

- Wafae T. Owen addressed the Board with a public comment, noting that she was a resident of the District and a local sponsor of the non-profit Gavel Club program. She explained that the Gavel Club enables youth to become effective leaders and communicators, thriving on a platform as future leaders in the community. Ms. Owen requested that the Board continue to support the Gavel Club in their endeavors.
- Carol Norrell addressed the Board with a request that the Board is prudent in their selection and appointment of a director to the Board and that they make an intelligent decision regarding nominee appointment tonight. Ms. Norrell prayed that the ultimate decision by the Board is in the best interest of the community. She thanked the Board for their efforts in making their decision.
- Chris Rocco addressed the Board with a public comment. Mr. Rocco stated that he is a 33-year resident of the District, serving as a municipal utility district ("MUD") director for 26 years. He briefly discussed the topic of possible annexation into the City of Cedar Park, Texas ("Cedar Park"), noting that he had communicated with the Assistant City Manager of Cedar Park, Chris Copple, who was interested as to why discussions regarding annexation had been included as an item for discussion on tonight's meeting agenda. He noted that the District's taxes are currently 20% less than Cedar Park and the topic of annexation had been discussed many times during his 26-year tenure as a MUD director. Mr. Rocco said that there does not appear to be any benefit to the District in annexing into Cedar Park at this time.
- Mary (Meg) Moring addressed the Board with public comment. Ms. Moring discussed the costs associated with frivolous lawsuits filed against the District and the multiple Freedom of Information Act ("FOIA") requests submitted. Ms. Moring said that her current interests associated with the District involve annexation discussions and deed enforcement restriction. She mentioned that her lawn was currently overgrown and that she did not feel the need to invest in home improvements and neighborhood aesthetics until deed restriction violations are enforced by the Board. Ms. Moring said that she supported Carol Norrell as a nominee for the current Board vacancy because Ms. Norrell is not in favor of annexation proceedings with Cedar Park and supports the enforcement of deed restrictions in the District. Ms. Moring said that she was requesting that the Board consider appointing Ms. Norrell to fill the current Board vacancy.
- Mr. Gordon McKinney addressed the Board with public comment. Mr. Gordon McKinney explained that he has been a resident of the District in Valencia Hills for two decades and has served on the Valencia Hills Homeowners Association's Communication Committee. Mr. McKinney has known Ms. Norrell for several years and is recommending her for the open board position. Mr. McKinney said that Ms. Norrell will work hard to support the communities' interests.

Agenda Item No. 2. Discuss appointment of Director to fill vacant position, including:

- (a) approve statement and oath of appointed Director;
 - (b) adopt Order Appointing Director;
 - (c) authorize filing of oath of office with the Secretary of State;
 - (d) discuss Open Government training requirements;
 - (e) reconstitute the Board of Directors, pursuant to the requirement of Section 49.054(b), Texas Water Code;
 - (f) authorize filing of District Registration Form with the Texas Commission on Environmental Quality;
- **Motion: Appoint Mark Perry to serve the remainder of the term created by the resignation of Megan Dudo.**

Motion by: Director Fabre
Second by: Director Flores

- Director Flores said that eight applications for the vacancy were received by the Board and that he was curious if there was a scoring procedure in place or how the Board planned to move forward with nomination selections. He briefly summarized a possible scoring system that could be used in the selection process.
- Director Fabre thanked all applicants who submitted their applications. She said that she hopes that their interests in serving on the Board carries forward through 2024. She noted that one candidate's application surfaced to the top specifically because the knowledge and ability he brings to the table; especially as it relates to the District's aging infrastructure. Director Fabre briefly discussed the agreement put in place by Bill Milburn with Cedar Park for the purchase of fresh water and the return of wastewater back to the Cedar Park wastewater treatment plant. She described the function of a lift station and the immediate need for lift station and underground piping rehabilitation in the District. She summarized Mr. Perry's 50-year experience in the general contracting and project management arena, noting that he is familiar with utility district infrastructure design and operation. She noted that Mr. Perry's strengths include considering economic, reliable solutions to challenges and pre-planning for future projects. She noted that the District currently needs a five-year infrastructure plan in order to avoid disastrous results. She said that the District would be foolish not to take Mr. Perry's offer to serve.
- Director Jones recognized Mr. Perry's abilities as summarized by Director Fabre, but she stated that she has never seen Mr. Perry present at any of the past Board meetings. Director Jones noted that Mr. Edmondson is a capable consultant for the District and that infrastructure projects take the entire Board's involvement and not just one person's participation.
- Director Avila said it is important to know who is applying for the vacancy other than the recounting of a written letter. Director Avila said that to his knowledge, Mr. Perry has not engaged or interacted with the Board at public meetings. He believes that the Board needs the opportunity to speak with all candidates.
- Director Flores said that the appointment process should have included the option to interview the candidates and that the candidates should have known about this decision by the Board. He said that it is unknown if the candidates have been watching the monthly Board meetings online or whether they have been in communication with the Directors and/or Board consultants.
- Director Avila said that he believes Mr. Perry could be a valuable candidate and contributor to the District, but that Director Avila was looking at all candidates.
- Director Jones mentioned that anyone who is interested in being appointed to the Board should attend the monthly meetings in person and be involved in the District.
- Director Avila reminded the Board of the motion by Director Fabre to appoint Mark Perry to serve the remainder of the term created by the resignation of Megan Dudo.

- **Motion: Appoint Mark Perry to be appointed to the Board to fill the current vacancy.**

Motion by: Director Fabre
Second by: Director Flores

Ayes: Director Fabre

Director Flores

**Nos: Director Jones
Director Avila**

Motion Fails

- **Motion:** **Appoint Carroll Norrell to be appointed to the Board to fill the current vacancy.** (Director Jones briefly described Ms. Norrell's strengths and public support.)

**Motion by: Director Jones
Second by: Director Avila**

**Ayes: Director Jones
Director Avila**

**Nos: Director Fabre
Director Flores**

- Director Flores noted that Ms. Norrell brings qualities to the table but that she does not have technical knowledge of the District's infrastructure. He agreed that she has support of community and believes that she would run during the 2024 election if not appointed today.
- Director Fabre does not doubt that Ms. Norrell is a great neighbor and wonderful citizen of this community but that Director Fabre is looking at the business of the District. She said her selection would be someone who understands the District's infrastructure. She said that she cannot support a vote for Ms. Norrell but believes she should be a candidate during the 2024 election.
- Director Jones reminded those present that Ms. Norrell served on the school board and that the District needs someone on the Board who is well-rounded in many areas. She said that Ms. Norrell has large community support.
- Director Avila agrees that Director Fabre is looking for the best interest of the District, but there are other areas of concern other than infrastructure. Director Avila said that his own interests involve administration and that he believes Ms. Norrell has extensive experience in administration and mediation. He said that Ms. Norrell is very engaged in the community and has attended many meetings and has the time to dedicate to the Board. Director Avila said that Ms. Norrell is his first choice as a candidate to fill the current vacancy, that she is a perfect fit for the position, and that she has incredible residential/community support.
- Director Avila reminded the Board of the motion by Director Jones to appoint Carroll Norrell to the Board of Directors.

**Motion by: Director Jones
Second by: Director Avila**

**Ayes: Director Jones
Director Avila**

**Nos: Director Fabre
Director Flores**

Motion Fails

- Director Fabre suggested that Mr. Perry and Ms. Norrell be available for an interview before the Board at the May meeting. The Board discussed whether there were any other candidates available to speak before the Board, and Director Flores said that all candidates should be given the opportunity to be interviewed. The Board discussed the possible timeline of candidate interviews and Director Avila suggested that a special meeting be scheduled.
- **Motion:** **Schedule a special meeting to interview all candidates who submitted an application to fill the current Board vacancy.**
Motion by: Director Fabre
Second by: Director Jones
Ayes: Director Jones
Director Avila
Director Fabre
Director Flores

Agenda Item No. 3: Engineer's Report

- (a) status of Hatch Lift Station project;
 - (b) status of District facilities;
 - (c) update on other matters as needed;
- Mr. Edmonson reported on the status of repairs of the Hatch Lift Station project, noting that the contractor completed repairs on the first pump last week and it is operational. Regarding the second pump, it is operational but the contractor reinserted the gaskets and the second pump should be working by 20 April 2023, he said. He reported that a meeting should be conducted with the contractor next week regarding outstanding items of repair. He said that they are continuing their work with Liberty Civil and that a majority of his work this month has been focused on the Hatch Lift Station.
 - Director Fabre said that she was researching the bid tabs from January 2023 to try to determine why Gray Engineering chose the contractor for the lift station repairs. Mr. Edmonson explained that the selection was based on crew availability, knowledge of the contractor, and knowledge of the type of work that needed to be performed. Mr. Edmonson confirmed that that the bid packet information was included in the January 2023 Engineer's Report, provided to the Board.
 - Director Jones mentioned that the area looks good.
 - Director Fabre then asked that before Mr. Edmonson departed the meeting that he provide an update on Agenda Item 9(d) - status of Request for Proposal (RFP) for District landscaping services.

Agenda Item No. 9(d): status of Request for Proposal (RFP) for District landscaping services

- Mr. Edmonson reported that four bids were received for the landscaping RFPs advertised, with the low bid received from Hudson Environmental Services. He summarized the remaining bids received for annual landscape care of the District's facilities from Hudson Environmental Services (\$139,758); Landcare (\$164,677.50); Perfect Cuts, Inc. (\$237,616.75); and EcoSystems Landscape Services (\$267,725.52).

- The Board considered the experiences of each bidder; the geographic location and frequency of their services in the District; whether an arborist was available for District services; the costs of an arborist; and the total crew availability under each of the landscaping contractors.
- Director Fabre pointed out that none of the bidders attended the mandatory pre-bid conference. She surmised that because the bids came in late, whether the District would have received additional proposals from other contractors. She stated that it was possible that contractors did not submit their proposals because the mandatory pre-bid conference deadline had passed.
- Mr. Edmonson suggested that the Board waive the mandatory pre-bid conference requirement and he reminded the Board that the previous RFP pre-bid conference date was dictated by the Board.
- The Board discussed readvertising the RFP without mandating a pre-bid conference. Mr. Edmonson stated that the RFP would need to be revised with specific detail requirements designated by the Board.
- Director Fabre then announced that she had sent an invitation to bid to an individual contractor. A lengthy discussion ensued as to the procedures in place for RFPs as dictated by the Board, the advertisement period, the mandatory pre-conference meeting, and whether the bids discussed at today’s meeting were now part of the District’s public records. Director Fabre suggested that the RFPs be resubmitted with a longer response time in order to comply with the mandatory pre-conference meeting requirement.
- A discussion then ensued regarding the legality of individual Board members soliciting bids from contractors and the fairness and equity of the bid amounts now being public record. The Board also continued to discuss and compare the advantages and disadvantages of each proposal submitted, and Ms. Scales presented her knowledge and experience of each contractor discussed.
- **Motion: Approve the bid submitted by Landcare, subject to review of all contract documents by the District’s Attorney.**

Motion by: Director Flores
Second by: Director Fabre

Ayes: Director Flores
Director Fabre
Director Avila
Director Jones

Agenda Item No. 4: Consent Agenda, including approval of minutes of October 19, 2022, December 12, 2022, March 1, 2023, March 8, 2023, and March 29, 2023;

- Mr. Konopka confirmed that all corrections to the minutes, as recommended by Director Fabre, had been made.
- **Motion: Approve the Consent Agenda items, including approval of the minutes of October 19, 2022, December 12, 2022, March 1, 2023, March 8, 2023, and March 29, 2023.**

Motion by: Director Fabre
Second by: Director Flores

Ayes: **Director Fabre**
 Director Flores
 Director Avila

No: **Director Jones**

Agenda Item No. 5: Bookkeeper's Report, including:

- (a) review of payments on current not-to-exceed expenditures;
 - (b) payment of bills and invoices;
 - (c) review of Quarterly Investment Report;
 - (d) authorization to escheat unclaimed funds to the Texas Comptroller;
- Ms. Scales reported that a Bookkeeper's Report was not available for the Board's review at this time, but that she expected that a report would be finalized by the end of the week. A discussion ensued regarding various missing receipts and lack of support documentation. Director Fabre then requested that any checks submitted for maintenance and operation services be held until the Board was able to review the checks as discussed.
 - At this time, Mr. Edmonson departed the meeting.

Agenda Item No. 6: Tax Assessor/Collector's Report, including:

- (a) approval of payments from the District's tax account;
 - (b) status of collection of taxes, penalties, and interest due to the District for real and personal property accounts and consider termination of services for such accounts;
 - (c) status of collection activities by delinquent tax attorney;
- Ms. Scales reported that the Tax Assessor/Collector's Report was not available for tonight's meeting.

Agenda Item No. 7: General Manager / Operator's Report

- Ms. Scales then reviewed the General Manager / Operator's Report with the Board, noting that the 85% water accountability for the month of April 2023 was related to recent flushing activities in the District. She reported that the residential storm cleanup has been concluded, that additional "No Dumping" signs have been ordered that will be posted around the District's pond, and that the bathroom repairs would be completed on Monday.
- Ms. Craig, a resident of the District, then petitioned the Board for a waiver of fees and penalties assessed to her account for water and sanitary sewer services in the amount of \$410.15. Ms. Craig explained that an after-hours service call was placed with Inframark in January 2023 when it was discovered that a water pipe had burst in her house. She later discovered that the valve was on the District's side of the line. Ms. Scales agreed that the District's valve was not operational and would not allow the Inframark representative to shut the valve. Ms. Craig responded to questions from the Board regarding the incident as presented, and Ms. Scales agreed to research her account to see if there are any additional charges that need to be reviewed.
- **Motion:** **Waive the 16 January 2023 \$410.15 after hours service call fee assessed to Ms. Craig's account.**

 Motion by: **Director Fabre**
 Second by: **Director Jones**

**Ayes: Director Fabre
Director Jones
Director Avila
Director Flores**

Agenda Item No. 10(b): New business, including:

(a) consider Solid Waste Services annual rate adjustment (Waste Management of Texas, Inc.)

- Ms. Scales then summarized the 5 April 2023 correspondence from Waste Management of Texas, Inc. ("Waste Management"), the District's solid waste collection provider, regarding their annual contract review and fee increase request. She summarized the proposed increases as presented, including a 6.95% Consumer Price Index ("CPI") increase, a 3.0% fuel surcharge increase, and a 0.4% recycling charge increase. She noted that Waste Management was proposing that the current rate of \$21.65 per connection per month for solid waste collection services in the District be increased \$1.92 per connection per month effective May 1, 2023.

- **Motion: Approve Waste Management of Texas, Inc.'s rate increase as presented in their 5 April 2023 correspondence.**

**Motion by: Director Fabre
Second by: Director Jones**

**Ayes: Director Fabre
Director Jones
Director Avila
Director Flores**

- Ms. Scales then suggested that the Board consider terminating the Friday and Saturday 10:00 pm until 4:00 am roving security patrols in the District.

- **Motion: Terminate the Friday and Saturday evening roving security patrols as discussed for the remainder of the year unless a need arises for the Board to reconsider reinstating the patrols.**

**Motion by: Director Fabre
Second by: Director Flores**

- The Board briefly discussed the advantages and disadvantages of the Friday and Saturday evening patrols. Director Flores agreed that it appeared that illegal activities had reduced in the District. Director Jones argued that she believes that vehicle theft and vandalism has continued, but if that if the residents feel that the District is unsafe, the Board can reconsider their decision. She strongly encouraged residents to report any suspicious activity in the District. Director Flores argued that it appeared that the vehicle theft ring had moved on from the District, and a majority of the thefts were associated with unlocked vehicles in the District. Ms. Scales noted that if the Board approved the recommendation, she would forward the current contract for security to Mr. Konopka who could then draft a letter of termination to the security contractor.

