

MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 94
Minutes of Meeting of Board of Directors
June 4, 2024

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 June 4, 2024, 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
John Kessler, Vice President
Roger Olsen, Secretary
Michael Pachulio, Assistant Secretary
Ray Waymel, Assistant Secretary

all of whom were present at the meeting with the exception of Director Pachulio, thus constituting a quorum.

Also attending the meeting were Jon VanderWilt of Pape-Dawson Consulting Engineers, LLC ("Pape-Dawson"); Creston Minter of H2O Innovation Operation and Maintenance, LLC ("H2O"); Rene Butler of McLennan & Associates, LP ("McLennan"); Barbara Nussa of Republic Services, Inc. ("Republic"); Monica Saucedo of Assessments of the Southwest, Inc. ("ASW"); Michelle Kincer and Travis Benes of Storm Water Solutions LP ("SWS"); Sergeant Joshua Orr of the Montgomery County Constable's Office ("MCCO"); 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 May 7, 2024, May 14, 2024, and May 23, 2024. After discussion, it was moved by Director Olsen that the minutes of the Board meetings held on May 7, 2024, and May 14, 2024 be approved, as written. Director Rueschhoff seconded the motion, which unanimously carried. The Board deferred approval of the minutes of the meeting held on May 23, 2024.

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 May 2024, a copy of which report is attached hereto as **Exhibit A**. He discussed recent activity within the District and related security matters, including the status of purchase of new patrol vehicles to be utilized within the District. In that regard, he reminded the Board that one of the vehicles is in service, and advised that the remaining vehicle is expected to be in service tomorrow.

A discussion ensued regarding the scheduling of a safety course/inspection for golf carts and ATV's in the community in coordination with Montgomery County Municipal Utility District No. 119 ("No. 119"). It was noted that Directors Kessler and Rueschhoff attended No. 119's June meeting, and that No. 119 agreed to hold the event on June 23, 2024, from 1:00 p.m. – 3:00 p.m. at a location within their district. Sergeant Orr advised that representatives of MCCO will be present at the event.

Sergeant Orr exited the meeting at this time.

REPORT BY REPUBLIC SERVICES, INC.

Ms. Nussa next addressed the Board on behalf of Republic and presented a verbal report. She addressed the Board regarding the District's recent document shred event, parking of vehicles in the streets that block access to trash pickup, gate access to the community, and distribution of an updated waste acceptance protocol. No action was taken by the Board at this time.

STORMWATER MANAGEMENT PROGRAM AND DRAINAGE FACILITIES REPORT

Ms. Kincer then presented and reviewed a Drainage Facilities Report provided by SWS, a copy of which is attached hereto as **Exhibit B**. She advised that the pipe gate has been installed at the drainage channel, and that the boulders will be installed as soon as the weather allows.

Director Kessler requested that SWS provide an inventory of the District's facilities as referenced in the District's Stormwater Management Plan. Mr. Benes stated that SWS will provide the Board with a copy of same at the July meeting.

Director Kessler advised that on May 6, 2024, he reported to SWS that the flap gate at the drainage ditch was open, and that it appears it has still not been closed. Mr. Benes advised that he would look into this matter and report back to the Board.

Ms. Kincer next presented and reviewed a proposal in the amount of \$8,865 to remove the rip rap from the box culverts located at Spring Trails Bend and Emilee Point Lane, a copy of which included with **Exhibit B**. Following discussion, Director Waymel moved that the Board approve the proposal, as presented, and that SPH be authorized to accept and acknowledge the associated Texas Ethics Commission ("TEC") 1295 Form. Director Rueschhoff seconded the motion, which unanimously carried. Director Kessler requested that SWS include anticipated start and end dates for repair and maintenance projects on all future proposals.

Ms. Kincer next presented and reviewed a proposal in the amount of \$13,573 to repair the void located at the concrete structure near the outfall channel, a copy of which included with **Exhibit B**. Director Kessler advised that he noticed the void in September 2023, and is concerned that SWS did not identify this in its regular inspections and bring it to the Board's attention sooner. Ms. Kincer stated she will discuss this matter with the mowing/inspection crews. Director Rueschhoff proposed the District receive a discounted price on the cost of this repair project, given that it was not identified sooner. Mr. Benes stated he would look into this request and report back to the Board later in the meeting. The Board deferred further discussion on this proposal until later in the meeting.

