sup> Plus Capital Impact Fees if applicable. If street crossing is required, boring is \$400.00, repaving a large street cut is \$1,000, medium is \$800 and a small is \$500.
  - <sup>\*3</sup> Special taps (deep sewer lines, large water lines, taps with by-pass, or taps with special street crossing requirements) are usually contracted and will be billed at cost.
  - <sup>\*4</sup> Minimum charge. Final charge will be based on actual cost of the installation and cost over minimum will be invoiced to the customer.

**CONSTRUCTION METERS**    (3" firehydrant meter) - \$5.50 for each 1,000 gallons over the minimum of 3,000 gallons. A security deposit of at least \$1,100.00 is required, which includes \$100.00 for the fire hydrant.

**FIRE LINE**    \$30.00 – to monitor the connection between the fire line and the fire protection system for the structure.

**WATER SERVICE INSPECTION**    \$60.00

W A S T E W A T E R    R A T E S

**SEWER TAPS**<sup>\*2,3</sup>    \$1,500.00

**SINGLE FAMILY RESIDENCE**    \$14.75 minimum    **PLUS**    \$2.35 for each 1,000 gallons over 3,000 gallons with a maximum charge for 10,000 gallons.

**ALL OTHERS**    \$27.70 minimum    **PLUS**    \$2.35 for each 1,000 gallons over 3,000 gallons with no maximum charge. Contracted (out of District) rate is \$5.15 per 1,000 gallons.

**RESOLUTION ESTABLISHING CRITERIA FOR THE DEDICATION OF  
LINES AND CONVEYANCE OF EASEMENTS FROM THE DEVELOPERS OF  
REAL PROPERTY WITHIN THE GEOGRAPHIC BOUNDARIES OF THE  
NUECES COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 4**

WHEREAS, the Nueces County Water Control and Improvement District No. 4 is a water control and improvement district and political subdivision of the State of Texas organized and existing pursuant to Article XVI, Chapter 59 of the Texas Constitution, hereinafter referred to as the "District"; and,

WHEREAS, the District provides a fresh supply of potable water to and collects, transmits and treats wastewater from, the owners of lands within the District; and,

WHEREAS, the District requires that the developers of properties within the boundaries install the pipelines with necessary fittings and subsurface appurtenances thereto for the transportation of water and sewage, for municipal, domestic, agricultural, industrial or any other useful purposes within the property or properties being developed; and,

WHEREAS the District requires that the developers of properties within the boundaries of the District dedicate to the District the pipelines with necessary fittings and subsurface appurtenances thereto for the transportation of water and sewage, for municipal, domestic, agricultural, industrial or any other useful purposes installed by the developer within the property or properties being developed; and,

WHEREAS, the District requires that the developers of properties within the boundaries of the District who install pipelines with necessary fittings and subsurface appurtenances thereto for the transportation of water and sewage within the property or properties being developed grant, dedicate and convey unto the District, its successors, assigns and legal representatives the permanent, unlimited, free and uninterrupted use, liberty, privilege, right-of-way and easement in, on, upon, over, along, across, under and through the property or properties being developed; and,

WHEREAS, the District requires that the developers of properties within the boundaries of the District dedicate the pipelines with necessary fittings and subsurface appurtenances thereto for the transportation of water and sewage within the property or properties being developed along with an easement or easements for the purpose of laying, constructing, repairing, inspecting, maintaining, altering, operating, replacing, relocating and removing said pipeline or pipelines; and,

WHEREAS, the District desires to establish the rules and regulations for the dedication of the pipelines with necessary fittings and subsurface appurtenances thereto for the transportation of water and sewage within the property or properties being developed along with an easement or easements for the purpose of laying, constructing, repairing, inspecting, maintaining, altering, operating, replacing, relocating and removing said pipeline or pipelines.

