

MINUTES OF  
SPECIAL MEETING  
MARCH 31, 2009

STATE OF TEXAS           §  
COUNTY OF NUECES     §

On the 31st day of March, 2009, 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
	Attorney	Charles Zahn

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

**Groundwater Conservation District**     The proposed resolution supporting Senate Bill No. 2475 introduced in the 81<sup>st</sup> Texas Legislature, regular session, relating to adding Chapter 36 of the Texas Water Code (Groundwater Conservation District) powers to the powers granted to Nueces County WCID No 4 pursuant to Chapter 49 of the Texas Water Code was presented for review. After discussion, Mr. Teller made a motion to approve the Resolution as presented. Ms. Freeman seconded the motion and it carried unanimously. (A copy of the Resolution is and becomes a permanent part of these minutes.)

**Stimulus Funding**                     A motion was made by Ms. Freeman to authorize the manager to pursue stimulus Funding for projects included in the 2008 U.S. Conference of Mayor's report including:

- a. Enlarge waterline from San Patricio Municipal Water District for Mustang Island - \$8,000,000.00
- b. Install energy-efficient natural gas power system for Waste Water Treatment Plan - \$2,000,000.00

The motion was seconded by Mr. Teller and carried unanimously.

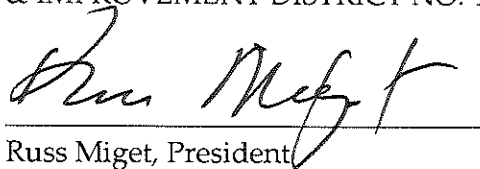
Special Meeting  
March 31, 2009  
Page 2

**Manager's  
Report**

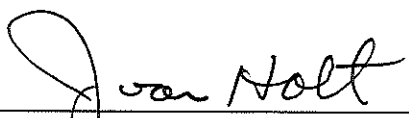
No report

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:

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

**RESOLUTION CONCERNING THE EXPANSION OF THE POWERS AND  
DUTIES OF THE NUECES COUNTY WATER CONTROL AND  
IMPROVEMENT DISTRICT NO. 4**

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

WHEREAS, the District has the powers and duties granted to it by the general laws of the State of Texas, including Chapters 49 and 51 of the Texas Water Code applicable to water control and improvement districts; and,

WHEREAS, the District desires to expand its powers to include those powers and duties provided by the general laws of the State of Texas, including Chapter 36 of the Texas Water Code applicable to groundwater conservation districts;

WHEREAS, Senator Juan Hinojosa has sponsored and filed Senate Bill No. 2475 relating to the powers and duties of the Nueces County Water Control and Improvement District No. 4; and,

WHEREAS, the District desires to express its support of Senate Bill 2475 and the expansion of the powers and duties of the District to include those powers and duties provided by the general laws of the State of Texas, including Chapter 36 of the Texas Water Code applicable to groundwater conservation districts.

NOW, THEREFORE, BE IT RESOLVED that the Nueces County Water Control and Improvement District No. 4, acting by and through its duly elected Board of Directors hereby expresses its support of Senate Bill 2475 and the expansion of the powers and duties of the District to include those powers and duties provided by the general laws of the State of Texas, including Chapter 36 of the Texas Water Code applicable to groundwater conservation district and in particular the support of the amendment of Chapter 75, Acts of the 57th Legislature, Regular Session, 1961, to add Section 5A to read as follows:

SECTION 1. Chapter 75, Acts of the 57th Legislature, Regular Session, 1961, is amended by adding Section 5A to read as follows:

Sec. 5A. (a) The District has the powers and duties provided by the general laws of this state, including Chapters 49 and 51, Water Code, applicable to a water control and improvement district and the powers and duties provided by the general laws of this state, including Chapter 36, Water Code, applicable to a groundwater conservation district.

(b) Notwithstanding Section 49.002(b), Water Code, in case of any conflict between provisions of Chapters 36 and 49, Water Code, applicable to the District, Chapter 49, Water Code, controls.

SECTION 2. This Act takes effect September 1, 2009.

PASSED and APPROVED this the 31st day of March, 2009.

