

**MINUTES OF  
REGULAR MEETING  
FEBRUARY 11, 2020**

**THE STATE OF TEXAS   §  
                                  §  
COUNTY OF NUECES   §**

On the 11th day of February, 2020, 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, 1812 State Hwy 361 Suite F, Port Aransas, Texas, there being present and in attendance the following to wit:

	President	Russ Miget
	Secretary Pro-Tem	Suzette Freeman
	Vice President	Josh Garcia
	Secretary	Walter Sohl
	Director	Ed Reed
Staff:	Manager	Mark Young
	Finance Director	Elizabeth Schmidl
	Engineer	Jim Urban
	Attorney	Charles Zahn
	Auditor	Allan L. Johnston

**CALL TO ORDER**

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

**APPROVAL OF MINUTES OF THE REGULAR MEETING HELD ON SEPTEMBER 9, 2019, THE REGULAR MEETING HELD ON NOVEMBER 15, 2019 AND A SPECIAL MEETING HELD ON JANUARY 14, 2020**

2. A motion was made by Mr. Reed and seconded by Ms. Freeman to approve the minutes of the Regular Meeting of the Board of Directors held on September 9, 2019, Regular Meeting held on November 15, 2019 and Special Called Meeting held on January 14, 2020. The motion carried.

**ANNUAL FINANCIAL REPORT**

3. The Annual Financial Report of the District for the fiscal year ending September 30, 2019 was presented by Allan L. Johnston, auditor for the District. After discussion on a motion by Walter Sohl and second by Suzette Freeman, the Annual Financial Report of the District for the fiscal year ending September 30, 2019, was approved unanimously.

**CALL AN ELECTION**

4. Upon a motion by Josh Garcia and second by Walter Sohl the Board of Directors called an election to elect three (3) Directors for the District for May 2, 2020. A copy of the Notice and Order of Election are attached hereto.

**MANAGER'S REPORT**

5. Mark Young, the District Manager, gave the manager's Report on the operations of the District.


**ADJOURN**

6. As there was no further business to come before the Board of Directors, a motion was made by Suzette Freeman, seconded by Josh Garcia and approved to adjourn.

NUECES COUNTY WATER CONTROL  
AND IMPROVEMENT DISTRICT NO. 4

By   
Russ Miget, its President

ATTEST:

  
Walter Sohl, its Secretary

**NOTICE AND ORDER OF ELECTION**  
**(AVISO Y ORDEN DE ELECCION)**

An election is hereby ordered to be held on May 2, 2020 for the purpose of electing 3 Directors for the **Nueces County Water Control and Improvement District No. 4.** *(Una eleccion es por este medio ordenada ser sostenida el 2 de Mayo 2020 para la eleccion de 2 directores del Nueces County Water Control and Improvement District No. 4.)*

Notice is hereby given that the polling place listed below will be open from 7:00 a.m. to 7:00 p.m., on May 2, 2020, for voting in the General Election, to elect 3 Directors. *(Dan por este medio el aviso esto el centro electoral puesto en una lista abajo estara abierto de 7:00 a.m. hasta las 7:00 p.m. el 2 de Mayo, 2020 para votar en unas elecciones generales para elegir 3 directores.)*

Location of polling place: *(Direccion de las casillas electorales:)*

408 Alister Street, Port Aransas, Nueces County, Texas.

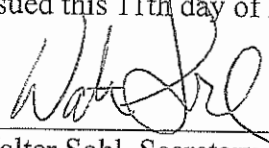
Early voting by personal appearance will be conducted each weekday at the Port Aransas Community Center, 408 N. Alister Street, Port Aransas, Nueces County, Texas between the hours of 8:00 a.m. to 5:00 p.m. beginning on April 20, 2020 and ending on April 24, 2020, and 7:00 a.m. to 7:00 p.m. on April 25 and 26, 2018 and between the hours of 8:00 a.m. to 5:00 p.m. beginning on April 27, 2020 and ending on April 28, 2020. *(La votacion temprano por el aspect (aparicion) personal sera conducida cada dia laborable en el Port Aransas Community Center, 408 N. Alister Street, Port Aransas, Nueces County, Texas entre las horas de las 8:00 a.m. hasta las 5:00 p.m. el principio el 20 Abril, 2020 y terminando el Abril 24, 2020, 7:00 a.m. hasta las 7:00 p.m. el 25 y 26 de Abril 2020, entre las horas de las 8:00 a.m. hasta las 5:00 p.m. el principio el 27 Abril, 2020 y terminando el Abril 28, 2020.)*

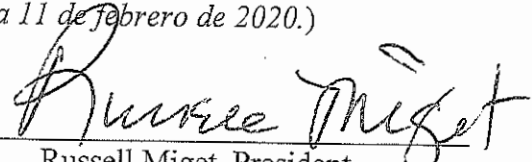
Applications for ballots by mail should be mailed to: *(Las solicitudes de la votacion por el correo deberian ser enviadas a:)*

Mark Young, Nueces County Water Control and Improvement District No. 4, Tower Center, 1812 State Highway 361, Port Aransas, Texas 78373.

