



**Port O'Connor Improvement District
39 Denman Drive
Port O'Connor, Texas 77982**

**MINUTES
Special Meeting of Board of Directors
Monday, August 6, 2018 at 1:00 p.m.**

The Board of Directors of the Port O'Connor Improvement District ("POCID") held a Special Meeting on Monday, August 6, 2018, at 1:00 p.m. at the District Office, 39 Denman Drive, Port O'Connor, Texas.

A. CALL TO ORDER. President Brown called the meeting to order at 1:00 p.m. and announced that a quorum was present and welcomed citizens.

DIRECTORS PRESENT: Leon Brown, Marshall Bradford, David Randolph

B. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING:

1. Consideration and approval of the appointment of Maria Denney as a Director to serve the unexpired term of former Director Nathan O'Neill which shall expire on November 3, 2020, to serve as a Director of the POCID.

MOTION: A motion was made by Leon Brown

SECOND: With a second by Marshall Bradford

To approve the appointment of Maria Denney as a Director to serve the unexpired term of former Director Nathan O'Neill which shall expire on November 3, 2020, to serve as a Director of the POCID.

APPROVED: The motion carried unanimously

2. Administration of the Oath of Office to Maria Denney.

Maria Denney was administered the Oath of Office and signed the required documents.

3. Appoint a Secretary from the POCID Board of Directors.

MOTION: A motion was made by Leon Brown

SECOND: With a second by Marshall Bradford

To appoint Director Maria Denny as Secretary for the POCID.

APPROVED: The motion carried unanimously

4. Open the only RFQ for District Engineer submitted by John D. Mercer & Associates, Edna, Texas, and discussion and consideration of recommendation of submittal and authorize President Brown, with assistance from General Counsel, to prepare an Agreement for District Engineer Services and TWDB Project 21750 by John D. Mercer, Mercer & Associates, Edna, Texas and place on a subsequent Agenda.

DISCUSSION. General Counsel stated that the RFQ was advertised and sent to various Engineering Firms that had responded in the past and to Engineers that had done work for the District. Two questions were asked and the answers were sent to the engineers and also, placed on the website. Only one RFQ was submitted.

No action taken. The RFQ response will be placed on the next regular agenda for action.

5. Authorize President Brown to send a notice of termination to the District Project Manager by regular, certified mail and email.
No action taken

C. EXECUTIVE SESSION ** The Port O'Connor Improvement District convened in Executive Session at 1:13p.m. in accordance with the authority contained in any of the identified items posted on the agenda pursuant to the following exceptions:

Texas Government Code Ann. § 551.071: Consultation with Attorney
Texas Government Code Ann. § 551.072: Real Property
Texas Government Code Ann. § 551.074: Personnel Matters

Consultation with General Counsel pursuant to Texas Government Code Section 551.071, Consultation with Attorney, on pending or contemplated litigation; or a settlement offer; or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Texas Government Code Chapter 551 for the purpose of receiving legal advice concerning status of pending projects, including but not limited to any agenda item listed above.

1. TCEQ Notices of Alleged Violations and POCID legal remedies.

E. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION. President Brown reconvened the meeting at 1:28 p.m. No action was taken in Executive Session.

1. TCEQ Notices of Alleged Violations and POCID legal remedies.

DISCUSSION. General Counsel explained the alleged violations that arose out of the TCEQ investigation conducted on March 8, 2018. Two of the allegations were a result of USW Utility Group's failure to perform required testing in 2017. One of the allegations was a result of improperly stored materials. The final allegation of operator compliance was disputed by POCID as POCID has had an Interlocal Agreement since April of 2016 for operations assistance and that POCID had notified

TCEQ and requested a 6 month extension for operator compliance. The assessed penalty was \$9,601 with a reduction of \$1,920 for the demonstration of prompt compliance by POCID for a total assessment of \$7,681. General Counsel recommended to execute the Agreed Order for Docket No. 2018-0472-MWD-E and pay the assessment of \$7,681

MOTION: A motion was made by Leon Brown

SECOND: With a second by Marshall Bradford


To authorize President Brown to execute the Agreed Order for Docket No. 2018-0472-MWD-E and pay the assessment of \$7,681.

APPROVED: The motion carried unanimously

- F. ITEMS FROM BOARD MEMBERS (Note: Board members may request specific factual information, recitation of existing policy, or placement of items on the Agenda for discussion at a later meeting.)

Marshall Bradford asked to place an item on the agenda for the purchase of a vacuum pump and motor.

- G. ADJOURN: President Brown adjourned the meeting at 1:34p.m.


Leon Brown, President


Maria Denney Secretary

Signed this 16th day of August, 2018.

These minutes were approved on August 16th, 2018.