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

By   
Russell Miget  
President

Attest:

  
Joan Holt  
Secretary

81R8855 PMO-D

By: Hinojosa

S.B. No. 2475

A BILL TO BE ENTITLED

AN ACT

relating to the powers and duties of the Nueces County Water Control and Improvement District No. 4; providing powers of eminent domain.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 75, Acts of the 57th Legislature, Regular Session, 1961, is amended by adding Section 5A to read as follows:

Sec. 5A. (a) The District has the powers and duties provided by the general laws of this state, including Chapters 49 and 51, Water Code, applicable to a water control and improvement district and the powers and duties provided by the general laws of this state, including Chapter 36, Water Code, applicable to a groundwater conservation district.

(b) Notwithstanding Section 49.002(b), Water Code, in case of any conflict between provisions of Chapters 36 and 49, Water Code, applicable to the District, Chapter 49, Water Code, controls.

SECTION 2. This Act takes effect September 1, 2009.

MINUTES OF  
REGULAR MEETING  
FEBRUARY 5, 2009

STATE OF TEXAS           §

COUNTY OF NUECES       §

On the 5th day of February, 2009, 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	Mark Young
	Finance Director	Denise Fox
	Engineer	Jim Urban
	Auditor	Gary Davenport
	Auditor	Allan L. Johnston
	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 Ms. Holt to approve the minutes for the October 1<sup>st</sup>, 2008 meeting. The motion carried unanimously. (The minutes were mailed to each director prior to the meeting.)

**2007-08**

**Audit**

Mr. Johnston and Mr. Davenport presented a review of the 2007-08 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.

**Information**

**Form**

The Information Form (as required by Section 49.455, Chapter 715 §2) was signed by each board member and notarized by Denise Fox to be filed with the Nueces County Clerk.

**Effluent**

**Use**

**Agreement**

After a review and discussion of the Effluent Use Agreement Mr. Teller made a motion to suspend the minimum daily rate of \$184.00 per day until such time as the District Staff decides to re-evaluate the contract and determines that is in the best interest of the District to reinstate the terms and conditions set forth in the original Effluent Use Agreement. Ms. Freeman 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 for the discussion of the following business:

- a. Consultation with Attorney regarding pending litigation

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

**Action  
Taken**

- a. Mr. Reed made a motion to authorize the staff to settle on behalf of the district in the upcoming mediation regarding the Corpus Christi water rates. Ms. Holt seconded the motion and it carried unanimously.

**Financial  
Report**

The Financial Reports for October, November and December of 2008 and the Quarterly Investment Report were presented to the board. After review, Ms. Freeman made a motion to accept the reports as presented. Mr. Teller seconded the motion and it carried unanimously. (A copy of the reports are on file in the District's office.)

**Engineer's  
Report**

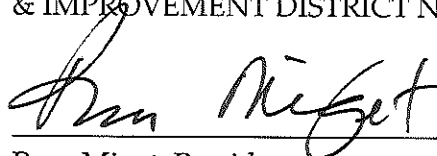
No report.

**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:

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

NUECES COUNTY WATER CONTROL  
AND IMPROVEMENT DISTRICT NO. 4

315 SOUTH 9TH STREET  
PORT ARANSAS, TEXAS 78373

FAX (361) 749-5799

TEL (361) 749-5201

February 3, 2009

Board of Directors of the  
Nueces County Water Control &  
Improvement District No. 4

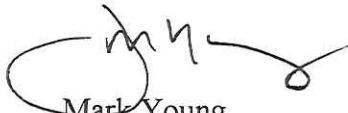
Dear Board Members,

The Newport Dunes has requested that the District reconsider its Effluent Use Agreement. This agreement was signed in August of 2003 when the effluent totals were at their peak. Since this time, improvements to the sewer collection system, building codes, and the City's drainage system have all contributed to a reduction in total sewer treated by the treatment plant, thus reducing effluent availability. The District fulfills the requirement of the 485,000 gallons per day to satisfy the Birding Facility before any effluent is allowed to be pumped to the golf course.

