

**WILLIAMSON-TRAVIS COUNTIES MUNICIPAL UTILITY DISTRICT NO. 1
OF WILLIAMSON AND TRAVIS COUNTIES, TEXAS
MINUTES OF MEETING OF THE BOARD OF DIRECTORS**

April 20, 2022

The Board of Directors (the "**Board**") of the Williamson-Travis Counties Municipal Utility District No. 1 of Williamson and Travis Counties, Texas (the "**District**") met in **regular** session, open to the public at 6:30 p.m. on **April 20, 2022**, at The Park at Lakeline Oaks located at 1000 Old Mill Road, Cedar Park, Texas 78613, an official meeting place within the boundaries of the District, pursuant to notice duly given in accordance with the law.

The roll was called of the following members of the Board to wit:

Catherine Franke	President
Art Medrano	Vice President
Linda Fabre	Secretary
Megan Dudo	Treasurer
Beth Jones	Assistant Secretary

and all Directors were present, thus a quorum was present.

Also present were Makenzi Scales, Stephanie Reese, and Michael Luft of Inframark ("**Inframark**"), the District's General Manager; Herb Edmonson of Gray Engineering, Inc. ("**Gray**"), the District's Engineer; Diana and Jimmy Sagnes of Sage Management Services ("**Sage**"), the District's Deed Restriction Enforcement Company; and Zachariah T. Evans and Suzanne McCalla of McGinnis Lochridge ("**McGinnis**"), the District's Attorney. Several members of the public were also in attendance.

Director Franke called the meeting to order and noted that several persons present to wish to address the Board during Citizen Communications.

The Board then heard from all members of the public signed up to speak. Attached hereto is a copy of the sign-in sheet for those persons addressing the Board. No action was taken.

Director Franke then read a statement to the Board regarding her review of per diem requests from Director Fabre. She requested that the District's Attorney review Director Fabre's per diems as submitted to determine if the per diems submitted were appropriate. Mr. Evans responded that, having reviewed Director Fabre's activities and associated per diem requests for the previous period, several did not constitute substantive performance of the management or business of the District, as defined by Section 49.060, Texas Water Code. In order to ensure equal treatment of all Directors, Mr. Evans indicated he would, at the Board's direction, review the per diems and expense reimbursements submitted by all Directors for the last 12 months and provide a report on which per diems and expense reimbursements qualified under the aforesaid Section

49.060. After discussion, upon a motion duly made by Director Franke and seconded by Director Medrano, the Board voted to: (1) authorize the District's Attorney to review the past 12 months of per diems and expense reimbursements for all Directors; (2) authorize the District's Bookkeeper to provide copies of the per diems and expense reimbursements to the District's Attorney; and (3) agree to forego payment of per diems and expense reimbursements until a report on appropriate per diems and expense reimbursements is provided by the District's Attorney. The motion passed with Directors Medrano, Franke, Dudo, and Jones voting in favor of the motion, and Director Fabre abstaining.

The Board next considered approval of the monthly consent agenda containing the minutes of the August 25, 2021, special and March 16, 2022, regular meetings. Director Fabre requested several revisions to the March 16, 2022, regular meeting minutes. Director Fabre motioned and to approve her requested changes to the March 16, 2022, Director Medrano seconded the motion. The motion failed with Directors Fabre and Medrano voting for the motion, and Directors Dudo, Franke, and Jones voting against the motion. Director Dudo then motioned to approve both sets of minutes as presented, and Director Jones seconded the motion. The motion passed with Directors Jones, Dudo, Medrano, and Franke voting for the motion, and Director Fabre voting against the motion.

The Board next considered the remaining items on the Consent Agenda. Mr. Luft reviewed the Finance Report with the Board. He reviewed the income for the District and summarized the activity in each of the District's accounts. He also reviewed the Quarterly Investment Report. Mr. Luft then reviewed the Cash Balance Report and noted that the total amount of the checks prepared for payment of bills and invoices to the District was \$352,348.09.00. He added that Check No. 5558 included reimbursement of prepaid maintenance amounts. Upon a motion duly made by Director Medrano and seconded by Director Dudo, the Board voted to: (1) authorize payment of the District's bills totaling \$352,348.09; (2) approve the Quarterly Investment Report; (3) approve three transfers; (4) authorize the District's Bookkeeper to hold all checks in payment of Director per diems and expense reimbursements until further notice; and (5) accept the Finance Report as presented. The motion passed with Directors Franke, Dudo, Jones, and Medrano voting for the motion, and Director Fabre voting against the motion.

