

MINUTES  
NOTTINGHAM COUNTRY MUNICIPAL UTILITY DISTRICT

September 18, 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 18<sup>th</sup> day of September, 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, thus constituting a quorum.

Also attending the meeting were Jennifer Hanna of FORVIS, LLP (“FORVIS”); Darrell Hawthorne of Municipal Accounts & Consulting, L.P. (“MAC”); Kelley Jurecek of Tax Tech, Inc.; Jared Welsh of Masterson Advisors, LLC (“Masterson”); Corey Andujar of Si Environmental, LLC; Vernon Webb of IDS Engineering Group (“IDS”); Jacob Van Sant of Van Sant Landscape Management (“Van Sant”); Stephanie Lee of KGA/DeForest Design (“KGA”); 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 August 21, 2023. Following review and discussion by the Board, Director Brown moved to approve the minutes of the August 21, 2023 regular meeting, as discussed. Director Moon seconded the motion, which passed unanimously.

WEST HARRIS COUNTY REGIONAL WATER AUTHORITY (THE “AUTHORITY”)  
MATTERS

Mr. Baker reviewed with the Board a Notice of Stage 2 Drought Conditions from the Authority, a copy of which is attached (the “Stage 2 Notice”). Mr. Baker stated that

the Authority has triggered Stage 2 of its Drought Contingency Plan, effective September 6, 2023, to facilitate compliance with the Harris Galveston Subsidence District requirements.

Mr. Baker reviewed with the Board a Memorandum from the Authority stating that there will not be an increase to the current Groundwater Reduction Plan Fee or the Surface Water Fee this January 1, 2024, a copy of which is attached.

Following discussion, Director Brown moved to post the Authority's Stage 2 Notice on the District's website. Director Moon seconded the motion which passed unanimously.

ENGAGE AUDITOR TO CONDUCT AUDIT FOR FISCAL YEAR END SEPTEMBER 30, 2023

Ms. Hanna presented to the Board an engagement letter from FORVIS to conduct the District's audit for fiscal year ending September 30, 2023. She stated that the proposed fee for the annual audit is \$22,000.00, plus expenses. Following discussion, Director Wiggins moved to authorize execution of the engagement letter. Director Moon seconded the motion, which passed unanimously.

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.

ANNUAL REVIEW OF INVESTMENT POLICY AND ADOPT RESOLUTION REGARDING ANNUAL REVIEW OF INVESTMENT POLICY

The Board conducted an annual review of the District's Investment Policy and determined no changes are needed.

REVIEW, REVISE, AND ADOPT RESOLUTION ESTABLISHING THE AUTHORIZED DEPOSITORY INSTITUTIONS AND ADOPTING LIST OF QUALIFIED BROKER/DEALERS WITH WHOM THE DISTRICT MAY ENGAGE IN INVESTMENT TRANSACTIONS

Mr. Baker presented a Resolution Establishing the Authorized Depository Institutions and Adopting List of Qualified Broker/Dealers with Whom the District May Engage in Investment Transactions to update the list of qualified banks with which the District may invest funds. He noted that the District's bookkeeper provided the updated list of banks, which is attached as an exhibit to the Resolution.

BUDGET FOR FISCAL YEAR END SEPTEMBER 30, 2024

Mr. Hawthorne presented the attached proposed budget for fiscal year ending September 30, 2024. He noted he is in receipt of comments from all consultants.

After review and discussion, Director Brown moved to (1) approve the bookkeeper's report and authorize payment of the bills; (2) adopt the Resolution Regarding Annual Review of Investment Policy and direct that the Resolution be filed appropriately and retained in the District's official records; (3) adopt the Resolution Establishing the Authorized Depository Institutions and Adopting List of Qualified Broker/Dealers with Whom the District May Engage in Investment Transactions and direct that the Resolution be filed appropriately and retained in the District's official records; and (4) adopt the proposed budget as presented for fiscal year ending September 30, 2024. 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 99.15% 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 Skelton seconded the motion, which passed unanimously.

ADOPT 2023 TAX RATE

The Board considered the District's 2023 tax rate. Mr. Welsh distributed and reviewed a tax rate analysis reflecting the recommendation for the District to levy a 2022 operations and maintenance tax rate of \$0.275 per \$100 of assessed valuation. A copy of the maintenance and operations tax rate analysis is attached. Mr. Baker discussed the two-step process for setting the District's tax rate.

Following review and discussion, Director Wiggins moved to: (1) set the public hearing date for October 16, 2023; and (2) authorize the tax assessor/collector to publish notice in the Katy Times of the District's meeting on October 16, 2023, to set the proposed 2023 total tax rate of \$0.275 per \$100 of assessed valuation, with all \$0.275 allocated for operations and maintenance. Director Skelton seconded the motion, which passed unanimously.

