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

21 February 2024

STATE OF TEXAS

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COUNTIES OF WILLIAMSON AND TRAVIS

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The Board of Directors (the "Board") of Williamson-Travis Counties Municipal Utility District No. 1 (the "District"), of Williamson and Travis Counties, Texas, met in regular session, open to the public at 6:30 p.m. on the 21st day of February 2024, 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, and the roll was called of the duly constituted officers and members of the Board, to wit:

Linda Fabre

President / Treasurer

Hanoi Avila

Vice President

Kelley D. Masters

Secretary

David Flores

Assistant Secretary

Beth Jones

Director

and all of said persons were present, thus constituting a quorum.

Also present in person were Amy Link and Steve Hanuscin of the City of Cedar Park (the "City"), Ashlee Martin of McCall Gibson Swedlund Barfoot PLLC ("McCall Gibson"), the District's Auditor; Makenzi Scales and Stephanie Reese of Inframark, LLC ("Inframark"), the District's Operator and General Manager; and Cole Konopka of Coats Rose, P.C. ("Coats Rose"), the District's Attorney. Attending the meeting by teleconference were Cara Silva and Lisa Rickert of Artesian Financial Services, the District's Accountant; Jacob Valentien of Westwood Professional Services, Inc. ("Westwood"), the District's Engineer; and Tammi Nelson of Coats Rose.

Agenda Item No. 1: Comments and questions from District residents.

There were no public comments.

Agenda Item No. 2: Consent Agenda, including approval of minutes of 17 January 2024 and 31 January 2024.

The Board first considered approving the minutes of 17 January 2024 and 31 January 2024.

Motion:

Approve the minutes of 17 January 2024 and 31 January 2024, as

presented.

Motion by:

Director Flores

Second by:

Director Masters

Ayes:

Director Masters

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Director Fabre
Director Flores

Abstained: Director Avila

Director Jones

Agenda Item No. 9: Attorney's Report, including:

(b) update regarding proposed annexation of Anderson Mill Road by the City of Cedar Park.

- Next, Mr. Konopka reported that he, along with Director Fabre, Mr. Valentien, and Maggie Zapata of Westwood, met with the City on 1 February 2024. He noted that the meeting with the City was mainly concerned with the Anderson Mill Road annexation request. Mr. Konopka then stated that there is a draft annexation agreement between the District and the City, and that the agreement is still in the process of being updated.
- Mr. Konopka further stated that questions from residents and Board members were discussed with the City during the meeting. He noted that one item discussed with the City concerned curb cut outs and whether or not the City would annex and maintain those portions. Mr. Konopka reported that he believes it was decided that the City would not annex the curb cut outs as the City only has the authority to annex the portions that are within the roadway or right-of-way. Mr. Konopka then stated that the District may have some lingering responsibilities in the area, such as flowers or plants in the right-of-way. He also stated that it was suggested that Mr. Valentien and Ms. Scales survey and inventory the District's facilities in the proposed area to be annexed by the City and prepare a list of items that the City would maintain and the items that would continue to be maintained by the District. He added that the goal is to have a clarified annexation agreement with the City.
- Mr. Konopka then stated that the meeting with the City included a discussion regarding the City's position on a full-purposed annexation of the District and that the representatives of the City stated that it was not something that the City had considered at this time; however, the option would be considered upon request by the District. He noted that the decision for the City to fully annex the District would be determined by whether the City felt it was financially feasible and that ultimately it would be up to the voters of the District to decide. Ms. Link then addressed the Board to reiterate that the City was not seeking a full-purposed annexation of the District at this time and that the City was only interested in the annexation of Anderson Mill Road. Director Fabre then informed the Board and Ms. Link that the District has a current agreement with the City that states that the District would remain a municipal utility district until 2045.
- Mr. Konopka further stated that the possibility of the City taking over the billing and meter readings for the District was discussed with the City during the meeting and that the City was currently looking into this request. He noted that an employee with the City's Public Works Department was in the process of reviewing similar agreements with two other districts to determine if this option is feasible for the District. Mr. Konopka added that he had not heard anything further from the City regarding this matter. He then reiterated that

no agreements or decisions were made by either the District or the City during the meeting and that all discussions were strictly preliminary.

