

MINUTES OF A REGULAR MEETING
OF
TRINITY BAY CONSERVATION DISTRICT
Wednesday, March 15, 2023
9:00 O'clock A.M.

THE STATE OF TEXAS
COUNTY OF CHAMBERS

The Board of Directors of Trinity Bay Conservation District met at the offices of the District in Stowell, Texas on Wednesday, March 15, 2023, with the following Directors present:

Gregg Turner	Vice-President
Richard Nicely	Director
Victor Caraway	Director

Also present were Jerry Shadden, Crystal Threadgill, David Hoyt, Mike Will, and Danny Pringle, District Employees; Kate Leverett of Germer, District Counsel, Gloria Roemer and Sharisa Nelson of the Seabreeze Beacon, Wade Thibodeaux of the Hometown Press, Brad Moon, Chambers County Constable, Cody Croley from LJA Engineering and Steve Fitzgerald.

Agenda Item 1:

Vice-President Turner called the Meeting to order at 9:00 a.m.

Agenda Item 2:

The meeting was opened with a prayer by General Manager Shadden.
Vice-President Turner led the Pledge of Allegiance to the American and Texas flags.

Agenda Item 3:

PUBLIC COMMENTS:

Gloria Roemer – Good morning. Thank you, Mr. Turner and the Board for allowing me a couple of minutes to speak. First of all, I want to thank you all for switching out my water meter at the office. We had a 2 ¼” which is way too big, and Mike Will a couple of years ago had said that, so we got it switched down to a normal lineage and that should save us some money every month, so thank you for that. Your workers were very polite and organized so thank you.

The reason that I wanted to speak this morning was, congratulations again on getting a good audit. And I was studying it and the audit says that on the water sewer side y'all have \$1.1 million dollar profit that y'all made. That was at the end of fiscal year September 30, 2022. Now my questions is, and this is what a lot of my questions are about is, how is that listed? When you do your budget for 2022-2023, how is that listed in the budget in the balance sheet? Does that \$1.1 million automatically go to the cash account or what? Again, as I am looking at a summary of the financials, where is it listed here? Is it listed under Revenue realize, I don't know, that is the question, and I guess what I am saying is these financials, the way they are presented, I am not questioning the accuracy, I am questioning how it is presented as to where that \$1.1 million would be. I am hoping and I know it is a question and you do not have to answer questions at public comment, but I am hoping when you agree to the financials, you might be able to explain that a little better. Thank you.

Agenda Item 4:

MINUTES:

Director Nicely – There are no changes to that email that I received for Public Comments so..

Rick Nicely, made a Motion to approve the Minutes of Regular Meeting held February 15, 2023. The motion was seconded by Director Caraway and it passed by unanimous vote.

Agenda Item 5:

FINANCIAL REPORTS:

Director Caraway, made a Motion to approve the Financial Reports for February 28, 2023. The motion was seconded by Director Nicely and it passed by unanimous vote.

General Manager Shadden – Mr. President would you like for me to expand on her public comment or Kate can?

Vice-President – If you would like.

Kate Leverett – You can address it.

General Manager Shadden – Okay. If you look at your water revenue, it is \$839,000. In the beginning of the budget, which like you were talking about, there is \$1.1 million in there, we took some money out of there to pay for water meters and so and so forth. So, let's say we are at the end of the year and we didn't spend all of the money in the budget that we currently have and we had \$100,000 something left

over. Well, that is just like a checking account, if I don't take the money out of that account to pay bills, that is where that money stays. Next year when I get ready to do a new budget, what I do is, I take and look at everything that we did last year and I look at the revenue that is coming in and I project the budget for the whole year with the revenue that I expect to have. The only time that you would see something like that is in your budget you would go in there and there would be a line item say like to transfer your money from reserves. Unless that \$1.1 million stayed in that account, and I didn't touch that money to do the following year's budget I just used it off the projected revenue that we had. So, that is just like a savings account that or just an account where our money is for the water side. Same way with the drainage side, I take the money that we get from the County and tells us how much they feel like we are going to get through Appraisal District, and I take that money and put a budget together and I haven't touched the CD money there that is in reserve. The only time that we have touched that money is with the crane that we had repaired, we moved \$80,000 out of the CD and put it in the operating budget to be able to pay for the repairs to the crane, because they were not budgeted for. It is an unexpected expense.

Director Caraway – But on the balance sheet, even though you have a profit, you don't necessarily have cash increase. So, you can spend that cash on other assets. Basically, you just have an asset increase over a liability intake, correct?

Kate Leverett, District Counsel – Well it's just like your personal checking account,...

General Manager Shadden – If you don't take it out of there, it's there.

Director Caraway – But that doesn't necessarily mean cash, it can be in equipment that we bought or something else.

General Manager Shadden – Yes, it could be. If you look in there, there is a line item in there for assets and so and so forth. But this is actual cash.

Director Caraway – But even though our balance sheets shows that we are, let's say \$1,000,000 ahead of where we are a year ago, that doesn't necessarily mean you are \$1,000,000 ahead in cash, you can take that case and spend it on equipment, inventory, pipes, lots of things. But your assets are ahead.

General Manager Shadden – But there would be a line item at the top that says contributions from reserves. So, if I decided hey look, we have to buy this this year, we are not going to have enough revenue to come in to pay for it and I need \$500,000 out of that account, there would be a line item in the Budget saying transfer from reserve to a line item to let you know that I took it out of reserves as a way to put money in it.

Director Caraway – I understand.

General Manager Shadden – Okay.

Director Nicely – So this is just for clarification?

General Manager Shadden – Yes.

Director Nicely – I notice from the minutes previously, that that account number was questioned, and so just for clarification, we do not have a savings account?

General Manager Shadden – No. That is our Revenue Account and there is a CD there. There hasn't been enough money to transfer, let's say for some reason, you actually go to our Budget right now and you digest it, even though we have spent 41% of the money, we have made 48% of the money, so we have actually made more money than I projected we were going to make. And so if we do not need that money, any extra would go into that account, unless it get up over \$1.5 million, we might want to transfer that money into that CD and maybe get \$200-\$300 worth of interest off of it every month. So that is what that CD is there for.

Director Nicely – Okay, I just wanted some clarification.

General Manager Shadden – It is not really a savings account, that is our operating account so if for some reason this month I didn't bring in as much money as I spent, we had 5 – 25Hp motors go out and it cost us a bunch of money.

Agenda Item 6:
TAX REPORTS:

Presented by General Manager Shadden by a Power Point presentation.

Director Nicely made a Motion to approve the Tax Reports for February 28, 2023. The motion was seconded by Director Caraway and it passed by unanimous vote.

Agenda Item 7:

ACCOUNTS PAYABLE:

Presented by General Manager Shadden by a Power Point presentation.

