

MINUTES  
EMERALD FOREST UTILITY DISTRICT

May 13, 2024

The Board of Directors (the "Board") of Emerald Forest Utility District (the "District") met in regular session, open to the public, on the 13<sup>th</sup> day of May, 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 Schmidt and Brooks, thus constituting a quorum.

Also present at the meeting were Danae Dehoyos of Touchstone District Services; Luly Stripling of District Data Services, Inc.; Sherry Grant of Baxter & Woodman, Inc. ("B&W"); Lonnie Lee 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

There were no comments from the public.

APPROVE MINUTES

The Board considered approving the minutes of the April 8, 2024, regular meeting and the April 23, 2024, special meeting. After review and discussion, Director Dillard moved to approve the minutes of the April 8, 2024, regular meeting and the April 23, 2024, special meeting, as submitted. Director Kimball seconded the motion, which passed unanimously.

WEBSITE AND COMMUNICATION MATTERS

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

## GARBAGE COLLECTION AND RECYCLING MATTERS

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

## 2024 DIRECTORS ELECTION

### CERTIFICATE OF ELECTION

The Board considered approving a Certificate of Election, reflecting the election of Bobby Dillard and Robert Kimball to the Board of the District each for a four-year term. After review and discussion, Director High moved to approve the Certificate of Election and the distribution of same to Directors Dillard and Kimball and direct that the Certificate of Election be filed appropriately and retained in the District's official records. Director Dillard seconded the motion, which passed unanimously.

### SWORN STATEMENTS AND OATHS OF OFFICE

Ms. Sherborne reviewed the Sworn Statements and Oaths of Office for Directors Dillard and Kimball. After review and discussion, Director High moved that the Board approve the Sworn Statements and Oaths of Office and direct that the documents be filed appropriately and retained in the District's official records, and that the Oaths of Office be filed with the Secretary of State, as required by law. Director Dillard seconded the motion, which passed unanimously.

## REORGANIZE THE BOARD AND ELECT OFFICERS

The Board considered reorganizing the Board. Following discussion, the Board concurred the directors would retain their current positions on the Board.

## DISTRICT REGISTRATION FORM

The Board then considered authorizing filing of an updated District Registration Form with the Texas Commission on Environmental Quality ("TCEQ"), reflecting the terms of the newly elected directors. Following review and discussion, Director Kimball moved to authorize filing of the updated District Registration Form with the TCEQ and direct that the District Registration Form be filed appropriately and retained in the District's official records. Director Dillard seconded the motion, which passed unanimously.

## TAX ASSESSMENT AND COLLECTION MATTERS

Ms. Arellano presented the monthly tax report, a copy of which is attached. She stated that 97.5% of the District's 2023 taxes were collected as of April 30, 2024. Ms. Arellano then reviewed the District's delinquent tax roll.

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

Ms. Sherborne updated the Board on the status of the accounts for the property located at 10814 Woodedge Drive. She stated that the 2023 annual payment in lieu of taxes and the 2023 business personal property tax account has been paid, but the 2023 real property tax account has not yet been paid. After discussion, the Board concurred to continue to provide sanitary sewer service to the tract and allow the delinquent tax attorney to pursue payment of the delinquent real property taxes.

#### ASSOCIATION OF WATER BOARD DIRECTORS ("AWBD") MATTERS

The Board generally discussed the Travel Reimbursement Guidelines and Director Expenses for the AWBD summer conference.

#### OPERATION OF DISTRICT FACILITIES

Mr. Lee 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 82.6%.

After review and discussion, Director High moved to approve the operator's report. Director Kimball seconded the motion, which passed unanimously.

Ms. Sherborne stated that the 2023 annual payment in lieu of taxes still has not been paid for the property located at 9410 FM 1960 West. After review and discussion, Director Kimball moved to terminate utility service to the property if the payment has not been made by May 24, 2024. Director Dillard seconded the motion, which passed unanimously. The Board requested that RWC door tag the property regarding the pending termination of service.

#### 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. Lee 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 High 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 Kimball 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

Mr. Lee reviewed the annual report on the Identity Theft Prevention Program, a copy of which is included in the operator's report. He stated that no problems have been identified and no changes to the Identity Theft Prevention Program are recommended.

APPROVE CONSUMER CONFIDENCE REPORT ("CCR")

The Board considered approving the 2023 CCR and authorizing RWC to distribute the CCR to District customers and file with the TCEQ. After discussion, Director High moved to approve the CCR and authorize distribution of the CCR to District customers and filing of the certificate of delivery with the TCEQ. Director Kimball 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 received most of the remaining documents from the developer on May 2, 2024.

ENGINEERING MATTERS

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

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.

Ms. Grant stated that B&W is reviewing the plans for the individual grease traps for the two individual buildings on the 1.345-acre Kensinger-Donnelly tract.

## 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 reviewed and recommended approval of Pay Estimate No. 1 in the amount of \$97,084.80, submitted by Texas Pride Utilities, LLC ("TPU").

After review and discussion, Director Dillard moved to approve Pay Estimate No. 1 in the amount of \$97,084.80 to TPU, as recommended. Director High seconded the motion, which passed unanimously.

## 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.

Ms. Grant reviewed a cost analysis of Cy-Fair ISD's water usage at the current single-family residential rates versus the current nontaxable user fee rates, a copy of which is attached to the engineer's report. After discussion, Director

Dillard moved to include a provision in the proposed amendment to the contract with Cy-Fair ISD which changes the billing rates from single-family residential rates to the District's nontaxable user fee rates. Director Kimball seconded the motion, which passed unanimously.

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.

THIRD AMENDMENT TO EMERGENCY WATER SUPPLY AGREEMENT WITH REID ROAD MUNICIPAL UTILITY DISTRICT NO. 1

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.

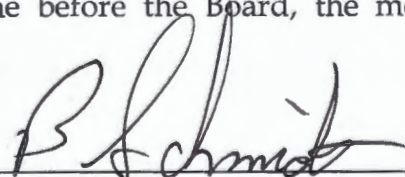
ATTORNEY'S REPORT

Ms. Sherborne discussed new requirements from the Attorney General's office related to bond transcript review.

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

(SEAL)



  
Secretary, Board of Directors

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