

MINUTES  
NOTTINGHAM COUNTRY MUNICIPAL UTILITY DISTRICT

July 19, 2021

The Board of Directors (the "Board") of Nottingham Country Municipal Utility District (the "District") met in regular session, open to the public, on the 19<sup>th</sup> day of July, 2021, at the offices of Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, Suite 2600, Houston, Texas, outside the boundaries of the District, with supplemental access by teleconference available to the public pursuant to Texas Government Code Section 555.125 and Governor Greg Abbot's emergency disaster declaration dated March 13, 2020, and the roll was called of the members of the Board being present in-person or by telephone:

Ronald E. Hudson	President
Vaughan Brown	Vice President
Alan Wiggins	Secretary
Wade K. Skelton	Assistant Vice President
Dennis Moon	Assistant Secretary

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

Also attending all or part of the meeting were Arturo Cornejo and Rahi Patel of Municipal Accounts & Consulting, L.P. ("MAC"); Kelley Jurecek of Tax Tech, Inc. ("Tax Tech"); Brian Bare of Si Environmental, LLC ("Si Enviro"); Teague Harris of IDS Engineering Group ("IDS"); Bob DeForest of KGA/DeForest Design, LLC; and Christina Miller, Erin Mitchell, and Caroline Jones of Allen Boone Humphries Robinson LLP ("ABHR").

PUBLIC COMMENT

Director Hudson offered any members of the public attending the meeting by telephone the opportunity to make public comment. There being no members of the public requesting to make public comment, Director Hudson moved to the next agenda item.

MINUTES OF PRIOR MEETING

The Board considered approval of the minutes of the District's regular meeting held on June 21, 2021. Following review and discussion, Director Brown moved to approve the minutes of the June 21, 2021, regular meeting as submitted. Director Wiggins seconded the motion, which passed unanimously.

## UPDATES FROM DISTRICT COMMITTEES

The Board requested that this matter be removed from the agenda.

## WEST HARRIS COUNTY REGIONAL WATER AUTHORITY MATTERS (THE "AUTHORITY")

Ms. Miller generally updated the Board regarding Authority matters.

## DISCUSS ASSOCIATION OF WATER BOARD DIRECTORS SUMMER CONFERENCE, APPROVE REIMBURSEMENT OF ELIGIBLE EXPENSES, AND AUTHORIZE ATTENDANCE AT WINTER CONFERENCE

Ms. Miller discussed the Association of Water Board Directors ("AWBD") summer conference and approval of the reimbursement of eligible expenses. The Board discussed authorizing attendance at the AWBD winter conference in Galveston, Texas from January 28 through January 30, 2022. Following review and discussion, Director Wiggins moved to (1) approve the reimbursement of expenses for Directors who attended the summer conference; and (2) authorize attendance of any interested Directors at the winter conference. Director Skelton seconded the motion, which passed unanimously.

## FINANCIAL AND BOOKKEEPING MATTERS

Mr. Cornejo presented the bookkeeper's report, a copy of which is attached. Mr. Cornejo reviewed the written bookkeeper's report, including the budget comparison, schedule of investments, quarterly investment report, certificates of deposit expired and renewed, and checks presented for approval.

Ms. Miller stated BBVA has finalized its merger with PNC Bank, and PNC Bank is eliminating its public funds department. Ms. Miller stated MAC recommends that the District begins transitioning its public funds accounts to Central Bank. Ms. Miller stated that to facilitate the transition, MAC is requesting that the Board approve a Depository Pledge Agreement and related account agreements with Central Bank. She stated the District's Resolution Establishing the Authorized Depository Institutions and Adopting List of Qualified Broker/Dealers with Whom the District May Engage in Investment Transactions lists Central Bank as an authorized depository institution.

