

**MEETING OF THE IRVING FLOOD CONTROL DISTRICT, SECTION III**  
**August 25, 2008**

The Board of the Irving Flood Control District Section III met at the offices of the Valley Ranch Association, 9901 Valley Ranch Parkway, Suite 200, Irving, Texas at 6:30 p.m. with the following members present:

President  
Kim Andres

Board Members  
Suzanne Butler  
Chris Calvery  
William Correa  
Chris Wallace

Also present were John Boyle and Matthew Boyle, Legal Counsel, and Irving City Secretary Janice Carroll.

Irving City Attorney Charles Anderson and Irving City Council Liaison Rose Cannaday were not in attendance.

- 1) Consideration and approval of Minutes of the Board's August 4, 11, and 18, 2008 meetings

Member Calvery moved that the minutes of the August 4 and August 11, 2008 meetings be approved as presented. Seconded by Member Correa, the motion passed by a unanimous vote. (5-0)

It was noted that the minutes of the August 18 meeting were presented in draft form for their review but approval will be deferred to the next meeting.

- 2) Discuss and consider Irving Flood Control District Section III v. the City of Irving , Texas, et al

Matthew Boyle advised the board that at this time the case has not been dismissed. He also advised that the attorneys representing the previous board have submitted an invoice for services in the amount of \$14,000. Mr. Boyle stated that this should not be paid by the existing board.

However, it was agreed that President Andres and Member Butler will review all statements and invoices for payment and report back to the board. There followed discussion as to why the previous board continued to meet and what would be the best course of action for this board to assure that the business of the District is handled appropriately and timely.

- 3) Discuss and consider a Resolution Approving an Interlocal Agreement with the City of Irving, to Lease a District Office, Provide Posting and Minute Taking Services, and Fund Other Administrative Expenses through the Municipal Drainage Utility Fund

This item was not discussed.

- 4) Discuss and consider agreement for interim operating and maintenance services with DCURD

John Boyle advised that the contract will be a thirty day contract that will continue from month to month. He stated that the board has just received the contract and there is no need to approve it at this meeting.

Member Wallace asked if this included cleaning the canals.

Jacky Knox, General Manager of DCURD, advised that the canals are not regular maintenance items.

President Andres asked if most of the work would be done by DCURD staff. He advised that almost all will be handled with existing staff with the exception of mowing.

Mr. Knox assured Member Correa that for maintenance done by contractual agreements, the board will approve the contracts.

Mr. Knox stated that he will also begin reviewing the last twelve months of the District's electrical bills and begin looking into contracting options with electrical providers.

Member Wallace moved to approve this agreement with Dallas County Utility and Reclamation District (DCURD) for interim operating and maintenance services effective August 18, 2008. Seconded by Member Correa, the motion passed by a unanimous vote. (5-0)

As a continuation of Item Number Four, DCURD Operations Manager Dallas Burke reviewed a written maintenance report. He also reported that Harold Sperling, the current mowing contractor with DCURD, currently charges \$3,300 a cycle.

Mr. Burke said that he would begin the repair of the sink hole in ten to twelve days.

- 5) Discuss and consider outstanding and scheduled payment obligations, including bond payments.

Matthew Boyle reported that he has been in contact with the District's bank and today received new signature cards that should be filled out by this board. He noted that two forms of identification are required. He advised that taking action on authorization to access the District's banking accounts is the highest priority for the board at this time.

- 6) Discuss and consider outstanding and scheduled payment obligations, including bond payments.

John Boyle stated that there are no invoices for today, but this item will be on the next agenda.

Mr. Heffley assured the Board that he will wire the debt service payment on August 29, 2008.

- 7) Discuss and consider budget approval process, schedule and approval. Member Butler advised that the effective tax rate is \$.266.

Chief Financial Officer Ken Heffley, DCURD, recommended that the board consider keeping the tax funds collected in the next fiscal year remaining the same as the funds collected this year. This will require that the tax rate be set at \$.2633.

