

**MINUTES OF
SPECIAL CALLED MEETING
JANUARY 8, 2021**

THE STATE OF TEXAS §
 §
COUNTY OF NUECES §

On the 8th day of January, 2021, 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	Josh Garcia
	Vice President	Walter Sohl
	Secretary	Suzette Freeman
	Secretary Pro-tem	Jo Ellyn Krueger
	Director	Ed Reed
Staff:	Manager	Mark Young
	Attorney	Charles W. Zahn, Jr.

CALL TO ORDER

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

PUBLIC COMMENT

2. There was no public comment received by the Board of Directors.

RECESS OPEN SESSION AND CONVENE IN EXECUTIVE SESSION

3. At 3:09 p.m. Mr. Garcia announced that the Board of Directors would go into Executive session pursuant to §551.074 of the Texas Government Code to deliberate agenda item 2a which was described in the agenda as follows:

3. Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of an employee of the District with possible action and discussion in open session. (Section 551.074 of the Texas Government Code).

RECONVENE IN OPEN SESSION

4. At 4:10 p.m. the President reconvened in Open Session and the Board took action on the following matter deliberated in Executive Session:

4. After discussion, Suzette Freeman made a motion to authorize the District's attorney to retain Liza Aquilar Wood of the firm of McKibben, Martinez, Jarvis & Wood, L.L.P. to interview present and past employees of the District concerning a complaint filed by Katie Barrett and to make a recommendation to the Board of Directors on a course of action to resolve the complaint. The motion was seconded by Ed Reed and carried by a vote of 4 for and 1 against.

ADJOURN

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

NUECES COUNTY WATER CONTROL
AND IMPROVEMENT DISTRICT NO. 4

By Josh Garcia
Josh Garcia, its President

ATTEST:

Suzette Freeman
Suzette Freeman, its Secretary

**MINUTES OF
SPECIAL CALLED MEETING
JANUARY 15, 2021**

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

On the 15th day of January, 2021, the Board of Directors for the Nueces County Water Control & Improvement District No. 4 convened at 4:00 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	Josh Garcia
	Vice President	Walter Sohl
	Secretary	Suzette Freeman
	Secretary Pro-tem	Jo Ellyn Krueger
	Director	Ed Reed
Staff:	Field Manager	Scott Mack
	Attorney	Charles W. Zahn, Jr.

CALL TO ORDER

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

PUBLIC COMMENT

2. There was no public comment received by the Board of Directors.

RECESS OPEN SESSION AND CONVENE IN EXECUTIVE SESSION

3. At 3:05 p.m. Mr. Garcia announced that the Board of Directors would go into Executive session pursuant to §551.074 of the Texas Government Code to deliberate agenda item 3. which was described in the agenda as follows:

3. Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of an employee of the District with possible action and discussion in open session. (Section 551.074 of the Texas Government Code).

RECONVENE IN OPEN SESSION

4. At 4:45 p.m. the President reconvened in Open Session and the Board took action on the following matter deliberated in Executive Session:

- 4.a. After discussion, Ed Reed made a motion to accept the resignation of Mark Young effective immediately and to pay his salary through January 31, 2021. The motion was seconded by Suzette Freeman and carried.
 - 4.b. After discussion Josh Garcia made a motion to appoint Scott Mack as the interim District Manager effective immediately. The motion was seconded by Ed Reed and carried.
5. The Board of Directors discussed taking action to request proposals for disaster recovery services to consult the District on the Federal Emergency Management Administration's public assistance program. No action was taken by the Board of Directors.

ADJOURN

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

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

By 
Josh Garcia, its President

ATTEST:


Suzette Freeman, its Secretary

**MINUTES OF
SPECIAL CALLED MEETING
JANUARY 21, 2021**

THE STATE OF TEXAS §
 §
COUNTY OF NUECES §

On the 21st day of January, 2021, the Board of Directors for the Nueces County Water Control & Improvement District No. 4 convened at 4:00 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	Josh Garcia
Vice President	Walter Sohl
Secretary	Suzette Freeman
Secretary Pro-tem	Jo Eilyn Krueger
Director	Ed Reed
Staff:	
Interim District Manager	Scott Mack
Attorney	Charles W. Zahn, Jr.

CALL TO ORDER

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

PUBLIC COMMENT

2. There was no public comment received by the Board of Directors.

RECESS OPEN SESSION AND CONVEIN IN EXECUTIVE SESSION

3. At 4:34 p.m. Mr. Garcia announced that the Board of Directors would go into Executive session pursuant to §551.074 of the Texas Government Code to deliberate agenda item 3. which was described in the agenda as follows:

3. Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of an employee of the District with possible action and discussion in open session. (Section 551.074 of the Texas Government Code).