Following review and discussion, Director Wiggins moved to (1) approve the bookkeeper's report; (2) authorize payment of the checks presented for payment; (3) authorize MAC to enter into a new Depository Pledge Agreement with Central Bank and direct that such document be filed appropriately and retained in the District's official records; and (4) authorize MAC to begin transitioning the District's public funds accounts to Central Bank. Director Skelton seconded the motion, which passed unanimously.

## TAX ASSESSMENT AND COLLECTION MATTERS

Ms. Jurecek distributed and reviewed the tax assessor/collector's report, including a list of checks presented for approval, a copy of which is attached. She noted 99.17% of the 2020 taxes have been collected as of the meeting date.

Ms. Jurecek recommended the District terminate the existing tax account at Wells Fargo and open a new tax account at Allegiance Bank. Ms. Jurecek also reviewed the Treasury Management Service documents with Allegiance Bank for banking services.

Ms. Miller reviewed a Depository Pledge Agreement with Allegiance Bank. She stated the District's Resolution Establishing the Authorized Depository Institutions and Adopting List of Qualified Broker/Dealers with Whom the District May Engage in Investment Transaction lists Allegiance Bank as an authorized depository institution.

Ms. Jurecek presented and requested approval of an Amended and Restated Contract for the Assessment and Collection of Taxes with Tax Tech. She discussed the proposed changes to the contract.

Following review and discussion, Director Moon moved to (1) approve the tax assessor/collector's report and payment of the checks drawn on the District's tax account; (2) approve termination of the tax account at Wells Fargo and authorize Tax Tech to open a new account at Allegiance Bank; (3) authorize the Board President to execute the Treasury Management Services documents with Allegiance Bank, subject to final review by ABHR; (4) approve the Amended and Restated Contract for the Assessment and Collection of Taxes with Tax Tech; and (5) direct that the documents be filed appropriately and retained in the District's official records. Director Brown seconded the motion, which passed unanimously.

## OPERATION OF DISTRICT FACILITIES AND CUSTOMER CORRESPONDENCE

Mr. Bare reviewed the operations report, a copy of which is attached. He generally reviewed operations and maintenance for the month. Mr. Bare reported 96.28% accountability for the prior month. He reported that there were no violations at the wastewater treatment plant and no new connections.

Mr. Bare then presented a request for an adjustment to a District resident's water bill for a pool leak in the amount of \$364.32. Following review and discussion, Director Brown moved to authorize Si Enviro to (1) grant the resident a one-time adjustment to the resident's water bill to \$41.28, which is consistent with the resident's normal usage; and (2) bill the resident for the Authority fees associated with the resident's usage during the billing cycle. Director Skelton seconded the motion, which passed unanimously.

## CONDUCT HEARING ON TERMINATION OF WATER SERVICE

Mr. Bare presented to the Board a list of delinquent customers and reported that the residents on the termination list were delinquent in payment of their water and sewer bills and were given written notification, in accordance with the District's Rate Order, prior to the meeting of the opportunity to appear before the Board to explain, contest, or correct their bills and to show why utility services should not be terminated for reason of non-payment. After review and discussion, Director Wiggins moved to terminate services for the customers on the list in accordance with the District's Rate Order and direct that the delinquent customer list be filed appropriately and retained in the District's official records. Director Skelton seconded the motion, which passed unanimously.

Following review and discussion, Director Wiggins moved to approve the operator's report. Director Brown seconded the motion, which passed unanimously.

## ENGINEERING AND CAPITAL IMPROVEMENT PROJECTS

The Board received the engineer's report, a copy of which is attached.

### WATER PLANT AND WELL NO. 1 FLOOD MITIGATION

Mr. Harris updated the Board regarding the Water Plant and Well No. 1 Mitigation project. He stated that the project is approximately 88% complete as of June 30, 2021. Mr. Harris then summarized construction and stated that Si Enviro completed filling, disinfecting, and testing the pressure tanks and ground storage tanks and that W.W. Payton Corporation ("WW Payton") completed electrical and controls wiring, and programming of the operational settings. Mr. Harris reported that Si Enviro placed the Water Plant and Water Wells 2 and 3 online on July 15, 2021 and added that Si Enviro will keep the interconnects with Harris County Municipal Utility District No 81 and Memorial Municipal Utility District open for a few days until Si Enviro is comfortable that the equipment and settings are operating properly. Mr. Harris stated that WW Payton completed the Well No. 1 piping, began construction of the pump building, and expects to begin installation of the motor at Well No. 1 shortly. Mr. Harris anticipated that substantial completion of the project will occur September 1, 2021.