The next item of business before the Board was the Engineer's Report. Mr. Edmonson stated that Gray reviewed the District's final Stormwater Management Program in compliance with the TPDES (Texas Pollutant Discharge Elimination System) Phase II MS4 General Permit (the "**MS4 Permit**"), and Inframark submitted the report to the Texas Commission on Environmental Quality (the "**Commission**"), as required. He noted that after review of the MS4 Permit requirements, Gray determined that an Engineer's seal was no longer required to be included on any documents submitted to the Commission.

Mr. Edmonson next updated the Board on Phase 6 of the District's sidewalk maintenance project (the "**Phase 6 Project**"). He reported that as authorized by the Board at the District's March meeting, Gray met with the contractor regarding requested revisions to the proposal. He continued that the contractor should begin work on the

Phase 6 Project next week. He estimated that the Phase 6 Project would take approximately two weeks to complete.

Continuing his report, Mr. Edmonson stated that after soliciting proposals for maintenance to the decomposed granite trail within the District, Gray determined that the total costs to complete the project would likely exceed \$75,000.00 bid threshold requirement to advertise the letting of the contract. Therefore, he stated that Gray was recommending that the Board authorize Gray to advertise the project, as required. Director Fabre voiced her belief that the project should be included as a Parks Committee project and not approved until after approval of an updated Park Plan. Director Dudo responded that the project spanned both the Parks Committee and Infrastructure Committee's responsibilities, and she reminded the Board that the project was included in the budget for the current fiscal year. After further discussion, upon a motion duly made by Director Medrano and seconded by Director Dudo, the Board voted to advertise the project publically, as recommended by the District's Engineer and required by Texas Water Code Section 49.273. The motion passed with Directors Dudo, Jones, Medrano, and Franke voting to approve the motion, and Director Fabre abstaining from the vote.

Mr. Edmonson next presented a proposal of \$63,000.00 from Gray to prepare the plans and specifications for the Hatch wastewater lift station rehabilitation. He explained that the entire project would likely exceed \$500,000.00, and that the Board could authorize Gray to prepare the plans and specifications for \$63,000.00 for payment during the District's current fiscal year and then include the remaining costs of construction of the project in the budget for the fiscal year ending September 30, 2023. Director Fabre questioned if a stormwater pollution prevention plan was required for the project, and Mr. Edmonson responded in the negative. After additional discussion, upon a motion duly made by Director Medrano and seconded by Director Dudo, the Board voted unanimously to approve the proposal from Gray, as presented. A copy of the proposal is included in the Board Packet.

Ms. Scales next reviewed the General Manager's Report. She first updated the Board on field operations and various projects in progress throughout the District. She stated that the Infrastructure Committee was recommending that all the commercial water meters within the District be re-calibrated. She continued that if the re-calibration of the commercial water meters does not resolve the water accountability issues the District is experiencing, then she asked that the Board authorize Inframark's collections and distribution team to walk all District property checking for possible water leaks at a total cost to the District not to exceed \$8,000.00. After discussion, upon a motion duly made by Director Medrano and seconded by Director Franke, the Board voted unanimously to approve the calibration of the District's commercial meters at a total cost to the District of \$3,500.00. Director Medrano then motioned and Director Dudo seconded to authorize Inframark to do a walkthrough of the District as detailed above in an amount not to exceed \$8,000.00. The motion passed with Directors Dudo, Medrano, Franke, and Jones voting in favor of the motion, and Director Fabre voting against the motion.

Continuing the General Manager's Report, Ms. Scales stated that a customer on Wood Ridge Cove was requesting an adjustment on their utility billing after experiencing several high water bills. Ms. Scales explained that Inframark has determined that the customer had a leak both inside and outside of the residence, and she stated that Inframark was recommending an adjustment of the customer's water billing to \$201.03, which amount represents an average of the customer's three highest months of usage. Upon a motion duly made by Director Medrano and seconded by Director Franke, the Board voted unanimously to approve the adjustment of \$201.03 to the resident's utility billing, as recommended by Inframark.