RECONVENE IN OPEN SESSION

4. At 5:38 p.m. the President reconvened in Open Session and the Board took action on the following matter deliberated in Executive Session:
 - 4.a. After discussion, Walter Sohl made a motion to pay Denise Fox the sum of \$80.00 per hour for financial consulting services to the District until the Board of Directors can determine whether to employ her as a consultant to the District or an employee of the District. The motion was seconded by Ed Reed and carried.

REQUEST FOR PROPOSAL FOR DISASTER RECOVERY CONSULTING SERVICES

5. After discussion, upon motion by Ed Reed and second by Suzette Freeman the Board of Directors authorized staff to issue a Request for Proposal for disaster recovery consulting services for the Federal Emergency Management Administration public assistance program.

MINUTES

6. Upon motion by Suzette Freeman and second by Ed Reed the Minutes of the January 8, 2021 and January 15, 2021 were approved.

BANKING RESOLUTION

7. Upon motion by Ed Reed and second by Suzette Freeman the Board of Directors approved the following resolutions:

RESOLVED, that American Bank, hereinafter sometimes called the Bank, be and it hereby is designated as a depository for the funds of the District and any officer of the District is hereby authorized to open or cause to be opened an account or accounts with said Bank on such terms, conditions and agreements as shall be required by said Bank, to endorse or cause to be endorsed, in the name of the District and to cash, to negotiate or to deposit or cause to be deposited in such account or accounts any money, checks, drafts, orders, notes and other instruments for the payment of money and to make any other agreements deemed advisable in regard thereto.

RESOLVED FURTHER, that checks, drafts or other withdrawal orders issued against the funds of the District on deposit with said Bank may be signed by any of the following:

Suzette Freeman
Scott Mack
Denise Fox

and said Bank is hereby authorized to pay and charge to the account of the District any checks, drafts or other withdrawal orders, so signed, including those payable to the individual order of the person signing the same and including also checks or other withdrawal orders payable to the said Bank or to any other person or corporation, which are applied in payment of any indebtedness owing to said Bank from the person or persons who signed such checks or other withdrawal orders.

RESOLVED FURTHER, that Denise Fox is hereby designated as the online administrator for the accounts of the District with the Bank.

RESOLVED FURTHER, that this resolution shall remain in force until express written notice of its rescission or modification has been furnished to and received by said Bank.

RESOLVED FURTHER, that all transactions, if any, in respect to any deposits, withdrawals, rediscounts and investments by or in behalf of the District with said Bank prior to the adoption of this resolution be and the same are in all things approved.

RESOLVED FURTHER, that any of the person above-named be and they hereby are authorized and empowered to make any and all contracts, agreements, stipulations and orders which they deem advisable, from time to time, with said Bank in respect to transactions between the District and said Bank in regards to funds deposited in said Bank or any other business transacted by and between the District and said Bank.

RESOLVED FURTHER, that any and all resolutions heretofore adopted by the Board of Directors of the District and certified to said Bank as governing the operation of the District's account(s) with it, be and are hereby continued in force and effect, except as the same may be supplemented or modified by the foregoing.

INVESTMENT ACCOUNTS

8. Upon motion by Josh Garcia and second by Walter Sohl the Board of Directors approved the following resolutions:

RESOLVED, that American Bank, hereinafter sometimes called the Bank, be and it hereby is designated as a depository for the funds of the District and any officer of the District is hereby authorized to open or cause to be opened an account or accounts with said Bank on such terms,

conditions and agreements as shall be required by said Bank, to endorse or cause to be endorsed, in the name of the District and to cash, to negotiate or to deposit or cause to be deposited in such account or accounts any money, checks, drafts, orders, notes and other instruments for the payment of money and to make any other agreements deemed advisable in regard thereto.

RESOLVED FURTHER, that checks, drafts or other withdrawal orders issued against the funds of the District on deposit with said Bank may be signed by any of the following:

Suzette Freeman
Scott Mack
Denise Fox

and said Bank is hereby authorized to pay and charge to the account of the District any checks, drafts or other withdrawal orders, so signed, including those payable to the individual order of the person signing the same and including also checks or other withdrawal orders payable to the said Bank or to any other person or corporation, which are applied in payment of any indebtedness owing to said Bank from the person or persons who signed such checks or other withdrawal orders.

RESOLVED FURTHER, that Denise Fox is hereby designated as the online administrator for the accounts of the District with the Bank.

RESOLVED FURTHER, that this resolution shall remain in force until express written notice of its rescission or modification has been furnished to and received by said Bank.

RESOLVED FURTHER, that all transactions, if any, in respect to any deposits, withdrawals, rediscounts and investments by or in behalf of the District with said Bank prior to the adoption of this resolution be and the same are in all things approved.