Member Butler noted that this rate decreases the tax revenue by only \$15,000.

Matthew Boyle reminded the board that the City of Irving's Municipal Drainage Utility Fund has not paid to the district the funds owed in the amount of \$220,000 and also the City has not paid for interlocal funding in the amount of \$144,000 for the past two years. This revenue should more than compensate for any tax revenue loss.

The Board agreed to meet on September 8 and 18, 2008 at 6:30 p.m. to comply with the tax and budget hearing schedule. Further they agreed to meet at this same location.

- 8) Discuss and consider District office arrangements, location, and lease.

This item was not discussed.

- 9) Discuss and consider District real property ownership and obligations.

A map of the actual boundaries was requested.

President Andres stated that the boundary is vague in the northeast corner of the district.

10) Discuss and consider potential revisions to Board By-laws

John Boyle stated the quorum for this board is four members. This is per the state legislation creating the district, and it is also reflected in their by laws.

President Andres stated that the bylaws are not useful in their current format; and with samples from other districts or corporations as a guide, they should be rewritten.

Member Correa asked if this could be accomplished by the September 18 meeting.

John Boyle stated that his office can provide sample bylaws.

11) Discuss and consider pending Public Information Act requests, status, and response(s)

John Boyle stated that Paul Phy continues to work on this request from the Dallas Morning News.

12) Discuss and consider open District issues and projects, including:

- a. Ledbetter Sump
- b. Sinkhole
- c. Pump station operations
- d. Electricity Contract

This item was not discussed individually but considered in Item Number Four.

13) Discuss and consider District Plans, Policies, and Procedures- emergency, communications, records storage and maintenance

Member Wallace handed out a sheet to each board member on the bids received from two consultants regarding a communication plan – Vollmer and Blake. He noted that while the bids are at the \$15,000 budget cost, this will not include hard costs.

Member Calvery noted that a rate sheet was not in Blake's proposal. President Andres asked that action on this be deferred to September 8 for further study.

The Board agreed that representatives from these firms should be invited to attend the September 8 meeting.

14) Receive Report on Flood Control District, Section III by Council Liaison, and discuss and consider same

This item was not discussed.

15) Discuss and consider current District professional contract arrangements

Member Correa noted that he has visited with the President and past President of Halff Engineering. He said that neither of them has ever attended a board meeting with the previous board. They have dealt only with Paul Phy.

President Andres noted that they have not been under contract since 2005. The Board agreed that they should be extended an invitation to meet with the board at the September 8, 2008 meeting.

16) Discuss and consider contract status and arrangements with Paul Phy

This item was not discussed.

17) Receive Board orientation and legal briefing

Matthew Boyle stated that this will be done at a future meeting.

18) Citizen Input- Items presented under this item may not be deliberated by the Board, but may be considered under agenda item 19

There was no Citizen Input.

19) Discussion of Future Agenda Items

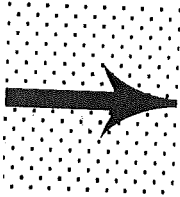
The board agreed to roll all items forward.

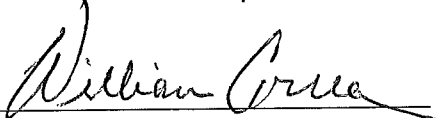
20) Discuss and consider establishment of Next Meeting and Regular Meeting Date(s)

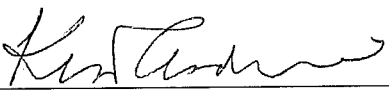
The board has agreed to meet at the same location and at the same time on Monday, September 8, 2008 and on Monday September 18, 2008.

There being no further business, Member Calvery moved that the meeting be adjourned. Seconded by member Correa, the motion passed by a unanimous vote. (5-0)

The time was 8:20 p.m.



  
William Correa, Secretary

  
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Kim Andres, President

Minutes prepared by Janice Carroll