

MINUTES  
EMERALD FOREST UTILITY DISTRICT

April 8, 2024

The Board of Directors (the "Board") of Emerald Forest Utility District (the "District") met in regular session, open to the public, on the 8<sup>th</sup> day of April, 2024, 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
Donald F. Brooks	Asst. Vice President
DeWayne High	Assistant Secretary

and all of the above were present except Directors Kimball and High, thus constituting a quorum.

Also present at the meeting either in person or on the telephone were Jack Baber of Lexington Associates; Henry Chapman of Kensinger Donnelly, LLC; Danae Dehoyos of Touchstone District Services; Luly Stripling of District Data Services, Inc.; Sherry Grant of Baxter & Woodman, Inc. ("B&W"); Scott Barr of Regional Water Corporation ("RWC"); Debbie Arellano of Bob Leared Interests; and Katie Sherborne and Jennifer Ramirez of Allen Boone Humphries Robinson LLP ("ABHR").

PUBLIC COMMENTS

Mr. Baber introduced himself and stated he attended the meeting to hear the update on the preparation of the District's bond application.

APPROVE MINUTES

The Board considered approving the minutes of the March 11, 2024, regular meeting and the March 26, 2024, special meeting. After review and discussion, Director Brooks moved to approve the minutes of the March 11, 2024, regular meeting and the March 26, 2024, special meeting, as submitted. Director Schmidt seconded the motion, which passed unanimously.

WEBSITE AND COMMUNICATION MATTERS

Ms. Dehoyos reviewed the website and communication report, a copy of which is attached. She recommended the Board consider posting a hurricane preparedness article to the District's website.

## GARBAGE COLLECTION AND RECYCLING MATTERS

The Board discussed garbage collection and recycling matters in the District.

## TAX ASSESSMENT AND COLLECTION MATTERS

Ms. Arellano presented the monthly tax report, a copy of which is attached. She stated that 97.2% of the District's 2023 taxes were collected as of March 31, 2024. Ms. Arellano then reviewed the District's delinquent tax roll.

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

## FINANCIAL AND BOOKKEEPING MATTERS

Ms. Stripling 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 and payment of the bills. Director Brooks 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 88.8%.

Mr. Barr reviewed a request from account no. 1-30-07210-01 requesting a bill adjustment for a water and sewer bill in March, 2024, due to an open faucet. He noted that the District's portion of the March, 2024 bill was for minimum usage.

Mr. Barr reviewed a request from account no. 1-30-01845-06 requesting a bill adjustment for a high water and sewer bill in March, 2024, due to a leaking toilet.

Mr. Barr reviewed a request from account no. 1-30-01785-01 requesting a bill adjustment for a high water and sewer bill in March, 2024, due to a pool fill.

Mr. Barr reviewed a request from account no. 1-30-05993-02 requesting a bill adjustment for high water and sewer bills from January and February, 2024, due to leaking toilets.

After review and discussion, Director Brooks moved to (1) approve the operator's report; (2) deny the request for a bill adjustment for account no. 1-30-07210-01; (3) deny the request for a bill adjustment for account no. 1-30-01845-06, but authorize

RWC to offer a six-month payment plan, plus the current month's bill as it becomes due; (4) deny the request for a bill adjustment for account no. 1-30-01785-01; and (5) deny the request for a bill adjustment for account no. 1-30-05993-02, but authorize RWC to offer a six-month payment plan, plus the current month's bill as it becomes due. Director Schmidt seconded the motion, which passed unanimously.

Ms. Sherborne stated that the 2023 delinquent tax accounts for real property and business personal property for the property located at 10814 Woodedge Drive and the 2023 annual payment in lieu of taxes still have not been paid. After review and discussion, Director Schmidt moved to terminate the Out-of-District Service Agreement and authorize RWC to plug the sanitary sewer connection on May 1, 2024, if the required payments have not been made. Director Dillard seconded the motion, which passed unanimously.

The Board reviewed correspondence from HooverSlovacek, LLP regarding the account for The Abbey at Jones Road apartment complex, a copy of which is attached. Ms. Sherborne stated that RWC previously provided the actual usage, noting that there were no overage charges. After discussion, the Board concurred to authorize ABHR to send correspondence to HooverSlovacek, LLP regarding the matter.