Director Caraway, made a Motion to approve the Accounts Payable. The motion was seconded by Director Nicely and it passed by unanimous vote.

Agenda Item 8:

ACCEPTING BID FROM SUPRGER AVIATION FOR AERIAL SPRAYING:

General Manager Shadden – yes sir, we put an ad in the paper for 2 weeks and we also contacted three companies themselves and sent them a copy of the bid proposal and the only one we got back was from Spurger Aviation. We contacted them personally, I believe it was Industrial Helicopter that we used in 2011, they sprayed for us, so we contacted all those people, and nobody was interested. So, this was the only bid they we got.

Director Caraway – How much is that bid for?

General Manager Shadden – I budgeted \$100,000, but for the ditches that Mark put together, which are the big ditches and everything this time, it looks like it is going to be \$27,000 for this. But the thing is, is people are planting rice now and everything else, so we do not want to spray anywhere that anyone has got a crop in the ground. Actually, it would be the applicator, he would be responsible for getting it on there. That doesn't mean that they couldn't come back on us somehow or another, but Kate is more of the lawyer on that, but they are responsible for it. But we won't spray a lot of the ditches because of rice or organics or something like that, so we will wait on that.

Director Caraway – Do you think we will have to go back with more at the end of the year?

General Manager Shadden – Yes. We will have a long window to be able to spray.

Director Caraway – So we will have to do this again?

General Manager Shadden – Yes, we will do it again, we will put a... I do not think we will have to rebid it again, because we put in there that we were looking at \$100,000. So what we will do is, we will spend \$27,000 now and then maybe in the middle of the summer, we might spray some other smaller ditches these are just the great big ditches and we might do some hyacinth control in the bayous, if the hyacinth gets real bad. That is the bad thing about repairing all the saltwater gates we have, it's all fresh water and now we are getting Hyacinth where the salt water killed it before. We created another problem for ourselves by fixing all these gates and stuff.

Vice-President Turner – Kate, did you draw up this contract?

District Counsel Kate Leverett – Yes, I worked with Jerry on it.

Vice-President Turner – And there is a hold harmless clause in it?

District Counsel Kete Leverett – Yes, an Indemnification and Hold Harmless. They provided all of their proof of insurance that we required. I did review the bid and like Jerry said, we put it in the paper, we sent it out and this was the only bidder that responded. And yes, it does have a Hold Harmless Agreement provision in bold in the contract.

Vice-President Caraway made a Motion to accept the bid from Spurger Aviation for aerial spraying.

Director Nicely – In the amount of \$27,000.

District Counsel Kate Leverett – My understanding is that it is \$27,000 per spray. They might do it again, so it is just up to \$100,000 as is your budget and you have already approved it.

The motion was seconded by Director Nicely and it passed by unanimous vote.

Agenda Item 9:

REIMBURSE FEMA FOR OVERPAYMENT:

General Manager Shadden – Yes sir. This is it for Hurricane Ike. Overpayments mean that as they audited, they would not pay us for mats, shackles or some kind of time that we could not justify or things like that. So when it was all said and done when Hurricane Ike was over with, we had 90 some odd thousand dollars in a restricted CD in case we had to pay this back, and they are telling me that this is all we owe and Hurricane Ike is over. The other caveat to this, is once we pay them the \$64,067.20, at close out I can appeal this. Whenever I came back it was already too late to appeal this. I appealed some of the others and was able to get some money back out of the PW's that we were able to justify some of the things so at close out I have the opportunity to appeal this and we will probably get some mat money back and a few other things, so hopefully I get half of it back.

Ezer 2 is way out in the middle of know where at the end of Cane Bayou down there and we ended up, you know we had to mat up and mat out, so we had a ton of mats we used, same way with Fitzgerald 1. So anyway, this is the end of Hurricane Ike according to TDEM and FEMA and I will appeal these at close out to see if we can justify any of the other costs.

Vice-President Turner – What you end up with Jerry is somebody seating up in Washington that does not have a clue of what this job entails, so they say “a mat, well what’s a mat” they don’t even know what a mat is.

General Manager Shadden – Yes sir. Well I will have to admit, the last 2 or 3 that I have appealed, whoever reviewed it, came back and said this looks like something reasonable to do this job with and they paid us for it. So, we got some money back out of it. Hopefully, this is the end of 2008.

Director Caraway – When you send this money to FEMA, will you at the same time transfer that money from that....

General Manager Shadden – That money will come out of that account.

Director Caraway – It will come straight from that account?

General Manager Shadden – Yes sir. We looked at that and talked with them this morning about doing a wire transfer instead of a check. So, we will just put it together and wire transfer it out of that account and so that account will still have \$30 some odd thousand dollars in it and it is up to the Board, we haven’t closed out the freeze yet at the water plant, and they contacted us and Diane is pulling information trying to justify everything that we asked for in the freeze. So, I don’t know if we are going to have to pay anything back on that or not, they are going through the audit. We can leave that \$30,000 there just in case, for some reason we need it to pay some money back on the freeze that can’t justify itself.

Director Caraway, made a Motion to approve reimbursement to FEMA for overpayments for PW 15372 Fitzgerald Bridge #1 and PW 15383 Ezer Bridge #2 for Hurricane Ike DR 1791 totaling \$64,067.20. The motion was seconded by Director Nicely and it passed by unanimous vote.

Agenda Item 10:

ENTERING INTO A LEASE WITH KOMATSU FINANCIAL FOR A D65 DOZER:

General Manager Shadden – Yes sir, we went out for bid and looked at Caterpillar and Komatsu, and the Board agreed a few weeks ago or a couple of months ago to by this equipment, it is here now and we want to enter into a 60 month lease to pay for it. So, we need the Board’s approval to enter into a lease agreement. This will be a Governmental lease, if for some reason the Board says we do not have the money next year and we have to return them, the we are able to return them. And here is some pictures of it (up on the television screen).

Director Nicely – Is that an interest rate of 6.5%?

General Manager Shadden – Yes Sir. That is pretty much the going rate.

Director Caraway, made a Motion to approve entering into a lease with Komatsu Financial for a D-65 Dozer. The motion was seconded by Director Nicely and it passed by unanimous vote.

General Manager Shadden – Also the old Dozer that we have, it needs a track job, we have had all kids of problems with it, so we plan to get rid of it and sell it at auction. We have one more Trackhoe with a Fecon and a pony-motor coming. They have the trackhoe, but when is the head..

David Hoyt - The head is not coming out until like June and the power pack not until August.

General Manager Shadden – And we will get rid of and sell the old trackhoe that we have. David has received 2 or 3 other trucks that we, not the ones we ordered, he has been able to find them on BuyBoard and HGAC through other dealerships and just buy what is off the lots to be able to replace what we have. There is still no delivery date on the ones that we ordered a year ago.

David Hoyt – No, it gets here today.

