

MINUTES  
NOTTINGHAM COUNTRY MUNICIPAL UTILITY DISTRICT

August 16, 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 16<sup>th</sup> day of August, 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 Michelle McClintock of Municipal Accounts & Consulting, L.P.; Kelley Jurecek of Tax Tech, Inc. ("Tax Tech"); Brian Bare of Si Environmental, LLC ("Si Enviro"); Teague Harris of IDS Engineering Group ("IDS"); 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 July 19, 2021. Following review and discussion, Director Brown moved to approve the minutes of the July 19, 2021, regular meeting, as amended. Director Wiggins seconded the motion, which passed unanimously.

## WEST HARRIS COUNTY REGIONAL WATER AUTHORITY MATTERS

There was no discussion on this matter.

### RESOLUTION RESCINDING DELEGATION OF AUTHORITY DUE TO AN EMERGENCY

Ms. Miller updated the Board on the upcoming termination of the suspension of the Open Meetings Act by the Governor of the State of Texas. The Board discussed the necessity of returning to in-person Board meetings following September 1, 2021. Ms. Miller presented and reviewed a Resolution Rescinding Delegation of Authority Due to an Emergency (the "Resolution Rescinding Delegation"). She noted that the Resolution Rescinding Delegation will rescind the previously adopted Resolution Regarding Delegation of Authority Due to an Emergency dated March 16, 2020, which reflects the designation of a certain Board member as the Designee to approve necessary and reasonable District expenditures and authorize necessary District actions. Following review and discussion, Director Wiggins moved to adopt the Resolution Rescinding Delegation and direct that it be filed appropriately and retained in the District's official records. Director Skelton seconded the motion, which passed unanimously.

### RESOLUTION RESCINDING DESIGNATION OF TREASURER DURING COVID-19 DECLARED DISASTER AND AUTHORIZATION OF DISBURSEMENTS

Ms. Miller presented and reviewed a Resolution Rescinding Designation of Director as Treasurer During COVID-19 Declared Disaster and Authorization of Disbursements (the "Resolution Rescinding Designation"). She noted that the Resolution Rescinding Designation will rescind the previously adopted Resolution Designating Director as Treasurer During COVID-19 Declared Disaster and Authorizing Disbursements dated April 20, 2020, which reflects the designation of a certain Board member as the Treasurer to sign approved, authorized checks from the District's tax account in accordance with Section 49.151 of the Texas Water Code. Following review and discussion, Director Wiggins moved to adopt the Resolution Rescinding Designation and direct that it be filed appropriately and retained in the District's official records. Director Skelton seconded the motion, which passed unanimously.

### FINANCIAL AND BOOKKEEPING MATTERS

Ms. McClintock presented the bookkeeper's report, a copy of which is attached. Ms. McClintock 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. McClintock discussed the Association of Water Board Directors ("AWBD") summer conference and stated that the AWBD winter conference will be held in Galveston, Texas from January 28 - 30, 2022.

BUDGET FOR FISCAL YEAR END SEPTEMBER 30, 2022

Ms. McClintock presented the attached proposed budget for fiscal year ending September 30, 2022. She stated that she is coordinating with the District's consultants to confirm the proposed budgeted costs and that she will present a budget for the Board's approval at the September meeting.

Following review and discussion, Director Wiggins moved to (1) approve the bookkeeper's report; (2) authorize payment of the checks presented for payment; and (3) authorize any interested Directors to attend the AWBD winter conference. Director Moon 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 99.23% of the 2020 taxes have been collected as of the meeting date. Following review and discussion, Director Skelton moved to: (1) approve the tax assessor/collector's report; and (2) authorize payment of the checks drawn on the District's tax account. Director Moon seconded the motion, which passed unanimously.

DISCUSS 2021 TAX RATE, ADOPT RESOLUTION REGARDING DEVELOPMENT STATUS FOR 2021 TAX YEAR, SET PUBLIC HEARING DATE, AND AUTHORIZE NOTICE OF PUBLIC HEARING REGARDING ADOPTION OF TAXES

Ms. Miller stated that the District had not received its certified property value from the Harris County Appraisal District as of the meeting date.