- Director Flores then raised a question concerning the curb cut outs discussed earlier in the meeting. Mr. Hanuscin responded stating that, based on his research of state law and preliminary discussions with Travis County, the limits of the right-of-way of Anderson Mill Road do not necessarily include those cut outs. Director Flores then asked whether or not the annexation of Anderson Mill Road would include the sidewalks and grass on both sides of the road. Mr. Hanuscin responded that the annexation would only include portions up to the right-of-way line. He then referred to the example of the wall and stated that the City would only annex up to the right-of-way line and that the strip of grass would belong to the District. Mr. Hanuscin further stated that it would depend on whether the wall was inside or outside of the right-of-way. Director Flores then asked if a survey was done to determine where the wall sits within the right-of-way and Mr. Hanuscin stated that only the right-of-way lines were surveyed and that any features outside the right-of-way lines would be determined by the exercise that Mr. Konopka suggested to determine what facilities belong to the District and the City.
- Director Jones then informed Ms. Link and Mr. Hanuscin of the ongoing issue regarding the new lights that were installed on the building behind London Lane Pond, outside the boundaries of the District. She noted that there were four properties that were still being affected by the lights and she requested the assistance of the City to resolve this matter. Ms. Link stated that she would review the site plans for the project to see what was proposed for the property and the lighting.

Agenda Item No. 4: Accountant's Report, including:

- (a) review of payments on current not-to-exceed expenditures; and
- (b) payment of bills and invoices.
- Next, Ms. Silva presented the Accountant's Report and reviewed the District's bills and invoices. Director Fabre asked what percentage of the District's tax revenue had been collected and Ms. Silva reported that the District was currently at 90.24% collected. Director Fabre then inquired about additional charges from the Monthly billing Recap report and requested that Ms. Silva investigate these charges. Director Fabre also noted that there were duplicate fees of office listed in the Accountant's Report for Director Avila and that Director Avila should only receive payment for two meetings that he attended in January 2024.

Motion: Authorize payment of the District's bills and invoices in the amount of

\$318,125.07.

Motion by: Director Fabre Second by: Director Masters

Ayes: Director Masters

Director Avila

Director Fabre Director Flores Director Jones

Agenda Item No. 8: New business, including:

- (a) review and approve audit report for the District for the fiscal year ended 30 September 2023 and authorize filing of same with the Texas Commission of Environmental Quality and other agencies, as required.
- Ms. Martin then presented a draft Audit Report for the District for the fiscal year ended 30 September 2023 as prepared by McCall Gibson. She noted that the Texas Commission on Environmental Quality (the "TCEQ") requires audit reports to be submitted annually. Ms. Martin then reported that the District received an "unmodified" or "clean opinion", which she stated is the best opinion that a district can receive. Director Fabre then questioned whether Sage Management ("Sage") was included under Contracted Services under the General Fund Expenditures since Sage was missing from the schedule. She then asked if the money paid to Sage could have been listed under "Other". Director Fabre noted that an estimated \$25,000 was spent over a six-month period. Director Flores then suggested moving "Other" into the list for Contracted Services. Director Fabre then asked Ms. Martin what system was being used to collect data and Ms. Martin stated that McCall Gibson generally obtains information through electronic mail and hardcopy files. Ms. Martin then assured the Board that the fees from Sage would be reported properly in the Audit Report. Director Masters then asked Ms. Martin about the District's \$600,000 surplus funds. Ms. Martin stated that the funds were either in the District's TexPool account or in one of the District's other bank accounts drawing interest. Ms. Martin added that some of the budget surplus was the result of Hatch Lift Station project being deferred to the 2024 budget. Mr. Konopka then recommended that the Board approve the Audit Report, subject to a 5-day review period to allow for Directors and consultants to review the Audit Report.

Motion: Approve the Audit Report subject to a five-day review period and

authorize filing of the Audit Report with the TCEQ and other agencies

as required.