### WELL NO. 2 FLOOD MITIGATION

Mr. Harris provided an update on the status of the Well No. 2 flood mitigation project.

### WELL NO. 3 FLOOD MITIGATION

Mr. Harris stated IDS is updating the scope of work for the Well No. 3 flood

mitigation project. He stated that he will bring a conceptual cost estimate and an engineering fee proposal to the Board for approval.

#### WASTEWATER TREATMENT PLANT (“WWTP”) FLOOD MITIGATION

Mr. Harris presented and reviewed a conceptual cost estimate for the WWTP flood mitigation project in the total estimated cost of \$1,320,000.00. Mr. Harris requested the Board’s authorization to begin the design and the bid phase of the WWTP flood mitigation project including associated services in the amount of \$127,500.00.

#### WASTEWATER TREATMENT PLANT IMPROVEMENTS

Mr. Harris stated that N&S Construction Company, L.P. (“N & S”) expects delivery of the aeration equipment for the two anoxic basins between mid-August and mid-September.

Mr. Harris then reviewed and recommended approval of Pay Estimate No. 35 in the amount of \$ 92,111.29, payable to N & S.

#### NON-POTABLE WATER SYSTEM

Mr. Harris stated that IDS should have the completed plans, specifications, and a bid sheet for the non-potable water system by the August Board meeting. He added that IDS will review these items with Si Enviro prior to presenting the bids to the Board at the August Board meeting.

#### OFFSITE LIFT STATION FLOOD MITIGATION

There was no discussion on this matter.

#### SANITARY SEWER REHABILITATION PROGRAM

There was no discussion on this matter.

#### DEEDS, EASEMENTS, CONSENTS TO ENCROACHMENTS, REQUESTS FOR SERVICE OR UTILITY COMMITMENT LETTERS

There was no discussion on this matter.

#### DISTRICT CAPITAL IMPROVEMENT PLAN (“CIP”) BUDGET UPDATE

Mr. Harris stated that IDS will update the CIP budget upon finalization of the updated cost estimates discussed earlier in the meeting.

### GEOGRAPHIC INFORMATION SYSTEM ("GIS")

Mr. Harris stated there was no news to report on the GIS.

### DETENTION POND MAINTENANCE MATTERS

There was no discussion on this matter.

### DISTRICT FACILITIES AND ENGINEERING WORK, INCLUDING STORM WATER CHANNEL IMPROVEMENTS

There was no discussion on this matter.

### DEVELOPMENT IN THE DISTRICT

There was no discussion on this matter.

Mr. Harris stated that IDS continues to prepare an updated status report of the District's facilities and capital projects for the District's website.

Mr. Harris reported on the expiration and renewal of the Texas Commission on Environmental Quality wastewater treatment plant permit ("TCEQ Permit") that is due every five years. Mr. Harris requested the Board's authorization to begin the preparation of the TCEQ Permit application for a proposed engineering fee in the amount of \$15,000.00 plus reimbursable expenses in the amount of \$15,000.00.

Following review and discussion, Director Brown moved to (1) approve the engineer's report; (2) authorize IDS to begin the design and bid phase of the WWTP flood mitigation project in the amount of \$127,500.00; (3) based on the engineer's recommendation, approve Pay Estimate No. 35 in the amount of \$ 92,111.29, payable to N & S; and (4) authorize preparation of the TCEQ Permit application for the proposed engineering fee in the amount of \$15,000.00, plus reimbursable expenses in the amount of \$15,000.00. The motion was seconded by Director Wiggins, which passed unanimously.

