

MASON CREEK UTILITY DISTRICT

L.R. Forsyth
J.G. Hamblet III
B.C. Connolly
R.J. Wills
J.H. Cameron

Katy, Texas 77450
Phone 281-578-7272
Fax 281-578-1419

MINUTES Meeting of the Board of Directors

The Board of Directors of Mason Creek Utility District of Harris County, Texas, convened in a **special meeting** at 847 Dominion, Katy, Texas 77450, including participation by telephone conference call with two-way audio (as authorized by the Governor of Texas under emergency declaration), on **June 1, 2021**, at 10:00 A.M., and the roll was called of the duly elected members of the Board of Directors, to wit:

Len Forsyth	President
James G. Hamblet III	Vice-President
Brian C. Connolly	Secretary/Treasurer
John H. Cameron	Assistant Secretary/Treasurer
Robert J. Wills	Director

and all of the members were present, thus constituting a quorum. President Forsyth, Director Cameron, Director Wills and Director Connolly were present at the meeting location. Directors Hamblet was present via telephone conference call audible at the meeting place, as authorized by the Governor of the Texas (under an emergency declaration). Also present by telephone conference call were Mr. James L. Dougherty, Jr., Attorney for the District; Mr. Jose de Leon and Mr. Brenton Stamper of Venturi Engineers LLC; Also present at the meeting location was Ms. Susan Saccomen. The meeting was called to order, and in accordance with notice posted pursuant to law, the following business was transacted:

Notices & Minutes. Ms. Saccomen reported that the notices of the meeting were duly posted.

Engineering, Projects, Etc. Mr. de Leon presented Change Order No. 2 (attached to these minutes) for the Sanitary Sewer Rehabilitation Phase 2 project. He noted the change order was to increase the contract time by 20 days due to inclement weather, and recommended the Board approve the change order. After discussion, Director Wills moved to approve and authorize the change order recommended by the engineer. Director Connolly seconded, and all voted in favor of the motion.

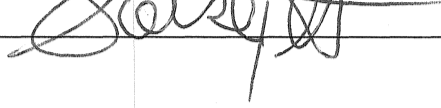
Energy & Streetlights. Mr. Dougherty reported that the electricity bill for May was received after the May Board meeting, and we were not able to act on it at that time. Ms. Saccomen reported that the current undisputed charges was in the amount of \$24,591.49, and the disputed amount was \$18,528.32. Mr. Dougherty recommended the Board approve payment of all current undisputed charges and to hold on paying the disputed charges until P3 recommends the payment of the disputed amounts. He added that as in previous months, a letter would be sent to Cavallo Energy Texas LLC and the Texas General Land Office (GLO) as a notification of the District's intent. After discussion, Director Connolly moved to approve and authorize sending a notice of dispute to GLO/Cavallo and withholding of the amounts in dispute (and to authorize issuance a checks for, and payment of, the undisputed amounts); and to authorize issuance of checks for and payment of all or part of the withheld amounts (for current and prior billing periods) when the disputes are resolved in favor of the District, or when payment is recommended by P3, or when the President or Mr. Wills otherwise determines that payment should be made. Director Cameron seconded, and, when the question was called, the vote was unanimously passed.

Recreational Facilities. Mr. Dougherty informed the Board that lawsuit for the 2019 plane crash was still in litigation and that one of the insurance companies was unwilling to settle, and it was likely a suit would be filed. He added that the District would be added to the lawsuit because of the \$10,000.00 deductible the District paid. He noted that the subrogation attorney was hired by the District's insurance company at no charge to the District and would attempt to get the deductible returned. Director Hamblet also reported that the subrogation attorney had asked if the District wanted to attend any mediation regarding the case, but that the mediation never occurred. Director Hamblet discussed the case with Mr. Dougherty and confirmed that there was no legal reason not the be added to the suit. He added that there would be no legal fees incurred by the District, but that District would likely receive a pro-rated portion of the initial \$10,000.00 deductible. Director Hamblet recommended the Board approve be added to the lawsuit. After discussion, Director Connolly moved to authorize the law firm of Gauntt, Koen, Binney & Kidd LLP, 25700 I-45 North, Suite 130, Spring, TX 77386, and the District's insurance carrier to file suit on behalf of the District against the pilot, owner and operator of the plane that crashed into the MCCC (including their heirs, successors, and assigns, their insurance carriers and other

parties potentially liable), for loss and damages incurred by the District (including the District's deductible amount on its insurance coverage); and that the Vice President be authorized to give directions to such law firm on behalf of the District, including designation of parties to be named as defendants, approval of settlements, etc. Director Wills seconded, and, when the question was called, the vote was unanimously passed.

Adjournment. There being no further business to discuss, Director Cameron moved to adjourn. Director Wills seconded, and all voted in favor, thus passing the motion.