Ms. Scales then reported that a customer recently contacted her office regarding an issue with their irrigation system that the customer discovered in March. She continued that the customer was concerned that the issue was a result of the meter replacement in January at the residence. Ms. Scales explained that Inframark investigated the issue and was unable to verify that the issue was due to the meter exchange. Because of this uncertainty, Ms. Scales stated that Inframark has agreed to fund the reimbursement to the customer of \$227.32 on their utility billing. After discussion, upon a motion duly made by Director Fabre and seconded by Director Jones, the Board voted to approve the reimbursement by Inframark to the customer. The motion failed with Directors Jones and Fabre voting in favor of the motion, and Directors Dudo, Franke, and Medrano voting against the motion.

Ms. Scales next stated that the City of Cedar Park is hosting a hazardous waste collection event, which event is open to the residents of the District. She continued that the Solid Waste Collection Committee was recommending that a message regarding the event be included: (1) with the District's next utility billing statements; (2) on the District's website; and (3) on a portable sign displayed in all sections of the District. After consideration, upon a motion made by Director Fabre and seconded by Director Franke, the Board voted unanimously to authorize Inframark to advertise the event as detailed above.

Ms. Scales then updated the Board on the status of the repairs to the Vestavia Ridge Lane Detention Pond fence. She reminded the Board that a portion of the fence was the responsibility of the adjacent homeowner and that the Board had authorized Inframark to contact the homeowner to pay his or her pro rata share of the repairs to the fence. She stated that Inframark has scheduled Viking Fence Co. to install a black, vinyl, chain link fence with a walk gate and two double drive gates but that the adjacent resident has not responded regarding repairs to the concrete fence in the area.

The Board next considered reports from the various District Committees.

Director Dudo updated those present on the status of the park planning process (the "**Park Project**"). She stated that a draft of the report on the Park Project was almost complete and that she anticipated review by the Board in May.

Ms. Scales then reported that one of the swings at the Anderson Mill West Park has broken and that as a result an inspection of all the swings is required prior to having them raised as authorized by the Board at the District's March meeting.

Next, Ms. Scales reported that Lone Star Paving has completed the London Land Detention Pond water tap and that the application for the grant to support the Madeline loop trail connection was completed and submitted as authorized by the Board. She added that Inframark anticipates a response on the grant by mid-May.

Director Franke next provided the Security Committee Report. She stated that the committee has met twice to discuss expanding the scope of representation of security services for the District and plans to meet again within the next week.

The next item of business before the Board was an ORDER ESTABLISHING WATER AND WASTEWATER SERVICE RATES, CHARGES AND TAP FEES, AND ADOPTING GENERAL POLICIES WITH RESPECT TO THE DISTRICT'S WATER, WASTEWATER AND DRAINAGE SYSTEMS (the "**Rate Order**"). Mr. Evans reviewed proposed changes in the Rate Order with the Board. The Board discussed additional corrections and revisions. After discussion, upon a motion duly made by Director Fabre and seconded by Director Medrano, the Board voted unanimously to authorize the District's Attorney to revise the Rate Order to include all proposed changes discussed, for the Board's consideration at the District's May Board meeting

Director Franke then motioned and Director Medrano seconded to authorize an increase in the Fire Protection Rate included within the Rate Order from \$26.25 to \$27.58. The Board noted that this was a "pass through" cost of fire protection fees pursuant to the District's Fire Protection Agreement with the City of Cedar Park. The motion passed unanimously.

The Board next discussed the requirement that local government officials and employees annually complete a state-approved cybersecurity training course by June 15, 2022. Ms. McCalla reminded the Board that Texas Government Code, Section 2054.5191, amended during the 87th regular Legislative Session, requires that local government employees, elected officials, and appointed officials, who have access to a local government computer system or database and use a computer to perform at least 25 percent of their duties, annually complete a cybersecurity training program certified by the Department of Information Resources ("**DIR**"). She continued that the District must annually certify its compliance with the training requirements by August 31, using the Cybersecurity Training Certification for State and Local Governments, even if no elected officials or employees of the District are required to take the training. Ms. McCalla reviewed with the Board a memorandum from McGinnis, detailing how to obtain the training online and either provide a certification reflecting completion of the training or in the alternative, provide a certification verifying that the Director does not use a computer to perform at least 25 percent of his or her duties. Ms. McCalla emphasized that all Directors would need to submit one of the training certifications to McGinnis before McGinnis could certify with DIR that the District was in compliance.