There are approximately 170 days of the year that we are unable to fulfill the amount of effluent that would be equivalent to the \$184.00 daily minimum. As requested in the letter from Newport Dunes, they are asking the District to remove the daily minimum and reduce the rate charged for effluent. At this time, I am recommending to the Board that we suspend the minimum daily rate of \$184.00 per day until such time as the District Staff decides to re-evaluate the contract and determines that it is in the best interest of the District to reinstate the terms and conditions set forth in the original Effluent Use Agreement. This should create an annual savings of around \$17,000.00 and should be a fair amendment for the Effluent Use Agreement.

I am attaching a brief summary of expenses, revenue and contract notes for your reading and will be prepared to discuss this at the meeting.

Sincerely,



Mark Young  
District Manager





January 09, 2009

Mr. Mark Young

Director Nueces County Water District #5  
315 S 9<sup>th</sup>  
Port Aransas, TX 78373

Dear Mark:

This letter is concerning our current contractual agreement with Nueces County Water District on the purchase of Effluent water for irrigation to the golf course.

While our revenues show only a 3 % shortfall, the current economic market as it relates to real estate sales is not supporting the financial shortfalls the golf course incurs each month. This has forced the ownership to initiate both a reduction in work force and related activities in an attempt to minimize the clubs financial deficits.

In reviewing our contractual agreement with the Water District (which was made prior to construction and completion of the golf course), we are paying a flat fee to access the effluent at a rate of \$5,250 per month whether we use the daily allotted gallons or not. We would like to propose the following based on the historical data maintained by both the Water District and Newport Dunes Golf Club over the previous two years.

1. Monthly Billing for actual gallons received from the District. This would save the club substantial dollars we currently allocate for water we do not receive from the District.
2. A per gallon pricing to be comparable to other entities within both the Coastal Bend and State of Texas. This pricing would be based on research by both the Water District and Newport Dunes Golf Club to find an equitable rate for both entities.

These contractual changes would allow Newport Dunes to both maintain its current workforce and goal of providing an affordable world-class golf course to area residents and enhance the local tourism industry.

Mark I appreciate your consideration of these proposals and look forward to providing any assistance you require concerning these items.

Sincerely

Kevin Michael  
General Manager  
Newport Dunes Golf Club  
361-749-4653 x103  
kmichael@kempersports.com

# Effluent Use Notes:

## Contract Details

Contract Signed	8-21-2003
Rate	\$.046 / 1000 gallons
Daily Minimum (Based on 400,000 gal/day)	\$184.00
Use of Abandoned Force Main for 24 Months	Signed 6-24-2007

## Revenue

2007 (10 Months)	\$62,453.00
2008	\$78,134.00
2008 (if billed w no minimum)	\$60,978.00 -22%

## Expenses

Electricity (estimated)	\$ 4,000.00
Maintenance (estimated)	\$ 5,000.00
Coliform Testing (lab)	\$ 832.00
Annual Meter Certification	\$ 300.00
Chemical Reduction* (estimated)	<u>- \$ 1,500.00</u>

<b><u>Total Expenses</u></b>	<b>\$ 8,632.00</b>
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\*Sulfur Dioxide is not injected to effluent for golf course

**UTILITY SERVICES AGREEMENT**

THE STATE OF TEXAS   §  
                                      §  
COUNTY OF NUECES   §

THIS AGREEMENT, dated the 17<sup>th</sup> day of June, 2009, by and Carl F Badalich, and wife, Sherry L. Badalich, whose residence and principal place of business are located in Corpus Christi, Nueces County, Texas (Hereinafter referred to as "Owner") and NUECES COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 4, a water control and improvement district and political subdivision of the State of Texas (hereinafter referred to as the "District");

W I T N E S S E T H :

WHEREAS, Carl F Badalich, and wife, Sherry L. Badalich are the owners of a tract or parcel of land on Mustang Island in the County of Nueces, State of Texas, lying within the boundaries of the Nueces County Water Control & Improvement District No. 4; and,