General Manager Shadden – It gets here today, and we paid for it over a year ago. Then we will put the oldest trucks that aren’t any good anymore in with this auction equipment and sell it off.

David Hoyt – Gregg you are probably going to notice this more than anybody, you are going to start seeing some of the equipment operators in 4 door trucks because that is all I can get.

Agenda Item 11:

RESOLUTION 23-04 SUBDIVISION FLOWCHART:

General Manager Shadden – We partnered with the County and what this is for, is when you want to come in here and now that the growth is coming and we have had J. Ashely and then we had Sonny and now we have a third contractor wanting to come in. So, what we have done is sit down with the County

and we put a flowchart together. This is step-by-step of what you need to do and the permits you have to have and everything you need to do to put a subdivision in. All the way down to for us to be able to accept it and test and so on so forth. We worked with the County and put all these steps in there, that way if you are coming in from Austin and want to start building here, these are the steps that you need to do to be able to put a subdivision in.

Vice-President Turner - Who is responsible for the hydro test, us or the contractor?

General Manager Shadden – We witness the contractor do it. He hydro test it, and he also pressure tests the sewer system, low pressure air test and then you also have LJA's engineer inspector that is on the job and Mike or someone does it. You are required to pump it up to 150 lbs. and over a certain period of time and if it loses more than ½ gallon in that period of time, then it fails, or it is good.

Vice-President Turner - But you are going by pressure?

General Manager Shadden – Yeah, you fill it up with water and pump it up with pressure and then you see if you have any expansion in the pipe or the tubing anything along the way after 2 – 3 hours, you have a meter on it and you put more water back in it, there is a formula that tells you by how much pipe you have and how much water you can add to it without there being a leak., if that makes sense.

Director Nicely – I read this over when I got this in my email and one thing that can come back to haunt us is the teacherville is utility easements. There is nothing in here from the County or Trinity Bay that deals with utility easements.

General Manager Shadden – Well, that is after we accept it, so the next deal is where we are going to accept the subdivision and in there it will tell you we are going to accept, I can't remember uh, willow whatever subdivision, Section 4 with all of the easements and the water lines and sewer lines and all the easements in there.

Director Nicely – As far as maintaining.

General Manager Shadden – Yes.

Director Nicely – Brush cut?

General Manager Shadden – No we do not maintain them.

Director Nicely – I understand we don't, but I don't see nothing in here that says the County nor Trinity Bay.

General Manager Shadden – I would think that would be more in the subdivision regulation type deal or something, I don't know, that is something we can add to it if you would like to Rick.

Director Nicely – Yes, that is something that I don't want to be questioned.

General Manager Shadden – Let me check and see where the proper place to put it is, if it is in this chart here or if it is in another place. I will work with Diane on that and lay out that those are our easements, but the landowner is required to maintain them.

Director Nicely – I appreciate that.

David Hoyt – Jerry, I spoke to Jay, mainly about that ditch in this new subdivision he did not know there is no ledge there to clean that ditch and he said it is up to the Homeowners Association to clean that ditch. It is in his subdivision that the homeowner, you know the subdivision cleans that ditch, not Trinity Bay. I don't know if there is something like that in there like that also.

General Manager Shadden – Okay, I will bring that back to the Board next time, I will look and see where we need to put it so that it is in the right place. I don't know that this flowchart is it but it might be. Let me look and see.

Director Nicely, made a Motion to approve adopting Resolution 23-04 Subdivision Flowchart showing the steps to follow required by Chambers County and Trinity Bay Conservation District. The motion was seconded by Director Caraway and it passed by unanimous vote.

Agenda Item 12:

RESOLUTION 23-03 ACCEPTING THE FEE SHCHEDULE:

General Manager Shadden – It is kind of small to see there. But what we have done is we have come back now that we are starting to get some of these things, you are going to have to pay an application fee, you are going to have a master plan and there is a fee for that. There is also a construction review, so this means that whenever they bring us a set of plans that they want to build a subdivision, we have to send it to LJA Engineering company for them to look over and make sure that everything is up to spec and they are using the right materials and everything else that is supposed to be done. And the same thing with a commercial plot review, sometimes it will come in and it is already plotted and they want to replot it, and so that means we have to go back in an investigate all of our stuff to make sure

that where they are replotting that we have an easement over our lines that are possibly already there and stuff like that. So instead of just doing all this stuff for free, we are starting to charge for that. If you are going to come in and you are going to build a new subdivision, we are also going to require you to do a capacity study on the line that is there. Cause what happens is let's say, we had that on Bayshore down there, you have 500 houses on a 2 ½" line and someone wants to go in there and build a subdivision, I want the engineer to be able to look at the line out front and make sure that it has enough capacity to take it or it is going to have to be upsized or whatever, so that we are not guessing at it. We will have the engineer review that for the capacity study and this is pretty well standard procedure in most other, like Beaumont or Lumberton, it is in their standard procedure, so we kind of followed what other larger towns that are growing are doing and putting the fees in here to be able to make sure that we are doing everything that we are supposed to do a capacity study, review all the plans and make sure everything is like it is supposed to be. So, this is the scheduled that we put together to do that. No structures are allowed to be built or placed on a water and sewer line, or sewer easement or something like that. Some people want to put concrete over the top of our line or put a fence on top of it because it is out at the easement. All these things are in there to say that you can't do that unless you want to take responsibility that if it ever breaks and we have to tear all the concrete out, you will have to pay for it all to be put back. These are all the things that we are trying to cover and there is more to come in the future as we grow and need these things.

Director Nicely – You brought up if something breaks and we have to take down a fence or remove their cement slab, what if they, the individual, breaks it, would that be the same as a contractor damaging our line? We would go after the contractor and now the homeowner?

Mike Will – Yes, if the homeowner damages our property without locates or anything of that nature, we do go back and charge them those fees for repair.

Director Nicely – Good.

Director Caraway – The only concern that I have is the small subdivisions, say if there is someone dividing up small acreage into 10-12 lots, I don't know if those fees are going to be really high, that may make the price per lot quite a bit more. I guess that someone doing that could petition us to decrease these.

General Manager Shadden – I think that they....

Director Caraway – I know we don't get many of those small type subdivisions.

General Manager Shadden – Now that you brought that up, we just had one on Bayshore, where Pontikus lives right there in the curve. They have replotted that land there and they are 12-acre tracks. So, we are able to serve water and sewer on the Bayshore side for those lots and around the curve but the ones that are on 563 that are facing there, we have water, but we do not have any sewer there. Up around I10 we just had a study done to be able to put a truck stop in there. So, I think you are right I think everything can be evaluated. And I think you can come before the Board and say hey, this is what I think if we can make an intelligent decision, yes it should be or it's got like a mom and pop trying to open a hamburger shop over here and they have got to do a drainage plan for ½ acre to put up a hamburger shop, so I think they should be able to come to the Board and petition the Board and if they have got a good reason, I think we are all reasonable people.

