

NUECES COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 4

MINUTES OF REGULAR MEETING

September 28, 2022

THE STATE OF TEXAS §
 §
COUNTY OF NUECES §

On the 28th day of September, 2022, the Board of Directors for the Nueces County Water Control & Improvement District No. 4 convened at 3:30 p.m. in a Regular Called Meeting at the District Office, 200 Howard Boulevard, 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	James Pate
	Director	Ed Reed
Staff:	Manager	Scott Mack
	Finance Director	Larry Mendoza
	Finance Consultant	Denise Fox
	Attorney	Charles Zahn
	Office Manager	Katie Barrett

CALL TO ORDER

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

PUBLIC COMMENT

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

APPROVAL OF MINUTES

3. A motion was made by Ed Reed and seconded by Suzette Freeman to approve the minutes of:
 - a. Regular meeting held June 16, 2022
 - b. Special meeting held August 09, 2022The motion carried unanimously.

DISCUSS AND TAKE ACTION ON 2022-2023 BUDGET

4. After discussion, a motion was made by Josh Garcia and seconded by Ed Reed to accept the 2022-2023 budget. The motion carried unanimously.

DISCUSS AND TAKE ACTION ON RECORD RETENTION POLICY

5. After discussion, a motion was made by Suzette Freeman and seconded by Ed Reed to adopt the record retention policy.

DISCUSS AND AWARD CONTRACT FOR PORT ARANSAS TOWER PAINT

6. After discussion, a motion was made by Ed Reed and seconded by Suzette Freeman to award a contract to paint the Port Aransas Tower from CFG for the sum of \$105,000.00. The motion carried unanimously.

DISCUSS AND SEEK APPROVAL TO EXPLORE GRANTS FOR UPCOMNG INFRASTRUCTURE PROJECTS

7. After discussion it was decided to explore grants for infrastructure projects.

REVIEW AND TAKE ACTION ON 2019-2020 FINANCIAL AUDIT

8. A financial audit was not presented at this time.

FINANCIAL REPORT

9. Larry Mendoza and Denise Fox, District Finance Director and Consultant, gave the financial report. Ed Reed made a motion to accept the report. This motion was seconded by Suzette Freeman and carried unanimously.

ENGINEER REPORT

10. There was no engineer report at this time.

MANAGER REPORT

11. Scott Mack reported on budgetary aspects, maintenance, and operations of the District. Ed Reed made a motion to accept the report. This motion was seconded by Suzette Freeman and it carried unanimously.

ADJORN

12. 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

NUECES COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 4

RESOLUTION AND ORDER
AMENDING THE RATE SCHEDULE

On the 28th day of September, 2022 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>Josh Garcia</u>	<u>President</u>
<u>Walter Sohl</u>	<u>Vice President</u>
<u>Suzette Freeman</u>	<u>Secretary</u>
<u>James Pate</u>	<u>Secretary-Pro-Tem</u>
<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 September 28, 2022 meeting will reflect the amended rates. Therefore, the Board of Directors organized a resolution to legally establish the amended rates.

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

Ayes: -5-
Nays: -0-

The President then declared the resolution and order finally passed and adopted. The resolution and order are 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 28th day of September, 2022.

ATTEST:


Josh Garcia, President


Suzette Freeman, Secretary

Amended Rates Effective 10/01/2022

Equipment Charges	
Backhoe with operator	\$ 100.00
Compressor (per hour)	\$ 40.00
Dewatering equipment (per day)	\$ 325.00
Dump/Water truck with driver (per hour)	\$ 80.00
Sewer Cleaner w/crew (per hour)	\$ 200.00

Drought Related Rates and Penalties

*May appeal to the water allocation and Review Committee

**RESOLUTION OF NUECES COUNTY WATER CONTROL AND IMPROVEMENT
DISTRICT NO. 4 BOARD OF DIRECTORS REGARDING THE DOCUMENT
RETENTION AND DESTRUCTION POLICY**

WHEREAS the Nueces County Water Control and Improvement District No. 4 (the "*District*") keeps correct and complete books and records of account and minutes of the proceedings of its members and Board of Directors; and,