WHEREAS, Owner is desirous of obtaining water and sewer service for future development and, as such, intends to provide an adequate supply of fresh potable water and sewage service to the owners of these developments; and,

WHEREAS, the District and Owner have met and conferred relating to the providing of utility services to the occupants of the lands to be developed by Owner; and

WHEREAS, the District has passed and adopted policies for the providing of water and sewage service to the owners and occupants of land lying within the District; and,

WHEREAS, the District has agreed to supply an adequate supply of fresh potable water and to provide sewage service to the occupants of the land lying within the District; and,

WHEREAS, the District has agreed to supply an adequate supply of fresh potable water and to provide sewage service to the occupants of the land described as Lots One (1) and Three (3), Block One (1), Sunrise Shores, a subdivision of the City of Corpus Christi, Nueces County, Texas, as shown on a plat recorded in Volume 46, Page 81-82, of the Map Records of Nueces County, Texas (hereinafter referred to as the "Owner Tract"), upon terms and conditions mutually agreed upon by the parties hereto:

NOW, THEREFORE, FOR AND IN CONSIDERATION of the premises, Owner and the District hereby agree as follows:

1. The District agrees to furnish, at all times after the date hereof (subject to other provisions hereof), a supply of fresh potable water to the occupants of the Owner Tract, regardless of the ownership of said property, and, at all times after the date hereof to take, receive, transmit and treat sewage from said property, the furnishing of water and the taking, receipt and transmission of sewage being subject to the usual and customary charges and fees (including capital impact fees) paid by the users in the District for such services, and subject to interruptions in said service due to normal maintenance, repair and upkeep of the water and sewer system of the District, or any other cause beyond the control of the District.

2. Before the District shall actually begin to deliver water to the Owner Tract, there shall have been installed without cost to the District, transmission and distribution lines of a nature then required under the District's water distribution standards uniformly applicable to subdivisions within the District, sufficient to connect the Owner Tract to the tap point or points provided for herein below, and to provide for water distribution to users in the Owner Tract.

3. Before the District shall actually begin to deliver water to the Owner Tract, sewage collection lines of a nature then required under the District's sewage collection and treatment standards uniformly applicable to subdivisions within the District, sufficient to connect the Owner Tract to the District's collection Line and to provide for sewage collection to users in the Owner Tract, shall have been installed without cost to the District.

4. The District shall, subject to the reservations set forth in Paragraph 1. above, make available from mains along State Highway 361 a supply of fresh potable water adequate in amount and pressure at all times to serve the contemplated residential and/or commercial development upon the Owner Tract. Service to the Owner Tract shall be made available by tap or taps to a State Highway 361 main at a location (tap point or points) convenient to the Owner Tract and in accordance with good engineering practice, and when good engineering practice requires, provide that the main water distribution system for the Owner Tract will be looped back to the Distribution Main in a manner approved by the District's Engineers; and further provided that the actual cost of the taps shall be borne by the Owner.

5. The District may charge for water delivered to users in the Owner Tract, and for the collection, transmission and treatment of sewage from the Owner Tract such regular and customary rates and charges as may be charged by the District to other users within the District, and users within the Owner Tract shall be treated by and subject to the regulations of the District on the same and uniform basis as other users within the District. In the event there is a shortage or decrease in water supply and/or sewer capacity

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within the District, then the users within said lands shall be restricted on the same and uniform basis as other users within the District.

6. Owner agrees that by making application for water service to the District, which application must be made prior to the commencement of any construction on the property, that it will do the following:

a. Provide the Manager of the District with the following:

(1) A set of current and future construction plans of the proposed improvements, including the location of water distribution and sewage collection lines servicing the property, and a set of "as-built" plans showing the location of said lines certified to by the Engineer/Architect for the Developer.

(2) A copy of all plats and re-plats of the Owner Tract showing approval by the appropriate municipality or governmental agency.

(3) Proof of ownership either by deed or, a Title Opinion from an attorney licensed to practice law in the State of Texas showing that the property that is the subject matter of this Agreement is in fact owned by the party or parties entering into the same.

b. File a Petition with the District, requesting that the District annex said land into the District. The District must annex said land into the District before the District is obligated to provide a fresh supply of potable water and before it is required to provide sewage service to the occupants of the land.