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NOW, THEREFORE, BE IT ORDAINED BY THE NUECES COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 4 THAT FROM AND AFTER THE DATE OF THE ADOPTION OF THIS RESOLUTION THAT:

1. The developers of properties within the boundaries of the District shall install the pipelines with necessary fittings and subsurface appurtenances thereto necessary for the transportation of water and sewage, for municipal, domestic, agricultural, industrial or any other useful purposes within the property or properties being developed.

2. The developers of properties within the boundaries of the District shall dedicate to the District the pipelines with necessary fittings and subsurface appurtenances thereto for the transportation of water and sewage, for municipal, domestic, agricultural, industrial or any other useful purposes installed by the developer within the property or properties being developed.

3. The developers of properties within the boundaries of the District who install pipelines with necessary fittings and subsurface appurtenances thereto for the transportation of water and sewage within the property or properties being developed shall grant, dedicate and convey unto the District, its successors, assigns and legal representatives the permanent, unlimited, free and uninterrupted use, liberty, privilege, right-of-way and easement in, on, upon, over, along, across, under and through the property or properties being developed.

4. The developers of properties within the boundaries of the District shall dedicate the pipelines with necessary fittings and subsurface appurtenances thereto for the transportation of water and sewage within the property or properties being developed along with an easement or easements for the purpose of laying, constructing, repairing, inspecting, maintaining, altering, operating, replacing, relocating and removing said pipeline or pipelines.

5. That the District shall have all other rights and benefits necessary or convenient for the full enjoyment or use of the rights herein granted, including, but without limiting the same to, the free and full right of ingress or egress on, over and across said right-of-ways and easements and the right from time to time without liability for damages to remove from said permanent easements all obstructions that may injure, endanger or interfere with the maintaining, servicing, repairing, constructing, removing and inspecting of any pipeline or lines, including the right to cut through or remove such portion of any paving, planted area or other surface improvement within the easement areas as in the sole discretion of the District is necessary to exercise all or any of the rights hereby granted to the District.

6. The District accepts the grant, conveyance and dedication of the pipelines with necessary fittings and subsurface appurtenances thereto for the transportation of water and sewage within the property or properties being developed with the understanding that developer and owner of said property or properties, its legal representatives, successors and assigns, shall not be restricted (except as herein provided) with respect to the use of

the surface of the described property, provided, however, that no building or permanent structure (which term shall not include, road surfacing, culverts, gutters, parking lots and sidewalks and landscaping installed with materials other than concrete) may be constructed thereon by the developer, its legal representatives, successors and assigns, and further provided that the developer covenants that it will not convey any other right-of-way, easement or conflicting rights within the area covered by this grant and conveyance (without first obtaining the written consent of the Grantee), except such rights-of way and easements for the sole purpose of providing ingress and egress to and from the developer's adjacent property, if any. Notwithstanding anything contained herein to the contrary, all road surfacing, culverts, gutters, parking lots, sidewalks and other improvements permitted to be placed on the surface as herein provided, and all grants and conveyances of any right-of-ways and easements by the developer shall conform to all applicable federal, state, municipal and governmental laws and regulations. The developer and the District, notwithstanding anything to the contrary contained herein, further agree that the District, at the developer's, or, in the event all or a portion of the land being developed is conveyed or transferred by the developer its successors and assigns, sole cost and expense, shall repair, or cause to be repaired any culverts, gutters, parking lots, driveways and other improvements placed on the surface of the easement area that is disturbed or removed by District in the exercise of the rights hereby granted the District.

7. The developer or developers of properties within the boundaries of the District may dedicate the pipelines with necessary fittings and subsurface appurtenances thereto for the transportation of water and sewage within the property or properties being developed along with an easement or easements for the purpose of laying, constructing, repairing, inspecting, maintaining, altering, operating, replacing, relocating and removing said pipeline or pipelines in a form promulgated by the attorney for the District or by a note contained on the plat for the property or properties being developed stating:

"I (name of owner of land), hereby certify that I am the owner of the lands embraced within the boundaries of the foregoing plat; that we have had said lands surveyed and subdivided as shown: that the public streets shown are dedicated to public use forever; that easements as shown are dedicated to the public use for the installation, operation and use of public utilities; that the water and sewer utilities are installed and dedicated in accordance with the Resolution Establishing Criteria for the Dedication of Lines and Conveyance of Easements from the Developers of Real Property Within the Geographic Boundaries of the Nueces County Water Control and Improvement District No. 4; and that said map was made for the purpose of description and dedication."

