

MINUTES
NOTTINGHAM COUNTRY MUNICIPAL UTILITY DISTRICT

October 16, 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 16th day of October, 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 Wiggins, thus constituting a quorum.

Also attending the meeting were Katie Brown, a member of the public; Darrell Hawthorne of Municipal Accounts & Consulting, L.P.; Kelley Jurecek of Tax Tech, Inc.; Corey Andujar and Chris Wilson of Si Environmental, LLC; Vernon Webb and Lindsey Whatley 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, Julie Gerdes, 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 September 18, 2023. Following review and discussion by the Board, Director Brown moved to approve the minutes of the September 18, 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 Withdrawal of Stage 2 Drought Conditions and Reinitiation of Stage 1 Drought Conditions from the Authority, a copy of

which is attached (the "Notice of Withdrawal"). Mr. Baker stated that the Authority withdrew its implementation of Stage 2 of its Drought Contingency Plan ("DCP") and reinitiated Stage 1 of its DCP effective October 11, 2023, to facilitate compliance with the Harris Galveston Subsidence District requirements.

Following discussion, Director Brown moved to post the Authority's Notice of Withdrawal on the District's website. 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. Mr. Hawthorne requested the Board's approval of handwritten check no. 3069 in the amount of \$1,609.98 to Wal-Mart Real Estate Business Trust. After review and discussion, Director Brown moved to (1) approve the bookkeeper's report; (2) authorize payment of the bills; and (3) approve handwritten check no. \$1,609.98. 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 99.27% 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

Mr. Baker stated that notice was published of the public hearing to be held at today's meeting regarding adoption of the District's proposed 2023 total tax rate of \$0.275.

Mr. Baker opened the public hearing. There being no comments from the public, Mr. Baker closed the public hearing.

Mr. Baker presented an Order Levying Taxes reflecting the proposed 2023 tax rate. He then presented an Amendment to Information Form reflecting the tax rate and stated that the Amendment will be filed with the Texas Commission on Environmental Quality and recorded in the Official Public Records of Harris County.

After review and discussion, Director Skelton moved to: (1) adopt the Order Levying Taxes reflecting a total 2023 tax rate of \$0.275 per \$100 of assessed valuation, comprised of \$0.275, with all \$0.275 allocated for operations and maintenance; (2) authorize execution of the Amendment to Information Form; and (3) direct that the Order

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

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 95.16% water accountability for the prior month. He reported that there were no violations at the wastewater treatment plant and no new commercial connections. Director Brown asked Mr. Andujar to investigate increased water usage at Greenbelt Park.

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 reported that Ezee Fiber, a contractor installing fiber optic lines, had damaged District facilities while boring for fiber optic lines. Mr. Andujar stated that he was keeping a record of the damage and that he will prepare a cost estimate of the damages. Discussion ensued.

Mr. Andujar reported that Harris County Public Health conducted a site visit to the District's Wastewater Treatment Plant ("WWTP") on September 26, 2023. Mr. Baker reported that Harris County Public Health identified the WWTP as a suitable site for COVID-19 testing and will propose a draft interlocal agreement regarding the same for the Board's consideration.

Following review and discussion, Director Brown moved to approve the operator's report. Director Moon 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 Moon 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 the operator is coordinating follow-up vibration tests with Envibe, Inc. on the four booster pumps.

WWTP IMPROVEMENTS

Mr. Webb updated the Board regarding the driveway improvements at the WWTP.

SANITARY SEWER REHABILITATION PROGRAM ("REHABILITATION PROGRAM")

Mr. Webb stated that the operator is beginning cleaning and televising the large diameter line segments, and that the work will be incorporated into the District's Geographic Information System ("GIS").

DISTRICT CAPITAL IMPROVEMENT PLAN ("CIP") BUDGET UPDATE

Mr. Webb had no updates regarding this agenda matter.

GIS

Mr. Webb stated that the IDS GIS team is coordinating the ESRI user licenses. Mr. Webb stated that IDS started transferring and incorporating the District's data into the GIS website.

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. 9 in the amount of \$125,100.00, payable to District and McDonald Municipal and Industrial ("DMMI").

Mr. Webb presented and reviewed a proposal from DMMI to re-use the existing stairs for improved access at the WWTP in the amount of \$5,816.00.

WELL NO. 2 FLOOD MITIGATION

Mr. Webb stated that plans have been returned from the Harris County Engineering Department and that the Harris County Flood Control District provided minor comments. Mr. Webb stated that IDS is finalizing the plans.

WELL NO. 3 FLOOD MITIGATION

Mr. Webb stated that design is in progress.