Ms. Miller then discussed the "truth-in-taxation" property tax calculations and tax levy process for water districts in Chapter 49, Texas Water Code. She stated that such legislation established three main categories for water districts, based on a district's development status and/or tax rate. Ms. Miller reviewed the definitions for each of the three categories and said the Board must annually determine the District's category for that tax year and follow the associated notice and levy provisions in the Texas Water Code. She stated that the legislation allows a "developed" district to use alternate notice and calculation procedures following a declared disaster.

Discussion ensued regarding the District's development status. After fully considering relevant data, information, and statutory definitions, the Board determined that the District is a developed district for the 2021 tax year. Following review and discussion, Director Skelton moved to adopt a Resolution Regarding Development Status for 2021 Tax Year establishing the District as a developed district for the 2021 tax year, pursuant to Section 49.23602, Texas Water Code, and

direct that the Resolution be filed appropriately and retained in the District's official records. Director Moon seconded the motion, which passed by unanimous vote.

#### TRANSPARENCY REQUIREMENTS PURSUANT TO SECTION 2051.202, TEXAS GOVERNMENT CODE

Ms. Miller discussed recent legislation enacting Section 2051.202, Texas Government Code, which requires certain special purpose districts to post or cause to be posted additional information on a website maintained by or accessible to the District. She said the new requirements apply to districts that levy a property tax, are required to prepare an annual audit, and have a population of 500 or more as of the beginning of the most recent fiscal year. Ms. Miller reviewed a summary of the new requirements, a copy of which is attached.

The Board discussed the applicability of the new posting requirements to the District and the possibility of expanding the website used by the District for compliance with previously-enacted transparency requirements. Ms. Jurecek discussed the services currently provided by Tax Tech to implement existing transparency requirements, including ensuring that information posted on the website is accurate and current. She presented a proposed amendment to the District's contract with Tax Tech to incorporate the services associated with the new posting requirements on the existing website.

After review and discussion, Director Wiggins moved to approve the amendment to the contract between the District and Tax Tech as presented and direct that the amendment be filed appropriately and retained in the District's official records. Director Moon 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 99.68% accountability for the prior month. He reported that there were no violations at the wastewater treatment plant and no new connections.

#### 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 Moon moved to approve the operator's report. Director Wiggins 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. Mr. Harris stated that the project is approximately 94% complete as of August 6, 2021. Mr. Harris stated that Si Enviro closed the interconnects with Harris County Municipal Utility District No. 81 and Memorial Municipal Utility District before the last Board meeting. Mr. Harris stated that W.W. Payton Corporation ("WW Payton") completed the walls, roof, and crane hoist of the booster pump building and the installation of the Water Well No. 1 pump.

Mr. Harris stated that WW Payton will complete the pump building, including the painting and installation of electrical wiring and lighting, and the disinfection and start-up of Well No. 1 next. He stated that a final inspection of the project will occur in three to four weeks.

Mr. Harris then reviewed and recommended approval of Pay Estimate No. 8 in the amount of \$259,302.15, payable to WW Payton.

### 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 continues to update 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 stated IDS began the design of the Wastewater Treatment Plant Flood Mitigation ("WWTP Flood Mitigation") project. He stated that IDS will be meeting with Si Enviro and the electrical engineer at the WWTP to review the new

building layout and discuss how IDS expects to maintain operations during construction.

#### WASTEWATER TREATMENT PLANT IMPROVEMENTS

Mr. Harris stated that N&S Construction Company, L.P. ("N&S") is expecting deliveries of all of the aeration equipment and piping for the two anoxic basins by mid-September. He stated that N&S will first coordinate with Si Enviro on taking down one of the aeration basins and then schedule mobilization to begin installation. Mr. Harris stated that there was no pay application for the reporting period.