Director Caraway – I agree with that.

Director Caraway, made a Motion to approve Resolution 23-03 accepting the fee schedule for subdivision/commercial/multi-use development plan reviews. The motion was seconded by Director Nicely and it passed by unanimous vote.

Agenda Item 13:

RESOLUTION 23-05 – ACCEPTING THE WATER AND SEWER SYSTEM AND EASEMENTS FOR CYPRESS POINT SECTION 4

General Manager Shadden – Yes sir. They have finished this subdivision, I don't know if Mike wants to tell you more about the pressure testing and the sewer testing? But they have done all the testing that we need and we have inspected it all it is our opinion that we are ready to take it over for maintenance and accept all of the easements. Here is a picture of it (up on screen) off of google, it is further along than this now, because google is a little far behind. You have about 50 lots in there and they are complete and ready to be done and you can see all the houses south of it or north of it there, I mean they are within touching distance between them and they are all sold. Again, across the street, there are another 200 something on the south side of that road and another 150 or so on the north side of that road that are already being put together. Up on 61, I will get Diane to put all this together and I will show you all the developments as we go. I do not know if the interest rates have slowed things down or whatever, but the contractors have slowed down for a few months., but they are all back now and wanting information and trying to get things going. In fact, one of them just paid \$5,000 for the sewer study that we have a choice whether we take it back to Hankamer or it goes back to Anahuac. So, it is still moving.

Vice-President Turner – Mike you have approved this?

Mike Will – Yes sir, we have gone over everything and it looks good.

Vice-President Turner – That is good enough for me.

Director Nicely – Totally agree.

Director Nicely, made a Motion to approve accepting Resolution 23-05 accepting the water and sewer system and all easements pertaining to Cypress Point Section 4 Subdivision for maintenance. The motion was seconded by Director Caraway and it passed by unanimous vote.

Agenda Item 14:

LJA ENGINEERING PREPARING A COST ESTIMATE FOR SPINDLETOP DITCH:

General Manager Shadden – Yes sir, this is one of the things that needs to be done to help the Spindletop situation. We have met with TXDot, Terri Leo-Wilson, and the County and Cody Brick was there and we talked to them about what we need to do and these bridges are about 1,000 square feet and they need to be opened up to 4,000 square feet according to the Spindletop study that we had done. They came back and said, TXDot says what they want from us is they want actually a plan of what we are going to do. Cody tells me he has done this another place. But, what they want us to do is actually design a bridge of what we want and how we are going to do it and everything thing else and bring it back to them for their approval and what they will participate in. I will let Cody tell you about what we are talking about to design one of these things to be able to open it up and get more through it.

Cody Croley – Thank you. Yes, as Jerry mentioned at that meeting, we talked about these two crossings, the Spindletop crossings at I10, as well as Mayhaw and I10. For I10, they are already reviewing the drainage report that the District did. They seem to want to do that project and they are looking into the report now but they weren't really asking for any cost sharing on I10, but for 65 and 124 they did ask that Trinity Bay prepare the drainage design, the bridge design and then turn it over to TXDot, and TXDot would set it out and admit it once they put it into the appropriate planning budget. So, after that meeting, I spoke to Jerry and I thought what Jerry meant was to show up today with those costs. So that is what I have here, so for 124 and 65, they are approximately about the same size bridge, 124 would cost a little more because of the extra shoulder width and everything like that, but the actual bridge construction cost is around \$6 – \$6.5 million dollars for a total bridge replacement. We had talked to TXDot before about keeping the original bridges there and maybe just adding on some culverts to either side, they didn't really like that idea. They don't typically want culverts and bridges at the same crossing. So, what we have here is just a total bridge replacement. We do not know when they would be able to afford to do this so there are contingencies in here. These are based off of 2023 dollars but knowing that it might not be built for 2 to 3 or 4 years, so we do have contingencies built into those construction costs. To actual prepare the design for those bridges, the design fee for each one is in about the \$500,000 range give or take, it's a very similar bridge. That is what TXDot is looking for us to provide to them for their planning purposes and for Trinity Bay's paying purposes. We have applied for these in the past to do for HMGP Funds for which would pay for the design also as part of phase 1. None of those have been funded yet and of coarse we will keep working with Dan, Melinda or whoever on any type of funding and to look for funding for these types of projects, but I was asked to present the costs today. For planning purposes, we are looking to provide TXDot with the cost of the bridges being in the \$6 to \$6.5 million range with the design being around \$500,000 for each bridge.

General Manager Shadden – Since they are similar, there wouldn't be a cost savings there if you design them both at the same time?

Cody Croley – No, they would take the same effort on each one. Its 2 separate sites, so it is separate surveying, separate geotechnical investigation, separate design plans. I do not think TXDot would let them out at the same time as one set of plans, so we would prepare 2 sets of plans. But that can be discussed with TXDot later. Even if it was done together it would be minimal savings.

General Manager Shadden – So I would say these are the next steps to improve the ditch. If any improvement needs to be done, these are the two main blockages in the ditch, so....

Cody Croley – I am sorry to interrupt Jerry, they did indicate though that before they would do anything with I10, they wanted to make sure that anything downstream was handled first. So this obviously was down stream, so they wanted to make sure the crossings and any channelization that Jerry explained that day that we feel that the channel though it needs some improvements and maintenance, the size of the channel right now is sufficient but the crossings are definitely undersized. TXDot wouldn't look to add those culverts to I10 until these downstream crossing are improved.

Director Caraway- But it is going to cost us \$1,000,000 to do the design work?

Cody Croley – Yes. And we are hoping to find some funding somewhere to do that. The HMGP or any kind of grant funding. I would suggest you keep working with your Grant administrators and look for any type of funding for that.

Vice-President Turner – Is your proposal to make the bridge longer to prevent the interior effect on the North side of that bridge?

Cody Croley – Yes. They are basically undersized. As Jerry mentioned, I think the cross sectional size is I want to say 1300 square feet in area and we need something more like 4,000 so they need to be about triple in size as far as the opening under the bridge. So, they would definitely be bigger and longer. These estimates are based on an assumed 325' bridge with three spans to get us that cross sectional area under the road deck for the hydraulic capacity that we need looking back through there.

General Manger Shadden – So I just wanted you to know where we are at and the next steps that we need to move forward on this project. And we will start looking for some money.

Director Nicely – Will this information be forwarded on to Wilson group and others.

General Manager Shadden – Yes. Yes sir it will.

Vice-President Turner – Isn't there some Federal money becoming available.

General Manager Shadden - Yes, we applied for almost \$50,000,000 worth of grants through Covid. HGMP and everything else. So far, none of it has come out. Everybody thinks that they are going to start letting some of this stuff out at the end of May and March maybe.