PROCEDURES FOR INVESTIGATION AND COMPLETION OF FUTURE STORM SEWER RELATED REPAIRS

The Board next discussed procedures for investigation and completion of future storm sewer related repairs. In that regard, Mr. Creed presented and reviewed a draft Resolution Adopting Policy for Securing and Repairing Sinkholes Associated with District Property and/or Facilities (the "Resolution"). A discussion ensued regarding same. Following discussion, the Board concurred to defer taking action pending receipt of comments to the Resolution from the Board and consultants. The Board requested that an agenda item to consider adoption of the Resolution be included on the next agenda.

FURTHER DISCUSSION OF DRAINAGE REPORT

A discussion re-ensued regarding the proposal provided by SWS in the amount of \$13,573 to repair the void located at the concrete structure near the outfall channel. Mr. Benes advised that SWS can deduct \$1,400 from the proposal, and that this project could likely be completed sometime this month. Following discussion, Director Olsen moved that the Board approve the proposal, in the adjusted amount of \$12,173, and that SPH be authorized to accept and acknowledge the associated TEC 1295 Form. Director Rueschhoff seconded the motion, which unanimously carried.

Mr. Benes exited the meeting at this time.

TAX ASSESSOR/COLLECTOR'S REPORT

Ms. Saucedo then presented and reviewed the Tax Assessor/Collector's Report for the month of May 2024, including a delinquent account listing as of May 30, 2024, copies of which are attached hereto as **Exhibit C**. After discussion, it was moved by Director Kessler 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

In connection with the District's delinquent tax collections, Mr. Creed presented to and reviewed with the Board a Delinquent Tax Report provided by Perdue, Brandon, Fielder, Collins

& Mott, L.L.P. dated June 4, 2024, a copy of which is attached hereto as **Exhibit D**. No action was taken by the Board at this time.

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 E**, and reviewed same with the Board. He reminded the Board that, at the previous meeting, it authorized H2O to coordinate selling of the District's surplus self-contained breathing apparatus ("SCBA") equipment to Harris County Municipal Utility District No. 389 ("No. 389"). He advised that No. 389 has agreed to purchase the SCBA equipment, and that No. 389 will issue a check to the District for same.

Mr. Minter reported with regard to an appeal of District charges received from customer account no. 37992. He noted that this appeal is from the same customer discussed at the May meeting. Mr. Minter advised that the customer has requested an adjustment on their account due to high bills for the months of January and February 2024, and that H2O tested the customer's meter and noted it is functioning properly. After discussion on the matter and consideration of the relevant facts and circumstances, Director Waymel moved that the customer's request be denied. Director Rueschhoff seconded the motion, which unanimously carried.

Ms. Nussa exited the meeting at this time.

Mr. Minter next advised that H2O has obtained proposals to replace the fencing at Lift Station No. 2 and Water Plant Nos. 1-2, copies of which are included with **Exhibit E**. Following discussion, the Board concurred to defer taking action at this time and requested that H2O obtain additional bids for the installation of wooden fences, as opposed to Trex fencing. The Board noted that its order of priority for replacing the fencing was Lift Station No. 2, then Water Plant No. 2, then Lift Station No. 1.

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

Ms. Minter next advised that the four (4) sinkholes discussed at the previous meeting have been repaired by H2O. He noted that two of the areas were not actually sinkholes, but rather depressions where trees had been pulled out.

Mr. Minter next advised that H2O has prepared the Annual Implementation Report regarding the District's Water Conservation Plan, and that a copy of same was filed with the Texas Commission on Environmental Quality ("TCEQ"). He stated that the TCEQ indicated that the District is not required to file this report with the TCEQ based upon its service population size, but that he will look into whether such report is required to be filed based upon San Jacinto River Authority ("SJRA") regulations.

SUBMISSION OF CRITICAL LOAD INFORMATION

Mr. Creed next advised that Section 13.1396 of the Texas Water Code, as amended, requires the District to update its information identifying the location and description of facilities that have qualified for critical load status and its information regarding emergency contacts (a) annually to each electric utility that provides transmission and distribution service to the District and each retail electric provider that sells power to the District and (b) immediately upon any change in the information to the above entities, as well as to the office of emergency management of Montgomery County, the Public Utility Commission of Texas, and the division of emergency management of the governor. Following discussion, Director Kessler moved to authorize Pape-Dawson and/or H2O to make such submissions on behalf of the District, as and if necessary. The motion was seconded by Director Rueschhoff and carried by unanimous vote.