#### 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 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 Brooks 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.

#### CONDUCT ANNUAL REVIEW AND RECEIVE REPORT FROM OPERATOR ON IDENTITY THEFT PREVENTION PROGRAM AND ADOPT IDENTITY THEFT PREVENTION PROGRAM AMENDMENT, IF NECESSARY

The Board deferred discussion on this agenda item.

REVIEW WATER CONSERVATION PLAN; APPROVE ANNUAL REPORT AND WATER CONSERVATION IMPLEMENTATION REPORT; AND ADOPT ORDER ADOPTING AMENDED AND RESTATED WATER CONSERVATION PLAN

The Board reviewed an Amended and Restated Water Conservation Plan with the Board. After review and discussion, Director Dillard moved to adopt an Order Adopting Amended and Restated Water Conservation Plan and approve the required reports, subject to final review, and direct that the Order and the reports be filed appropriately and retained in the District's official records. Director Schmidt seconded the motion, which passed unanimously.

UPDATE ON PREPARATION OF BOND APPLICATION

Ms. Grant updated the Board on the preparation of the District's bond application, as reflected in her report. She stated that B&W has received additional documentation from the developer and is awaiting the remainder of the documents.

ENGINEERING MATTERS

Ms. Grant reviewed the engineer's report, a copy of which is attached.

SURFACE WATER, CHLORAMINE CONVERSION, AND BLEACH DISINFECTION CONVERSION

Ms. Grant stated that this item can be removed from the agenda.

CYPRESS NORTH HOUSTON ROAD (LOUEDD ROAD) WIDENING

There was no discussion on this agenda item.

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.

Mr. Chapman updated the Board on the status of the installation of the individual grease traps for the two existing businesses on the 1.345-acre Kensinger-Donnelly tract. He stated that plans were sent to B&W for review.

Ms. Grant stated that B&W provided the annexation application for the 6.2-acre 7C Jones LLC tract to ABHR on April 2, 2024.

Ms. Grant reviewed the final feasibility study for the proposed Harris County Emergency Services District No. 13 development on the approximately 10.7-acre tract located near the southeast corner of Barely Lane and Rowood Lane,



outside the boundaries of the District, noting that there were no changes from the draft version previously provided to the Board.

#### CYPRESS GLEN SANITARY SEWER REPAIR PROJECT

Ms. Grant updated the Board on the status of the sanitary sewer and manhole rehabilitation project for Cypress Glen, as reflected in her report. She did not have any Pay Estimates or Change Orders from Texas Pride Utilities, LLC for the Board's approval.

#### UPDATES TO EMERGENCY PREPAREDNESS PLAN ("EPP") AND EMERGENCY RESPONSE PLAN

Ms. Grant stated that B&W filed the EPP with the Texas Commission on Environmental Quality ("TCEQ") on March 28, 2024.

#### SERVICE LINE INVENTORY FOR LEAD AND COPPER RULE COMPLIANCE

Ms. Grant updated the Board on the preparation of the service line inventory for the Lead and Copper Rule compliance program which is being prepared by RWC.

#### UPDATE REGARDING REQUEST FOR EXCEPTION FROM TCEQ

Ms. Grant stated that the District has not received a response from the TCEQ regarding the District's exception request for the missing documentation for water well no. 2.

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

There was no discussion on this agenda item.

#### OTHER ENGINEERING MATTERS

Ms. Grant updated the Board on the status of the District's variance request from the City of Houston regarding the waterline loop requirement for the FM 1960 water and sanitary sewer extension project.

#### APPROVE DEVELOPMENT FINANCING AGREEMENT

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

Ms. Sherborne reported that the new owner of the Jones Road Retail Center has not yet executed the new Out-of-District Service Agreement. After review and discussion, Director Dillard moved to terminate water and sewer service to the Jones Road Retail Center on May 29, 2024 if the Out-of-District Service Agreement has not been executed. Director Schmidt seconded the motion, which passed unanimously.

The Board discussed the proposed amendment to the Emergency Water Supply Agreement with Reid Road Municipal Utility District No. 1. After discussion, the Board took no action.

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

(SEAL)



  
Asst. Secretary, Board of Directors

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