

**MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 94**  
**Minutes of Meeting of Board of Directors**  
**April 1, 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 April 1, 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 and Erik Scott of Storm Water Solutions L.P. ("SWS"); Danae Dehoyos of Touchstone District Services, LLC ("Touchstone"); Sergeant Joshua Orr of the Montgomery County Constable's Office ("MCCO"); Jeffrey Bishop and Grady Turner 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 meetings held March 4, 2025, and March 26, 2025. After discussion, it was moved by Director Rueschhoff that the minutes of the Board meetings held on March 4, 2025, and March 26, 2025, be approved, as written. Director Pachulio seconded the motion, which unanimously carried.

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

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

that the cost to replace the laptop computers used by officers in their vehicles is approximately \$10,634, and that he will provide the actual cost at the May meeting. He then provided the Board with an update concerning the status of installation of new video equipment for deputies and payment to the District from the auction proceeds of the prior equipment, and advised that the prior equipment has not yet been auctioned.

A discussion ensued regarding the status of payment for the auctioned District patrol vehicle. In that regard, Sergeant Orr advised that he has requested that payment be sent to the District for the vehicle.

Sergeant Orr exited the meeting at this time.

### **BOOKKEEPER'S REPORT**

Mr. Diaz next presented and reviewed a written Bookkeeper's Report dated April 1, 2025, including the District's Investment Report for the month of February 2025, copies of which are attached hereto as **Exhibit B**. Following discussion, it was moved by Director Rueschhoff 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 Olsen seconded the motion, which carried unanimously.

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

Ms. Nussa addressed the Board on behalf of Republic and presented a verbal report. She reminded the Board that the District's document shred event is scheduled to be held on Saturday, April 19, 2025. The Board deferred approval of an amendment to the District's contract with Republic for an extended term until the May meeting.

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

Ms. Newsom introduced Mr. Scott to the Board and advised that he will be the District's representative on behalf of SWS going forward. She then presented and reviewed a Drainage Facilities Report provided by SWS, a copy of which is attached hereto as **Exhibit C**.

Ms. Newsom addressed the Board with regard to the status of communications with residents regarding potential unauthorized connections and/or damage to the District's drainage system. A discussion ensued regarding the unauthorized connection at 28326 Madeline Manor Lane depicted on page 12 of the report. Mr. Minter advised that the resident at this address has moved the drain back inside of their fence.

A discussion ensued regarding the unauthorized connection at 28322 Madeline Manor Lane depicted on page 12 of the report. Ms. Newsom advised that drainage from the yard at this address is causing erosion within the District's drainage system. Mr. Minter advised that H2O will instruct the resident to make any necessary repairs and to move the drain back inside of their fence.

The Board next considered ratification of its prior approval of a revised Maintenance Budget prepared by SWS related to an increase in fees and costs for maintenance work. Following discussion, Director Olsen moved that the Board's prior approval of the revised Maintenance Budget be ratified and approved in all respects. 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 March 2025, including a delinquent account listing as of March 27, 2025, copies of which are attached hereto as **Exhibit D**. After discussion, it was moved by Director Rueschhoff that the Tax Assessor/Collector's Report be approved and the disbursements identified therein be approved for payment. Director Waymel seconded the motion, which carried unanimously.

### **AMENDMENT TO AGREEMENT FOR SERVICES OF TAX ASSESSOR/COLLECTOR**

The Board deferred approval of an amendment to Agreement for Services of Tax Assessor/Collector until the May meeting.

### **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 AUTHORIZING ADDITIONAL PENALTY ON DELINQUENT REAL PROPERTY TAXES**

The Board considered the adoption of a Resolution Authorizing an Additional Penalty on Delinquent Real Property Taxes. Mr. Creed advised that the Board is authorized, pursuant to Section 33.07 of the Texas Tax Code, as amended, to impose, under certain conditions on July 1, an additional penalty not to exceed twenty percent (20%) of the total taxes, penalty and interest due the District on taxes that remain delinquent as of July 1 of the year in which they become delinquent. After discussion, it was moved by Director Rueschhoff, seconded by Director Olsen and unanimously carried, that the Resolution Authorizing an Additional Penalty on Delinquent Real Property Taxes, attached hereto as **Exhibit E**, be adopted by the Board.