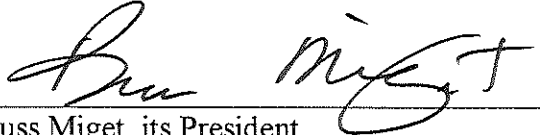
8. If any provision of this resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this resolution are declared to be severable.



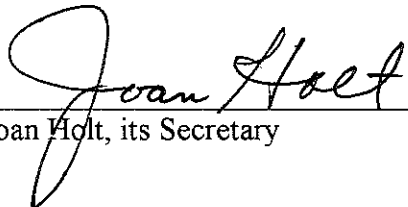
9. This resolutions shall be in full force and effect from and after its passage and approval as provided by law.

PASSED and APPROVED on the First day of October, 2008.

**NUECES COUNTY WATER CONTROL  
AND IMPROVEMENT DISTRICT NO. 4**

By   
Russ Miget, its President

Attest:

  
Joan Holt, its Secretary

**MINUTES OF  
REGULAR MEETING**

**August 26, 2008**

**STATE OF TEXAS           §**

**COUNTY OF NUECES       §**

On the 26<sup>th</sup> day of August, 2008, the Board of Directors for the Nueces County Water Control & Improvement District No. 4 convened at 5:00 pm in a Regular Meeting at the District Office, 315 South 9th Street, Port Aransas, Texas, there being present and in attendance the following to wit:

	President	Russ Miget
	Vice-President	Marc Teller
	Secretary Pro-tem	Suzette Freeman
	Director	Ed Reed
Absent:	Secretary	Joan Holt
Staff:	Manager	Mark Young
	Finance Director	Denise Fox
	Engineer	Jim Urban
	Engineering Staff	Kim Brannan
	Attorney	Charles Zahn

The meeting was called to order at the scheduled hour by the presiding officer, Mr. Miget, pursuant to notice posted.

**TCDRD**                      Roxanne Bita made a presentation on the District's Retirement Plan.

**Minutes**                      A motion was made by Mr. Reed and seconded by Mr. Teller to approve the minutes of the June 10<sup>th</sup>, June 30<sup>th</sup> and August 18<sup>th</sup>, 2008 meeting with corrections. The motion carried unanimously.

**Corpus Christi Water Rates**                      Charlie Zahn briefed the board on the Corpus Christi water rates. No action was taken.

**2008-2009 Budget**                      Mr. Young discussed the upcoming budget.

**Engineer's Report**                      Kim Brannan and Mr. Urban reported on the Master Plan.

**Financial  
Report**


Denise presented the Financial Reports through July and the Quarterly Investment Report. After review, Mr. Reed made a motion to accept the reports as presented. Mr. Teller seconded the motion and it carried unanimously. (The reports are on file in the District's office.)

**Manager's  
Report**

Mr. Young reported on maintenance and operations of the District. (A copy of this report is on file in the District's office.)

As there was no further business to come before the Board, a motion was duly made and seconded to adjourn.

NUECES COUNTY WATER CONTROL  
& IMPROVEMENT DISTRICT NO. 4

  
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Russ Miget, President

ATTEST:

  
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Joan Holt, Secretary

MINUTES OF  
SPECIAL MEETING

August 18, 2008

STATE OF TEXAS                   §

COUNTY OF NUECES           §

On the 18th day of July, 2008, the Board of Directors for the Nueces County Water Control & Improvement District No. 4 convened at 5:00 p.m. in a Regular Meeting at the District Office, 315 South 9th Street, Port Aransas, Texas, there being present and in attendance the following to wit:

	Vice President	Marc Teller
	Secretary	Joan Holt
	Secretary Pro-tem	Suzette Freeman
	Director	Ed Reed
Absent:	President	Russ Miget
Staff:	Manager	Mark Young
	Finance Director	Denise Fox
	Engineer	Jim Urban
	Attorney	Charles Zahn

The meeting was called to order at the scheduled hour by the presiding officer, Mr. Teller, pursuant to notice posted.

