

ATHENS MUNICIPAL WATER AUTHORITY
November 9, 2016

The Board of Directors of the Athens Municipal Water Authority ("AMWA") met in Regular Session on Wednesday, November 9, 2016, 8:02 a.m. at the Hart-Morris Conservation Center, located at the Texas Freshwater Fisheries Center, with the following members present, to-wit:

Mike Peek, President
Ed Gatlin, Vice President
Don Foster, Secretary
Milburn Chaney, Board Member
Frank Lunceford, Board Member

others present: Bill Casey, AMWA Executive Director; Martin Bennett, AMWA Attorney; Corey Frentress, Velvin & Weeks; Beth McConnell, AMWA;

guests of note: Jerry Don Vaught, City of Athens; Monty Montgomery, City of Athens; Joe Whatley, City of Athens; Gary Whittle, City of Athens; Lawrence Cutrone, City of Athens; Mike Finney, City of Athens

constituting a quorum at which time the following proceedings were enacted to wit:

CALL TO ORDER

The meeting was called to order at 8:02 a.m. by President Peek.

DECLARATION OF CONFLICT OF INTEREST

No conflicts of interest declared.

OPPORTUNITY FOR CITIZENS TO EXPRESS ITEMS OF CONCERN

Mrs. Jane Nettune, of Impala South, thanked the Board of Directors for continuing to maintain the limits on the number of days guests of the Marina RV Park can stay. Additionally, she is requesting that the Board allow an extended comment period for residents (over the course of multiple meetings) when a potentially controversial item is being considered by the Board. She used the example of a rumor she heard, that the Oakwood Property Owners Association was in negotiation with AMWA for purchasing water from Lake Athens to irrigate internal lots and common areas.

Mr. Monty Montgomery, speaking as a private citizens, commented on the Board doing an outstanding job in both its selection and progress of projects.

CONSENT AGENDA

A motion was made by Director Gatlin and seconded by Director Chaney to accept the minutes of the October 12, 2016 Regular Session Board Meeting, as presented. This motion carried unanimously.

COMMITTEE REPORTS

Director Gatlin presented the financial statements.

At this time, Director Gatlin presented the monthly bills for payment. A motion was made by Director Chaney and seconded by Director Lunceford for payment of those bills. This motion carried unanimously.

Director Chaney gave an update on notifying Texas Department of Transportation, requesting additional lighting on Marina Drive.

The Water & Resources Committee report was given by Director Foster. He stated that the Water Treatment Plant Well was not utilized at all during the month of October

No Infrastructure & Engineering Committee report given by Director Lunceford.

No Partnerships & Community Relations Committee report given by President Peek.

**DISCUSS AND ACT UPON PROPERTIES IN VIOLATION OF AMWA RULES & REGULATIONS,
ARTICLE 2, SECTION 8: MAINTENANCE OF PIERS AND BOATHOUSES**

Executive Director Casey showed the Board photos of boathouses in various states of disrepair on Lake Athens, for their approval in remedying violations to Article 2, Section 8 of the Rules & Regulations. The property owners were sent notice of their violations in February 2016, and no action has been taken on their part.

A motion was made by Director Chaney and seconded by Director Gatlin to notify Steven Staines, property owner of Peninsula Point Lots 43-45, of his violation and the Boards intent to have this pier/boathouse demolished, as directed by the AMWA Rules & Regulations. This motion carried unanimously.

A motion was made by Director Lunceford and seconded by Director Gatlin to notify Sam Hurley, property owner of Timberlake Estates Lot 18, of his violation and the Boards intent to have this pier/boathouse demolished, as directed by the AMWA Rules & Regulations. This motion carried unanimously.

A motion was made by Director Gatlin and seconded by Director Chaney to notify Gary Goodwin, property owner of Viewpoint, Lot 6 of his violation and the Boards intent to have this pier/boathouse demolished, as directed by the AMWA Rules & Regulations. This motion carried unanimously.

DISCUSS AND ACT UPON ABANDONED BOATS & PERSONAL WATERCRAFT ON LAKE ATHENS

Executive Director Casey showed the Board photos registrations of the boat and jet-ski owned by Gary Goodwin, owner of Viewpoint Lot 6, being in violation of the AMWA Rules & Regulations Article 4, Section 12, Abandoned Craft. The boat and the jet-ski were last registered in 2005 and 2006, respectively.

A motion was made by Director Lunceford and seconded by Director Gatlin, to inform Mr. Goodwin to remove the abandoned craft, or AMWA will remedy the violations as outlined in the AMWA Rules & Regulations. This motion carried unanimously.

Executive Director Casey then updated the Board on the removed sailboat and previously approved demolition of the boathouse located on the property adjacent to Timberlake Estates Lots 35-37, owned by Joy Burnett.

EXECUTIVE DIRECTORS REPORT

Executive Director Casey gave an update on the construction progress of the AMWA headquarters building.

Executive Director Casey gave an update on the police department, including the repair of a steering issue with the patrol boat.

At this time, Executive Director Casey pointed out the three violation that the Water Treatment plant received from TCEQ, that were included in the Board packet. In addition to these violations, the City of Athens mailed a letter to each water customer, informing them of a monitoring and reporting violation

that the Athens Municipal Water Authority received. Executive Director Casey has a number of concerns regarding the publishing of this letter by the City of Athens:

1. The City of Athens sending a letter out to citizens, that appears as if it is written by the Authority and the Authority is responsible for or remedying any violation
2. TCEQ should not be writing violations for the Authority's public water system identification number, as the Authority is the owner of the system and the City of Athens is the operator of the public water system.
3. Even if TCEQ writes the violation for the Authority, the City of Athens knows it is responsible for the operation of and any violations at the Water Treatment Plant, under the contract between the City of Athens and the Authority dated October 9, 2014
4. The Authority cannot control the operations or lack of said operations at the Water Treatment Plant, due to this contract, and cannot access Water Treatment Plant property without prior notification to the City of Athens

Executive Director Casey notified the Board of his remedying action plan, as developed in conjunction with Attorney Martin Bennet:

1. Mr. Bennett has drafted a letter to City Administrator Philip Rodriguez informing the City of their legal responsibilities for all operational violations at the Water Treatment Plant. This letter will also request that a second letter be delivered to citizens retracting the first letter, and listing the City as the violating party, absolving the Authority of any responsibility
2. Executive Director Casey is working with TCEQ to rewrite the notices of violations, to remove the Authority as the violating party and instead list and notify the City of Athens as the party responsible for the violation, with the Authority receiving a copy of all notices going forward

A motion was made by Director Lunceford, seconded by Director Chaney, to accept the lowest bid for the new patrol truck, after trade-in offer from the dealership has been considered into the final price.

This motion carried unanimously.

ENGINEER'S REPORT

Corey Frentress, of Velvin & Weeks Consulting Engineers, gave a report on his finding while inspecting the discharge pipe at Lake Athens dam.

The dam toe drain project is still on target to being mid-December.

EXECUTIVE SESSION, PURSUANT TO TEXAS GOVERNMENT CODE, CHAPTER 551

Director Gatlin made a motion and Director Foster seconded, to enter into executive session to discuss, the purchase or sale of property and consultation with the attorney, regarding pending litigation. The Board of Directors entered into executive session at 8:46 A.M.

The Directors returned from executive session at 9:10 A.M.

No action was taken from discussions held in executive session

ADJOURN

A motion was made by Director Gatlin and seconded by Director Lunceford to adjourn the meeting at 9:12 A.M.

PASSED AND APPROVED on this 14th day of December, 2016.

Mike Peek, President

ATTEST:

Donald A. Foster, Secretary