WHEREAS the Board of Directors (the "*Board*") of the District has determined that it would be in the best interests of the District to provide a policy establishing guidelines for effectively managing the records of the District in order to meet legal requirements for record retention and privacy protection, optimizing the use of space, minimizing the cost of record retention, and properly destroying outdated records; and,

NOW THEREFORE BE IT RESOLVED that the following requirements are hereby established and adopted and the following procedures to be observed in furtherance of the Document Retention Policy of the District:

1. **Policy**

- a. It is the District's policy to maintain complete, accurate and high-quality documents. Documents are to be retained for the period of their immediate use, unless longer retention is required for historical reference, contractual or legal requirements, or for other purposes as set forth in this Document Retention and Destruction Policy.
- b. Documents that are no longer required, or have satisfied their recommended period of retention, are to be destroyed in an appropriate manner.
- c. The District Manager is responsible for ensuring that Documents within his or her area of assigned responsibility are identified, retained, stored, protected and subsequently disposed of, in accordance with the guidelines set forth in this Document Retention and Destruction Policy.

2. **Compliance** - This Document Retention and Destruction Policy is not intended to be exhaustive and accordingly, will be implemented to meet the specific needs of the District. The retention periods set forth herein are guidelines based on the current retention periods set forth in federal, state, and local statutes and regulations and industry custom and practice.

3. **Board Members** - The District does not require Board members to maintain any Documents. Board members, in their discretion, may dispose of Documents generated by the District because the District has maintained such Documents in the Official Files. However, if Board members receive Documents relating to the District, which were not generated by the District, or not received through the District, Board members shall send the originals of such Documents to the District Manager to be maintained in the Official Files.

4. **Annual Purge of Files**

- a. The District Manager and each Board member electing to maintain Documents shall conduct an annual purge of files that are under their control. The annual purge of files shall be completed within the first quarter of each calendar year.
- b. When a member of the Board of Directors ceases to be a member, the Board member shall either destroy or turn over to the District Manager, all Documents and files relating to the business of the District. If the Documents and files are turned over, from that time forward, the District Manager shall have the responsibility to conduct the annual purge of files maintained by the former Board member.

5. **Destruction Procedure**

- a. If the Documents to be destroyed are of public record, it is recommended that they be recycled. If recycling is not possible, the Documents may be placed in a trash receptacle.
- b. If the Documents to be destroyed are not of public record, they should be recycled if their confidentiality can be protected or they may be shredded, burned, chemically treated or otherwise made illegible.

6. **Certification** - Following the annual purge of files, the District Manager, if requested by the Board, shall complete a Certification Letter directed to the District's Board of Directors stating that all Documents under his or her control conform to the retention guidelines.

7. **Miscellaneous** - There may be immediate destruction of copies of any Document, regardless of age, provided that an original is maintained in the Official Files of the District.

8. **Onset of Litigation** - Upon the institution of litigation, or if it is reasonably foreseeable that litigation may be imminent, all Documents potentially relevant to the dispute must be preserved. Therefore, at the direction of legal counsel, the District Manager will advise the Board Members, and any other person who may maintain District Documents, of the facts relating to litigation. Thereafter, all Documents potentially relevant to the dispute shall be deemed "held" until such litigation is concluded, and all appeal periods have expired. At the conclusion of the litigation, the "hold" period will cease, and the time periods provided in the Records Retention Schedule will be applied.

9. **Definitions**

- a. Document means any documentary material, that is generated or received by the District in connection with transacting its business, is related to

the District's legal obligations, and is retained for any period of time. The term "Document" includes, among others, writings, drawings, graphs, charts, photographs, tape, disc, audio recordings, microforms, and other electronic documents from which information can be obtained or translated such as electronic mail, voice mail, floppy disks, hard discs and CO ROM.

- b. District Manager means the office manager of the District.
- c. Official Files means the files maintained by the District Manager of the District. Legal documents and documents subject to the attorney-client privilege and the work product privilege maintained by the District's legal counsel are not part of the "Official Files" of the District.
- d. Permanent means that the retention period for that document is permanent.

