

**MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 94**  
**Minutes of Meeting of Board of Directors**  
**February 4, 2025**

The Board of Directors (the "Board") of Montgomery County Municipal Utility District No. 94 (the "District") met in regular session, open to the public on February 4, 2025, in accordance with the duly posted notice of meeting, and the roll was called of the duly constituted members of said Board, as follows:

Jerry Rueschhoff, President  
Roger Olsen, Vice President  
Ray Waymel, Secretary  
Michael Pachulio, Assistant Secretary  
JT Dibble, Assistant Secretary

all of whom were present at the meeting, thus constituting a quorum.

Also attending the meeting were Creston Minter and Cody Wright of H2O Innovation Operation and Maintenance, LLC ("H2O"); Jorge Diaz of McLennan & Associates, LP ("McLennan"); Barbara Nussa of Republic Services, Inc. ("Republic"); Monica Saucedo of Assessments of the Southwest, Inc. ("ASW"); Marie Newsom of Storm Water Solutions LP ("SWS"); Danae Dehoyos of Touchstone District Services, LLC ("Touchstone"); Sergeant Ronny Glaze of the Montgomery County Constable's Office ("MCCO"); Jeffrey Bishop of Quiddity Engineering, LLC ("Quiddity"); and Spencer Creed and Kris Eddlemon of Schwartz, Page & Harding, L.L.P. ("SPH").

The President called the meeting to order and declared it open for such business as might regularly come before the Board.

**PUBLIC COMMENTS**

There were no comments from the public at this time.

**MINUTES OF MEETING(S)**

The Board next considered approval of the minutes of the Board meeting held January 7, 2025. After discussion, it was moved by Director Olsen that the minutes of the Board meeting held on January 7, 2025, be approved, as written. Director Rueschhoff seconded the motion, which unanimously carried.

**REPORT FROM THE MONTGOMERY COUNTY CONSTABLE'S OFFICE REGARDING SECURITY**

Sergeant Glaze next presented and reviewed a security report provided by the MCCO's office for the month of January 2025, a copy of which report is attached hereto as **Exhibit A**. He

stated that he will follow up with regard to the status of credits to the District for the two (2) prior patrol vehicles and will report back to the Board at the March meeting.

Sergeant Glaze exited the meeting at this time.

### **BOOKKEEPER'S REPORT**

Mr. Diaz next presented and reviewed a written Bookkeeper's Report dated February 4, 2025, including the District's Investment Report for the month of January 2025, copies of which are attached hereto as **Exhibit B**. Following discussion, it was moved by Director Olsen that the Board (i) approve the Bookkeeper's Report and Investment Report, and (ii) authorize the District's Investment Officer to execute the Investment Report on behalf of the Board and the District. Director Waymel seconded the motion, which carried unanimously.

Mr. Diaz next presented for the Board's review a draft Operating Budget for the District's fiscal year ending March 31, 2026, a copy of which is attached to the Bookkeeper's Report. He requested that the Board and consultants review the budget prior to the March meeting. No action was taken by the Board at this time.

A discussion ensued regarding scheduling of a budget and bookkeeping workshop during the last week of February as part of the District's Professional Development Program. Director Olsen advised that he would coordinate scheduling of same with Mr. Diaz following today's meeting.

### **REPUBLIC SERVICES, INC.**

Ms. Nussa addressed the Board on behalf of Republic and presented a verbal report. She advised that the District's contract with Republic expires at the end of May, and that she will provide a proposal at the March meeting for the Board to consider extension of the contract.

Mr. Creed next advised that a resident of the District recently requested recycling services be provided on a weekly basis, as opposed to every two (2) weeks. Ms. Nussa advised she will review the level of participation in recycling services in the District and, based on that, include an option in the proposal for Republic to provide recycling services on a weekly basis.

A discussion ensued regarding the provision of an additional cart for District customers through Republic. In that regard, Ms. Nussa advised that customers have the option to obtain an additional cart from Republic at their own cost. The Board requested that information related to this option be included on the District's website.

### **STORMWATER MANAGEMENT PROGRAM AND DRAINAGE FACILITIES REPORT**

Ms. Newsom then presented and reviewed a Drainage Facilities Report provided by SWS, a copy of which is attached hereto as **Exhibit C**. She reminded the Board that a void is forming around the inlet as depicted on page seven (7) of the report, and advised that SWS has provided a proposal in the amount of \$3,920 to repair the void, a copy of which is included with **Exhibit C**.

Following discussion, Director Rueschhoff moved that the Board approve the proposal provided by SWS, and that SPH be authorized to accept and acknowledge the associated Texas Ethics Commission 1295 Form. Director Olsen seconded the motion, which unanimously carried.

The Board next considered the status of the District's Stormwater Management Program ("SWMP"). In that regard, Ms. Newsom presented to and reviewed with the Board the Year 6 Annual Report and Training Summary (the "Summary"), the Phase II (Small) MS4 Annual Report (the "Annual Report"), and a proposed utility bill insert. Copies of the Summary, Annual Report, and utility bill insert are attached hereto as **Exhibit D**. After discussion, Director Olsen moved that the Annual Report (including the utility bill insert) be approved as presented, and that the President be authorized to execute the Annual Report on behalf of the Board and the District. Director Waymel seconded said motion, which carried unanimously.