Cody Croley – Yes, I have heard sometime around March or May

General Manager Shadden - So. we have contacted Leo-Wilson to write letters on our behalf to Nim Kidd, the head of TDEM, that is going to be making the decisions. We have contacted Congressman Babin's office and Creighton's office also to have all of them write letters on our behalf. And the Jude and everybody saying hey we need this in our area very much to help us improve and keep us from flooding. We are pushing them from every direction that we can. The County is still supposed to have several million dollars coming this way and maybe we can see if they can partner with us in some way to do some of this. Mr. Gore was at the meeting also the other day when we met with TXDot, Rick was there and the County Judge was there. They are all involved and interested in doing something, we have just got to find a path forward. I just wanted to let the Board know tis is the path forward. These things have to be done before the other things can be done. We are about to talk about the same thing on Mayhaw. There is really no action that needs to be taken on this at this time.

Vice-President Turner – Is it just a warning?

General Manager Shadden – No, this is not a warning this is just what needs to be done and I actually went to DD3 meeting the other night and they are having their own issues and I just told them, look my water drains through you and you can tell me all your problems but you have got to find a way to fix it, so that I can do what I need to do. If I have to, I will partner with them and help them do it. At this time, none of their sisters want to help them, 6 or 7. Yes ma'am?

Gloria Roemer – Just for clarification purposes, so huh what your saying is that this needs to be done first the...

General Manager Shadden – Yes.

Gloria Roemer - Okay on 124 and 65. So, out of all these studies that have been going on for years, this is what it's telling you. That these things need to be done first before any of the other improvements of Spindeltop?

Cody Croley – They are not the worst problems, I10 is actually the worst problem as far as crossing. TXDot says we are not going to fix the upstream end until we make sure the downstream end is corrected easement. These need to be improved for sure. I10 is a much bigger issue, but these need to be corrected first. As well as some channel improvements as far as maintenance.

Gloria Roemer- Sure.

Cody Croley – There are no items about funding permitted to so that work on the actual channel itself. The study showed other options as far as diversion channels and things like that. But in the absence of that if you to keep sending water solely down Spindeltop, then yeah, you have to fix the crossings downstream before you fix I10.

Gloria Roemer – So this is considered downstream improvements that need to be corrected to alleviate the flooding along I10?

Cody Croley – Yes.

Gloria Roemer – Oaky.

Cody Croley – It is the downstream improvements that will allow the upstream improvements to be input. Those upstream improvements will fix the upstream issues.

Gloria Roemer – Yes. Okay, thank you.

Cody Croley – Basically, they don't want to fix I10 and have problems downstream.

Gloria Roemer – Oh absolutely.

Cody Croley – So they say make sure your upstream is in order before we fix the upstream area.

Gloria Roemer – Oaky, thank you.

Vice-President Turner – They are trying to avoid creating a bigger problem than we already have.

Gloria Roemer – Exactly. But at the end, we have always talked at different entities about these studies being studied to death and over analyzed and this is what I wanted to get clarification that of all these studies that this is what TXDot is recommending needs to be done?

Cody Croley – Yes.

Gloria Roemer – Okay.

Cody Croley – Like I said, they are still looking at our study on the improvements that we suggested for I10. We sent them our study and our modeling, and they are going through all of that. But, they indicated that they sort of agreed that I10 needs to be improved. But they said before they can even consider doing that they want to make sure the District has looked downstream and fixed all of that and then they will come back and fix that.

Gloria Roemer – No it all makes sense. Okay, thank you.

Director Caraway – So we are going to table item 14 at this time?

District Counsel Kate Leverett - It is just kind of a presentation.

Director Caraway – I got you.

Vice-President Turner – No action needed?

General Manager Shadden – No.

District Counsel Kate Leverett - No.

Vice-President Turner – Thank you Cody.

Agenda Item 15:

LJA ENGINEERING PREPARING A COST ESTIMATE FOR MAYHAW BAYOU:

General Manager Shadden – Yes sir, this is pretty much the same thing. There is a map up here (TV Monitor) and I highlighted Mayhaw Bayou. As you can see on the picture there, the vertical red line is the county line. On the I10 side is ours, and the other side is DD3's. So, the problem is, all of our stuff is clean up to the county line, the problem is, is farther downstream where, that is also a flood plain. We have to look to see downstream what need to be able to be done to be able to open the boxes underneath the freeway. Same scenario. So, you want to talk about a flood plain?

Cody Croley – A little bit of history there, Jefferson County and LJA really on behalf of DD3 to do the study, because years ago, TXDot put the culverts under the main lanes of I10 for M400 M400A, which is those two ditches that, one crosses through Griffith's property and the other one crosses south of Griffith's property. They put up the culverts under the main lanes of I10, but not under the feeder roads. They said at some point Trinity Bay would have to come back later and put the culverts under the feeder roads but before that can be done that an analysis would have to be done to show the effects of opening up those crossings on the downstream through Jefferson County and for DD3. We have provided Trinity Bay I think a proposal to do all that, but for whatever reason Jefferson County wanted to do it, so they hired us to do it for DD3, which you are very aware that DD3 did not want you to open up those culverts. So, we did the analysis and the analysis basically shows the results of opening up those culverts is very negligible. The rise along Mayhaw is less than a 1/10 of a foot in a 100 year storm because the area is so flooded already. The rise and flood elevation was minimal, but the larger problem is, it is not that it is the flood plain or the flood way, there is a mapped out flood way on the FEMA map and you are not allowed to increase the water surface elevation in a flood way through any improvement upstream. There is actually a zero rise requirement, I spoke to Michelle Falcon with Jefferson County Engineers, the counties Flood Plain Administrators, and she said she would not approve any project that would cause increase within any flood way. There is a floodway on the entire Mayhaw channel and on the north channel that goes through Griffith's runway. There is no floodway on the south channel but there is on the north channel. So, the report basically stated those conclusions, that any improvements would have to have a zero rise in the water surface elevation. Which if you are sending more water, and you open up the culverts under I10, obviously you are going to send more water down and it is going to rise a little bit. We would have to figure out a way to say, what can be done to offset to mitigate that rise. The report scope analysis in Jefferson County didn't address that. They were not interested in wanting to know what can be done to offset that rise, they were just wanting more proof that, what's the effects here and let's prove that we do not want this water and It can't be done without a rise in the water. It can be done, you just have to mitigate the rise. So, what Jerry asked me to do is take that report the modeling and analysis that we did and give him a cost estimate to go one step

further and look at what can be done to offset that rise. DD3 does not have the desire to fix their channel to take your water. They certainly do not have the money to do it even if they did want to do it. There are options here as Jerry said, the District could partner with DD3 and use your forces, material and labor and improve some of their system or you can do all the improvements upstream and that would have to be more in the form of retention ponds. Basically, you would be opening up the channel but then you would be able to send water downstream, you would almost have to attend it in Trinity Bay. So, I think the better option is to partner with DD3 and look for improvements that can be done on their channel that would allow you to open up those culverts and improve their system somewhere that would offset that rise and get it back down to a zero rise condition. So that is what Jerry asked me to prepare a cost estimate for was the engineering analysis to do that analysis and find what is the most cost effective way to Trinity Bay to help DD3 improve their channel for their system where they can take on that extra water and it would not cause any increase in rise. Then Jefferson County's Flood Plan Administrator would have no real reason to not approve a project. TXDot would require that also. TXDot would want Jefferson County to sign off on opening up those culverts under the feeder road. So the cost estimate to basically take that analysis one step further is about \$25,000. It would take us about 4 weeks to do more modeling analysis and look at basically what sort of proposed improvements that Trinity Bay could help out DD3 to do to figure out what is the cheapest type of construction projects that can be done to offset that minimal rise in water surface elevation.