RESOLVED FURTHER, that any of the person above-named be and they hereby are authorized and empowered to make any and all contracts, agreements, stipulations and orders which they deem advisable, from time to time, with said Bank in respect to transactions between the District and said Bank in regards to funds deposited in said Bank or any other business transacted by and between the District and said Bank.

RESOLVED FURTHER, that any and all resolutions heretofore adopted by the Board of Directors of the District and certified to said Bank as governing the operation of the District's account(s) with it, be and are hereby continued in force and effect, except as the same may be supplemented or modified by the foregoing.

CONSULTING SERVICES AGREEMENT WITH MARK YOUNG

9. After discussion, upon motion by Walter Sohl and second by Ed Reed the Board of Directors tabled consideration of a consulting services agreement with Mark Young.

EMPLOYMENT AGREEMENT WITH SCOTT MACK

10. After discussion, upon motion by Ed Reed and second by Suzette Freeman consideration of an employment agreement with Scott Mack was tabled.

CONSULTING SERVICES AGREEMENT WITH DENISE FOX

11. After discussion, Walter Sohl made a motion to pay Denise Fox the sum of \$80.00 per hour for financial consulting services to the District until the Board of Directors can determine whether to employ her as a consultant to the District or an employee of the District. The motion was seconded by Ed Reed and carried.

ENGINEERING REPORT

12. There was no engineering report presented to the Board of Directors.

MANAGER'S REPORT


13. Scott Mack discussed the authority of the District Manager to hire and compensate employees. Since the matter was not on the agenda, no action was taken by the Board of Directors.

ADJOURN

14. 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


Josh Garcia, its President

ATTEST:


Suzette Freeman, its Secretary

**MINUTES OF
SPECIAL CALLED MEETING
JANUARY 29, 2021**

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

On the 29th day of January, 2021, the Board of Directors for the Nueces County Water Control & Improvement District No. 4 convened at 4:00 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	Josh Garcia
	Vice President	Walter Sohl
	Secretary	Suzette Freeman
	Secretary Pro-tem	Jo Ellyn Krueger
	Director	Ed Reed
Staff:	Interim District Manager	Scott Mack
	Attorney	Charles W. Zahn, Jr.

CALL TO ORDER

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

PUBLIC COMMENT

2. There was no public comment received by the Board of Directors.

RECESS OPEN SESSION AND CONVENE IN EXECUTIVE SESSION

3. At 4:05 p.m. Mr. Garcia announced that the Board of Directors would go into Executive session pursuant to §551.071 and §551.074 of the Texas Government Code to deliberate agenda item 3. which was described in the agenda as follows:

3. Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of an employee of the District with possible action and discussion in open session. (Section 551.074 of the Texas Government Code).

RECONVENE IN OPEN SESSION

4. At 4:53 p.m. the President reconvened in Open Session and the Board took action on the following matter deliberated in Executive Session:

- 4.a. The Board of Directors received legal advice from counsel in connection with Betty Schmidl v. Nueces County Water Control and Improvement District No.4 (Section 551.07).
- 4.b. Upon motion by Walter Sohl and second by Suzette Freeman the Board took action to hire Denise Fox pursuant to a written proposal as an employee of the District for a period of six (6) months at a compensation of \$80.00 per hour for financial consulting services to the District (Section 551.074).

MINUTES

5. Upon motion by Ed Reed and second by Walter Sohl the Minutes of the January 21, 2021 Special Called Meeting of the Board of Directors were approved.

EMPLOYMENT AGREEMENT WITH SCOTT MACK

6. After discussion, upon motion by Ed Reed and second by Suzette Freeman the Board of Directors authorized the employment of Scott Mack as the District Manager at a salary of \$120,000.00 per year.

CONSULTING SERVICES AGREEMENT WITH DENISE FOX

7. After discussion, Ed Reed made a motion hire Denise Fox pursuant to a written proposal as an employee of the District for a period of six (6) months at a compensation of \$80.00 per hour for financial consulting services to the District. The motion was seconded by Walter Sohl and carried.

CONSULTING SERVICES AGREEMENT WITH MARK YOUNG

8. After discussion, upon motion by Ed Reed and second by Jo Ellyn Kruger the Board of Directors tabled consideration of a consulting services agreement with Mark Young.

CONSTRUCTION MATERIALS LEASE AGREEMENT WITH AMERICAN ELECTRIC POWER COMPANY

9. Upon motion by Suzette Freeman and second by Ed Reed the Board of Directors tabled consideration of a Construction Materials Lease Agreement with American Electric Power Company.

MANAGER'S REPORT

10. Scott Mack did not provide a Manager's Report to the Board of Directors.

ADJOURN

11. 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 _____
Josh Garcia, its President

ATTEST:

_____
Suzette Freeman, its Secretary