ADOPT RESOLUTION NOMINATING CANDIDATE FOR BOARD OF DIRECTORS ELECTION FOR HARRIS CENTRAL APPRAISAL DISTRICT

Mr. Baker presented a Resolution Casting Ballot for the Election of a Person to the Board of Directors of the Harris Central Appraisal District. After review and discussion,

Director Brown moved to adopt a Resolution Casting Ballot for the Election of a Person to the Board of Directors of the Harris Central Appraisal District reflecting the District's vote cast in favor of Jonathan Cowen and direct that the Resolution be filed appropriately and retained in the District's official records. Director Wiggins seconded the motion, which passed unanimously.

OPERATION OF DISTRICT FACILITIES

Mr. Andujar reviewed the operations report, a copy of which is attached. He generally reviewed operations and maintenance for the month. Mr. Andujar reported 93.18% water accountability for the prior month. He reported that there were no violations at the wastewater treatment plant and no new commercial connections.

CUSTOMER CORRESPONDENCE

There was no discussion regarding this agenda matter.

ANNUAL INSPECTION FOR SYSTEM-WIDE LEAK DETECTION

There was no discussion regarding this agenda matter.

Mr. Andujar provided an update on efforts to schedule Harris County Public Health's site visit to the District's wastewater treatment plant to determine if it meets Harris County's criteria for a potential partnership to monitor for the presence of COVID-19 utilizing wastewater channels. Discussion ensued.

Mr. Baker reviewed correspondence regarding class action settlement (the "Settlement") against E.I. Du Pont de Nemours and Company, DuPont de Nemours Inc., The Chemours Company, The Chemours Company FC, LLC, and Corteva, Inc. (collectively, "DuPont") to resolve claims for Per- and Polyfluoroalkyl Substances in Drinking Water. Mr. Baker requested the Board's authorization to investigate the matter further.

Following review and discussion, Director Brown moved to (1) approve the operator's report; and (2) authorize Mr Baker to investigate the Settlement. Director Wiggins seconded the motion, which passed unanimously.

CONDUCT HEARING ON TERMINATION OF WATER SERVICE

Mr. Andujar 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 Brown 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 Wiggins seconded the motion, which passed unanimously.

ENGINEERING AND CAPITAL IMPROVEMENT PROJECTS

Mr. Webb reviewed the engineer's report, a copy of which is attached.

WATER PLANT AND WELL NO. 1 FLOOD MITIGATION

Mr. Webb stated that IDS plans to schedule follow up vibration tests on the four booster pumps in October 2023.

WASTEWATER TREATMENT PLANT ("WWTP") IMPROVEMENTS

Mr. Webb stated that design plans to improve driveway entry and exit at the WWTP are underway.

SANITARY SEWER REHABILITATION PROGRAM ("REHABILITATION PROGRAM")

Mr. Webb stated that the operator provided a proposed budget of \$18,830.00 to complete the cleaning and televising of the large diameter line segments and to complete the associated manhole inspection and requested authorization to proceed.

DISTRICT CAPITAL IMPROVEMENT PLAN ("CIP") BUDGET UPDATE

Mr. Webb stated that IDS updated the CIP to include only water, sewer, and drainage projects. A copy of the CIP is attached to the engineer's report.

GEOGRAPHIC INFORMATION SYSTEM ("GIS")

Mr. Webb stated that the District's current GIS has standard utility information stored on the IDS server. He stated that to create a website that will allow the operator access to the utility layout and information the estimated amount for licenses for IDS and Si annually will be \$1,100.00 plus an additional one-time cost of \$5,000.00 to \$6,000.00 for the software that will enable the operator to access the GIS with a phone or tablet.

PROPOSALS FOR REHABILITATION OF 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.

UPDATE ON FACILITY ASSESSMENT TO EVALUATE IMPLEMENTATION OF FLOOD MITIGATION MEASURES

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. 8 in the amount of \$69,750.00, payable to District and McDonald Municipal and Industrial ("DMMI").

WELL NO. 2 FLOOD MITIGATION

Mr. Webb stated that the plans are complete and have been submitted to agencies for review.

WELL NO. 3 FLOOD MITIGATION

Mr. Webb requested the Board's approval of a proposal to perform engineering and surveying services for the design, bid, and construction phases for a total fee amount of \$117,750.00.

OFFSITE LIFT STATION FLOOD MITIGATION

There was no discussion on this matter.

HARRIS COUNTY PRECINCT 4 ("PRECINCT 4") ROADWAY AND TRAIL IMPROVEMENT PROJECTS

Mr. Baker stated that there was no update from Precinct 4 on this matter.

EMERGENCY INTERCONNECT AGREEMENTS ("I/C AGREEMENTS") WITH HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 81 ("HARRIS MUD 81") AND MEMORIAL MUNICIPAL UTILITY DISTRICT ("MEMORIAL MUD")

Mr. Baker stated that ABHR is reviewing comments received from the attorney for Memorial MUD to the proposed I/C Agreement and that the attorney for Harris MUD 81 is still reviewing the proposed I/C Agreement.