Director Olsen proposed that the Board consider authorizing SWS to coordinate with Director Dibble on matters pertaining to stormwater and environmental health and safety concerns for the District. Following discussion, Director Olsen moved that Director Dibble be designated as the District's representative to coordinate such matters with SWS. Director Rueschhoff seconded the motion, which unanimously carried.

#### **TAX ASSESSOR/COLLECTOR'S REPORT**

Ms. Saucedo then presented and reviewed the Tax Assessor/Collector's Report for the month of January 2025, including a delinquent account listing as of January 30, 2025, copies of which are attached hereto as **Exhibit E**. After discussion, it was moved by Director Olsen that the Tax Assessor/Collector's Report be approved and the disbursements identified therein be approved for payment. Director Rueschhoff seconded the motion, which carried unanimously.

#### **DELINQUENT TAX REPORT**

Mr. Creed reminded the Board that the District's delinquent tax attorneys, Perdue, Brandon, Fielder, Collins & Mott, L.L.P., provide written reports on a quarterly basis, and advised that no report was received for today's meeting.

#### **RESOLUTION CONCERNING DEVELOPED DISTRICT STATUS FOR 2025 TAX YEAR**

The Board deferred adoption of a Resolution Concerning Developed District Status for 2025 Tax Year until the March meeting.

#### **OPERATIONS REPORT**

The Board next considered the Operations Report. Mr. Minter presented a written report prepared by H2O, a copy of which is attached hereto as **Exhibit F**, and reviewed same with the Board. He advised that the lift station pump repair has been completed, and that the letter prepared by SPH regarding the potential unauthorized connection to the District's drainage system has been

delivered to the resident. Mr. Minter advised that he would notify the Board if a response was not received from the resident within one week.

### **CONSUMER CONFIDENCE REPORT**

The Board next considered authorizing H2O to provide required information to districts receiving water through an emergency interconnect relative to Consumer Confidence Reports ("CCR"). Mr. Creed advised the Board that pursuant to CCR requirements promulgated by the United States Environmental Protection Agency, the District is required to provide a report containing various information regarding the District's water supply to any other water supplier which has received water from the District. After discussion on the matter, Director Rueschhoff moved that the Board authorize H2O to provide the required information as set forth hereinabove, and to prepare a draft CCR for review by the Board. Director Olsen seconded said motion, which carried unanimously.

Mr. Diaz and Ms. Saucedo exited the meeting at this time.

### **ENGINEER'S REPORT**

Mr. Bishop next presented to the Board a written Engineer's Report, dated January 29, 2025, a copy of which report is attached hereto as **Exhibit G**, relative to the status of various projects within the District. He stated that on January 13, 2025, Quiddity attended a site visit at Harris County Water Control and Improvement District No. 92's ("No. 92") wastewater treatment plant, and advised that Quiddity is in the process of reviewing the District's capacities in the District's joint wastewater treatment plants with No. 92 and Montgomery County Municipal Utility District No. 119 ("No. 119"). Mr. Bishop noted that Quiddity will present its recommendations to the Board about any potential adjustments to those capacity allocations once its review had been completed.

Ms. Nussa exited the meeting at this time.

Mr. Bishop next advised that No. 92 is planning to start receiving surface water from the North Harris County Regional Water Authority in 2027 or 2028, and that it will need to convert from chlorine disinfection treatment to chloramine disinfection at that time. He further advised that Quiddity plans to discuss the implications of this change at a future meeting.

### **STATUS OF CONSTRUCTION OF NEW CONCRETE WASTEWATER TREATMENT PLANT**

Mr. Bishop next addressed the Board and provided an update concerning the status of construction of the new concrete wastewater treatment plant by No. 119 on behalf of itself and the District. No action was taken by the Board at this time.

**RESOLUTION ADOPTING PREVAILING WAGE RATE SCALE FOR CONSTRUCTION PROJECTS**

Mr. Creed next presented to the Board for review and approval a Resolution Adopting Prevailing Wage Rate Scale for Construction Projects (the "Resolution"), attached hereto as **Exhibit H**. He informed the Board that the District previously adopted the Department of Labor's applicable wage rates for the Montgomery County area, which have recently been updated. After discussion and consideration of the proposed Resolution, Director Olsen moved that the Board adopt the Resolution with Exhibit "A" to same reflecting the updated wage rates published by the Department of Labor for the Montgomery County area and that the President and Secretary be authorized to execute same on behalf of the Board and the District. Director Rueschhoff seconded said motion, which unanimously carried.

**EMERGENCY WATER SUPPLY CONTRACT WITH NO. 119**

The Board next considered the status of billing and No. 119's payment for recent water usage pursuant to the Emergency Water Supply Contract between the District and No. 119. A lengthy discussion ensued concerning alternative methodologies for estimating the amount of water that was provided and billing for same. Following discussion, the Board deferred taking action pending receipt of additional information from No. 119's operator and further discussion among the district's consultants.