General Manager Shadden – Whether again to change the culverts under the road. I talked to Judge Branick about it over here at Highway 124 for the boxes going under the freeway are too small. He partnered with DD6 to build a new bridge on 124 down at Taylors Bayou and I told him I needed the same thing over here at Mayhaw and he told me whenever we had the plans together to come see him. Again, this is the next step in the phase to be able to open the boxes. We have to do something downstream to satisfy TXDot and DD3.

Cody Croley – Now if y'all had done that study, this would have already been in the scope. Because 'all would have wanted to know this answer as part of your study.

General Manager Shadden – Right.

Cody Croley – They were not interested in that answer, they did not really want to do that anyway. So, this would be a stand-alone study. We would be taking the study that Jefferson County paid for, which cost about \$250,000 and we would do a little more work with that existing modeling that we have and say here are some improvements that Trinity Bay could offer DD3 to do. And if it helps out their system and lets you put more water, the goal is to show them that you could do something that would not increase the water elevation on them and that should satisfy Jefferson County and TXDot on letting y'all open up those culverts in the future. Which is another project we have applied for grant funding that we are still waiting to hear.

General Manager Shadden – Yes we have applied already and by law, whatever extra water we put on somebody we have to take it away, correct?

District Counsel Kate Leverette – Right.

General Manager Shadden – So if I dump more water on them, I have got to do something downstream to take it off of them.

Vice-President Turner – You are saying the study is between \$25 to \$50,000?

Cody Croley – No, \$25,000 to basically take the \$250,000 study that we have already done for Jefferson County and do some additional analysis on that report on that model...

Vice-President Turner – Tweak it to where it benefits us for \$25,000.

Cody Croley – Right.

Director Caraway – I am sure DD3 would be interested in doing something that is going to net zero their drainage. We are going to put so much water on them and then we are going to take it off. If I was DD3 I would be saying okay we need to do something that is going to take not only all the water that you are putting on us off, but maybe some extra too because they obviously flood there well.

General Manager Shadden – Well this is why we talked to, actually one of their Board members came and talked to me, because the deal that they got through DD6 or Jefferson County, they didn't approve. They made the choice to stay on their own.

Director Caraway – At that point then you are going to have problems South of there because you are going to have water even further South especially in the marsh.

General Manager Shadden – I want to say that the Grant we put in for addressed some of that.

Cody Croley – What this study for Jefferson County did was from I10 to 73. Once it goes below 73 then some of that water is diverted through DD6's diversion channel before it goes back up to Taylors. That diversion channel is plenty big so we didn't see no need to model down South of 73. Really even

downstream of 124 there was hardly any effect from opening up I10. The effects were really from I10 to 124. But even at 124 and slightly up North of it was in the magnitude of a couple 100ths of a foot. It was basically negligible effect. But FEMA requirements say it has to be zero or less. Even .01 would not be allowed and Jefferson County could use that and say no we are not going to allow it. We have to find something that says there is no rise at all. Now as you mentioned preferably a decrease in water surface elevation would be preferable to DD3. I think they would be agreeable to some sort of improvements, whether it is crossing improvements, channel improvements, to them it is free work and if it doesn't hurt them, they should be agreeable to it. But if we can go a step further and find something that reduces water surface then yeah that is even better.

General Manager Shadden – That is probably going to be a bridge on 73.

Director Caraway – I think you are going to actually have to prove to DD3 that you are going to help their drainage some before they will accept that water.

General Manager Shadden – You went with me to that meeting and I told them you have to fix your problem so I can fix mine. So, I am willing to help them to help myself.

Cody Croley – Now what the study did show for their benefit is, we showed them this is the effect of I10, this was base of scope of the study, if you open up I10, this is what the rise is. But I explained to them fully, that you are already flooding, DD3 is already flooding. I also threw in some improvements that they could do, whether I10 is open or not, here are some channel improvements, crossing improvements, all the crossings across Carl Griffith's property, the runway itself, we gave them costs estimates to do all those sorts of things, that would lower their water surface elevation regardless of what Trinity Bay does. So if that is what they are looking for we could augment those models and say maybe Trinity Bay can do some additional improvements on these culverts or some costs sharing or something like that that would benefit Trinity Bay and DD3. Now if there is no benefit to DD3 and it is just zero rise, I don't think they would be willing to ask the County or spend \$1.00 on it. They would want all of that to be down by Trinity Bay and paid for. But if there is any benefits to them, maybe the County would help them pitch in with some grant money. Right now the County has been flowing all the money through DD6 and DD7, but if the County was aware that this could benefit that part of Jefferson County and DD3 maybe the County would be willing to pitch in.

General Manager Shadden – But worst case scenario, if we had no rise, they couldn't stop us?

Cody Croley - Yes, according to TXDot, if we could achieve no rise and according to Michelle (*inaudible*), if we could achieve no rise then she couldn't say no. Now that doesn't mean that DD3 will say yes. But there is really no engineering rationale that they shouldn't allow it. There is no detriment to them.

General Manager Shadden – Right. In other words, Trinity Bay has gone as far as we can go until we do something downstream just like Spindletop.

Director Nicely – I can tell you right now that retention ponds is not in the game. We have already got A big ass retention pond on the North side of Interstate 10 and we don't need anymore.

Cody Croley – Yeah, we threw some in that report also, but they are not the preferred method. We prefer to fix the crossings and the channels. The retention ponds are almost a last resort if nothing else can be done. If they were totally unwilling to work with y'all and do anything on the Jefferson County side, even if you paid for it, then really the only other option is to detain your water before it crosses the County line in some area of a structured solution of a retention pond. Again, that is last resort. Hopefully we can get them to approve some sort of channelization org or crossing improvements that would help the problem.

Director Caraway – This agenda item is asking for us to approve \$25,000.

General manager Shadden – yes \$25,000 to let him do the study.

Director Caraway – Do we have somewhere in the Budget to get that money?

General Manager Shadden – We have it in our savings CD.

Director Caraway – Okay.

