

MINUTES  
NOTTINGHAM COUNTRY MUNICIPAL UTILITY DISTRICT

July 17, 2023

The Board of Directors (the “Board”) of Nottingham Country Municipal Utility District (the “District”) met in regular session, open to the public, on the 17<sup>th</sup> day of July, 2023, 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:

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 except Director Skelton, thus constituting a quorum.

Also attending the meeting were Darrell Hawthorne of Municipal Accounts & Consulting, L.P.; Kelley Jurecek of Tax Tech, Inc.; Kyle Donham and Brian Bare of Si Environmental, LLC; Vernon Webb and Teague Harris of IDS Engineering Group (“IDS”); Jacob Van Sant of Van Sant Landscape Management (“Van Sant”); Stephanie Lee of KGA/DeForest Design; and Christina Miller, Duggan Baker, and Caroline Jones of Allen Boone Humphries Robinson LLP (“ABHR”).

PUBLIC COMMENT

Director Hudson offered any members of the public attending the meeting 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 19, 2023. Following review and discussion by the Board, Director Wiggins moved to approve the minutes of the June 19, 2023 regular meeting, as discussed. Director Moon seconded the motion, which passed unanimously.

WEST HARRIS COUNTY REGIONAL WATER AUTHORITY MATTERS

There was no discussion regarding this matter.

## FINANCIAL AND BOOKKEEPING MATTERS

Mr. Hawthorne presented and reviewed the bookkeeper's report, including the budget comparison, schedule of investments, certificates of deposit expired and renewed, and checks presented for approval. Mr. Hawthorne stated that he is investigating a credit from Comcast Business Services to the District in the amount of \$20,934.43. Following review and discussion, Director Wiggins moved to (1) approve the bookkeeper's report; and (2) authorize payment of the bills. Director Moon seconded the motion, which passed unanimously.

### RESOLUTION ESTABLISHING DIRECTOR FEES OF OFFICE AND DISTRICT REIMBURSEMENT POLICY

Mr. Baker stated that House Bill No. 2815, which became effective on June 18, 2023, sets the maximum water district director fees of office at the per diem amount set by the Texas Ethics Commission for members of the legislature. He noted that, pursuant to House Bill No. 2815, the current maximum amount for director fees of office is \$221.00, and going forward, the maximum amount automatically will be indexed for inflation.

The Board then considered adopting a Resolution Establishing Director Fees of Office and District Reimbursement Policy to reflect that directors' fees of office shall be paid at the maximum rate allowed by law, noting that this would replace the previously adopted Resolution. After review and discussion, Director Wiggins moved to adopt a Resolution Establishing Director Fees of Office and District Reimbursement Policy and direct that the Resolution be filed appropriately and retained in the District's official records. Director Moon seconded the motion, which passed unanimously.

### ASSOCIATION OF WATER BOARD DIRECTORS ("AWBD") SUMMER CONFERENCE, REIMBURSEMENT OF ELIGIBLE EXPENSES, AND ATTENDANCE AT WINTER CONFERENCE

The Board discussed the AWBD summer conference and considered authorizing attendance at the winter conference. After discussion, Director Brown moved to approve reimbursement of all eligible expenses for Directors who attended the summer conference, which the District's bookkeeper confirmed are in compliance with the District's Travel Reimbursement Guidelines, and to authorize attendance of any interested Directors at the winter conference. Director Wiggins 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 98.76% of the 2022 taxes have been collected as of the meeting date. After review and discussion, Director Brown 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 Wiggins seconded the motion, which passed unanimously.

## ADOPT RESOLUTION REGARDING DEVELOPMENT STATUS FOR 2023 TAX YEAR

Mr. Baker discussed the "truth-in-taxation" property tax calculations and tax levy process for water districts and stated that Chapter 49 of the Texas Water Code establishes three main categories for water districts, based on a district's development status and/or tax rate. He 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.

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 2023 tax year.

Following review and discussion, Director Wiggins moved to adopt a Resolution Regarding Development Status for 2023 Tax Year establishing the District as a Developed district for the 2023 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 unanimously.

## OPERATION OF DISTRICT FACILITIES

Mr. Donham reviewed the operations report, a copy of which is attached. He generally reviewed operations and maintenance for the month. Mr. Donham reported 95.85% water accountability for the prior month. Mr. Donham reported that there were no violations at the wastewater treatment plant and no new commercial connections.

## CUSTOMER CORRESPONDENCE

Mr. Baker updated the Board regarding the status of a resident's request to repair a driveway. Discussion ensued. The Board concurred to defer the matter.