**Executive  
Session**

A motion was duly made and seconded to recess the meeting and reconvene in an executive session as authorized by Texas Revised Civil Statutes G.C. § 551.071 for the discussion of the following business:

- a. Consultation with Attorney regarding pending litigation
- b. Consultation with Attorney regarding possible litigation in reference to Corpus Christi water rates.

The Board recessed the executive session and reconvened the open meeting.

**Action  
Taken**


Ms. Holt made a motion, seconded by Mr. Reed, to authorize the staff to settle in accordance with the recommendation of the District's attorney. The motion carried unanimously.

Mr. Reed made a motion, seconded by Ms. Freeman, to authorize the staff to file an appeal with TCEQ on the water rate structure approved by the City of Corpus Christi. The motion carried unanimously.

As there was no further business to come before the Board, a motion was duly made and seconded to adjourn.

NUECES COUNTY WATER CONTROL  
& IMPROVEMENT DISTRICT NO. 4

ATTEST:

  
Suzette Freeman, Secretary Pro-Tem

  
Marc Teller, Vice-President

**MINUTES OF  
SPECIAL MEETING**

**JUNE 30, 2008**

**STATE OF TEXAS               §**

**COUNTY OF NUECES       §**

On the 30th day of June, 2008, the Board of Directors for the Nueces County Water Control & Improvement District No. 4 convened at 5:00 p.m. in a Regular Meeting at the District Office, 315 South 9th Street, Port Aransas, Texas, there being present and in attendance the following to wit:

Vice President	Marc Teller
Secretary	Joan Holt
Secretary Pro-tem	Suzette Freeman
Director	Ed Reed

Absent:	President	Russ Miget
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Staff:	Manager	Mark Young
	Finance Director	Denise Fox
	Engineer	Jim Urban
	Attorney	Charles Zahn

The meeting was called to order at the scheduled hour by the presiding officer, Mr. Teller, pursuant to notice posted.

**Executive  
Session**

A motion was duly made and seconded to recess the meeting and reconvene in an executive session as authorized by Texas Revised Civil Statutes G.C. § 551.071 for the discussion of the following business:

Consultation with Attorney regarding Corpus Christi water rates.

The Board recessed the executive session and reconvened the open meeting.

**Action  
Taken**

The staff was authorized to negotiate the terms of an agreement to arbitrate the network/source charge provision in the contract between the District and the City of Corpus Christi in 1978 as well as hire the consultant necessary to arbitrate the provision in the contract.

The staff was authorized to continue to negotiate with the City of Corpus Christi concerning the network/source charge provision in the contract between the District and the City of Corpus Christi dated January 5, 1978.

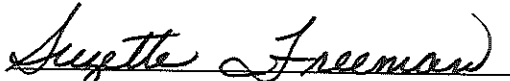
If the City of Corpus Christi does not negotiate, the staff is authorized to file a protest of proposed rate with TCEQ.


After a lengthy discussion, Ms. Holt made a motion seconded by Mr. Reed to accept the actions listed above and it carried unanimously.

As there was no further business to come before the Board, a motion was duly made and seconded to adjourn.

