

RIVER ACRES WATER SUPPLY CORPORATION

**MINUTES OF
EMERGENCY MEETING**

AUGUST 27, 2021

**THE STATE OF TEXAS §
 §
COUNTY OF NUECES §**

On the 27th day of August 2021, the Board of Directors of the River Acres Water Supply Corporation convened at 4:30 P.M. in an Emergency Meeting at the Corporation's Office, 15602 Northwest Blvd., Suite H, Robstown, Texas, there being present and in attendance the following, to wit:

President	David Wishard
Secretary	Janine Pruski
Director	Jeff Holley
Director	Michael Olszewski
Director	Ron Hellberg

Staff:	Legal Counsel	Charlie Zahn (Via teleconference)
	Engineer	Paul Pilarczyk

Board Members

Absent:	Vice-President	John Ferman
	Director	Debbie Reiter

CALL TO ORDER

1. A quorum being present, the meeting was called to order by the presiding officer, Mr. Wishard, pursuant to posted notice.

Mr. Wishard asked Mr. Zahn, the attorney for RAWS Mr. Zahn to advise the Board of Directors on the laws concerning the calling of an emergency meeting. Mr. Zahn advised the Board of Directors that the owner of a tract of land where the water line replacement project was to go through had placed conditions on the use of his land that was unexpected and unforeseen. The conditions would cause substantial delay in completing the replacement project and undue additional costs not provided for in the bid documents for the project. The consequences to RAWS are potentially bad such it will take immediate action by the Board to resolve.

Mr. Zahn advised the Board of Directors that the meeting was called pursuant to Section 551.045 of the Texas Government Code which provides that "a governmental entity can hold an emergency meeting when (a) immediate action is required of the government body in response to either (1) an imminent threat to public health and safety; or (2) a reasonably unforeseen situation. The Texas Supreme Court has stated that an emergency is a condition arising suddenly and unexpectedly, not cause by any neglect or omission of the person in question which calls for immediate action. The conditioning of the easement by the landowner was unexpected and unforeseen. The consequences to RAWS are potentially bad and it will take immediate action by the Board to resolve. Under

these circumstances Section 551.045 of the Texas Government provides that RAWS can address the issue in an emergency called meeting of the Board of Directors.

RECOGNITION OF GUESTS

2. There were no guests present at the meeting.

PUBLIC COMMENT

3. There was no public comment.

RESOLUTION OF EASEMENT CONDITIONS

4. Paul Pilarczyk, engineer for RAWS advise the Board of Directors that RAWS had obtained all of the easement necessary to complete the waterline replacement project. He stated in certain instances the easement was a part of a plat for additions within the area that the water line is to be replaced. One of the easements shown on a plat is along, over and under a lot owned by Joe and Karen Bravenec. They have placed conditions on RAWS in order for RAWS to utilize the easement. Mr. Zahn advised the Board of Directors that they are entitled to use the easement without meeting any of the Bravenec's conditions but in order to do so would have to file a Declaratory Judgment action in a Nueces County Court to obtain an order allowing them the use of the easement.

After discussion, Ron Hellberg made a motion, and Jeff Holley seconded, a motion as follows:


- a. To authorize Mr. David Wishard, President of the Board of Directors to execute an agreement on behalf of RAWS drafted by counsel for RAWS with Joe and Karen Bravenec.
- b. To authorize RAWS to remove, or cause to be removed, all of the brush or other materials on the utility easement along, across and under the BRAVENEC lot, including but not limited to the existing fence. To further authorize Raws to replace the existing fence which runs approximately 400 linear feet from the northeastern property corner to the southeastern property corner of the Bravenec lot. The fence will be replaced with 5 strand barb wire fencing materials, galvanized fence posts (estimated to be 5 ½ to 6 feet above ground) on ten (10') foot centers with the resetting and leveling of two (2) existing gates with the same alignment. The fence will be installed in accordance with existing industry standards.
- c. To authorize Joe and Karen Bravenec, if they so desire, to build and install the fence rather than have RAWS build and install the fence. In that event, each party will get a cost estimate to complete the fence and RAWS will pay the cost of the fence plus the sum of \$1,000.00 to Joe and Karen Bravenec and have no further obligation to the Bravenecs. If the cost of the replacement of the fence cannot be agreed upon by the parties, then, in that event, RAWS will replace the fence.
- d. That upon the execution and approval of the agreement Joe and Karen Bravenec will immediately, but not later than September 2, 2021, allow the Contractor access to the Bravenec lot for the purpose of installing the water line, with necessary fittings and subsurface appurtenances incidental thereto, along, across and under the Bravenec lot.
- e. To give Paul Pilarczyk a contingency fund not to exceed \$10,000.00 to use to resolve any unknown impediments in the easement dispute with Joe and Karen Bravenec.

After additional discussion, the motion passed unanimously.


ADJOURN

5. As there was no further business to come before the Board of Directors, a motion was made by Mike Olszewski and seconded by Ron Hellberg the board unanimously approved to adjourn.

RIVER ACERS WATER SUPPLY CORPORATION

By 
David Wishard, its President

ATTEST:


Jayne Pruski, its Secretary