**SPRING TRAILS COMMUNITY ASSOCIATION (THE "ASSOCIATION") CONSTRUCTION PROJECTS WITHIN DISTRICT PROPERTY; ASSOCIATION AND/OR RESIDENT COMMUNICATIONS**

The Board next considered the approval and/or status of any Association related construction or maintenance projects within District property and resident communications concerning maintenance. Mr. Creed advised that SPH has prepared a draft Master Stand-By Services Agreement (Tree Maintenance) between the District and Trees By Frank, LLC ("TBF") for review and consideration by the Board. He discussed the terms of the proposed agreement with the Board. Following discussion, Director Olsen advised that he would provide a copy of the draft agreement to TBF for review and comment. No action was taken by the Board at this time.

The Board next discussed the current condition of the bird watching sanctuary project within the District that has not been properly maintained. Following discussion, Director Rueschhoff advised he will discuss removal of same with the Association.

Mr. Creed next discussed the upcoming Spring Trails fun run event scheduled to be held within the District on Saturday, March 8, 2025, and a proposed Access and Indemnification Agreement between the District and the Association. He noted that this matter will be further discussed in executive session.

## **TOUCHSTONE DISTRICT SERVICES**

The Board next discussed the status of the District's website. In that regard, Ms. Dehoyos presented and reviewed a Communications Meeting Report prepared by Touchstone, a copy of which is attached hereto as **Exhibit I**. No action was taken by the Board at this time.

## **WORKSHOPS AND/OR PROFESSIONAL DEVELOPMENT PROGRAM**

A discussion ensued regarding the District's Professional Development Program workshops. Director Olsen discussed a proposed schedule of workshops and advised that he will keep the Board updated with regard to scheduling the budget and bookkeeping workshop later this month. No action was taken by the Board at this time.

Ms. Newsom and Ms. Dehoyos exited the meeting at this time.

## **RENEWAL OF DISTRICT INSURANCE POLICIES**

The Board considered renewal of the District's insurance coverages. Mr. Creed advised the Board that, as requested at the previous meeting, SPH requested a renewal proposal from McDonald & Wessendorff ("McDonald"), a copy of which is attached hereto as **Exhibit J**. He advised the Board that the District's current insurance policies are due to expire on March 31, 2025. The Board requested that the policy be updated to include the Wedlake trailer under the District's automobile liability coverage. The Board deferred taking action pending receipt of the revised proposal from McDonald to address same.

## **ATTORNEY'S REPORT**

The Board next considered the attorney's report. In that regard, Mr. Creed advised that the dial-in number for observation of future Board meetings will be changing soon and that additional details will be provided when available.

## **EXECUTIVE SESSION**

The President announced that the Board was entering into executive session pursuant to Texas Government Code Section 551.171 at 2:57 p.m., concerning items 20(b) and 16(d) on the agenda. At this time all those present, with the exception of the Board and Mr. Creed exited the meeting.

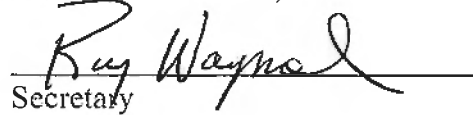
At 3:52 p.m., the President announced that the Board would reconvene in Open Session. No action was taken by the Board at this time. The Board noted that it will require the Association to execute an Access and Indemnity Agreement, in connection with the Association's use of the District's property for its Fun Run Event, in the same form as was used in 2023. Mr. Creed noted that he will provide the form to the Fun Run Event coordinator for processing.

## **FUTURE AGENDA ITEMS**

The Board next considered additional items for placement on future agendas. No specific agenda items, other than routine and ongoing matters, were requested.

## **ADJOURN**

There being no further business to come before the Board, Director Waymel moved that the meeting be adjourned. Director Pachulo seconded said motion, which unanimously carried.

  
Secretary  
Board of Directors

## **LIST OF NON-RECURRING ACTION ITEMS FOR NEXT MEETING**

1. Review draft budget – Board and consultants
2. Schedule budget and bookkeeping workshop as part of the Professional Development Program – Director Olsen, Mr. Diaz, and SPH
3. Provide Trees By Frank with copy of proposed agreement – Director Olsen
4. Obtain revised insurance proposal – SPH
5. Discuss removal of bird watching sanctuary with the Association – Director Rueschhoff
6. Provide proposal to extend contract with Republic and provide recycling options – Barbara Nussa

## LIST OF EXHIBITS

EXHIBIT A	Security Report
EXHIBIT B	Bookkeeper's Report
EXHIBIT C	Drainage Facilities Report
EXHIBIT D	Year 6 Annual Report and Training Summary, Phase II (Small) MS4 Annual Report, and proposed utility bill insert
EXHIBIT E	Tax Assessor/Collector's Report
EXHIBIT F	Operations Report
EXHIBIT G	Engineer's Report
EXHIBIT H	Resolution Adopting Prevailing Wage Rate Scale for Construction Projects
EXHIBIT I	Communications Meeting Report
EXHIBIT J	Proposal from McDonald & Wessendorff