10. **Record Retention Schedule**

- a. The retention periods identified with particular Documents are intended as guidelines. In particular circumstances, the District Manager and Board Members have the discretion to determine that either a longer or shorter retention period is warranted.
- 2. Although every conceivable Document is not listed below, the following list should serve as a basis for retention schedules for the District's Documents.

RECORD RETENTION SCHEDULE

DOCUMENT TYPE		RETENTION OR TERMINATION PERIOD
Corporate Documents and Governing Instruments	Articles of Incorporation, Certificate of Formation, Bylaws, Restrictive Covenants, Resolutions, Policies, Committee Charters, Rules, Regulations, Guidelines, Dedicatory Instruments, All Amendments and Supplements, Plats/Maps, Easements, Annexation Records, Certificates or Permits Issued by State/Federal Agencies	Permanent
	Insurance Policies, Records, Claims, Disbursements, Settlements	Permanent
	Easement Agreements	Permanent
	Voting Records, Proxies, Ballots	Four (4) years
	Property Deed/s for District Owned Real Properties	Permanent
	Committee Reports	Four (4) years
Financial Books and Records	Financial Sheets (Balance Statement, Income Statement, Statement of Liabilities), General, General Ledgers, Accounts Receivable, and Accounts Payable Ledgers, Aging Reports, Bank Statements, Approved Budgets, Vendor Invoices/Disbursements, Check Registers, Canceled Checks, Copies of Payments Received, Expense Reports, Investment Information, Signature Cards	Five (5) years
	Loan or Bond Documents	Four (4) years after loan or bond is discharged

Financial Books and Records (cont' d)	Workers' Compensation Records, Accident Reports and Insurance Claims for Workers' Compensation Claims	Permanent
	Depreciation Schedules	Life of Asset Plus Four (4) years
	Correspondence Relating to General Financial Matters	Four (4) years
Account Records of Current Customers	Customer Information, General Customer Correspondence, Violation Correspondence, Service Applications, Collection Correspondence, Legal Collection Correspondence, Dispute of Debt, Billing Information	Period of Ownership Plus Five (5) years
	Service Applications/ Submissions, Ownership Records	Period of Ownership Plus Five (5) years
	Judgments/Release of Judgment, Liens/Release of Liens, Law/Legal Correspondence Property Specific	Permanent
	Approved Service Applications/ Submissions	Permanent
Vendor or Contract for Labor Records	Vendor Contracts	Four (4) years after the expiration of the contract term
	Bid Proposals/ Specifications (contracts not entered into by the District)	Two (2) years
	Contract for Labor or Employment	Four (4) years after the expiration of the contract term
	Personnel files, if any including wage rates, job description, etc.	Permanent

Meetings of Board of Directors	Approved Minutes of Meetings of Board of Directors including Executive Sessions	Permanent
	Meeting Audio or Video Recording	Permanent
Tax Returns and Audit Records	Federal, State, and State Franchise Tax Returns	Seven (7) years
	Financial Audits, IRS Notices/Federal Tax ID, Texas Notice of Franchise Exemption	Permanent
Professional Reports	Legal Opinions, Engineering/Structural Reports and other Professional Reports/Opinions	Permanent
	Lawsuits	Permanent
	Studies Relating to Study of Service Areas	Permanent
Miscellaneous Documents, Correspondence, Statements or Records		Seven (7) years

This Resolution was duly introduced, seconded and was thereafter adopted at a regular scheduled meeting of the Board of Directors, at which a quorum was present, by a majority vote of the members of the Board of Directors present and eligible to vote on this matter.

Notice and Recording:

Upon recording this Resolution with the county record's office, the District's District Manager is authorized and directed to prepare correspondence, in appropriate form and substance, to make available to customers of the District a copy of this Resolution.

This is to certify that the foregoing Resolution was adopted by the Board of Directors on September ____, 2022 effective as of the date of its adoption, until such date as it may be modified, rescinded, or revoked.

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

By 
Josh Garcia, its President

By 
Suzette Freeman, its Secretary