Motion by: Second by:

Director Flores Director Avila

Ayes:

Director Masters
Director Avila
Director Fabre
Director Flores
Director Jones

Agenda Item No. 3: Engineer's Report, including:

- (a) status of Sun Chase Park playscape (Cunningham Recreation);
- (b) status of Hatch Lift Station project (Liberty Civil Construction, LLC);
- (c) status of District facilities;
- (d) update on Estimate of Replacement Value for District insurance;
- (e) status of Lead and Copper Rule Revisions project;
- (f) status of District's Stormwater Management Plan and Phase II MS4 Annual Report;
- (g) status of removal/replacement of monument sign on El Salido Parkway;
- (h) update on Sun Chase trickle channel flow;
- (i) update on investigation regarding building lights behind London Lane Pond;
- (j) update on other matters, as needed; and
- (k) Infrastructure Committee report.
- Mr. Valentien next reviewed the Engineer's Report with the Board. He first updated the Board on the status of the Sun Chase Park playscape, stating that he met with a representative of Cunningham Recreation and the District's Parks Committee on the project site to discuss the colors of the playground equipment. He then presented an updated proposal from Cunningham Recreation and discussed some modifications to the playscape layout and components, including a change to a split rail fence. Mr. Valentien then stated that the updated proposal meets ASTM 2049 standards and is a less expensive option compared to the originally scoped fence. He then requested the Board's approval to move forward with the project.
- Director Jones questioned whether any trees would be cut down and Director Flores responded that no trees would be cut down. A discussion then ensued regarding the differences between the previous Sun Chase Park playscape design and the current playscape design. Director Masters commented that an abundance of care went into selecting the playscape design with the community in mind. Director Jones then asked if there would be tire swings installed and Director Masters stated that swings within the space confines of the park would pose safety concerns.

Motion: Approve the updated proposal from Cunningham Recreation for the

Sun Chase Park playscape in the amount of \$94,988.77.

Motion by: Director Masters
Second by: Director Flores

Ayes: Director Masters

Director Flores Director Fabre Director Avila

Nos: Director Jones

 Mr. Valentien next updated the Board on status of the Hatch Lift Station project. He reported that during Inframark's investigation of the lift station on 6 January 2024, it was discovered that the dry well blower and Pump No. 2 were not functioning. Mr. Valentien noted that Liberty Civil Construction, LLC ("Liberty Civil") reported that the equipment had been delayed but that Liberty Civil expected to have repairs completed by the end of March 2024. He further stated that he would request that Liberty Civil provide an updated schedule with documentation from the vendors to ensure that the delays were appropriate. Director Flores then asked if all of the equipment was functional and whether having water in the dry well would blow out the electronics. Mr. Valentien explained that not all of the equipment was functional and that only one pump was operational. He then noted that Inframark was working with Alterman, Inc. to investigate the issues. Ms. Scales then reported that there has only been one pump operational since 7 February 2024. Director Fabre recalled that the District had purchased a spare pump for the Hatch Lift Station in 2021 and Ms. Scales reported that she was not aware of a spare pump. Mr. Valentien then assured the Board that it was only a matter of time before the lift station would be fully operational with new equipment.

- Mr. Valentien next reported that a water main leak was discovered on a main line on Dagama Court that caused a water outage for roughly 12 properties. He noted that emergency repairs were completed by Inframark and the water service was restored to all 12 properties. Director Flores then requested an update on the status of repaving the road and Ms. Scales reported that the repairs had been rescheduled due to material delays.
- Mr. Valentien next updated the Board on the status of the Estimate of Replacement Value ("ERV") for the District's insurance. He presented a markup of his suggested edits to the ERV for the Board's review. Director Fabre then requested that this item be deferred to the next Board of Directors meeting.
- Mr. Valentien then updated the Board on the status of the Lead and Copper Rule Revisions ("LCRR") project. He stated that Westwood was still in the process of reviewing the files and records provided by Gray Engineering, Inc. for the efforts extended on the LCRR project thus far and that he expects to have more information at the next Board of Directors meeting.
- Mr. Valentien then deferred to Ms. Scales for an update on the status of the District's Stormwater Management Plan and Phase II MS4 Annual Report. Ms. Scales reported that the District was in a limbo period until the August 2024 MS4 Permit comes out. She further reported that the District had received a draft Order from the TCEQ but had not received the Agreed Order to finalize the new permit. Director Fabre then asked what the consequences were for a district operating without a permit. Ms. Scales stated that the District was operating with a pending permit and that she had not received a single notice from the TCEQ stating the District was out of compliance with the MS4 Permit requirements.
- Mr. Valentien then reported on the status of the monument sign on El Salido Parkway. He presented an exhibit of two options for the relocation of the monument sign. Director Fabre stated that she liked the options presented but requested that this item be deferred until the budget has been reviewed.