General Manager Shadden – That is what that is for.

Director Caraway – It will have to be...

General Manager Shadden – It will have to come out of that. I do not have any capital improvement money in the drainage.

Director Caraway – I understand.

Director Nicely, made a Motion to approve LJA Engineering to prepare a cost estimate to improve Mayhaw Bayou downstream from IH 10 in order to open the new drainage boxes under the freeway. The motion was seconded by Director Caraway and it passed by unanimous vote.

Agenda Item 16:

LJA ENGINEERING TO OBTAIN PERMIT FROM THE CORP OF ENGINEERS TO CLEAN SPINDLETOP:

General Manager Shadden – It starts out at highway 65 and goes to Highway 124, Cody can expand on it more, we feel like since we are not increasing the size, we are just re-sloping and taking the high spot out and bringing it back to its natural, he feels like we can get it under a Nationwide 3 Permit. I don't think it would be that great big of deal, but we will have to have it to do anything on the South side correct?

Cody Croley – Yes, I spoke to Lee Stroth from Horizon and we have been talking about this for over a year now. We worked with him on the North side of 65, which wasn't Section 10 Jurisdictional which is highly influenced. Even though the salt-water barrier is back in place none of that upstream of 124 and the saltwater barrier should be highly influenced, but from the Core's point of view, without that saltwater barrier it would be. When we looked at this before, North of 65 there were some 404 jurisdictional areas but the activities that we were talking about doing, like taking out the hump in the bottom, is not a regulated activity as long as you are depositing that dirt in a wetlands. If you deposit it in the uplands or haul it off, you can dig the bottom of that channel all you want. But South of 65, Lee said the Core may consider that highly influences, which we would fight it and say not with the saltwater barrier. And again, the cleaning out the channel there as far as taking out the islands that have formed because the sides have sluffed off over the years, he said that should be considered maintenance on a Nationwide 3. Now I haven't talked to Lee yet about the pricing, but typically a Nationwide permit when I talk to Horizon for years now it is in the \$5,000 range maximum. Usually it comes in less than that. So, we are thinking this should be done for \$5000 or less the permit. Now if they do not agree that it is a maintenance issue, and we have to go to more of an individual permit, that could bump it up to more like \$25,000. Maybe with the mitigation cost, but that I probably not going to happen. So that is why I am not really prepared to give a price. It is going to take a little more effort on our part just to figure out what is likely to happen. We can proceed with assuming that we are going to use a Nationwide 3 for about \$5,000 if that is really all Horizon costs. But if at any part the Core pushes back and says no it is going to take a more stringent permit, then we are going to have to come back and say well this isn't going to happen for \$5,000 it would probably take more. But Lee, after looking at everything thinks that Nationwide would be likely for \$5,000 to get the permit to get that cleaned out. I want to clarify that from what Lee remembers, I was not involved, on North of 65 we did not get a permit because a permit was not necessary. The waters weren't jurisdictional, and the activities were not regulated. 8 But he said that will not be the issue South of 65. So he thinks we will need a permit South of 65 but it should be the cheaper Nationwide permit which typically runs for all the dealings back in forth with the Court or the application for mapping that we have to produce, field services, this usually runs about \$5,000 for a Nationwide permit.

Director Caraway – How much is our engineering cost going to be to get the permit?

Cody Croley – That is the \$5,000. There is hardly anything for LJA, Horizon is a LJA owned subsidiary. But I am still calling them Horizon because that is what they use like a d/b/a. It is all through LJA, there is really no engineering it is just the permit process on our end. There will be a few hours on my part dealing with this and that. Maybe I will prepare the maps or my staff will prepare the maps. But the \$5,000 will be for LJA including Horizon.

Director Nicely – Am I mistaken in thinking that at one time I had heard that since the as built drawings for Spindletop were found, that permitting with the Core would be simple, a piece of cake because of those as built drawings?

Cody Croley – Yes, the Nationwide permitting, what that would allow us to do is clean it out back to its original shape and size. It would not allow for any deepening or widening based off the original shape and size. He said if the sided have sluffed off over the years and now you have a islands in the middle that have been grown over or trees growing in the middle of the ditch, that could all be removed with a Nationwide 3 because that is all under maintenance. You are putting it back to the condition it was before, but if you go beyond that and want to widen it or deepen it or make it bigger than it was before, that could not be done on a nationwide 3 and would require a bigger permit, a more costly permit.

General Manager Shadden – We applied for a Grant to do that, to widen it some and everything in the future.

Director Caraway – I am sure we have looked at this, how much will this help us.

General manager Shadden – It will, there are trees in the middle, there is islands in it and it is obstructing the flow.

Cody Croley – This is part of what Jerry discussed with TXDot, the channel is big enough now, but it needs to be maintained and the stuff taken out. This will be part of the downstream improvements that TXDot wants to see happen. Get the Channel back to its original condition.

Director Nicely – So the only other issue might be depositing of the spoils on wetland.

Cody Croley – Yes we have to make sure that anywhere you put the spoils is not also on wetlands.

That part of the process would be Horizon looking at the aerials and wetland maps and if they see any wetlands outside of the ditch, telling you where you can't place the spoil. Other than that, you can place the spoil wherever you want along your right of way or haul it off or whatever. You just can't place the spoil inside of wetlands.

General Manager Shadden – Do you recall what the easement says? Usually we have 100 feet or something.

Danny Pringle - A lot of it says from the center to high bank to high bank with permission to put spoil on adjoining land.

Director Caraway, made a Motion to approve LJA Engineering to obtain a permit from the Corps of Engineers to clean Spindletop South of Highway 65. The motion was seconded by Director Nicely and it passed by unanimous vote.

II. DRAINAGE REPORT:

Danny Pringle presented the drainage report on various areas of the District:

NOTE TO BOARD – We recently took delivery of a new Komatsu Dozer (Model 65PX). We are waiting on the finalization of the paperwork to be able to put this machine in the field.

OYSTER BAYOU:

Long Reach 60' (North of Fairview)

This machine has been working on the East side of Oyster Bayou in a Southern direction. This machine is cutting and dipping the trees and debris that could not be reached by the short reach Fecon. This machine typically covers an average of 600 feet per day depending on the type of vegetation. **Note: Had a steel hydraulic line rust through on 3-2-23. Currently waiting on the line to be fabricated.

OYSTER BAYOU/DOUBLE BAYOU:

Long Reach 50'

This machine finished the section on Oyster Bayou that we intended South of Fairview. We moved this machine back to Double Bayou on 3-2-23. This machine is cutting and dipping. When cutting the remaining vegetation that the short reach Fecon could not reach it will cover approximately 600 feet per day.

D3 Dozer

Operator is using this machine to knock down spoils from the ditch..