NUECES COUNTY WATER CONTROL  
& IMPROVEMENT DISTRICT NO. 4

ATTEST:

  
Suzette Freeman, Secretary Pro-Tem

  
Marc Teller, Vice-President

MINUTES OF  
REGULAR MEETING

JUNE 10, 2008

STATE OF TEXAS           §

COUNTY OF NUECES       §

On the 10<sup>th</sup> day of June, 2008, the Board of Directors for the Nueces County Water Control & Improvement District No. 4 convened at 5:00 pm in a Regular Meeting at the District Office, 315 South 9th Street, Port Aransas, Texas, there being present and in attendance the following to wit:

President	Russ Miget
Vice-President	Marc Teller
Secretary	Joan Holt
Secretary Pro-tem	Suzette Freeman
Director	Ed Reed

Staff:	Manager	Mark Young
	Finance Director	Denise Fox
	Engineer	Jim Urban
	Attorney	Charles Zahn

The meeting was called to order at the scheduled hour by the presiding officer, Mr. Miget, pursuant to notice posted.

**Minutes**

A motion was made by Mr. Teller and seconded by Mr. Reed to approve the minutes of the March 20<sup>th</sup>, 2008 meeting. The motion carried unanimously.

**Oath of Office**

Ms. Fox, as Notary for the District, administered the oath of office to Mr. Miget, Mrs. Freeman and Mr. Reed and the official documents were executed for the district's records.

**Board Reorganization**

Mr. Miget called for nominations to reorganize the Board of Directors. A motion was made by Mr. Teller to close the nominations and cast a ballot to return the same slate of officers. Mr. Reed seconded the nomination and it passed by acclamation.

**Tank Maint Mural**

Mr. Young presented information and graphics regarding a mural proposed by Island Park Estates for our Ground Water Storage Tank on Highway 361. Mr. Reed made a motion to have Charles Zahn draw up an agreement with Island Park Estates and to authorize the Manager to execute this agreement. Mrs. Freeman seconded the motion and it carried unanimously.

**Backhoe Bids**

After discussion, Mrs. Holt made a motion, seconded by Mr. Reed, to purchase the new backhoe with the extended warranty. The motion carried unanimously.

**Corpus  
Christi  
Water  
Rate**

After a lengthy discussion regarding Corpus Christ water rates, Mr. Reed made a motion to authorize the staff to continue negotiations with Corpus Christi staff, including the Mayor and City Council to resolve the issues regarding Storm Water reimbursement and Source Charge. The next Board Meeting was established for June 30<sup>th</sup>, 2008 to authorize our legal staff to commence with litigations.

**HI  
Sewer  
Agreement**

Discussion regarding the Sewer Agreement on Harbor Island was tabled.

**Investment  
Policy  
Amendment**

An amendment to the Investment Policy was presented by Mr. Young. Mr. Reed made a motion to accept the amendment. Mrs. Freeman seconded the motion and it carried unanimously. The amendment is attached and a copy of the policy is on file in the district office.

**Financial  
Report**

Ms. Fox presented the Financial Reports through April and the Quarterly Investment Report. After review, Mr. Reed made a motion to accept the reports as presented. Mrs. Freeman seconded the motion and it carried unanimously. (The reports are on file in the District's office.)

**Engineer's  
Report**

No report given.

**Manager's  
Report**

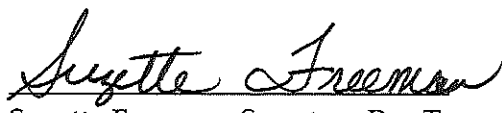
Mr. Young reported on maintenance and operations of the District. (A copy of this report is on file in the District's office.)

As there was no further business to come before the Board, a motion was duly made and seconded to adjourn.

NUECES COUNTY WATER CONTROL  
& IMPROVEMENT DISTRICT NO. 4

  
\_\_\_\_\_  
Russ Miget, President

ATTEST:

  
\_\_\_\_\_  
Suzette Freeman, Secretary Pro-Tem



RESPONSIBILITY AND DESIGNATION: The District Manager is the District's Investment Officer and is responsible for the District's comprehensive cash management program, including the administration of these investment policies. The District Manager shall maintain timely, accurate and systematic records of all securities, maturities and earnings. The Investment Officer shall be responsible for establishing written procedures for cash management. Responsibility and authority for investment transactions resides with the Investment Officer. The Investment Officer is fully authorized to buy and sell investments in accordance with the goals and objectives of the District's investment strategy. Certain signatory responsibilities are shared with bonded officials for the purpose of the District's investment program in the absence of the Investment Officer. Positions authorized as signatories are established by the Board of Directors action.

