

MASON CREEK UTILITY DISTRICT

L.R. Forsyth
J.G. Hamblet III
B.C. Connolly
J.K. Nordhaus
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 **scheduled regular meeting** at the Mason Creek Community Center, 20201 Kingsland Blvd., Katy, Texas 77450, on **January 12, 2022**, at 7:30 P.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, except Robert Wills (who had died), thus constituting a quorum. Also, present were James L. Dougherty, Jr., Attorney for the District; Lina Loaiza of Bob Leared Interests; Derek Davenport of McClennan and Associates; Jose de Leon and Brenton Stamper of Venturi Engineers LLC; J. Kevin Nordhaus, resident of Mason Creek Utility District; and Susan Saccomen, Kasey Lorraine, and Jamie Parrott of the MCUD staff. 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 had been posted as required by the Texas Open Meetings Act. Director Cameron moved to approve the December 15, 2021, regular meeting minutes as presented, and Director Connolly seconded. All voted in favor.

Director Appointment. President Forsyth introduced J. Kevin Nordhaus and proposed that he appointed to fill the position made vacant by Director Robert J. Wills upon his passing. Mr. Nordhaus presented for the Board's consideration a completed Director Affidavit. Director Cameron moved to appoint J. Kevin Nordhaus to fill the vacant position (for the unexpired portion of term ending May 2022). After questions and discussion, Director Hamblet seconded the motion, and, when the question was called, all Directors present voted in favor of the motion (4-0), thus appointing Mr. Nordhaus. At that point, Mr. Dougherty presented a Statement of Elected/Appointed Officer. After Mr. Nordhaus signed it, it was filed. Ms. Saccomen then administered the Oath of Office. Mr. Nordhaus signed the Oath of Office and an official bond, both of which were filed. It was then moved and seconded that the Board formally find and determine that Mr. Nordhaus had duly qualified for the office of Director.

Delinquencies, Etc. Delinquencies, Etc. Ms. Saccomen presented a list of delinquent accounts proposed for service discontinuation (for which notices, including an opportunity to be heard, had been sent). President Forsyth provided an opportunity for anyone to be heard regarding the delinquencies or discontinuations. After it appeared that no one wanted to be heard, Director Cameron moved that: (i) the amount shown on the list for each account be found to be correct and delinquent, and (ii) discontinuation of utility service be authorized for the accounts listed, unless a payment arrangement was agreed upon before discontinuation of service, in accordance with the District's standard operating procedures. The motion was seconded by Director Connolly and carried by a unanimous vote.

Bookkeeping, Funds, Etc. Mr. Davenport presented the bookkeeper's report including the cash disbursement report from December 16th, 2021, through January 15th, 2022. Director Cameron moved to accept the bookkeeper's report as presented. Director Connolly seconded, and all voted in favor of the motion.

Bills, Etc. Director Hamblet moved to accept the bills as presented (and authorize the checks prepared to pay them). Director Connolly seconded. The motion carried.

Taxes. Ms. Loaiza gave the Tax Assessor Collector report indicating total TY 2021 taxes collected at the end of December were \$1,322,478.11 leaving TY 2021 taxes receivable on December 31, 2021, at \$1,111,588.87. Total reported receipts in December were \$1,145,109.11. Checks were presented in the amount of \$227,524.07. The reported percentage of collection of TY 2021 taxes was 55.5% per the report, however, Ms. Loaiza informed the Board that, prior to her arrival at the meeting, the collection of TY 2021 taxes had increased to 65.0%. After discussion, Director Connolly moved to approve the Tax Assessor Collector's report as presented (and authorize the checks presented). Director Cameron seconded, and all voted in favor of the motion.

Bonds, Notes, Etc. and Reimbursement. There was nothing to report toward

Water Supply & Regulations and Agreements. President Forsyth informed the Board that the Operator would conduct a flow test with the interconnect to Green Trails MUD.

Engineering, Projects, Etc. Mr. de Leon informed the Board that construction was underway for the Brondesbury Lift Station conversion project. He presented Pay Application No. 3 in the amount of \$138,000.00 and his recommendation for payment in the amount of \$124,200.00 (amount of pay application less 10% retainage). Mr. de Leon presented an updated "Bills Paid" affidavit and informed the Board that the payment provisions of the contract between the District and the Contractor did not coincide with the contract between the Contractor and their sub-contractor. He explained that the Contractor wanted to have the "Bills Paid" affidavits include a 30-day lag, so each affidavit would refer back to the preceding pay period (not the current pay period). After discussion, Director Connolly moved to authorize (i) the engineer to adopt revised the affidavit forms with a 30-day lag, and (ii) moved to authorize Pay Application No. 3 in the amount of \$124,200.00 as presented. Director Cameron seconded, and all voted in favor of the motion.

Mr. de Leon reported that he was coordinating with the attorney on the Contract Documents for the Rennie Lift Station conversion project. He added that he was also coordinating with the sub-consultant to finalize the design.

Mr. de Leon reported that both the force main replacement project and Dominion Water Plant ground storage tank recoat project would be advertised at the same time, and the bid opening for both projects would be on February 10th.

Mr. de Leon reported that the final punch list items for the pool deck replacement project were pending. Director Hamblet informed the Board that the project had come to a halt due to positive COVID-19 results. After discussion, Director Connolly moved to authorize Director Hamblet to begin the process of removing the pool deck coating. Director Cameron seconded and all voted in favor of the motion.

Mr. de Leon said the survey for the Ellingham sanitary sewer rehabilitation was complete and design was underway and would provide a further update at the following meeting.

Mr. de Leon stated that he was coordinating with the Districts Operator and the Operator for Green Trails MUD and their Engineer on the proposed temporary water service. He mentioned that the feasibility test for the service would be conducted the following week.

Director Connolly moved to approve the engineering report as presented. Director Cameron seconded, and all voted in favor of the motion.

Energy & Streetlights. There was nothing to report.

Regional Matters. There was nothing to report.

Drainage, Detention/Retention. There was nothing to report.

STP's. President Forsyth reported that the WMMUD plant was operating and in compliance. He stated that they were still setting up the new generator. He also reported that Cinco Regional STP was operating appropriately.

Recreational Facilities. Mr. Parrott presented a quote from the Three Colors firm in the amount of \$14,350 for regular maintenance and repair for a section of the tennis courts. After discussion, Director Hamblet moved to approve the quote as presented. Director Connolly seconded. All voted in favor of the motion.

President Forsyth informed the Board that a permittee had used the MCCC in late December. He mentioned that the facility was not left in the condition required by the permit. After discussion, Director Hamblet authorized Ms. Saccomen to take necessary action based on the permit. Director Cameron seconded and all voted in favor of the motion.

Ms. Saccomen reported that the District office had received phone calls about using the MCCC.. After discussion, there was no action taken, but the President indicated it would be discussed at the following meeting.

System Operations, Rates, Etc. Mr. Parrott reported that the District had pumped 319,417,000 gallons of water for the year to date with consumption of 298,583,969 gallons, leaving a loss of 20,833,031 million gallons for the year (6.52%).

Mr. Parrott also mentioned that he had received a request from the Patio One store to build a new marque billboard that would encroach onto the District's easement along IH 10. He stated there is a 12-inch water line that runs down the I-10 feeder, in addition to a 6-inch fire hydrant adjacent to the water line. After discussion, it was advised that the District should request drawings and gather further information with the engineer's guidance.

Administrative Matters. President Forsyth informed the Board that he and Director Hamblet had reviewed wages and proposed cost of living increases to be effective that month. He indicated that COVID-19 was a factor in the proposed increases. After discussion, Director Cameron moved to authorize the proposed cost of living increases. Director Connolly seconded, and all voted in favor of the motion.

Mr. Dougherty reported that elections are held every two years, and the deadline to file for the May 2022 Election would be February 18th, 2022. He stated that if the election should be uncontested, the law would allow a cancellation of the election, but if the election were contested, the Bond Counsel was recommending that the District contract with the County for a joint election to be conducted by the Harris County Elections Administrator. He mentioned that, at the Board's next meeting, it would be necessary to call the election, even though it would be not be known if the election would be contested by that time. After discussion, Director Hamblet moved

to authorize Bond Counsel (Michael A. Cole, P.C.) to correspond and provide legal services for the election. Director Cameron seconded, and all voted in favor of the motion. After further discussion, Director Hamblet moved to adopt a motion to indicate the District's intention to participate in a joint election run by the Harris County Elections Administrator. Director Cameron seconded, and all voted in favor of the motion.

Next Meeting: The February regular meeting was scheduled for Wednesday, February 16, 2022, at 7:30 PM at the Mason Creek Community Center.

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

REVIEWED AND APPROVED BY THE BOARD on February 16, 2022

SIGNED: 