

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

May 2, 2023

The Board of Directors ("Board") of Baker Road Municipal Utility District ("District") met in regular session at the Board's regular meeting place on May 2, 2023, 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: Brenda Landin of H2O Innovation Operation and Maintenance, LLC ("H2O"); Miranda Burks of Wheeler & Associates, Inc. ("Wheeler"). Michele LaCour of Inframark ("Inframark"); and Eric Lai and Maranda Lawson 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**

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 April 4, 2023. After discussion of the minutes presented, Director Leftwich moved that such minutes be approved, as written. Director Zummo seconded said motion, which unanimously carried.

**AUDIT REPORT FOR FISCAL YEAR ENDED JANUARY 31, 2023**

The Board deferred the review and approval of the District's audit report for fiscal year ended January 31, 2023, until the next meeting.

## **CONTINUING DISCLOSURE REPORT**

The Board deferred consideration of the status of the District's annual continuing disclosure report until the next meeting.

## **BOOKKEEPER'S REPORT**

The Board deferred consideration of the Bookkeeper's Report after noting that no report was available at this time due to technological issues and internal staffing issues at Inframark's offices. A lengthy discussion ensued regarding same. The Board asked various questions to which Ms. LaCour responded. Mr. Lai then requested that the Board consider approving the checks that Inframark has issued for payment from the District's general operating fund. After discussion, Director Leftwich moved that all checks issued by Inframark and reviewed by at least a quorum of the Board 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 April 2023, including the checks presented for payment. A copy of the report is attached hereto as **Exhibit A**. After discussion on the matter, Director Zummo moved that 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. Director Leftwich 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 May 2, 2023, 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 B**. Mr. Lai noted that no action is required from the Board at this time relative to the account(s) listed on the Report.

## **UNCLAIMED PROPERTY**

The Board deferred the approval of an Unclaimed Property Report as of March 1, 2023 until the next meeting.

Ms. Burks exited the meeting at this time.

## **CONSTRUCTION OF POSSIBLE IMPROVEMENTS WITHIN THE DISTRICT**

Relative to the proposed construction of pickleball courts within the District, Director Heck informed the Board that the construction of the pickleball courts has been revisited and advised that the Windsor Park Lakes Homeowners Association ("HOA") is now planning to construct a permanent pickleball court/basketball court parallel to, but outside of, the pipeline

easement. A discussion ensued regarding same. Director Wolfe noted that there are two (2) sewer manhole covers in the general area where the HOA is planning to construct the pickleball court and/or basketball court, and queried Ms. Landin as to the proper proximity of such courts to said manholes. Ms. Landin informed the Board that she would research the matter further and advise accordingly.

Director Wolfe next reminded the Board that the HOA is considering the installation of a wrought iron fence east of the pool to create a dog park that would potentially encroach on the existing pipeline easement.

Director Wolfe then informed the Board that the HOA is also considering the installation of a volleyball net further east of the proposed dog park.

### **FIRST AMENDMENT TO SURFACT USE AND INDEMNIFICATION AGREEMENT**

Mr. Lai next presented to and reviewed with the Board a First Amendment to Surface Use and Indemnification Agreement ("First Amendment") with the HOA related to the installation of the dog park. The Board requested that the installation of the volleyball court be included in the First Amendment as well. After discussion, Director Zummo moved that (i) the First Amendment be approved and that the President be authorized to execute same on behalf of the Board and the District, subject to said First Amendment being revised to include the installation of the volleyball net and (ii) SPH be authorized to acknowledge receipt of the required Texas Ethics Commission Form 1295 from the HOA. Director Heck seconded the motion, which carried unanimously.

### **OPERATOR'S REPORT**

The Board considered the operator's report. Ms. Landin presented a written Operations Report for the month of April 2023, prepared by H2O, a copy of which is attached hereto as **Exhibit C**.

Ms. Landin next informed the Board that there are four (4) accounts that have been delinquent on their water bills for a three (3) month period and requested the Board's authorization for H2O to terminate water service to said accounts if their payments are not received in a timely manner, in accordance with the District's Rate Order. After discussion, Director Zummo moved that H2O be authorized to terminate water service to said accounts if their payments are not received in a timely manner, in accordance with the District's Rate Order. Director Heck seconded the motion, which carried unanimously.

### **CONSUMER CONFIDENCE REPORT**

The Board considered the approval of a Consumer Confidence Report and the distribution of same to customers of the District. In that regard, Ms. Landin presented and reviewed a draft Consumer Confidence Report prepared by H2O, a copy of which is included with **Exhibit C**, and noted that same has been provided to SPH for review. After discussion on the matter, Director Zummo moved that such Report be approved by the Board, subject to SPH's

final review and approval, and that H2O be authorized to distribute same to the District's consumers prior to July 1, 2023. Director Heck seconded said motion, which carried unanimously.

### **ENGINEER'S REPORT**

The Board deferred consideration of the Engineer's Report after noting that no representative was present at the meeting.

### **DRAINAGE CHANNEL MAINTENANCE**

A discussion ensued regarding maintenance of the drainage channel. No action was taken by the Board.

### **LAKE MAINTENANCE**

A discussion next ensued regarding maintenance of the District's lakes. Director Zummo informed the Board that Lake Pro will be adding Golden Shiners to the lakes on May 16, 2023.

### **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 and reminded the Board that the trial court's ruling had been appealed and that a decision from the appellate court was still pending.

### **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.

### **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 Heck, and unanimously carried, the meeting was adjourned.



Secretary

A handwritten signature in blue ink, reading 'John Zummo', is written over a horizontal line.

**LIST OF ATTACHMENTS TO MINUTES**

- Exhibit A Tax Assessor-Collector's Report
- Exhibit B Delinquent Tax Report
- Exhibit C Operator's Report