Next, Mr. Evans detailed revisions to the United States Environmental Protection Agency's (the "EPA") Lead and Copper Rule (the "**LCR**"). He explained that the LCR is intended to protect public health by minimizing lead and copper levels in drinking water, primarily by reducing corrosion of plumbing materials. He continued that the LCR applies to all community public water systems; including water utilities and that, the EPA federally regulates the LCR laws under the Safe Drinking Water Act, but that the Commission administers the program locally in the state. He added that on January 15, 2021, the EPA published the National Primary Drinking Water Regulation: Lead and Copper Rule Revisions ("**LCRR**"), and that among other things, the LCRR (1) establishes a new "trigger level" at 10 parts per billion (ppb) requiring water systems to take further treatment, monitoring, and public notification actions when the trigger level is exceeded; (2) requires water systems to investigate and catalog public and private lines (public lines, such as district lines and tap lines, and private lines, such as house lines), and identify and inventory all Lead Service Lines ("**LSL**") in the system and that all such records must be made publicly available and accessible to community; (3) requires development of LSL replacement plan by compliance deadline; (4) clarifies tap sampling procedures; (5) requires public water systems to monitor for lead at elementary schools and childcare facilities; and (6), requires notification within 24 hours of an exceedance of the system-wide lead action level. Mr. Evans stated that McGinnis has provided a memorandum providing greater detail on the requirements of the LCRR, and he noted that although the LCRR became effective on December 16, 2021, compliance was not required until October 16, 2024.

Director Fabre next discussed the enforcement of deed restrictions related to parking in roadways overnight. She reviewed her reasoning for not enforcing these types of deed restrictions, including her belief that the impact on the property valuations in the District would be insignificant. After consideration and additional discussion, Director Fabre motioned to (1) survey the property owners within the District to see if they want the District to continue to enforce deed restrictions related to the parking of vehicles in the streets overnight; and (2) authorize research on alternative methods of enforcement and provide the costs of said enforcement to the Board for consideration. Director Medrano seconded the motion. The motion failed with Directors Medrano and Fabre voting in favor of the motion, and Directors Jones, Dudo, and Franke voting against the motion.

The Board next reviewed a RESOLUTION OF THE BOARD OF DIRECTORS OF WILLIAMSON-TRAVIS COUNTIES MUNICIPAL UTILITY DISTRICT NO. 1: ADOPTING THE FIRST AMENDED AND RESTATED RULES OF ORDER OF THE BOARD OF DIRECTORS; ESTABLISHING RULES FOR CONDUCTING BOARD MEETINGS; PROVIDING FINDINGS OF FACT; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR OPEN MEETING (the "**Rules of Order**"). Director Franke detailed the proposed revisions to the Rules of Order with the Board. After consideration, upon a motion duly made by Director Fabre and seconded by Director Franke, the Board voted unanimously to approve the Rules of Order, effective as of the

District's next regular Board meeting, with the included revisions. A copy of the revised Rules of Order, thus approved, are maintained with the records of the District.

Director Franke then updated the Board on the Deed Restriction Committee's review of procedures and protocols for deed restriction enforcement. She explained that the Committee continues to work through certain protocols and policies but that the Committee has agreed to remove deed restriction fines from the District's utility billing. She added that the Committee continues to work through the process of how to handle fines collections going forward.

AN ORDER OF THE BOARD OF DIRECTORS OF WILLIAMSON-TRAVIS COUNTIES MUNICIPAL UTILITY DISTRICT NO. 1; PROHIBITING VIOLATIONS OF DEED RESTRICTIONS; ESTABLISHING DEED RESTRICTION ENFORCEMENT PROCEDURES; ESTABLISHING PENALTIES FOR VIOLATIONS OF DEED RESTRICTIONS; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR OPEN MEETING; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR PUBLICATION (the "**Deed Restrictions Order**") was next presented to the Board for consideration. Mr. Evans reviewed the provisions included within the Deed Restrictions Order. He noted that, if approved, pursuant to statute, a public notice summarizing the substantive provisions within the Deed Restrictions Order would be published in a newspaper of general circulation within the District. After consideration, upon a motion duly made by Director Dudo and seconded by Director Franke, the Board voted approve the Deed Restrictions Order, as presented. The motion passed with Directors Dudo, Franke, Medrano, and Jones voting in favor, and Director Fabre abstaining from the vote. A copy of the Deed Restrictions Order is included in the Board Packet.

There being nothing further to come before the Board, and with no further business to discuss, the Board confirmed the next regular meeting date of May 18, 2022, at 6:30 p.m., and the meeting was adjourned.



Lucinda Sabu

Secretary, Board of Directors
Williamson-Travis Counties
Municipal Utility District No. 1

(SEAL)