Current positions authorized are:

District Manager

~~District Administrative Assistant~~

Finance Director

President of the Board of Directors

# CERTIFICATE OF ELECTION

IN THE NAME AND BY THE AUTHORITY OF

Nueces County Water Control and Improvement District No. 4,

Nueces County, Texas

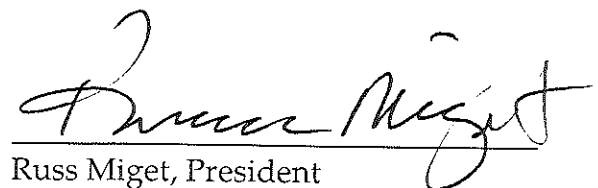
THIS IS TO CERTIFY, That the following Directors were duly elected for purposes of the general election scheduled for May 10<sup>th</sup>, 2008, pursuant to the Order Declaring Unopposed Candidates Elected to Office issued canceling the election..

RUSSELL MIGET

ED REED

SUZETTE FREEMAN

In testimony whereof, I have hereunto signed my name and caused the Seal of NUECES COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 4 to be affixed, this the 10TH day of JUNE, 2008.

  
Russ Miget, President

**MINUTES OF  
SPECIAL MEETING**

**March 20, 2008**

**STATE OF TEXAS                   §**

**COUNTY OF NUECES           §**

On the 20th day of March, 2008, the Board of Directors for the Nueces County Water Control & Improvement District No. 4 convened at 5:00 pm in a Special Meeting at the District Office, 315 South 9th Street, Port Aransas, Texas, there being present and in attendance the following to wit:

	President	Russ Miget
	Vice President	Marc Teller
	Secretary	Joan Holt
	Secretary Pro-tem	Suzette Freeman
	Director	Ed Reed
Staff:	Manager	Mark Young
	Finance Director	Denise Fox
Consultant:	Island Moorings Real Estate	Bruce Furlow

The meeting was called to order at the scheduled hour by the presiding officer, Mr. Miget, pursuant to notice posted.

**Minutes**

A motion was made by Mr. Teller and seconded by Mrs. Freeman to approve the minutes of the February 5, 2008 meeting. The motion carried unanimously. (The minutes were mailed to each director prior to the meeting.)

**Election**

**Cancellation**

Ms. Fox presented the Certification of Unopposed Candidates and an Order of Cancellation for the Directors Election scheduled for May 10, 2008. Mr. Teller made a motion to accept the Certification and to approve the Order to Cancel the Election. Mr. Reed seconded the motion and it carried unanimously. (The Certification and Order is attached and becomes a permanent part of these minutes.)

**Executive**

**Session**

A motion was duly made and seconded to recess the meeting and reconvene in an executive session as authorized by Texas Revised Civil Statutes, G.C. §551.072 for the discussion of the following business:

- a. Deliberation about Real Property

The Board recessed the executive session and reconvened the open meeting.

**Action**

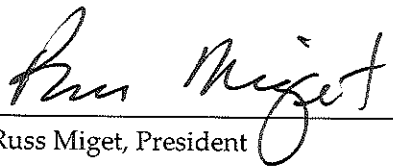
The board authorized the manager to negotiate and purchase the remaining 9 lots in Block F, Pleasant Valley Subdivision not to exceed 35K per lot.

Engineer's  
Report                      No report given.

Manager's  
Report                      No report given.

As there was no further business to come before the Board, a motion was duly made and seconded to adjourn.