- Mr. Valentien next reported that he had no new updates regarding the Sun Chase trickle channel flow. He stated that he hopes to discuss this matter with Jacob Worth, Assistant City Manager, and provide an update at the next Board of Directors meeting.
- Director Fabre then recalled that the City had agreed to review the site plans for the building lights behind London Lane Pond and she stated that Mr. Valentien did not need to look into this matter further.
- The Board then continued its discussion regarding the proposed annexation of Anderson Mill Road by the City. Mr. Valentien requested the Board's authorization to conduct a right-of-way walkthrough of the proposed areas to be annexed by the City and document the existing conditions in an amount not to exceed \$5,000. He stated that the \$5,000 estimate would include one day of walking and surveying the area and one day in the office to summarize his findings. Director Fabre noted that the Board would like to preserve the District's walls and landscaping.

Motion: Authorize Westwood to conduct a right-of-way walkthrough of

Anderson Mill Road in an amount not to exceed \$5,000.

Motion by: Director Flores Second by: Director Avila

Ayes: Director Masters

Director Flores Director Fabre Director Avila Director Jones

Agenda Item No. 5: General Manager / Operator's Report, including:

- (a) report on operation of the District's facilities;
- (b) discuss and authorize any repairs, maintenance items, or other work deemed necessary;
- (c) status of insurance claims filed on behalf of the District;
- (d) adopt Amended Rate Order; and
- (e) update on contract negotiations with Inframark, LLC.
- Next, Ms. Scales reviewed the General Manager/Operator's report with the Board and updated the Board on ongoing and future park projects in the District. She recalled that the Board previously requested for an updated proposal from CertaPro Painters ("CertaPro") to include the cost to repair the foot bridge at Anderson Mill West Pond and to exclude the cost to paint and stain the foot bridge. Ms. Scales then presented the updated proposal from CertaPro in the amount of \$2,978.00. Director Flores then expressed his concerns regarding a statement on the proposal regarding rotten or damaged wood.

• Motion: Approve the proposal from CertaPro in the amount of \$2,978.00

pending further investigation of possible rotten or damaged wood by Director Flores and upon receiving Mr. Valentien's opinion regarding

same.

Motion by: Second by: **Director Masters Director Flores**

Ayes:

Director Masters
Director Flores
Director Fabre
Director Avila
Director Jones

- Ms. Scales then noted that the District's water accountability for January 2024 was 80%. She reported regarding a potential seal leak on a manhole in the District. Ms. Scales stated that the City believes that the source of the water leak is groundwater. Ms. Scales further reported that Inframark inspected the District's inlets and manhole covers on 16 February 2024. She reported that the day Inframark inspected the inlets on Woodridge Lane, Lakeline Oaks Drive, and Shannon Meadow Trail, that the conditions were reported as dry, including the trickle channel into Little Elm Pond. Director Flores then requested photographs of the leak and stated that he took a photograph on the day of the previous Board of Directors meeting that showed water flowing. Ms. Scales said that Inframark would need to investigate this further to confirm if it was a broken seal on a manhole cover.
- Ms. Scales then updated the Board on the mulch replenishment at all of the District's parks, noting that the mulch replenishment was scheduled for 18 March 2024 pending any rain delays.
- Ms. Scales next discussed the storage costs for the endpoints that were previously purchased from Badger Meter, Inc. ("Badger"). She stated that Badger is willing to discount the District's fees for storing the endpoints if the Board is willing to enter into a service agreement with Badger. Ms. Scales also noted that Badger would discount the District's previous invoices from \$3.00 per endpoint to \$1.00 per endpoint. Director Fabre then asked how many endpoints had been installed and Ms. Scales reported that ten test meters had been installed so far. Director Flores then asked Mr. Konopka if the Board had to pay Badger since the District does not have a current agreement with Badger. Mr. Konopka then stated that he would review the District's Purchase Agreement with Badger. Director Fabre then requested that Inframark provide a written plan for the installation of the remaining endpoints for the Board's review at the next Board of Directors meeting.
- Ms. Scales next reported that the fence at the tennis courts at Anderson Mill West Park had been repaired.
- Next, Ms. Scales reported that a streetlight survey was conducted on 11 January 2024. She noted that there was one outage reported and that Inframark was coordinating the repairs to the streetlight. Director Fabre then requested that future outage updates contain

