

**BAKER ROAD MUNICIPAL UTILITY DISTRICT**  
Minutes of Meeting of Board of Directors

August 2, 2022

The Board of Directors ("Board") of Baker Road Municipal Utility District ("District") met in regular session at the Board's regular meeting place on August 2, 2022, in accordance with the duly posted notice of meeting, and the roll was called of the duly constituted officers and members of said Board of Directors, as follows:

Frederick Wolfe, President  
George Heck, Vice President  
Johnny Zummo, Secretary  
Ronald Leftwich, Assistant Secretary  
Juan Campo, Assistant Secretary

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

Also present were: Richard Rankin of H2O Innovation Operation and Maintenance, LLC ("H2O"); Jessica Preston of Municipal Accounts & Consulting, LP ("MAC"); Miranda Burks of Wheeler & Associates, Inc. ("Wheeler"); Todd Elston of R.G. Miller Engineers, Inc. ("RG Miller"); Juan Campo, a resident of the District; Michelle LaCour and Tracie Andrade of Inframark; Shane Stuckey of Stuckey's, LLC ("Stuckey's"); and Eric Lai and Maranda Lawson of Schwartz, Page & Harding, L.L.P. ("SPH"), some of whom entered the meeting after the call to order, as noted below.

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

**PUBLIC COMMENTS**

Mr. Lai noted that the first item of business was to open the meeting for public comments. There being no comments received from the public, the Board continued to the next item of business.

**APPROVAL OF MINUTES**

The Board reviewed the minutes of its meeting held on June 7, 2022. After discussion of the minutes presented, Director Leftwich moved that such minutes be approved, as written. Director Leftwich seconded said motion, which unanimously carried.

**RECEIVE FINANCIAL ADVISOR'S TAX RATE RECOMMENDATION**

Mr. Lai advised the Board that the District's financial advisor, Masterson Advisors LLC, is still waiting to receive the certified tax roll from Harris County Appraisal District. After discussion on the matter, the Board deferred consideration of the financial advisor's 2022 tax rate

recommendation until the next Board meeting to allow additional time for receipt of the certified tax roll from the Harris County Appraisal District.

### **BOOKKEEPER'S REPORT**

The Board considered the Bookkeeper's Report dated August 2, 2022. Ms. Preston reviewed with the Board a cash flow report, account balances report, summary of pledged securities, and actual vs. budget comparison, all as prepared by MAC and copies of which are attached hereto as **Exhibit A**, including the checks presented for payment from the District's general operating fund. It was then moved by Director Zummo that said report be approved and that the checks identified therein be approved for payment from the general operating fund. Director Campo seconded said motion, which carried unanimously.

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

Ms. Burks presented the Tax Assessor-Collector's Report prepared by Wheeler for the month of July 2022, including the checks presented for payment. A copy of the report is attached hereto as **Exhibit B**. She further requested authorization to move three (3) accounts, in the total amount of \$26.14, to the uncollectible roll. After discussion on the matter, Director Zummo moved that (i) the Tax Assessor-Collector's Report be approved, and that payment of the checks listed in the report be authorized from the District's tax account and (ii) Wheeler be authorized to move the three (3) accounts discussed to the uncollectible roll. Director Heck seconded the motion, which unanimously carried.

### **DELINQUENT TAX COLLECTION ATTORNEY'S REPORT**

Mr. Lai presented to and reviewed with the Board a Delinquent Tax Report, dated August 2, 2022, prepared by Perdue, Brandon, Fielder, Collins & Mott, L.L.P. ("Perdue"), the District's delinquent tax collection attorneys, a copy of which is attached hereto as **Exhibit C**. Mr. Lai noted that Perdue is requesting authorization for the District's operator to send a water termination notice to the property owner who resides on Crescent Bay Dr. for non-payment of their delinquent 2021 taxes in the amount of \$3,712.92. After discussion, Director Heck move that Perdue be authorized to have the District's operator send a notice of termination to said property owner. Directors Campo seconded the motion, which carried unanimously.

### **DRAINAGE CHANNEL MAINTENANCE**

Mr. Stuckey next presented to and reviewed with the Board a Drainage Channel Maintenance Report, a copy of which is attached hereto as **Exhibit D**. It was noted that no repairs were being recommended at this time.

Mr. Stuckey next informed the Board that, due to a result of inflation and increasing fuel costs, Stuckey's is increasing its mowing and service rates. In connection therewith, Mr. Stuckey presented to and reviewed with the Board a proposed revised "Exhibit A" fee schedule to the District's Channel Service Agreement, a copy of which is included with **Exhibit D**. A discussion then ensued regarding same. The Board then requested that Mr. Stuckey add an additional item

to said fee schedule to include the cost for a quarterly herbicide application for 440 linear feet along the fence line located on Harbour Sands Dr. After discussion, Director Zummo moved that the Board approve said revised "Exhibit A" fee schedule, subject to Mr. Stuckey including the cost for a quarterly herbicide application for 440 linear feet along the fence line located on Harbour Sands Dr. Director Wolfe seconded the motion, which carried unanimously. Mr. Lai noted that SPH would add an item to the next agenda for the Board to consider the approval of an amendment to the District's Channel Maintenance Contract with Stuckey's in connection with the revised fee schedule.