7. Owner agrees that at such time as the water distribution lines and trunk lines are completed and tested in accordance with standards acceptable to the District, it will dedicate the said lines, with exclusive easements, to the District, and provide a warranty

to the District for a period of one (1) year drawn in accordance with standards adopted by the District.

8. Owner agrees to pay within ten (10) days after billing, all reasonable and necessary fees and expenses incurred by the District resulting directly from the project contemplated on the Owner Tract, including, but not limited to, fees and expenses incurred for engineering and legal work by the District relating to said project.

9. In the event Owner develops the property which is the subject matter of this Agreement in two or more phases, or subdivides said property and sells individual lots, then, in that event, it is agreed by Owner, its successors and assigns, that the provisions of this Agreement shall be applicable to each such phase or lot and a reference to this Agreement shall be made in each conveyance.

10. Owner agrees that all items required to be furnished by Owner to the District under the provisions of this Agreement will be delivered to the District as soon as the items are available, but in no event later than thirty (30) days following the completion of the improvements contemplated on the Owner Tract. Failure to so provide the items required by this Agreement within the time allotted hereunder, shall be deemed a breach of this Agreement and the District shall not be required to provide further water and/or sewage service<sup>\*</sup> to the Owner Tract until Owner has completely fulfilled its obligations hereunder.

SPECIAL PROVISIONS FOR WATER SERVICE FOR EXISTING STRUCTURES  
LOCATED ON LAND NOT INCLUDED IN THE NUECES COUNTY WATER  
CONTROL & IMPROVEMENT DISTRICT NO. 4

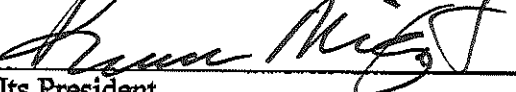
11. In the event any phrase, clause or paragraph in this Agreement is deemed invalid, in is agreed by the parties hereto that the same shall not affect any other phrase, clause or paragraph in this Agreement.

12. This Agreement shall bind and inure to the benefit of the parties hereto and their respective successors and assigns; it being expressly agreed that the District's and Owner's obligations hereunder shall inure to the benefit of the future owner or owners of all or a portion of the Owner Tract. This Agreement shall be governed by the laws of the State of Texas and shall be performable in Nueces County, Texas.

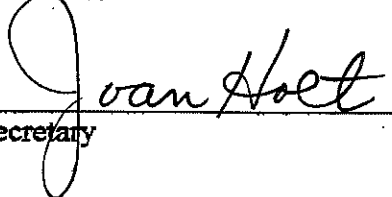
This Agreement shall supersede all previous agreements and contracts dealing with the lands described as the Owner Tract.

Executed in duplicate originals the day and year first above written.

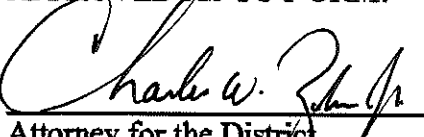
NUECES COUNTY WATER CONTROL  
AND IMPROVEMENT DISTRICT No. 4

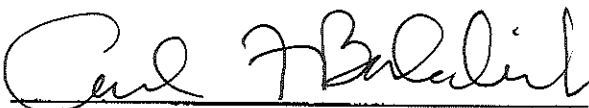
By   
Its President

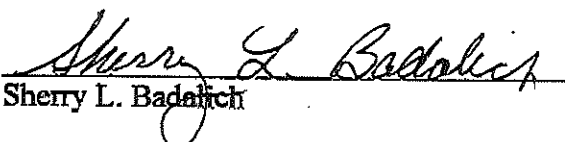
ATTEST:

  
Secretary

APPROVED AS TO FORM:

  
Attorney for the District

  
Carl F. Badalich

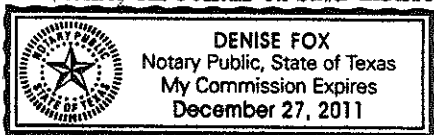
  
Sherry L. Badalich

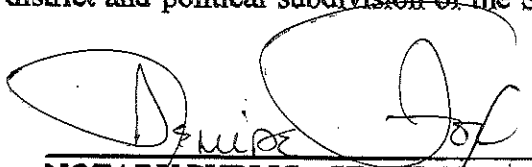


ACKNOWLEDMENT

THE STATE OF TEXAS §  
§  
COUNTY OF NUECES §

This instrument was acknowledged before me on this the 17<sup>th</sup> day of June, 2009, by Russell Miget, President of the Nueces County Water Control & Improvement District No. 4, a water control and improvement district and political subdivision of the State of Texas, on behalf of said district.



  
\_\_\_\_\_  
NOTARY PUBLIC - STATE OF TEXAS

ACKNOWLEDMENT

THE STATE OF TEXAS §  
§  
COUNTY OF NUECES §

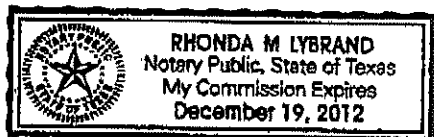
This instrument was acknowledged before me on this the \_\_\_\_\_ day of June, 2009, by Carl F. Badalich.

\_\_\_\_\_  
NOTARY PUBLIC - STATE OF TEXAS

ACKNOWLEDMENT

THE STATE OF TEXAS §  
§  
COUNTY OF NUECES §

This instrument was acknowledged before me on this the 17<sup>th</sup> day of June, 2009, by Sherry L. Badalich.



  
\_\_\_\_\_  
NOTARY PUBLIC - STATE OF TEXAS

**EXHIBIT "A"**  
(Legal Description)

Being Lots One (1) and Three (3), Block One (1), Sunrise Shores, a subdivision of the City of Corpus Christi, Nueces County, Texas, as shown on a plat recorded in Volume 46, Page 81-82, of the Map Records of Nueces County, Texas

MINUTES OF  
REGULAR MEETING

December 16, 2009

STATE OF TEXAS           §

COUNTY OF NUECES       §

On the 16th day of December, 2009, 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
	Secretary Pro-Tem	Suzette Freeman
Staff:	Manager	Mark Young
	Engineer	Jim Urban
	Attorney	Charles Zahn
	Office Manager	Cathy Roberts
	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 Ms. Holt and seconded by Mr. Teller to approve the minutes for the September 23rd, 2009 meeting. The motion carried unanimously. (The minutes were mailed to each director prior to the meeting.)

**Red Flag  
Policy**

Mr. Teller made a motion to adopt the Red Flag Policy as required by the Federal Trade Commission. The motion was seconded by Mr. Reed and carried unanimously. This policy will become a permanent part of the office policy book.

**Credit  
Card  
Transactions**

Mr. Young presented information on accepting credit cards. After discussion, Mr. Teller made a motion to proceed with the plan to accept credit and debit cards waiving any transaction fees to the customers. Mr. Reed seconded the motion and it carried unanimously.

**Corpus  
Christi  
Water  
Rates**

There was a discussion regarding the City of Corpus Christi's wholesale water rates.

**Financial  
Reports**

Denise presented the Financial Reports for October and November of 2009 and October's 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. (A copy of the financial reports are on file in the District's office.)

**Engineer's  
Report**

Mr. Urban reported on current projects. (A copy of this report is on File in the District's office.)

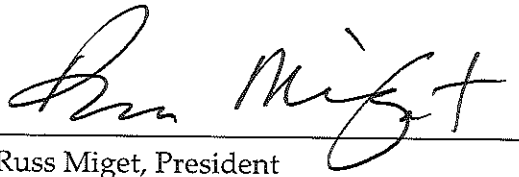
**Manager's  
Report**

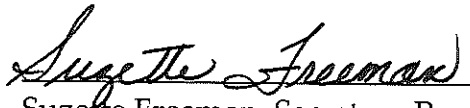
Mr. Young reported on maintenance and operations of the District. (A copy of this report is on file in the District's office.)