the location of the outage and the completion date for the repairs. The Board then discussed the request to install a streetlight at The Enclave on El Salido Parkway. Director Fabre stated that she and Director Flores visited the proposed location of the streetlight and observed exposed wiring that seemed to be from a previously installed streetlight. Director Fabre noted that the exposed wiring could pose a safety hazard and she requested that the wiring be covered. She also noted that the proposed location of the streetlight is approximately 170 feet away from driveway at The Enclave and would not provide adequate lighting for The Enclave. Director Fabre then stated that she would contact The Enclave to discuss an alternative location for the streetlight.

- Ms. Scales next gave an update on the claims filed with the Federal Emergency
 Management Agency. She reported that Inframark completed its portion of the forms for
 the project/disaster filing and she requested that the District's Bookkeeper fill out a Form
 W-9 and Direct Deposit information to also be submitted.
- Ms. Scales then updated the Board on the District's insurance claim for the Hatch Lift Station project. She stated that the required documentation had been submitted to the Texas Municipal League, that an adjuster had been assigned to the claim, and that the claim was currently under review.
- Ms. Scales then updated the Board on the status of the contract negotiations between the District and Inframark. She reported that Inframark was in the process of doing a cost model call and preparing an itemized list for the items that Inframark considers negotiable, non-negotiable, and shared responsibilities. Ms. Scales then stated that she plans to present the list for the Board's review at the next Board of Directors meeting.
- Ms. Scales then presented a proposal from ParkPro Tek for the Volente Hills Play Panel Replacement in the amount of \$2,494.10. Director Masters then asked if this item could be included in the list of Priority 1 or Priority 2 repairs for the District's parks and she requested an update from Ms. Scales on the status of the list. Ms. Scales stated that she had not completed the list because she was prioritizing the contract negotiations between the District and Inframark. The Board then requested that Ms. Scales prioritize the list of Priority 1 and Priority 2 repairs in order to have the list completed by the next Board of Directors meeting. The Board deferred action on the proposal from ParkPro Tek for the Volente Hills Play Panel Replacement.
- Director Fabre then noted that the Non-Enforcement of Deed Restrictions Decisions had not been posted on the District's website as previously requested by the Board. Ms. Scales stated that she would send the document for posting on the District's website.

Agenda Item No. 8: New business, including:

(b) discuss hazardous waste pickup.

 Next, Ms. Scales presented information regarding Waste Management's At Your Door Special Collection Program. She noted that the information included instructions on how to dispose of hazardous or hard-to-recycle items. Ms. Scales stated that she is still investigating the cost of the program, but that she believes the cost comes out to approximately \$1.40 per residence. Director Fabre then stated that she would like to know if Waste Management has a mechanism in their program to track the number of households that use the service. In the meantime, Director Fabre requested that a message be placed on the rolling sign and the District's website regarding the upcoming Williamson County Household Hazardous Waste Cleanup Event scheduled for 16 March 2024.

Director Fabre then presented a proposal from Jacks Stone Masonry & Repairs ("Jacks Stone") for wall repairs in the amount of \$850.00 for a wall behind a property on Grist Lane.
 She stated that the resident reported that the damage to the wall was caused from the Williamson County tree trimming after last year's ice storm. A discussion then ensued regarding replacement stones for the wall.

Motion: (1) Approve the proposal from Jacks Stone in an amount not to

exceed \$1,200.00 to purchase replacement stones and repair the wall on Anderson Mill Road, subject to Mr. Valentien's inspection of the wall; and (2) authorize the District's Bookkeeper to release a deposit to Jacks Stone in the amount of \$400.00 to purchase materials for the

repairs.

