

Minutes of the Special Meeting of the
BASTROP COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT #2

A special meeting of the Board of Directors of Bastrop County Water Control and Improvement District #2 was held on Monday, March 5, 2018, beginning at 6:30 p.m. at the Conference Center, 106 Conference Drive, Bastrop, TX. 78602.

Present BCWCID #2 Board Members:

John Creamer, President
Victor Gonzalez, Vice President
Mary Beth O' Hanlon, Secretary
Sam Kier, Treasurer
Karen Pinard, Director

BCWCID #2 Staff/Other Professionals:

Jim Ouellet, General Manager
Alma Rodriguez, District Administrator

- 1.) Call to Order and Establish a Quorum
President Creamer called the meeting to order at 6:30 p.m. A quorum of Board members was present.
- 2.) Pledge of Allegiance
President Creamer led the Pledge of Allegiance.
- 3.) Texas State Flag
President Creamer led the Pledge of Allegiance to the Texas Flag.
- 4.) Public Comments/Announcements (The Board respectfully requests that persons limit comments to three (3) minutes. Under the Open Meeting Act, the Board may not deliberate or take action in response to any matter raised during public comment that is not a separate agenda item.)
County Commissioner Mel Hamner announced that the overpass at 71 and 95 will be opened by noon tomorrow.

President Creamer asked Commissioner Hamner when the bridge was going to be opened.

Commissioner Hamner responded by the end of the week weather permitting.
- 5.) Discussion and possible action regarding engagement of special litigation counsel.

Motion: Mary Beth O'Hanlon moved to hire Scott Tschirhart as the District's special counsel for litigation counsel. Seconded: Sam Kier.

Mr. Tschirhart explained why the District is going to hire a litigation counsel. After the last meeting there was a vote not to convey certain real property that the District owns as a result of the vote that decision prompted a demand letter from a lawyer out of Austin. The demand letter stated the District needed to attend a closing on March 23, 2018 and sell the property pursuant to the contracts. The District falls under the Texas Water Code.

The District has to declare real property as surplus then publish the notice twice in the newspaper before it can take bids on the property. The District could not comply with this demand even if they wanted to. The District asked me to be here tonight and I will respond to this letter if the board approves.

Vote: Three (3) in favor, One (1) Abstention, motion carries.

- 6.) Discussion and possible action regarding the potential sale and conveyance of real property within Pine Forest Unit 6 Subdivision:
- a. Adoption of Order Declaring Property to be Surplus and Authorizing Sale;
 - b. Discussion and possible action regarding approval of contracts for sale and conveyance of property;
 - c. Discussion and possible action regarding February 27, 2017 demand letter by legal counsel for Pine Forest Investment Group, LLC; and
 - d. Communications with City of Bastrop, Bastrop County and other political subdivisions regarding potential sale and conveyance of real property.

President Creamer stated based on the fact that we just hired our special litigation counsel we are not going to take any action on Item # 6 tonight.

Motion: Karen Pinard moved to table this item until further advisement from legal counsel. Seconded: Sam Kier. Vote: Three (3) in favor, One (1) Abstention, motion carries.

- 7.) The Board of Directors will meet in a closed/executive session pursuant to Texas Government Code, Chapter 551 (Texas Open Meetings Act), to discuss the following:
- A.) Section 551.071 – The Board may go into closed/executive session to consult with the District’s legal counsel concerning the following: (1) to seek the advice of legal counsel regarding (a) pending or contemplated litigation; or (b) a settlement offer; or (2) 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 the Texas Open Meetings Act:
 - i. Sale of District property within Pine Forest Unit 6 Subdivision.
 - ii. February 27, 2018 demand letter for sale and conveyance of real property within Pine Forest Unit 6 Subdivision
 - B.) Section 551.072 - Deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the District in negotiations with a third person; and
 - i. Sale of Pine Forest Unit 6 Subdivision Lots owned by the District

President Creamer announced at 6:33 p.m. that the Board will meet in Executive Session regarding the listed items in Agenda item # 7

- 8.) The Board of Directors will reconvene into open session to discuss, consider, and/or take any actions related to the executive session noted herein, or regular agenda items.

The Board Adjourned Executive Session at 7:05 p.m.

No action or decision made in Executive Session.

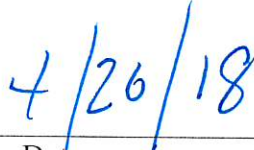
- 9.) Adjourn

Motion: Sam Kier moved to adjourn. Seconded: Victor Gonzalez. Vote: Four (4) in favor, motion carries.

MEETING ADJOURNED AT 7:06 P.M.



Board Director



Date