#### NON-POTABLE WATER SYSTEM

Mr. Harris stated that IDS will send the plans, specifications, and a bid sheet for the non-potable water system to Si Enviro for review and approval. Mr. Harris added that IDS will meet with Si Enviro to review the proposed pipe routing and pump locations.

Mr. Harris requested the Board's authorization to obtain competitive prices to furnish and install the non-potable pump and piping system.

#### OFFSITE LIFT STATION FLOOD MITIGATION

There was no discussion on this matter.

#### SANITARY SEWER REHABILITATION PROGRAM

Mr. Harris stated that the Phase 4-C Sanitary Sewer Rehabilitation project is complete.

#### 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 stated that IDS has started preparing the Texas Commission on Environmental Quality's wastewater treatment plant permit renewal application ("TCEQ Permit") for the District's WWTP Discharge Permit. Mr. Harris added that the TCEQ Application for renewal of the TCEQ Permit must be submitted by November 2, 2021.

Following review and discussion, Director Wiggins moved to: (1) approve the engineer's report; (2) based on the engineer's recommendation, approve Pay Estimate No. 8 in the amount of \$259,302.15; and (3) authorize IDS to obtain competitive prices to furnish and install the non-potable pump and piping system. The motion was seconded by Director Skelton, 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 requested the Board's authorization to obtain bids for tree trimming and tree removal in the Greenbelts.

## PARK USE AGREEMENTS

The Board considered a request by Zainab Ghwari to register Harris County voters in Greenbelt Park on Saturdays from August 21, 2021 until October 2, 2021 from 10:00 a.m. until 5:00 p.m.

## LONG-TERM PARK AND RECREATIONAL FACILITY PLANNING MATTERS

There was no discussion on this matter.

## LANDSCAPE ARCHITECT'S REPORT

Director Brown reviewed the Landscape Architect's Report, a copy of which is attached. Director Brown next reviewed a proposal from NEC Signage & Architectural Products ("NEC") in the amount of \$4,420.00 to add panels to thirteen existing park signs regarding the use of approved motorized vehicles in the park. Director Brown noted that the wording on the signs needs to be determined by the Board.

Director Brown discussed the bids received for the Greenbelt Park Trail Lighting Replacement project ("Park Lighting Replacement").

Director Brown then discussed Van Sant Landscape Management's ("Van Sant") fee adjustment request and requested the Board's authorization to obtain competitive bids for park maintenance. The Board discussed payment to Van Sant until another park maintenance contract is awarded.

Following review and discussion, Director Wiggins moved to: (1) authorize Director Brown to obtain bids for tree trimming and tree removal in the Greenbelts; (2) authorize execution of the Greenbelt Park Use Agreement between the District and Zainab Ghwari; (3) approve the proposal from NEC for the addition of thirteen panels to the existing park signs in the amount of \$4,420.00; (4) reject the bids and re-advertise for bids for the Park Lighting Replacement project; (5) authorize Director Brown to obtain competitive bids for park maintenance; and (6) increase Van Sant's base pay by 10% under its current park maintenance contract until another park maintenance contract is awarded. Director Moon seconded the motion, which passed unanimously.

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

Director Hudson generally reported on the PPP Technical Committee.

## EMERGENCY NOTIFICATION SYSTEM

Ms. Miller stated that the Messaging Services Agreement ("Agreement") with Classic Messaging, L.L.C. will be automatically renewed unless the District provides written notice of intent not to renew the Agreement at least sixty days prior to the current renewal term on November 12, 2021. The Board took no action on this matter.

## DISTRICT TECHNOLOGY AND INFORMATION MANAGEMENT MATTERS

There was no discussion on this matter.

## WEBSITE MATTERS

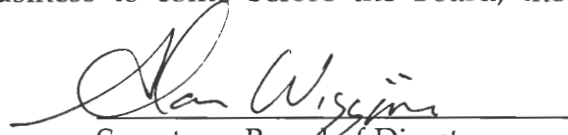
There was no further discussion on this matter.



MEETING SCHEDULE

After review and discussion, the Board concurred to hold its next regular meeting on September 20, 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.

  
Secretary, Board of Directors



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