## ANNUAL INSPECTION FOR SYSTEM-WIDE LEAK DETECTION

There was no discussion regarding this matter.

## ADOPT RESOLUTION COMMENDING BRIAN BARE

The Board considered adopting a Resolution commending Brian Bare for his exemplary service to the District.

Following review and discussion, Director Moon moved to (1) approve the operator's report; and (2) adopt the Resolution and direct that the Resolution be filed appropriately and retained in the District's official records. Director Wiggins seconded the motion, which passed by unanimous vote.

## CONDUCT HEARING ON TERMINATION OF WATER SERVICE

Mr. Donham 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 Moon seconded the motion, which passed unanimously.

## ADOPT RESOLUTION COMMENDING TEAGUE HARRIS

The Board considered adopting a Resolution commending Teague Harris for his exemplary service to the District. Following review and discussion, Director Wiggins moved to adopt the Resolution 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.

## ENGINEERING AND CAPITAL IMPROVEMENT PROJECTS

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

Mr. Webb stated that the District's SCADA operator retired. Mr. Webb stated that he will review the related contract and update the Board regarding the same at the August meeting.

## WATER PLANT AND WELL NO. 1 FLOOD MITIGATION

Mr. Webb stated that IDS will schedule a vibration test on the four booster pumps in October, 2023 to determine if the pumps were continuing to operate within specified tolerances. Mr. Webb reminded the Board that the extended warranty on the pump assemblies runs through February 21, 2024.

## WASTEWATER TREATMENT PLANT ("WWTP") IMPROVEMENTS

Mr. Webb stated that the driveway improvement project at the WWTP is in design.

## SANITARY SEWER REHABILITATION PROGRAM ("REHABILITATION PROGRAM")

Mr. Webb stated that the operator confirmed that the Phase 5C repairs have been completed. Mr. Webb stated that IDS met with the operator to discuss Phase 1D of the Rehabilitation Program. Mr. Webb recommended that the Board postpone Phase 1D and re-allocate the funds for the Rehabilitation Program to the large diameter sanitary sewer rehabilitation.

Mr. Webb then updated the Board regarding the large diameter concrete pipe rehabilitation ("Pipe Rehabilitation"). He stated that lining the District's largest sanitary sewer lines was initially estimated to have a construction cost of approximately \$3,700,000.00. Mr. Webb stated that the operator recommended that manhole rehabilitation be added to the project. Mr. Webb stated that IDS is still in the process of preparing an engineering proposal for the design, bidding, and construction administration of lining the District's large diameter concrete sanitary sewer lines and that the manhole rehabilitation will be added to the Pipe Rehabilitation project. Mr. Webb stated that IDS will provide an updated estimated construction cost, including the manhole rehabilitation.

## DISTRICT CAPITAL IMPROVEMENT PLAN ("CIP") BUDGET UPDATE

There were no updates regarding this agenda matter.

## GEOGRAPHIC INFORMATION SYSTEM

There were no updates regarding this agenda 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.

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

There was no discussion on this matter.

## WWTP FLOOD MITIGATION

Mr. Webb updated the Board regarding construction of the WWTP Flood Mitigation project and reviewed and recommended approval of Pay Estimate No. 6 in the amount of \$206,740.80, payable to District and McDonald Municipal and Industrial (“DMMI”). Following review and discussion, Director Brown moved, based on the engineer’s recommendation, to approve Pay Estimate No. 6 in the amount of \$206,740.80 to DMMI. The motion was seconded by Director Wiggins, which passed unanimously.

## WELL NO. 2 FLOOD MITIGATION

Mr. Webb stated that the project is in design and that IDS has received the electrical drawings. Mr. Webb stated that IDS plans to advertise the Well No. 2 Flood Mitigation project in September 2023 separately from the Well No. 3 Flood Mitigation project pending the outcome of the Project Funding Application for Harris County Precinct 4’s (“Precinct 4”) Places 4 People: 2023 Call for Projects.

## WELL NO. 3 FLOOD MITIGATION

Mr. Baker updated the Board regarding the Project Funding Application for Precinct 4’s Places 4 People: 2023 Call for Projects Well No. 3 Application and stated that the County is in the process of processing the applications and has not yet scheduled interviews with the applicants.

## OFFSITE LIFT STATION FLOOD MITIGATION

There was no discussion on this matter.

## HARRIS COUNTY PRECINCT 4 ROADWAY AND TRAIL IMPROVEMENT PROJECTS

There was no discussion on this matter.