HARRIS COUNTY PUBLIC HEALTH SERVICES WASTEWATER SURVEILLANCE PROGRAM

There was no further discussion on this agenda matter.

As discussed at the District's August 21, 2023 meeting (the "August Meeting"), Mr. Webb confirmed that Van Sant completed the clearing the mow strip area around the WWTP, the Well No. 3 Site, and the Water Treatment Plant as per specifications required by the Texas Commission on Environmental Quality and the U.S. Army Corp of Engineers for areas within the Addicks-Barker Reservoir. Mr. Webb re-affirmed IDS's previous recommendation at the August Meeting of payment to Van Sant in the amount of \$46,356.00.

Mr. Webb stated that the water plant and the remote well sites have existing SCADA systems. Mr. Webb state that ABHR is reviewing a proposal from Baird Gilroy & Dixon for SCADA maintenance and programming support services in quarterly amounts not to exceed (1) \$2,500.00 for on-call services; (2) \$2,000.00 for SCADA maintenance; and (3) \$5,000.00 for emergency services.

Following review and discussion, Director Brown moved to (1) approve the engineer's report; (2) approve cleaning and televising of the large diameter line segments and to complete the associated manhole inspection in the amount of \$18,830.00; (3) authorize IDS to create a GIS website in a amounts not to exceed \$1,100.00 for licenses and \$6,000.00 for the software; (4) approve Pay Estimate No. 8 in the amount of \$69,750.00, payable to DMMI; (5) approve the proposal to perform engineering and surveying services for the design, bid, and construction phases for Well No. 3 for a total fee amount of \$117,750.00; and (6) based on the engineer's recommendation, to ratify the Board's previous approval at the August Meeting of payment of Van Sant's invoice in the amount of \$46,356.00. Director Wiggins 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. Director Brown requested the Board's ratification of an invoice from USA Drinking Fountain to repair and restore drinking fountains in the Greenbelts in the amount of \$5,670.00. After review and discussion, Director Wiggins moved to ratify the invoice in the amount of \$5,670.00. Director Moon seconded the motion, which passed unanimously.

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.

## DRAFT

Mr. Van Sant presented a proposal to maintain the mow strip areas around the WWTP, the Well No. 3 Site, and the Water Treatment Plant in the monthly amount of \$2,510.00. The Board requested that Mr. Van Sant provide a proposal to maintain the mow strip areas on a quarterly basis.

Director Brown asked Mr. Van Sant to investigate some holes in the Greenbelts.

Mr. Van Sant stated that Van Sant will patch and repair grass at the fitness stations.

### PROPOSALS FOR ADDITIONAL PARK MAINTENANCE

There was no discussion regarding this agenda item.

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

There was no discussion regarding this agenda item.

### 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 Enhancement project and reviewed and recommended approval of Pay Estimate No. 2 in the amount of \$52,890.85, payable to Strickscapes, Inc. ("Strickscapes"). Director Brown asked Ms. Lee to instruct Strickscapes to adjust the heights of the chinning station bars.

Ms. Lee requested the Board's approval of a Technical Services Agreement ("TSA") for various landscape and amenity related projects in the District based on hourly rates as listed in the TSA.

After review and discussion, Director Brown moved to (1) based on the landscape architect's recommendation, approve Pay Estimate No. 2 in the amount of \$52,890.85 to Strickscapes; and (2) approve the TSA. Director Skelton seconded the motion, which passed unanimously.

### PARK USE AGREEMENTS

The Board considered three Greenbelt Park Use Agreements ("Park Use Agreements") as follows (1) a request from Bridge Point Bible Church for "Ultimate Frisbee" on October 1, 2023, October 22, 2023, November 12, 2023, and December 10, 2023; (2) a request from Raul Tagle for "Sinatra in the Park" on



September 30, 2023, October 21, 2023, and October 28, 2023; and (3) a request from Erica Fagan for a “Birthday Party” on October 8, 2023. After review and discussion, Director Brown moved to approve the Park Use Agreements. Director Skelton seconded the motion, which passed unanimously.

PUBLIC POWER POOL (“PPP”) TECHNICAL COMMITTEE

Director Hudson updated the Board regarding this agenda item.

APPLICATIONS FOR PRECINCT 4’S PLACES 4 PEOPLE: 2023 CALL FOR PROJECTS

Mr. Baker reviewed a Request for Information on Organizations Selected for Places 4 People from Precinct 4 for the Board’s assistance in gathering information regarding the accepted trail improvements project. The Board elected not to take any action on this item.

EMERGENCY NOTIFICATION SYSTEM

Mr. Baker stated that the contract with Classic Messaging will automatically renew on November 12, 2023.

DISTRICT TECHNOLOGY AND INFORMATION MANAGEMENT MATTERS

There was no discussion on this matter.

WEBSITE MATTERS

There was no further discussion regarding this matter.

MEETING SCHEDULE

After review and discussion, the Board concurred to hold its next regular meeting on October 16 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.



*[Handwritten Signature]*  
Asst. Secretary, Board of Directors

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