

MINUTES OF MEETING OF THE BOARD OF DIRECTORS
OF WILLIAMSON-TRAVIS COUNTIES
MUNICIPAL UTILITY DISTRICT #1

August 7, 2020

STATE OF TEXAS

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COUNTIES OF WILLIAMSON AND TRAVIS

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A special meeting of the Board of Directors of Williamson-Travis Counties Municipal Utility District No. 1 was held at 6:00 p.m. on August 7, 2020 by remote access only in accordance with the March 16, 2020 Order by Governor Abbott temporarily suspending certain requirements of the Texas Open Meetings Act to advance the goal of limiting face-to-face meetings to slow the spread of COVID-19. The meeting was open to the public and notice was given as required by the Texas Open Meetings Act and as modified by the Governor's Order.

The meeting was called to order at 6:04 p.m. and roll was called of the members of the Board, to-wit:

Catherine Franke	-	President
Jana Norton-Ramirez	-	Vice President
Chris Rocco	-	Secretary
Art Medrano	-	Assistant Secretary/Treasurer
Luis Zervigon	-	Assistant Secretary/Treasurer

All Directors were present, thus constituting a quorum. Also attending the meeting were Kristi Hester, Makenzi Scales, and Leigh Catlin of Inframark; Bill Flickinger of Willatt & Flickinger; Robert Heath of Bickerstaff, Heath, Delgado, Acosta, LLP; James and Diana Sagnes of Sage Management; Beth Jones of the Anderson Mill West Neighborhood Association; and District residents Megan Dudo, Linda Fabre, David Flores, and Sarah Teale.

Agenda Item 1: Receive Citizens' Communications

- Linda Fabre addressed the Board with a public comment. She said that Dir. Franke had used a public meeting to put forward a nine-minute disparaging comment that indicated retaliation against her and David Flores if they ran for the Board of Directors. She says that Dir. Franke and Dir. Norton Ramirez deleted her NextDoor post about her campaign while Sage Management is interfering with the election while no one on the Board has intervened. Ms. Fabre announced her intention to run for the Board of Directors.

Ms. Fabre addressed the Board regarding Agenda Item 4. She suggested that instead of disconnecting a resident with a high balance and high usage that the MUD should hire a plumber for them and then work out a payment plan. Optionally, a lien could be placed on the property.

Ms. Fabre addressed the Board regarding Agenda Item 7. She said that the sitting members of the Board have incurred hefty legal fees and there is nothing to rein in the spending. She said the cost of the Open Records Request expenses are all legal fees to delay or deny the release of public records.

Ms. Fabre addressed the Board regarding Agenda Item 8, which relates to action she and her husband have taken against the MUD and the Anderson Mill West Neighborhood Association. She says it is important for every resident to know they are seeking a judgment to protect all residents in the District from an overreaching MUD board. Ms. Fabre says that the Board and Anderson Mill West Neighborhood Association have been given many opportunities to do the right thing, but now the court will decide what is right.

- Sarah Teale addressed the Board with a public comment. She discussed Ms. Fabre's lawsuit against the District and hopes that the MUD will publish the text of the case so neighbors can see its contents; it is also published to her Facebook page. Ms. Teale explained the lawsuit to listeners.

Ms. Teale addressed the Board regarding Agenda Item 8. She said that the Neighborhood Association and ACC must be held accountable for their authoritarianism. Neighbors can read their deeds on their own and provide their own enforcement through neighborly goodwill.

Ms. Teale addressed the Board regarding Agenda Item 9. She says that the attachment for the item was changed 45 minutes prior to the meeting and is a violation of the open meetings act. She additionally spoke about the engagement letter directed to Dir. Franke and Beth Jones.

- No action was taken on this item.

Agenda Item 2: Amended Order Calling Directors Election/Orden Enmendada para Convocar una Elección de Directores

- Mr. Flickinger presented the Amended Order Calling Directors Election, which included changes to early voting dates that the Governor approved. Additionally, a position on the ballot can now be accepted via e-mail.
- **Motion: Accept the Amended Order Calling Directors Election as presented by Mr. Flickinger.**

Motion by: Dir. Norton Ramirez
Second by: Dir. Zervigon

Aye: Dir. Franke
Dir. Medrano
Dir. Norton Ramirez
Dir. Rocco
Dir. Zervigon

- Mr. Flickinger reviewed the current list of candidates: Megan Dudo, Linda Fabre, David Flores, and Jana Norton Ramirez.

