

**CITY OF WINDCREST ECONOMIC DEVELOPMENT CORPORATION
BOARD OF DIRECTORS**

SPECIAL EMERGENCY MEETING

**June 26, 2014
6:30 P.M.**

Windcrest City Hall

NOTICE IS HEREBY GIVEN THAT A SPECIAL EMERGENCY MEETING OF THE BOARD OF DIRECTORS OF THE WINDCREST ECONOMIC DEVELOPMENT CORPORATION (WEDC) WILL BE HELD AT WINDCREST CITY HALL, 8601 MIDCROWN, WINDCREST, TEXAS ON THE 26th DAY OF JUNE 2014 STARTING APPROXIMATELY 6:30 P.M. DURING THE MEETING, THE BOARD WILL CONSIDER, DELIBERATE AND MAY TAKE ACTION UPON ANY OF THE SUBJECTS LISTED BELOW.

Vision Statement: Nourish and develop a vibrant community that consistently pushes the limits.

Mission Statement: Facilitate interaction between business, city and other community organizations to nourish the economic health and well-being of Windcrest, its citizens and the region.

Request all pagers and cell phones be turned off, except emergency on-call personnel. Citizens are asked to refrain from talking during proceedings unless recognized by the Presiding Officer.

CITIZEN COMMUNICATION: AS A COURTESY TO CITIZENS IN ATTENDANCE, AND AT THE DISCRETION OF THE PRESIDING OFFICER OF THE MEETING, CITIZENS WILL BE GIVEN A REASONABLE OPPORTUNITY TO STATE THEIR COMMENTS OR ASK QUESTIONS REGARDING ANY ITEM ON THE AGENDA, AND PRIOR TO THE BOARD TAKING ACTION ON ANY ACTION ITEMS LISTED. THE BOARD REQUESTS COMMENTS BE BRIEF, TO THE POINT, AND NO LONGER THAN 5 MINUTES. TIME CANNOT BE YIELDED TO ANOTHER SPEAKER.

Consistent with Windcrest City Council Resolution No. 292, the WEDC Board elects to audio and video record its meetings. The recordings are preserved electronically as the official minutes of its meetings.

I. Call To Order

1. Determination of a Quorum
2. Pledge of Allegiance
3. Prayer
4. Vote to consider the excuse of absent board member(s), if applicable

II. Citizens to be Heard

III. Discuss and Act

1. The WEDC Board of Directors will review, discuss and may take action on Resolution No. 14-005 (R), a resolution authorizing legal counsel for the City of Windcrest Economic Development Corporation to invoke or wave the attorney-client privilege of the City of Windcrest Economic Development Corporation in connection with legal proceedings and criminal cases pending in the Court of Bexar County. And authorize City of Windcrest Economic Development Corporation Board President Tim Maloney to sign the resolution on behalf of the City of Windcrest Economic Development Corporation Board. [Att. 1]

IV. Adjournment

I, the undersigned authority, do hereby certify that the above Notice of Emergency Meeting of the Board of Directors of the WEDC is a true and correct copy of said Notice and I posted a true and correct copy of said Notice on the bulletin board at the Windcrest City Hall in a convenient place to the public. Said Notice was posted 24 hours prior to the 26th of June 2014.

By: Heather Weidenbach
Heather Weidenbach, Assistant City Secretary

I certify that the attached notice and agenda of items considered by the WEDC Meeting was removed by me from the City Hall bulletin board on the 26^h of June 2014.

By: _____
Heather Weidenbach, Assistant City Secretary

RESOLUTION NO 14-005(R)

A RESOLUTION AUTHORIZING LEGAL COUNSEL FOR THE CITY OF WINDCREST ECONOMIC DEVELOPMENT CORPORATION TO INVOKE OR WAIVE THE ATTORNEY-CLIENT PRIVILEGE OF THE CITY OF WINDCREST ECONOMIC DEVELOPMENT CORPORATION IN CONNECTION WITH LEGAL PROCEEDINGS AND CRIMINAL CASES PENDING IN THE COURTS OF BEXAR COUNTY, TEXAS

WHEREAS, the following criminal prosecutions that concern the alleged conduct of the Defendants while they were officials or relatives of such officials of the City of Windcrest Economic Development Corporation, are currently pending in the 379TH District Court of Bexar County, Texas:

- (1) Cause No. 2013-CR-1557A, *State of Texas v. Forest R. Cain*;
- (2) Cause No. 2013-CR- 1557B, *State of Texas v. Gary Cain*;

(the "Criminal Cases"); and

WHEREAS, the City of Windcrest Economic Development Corporation desires to cooperate with authorities, including the Bexar County District Criminal Attorney's Office, in connection with the investigation and prosecution of the Criminal Cases; and

WHEREAS, it has come to the attention of the City of Windcrest Economic Development Corporation that one of its attorneys, Mr. Jim Plummer, has knowledge of information that is material to the investigation and prosecution of the Criminal Cases; and

WHEREAS, some of the information known to Mr. Plummer is privileged and confidential and the City of Windcrest Economic Development Corporation has the right to invoke the attorney-client privilege and instruct Mr. Plummer not to disclose such information; and

WHEREAS, the City Of Windcrest Economic Development Corporation has reviewed the information known to Mr. Plummer and has determined that the City of Windcrest Economic Development Corporation's interest in maintaining the confidentiality of such information is outweighed by the City of Windcrest Economic Development Corporation's interest in cooperating with authorities investigating the Criminal Cases.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the City of Windcrest Economic Development Corporation, that its legal counsel, including specifically attorneys from the firm of Martin, Cukjati & Tom, LLP, are authorized to assist appropriate authorities in the investigation and prosecution of the Criminal Cases by instructing Mr. Plummer as to the invocation or waiver of the attorney-client privilege in responding to any inquiries by the Bexar County District Criminal Attorney or its agents, taking into consideration

the City of Windcrest Economic Development Corporation's interests as described herein. The City of Windcrest Economic Development Corporation hereby delegates to its legal counsel the right and authority to invoke or waive the attorney-client privilege as to communications with Jim Plummer in response to inquiries by the Bexar County District Criminal Attorney or its agents in connection with the investigation and prosecution of the Criminal Cases.

DULY PASSED AND APPROVED, on the ____ day of June, 2014 at a regular meeting of the Board of Directors of the City of Windcrest Economic Development Corporation, which meeting was held in compliance with the Open Meetings Act, Tex. Gov't. Code, §551.001, et. seq. at which meeting a quorum was present and voting.

CITY OF WINDCREST ECONOMIC
DEVELOPMENT CORPORATION

Tim Maloney, President

ATTEST:

Rebekah Gergen, Secretary

APPROVED:

Harry Adams, Attorney