Ms. Burks and Ms. Preston each exited the meeting during the above discussion.

Ms. LaCour and Ms. Andrade entered the meeting at this time and Mr. Stuckey exited the meeting after the above discussion.

### **PROPOSAL FOR BOOKKEEPING SERVICES**

Discussion ensued regarding the proposal presented by Inframark for bookkeeping services. In connection therewith, the Board asked various questions, to which Ms. LaCour and Ms. Andrade responded. After further discussion, the Board deferred taking any action at this time.

Ms. LaCour and Ms. Andrade exited the meeting at this time.

Additional discussion then ensued regarding the proposal from Inframark for bookkeeping services. After further discussion, Director Zummo moved that SPH be authorized to negotiate Inframark's form of contract based on the Board's recommendations for its review and approval at the next meeting.

### **PROPOSED PICKLEBALL COURTS**

Relative to the proposed construction of pickleball courts on the pipeline easement, Mr. Lai reminded the Board that, as previously authorized, SPH prepared and forwarded correspondence to Kinder Morgan regarding the alternate location for said pickleball courts and noted that no response had been received to date. A discussion then ensued regarding same. After further discussion, Director Wolfe moved that SPH be authorized to draft an agreement by and between the District and the Windsor Park Lakes Homeowners Association's ("HOA") indicating that the District is amenable to allowing the HOA to place non-permanent pickleball court(s) on the property located next to the pool, subject to the HOA indemnifying the District of any liability. Director Campo seconded the motion, which carried unanimously.

### **STATUS OF LAWSUIT AGAINST U.S. ARMY CORPS OF ENGINEER**

Mr. Lai updated the Board regarding the status of the lawsuit against the U.S. Army Corps of Engineers.

## **ISSUANCE OF UTILITY COMMITMENTS**

The Board next deferred action regarding the issuance of utility commitments, as no requests for same had been received by the District.

## **LAKE MAINTENANCE**

A discussion next ensued regarding maintenance of the District's lakes. In connection therewith, Director Zummo informed the Board that 1,000 bass were added to the District's lakes last month. He noted that he would be requesting authorization from the Board in November 2022 to add some golden shiner to the District's lakes.

Director Wolfe next informed the Board that the water level in the District's lakes has evaporated approximately 6-½" from the original water level to date and noted that the water well has been running consistently to keep the water level in the lakes up. He further noted that approximately 9,300,000 gallons of water has been pumped into the lakes to date. A discussion then ensued regarding same.

Director Wolfe next informed the Board that one of the District's lake bulkheads is buckling and queried Mr. Elston whether same would cause any structural issues. Mr. Elston then informed the Board that same should not cause any structural issues, but that erosion issues could arise from the situation. After discussion, Director Leftwich moved that Director Wolfe be authorized to obtain a cost estimate from Lake Pro to make the necessary repair for consideration at the next meeting. Director Zummo seconded the motion, which carried unanimously.

## **ENGINEER'S REPORT**

A discussion next ensued regarding the well no. 2 pump. In connection therewith, Mr. Elston reminded the Board that the operator for Green Trails Municipal Utility District ("GTMUD") recently noticed a wobble of the well no. 2 pump and noted that the pump has been pulled and inspected. Mr. Elston then reminded the Board that the inspection indicated that the pump will need to be replaced and that a replacement pump has been ordered, but is not expected to be available until later this month. Mr. Elston noted that the pump is expected to be back in operation sometime in September 2022.

## **OPERATOR'S REPORT**

The Board considered the operator's report. Mr. Rankin presented a written Operations Report for the months of June and July 2022, prepared by H2O, copies of which are attached hereto as **Exhibit E**.

A discussion next ensued regarding the District's Drought Contingency Plan and the possibility of amending same. After further discussion, the Board concurred not to amend the District's Drought Contingency Plan at this time.

**ATTORNEY'S REPORT**

Mr. Lai informed the Board that he had nothing more of a legal nature to report at this time.

**ADJOURNMENT**

There being no further business to come before the Board, upon motion made by Director Zummo, seconded by Director Campo, and unanimously carried, the meeting was adjourned.

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Secretary

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**LIST OF ATTACHMENTS TO MINUTES**

- Exhibit A Bookkeeper's Report
- Exhibit B Tax Assessor-Collector's Report
- Exhibit C Delinquent Tax Report
- Exhibit D Drainage Channel Maintenance Report; Revised "Exhibit A"
- Exhibit E Operator's Report

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