WATER LINE INVENTORY PURSUANT TO ENVIRONMENTAL PROTECTION AGENCY'S ("EPA") REVISED LEAD AND COPPER RULE

Mr. Webb stated that IDS continues to work with the operator to prepare the tap and service line inventory for the EPA's Lead and Copper Rule Revisions.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ("TCEQ") WATER PLANT AND WELL NO. 3 SITE INSPECTION

This matter was discussed under the landscape maintenance report.

TCEQ WWTP DISCHARGE PERMIT ("PERMIT") FOR PERMIT TERM 2022-2027

There was no discussion regarding this matter.

EMERGENCY INTERCONNECT AGREEMENTS WITH HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 81 AND MEMORIAL MUNICIPAL UTILITY DISTRICT

Mr. Baker stated that a form of the Emergency Interconnect Agreement between the District and Harris County Municipal District No. 81 had previously been approved. Mr. Baker requested the Board's approval of a form of the Emergency Interconnect Agreement with Memorial Municipal Utility District ("MMUD"). After review and discussion, Director Brown moved to approve of a form of the Emergency Interconnect Agreement with MMUD. Director Wiggins seconded the motion, which passed unanimously.

SECURITY MONITORING EQUIPMENT AT PLANT AND WELL SITES

There was no discussion on this matter.

EMERGENCY PREPAREDNESS PLAN ("EPP")

There was no discussion on this matter.

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

GREENBELT PARK AND GREENBELT NORWALK ("THE GREENBELTS")

LANDSCAPE MAINTENANCE REPORT

Director Brown generally reported on matters related to the Greenbelts.

Mr. Van Sant reviewed a Park Maintenance Report from Van Sant, a copy of which is attached, and updated the Board regarding ongoing park maintenance. Mr. Van Sant stated that Van Sant will begin maintenance at Well No. 3 on July 26, 2023.

PROPOSALS FOR ADDITIONAL PARK MAINTENANCE

There was no discussion on this matter.

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.

LANDSCAPE ARCHITECT'S REPORT

Ms. Lee presented and reviewed the Landscape Architect's report, a copy of which is attached. Ms. Lee updated the Board regarding construction of the Fitness Station Amenity Enhancements project. Ms. Lee stated that the Project Funding Application for Precinct 4's Places 4 People: 2023 Call for Projects Trails Project Application was submitted and is pending a response from Precinct 4 per Mr. Baker's report. Following review and discussion Director Brown moved to approve the landscape architect's report. Director Moon seconded the motion, which passed unanimously.

PUBLIC POWER POOL ("PPP") TECHNICAL COMMITTEE

Director Hudson updated the Board regarding PPP matters.

APPLICATIONS FOR THE COUNTY'S PLACES 4 PEOPLE: 2023 CALL FOR PROJECTS

There was no further discussion regarding this matter.

EMERGENCY NOTIFICATION SYSTEM

There was no discussion on this matter.

DISTRICT TECHNOLOGY AND INFORMATION MANAGEMENT MATTERS

There was no discussion on this matter.



WEBSITE MATTERS

There was no discussion on this matter.

ATTORNEY’S REPORT REGARDING LEGISLATIVE MATTERS

Mr. Baker reviewed a report prepared by ABHR regarding legislative matters pertaining to the 88th Regular Session of the Texas Legislature. A copy of the report is attached.

AUTHORIZE EXECUTION OF AMENDMENT TO INFORMATION FORM

Mr. Baker reported on legislation passed by the Texas Legislature to update the language for the Notice to Purchasers form that must be provided by persons proposing to sell or convey real property located in a water district. He said water districts that are required to maintain a website or have access to a website under Section 26.18, Tax Code, are also now required post their Notice to Purchasers on the applicable website. The Board then considered authorizing execution of an Amendment to Information Form reflecting the District’s new form of Notice to Purchasers attached thereto. Mr. Baker explained that the District is required to file the Amendment to Information Form in the Official Public Records of Real Property of Harris County and with the Texas Commission on Environmental Quality (“TCEQ”). After review and discussion, Director Brown moved to authorize execution of the Amendment to Information Form and to authorize filing with Harris County and the TCEQ. Director Moon seconded the motion, which passed unanimously.

MEETING SCHEDULE

After review and discussion, the Board concurred to hold its next regular meeting on August 21, 2023, at 11:30 a.m., at the offices of ABHR.

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



  
Secretary, Board of Directors

LIST OF ATTACHMENTS TO MINUTES

	Minutes
	<u>Page</u>
Bookkeeper's Report.....	2
Tax Assessor/Collector's Report.....	3
Operations Report.....	3
Engineer's Report.....	4
Park Maintenance Report .....	8
Landscape Architect's Report .....	8
Legislative Report .....	9