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:

  
Russ Miget, President

  
Suzette Freeman, Secretary Pro-Tem

MINUTES OF  
REGULAR MEETING

September 23, 2009

STATE OF TEXAS           §

COUNTY OF NUECES       §

On the 23rd day of September, 2009, 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
	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 July 17<sup>th</sup>, 2009 meeting. The motion carried unanimously. (The minutes were mailed to each director prior to the meeting.)

**Fire Equip.**               Mr. Teller 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 Ms. Freeman. (This contract is on file in the District's Office.)

**Tank**                       Mr. Young presented the bid tabulation for the Port Aransas Elevated  
**Maintenance** Tower and Beasley Ground Storage Tanks which were received and opened as  
**Bid** advertised on September 11th, 2009. Mr. Urban recommended the low bid of \$167,000 by M.K Painting Inc. After discussion, Mr. Teller made a motion to award the bid as recommended and authorize the District Manager to execute the contract. Mr. Reed seconded the motion and it carried unanimously. (This contract is on file in the District's Office.)

**Highway**               Mr. Young presented the bid tabulation for the Highway 361 Relocation  
**361** which were received and opened as advertised on September 11, 2009. Mr. Urban  
**Relocation** recommended the low bid of \$ 448,848.86 by Island Construction, Inc. After discussion, Mr. Teller made a motion to award the bid as recommended and authorize the District Manager to execute the contract. Mr. Reed seconded the motion and it carried unanimously. (This contract is on file in the District's office.)

**City's  
2009  
Bond  
Issue**

Mr. Young presented the information on the District's portion of the City's Bond Issue. After discussion, Mr. Reed made a motion to go ahead with the District's portion at a cost of \$190,874.50. Mr. Teller seconded the motion and it carried unanimously.

**Auditor  
Contract**

A motion was made by Mr. Teller and seconded by Mr. Reed to approve a three year employment contract between the District and Auditor Allan Lee Johnston. The motion carried unanimously. (This contract is on file in the District's office)

**Attorney  
Contract**

A motion was made by Ms. Freeman and seconded by Ms. Holt 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.)

**Corpus  
Christi  
Water  
Rates**

After discussion, a motion was made by Mr. Reed to authorize the District Manager to settle the rate for 2008-2009 and to authorize the District Manager to dismiss NCWCID #4's appeal of wholesale water rates and determine interim rate pending before the TCEQ. The motion was seconded by Mr. Teller and carried unanimously.

After discussion, a motion was made by Ms. Freeman to authorize the District's Attorney to file an appeal of wholesale water rates for the 2009-2010 fiscal year. The motion was seconded by Ms. Holt and carried unanimously.

**2009-2010  
Budget &  
Financial  
Reports**

Mr. Young presented the projected year-end along with the proposed 2009-2010 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.)

**Engineer's  
Report**

No report given.

**Manager's  
Report**

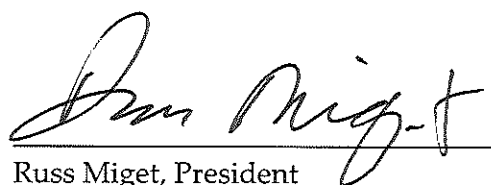
Mr. Young reported on maintenance and operations of the District. (A copy of this report is on file in the District's office.)

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

ATTEST:

  
Joan Holt, Secretary

  
Russ Miget, President

MINUTES OF  
REGULAR MEETING

JUNE 17, 2009

STATE OF TEXAS           §

COUNTY OF NUECES       §

On the 17th day of June, 2009, 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
	Secretary	Joan Holt
	Secretary Pro-tem	Suzette Freeman
	Director	Ed Reed
Absent:	Vice President	Marc Teller
Staff:	Manager	Mark Young
	Finance Director	Denise Fox
	Attorney	Charlie Zahn
	Engineer	Jim Urban
	Engineer Staff	Kim Brannan Mosman
	Engineer Staff	Orlando Ortiz

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 Ms. Holt to approve the minutes for the February 5th, 2009 meeting. The motion carried unanimously. A motion was made by Ms. Freeman and seconded by Mr. Reed to approve the minutes of the March 31, 2009 meeting. The motion carried unanimously. (The minutes were mailed to each director prior to the meeting.)