### **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. A discussion ensued regarding the fallen trees along the drainage channel on property owned by Montgomery County. Mr. Minter advised that Montgomery County indicated that it will inspect the area but will only remove the trees if deemed necessary by the County.

The Board next considered authorizing H2O to prepare and file a water conservation plan annual implementation report with the Texas Water Development Board ("TWDB"). In that regard, Mr. Minter advised that the District is not required to file this report with the TWDB. No action was taken by the Board.

The Board then considered review of the District's Identity Theft Prevention Program (the "Program"). In connection therewith, Mr. Minter presented H2O's annual report and advised the Board regarding the District's experience with identity theft during the prior year, current identity theft detection methods, the types of accounts maintained by the District and the District's business arrangements with other entities. He recommended that no changes be made to the District's Program. After discussion on the matter, the Board concurred that no changes were necessary to the District's Program at this time. A copy of H2O's annual report is included in **Exhibit F**.

Mr. Minter next advised that Harris County Water Control and Improvement District No. 92 ("No. 92") has requested temporary water supply from the District for approximately 1.5 months during a Water Plant project scheduled to take place in October 2025. Discussions ensued regarding reviewing the current agreement between the District and No. 92, as well as pumpage and permit requirements, for any necessary updates. Following discussion, the Board concurred that SPH be authorized to review the existing agreement between the District and No. 92 for discussion with the Board at a future meeting.

Mr. Diaz exited the meeting at this time.

### **ENGINEER'S REPORT**

Mr. Bishop next presented to the Board a written Engineer's Report, dated March 27, 2025, a copy of which report is attached hereto as **Exhibit G**, relative to the status of various projects within the District. He requested authorization from the Board for Quiddity to inspect the District's lift stations at a cost of approximately \$19,500, and presented and reviewed a proposal for same, a copy of which is attached as part of the Engineer's Report. Following discussion, Director Olsen moved that the Board approve the proposal and authorize the President to execute same on behalf of the Board and the District. Director Dibble seconded the motion, which unanimously carried.

Mr. Bishop next presented a Wastewater Treatment Plant Capacity Review, a copy of which is attached as part of the Engineer's Report. A discussion ensued regarding a proposed re-rate analysis of the Joint Wastewater Treatment Plant ("WWTP") with Montgomery County Municipal Utility District No. 119 ("No. 119"). Following discussion, Director Olsen moved that Quiddity be authorized to approach No. 119 with regard to the preparation of a re-rate analysis of the WWTP, to be prepared at the District's expense. Director Rueschhoff seconded the motion, which unanimously carried.

Ms. Nussa and Ms. Saucedo exited the meeting at this time.

## **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 Montgomery County Municipal Utility District No. 119 ("No. 119") on behalf of itself and the District. No action was taken by the Board at this time.

## **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. In that regard, it was noted that payment to the District by No. 119 is pending.

## **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. A discussion ensued regarding the proposed removal of the bird watching sanctuary area within the District that has not been properly maintained. Director Rueschhoff advised that the Association has indicated they will not remove the materials due to their being located on District property. Director Olsen advised that he will discuss the removal of the materials by a local contractor.

Mr. Creed next advised that the District is in receipt of a proposal from the Association to move forward with the planting of approximately forty-five (45) trees in certain areas of the District, a copy of which is attached hereto as **Exhibit H**. A discussion ensued regarding the proposed locations of the trees and their potential interference with District utilities. Following discussion, Director Rueschhoff moved that Quiddity be authorized to prepare a map depicting areas where the trees can be planted (in the vicinity of the District's facilities as reflected in the proposal), and that a copy of same be provided to the Association by the end of the week. Director Olsen seconded the motion, which unanimously carried. The Board requested that a representative of H2O be onsite when the areas are initially marked for tree planting.

Ms. Newsom exited the meeting at this time.

## **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**. A discussion ensued regarding website traffic. Director Rueschhoff requested that Touchstone provide data from other districts that have a text alert system to see the impact it may have in potentially increasing website traffic for the District.

A discussion ensued regarding notifying District residents about information and communications available on the District's website. Following discussion, the Board concurred that Touchstone be authorized to send information about the website to H2O that can be distributed to residents via text message in April, and that the same information be provided to the Association for its distribution to residents during the month of May.

