

**Minutes of the Bartonville Water Supply Corporation  
Board of Directors Meeting  
Monday, July 17, 2006  
Bartonville Water Supply Corporation Office  
1911 East Jeter Road  
Bartonville, Texas 76226**

**1. Call to Order**

President Kaufman called the meeting of the Board of Directors of Bartonville Water Supply Corporation to order at 7:03 P.M. on Monday, July 17, 2006 at the Corporation office, 1911 East Jeter Road, Bartonville, Texas.

**Directors in Attendance**

Larry Kaufman, President  
Scott Kilpatrick, Secretary-Treasurer  
Michael Paulson  
Bill Wilkinson  
Gracie Egan

**Directors Absent**

Lloyd Hanson, Vice President  
James McKinney

**Consultants in Attendance**

Ronnie Phillips, Esquire  
Wayne Ginn, PE, The Ginn Corporation  
Paul A. Lipscomb, PE  
Kerry Maroney, PE

**Staff in Attendance**

Jim Leggieri, General Manager  
Jennifer L. Drury, Controller

**Others in Attendance**

Cliff & Jennifer Campbell, Member  
John Kovacevich, Member  
David Smith, Prime Controls

**2. Recognition of Jim Leggieri for 20 Years of Dedication and Service as General Manager for Bartonville Water Supply Corporation.**

President Kaufman recognized Jim Leggieri with a plaque and thanked him for his 20 years of outstanding service and dedication to Bartonville Water Supply Corporation. Leggieri thanked the Board past and present, Wayne Ginn, P.E., and Ronnie Phillips, Esq. for their support over these 20 years.

**4. Public Forum.**

Cliff & Jennifer Campbell spoke to the Board to appeal the denial of the Catastrophic Water Loss on their bill from March. They asked that the Board re-evaluate the "Normal Greatest Usage" and grant the Catastrophic Water Loss on this account. Kaufman thanked him for them for their statements and advised this matter would be discussed further under Agenda Item # 6.

John Kovacevich spoke to the Board in regard to his consumption for the month of March. He advised the Board that he is not sure what happened during this month but he does not believe the consumption is correct. He stated there were no leaks found and the fact that his water consumption dropped the next month further

supports this fact. He advised the Board that he is not interested in the Catastrophic Water Loss as he does not believe this consumption is correct. Kaufman thanked him for his comments and advised him that this matter would be discussed further under Agenda Item #7.

### **3. Executive Session**

President Kaufman announced at 7:22 pm that the Board would convene in Executive Session concerning:

#### **a.) All Matters Concerning Additional Property Acquisitions, Pursuant to Government Code, Section 551.072.**

The Board took no action and reconvened in open session at 7:31 pm.

### **5. Approve the Minutes of the June 8, 2006 Board Meeting.**

Motion by Kilpatrick and second by Paulson to approve the minutes of the June 8, 2006 board meeting. Motion approved unanimously.

### **6. Approve the June 2006 Disbursements and Financial Reports.**

Motion by Wilkinson and second by Egan to approve the June 2006 disbursements and financial reports. Motion approved unanimously.

### **7. Discussion and Action on All Matters Concerning Mr. Cliff Campbell's Request that BWSC Reconsider his "greatest normal usage" for a Catastrophic Water Loss Adjustment for the Consumption Period of 3/9/06-4/10/06.**

Motion by Kilpatrick and second by Wilkinson that this item be postponed until next meeting so as to allow the staff to provide the Board with more information. Motion approved unanimously.

### **8. Discussion and Action on All Matters Concerning Mr. Kovacevich's Appeal of the Billing for the Consumption Period of 3/9/06-4/10/06.**

After discussion the Board asked the staff to have Mr. Kovacevich's meter tested and submit the findings at the next meeting. The Board also asked the staff to calculate what the Catastrophic Water Loss adjustment would be and to submit it in the Board packets for next month.

### **9. Presentation by Prime Controls Regarding SCADA System Status as well as Pertinent Discussion and Action.**

David Smith gave the Board an update on the plan to install the new Mag meters and the update on the hardware that will be installed as well. Leggieri advised the Board that the system has been operating without issue over the past two months but it is his understanding that with the new meters in place the system should operate as designed 100% of the time.

### **10. Discussion and Action on All Matters Concerning the Presentation by the Ginn Corporation to Clarify Wayne Ginn's Retirement and The Ginn Corporation's Views Regarding the Engineering Contract and Engineering Services as it Relates to BWSC.**

Wayne Ginn explained to the Board that when he announced his retirement at the February board meeting, he was retiring from BWSC work. Ginn stated that The Ginn Corporation is a viable corporation and he was turning all outstanding work over to Paul Lipscomb. Drury asked for clarification regarding assigning outstanding work to Paul Lipscomb when the contract does not permit assignment and Lipscomb is not an employee of The Ginn Corporation. Phillips advised that BWSC can accept Lipscomb as a replacement for Ginn if it wishes. Motion by Paulson and second by Wilkinson to terminate the contract with The Ginn Corporation and complete any outstanding action necessary to terminate the contract. Motion approved unanimously.