Applications for ballots by mail must be received no later than the close of business on April 22, 2020. *(Las solicitudes de votaciones por el correo no deben ser recibidas mas tarde que al fin de negocios el 22 de Abril, 2020.)*

Issued this 11th day of February, 2020. *(Emitada este dia 11 de febrero de 2020.)*

  
\_\_\_\_\_  
Walter Sohl, Secretary

  
\_\_\_\_\_  
Russell Miget, President

**MINUTES OF  
SPECIAL CALLED MEETING  
APRIL 7, 2020**

**THE STATE OF TEXAS   §  
                                     §  
COUNTY OF NUECES   §**

On the 7th day of April, 2020, the Board of Directors for the Nueces County Water Control & Improvement District No. 4 convened at 10:00 a.m. in a Special Called Meeting at the District Office, 1812 State Hwy 361 Suite F, Port Aransas, Texas, there being present and in attendance the following to wit:

President	Russ Miget
Secretary Pro-Tem	Suzette Freeman
Vice President	Josh Garcia
Secretary	Walter Sohl
Director	Ed Reed
Staff:	
Manager	Mark Young
Finance Director	Elizabeth Schmidl
Engineer	Jim Urban
Attorney	Charles Zahn

**CALL TO ORDER**

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

**PUBLIC COMMENT**

2. There was no public comment received at the meeting.

**PROTOCOLS DURING COVID-19 PANDEMIC**

3. A motion was made by Suzette Freeman and seconded by Ed Reed to approve the District's COVID-19 protocols. A copy of the District's COVID-19 protocols is attached hereto. The motion carried.

**AWARD BID FOR BROWN STREET SANITARY SEWER PROJECT**

4. Upon a motion by Ed Reed and second by Josh Garcia the Board of Directors awarded a bid for the Brown Street Sanitary Sewer Project to Island Construction, the lowest and best bidder.  
**ACTION TO POSTPONE MAY 2, 2020 DIRECTORS ELECTION**

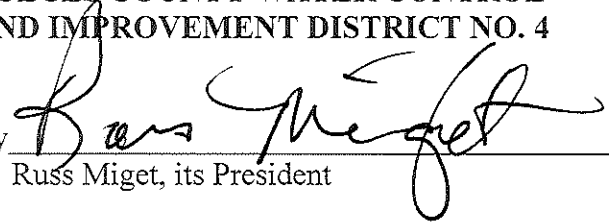
5. Charles W. Zahn, Jr., the District's attorney, advised the Board of Directors that Governor Greg Abbott, the Governor of the State of Texas issued an Executive Order certifying that the coronavirus (COVID-19) poses an imminent threat of disaster and declared a state of disaster for all counties in Texas. The Governor also issues an Election Proclamation on March 18, 2020 suspending certain provisions of the Texas Election Code to the extent to allow political subdivisions to move previously ordered special or regular elections from May 2, 2020 to the next uniform election date which occurs on November 3, 2020. After discussion, upon motion by Walter Sohl and second by Josh Garcia, the Board of Directors approved *An Order Postponing the Election of Members of the Board of Directors of the Nueces County Water Control and Improvement District No. 4 From May 2, 2020 to November 3, 2020 Pursuant to a Proclamation Issued by the Governor of the State of Texas Dated March 18, 2020; And Other Matters Incidental Thereto*. A copy of the Order is attached hereto.

**ADJOURN**

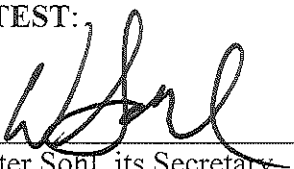
5. As there was no further business to come before the Board of Directors, a motion was made by Suzette Freeman, seconded by Josh Garcia and approved to adjourn.