REVIEWED AND APPROVED BY THE BOARD on July 14, 2021

SIGNED: 

Mason Creek Utility District, Harris County, Texas
NOTICE OF MEETING

1440295
05/27/2021 PERSONAL
\$9.00 MPR - NOTICE MTG

NOTICE IS HEREBY GIVEN that the Board of Directors of Mason Creek Utility District (District) will hold a meeting, open to the public, on June 1, 2021 beginning at 10:00 A.M. at the District's office at 847 Dominion, Katy, Texas 77450, where one or more Directors will be present. To the extent allowed by the disaster declaration and suspension of certain laws by the Governor of Texas, any Director or other person may participate in the meeting via telephone (with two-way audio) by calling a public, toll-free number (800-504-7056; enter conference code 447079 when prompted). Also, an electronic copy of any agenda packet will be made available on the Internet at www.mcupd.com/meeting-info/ (scroll to and click on link for "Agenda Packet"). Alternative means of communicating with District Directors include: (i) email addressed to "directors@mcud.com," (ii) mail, phone, or fax to District Directors at 847 Dominion, Katy, Texas 77450, phone 281-578-7272, fax 281-578-1419. The subjects of the meeting are as follows:

1. **Notices & Minutes.** Notice of this meeting (including report) and minutes of previous meetings.
2. **Engineering, Projects, Etc.,** including: (i) smart water meter system (both phases), electrical improvements at Galleon Oaks Water Plant, lift stations, inspections, force main repairs, sanitary sewer repair/rehab (all phases), generator, electrical modifications, pool decks, water main leak on Cranfield Dr. at Ellingham, and other projects; (ii) reports, studies, designs, estimates, permits, approvals, bids, contracts, bonds, insurance, payments, change orders, etc. for the foregoing; and (iii) related matters
3. **Energy, Streetlights, Etc.** Matters relating to energy or electricity, power pool, contracts, billing, payments, streetlights, audits, etc.
4. **Recreational Facilities, Etc.** including Mason Creek Community Center (buildings, pools, tennis, swim team, etc.), parks, trails and sidewalks and other facilities (inside or outside the District); also: (i) permits, memberships, contracts, property, operation, maintenance, promotion, inspection, repairs/replacements, improvements, supplies, equipment, insurance, events, etc.; (ii) plane crash, damages, insurance coverage, claims, deductibles, litigation (including filing of lawsuit) and related matters; (iii) Sweetwater Pool contract; and (v) related matters.
5. **Operations & System Matters, Development, Etc.,** including: (i) operator activities and projects, including valve project and meter project; (ii) procurement of goods and services; (iii) TCEQ and City regulations, drinking water quality and reports, emergency operations, inspections, water conservation, drought contingencies, etc.; -and (iv) related matters.
6. **Inquiries; Next Meeting.** Inquiries and matters relating to the next meeting or items to be placed on the agenda.

IMPORTANT: (1) Each subject listed above includes discussion, consideration, action, etc. (2) Subjects may be taken up in the order listed or in another order and may be taken up more than once during the meeting. (3) If a quorum is not present, those present may form an ad hoc committee to discuss, consider and act upon the subjects listed above. (4) Each subject listed above includes an executive or closed session to the extent allowed by: (i) Section 551.071, Texas Government Code for attorney consultations to seek advice about pending or contemplated litigation or a settlement offer, or a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551, Texas Government Code; or (ii) Section 551.072, Texas Government Code for deliberating purchase, exchange, lease, or value of real property; or (iii) Section 551.074, Texas Government Code to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee or to hear a complaint or charge against such officer or employee. (5) IF YOU HAVE A DISABILITY REQUIRING SPECIAL ARRANGEMENTS AT THE MEETING, PLEASE CONTACT THE DISTRICT'S OFFICE AT 281-578-7272 BEFORE THE MEETING. REASONABLE ACCOMMODATIONS WILL BE MADE TO ASSIST YOUR PARTICIPATION IN THE MEETING. THE MEETING PLACE MENTIONED ABOVE IS ACCESSIBLE BY WHEELCHAIRS.

Date issued: May 27, 2021 Signed: Susan Saccomen, Susan Saccomen, MCUD Office Mgr.

FILED
2021 MAY 27 AM 11:33
HARRIS COUNTY CLERK
HARRIS COUNTY, TEXAS

CERTIFICATE OF POSTING: By signing below I certify that I posted, or caused to be posted, the notice shown above, for at least 72 hours before the scheduled time of the meeting shown above, at each place specified by the Texas Open Meetings Act as modified by Sec. 49.063, Tex. Water Code (as such places were designated by the Board of the District shown above, if so required), all in accordance with said laws.

Signed: Susan Saccomen office Manager Date signed: June 1, 2021
Name: Title: