

MINUTES  
EMERALD FOREST UTILITY DISTRICT

December 12, 2022

The Board of Directors (the "Board") of Emerald Forest Utility District (the "District") met in regular session, open to the public, on the 12<sup>th</sup> day of December, 2022, at the offices of Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, Suite 2600, Houston, Texas, outside the boundaries of the District, and the roll was called of the members of the Board:

Bobby G. Dillard	President
Robert M. Kimball	Vice President
William B. Schmidt	Secretary/Investment Officer
Donald F. Brooks	Asst. Vice President
DeWayne High	Assistant Secretary

and all of the above were present, thus constituting a quorum.

Also present at the meeting either in person or on the telephone were Greg Lentz of Masterson Advisors LLC; Michael Willett and Angie Hartwell of Touchstone District Services; Stephanie Viator and Maria Stripling of District Data Services, Inc.; Scott Barr of Regional Water Corporation ("RWC"); Patty Rodriguez of Bob Leared Interests; Sherry Grant of AEI Engineering, a Baxter & Woodman Company ("AEI"); and Katie Sherborne and Jennifer Ramirez of Allen Boone Humphries Robinson LLP ("ABHR").

PUBLIC COMMENTS

There was no discussion on this agenda item.

APPROVE MINUTES

The Board considered approving the minutes of the November 14, 2022, regular meeting and the November 22, 2022, special meeting. After discussion, Director Kimball moved to approve the minutes of the November 14, 2022, regular meeting and the November 22, 2022, special meeting, as submitted. Director Schmidt seconded the motion, which passed unanimously.

WEBSITE AND COMMUNICATION MATTERS

The Board discussed potentially holding a maintenance and operations tax election in May, 2023.

Ms. Hartwell reviewed the website and communication report, a copy of which is attached.

Ms. Hartwell reviewed a proposal for a postcard mailout promoting the District's text alert system, a copy of which is attached. After review and discussion, Director Schmidt moved to approve the proposal for a postcard mailout. Director Kimball seconded the motion, which passed unanimously.

#### OPERATION OF DISTRICT FACILITIES

Mr. Barr presented the operations report from RWC, a copy of which is attached. He reported on routine maintenance and repair items in the District. He stated that water accountability for the prior billing cycle was 80.4%.

Mr. Barr reviewed correspondence from account no. 1-30-50192-06 regarding a required backflow preventor.

Mr. Barr reviewed a request from account no. 1-30-05215-00 requesting a leak adjustment for a high water and sewer bill in October, 2022.

Mr. Barr reviewed a request from account no. 1-30-02765-03 requesting a leak adjustment for high water and sewer bills in October and November, 2022, due to a leaking toilet.

After review and discussion, Director Kimball moved to (1) approve the operator's report; (2) deny the request for a bill adjustment, but authorize a six-month payment plan for account no. 1-30-05215-00, plus the current month's bill as it becomes due; and (3) deny the request for a bill adjustment, but authorize a six-month payment plan for account no. 1-30-02765-03, plus the current month's bill as it becomes due. Director Schmidt seconded the motion, which passed unanimously.

#### HEARING REGARDING TERMINATION OF WATER AND SEWER SERVICE

The Board conducted a hearing on the termination of water and sewer service to delinquent accounts. Mr. Barr stated that the residents on the list were delinquent in payment of their water and sewer bills and had been given written notification prior to the meeting of the opportunity to appear before the Board of Directors to explain, contest, or correct the utility service bills and to show reason for nonpayment, all in accordance with the District's Rate Order. After discussion, Director Kimball moved that, because the customers on the list were neither present at the meeting nor had presented any written statement on the matter, water and sewer service for accounts totaling \$10 or more would be terminated the following week in accordance with the District's Rate Order, except (i) accounts in compliance with payment agreements, and (ii) commercial accounts, which are to be contacted first by RWC and then terminated the following Monday if payment has not been received. Director Schmidt seconded the motion, which passed unanimously.

## TAX ASSESSMENT AND COLLECTION MATTERS

Ms. Rodriguez presented the monthly tax report, a copy of which is attached. She stated that 5.3% of the District's 2022 taxes were collected as of the end of November. Ms. Rodriguez then reviewed the District's delinquent tax roll.

The Board reviewed the delinquent tax report provided by Perdue, Brandon, Fielder, Collins & Mott, LLP, a copy of which is attached.

After review of the tax bills and corresponding checks, Director Schmidt moved to approve the tax report and payment of the tax bills. Director Kimball seconded the motion, which passed unanimously.

## FINANCIAL AND BOOKKEEPING MATTERS

Ms. Viator reviewed the bookkeeper's report, including the District's investments and the budget comparison, and submitted the bills for payment. A copy of the bookkeeper's report is attached.

After review and discussion, Director Schmidt moved to approve the bookkeeper's report, the District's investments, and payment of the bills. Director High seconded the motion, which passed unanimously.

## TRAVEL REIMBURSEMENT GUIDELINES AND DIRECTOR EXPENSES FOR ASSOCIATION OF WATER BOARD DIRECTORS ("AWBD") WINTER CONFERENCE

The Board generally discussed the Board's Travel Reimbursement Guidelines and Director expenses for the AWBD winter conference.

## REVIEW AND UPDATE EMINENT DOMAIN REPORT TO THE TEXAS COMPTROLLER

Ms. Sherborne reported ABHR has filed the District's Eminent Domain Authority Annual Report with the Comptroller of the State of Texas.

## ENGINEERING MATTERS

Ms. Grant reviewed the report regarding the status of engineering projects in the District, a copy of which is attached.

## SURFACE WATER, CHLORAMINE CONVERSION, AND BLEACH DISINFECTION CONVERSION

Ms. Grant updated the Board on the status of the North Harris County Regional Water Authority's construction at Water Plant No. 3, as reflected in her report.

#### FM 1960 LIFT STATION NO. 5

Ms. Grant updated the Board on the status of the FM 1960 lift station no. 5 project, as reflected in her report. She reviewed and recommended approval of Pay Estimate No. 10 in the amount of \$8,658.00, submitted by Persons Services Corporation ("Persons").

After review and discussion, Director Schmidt moved to approve Pay Estimate No. 10 in the amount of \$8,658.00, submitted by Persons, as recommended. Director High seconded the motion, which passed unanimously.

#### FM 1960 WATER AND SANITARY SEWER EXTENSION

Ms. Grant updated the Board on the status of the FM 1960 water and sanitary sewer extension project, as reflected in her report. She then reviewed and recommended approval of Pay Estimate No. 2 in the amount of \$332,432.57, submitted by D.L. Elliott Enterprises, Inc. ("D.L. Elliott").

After review and discussion, Director Schmidt moved to approve Pay Estimate No. 2 in the amount of \$332,432.57, submitted by D.L. Elliott, as recommended. Director High seconded the motion, which passed unanimously.

#### WATER AND SANITARY SEWER EXTENSION TO SERVE REPUBLIC BUSINESS CENTER ("RBC") TRACT

Ms. Grant updated the Board on the status of the public water line upsizing project to serve the RBC tract, as reflected in her report. She did not have any Pay Estimates or Change Orders from Aranda Industries LLC ("Aranda") for the Board's approval.

Ms. Grant updated the Board on the status of the public sanitary sewer extension at the wastewater treatment plant site, as reflected in her report. She did not have any Pay Estimates or Change Orders from Aranda for the Board's approval.

#### CYPRESS NORTH HOUSTON ROAD (LOUEDD ROAD) WIDENING

There was no discussion on this matter.

#### WOODEDGE VILLAGE SANITARY SEWER REHABILITATION

Ms. Grant updated the Board on the status of the Woodedge Village sanitary sewer and manhole rehabilitation project, as reflected in her report. She reviewed and recommended approval of Pay Estimate No. 13 in the amount of \$42,806.25, submitted by T. Gray Utility & Rehab Co., LLC ("T. Gray").

After review and discussion, Director Schmidt moved to approve Pay Estimate No. 13 in the amount of \$42,806.25, submitted by T. Gray, as recommended. Director High seconded the motion, which passed unanimously.

#### FEASIBILITY STUDIES, PLAN REVIEWS, AND UTILITY AVAILABILITY REQUESTS

Ms. Grant updated the Board on the status of the pending plan reviews, service requests, and feasibility studies, as reflected in her report.

Ms. Grant reported that the District received the required deposit and AEI received the required development information for the proposed multi-family development on a 2.74-acre tract at 10514 Woodedge Drive. She requested authorization to prepare the feasibility study. After review and discussion, Director Schmidt moved to authorize AEI to prepare the feasibility study. Director High seconded the motion, which passed unanimously.

#### CYPRESS GLEN SANITARY SEWER REPAIR PROJECT

Ms. Grant updated the Board on the status of the design of the sanitary sewer and manhole rehabilitation project for Cypress Glen, as reflected in her report.

#### DEEDS, EASEMENTS, AND/OR CONSENTS TO ENCROACHMENT

There was no discussion on this agenda item.

#### OTHER ENGINEERING MATTERS

Ms. Grant reported that the wastewater treatment plant permit renewal application was submitted to the Texas Commission on Environmental Quality ("TCEQ") on December 7, 2022. She stated that AEI is working on the required public notice.

Ms. Grant stated that the District received the pre-purchase inspection approval letter from the TCEQ for the Nexus Park detention pond, a copy of which is attached to the engineer's report.

Ms. Grant reviewed AEI's new schedule of hourly rates, effective January 1, 2023, a copy of which is attached to the engineer's report.

The Board discussed the tour of the District's facilities conducted on December 6, 2022, and considered designating two directors to work with AEI and RWC on future rehabilitation project planning. After discussion, the Board concurred to designate Directors Dillard and High to work with AEI and RWC on future rehabilitation project planning.

Ms. Grant reported that the general operating permits related to the storage of hazardous materials for water plant no. 2, water plant no. 3, and the wastewater treatment plant will expire on March 11, 2023 and requested authorization to begin work on the permit renewals. After review and discussion, Director Schmidt moved to authorize AEI to proceed with obtaining the required permit renewals. Director High seconded the motion, which passed unanimously.

PETITION FOR ADDITION OF CERTAIN LAND AND PETITION FOR CITY CONSENT TO ANNEX LAND

There was no discussion on this agenda item.

ACCEPT WAIVER OF SPECIAL APPRAISAL

There was no discussion on this agenda item.

APPROVE THIRD ADDENDUM TO WATER SUPPLY AND WASTE DISPOSAL CONTRACT WITH CY-FAIR ISD

There was no discussion on this agenda item.

ATTORNEY'S REPORT

The Board reviewed correspondence from Greens Bayou Coalition, a copy of which is attached, requesting the District's financial support. After review and discussion, the Board took no action.

TEXAS PUBLIC INFORMATION ACT REQUESTS

There was no discussion on this agenda item.

CONVENE IN EXECUTIVE SESSION TO CONSULT WITH ATTORNEY, PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE

The Board did not convene in Executive Session.

There being no further matters to come before the Board, the meeting was adjourned.

(SEAL)



*W B Schmidt*  
Secretary, Board of Directors

LIST OF ATTACHMENTS TO MINUTES

	Minutes
	<u>Page</u>
Website and communication report.....	1
Proposal for a postcard mailout.....	2
Operations report.....	2
Tax assessor/collector's report.....	3
Delinquent tax report provided by Perdue.....	3
Bookkeeper's report.....	3
Engineer's report.....	3
Correspondence from Greens Bayou Coalition.....	6