Short Reach Fecon (Older)

Got this machine up and running about mid-February. We move it to Oyster Bayou to assist the Long Reach 50' in finishing up that section. Now this machine is working in tandem with the long reach back on Double Bayou.

**NOTE: The section Oyster Bayou had several log jams in it that we were able to remove. On Double Bayou we lack about two miles to get to our stopping point. (Skyles Rd)

TRIBUTARY TO SPINDLETOP (VII SA):

Vibratory Hammer Machine

This machine is dipping the ditch to remove the shatter cane that has built up. This machine can average 800 feet a day.

OGDEN DITCH:

Komastus Grinder

This machine is currently on the North side of Ogden ditch South of I-110 (This ditch meanders in a South Southeasterly direction. It is cutting vegetation. This machine averages about 1000 feet per day.

**NOTE – We are taking care of tributaries coming from the feeder road along the way. We are using them to navigate around and back to Odgen. The vegetation is very light in most spots.

BERRY FARM (NORTH OF 1663 OFF FM 1406)

Newest Fecon

This machine had recently finished up on the West side of Ogden ditch South of I-10. On 2-27-23 we moved the machine to the ditch just South of the berry farm off of FM 1406. We do have some fence work in this area as well. This machine averages about 400' a day at this location.

ELM BAYOU:

Komatsu Mower

This machine is mowing and dipping this section of the ditch starting West of Canal Road and heading in a Northern direction. It averages about 450' per day depending on vegetation.

Cat 308

We are using this machine to clean a ditch for TXDot off of FM 1406 just South of I-10.

MACHINES NEEDING REPAIRS AT THE YARD:

D-6 Dozer

Had to move this machine in 3-1-23 due to the pins in the track rails about to break.

SPRAY CREWS:

1. The crews help with day to day tasks. (Installing pipes, building fence, ext.)
2. They are continuing to mow right of ways in preparation for the spray season.
3. Currently getting the spray equipment checked out and ready to go.

III. UTILITIES REPORT:

Mike Will reported on Water and Wastewater.

1. Updated on the new Hankamer WWTP:
 - The generator is installed
 - The chlorine equipment building is installed
 - The clarifier's launder trough supports are installed, and the scum baffles are assembled outside of tank
 - The digesters interior piping has been installed
2. Water and Sewer installations:
 - Installed three residential grinder stations
 - Installed three residential water meters
 - Installed sixteen meters in the Cypress Point subdivision
 - Replaced 158 meters in the meter change out project

Director Nicely – Very impressive. I don't know why, I am not normally a facebook person but I find now that I have to monitor it. I noticed that we had a water leak on Sunday, and we responded to that within an hour and half. Do we have crews standing by?

Mike Will – Yes we have crews on call.

Director Nicely – They are on call so they are at the house and have to shut down what they are doing to go respond to these.

Mike Will – That is right, these men that we have out here, no matter what they are doing, Christmas, birthday party, baseball or whatever, they leave and go take care of these issues, yes sir.

General Manager Shadden – I was asking him if we pay them to standby. At one time they didn't get any pay, they stayed home on their own. So, I think we pay them a little bit now, they get paid for every 8 hours they stand by, it worth it. It is fair to them to sit home.

Director Nicely – I totally agree. At one time when I worked as Fire Chief, I had ERT members working on units and we had an emergency they had to drop what they were doing and respond to it. And I had an Area Superintendent come in after a fire and he said he had a lack of (*inaudible*) response he never came into my office and said anything about a lack of (*inaudible*) response again after that day. So, I am totally impressed we are able to drop our tools and get out there and get after it and pick up a new set of tools.

Mike Will – Yes we are fortunate to have the men that we do that work here.

Director Nicely – I totally agree.

IV. EXECUTIVE SESSION

GOVERNMENT CODE 551, SUBCHAPTER D
SECTION 551.071 - CONSULTATION WITH DISTRICT'S ATTORNEY REGARDING POSSIBLE LITIGATION
SECTION 551.072 - DELIBERATION ABOUT REAL PROPERTY

SECTION 551.074 - MATTERS OF PERSONNEL
SECTION 551.075 - CONFERENCE WITH EMPLOYEE
SECTION 551.076 - TO DELIBERATE THE DEPLOYMENT OR SPECIFIC OCCASIONS FOR IMPLEMENTATION OF SECURITY PERSONNEL OR DEVICES

If, during the course of the meeting covered by this Notice, the Board should determine that a closed or executive session of the Board should be held or is required in relation to any agenda item included in this Notice, then such closed or executive meeting or session, as authorized by the Texas Open Meetings Act, will be held by the Board at the date, hour, and place given in this Notice concerning any and all subjects for any and all purposes permitted by §551.071-551.084 of the Texas Government Code and the Texas Open Meetings Act, including, but not limited to, §551.071—for the purpose of a private consultation with the Board’s attorney on any or all subjects or matters authorized by law.

V. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION.

VI. Comments by the Members of the Board.

Jerry Shadden – I thank you guys that you are doing something about the drainage and I know it cost money and time and all this and the effort that we are putting into it but Thank you for helping me help you.

Director Nicely – Totally agree.

Vice-President – I don’t want to see our area end up in the same shape as the Houston area. Every time they mention a ½” rain those people just cringe. If something would have been done decades ago instead of nothing being done, I think they would be further down the road. We can not be lax in our drainage.

Director Nicely – I agree, they shut down all the feeder roads in Houston when they get that much rain.

Vice-President Turner – And as far as TXDot, I should keep my mouth shut, but I am not going to. If you go down 65 where the big canal is, that is an atrocity. The state has a sewer pipe underneath that canal that is supposed to drain all that water from the east side of the canal to the west side and carry it to our ditch. They have a big pump set up there to pump the water out because nobody will pull the trigger on putting pipe underneath that canal. And her we are trying to get boxes opened up and they are sitting there and they won’t do anything. They flooded two large landowners out because they won’t pull the trigger on fixing it. Here we are wanting to fix things and it is like someone with an anchor. I am going to shut up now.

Director Nicely – I can say Gregg, that the meeting that we were at over at the Annex that TXDot mad it very clear numerous times, half a dozen minimum, that they do not do any work unless they know what it does to the downstream individuals area. Never did they mention one time in any of their projects do they also look at the upstream and how it impacts upstream.

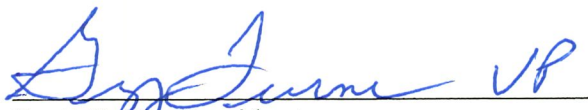
Vice-President Turner – You can go South of here, go down 1985 and 1409 and every State bridge is a (*inaudible*) every time you cross it.

VII. ADJOURN.

Director Nicely made a Motion to Adjourn. The motion was seconded by Director Caraway and it passed by unanimous vote.

Meeting Adjourned at 10:11 a.m.

READ AND APPROVED:



Scott Kahla, President

Attest



Les Hankamer, Secretary

Date: _____