Motion by: Director Fabre Second by: Director Flores

Ayes: Director Masters

Director Avila Director Fabre Director Flores Director Jones

- Director Fabre then asked whether Ms. Scales had received any proposals for audio visual repairs and what equipment was being utilized by other Districts. Ms. Scales reported that Touchstone District Services was currently working on a proposal for the audio visual repairs.
- Director Fabre then reported that the District's Audit Report reflected that the Williamson County Precinct 2 Constable's Office ("Precinct 2") deputies worked twice as many hours as what was approved in the District's budget. She noted that the budgeted amount was \$40,500 and that the District was currently over-budget by \$42,000. Ms. Scales then noted that the total hours listed in the Audit Report could include the roving patrol hours. Director Fabre then requested that Ms. Scales calculate the total number of hours that the Precinct 2 deputies can work to stay within the District's \$40,500 budget. Director Jones then noted that burglary and assault incidents had doubled within the District. Director Fabre then requested that Director Jones provide additional information regarding these incidents for the Board's consideration.

 Director Fabre then inquired regarding revisions to the District's Rate Order. Ms. Scales stated that she would review the Rate Order and provide Coats Rose with language to be included in the Rate Order, if necessary.

Agenda Item No. 6: Committee Assignments and Reports, including:

- (a) Parks Committee, including review and approve proposals as needed;
- (b) Deed Restriction Committee, including status of deed violation complaints; and
- (c) Information Management Committee.
- Next, Director Masters stated that updates from the Deed Restriction Committee would be addressed at the next Board of Directors meeting.
- Director Fabre then requested that the Information Management Committee review the District's website and coordinate updates as needed.

Agenda Item No. 7: Old business, including authorize execution of vehicle contract with the Williamson County Precinct 2 Constable's Office.

- Mr. Konopka then recalled that a Standard Agreement with Local Governmental Entity Regarding Off-Duty Contracting of County Constable Deputies (the "Agreement") between the District and Precinct 2 was presented at the 17 January 2024 Board of Directors meeting. He stated that the Agreement reflected an increase in deputies' vehicle usage rates to \$13.00 per hour, per vehicle. The Board then considered ratifying approval of the Agreement.
- Motion: Ratify approval of the Agreement with Precinct 2.

Motion by: Director Masters Second by: Director Flores

Ayes: Director Masters

Director Jones
Director Fabre
Director Avila
Director Flores

Agenda Item No. 9: Attorney's Report, including:

- (a) status of eminent domain reporting to the Texas Comptroller (due 1 February 2024); and
- (b) update regarding proposed annexation of Anderson Mill Road by the City of Cedar Park.
 - Next, Mr. Konopka reported that Coats Rose had filed with the Texas Comptroller the
 annual report for the District containing certain information relating to the District's eminent
 domain authority pursuant to Senate Bill 1812 as approved by the 84th Texas Legislature

 Regular Session 2015. He stated that a copy of the eminent domain filing confirmation
 would be distributed to the Board following the meeting.

- Mr. Konopka then noted that the proposed annexation of Anderson Mill Road had been discussed earlier in the meeting and he reminded the Board of the next steps for the annexation process.
- Director Fabre then asked Mr. Konopka who was updating the spreadsheet for the District's Public Information Requests and Mr. Konopka responded that Ms. Nelson was updating the spreadsheet. Mr. Konopka then provided an update on the status of the Public Information Requests received, stating that he was preparing responses to the Texas Attorney General regarding Sarah Teal's complaints. Director Fabre then noted that the District had spent \$717.00 within the last year on Open Records Requests.

Agenda Item No. 10: Convene in executive session.

• The Board convened in executive session at 9:23 p.m.

Agenda Item No. 11: Actions related to matters discussed during executive session.

• The Board reconvened in open session at 10:20 p.m.

Motion: Authorize Director Fabre to work with Westwood to finalize the

Request for Proposal ("RFP") for operating services and to release the

RFP for competitive bidding.

Motion by: Director Avila Second by: Director Masters

Ayes: Director Masters

Director Jones
Director Fabre
Director Avila
Director Flores

Motion: Authorize Coats Rose to work with Todd Burrer to resolve

the unprovided accounting service in lieu of 5 months of the FY24 and

cost of living increase.

Motion by: Director Masters Second by: Director Avila

Ayes: Director Masters

Director Jones Director Fabre Director Avila Director Flores There being no further business to come before the Board, the meeting adjourned.



Secretary, Board of Directors