ASSIGNMENT AND AMENDMENT OF AGREEMENT BETWEEN OWNER AND ENGINEER FOR DISTRICT RELATED SERVICES

Mr. Creed next reminded the Board that Pape-Dawson acquired Costello, Inc. ("Costello") last year. He explained to the Board that Costello now operates as Pape-Dawson, and Costello desires to assign its engineering contract with the District to Pape-Dawson with the District's consent. In this regard, Mr. Creed presented to and reviewed with the Board an Assignment and Amendment of Agreement Between Owner and Engineer for District Related Services by and among the District, Costello, and Pape-Dawson (the "Assignment and Amendment"), a copy of which is attached hereto as **Exhibit F**. After discussion, Director Olsen moved to (i) approve the Assignment and Amendment, (ii) authorize the Board President to execute same on behalf of the District, and (iii) authorize SPH to accept and acknowledge the related TEC Form 1295s from Costello and Pape-Dawson, respectively. Director Waymel seconded the motion, which carried unanimously.

ENGINEER'S REPORT

Mr. VanderWilt next presented to the Board a written Engineer's Report, dated June 4, 2024, a copy of which report is attached hereto as **Exhibit G**, relative to the status of various projects within the District. He provided the Board with an update concerning the Water Plant Ground Storage Tank Replacement and Hydropneumatic Tank Recoating by C3 Constructors, LLC ("C3"), and advised that the District is in receipt of Pay Estimate Nos. 6 and 7 in the amounts of \$13,500 and \$18,900, respectively, copies of which are attached to the Engineer's Report. Following discussion, Director Kessler moved that the Board approve payment of Pay Estimate Nos. 6 and 7 to C3. Director Rueschhoff seconded the motion, which unanimously carried.

Mr. VanderWilt next advised that the well reports are complete and were previously provided to the Board via e-mail. He further advised that there has been little change in the well pumping levels during the last three (3) months. Mr. VanderWilt noted that graphs from the report are attached as part of the Engineer's Report.

Mr. VanderWilt next discussed the electrical evaluation and repair schedule for the Joint Wastewater Treatment Plant received from Harris County Water Control and Improvement District No. 92 ("No. 92"), that was previously provided to the Board and is attached hereto as part

of the Engineer's Report. Following discussion on the matter, the Board requested Costello review the previous six (6) months of invoices received from No. 92 for wastewater treatment services to determine if costs related to this matter have been previously billed to the District.

STATUS OF CONSTRUCTION OF NEW CONCRETE WASTEWATER TREATMENT PLANT

Mr. VanderWilt next provided the Board with an update concerning the status of construction of the new concrete wastewater treatment plant by No. 119. In that regard, he advised that the District is in receipt of Pay Estimate No. 1 from No. 119, in the total amount of \$1,446,008.59, a copy of which is included as part of the Engineer's Report. Following discussion, Director Kessler moved that the Board concur in No. 119's payment of Pay Estimate No. 1, as presented and as recommended by Mr. VanderWilt. Director Rueschhoff seconded the motion, which unanimously carried.

SPRING TRAILS COMMUNITY ASSOCIATION, INC. ("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 status of the request from a resident for the District to maintain a dead tree located in the greenbelt near 23753 Tatum Bend Lane. It was noted that, at the previous meeting, the Board authorized Arbor Tech to inspect the tree and provide a proposal to fell it, if deemed necessary. It was noted that the tree, along with two (2) additional dead trees in the area, will be felled, and that twenty-four (24) hour notice will be provided to the homeowner.

A discussion ensued regarding a inquiry from a resident who resides at 28315 Hollow Springs Lane. It was noted that trees fell onto and damaged his fence during the recent storm event. The Board noted that a representative of Trees by Frank had inspected the area and determined that the tree that fell was a healthy tree and the incident was the result of the storm rather than the tree's condition. Following discussion, and based upon this information, the Board determined no action by the District was required and requested SPH to notify the resident accordingly. Director Waymel advised he would communicate with the resident to obtain additional information about this matter.