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

A discussion ensued regarding the District's Professional Development Program workshops. It was noted that the Open Meetings Act workshop was held on March 26, 2025. The Board concurred that a workshop related to a tour of the No. 119 facilities be held on April 30, 2025, at 9:00 a.m. No action was taken by the Board at this time.

Ms. Dehoyos exited the meeting at this time.

### **ATTORNEY'S REPORT**

The Board next considered the attorney's report. In that regard, Mr. Creed presented to and reviewed with the Board a report from Municipal Risk Management Group, LLC ("MRMG") concerning arbitrage and yield restriction regulations relative to the District's outstanding bonds, a copy of which report is attached hereto as **Exhibit J**. He advised that Interim Arbitrage Rebate reports are due for District's Series 2016 Refunding Bonds, Series 2019 Refunding Bonds, and Series 2021 Refunding Bonds, and that a 5<sup>th</sup> Year Arbitrage Rebate Report is due for the District's 2020 Refunding Bonds. Mr. Creed advised that Arbitrage Compliance Specialists, Inc. ("ACS") has requested the Board's approval to proceed with the recommended reports. Following discussion, Director Rueschhoff moved that ACS be authorized to proceed with the reports, as discussed. Director Pachulio seconded the motion, which unanimously carried.

### **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.

Director Rueschhoff advised that he and Director Olsen recently met with representatives of CenterPoint Energy concerning the status of the conversion of street lights being maintained by the District to LED lights. He noted that this project is scheduled to be completed by the end of August 2025.

### **EXECUTIVE SESSION**

The President announced that the Board was entering into executive session pursuant to Texas Government Code Section 551.171 at 2:36 p.m., concerning item 18(c) on the agenda. At this time all those present, with the exception of the Board, Mr. Creed, and Kris Eddlemon exited the meeting.

At 3:33 p.m., the President announced that the Board would reconvene in Open Session. Director Waymel moved that the Board authorize termination of Ted A. Cox, P.C. as special

litigation counsel for the District, and authorize the engagement of Wilson, Cribbs & Goren, P.C. as special litigation counsel for the District in connection with the unauthorized construction of a building on District property by the Association and the pending litigation regarding same. Director Rueschhoff seconded the motion, which unanimously carried.

### **ADJOURN**

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

  
 Secretary  
 Board of Directors

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

<b>TASK</b>	<b>RESPONSIBLE PARTY</b>	<b>DUE DATE</b>
Provide check for auctioned vehicle (previously auctioned) and for replaced security video equipment (to be auctioned)	MCCO	MCCO to provide check for auctioned vehicle by May 6, 2025, and for video equipment approximately June 2025
Provide amendment to contract with Republic	Barbara Nussa	May 6, 2025
Resolution of unauthorized connection/damage to drainage facilities at 28322 Madelin Manor Lane	H2O	May 6, 2025
Review emergency water supply agreement with No. 92 for necessary updates	SPH	June 3, 2025
Discuss removal of bird watching sanctuary with contractor and obtain proposal	Director Olsen	May 6, 2025
Conduct lift station inspections	Quiddity	Report prepared with recommendations and cost estimates by July 2025
Prepare map of areas where trees can be planted by Association in relation to certain District facilities	Quiddity	April 3, 2025

Provide data from districts that have text alert system demonstrating increase in website traffic	Touchstone	May 6, 2025
Notify District residents about the website	H2O/Association	H2O to provide information via text alerts in April; HOA to provide to residents in May
Prepare agenda for special meeting (tour of No. 119 facilities) for April 30, 2025	SPH	Following today's meeting



## **LIST OF EXHIBITS**

EXHIBIT A	Security Report
EXHIBIT B	Bookkeeper's Report
EXHIBIT C	Drainage Facilities Report
EXHIBIT D	Tax Assessor/Collector's Report
EXHIBIT E	Resolution Authorizing an Additional Penalty on Delinquent Real Property Taxes
EXHIBIT F	Operations Report
EXHIBIT G	Engineer's Report
EXHIBIT H	Request from Spring Trails Community Association
EXHIBIT I	Communications Meeting Report
EXHIBIT J	Report from Municipal Risk Management Group, LLC