

**MINUTES OF THE BOARD OF DIRECTORS' MEETING  
GREATER TEXOMA UTILITY AUTHORITY**

**MONDAY, APRIL 15, 2013**

**AT THE ADMINISTRATIVE OFFICES  
5100 AIRPORT DRIVE  
DENISON TX 75020**

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Members Present: Don Skelton, Bill Johnson, George Rowland, Jeannie Anderson, Dick Dowd, Everett Grantham, Mark Kuneman, David Sprowl, Clyde Yeatts

Members Absent: None

Staff: Jerry Chapman, Carolyn Bennett, and Carmen Catterson

Visitors: Mike Wynne, Wynne and Smith, LLC  
Clay Barnett, City of Sherman  
Jonathan Cannon, Herald Democrat  
Mark Gibson, City of Sherman

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I. Call to Order

President Skelton called the meeting to order at 12:30 PM

II. Present Plaque of Appreciation to former Board member Paul Kirley

Mr. Kirley could not be present. Mr. Chapman will deliver the plaque.

III. Consent Agenda

The items marked with an asterisk (\*) are considered routine by the Board of Directors and will be enacted in one motion with the consent agenda. President Skelton asked the Board if there were any items they wished to have removed from the consent agenda for discussion. There were no items requested by the Board of Directors to be removed from the consent agenda for discussion. Secretary/Treasurer Rowland motioned to approve the consent agenda. The motion was seconded by Board Member Yeatts and passed unanimously.

IV. \* Consider and act upon approval of Minutes of March 18, 2013 Meeting

V. \* Consider and act upon approval of accrued liabilities for March 2013

VI. Citizens to be Heard

Mr. Chapman introduced the visitors.

At this time President Skelton moved to Item VIII.

VIII. Executive Session

Pursuant to Government Code Sections 551.071, 551.072, and 551.074, the Board adjourned into closed Executive Session at 12:32 PM to discuss the following:

Consultation with Attorney regarding a settlement offer

Deliberation Regarding Real Property

Deliberate the appointment, employment, evaluation and duties of an employee

IX. Regular Session

The Board reconvened into regular session at 12:57 PM. President Skelton stated no action was taken on items discussed during the Executive Session.

X. Consider and act upon an indemnity agreement between the Greater Texoma Utility Authority and the City of Anna for waterline construction.

The City of Anna is in the process of accessing the surface water made available through the Collin-Grayson Municipal Alliance (CGMA) waterline constructed in 2005. Based on legal advice from General Counsel has recommended execution of an agreement to enable the City of Anna to utilize a prescriptive easement in the DART right of way. An indemnity and hold harmless agreement would allow the City to construct the waterline and connect with their distribution line. The property would hold the Authority harmless in the event DART expresses concern. Mr. Wynne has reviewed the agreement and has expressed his satisfaction. The City has already taken action to approve the agreement.

Board Member Kuneman motioned to authorize the execution of an indemnity agreement between the Authority and the City of Anna for waterline construction. The motion was seconded by Board Member Anderson and passed unanimously.

At this time President Skelton moved back to Item VII.

VII. Consider and act upon payment for the Cost Share Agreement with the North Texas Municipal Water District for the Lake Texoma Diversion Project

In the 1980s, the Authority entered into an agreement with the North Texas Municipal Water District (NTMWD) to construct a pump station on Lake Texoma. The agreement has been in effect since 1985 and no difficulties have been experienced. The agreement has a clause to enable either party to expand the pump station with notice provided to the second party. The NTMWD notified the Authority they planned to increase the pump capacity from 95 million gallons per day (gpd) to 125 gpd. The City of Sherman requested the Authority participate at 20% of the project cost. The project is nearly completed. The adjusted amount due is \$424,712.56, which does not include any final change orders and legal costs. Funds are available to pay for this invoice.

Vice President Johnson motioned to approve payment for the Cost Share Agreement with the NTMWD for the Lake Texoma Diversion project in the amount of \$424,712.56. The motion was seconded by Board Member Dowd and passed unanimously.

XI. Receive legislative update

Mr. Chapman will provide testimony for the Zebra Mussel bill and the Boundary Commission bill on April 16<sup>th</sup>. HB 2477 is a bracketed bill that modifies the Texas Parks and Wildlife Department (TPWD) code regarding water transfers without exotic fish or shellfish. The bill would allow water to be transferred from Lake Texoma by the City of Sherman and the NTMWD without problems from the TPWD as long as the water is taken directly to a closed water treatment plant. HB 3212 addresses the State Boundary issue. This would reconstitute the State Boundary Commission to begin discussions for correcting the boundary that was inaccurately drawn due to wrong coordinates provided by the General Land office.

XII. \*Receive Monthly Financials

XIII. Receive General Manager's Report

General Counsel has reviewed the Gainesville project contract documents. Both contracts can now have a preconstruction meeting scheduled. The Anna waterline will most likely be underway shortly so that surface water can be utilized for the summer. State water planning activities have started. Freese and Nichols brought their population estimates last week to determine accuracy.


Mr. Chapman was requested by the Lake Texoma Association to provide information on water use from Lake Texoma. The lake is currently at 612 feet. Historically at this time of the year the lake elevation is usually above 617. The summer will probably be difficult for the businesses along the lake. The hydropower industry has been very cooperative in the past several years.

The Board scheduled the next meeting for May 13, 2013. Vice President Johnson motioned to change the meeting date to May 13, 2013. The motion was seconded by Board Member Grantham and passed unanimously.

XIV. Adjourn

Upon motion by President Skelton, seconded by Vice President Johnson and passed unanimously, the Board adjourned at 1:25 PM.

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Recording Secretary

  
Secretary-Treasurer