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 updated the Board regarding 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 he is continuing to coordinate with the attorneys for Harris MUD 81 and Memorial MUD on the I/C Agreements.

HARRIS COUNTY PUBLIC HEALTH SERVICES WASTEWATER SURVEILLANCE PROGRAM

There was no further discussion on this agenda matter.

Mr. Webb stated that ABHR provided comments to the agreement from Baird Gilroy & Dixon ("BGD Agreement") for SCADA maintenance and programming support services. Mr. Webb requested the Board's approval of the BGD Agreement, subject to final review by ABHR.

Following review and discussion, Director Brown moved to (1) approve the engineer's report; (2) approve Pay Estimate No. 9 in the amount of \$125,100.00, payable to DMMI; (3) approve the proposal for the stairs at the WWTP in the amount of \$5,816.00, payable to DMMI; and (4) approve the BGD Agreement, subject to final review by ABHR. Director Skelton 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 Moon asked Director Brown to purchase doggie waste bags for Kelliwood Gardens.

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 presented a proposal to maintain the mow strip areas around the WWTP, the Well No. 3 Site, and the Water Treatment Plant in the annual amount of \$21,440.00. Discussion ensued regarding the maintenance of an additional mow strip around the WWTP. The Board asked Mr. Van Sant to revise the proposal to include the additional mow strip and to provide for quarterly mowings. The Board deferred further action on this matter.

Mr. Van Sant presented and reviewed a proposal to install irrigation at the fitness station concrete pads in the amount of \$2,940.24.

After review and discussion, Director Moon moved to (1) approve the Park Maintenance Report; and (2) approve the proposal for irrigation at the concrete pads in the amount of \$2,940.24. Director Skelton seconded the motion, which passed unanimously.

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 the Fitness Station Amenity Enhancements project and confirmed that the contractor is working on height adjustments at the chinning bar stations.

Ms. Lee stated that direction from Precinct 4 on the Places 4 People Trails Project is pending.

PARK USE AGREEMENTS

There was no discussion regarding this agenda item.

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 stated that Precinct 4 will propose a draft interlocal agreement regarding the trail improvements project within the next eight to twelve weeks.

EMERGENCY NOTIFICATION SYSTEM

There was no discussion regarding this agenda item.

DISTRICT TECHNOLOGY AND INFORMATION MANAGEMENT MATTERS

There was no discussion on this matter.

WEBSITE MATTERS

Mr. Baker stated that he will follow up with Director Wiggins regarding the inclusion of a park use calendar on the District's website.

PARKLAKE VILLAGE HOMEOWNERS ASSOCIATION ("HOA") MATTERS

Mr. Skelton presented a request from the Parklake Village HOA to the District for a contribution in the amount of \$7,617.92 for the replacement of a section of fence between the HOA clubhouse and the WWTP. After review and discussion, Director Brown moved to contribute \$7,617.92 to the HOA. Director Moon seconded the motion, which passed unanimously.

CONVENE IN EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO CONDUCT A PRIVATE CONSULTATION WITH ATTORNEY TO DISCUSS PENDING OR CONTEMPLATED LITIGATION, OR A SETTLEMENT OFFER

The Board convened in executive session at 12:19 p.m. pursuant to Section 551.071, Texas Government Code, to conduct a private consultation with its attorney to seek and receive legal advice. In attendance were Directors Hudson, Brown, Skelton, and Moon, Mr. Andujar, Mr. Wilson, Ms. Miller, Mr. Baker, and Ms. Jones.

RECONVENE IN OPEN SESSION AND AUTHORIZE APPROPRIATE ACTION REGARDING PENDING OR CONTEMPLATED LITIGATION, OR A SETTLEMENT OFFER

The Board reconvened in open session at 12:37 p.m. After review and discussion, Director Skelton moved to (1) authorize ABHR to draft a letter to Mid-Continent Casualty Company regarding its review of potential claims against the District and delegate authority to Director Brown to approve the letter prior to the November Board meeting; and (2) authorize ABHR to draft a letter to Ezee Fiber regarding the District's claims for damages caused to the District's facilities. Director Brown seconded the motion, which passed unanimously.

MEETING SCHEDULE

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



Alan Wiggin
Secretary, Board of Directors

LIST OF ATTACHMENTS TO MINUTES

	Minutes
	<u>Page</u>
Notice of Withdrawal and Reinitiation of DCP.....	2
Bookkeeper's Report.....	2
Tax Assessor/Collector's Report.....	2
Operations Report.....	3
Engineer's Report.....	4
Park Maintenance Report	6
Landscape Architect's Report	7