

Mary Kelleher
Board of Directors
Tarrant Regional Water District
800 East Northside Drive
Fort Worth, TX 76102

June 25, 2013

Jim Oliver
General Manager
Tarrant Regional Water District
800 East Northside Drive
Fort Worth, TX 76102

Dear Mr. Oliver:

I am sending you this letter in my official capacity as an elected member of the board of directors of the Tarrant Regional Water District ("TRWD"). As you are aware, I came to the TRWD headquarters on Friday to request documents to review in connection with my role on the board of directors of the TRWD. Nancy King greeted me and accepted my request, which was as follows:

- 1) Minutes and/or recordings from June 18, 2013 executive session.
- 2) Minutes and/or recordings from all executive sessions since June 1, 2012.
- 3) Minutes and/or recordings from all meetings of the Construction and Operations Committee since June 1, 2012.
- 4) All emails sent to Bryan Eppstein or any email address at eppsteingroup.com since June 1, 2012.
- 5) All emails to or from any TRWD Directors, Jim Oliver, J.D. Granger, or Wayne Owen from May 1 to June 21, 2013.
- 6) All records reflecting payments to Freese & Nichols from January 1, 2010 to present.
- 7) All purchase contracts, deeds, closing statements, copies of checks or records or payments, or other real estate documents related to any real estate transactions between Jim Oliver or any entity owned or controlled by Mr. Oliver and TRWD or any of its affiliates from January 1, 2010 to present.
- 8) All emails discussing or referring to any real estate transactions between Jim Oliver or any entity owned or controlled by Mr. Oliver and TRWD or any of its affiliates from January 1, 2010 to present.

Ms. King informed me that there are no minutes and/or recordings kept of either executive sessions or of meetings of the Construction and Operations Committee. She said only certified agendas were kept for executive sessions and that only agendas existed for meetings of the Construction and Operations Committee. She also said that no minutes and/or recordings have been kept for any such meetings for many years. Can you please confirm that she was correct in each of these statements? If she was not, please let me know by Thursday, June 27, 2013, what portion of those statements were incorrect.

Upon learning that no such minutes and/or recordings were kept, I requested the certified agendas of all executive sessions from June 1, 2012 to present and the agendas for all meetings of the Construction and Operations Committee from June 1, 2012 to present. Ms. King refused to immediately provide those documents but confirmed they were readily available. She stated that if I came back that afternoon, she would provide me those documents.

As requested by Ms. King, I did come back in the afternoon. Instead of being provided the documents, I was confronted by you, and you proceeded to yell at me while beating on your chest and declaring that all future requests be made to you. As a result, despite Ms. King's promise of the documents, I still have not been able to see any of the documents I requested.

You were noticeably frustrated and angry with my attempts to obtain documents that would shed light on what happens at the TRWD. Please understand that was what I was elected to do and I have a legal right to review such documents. I take very seriously my responsibilities as an elected official, and I expect that my attempts to provide the necessary oversight in the future will not be met with raised voice, chest-pounding, disrespect, and other behavior unacceptable for a public servant, let alone the senior executive member of the TRWD. It has come to my attention that you have been similarly inappropriate in your email correspondence with John Basham. *See, e.g., Exhibit A, attached.* In light of these repeated outbursts, in my view, the District should consider whether it is appropriate for you to continue in your current position and/or whether you should be required to take anger management training.

I am requesting immediate access to the documents I requested and ask that any future requests for documents be treated with the respect appropriate for requests from a board member tasked with oversight of the TRWD. Please understand that I am requesting these documents in my role as a member of the board of directors and not as a Public Information Act request. Accordingly, please produce to me all of the documents Ms. King promised to provide me by 4:00 p.m. on Wednesday, June 26, 2013. Please produce the remaining documents I have requested, described above, by the close of business on Thursday, June 27, 2013. In addition to those documents, please produce the following by the same time:

- 1) All existing and former contracts with lobbyists or their firms; and
- 2) Copies of payments to lobbyists or their firms

Please let me know when I can pick up all of these documents. If there are any of the requested documents that you cannot produce by this deadline, please provide me a detailed explanation in writing by Thursday, June 27, 2013 why such documents could not be delivered and when they will be provided. If you contend that I am not entitled to these documents, please provide me in writing an appropriate legal authority for that contention by that time.

Given Ms. King's revelations on Friday, my concerns about TRWD's compliance with the Texas Open Meetings Act ("TOMA") have increased. It is conduct such as this that motivated my request at the board meeting that a law firm with no ties to any TRWD board member or staff conduct an independent analysis of TRWD's compliance with TOMA.

If you continue to behave in a manner which does not permit me to exercise the necessary oversight of the TRWD, I will be forced to take all necessary actions to fulfill my duties. I was elected to serve as a board member of the TRWD, and I will not be stopped or intimidated in my efforts to fulfill my responsibilities.

Respectfully,

A handwritten signature in cursive script that reads "Mary Kelleher". The ink is dark and the signature is fluid.

Mary Kelleher

cc: Nancy King (by email)
Victor W. Henderson (by email)
Jack Stevens (by email)
Marty Leonard (by email)
Jim Lane (by email)

From: Jim Oliver <Jim.Oliver@trwd.com>
Sent: Monday, May 6, 2013 7:36 PM
To: John Basham
Subject: Re: Imagine if you will

I've earned a living for my family, you never will, loser.

Sent from my iPad

On May 6, 2013, at 7:33 PM, "John Basham" <john@johnbasham.com> wrote:

Tic tic tic tic

On May 6, 2013 7:31 PM, "Jim Oliver" <Jim.Oliver@trwd.com> wrote:

Imagine if you were a loser, bankrupt with your house foreclosed, and pretending to be a meteorologist with no education. Oh, wait a minute, you don't have to imagine, because its you.

Sent from my iPad

On May 6, 2013, at 6:15 PM, "John Austin Basham" <john@johnbasham.com> wrote:

> Mr. Oliver,

>

> Imagine if you were an employee at a government entity who was using those government phones to call and ask "friends" to vote for a specific set of candidates at your government entity. Now, let's take one additional step and imagine you were still using those same government facilities (offices & phones) during government business hours to call people and spread libelous information about candidates running against your chosen bosses whom perhaps this employee has lied to time and time again... But wait, one more piece of imagination is needed. Imagine one of those "friends" on your list recorded one of those calls and provided it to the challengers. Wow! Wouldn't that be mind boggling? What a story that would make if broken at the right time.

>

> Sure is a good thing that never happens, huh? See you soon.

>

> John Basham

>

Exhibit A