Agenda Item 3: Contract for Services by Touchstone

- Mr. Flickinger presented an amendment to the Touchstone contract document. The amendment addresses some issues with open records requests submitted directly to contractors.
- **Motion: Approve the amendment to the Touchstone contract for services as present by Mr. Flickinger.**

Motion by: Dir. Zervigon
Second by: Dir. Norton Ramirez

Aye: Dir. Franke
Dir. Medrano
Dir. Norton Ramirez
Dir. Rocco
Dir. Zervigon

- Work to the website is almost complete, and a new link to the website will be submitted to the Committee on Monday.

Agenda Item 4: Amended Temporary Emergency Order Delegating Authority to the Board President to Approve Certain Actions Needed to Continue Functioning of the District During COVID-19 Virus Crisis Including Authorization for the Board Vice President to Act if the Board President is Unavailable or Unable to Act and Authorization for the Board Secretary to Act if Both the Board President and Vice President Are Unavailable or Unable to Act.

- Mr. Flickinger outlined the redline changes to Section 3 only of the Temporary Emergency Order. One household is using a significant amount of water and has not paid their bill; multiple attempts to contact the residents have been made, and it is possible that the residents have a leak.
- Dir. Zervigon noted that the change to this order relates only to one case. Ms. Scales told the Board that the amount of water used had doubled since the pandemic began and is currently more than doubled. Inframark has hung door tags, e-mailed, and called the residents multiple times without success. The resident additionally has not made any payment since December 2019.
- Mr. Flickinger noted that the District does not have the right to enter a home to fix any leaks or hire a plumber; the District also is unable to put a lien on house.
- Ms. Scales said that the residents were given her contact information and asked to contact her multiple times; any tags or information posted on the door had been removed but no contact was ever received.
- **Motion: Accept changes to the Temporary Emergency Order as presented by Mr. Flickinger.**

Motion by: Dir. Zervigon
Second by: Dir. Medrano

Aye: Dir. Franke
Dir. Medrano
Dir. Norton Ramirez
Dir. Rocco
Dir. Zervigon

Agenda Item 5: Moratorium on Disconnections of Water Service for Nonpayment

- Dir. Franke said that the moratorium would still be in place, but an adjustment to the special powers was made in order to properly handle this unique situation.
- Dir. Norton Ramirez wants residents to be kept apprised of past-due balances but disconnects will not begin again.
- No action was taken on this item.

Agenda Item 6: Rate Order

- Mr. Flickinger discussed changes to the District rate order. Currently, when service is disconnected, an additional security deposit of \$150 is added to the deposit to a maximum of \$600. In the new rate order, security deposits are altered for renters and multi-family properties. The current new deposit policy and amounts is relatively aggressive but is one way to protect district from loss of revenue.

- Dir. Franke wants changes to the rate order to be added to the agenda for next month's meeting when a final rate order is adopted. She wants to make sure the rest of the Board can review the details. She noted that the deposit will remain low if bill is paid monthly.
- No action was taken on this item.

Agenda Item 7: Pending Open Records Requests

- Dir. Franke announced that the Board of Directors will go into closed session for consultation with the District's attorney pursuant to Section 551.071 of the Texas Government Code regarding matters related to Agenda Item 7, Agenda Item 8, and Agenda Item 9. The Board went into closed session at 6:46 p.m.
- No action was taken on this item.

Agenda Item 8: Cause No. D-1-GN-20-003773; Linda Fabre and Matthew Fabre v. Williamson-Travis Counties Municipal Utility District No. 1 and Anderson Mill West Neighborhood Association, Inc.; In the District Court of Travis County, Texas; 53rd Judicial District; Original Petition & Request for Disclosure

- No action was taken on this item.

Agenda Item 9: Engagement of McGinnis Lochridge as Special Counsel for Litigation

- At 7:57 p.m., Dir. Franke announced that the Board of Directors has concluded its closed session and is returning to open meeting, and that no action was taken during the closed session.
- Two engagement letters were submitted by the McGinnis Lochridge: one for engagement to represent the District only and the other for dual representation of the District and the Anderson Mill West Neighborhood Association in connection with the lawsuit filed against the two parties.
- **Motion: Adopt the engagement letter providing for dual representation of the District and the Anderson Mill West Neighborhood Association.**

Motion by: Dir. Zervigon
Second by: Dir. Medrano

Aye: Dir. Franke
Dir. Medrano
Dir. Norton Ramirez
Dir. Rocco
Dir. Zervigon

Dir. Zervigon pointed out that under the provisions of the joint engagement agreement, if there appears to be a conflict between the two parties, the attorney has the authority to represent only the District and the AMWNA agrees to abide by those provisions.

Agenda Item 10: Adjournment

- **Motion: Adjournment of meeting at 8:00 p.m.**

Motion by: Dir. Rocco
Second by: Dir. Medrano

Aye: Dir. Franke
Dir. Medrano

Dir. Norton Ramirez
Dir. Rocco
Dir. Zervigon

 09/17/20
Board of Directors

Date