### GREENBELT PARK AND GREENBELT NORWALK

Director Brown generally reported on maintenance matters related to Greenbelt Park and Greenbelt Norwalk (the "Greenbelts").

Director Brown stated that he requested bids for tree trimming and tree removal in the Greenbelts from Van Sant Landscaping ("Van Sant") and is planning on meeting Van Sant on site to walk the park to discuss the work.

The Board then considered a proposal from Custom Scapes to trim trees at the District's facilities, which includes a one-time initial cost of \$7,615.00 and a cost of

\$3,060.00 for once-a-year service to begin in 2022 and continue annually thereafter. Ms. Miller stated that a service agreement between the District and Custom Scapes will be required to conduct business with the District. Following review and discussion, Director Wiggins moved to approve the proposal and the associated Services Agreement with Custom Scapes. Director Skelton seconded the motion, which passed unanimously.

#### PARK USE AGREEMENTS

There was no discussion on this matter.

#### LONG-TERM PARK AND RECREATIONAL FACILITY PLANNING MATTERS

There was no discussion on this matter.

#### AMENDED ORDER ESTABLISHING PARK RULES

Ms. Miller reviewed an Amended Order Establishing Park Rules ("Amended Order") and stated that she will revise the Amended Order to include language regarding the Americans with Disabilities Act ("ADA") as requested by the Board. Following review and discussion, Director Brown moved to adopt the Amended Order contingent upon the addition of the ADA language. Director Wiggins seconded the motion, which passed unanimously.

#### LANDSCAPE ARCHITECT'S REPORT

Mr. DeForest presented and reviewed the Landscape Architect's Report, a copy of which is attached.

Mr. DeForest stated that the cost of alterations to the five existing Park Rules signs is pending. He presented an image of an additional sign that could be added to the back of the park's existing signs regarding the use of approved motorized vehicles in the park.

Mr. DeForest stated bids were received for the Greenbelt Park Trail Lighting Replacement project ("Park Lighting Replacement"). He recommended the Board award the contract to Stone Castle Constructors, LLC, in the amount of \$373,317.50 with Alternate #1 to demolish and haul off the existing concrete piers in the amount of \$12,250.00 and Alternate #2 to add a Builders Risk or Installation Floater to the certificate of insurance in the amount of \$2,500.00. Discussion ensued regarding the high cost of the bid and the cost disparity between the bids received. The Board deferred further action on this matter.

Director Brown requested that one of the three existing controller enclosure boxes for the park lighting be eliminated. Director Brown also requested that Mr.

DeForest specify stainless steel bolts to hold the aluminum poles on the concrete pedestals to prevent rust.

#### PUBLIC POWER POOL ("PPP") TECHNICAL COMMITTEE

Director Hudson stated that PPP's Technical Committee recommended that the District pay the disputed amounts from the February billing period. Following review and discussion, Director Brown moved to pay the disputed amounts from the February billing period, as recommended. Director Wiggins seconded the motion, which passed unanimously.

#### EMERGENCY NOTIFICATION SYSTEM

There was no discussion on this matter.

#### DIRECTORS NOTEBOOK ITEMS

There was no discussion on this matter.

#### DISTRICT TECHNOLOGY AND INFORMATION MANAGEMENT MATTERS

There was no discussion on this matter.

#### WEBSITE MATTERS

Director Wiggins stated that he requested a report from The Texas Network to identify the District's website visitors.

#### REPORT REGARDING LEGISLATIVE MATTERS

Ms. Miller reviewed a report prepared by ABHR on the recent legislative session concerning matters affecting utility districts.

#### MEETING SCHEDULE

After review and discussion, the Board concurred to hold its next regular meeting on August 16, 2021, at 11:30 a.m., in person at the offices of ABHR, with supplemental access via teleconference.

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



/s/ Alan Wiggins  
Secretary, Board of Directors



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