Mr. Creed next advised that a request has been received from a resident for the District to maintain certain trees located on District property behind his home at 2726 Andrew Springs Ln. Following discussion and consideration of the relevant circumstances, the Board determined this request does not require District action pursuant to the District's tree trimming policy, and directed SPH to inform the resident that they are authorized to trim the trees up to the property line at their expense.

ISSUANCE OF UTILITY COMMITMENTS

The Board deferred consideration of issuance of utility commitments after noting that no requests had been received.

BOOKKEEPER'S REPORT

Ms. Butler next presented and reviewed a written Bookkeeper's Report dated June 4, 2024, including the District's Investment Report for the month of May 2024, copies of which are attached hereto as **Exhibit H**. After discussion, it was moved by Director Kessler 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 Rueschhoff seconded the motion, which carried unanimously.

STATUS OF WEBSITE

The Board next discussed the status of the District's website. Director Waymel advised he will coordinate the addition of the updated waste acceptance protocol on the website. No action was taken by the Board at this time.

WORKSHOPS AND/OR PROFESSIONAL DEVELOPMENT PROGRAM

A discussion ensued regarding the workshop held on May 23, 2024, conducted by the fire marshal. The Board then considered the workshops scheduled to be held on August 1, 2023, by SPH, and on September 12, 2024, by H2O.

FUTURE DISTRICT PROJECTS AND INITIATIVES

The Board deferred periodic review of consultant contracts and evaluation forms until a future meeting.

VOTING SYSTEM ANNUAL FILING FORM

The Board considered approval of a Voting System Annual Filing Form. Mr. Creed advised the Board that under the Texas Election Code, the District is required to complete and file a form provided by the Secretary of State regarding information related to District elections. After discussion, Director Kessler moved that SPH be authorized to complete the Voting System Annual Filing Form and to file same with the Secretary of State's office. Director Olsen seconded the motion, which unanimously carried.

REQUEST OF RECORDS MANAGEMENT OFFICER

The Board deferred a request from the District's Records Management Officer to destroy SPH's handwritten notes of Board meetings from February 1, 2023 to February 7, 2024.

ATTORNEY'S REPORT

The Board next considered the Attorney's Report. In that regard, Mr. Creed reminded the Board that the District is in receipt of correspondence from the SJRA regarding nomination of a review committee representative, a copy of which is attached hereto as **Exhibit I**. Following discussion, Director Kessler moved that the District (i) nominate Benjamin Slotnick, (ii) the President and Secretary be authorized to execute the Resolution Regarding Nominating Candidate for Appointment to Groundwater Reduction Plan Contract Review Committee to the SJRA (the "Resolution") on behalf of the Board and the District, and (iii) SPH be authorized to forward the Resolution to the SJRA. Director Olsen seconded the motion, which unanimously carried.

POSSIBLE 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.

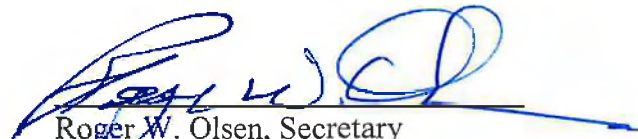
EXECUTIVE SESSION

The President announced that the Board was entering into executive session pursuant to Texas Government Code Section 551.171 at 3:29 p.m., for purposes of attorney-client communications concerning item 22(c) on the agenda. At this time all those present, with the exception of the Board and Mr. Creed exited the meeting.

At 4:37 p.m., the President announced that the Board would reconvene in Open Session. No action was taken by the Board at this time.

ADJOURN

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



Roger W. Olsen, Secretary
Board of Directors

LIST OF EXHIBITS

EXHIBIT A	Security Report
EXHIBIT B	Drainage Facilities Report; Proposals
EXHIBIT C	Tax Assessor/Collector's Report
EXHIBIT D	Delinquent Tax Report
EXHIBIT E	Operations Report
EXHIBIT F	Assignment and Amendment of Agreement Between Owner and Engineer for District Related Services by and among the District
EXHIBIT G	Engineer's Report
EXHIBIT H	Bookkeeper's Report
EXHIBIT I	Correspondence from the San Jacinto River Authority regarding nomination of a review committee representative