NUECES COUNTY WATER CONTROL  
& IMPROVEMENT DISTRICT NO. 4

  
\_\_\_\_\_  
Russ Miget, President

ATTEST:

  
\_\_\_\_\_  
Suzette Freeman, Secretary Pro-Tem

MINUTES OF  
REGULAR MEETING

FEBRUARY 5, 2008

STATE OF TEXAS           §

COUNTY OF NUECES       §

On the 5th day of February, 2008, the Board of Directors for the Nueces County Water Control & Improvement District No. 4 convened at 5:00 p.m. in a Regular Meeting at the District Office, 315 South 9th Street, Port Aransas, Texas, there being present and in attendance the following to wit:

	President	Russ Miget
	Vice President	Marc Teller
	Secretary	Joan Holt
	Secretary Pro-tem	Suzette Freeman
	Director	Ed Reed
Staff:	Manager	Mary Moss
	Superintendent	Mark Young
	Finance Director	Denise Fox
	Engineer	Jim Urban
	Auditor	Gary Davenport
	Attorney	Charles Zahn

The meeting was called to order at the scheduled hour by the presiding officer, Mr. Miget, pursuant to notice posted.

**Minutes**

A motion was made by Mrs. Holt and seconded by Mr. Reed to approve the minutes for the December 11, 2007 meeting. The motion carried unanimously. (The minutes were mailed to each director prior to the meeting.)

**2006-07  
Audit**

Mr. Davenport presented a review of the 2006-07 Audit. The Audit financial pages were mailed to each director prior to the meeting. The Audit, which also included a required management letter and the GASB 34 requirements, had no exceptions reported. Mr. Reed made a motion seconded by Mr. Teller to accept the audit as presented. The motion carried unanimously.

**AP Request  
To Serve HI**

After Mr. Urban presented a review of Harbor Island's lack of sewer service, Mr. Reed made a motion to authorize the staff to proceed with negotiations with Aransas Pass for an interlocal agreement to provide sewer service to a portion of Harbor Island. The motion was seconded by Mrs. Freeman and carried unanimously.

**Director's  
Election**

After discussing the upcoming election, Mr. Teller made a motion to call the Director's Election to be held on May 10, 2008 and to authorize the staff to coordinate with the City and School for a joint election. Mrs. Holt seconded the motion and it carried unanimously.

**Executive  
Session**

A motion was duly made and seconded to recess the meeting and reconvene in an executive session as authorized by Texas Revised Civil Statutes G.C. § 551.071, § 551.072, and § 551.074 for the discussion of the following business:

- a. Consultation with Attorney regarding pending litigation
- b. Deliberation about Real Property
- c. Personnel Matters

The Board recessed the executive session and reconvened the open meeting

**Action  
Taken**

- a. No action
- b. Mr. Reed made a motion authorizing the staff to negotiate an agreement for the purchase of Lots 1-4, Block F, Pleasant Valley Subdivision not to exceed \$100,000 and Lots 5, 6, & 7, Block F, Pleasant Valley Subdivision not to exceed \$25,000 per lot; c. and authorized staff to negotiate agreement with Mary Moss for consulting services, including, but not limited to pending litigation; and authorized Russ Miget to execute the Manager's contract. Mrs. Freeman seconded the motion and it carried unanimously.

**Condemnation  
Request**

A motion was made by Mr. Reed to authorize staff to proceed with condemnation of the above described property if District's proposal to purchase property is not successful. Mrs. Freeman seconded the motion and it carried unanimously.

**Financial  
Report**

Mr. Young presented the November and December Financial Reports and the Quarterly Investment Report. After review, Mr. Reed made a motion to accept the reports as presented. Mrs. Freeman seconded the motion and it carried unanimously. (A copy of the reports are on file in the District's office.)

**Engineer's  
Report**

Mr. Urban reported on the Master Plan Study, Cotter Street renovations, and upcoming sewer line replacement. (A copy of this report is on file in the District's office.)

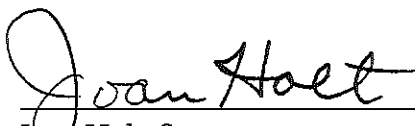
**Manager's  
Report.**

Mr. Young reported on maintenance and operations of the District. (A copy of this report is on file in the District's office.)

As there was no further business to come before the Board, a motion was duly made and seconded to adjourn.