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

By

  
Russ Miget, its President

ATTEST:

  
Walter Sohn, its Secretary

NUECES COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 4  
COVID-19 PROTOCOLS

**ATTENTION CUSTOMERS:**

In order to assure the safety of our staff and  
the public, Nueces County WCID4 will begin  
the following measures:

**OUR OFFICE IS NOT OPEN TO THE PUBLIC**

- 1.) **NO CASH PAYMENTS**
- 2.) **Anyone wanting to submit building plans  
please call our office at 361-749-5201 to  
make arrangements.**
- 3.) **Please make your payment over the  
phone, online, or use the drop box  
located at the front of the building.**
- 4.) **Please call the office for inquiries on  
billing amount and account information.**
- 5.) **To make an appointment to meet with  
District Manager contact this office.**

**361-749-5201**

**[www.ncwcid4.org](http://www.ncwcid4.org)**

AN ORDER POSTPONING THE ELCTION OF MEMBERS OF THE BOARD OF DIRECTORS OF THE NUECES COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 4 FROM MAY 2, 2020 TO NOVEMBER 3, 2020 PURSUANT TO A PROCLAMATION ISSUED BY THE GOVERNOR OF THER STATE OF TEXAS DATED MARCH 18, 2020; AND OTHER MATTERS INCIDENTAL THERETO

\*\*\*\*\*

WHEREAS, pursuant to an Order passed by the Board of Directors (the "Board") of the Nueces County Water Control and Improvement District No. 4 (the "*District*") on February 11, 2020 (the "*Election Order*"), an election of members of the Board of Directors of the District was ordered to be held on May 2, 2020 (the "*Election*"), being a uniform election date prescribed by Section 41.001 of the Texas Election; and,

WHEREAS, on March 13, 2020, the Governor of the State of Texas (the "*Governor*") certified that the coronavirus ("COVID-19") poses an imminent threat of disaster and, under the authority vested in the Governor by Section 418.014 of the Texas Government Code, declared a state of disaster for all counties in Texas (the "*Disaster Proclamation*"); and,

WHEREAS, in furtherance of the Disaster Proclamation, the Governor issued an Order on March 16, 2020 (the "*Open Meeting Order*") temporarily suspending certain provisions of the Open Meetings Act, Chapter 551 of the Texas Government Code; and,

WHEREAS, in furtherance of the Disaster Proclamation, the Governor issued a proclamation on March 18, 2020 (the "*Election Proclamation*") suspending certain provisions of the Texas Election Code (the "*Code*"), including Sections 41.0052 (a) and (b) of the Texas Election Code to the extent necessary to allow political subdivisions to move their previously ordered special or general elections from May 2, 2020 to the next uniform election date, which occurs on November 3, 2020; and,



WHEREAS, the Election Proclamation by its terms declares that the Governor may take action pursuant to Section 418.016 of the Texas Government Code to suspend provisions of any regulatory statute prescribing the procedure for conduct of state business or the orders or rules of a state agency if strict compliance with the provisions, orders, or rules would in any way prevent, hinder, or delay necessary action in coping with a disaster; and,

WHEREAS, the Board desires to exercise its authority under the Election Proclamation; and,

WHEREAS, the Board hereby finds and determines that it is in the best interests of the residents of the District, including its registered voters and all individuals appointed to serve as election officer at the Election, in light of the purposes of the Disaster proclamation, to postpone the Election as provided for in the Election Proclamation; and,

WHEREAS, all candidate filings for the Election have been completed and all ballot order actions have been taken; and,

WHEREAS, the early voting period for the election has not begun, although applications for ballots by mail may have been received; and,

WHEREAS, the Board hereby finds and determines that all proceedings and actions to date with respect to the Election have been proper and appropriate; and,

WHEREAS, the Board hereby finds and determines that postponing the Election from May 2, 2020 to November 3, 2020 is in the best interests of the residents of the District; now, therefore

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE NUECES COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO.4 THAT:

SECTION 1. The Election is hereby postponed from May 2, 2020 to November 3, 2020.

SECTION 2. All applications for ballots by mail that were submitted for the May 2, 2020 will remain valid for the November 3, 2020 election.

SECTION 3. All candidate filings and ballot order actions are hereby preserved for the November 3, 2020 election. The postponement does not have the effect of reopening candidate filings.

SECTION 4. All deadlines relating to candidate filings, declarations of ineligibility, withdrawals or death that apply to the November 3, 2020 election applies to all candidates who are currently on the ballot for the election of Directors to the Board for the May 2, 2020 election.

SECTION 5. The Secretary of the Board will post notice or cause to be posted a copy of this order during early voting by personal appearance and on election day at each place in the District where the Election Order was to be posted by the District pursuant to the Election Order, including on the District's website.

SECTION 6. The Board will meet no later than August 17, 2020 to make necessary or desirable revisions to its original order of election, including but not limited to identifying the voter registration deadline (October 5, 2020), the deadline to submit annual applications for ballots by mail (October 23, 2020), and the dates for early voting (October 19, 2020 through October 30, 2020) and such other revisions as may be deemed appropriate by the Board, which could be included in the order calling for the election of members of the Board of the District.