**Public  
Hearing**

A motion was duly made by Ms. Holt and seconded by Mr. Reed to recess the meeting and reconvene in a Public Hearing for consideration of the following petition to add land to the District:

Carl and Sherry Badalich – Lots 1 & 3 Block 1, Sunrise Shores

As there was no comments or objections to the petitions, Mr. Miget closed the Public Hearing and reconvened the Regular Meeting.

**Annexation:**

A motion was made by Mr. Reed and seconded by Ms. Freeman to approve the petition to add the land in accordance with the order and to authorize the President to sign the utility agreement. The motion carried unanimously. (The petition and Utility Services Agreement are attached and becomes a permanent part of these minutes.)

**Master  
Plan**

Jim Urban and staff presented the Nueces County WCID #4's Water and Wastewater Facilities Master Plan. After discussion, a motion was made by Ms. Freeman and seconded by Mr. Reed to approve the Master Plan. The motion carried unanimously.

**Tank  
Maintenance  
Project**

A motion was made by Ms. Holt and seconded by Mr. Reed to authorize the manager to proceed with engineering and bid documents for 2009-2010 Tank Maintenance Project. The motion carried unanimously.

**City of  
Port Aransas  
Bond Issue**

A motion was made by Ms. Freeman to authorize the manager to include Water and Wastewater Improvements stated in the 2009 Master Plan in the 2009 City of Port Aransas Bond Issue Street Reconstruction Project. The motion was seconded by Mr. Reed and carried unanimously.

**District  
Depository**

Mr. Young presented a contract with American Bank extending the term for 2 more years. After review, a motion was made by Mr. Reed and seconded by Ms. Holt to accept American Bank as the District's depository and to authorize Mr. Young to execute the document. The motion carried unanimously.

**City of  
Port Aransas  
Land  
Lease**

After discussion, a motion was made by Mr. Reed and seconded by Ms. Freeman to approve the Land Lease with the City of Port Aransas, Lots 6-10, Block 4, Subdivision "C" Mustang Island, City Maintenance Facility contingent on changing item number 14 of the lease agreement from six months to one year and to include the Fire Station lease. The motion carried unanimously.

**Newport  
Dunes  
Force  
Main**

After discussion, Ms. Freeman made a motion to approve the use of the abandoned Force Main pipeline by Newport Dunes. The motion was seconded by Mr. Reed and carried unanimously.

**Water  
District  
Logo**

After discussion, a motion was made by Ms. Holt and seconded by Ms. Freeman to accept staff recommendations on the choice of a new district logo. The motion carried unanimously.

**CC Water  
Rates**

There was a discussion regarding the City of Corpus Christi's wholesale water rates.

**Financial  
Reports**

The Financial Reports for the period ending April 30, 2009 and the Quarterly Investment Report were presented to the board. After review, Mr. Reed made a motion to accept the reports as presented. Ms. Freeman seconded the motion and it carried unanimously. (A copy of the reports are on file in the District's office.)

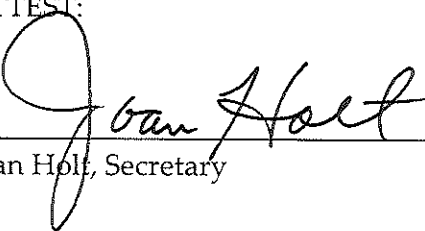


**Manager's  
Report**

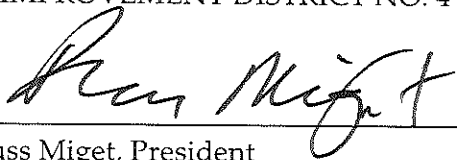
Mr. Young gave the board an update on Senate Bill 2475 and the Stimulus Funding and reported on upcoming projects. (A copy of this report is on file in the District's office)

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

ATTEST:

  
Joan Holt, Secretary

NUECES COUNTY WATER CONTROL  
& IMPROVEMENT DISTRICT NO. 4

  
Russ Miget, President