NUECES COUNTY WATER CONTROL  
& IMPROVEMENT DISTRICT NO. 4

ATTEST:

  
Joan Holt, Secretary

  
Russ Miget, President

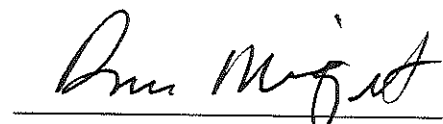
## ORDER OF CANCELLATION

The Nueces County Water Control & Improvement District No. 4 hereby cancels the election scheduled to be held on May 10, 2008 in accordance with Section 2.053(a) of the Texas Election Code. The following candidates have been certified as unopposed and are hereby elected as follows:

<u>Candidate</u>	<u>Office Sought</u>
Russ Miget	Director
Ed Reed	Director
Suzette Freeman	Director

A copy of this order will be posted on Election Day at each polling place that would have been used in the election.

  
Joan Holt, Secretary

  
Russ Miget, President

(seal)

March 20th 2008.  
Date of Adoption

# **CERTIFICATION OF UNOPPOSED CANDIDATES**

IN THE NAME AND BY THE AUTHORITY OF  
Nueces County Water Control and Improvement District No. 4,

Nueces County, Texas

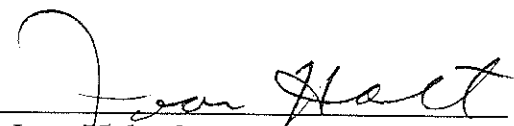
As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office of Director for the general election scheduled to be held on May 10, 2008.

Russ Miget

Ed Reed

Suzette Freeman

In testimony whereof, I have hereunto signed my name and caused the Seal of Nueces County Water Control and Improvement District No. 4, to be affixed, this the 20th day of March, 2008.

  
Joan Holt, Secretary



# CERTIFICATION OF UNOPPOSED CANDIDATES

IN THE NAME AND BY THE AUTHORITY OF  
Nueces County Water Control and Improvement District No. 4,  
Nueces County, Texas

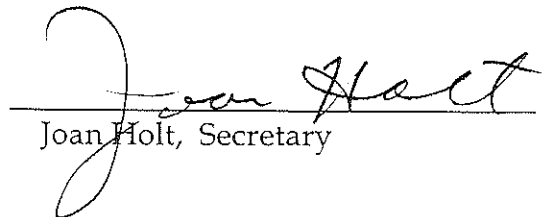
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In testimony whereof, I have hereunto signed my name and caused the Seal  
of Nueces County Water Control and Improvement District No. 4, to be  
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Joan Holt, Secretary


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Joan Holt, Secretary

  
Russ Miget, President

(seal)

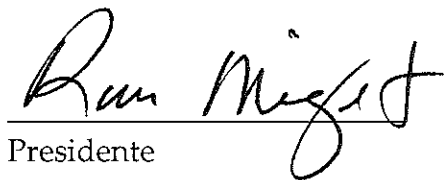
March 20th 2008.  
Date of Adoption

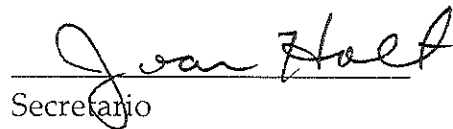
## ORDEN DE CANCELACIÓN

El Nueces County Water Control & Improvement District No. 4 por la presente cancela la elección que, de lo contrario, se hubiera celebrado el Mayo 10, 2008 de conformidad, con la Sección 2.053(a) del Código de Elecciones de Texas. Los siguientes candidatos han sido certificados como candidatos únicos y por la presente quedan elegidos como se haya indicado a continuación:

<u>Candidato</u>	<u>Cargo al que presenta candidatura</u>
Russ Miget	Director
Ed Reed	Director
Suzette Freeman	Director

El Día de las Elecciones se exhibirá una copia de esta orden en todas las mesas electorales que se hubieran utilizado en la elección.

  
Presidente

  
Secretario

(sello)

March 20th, 2008.  
Fecha de adopción