SECTION 7. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Order for all purposes and are adopted as a part of the judgment and findings of the Board.

SECTION 8. All orders and resolutions, or parts thereof, which are in conflict or inconsistent with any provisions of this Order are hereby repealed to the extent of such conflict, and the provisions of this Order shall be and remain controlling as to the matters ordained herein.

SECTION 9. This Order shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 10. It is officially found, determined, and declared that the meeting at which this Order is adopted was open to the public, and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Order, was given, all as required by Chapter 551, as amended, Texas Government Code, and as modified by the Open Meetings Order.

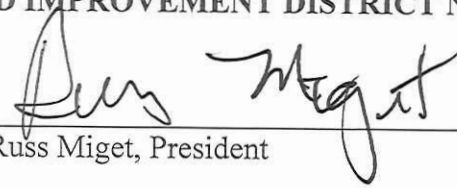
SECTION 11. If any provision of this Order or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Order and the application of such provision to other persons and circumstances shall nevertheless be valid, and this Board hereby declares that this Order would have been enacted without such invalid provision.

SECTION 12. Pursuant to the provisions of Section 1201.028, as amended, Texas Government Code, this Order shall be effective immediately upon adoption.

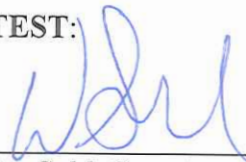
PASSED and APPROVED on the \_\_\_\_\_ day of April, 2020.

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

By

  
Russ Miget, President

ATTEST:

  
Walter Sohl, Secretary



**MINUTES OF  
SPECIAL CALLED MEETING  
OCTOBER 22, 2020**

**THE STATE OF TEXAS   §  
                                     §  
COUNTY OF NUECES   §**

On the 22nd day of October, 2020, the Board of Directors for the Nueces County Water Control & Improvement District No. 4 convened at 3:00 p.m. in a Special Called Meeting at the District Office, 1812 State Hwy 361 Suite F, Port Aransas, Texas, there being present and in attendance the following to wit:

	President	Russ Miget
	Secretary Pro-tem	Suzette Freeman
	Vice President	Josh Garcia
	Secretary	Walter Sohl
	Director	Ed Reed
Staff:	Manager	Mark Young
	Finance Director	Betty Schmidl
	Office Manager	Katie Barrett
	Consultant	Stephen Hilmy
	Consultant	Michael Morris

**CALL TO ORDER**

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

**RECESS OPEN SESSION AND CONVENE IN EXECUTIVE SESSION**

2. At 3:09 p.m. Mr. Miget announced that the Board of Directors would go into Executive session pursuant to §551.071 of the Texas Government Code and Texas Rules of Professional Conduct Rule 1.05 to deliberate agenda item 4a which was described in the agenda as follows:
  2. Receive legal advice from the District's counsel regarding Agreement with the Port of Corpus Christi Authority of Nueces County, Texas for relocation of a 20" water line associated with the Port of Corpus Christi's Channel Improvement Project (Section 551.074 of the Texas Government Code).

**RECONVENE IN OPEN SESSION**

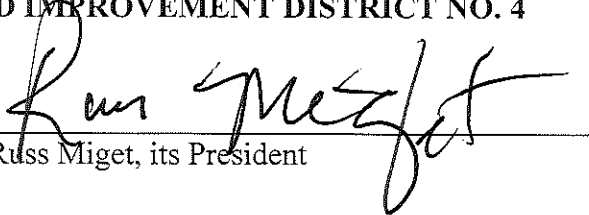
3. At 3:50 p.m. the President reconvened in Open Session and the Board took action on the following matter deliberated in Executive Session:
  - 3.a. After discussion, Mr. Miget made a motion to authorize the District Manager to enter into an Interlocal Agreement with the Port of Corpus Christi Authority of Nueces County, Texas. The motion was seconded by Mrs. Freeman and carried by a vote of 4 for and 1 against.

**ADJOURN**

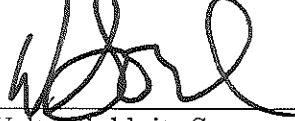
4. As there was no further business to come before the Board of Directors, a motion was made by Suzette Freeman, seconded by Ed Reed and approved to adjourn.

NUECES COUNTY WATER CONTROL  
AND IMPROVEMENT DISTRICT NO. 4

By

  
Russ Miget, its President

ATTEST:

  
Walter Sohl, its Secretary