**11. Discussion and Action on all Matters Concerning Approval for Payment of The Ginn Corporation's Invoices Dated June 30, 2006.**

Ginn explained that his design fees for the Stargate Project are based upon a percentage of the actual construction costs for the project. Ginn stated that he anticipated the project to go out for bid in January 2006 so he had based his design fees on a lower projected construction cost so as not to be in an "over billed" situation. Since, BWSC is not going forward with the project immediately he has revised his projected construction costs and has billed BWSC based upon his estimate of current construction costs based upon the language of his contract with BWSC. Wilkinson asked Ginn if once final billing for Stargate has been approved, paid, and the contract with The Ginn Corporation terminated and BWSC decides to build Stargate in 10 years, would The Ginn Corporation re-evaluate the cost of steel and other supplies and bill BWSC again due to this increase? Ginn advised the Board that after the final bills, The Ginn Corporation would not bill BWSC again in the future. Ginn stated that the only way The Ginn Corporation would bill BWSC would be if the firm negotiated a new contract with the BWSC in the future. Motion by Kilpatrick and second by Paulson that the Board request final billing for all work outstanding from the Ginn Corporation. Motion approved unanimously.

Wilkinson asks that Ronnie Phillips, Esq. review the invoices and the contract to confirm that the billing is correct. Phillips advised the Board that he has reviewed the contract and the billing and he is unable to reconcile the two, however he has not had a chance to review this with Mr. Ginn. He will meet with Mr. Ginn and review the billings and the contract. Egan requested that the Board table this motion until the two can meet.

Motion by Kilpatrick and second by Paulson to approve the invoices as partial payment in the amount of \$67,891.

After discussion motion by Kilpatrick and second by Paulson to amended the above motion to approve the invoices submitted as an advance of \$67,891 against final billing.

3 Ayes – Paulson, Egan, Kilpatrick  
1 Nay – Wilkinson

Motion approved

**12. Discussion and Action on All Matters Concerning Executing a Non-Exclusive General Services Agreement with Biggs & Matthews, Inc. as Consulting Professional Engineer for BWSC.**

Drury advised the Board that Ronnie Phillips had made changes to the agreement and Mr. Maroney, PE has agreed to the changes. Mr. Maroney gave a short presentation to the Board in regard to firms billing policies and general practices. Motion by Paulson and second by Kilpatrick to approve the Non-Exclusive General Services agreement. Motion was approved unanimously.

**13. Discussion and Action on All Matters Concerning Additional Property Acquisitions.**

No discussion. No action taken.

**14. Discussion and Action on All Matters Concerning Mandatory Open Government Training.**

Drury advised the Board that all but one director have completed the required training and provided copies of their completion certificates. She will follow up on obtaining the final certificate.

**15. Discussion and Action on All Matters Concerning the Stonewood Pump Station, including:**

- a) **Review of Additional Information Received from Mr. Paul Lipscomb, PE, Dated June 5, 2006.**  
No discussion. No Action taken.
- b) **Initiate Drilling a Water Well at Stonewood Pump Station.**

Mr. Maroney advised the Board that he is willing to design the plans for the Stonewood well with fees contingent upon BWSC obtaining the necessary land to drill the well. Motion by Wilkinson and second by Egan to ask Mr. Maroney to design the Stonewood Pump Station well with the understanding that the use of this design and the financial obligations are contingent on property acquisition.

3 Ayes – Paulson, Egan, Wilkinson  
1 Nay – Kilpatrick

Motion approved

**16. Discussion and Action on All Matters Concerning a Proposed Moratorium for Granting of Catastrophic Water Loss Adjustments.**

After discussion, motion by Wilkinson to maintain the Catastrophic Water Loss policy without change. No second the motion died.

Motion by Egan to revisit and possibly rewrite the Catastrophic Water Loss policy. No second the motion died.

Board took a 5 minute break at 9:25 p.m.

Board reconvened at 9:30 p.m.

**17. Discussion and Action on All Matters Concerning Strategic Long Range Planning.**

The board reviewed the Strategic Long Range Planning document provided by staff. After discussion the Board took no action.

**18. General Manager's Report.**

A detail written report was provided in the packet. No discussion.

**19. Controller Report.**

Drury noted the article submitted by Double Oak Council Member Mize to the Cross Timbers Gazette supporting current water conservation concerns.

**20. Review of Future Agenda Items, Activities, Announcements, and set the date for the July 2006 Meeting.**

Kaufman requested that Stonewood water well, Wayne Ginn's final bill, and pending subdivision plans be added to the Agenda for next month. The next Board meeting will be held on August 14, 2006.

**21. Adjournment.**

Motion by Paulson and second by Egan to adjourn. Motion approved unanimously. The meeting was adjourned at 10:10 pm.

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Recorded by Jennifer L. Drury

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Certified by Scott Kilpatrick, Secretary-Treasurer