- Director Avila reminded the Board of the motion by Director Fabre to terminate the Friday and Saturday evening roving security patrols as discussed for the remainder of the year.

**Motion by: Director Fabre
Second by: Director Flores**

**Ayes: Director Fabre
Director Flores**

**Nos: Director Jones
Director Avila**

Motion Fails

- Ms. Scales then reviewed with the Board the checks presented for approval.

Motion: Approve payment of the invoices and checks as presented

**Motion by: Director Flores
Second by: Director Jones**

**Ayes: Director Flores
Director Jones
Director Fabre
Director Flores**

Agenda Item No. 9(a): Old business, including:

- (a) status of Annual Audit Report for the district for the fiscal year ended 30 September 2022, including authorize filing of Annual Audit Report with the Texas Commission on Environmental Quality and other agencies as required
- Mr. Konopka explained that he recently communicated with the District’s Auditor regarding Inframarks’ compliance with the request by the Auditor for the District’s bookkeeping records. Ms. Scales agreed that Inframark is complying with the District’s Audit in order to finalize the draft fiscal year end 30 September 2022 Annual Audit Report.

Agenda Item No. 9(c): Old business, including:

- (c) status Request for Qualifications (RFQ) for a District Accountant
- Ms. Scales reported that there have been no recent responses to the RFQs that were provided to seven (7) different accounting firms. Mr. Konopka said that two firms have initially showed interest, and he reminded those present that the bids close on 28 April 2023.

Agenda Item No. 9(d): Old business, including:

- (d) status Request for Proposal (RFP) for District deed enforcement management contractor
- A brief discussion ensued as to whether the RFP that was downloaded to the District’s Google Drive account had been updated as suggested by Director Fabre. Ms. Scales confirmed that Director Fabre’s comments were available on the 29 March 2023 Google Drive account.

Agenda Item No. 10(d): New business, including:

- (d) discuss Lakeline Oaks Building reservations;

- Director Fabre then summarized her findings associated with the Gavel Club's weekly meetings held at the Lakeline Oaks Building. She said that the application on file for the use of the District's pavilion (not building) was executed by a non-resident. She noted that the Gavel Club was currently in violation of the park rules which states that renting the facility at the non-profit rate is only available to residents of the District. A discussion ensued as to whether the applicant was a resident or owner of property in the District.
- **Motion: Allow the Gavel Club to reserve and rent the Lakeline Oaks Building but at a non-residential commercial user rate.**
Motion by: Director Fabre
Second by: Director Flores
- A lengthy discussion ensued regarding the details of the application for reservation of the Lakeline Oaks Building submitted by the Gavel Club, the updated park rules dated 17 August 2022, whether any ruling by the Board today would terminate a previous Committee's decision, and the authority given to each of the Board's committees. At this time, Director Fabre rescinded her motion and requested that the item be placed on a future meeting agenda for discussion and ruling by the Board.

Agenda Item No. 10(e): New business, including:

(e) discussion regarding time limit for Board meetings

- **Motion: Place a time limit of three hours on regular monthly meetings.**
Motion by: Director Jones
Second by: Director Avila
- Director Flores said that he believes the meetings are ending at a reasonable time and that to set a time limit is not conducive to District business. Director Fabre agreed and stated that if you are prepared, the meetings should run smoothly and quickly.
- Director Jones argued that the residents who are actively involved in District matters cannot sit through a late-night meeting and that intelligent decisions are not usually made after 11:00 p.m.
- After a question from the Board, Mr. Konopka agreed that late night meetings are not typically beneficial to all participants, stating that the taxpayers are ultimately paying for the lengthy meetings. He noted that the Board is either elected or appointed to act in the best interest of its constituents, to act in an efficient manner, and to conduct healthy dialogue during the meeting process.
- Director Avila reminded the Board of the motion by Director Jones to place a time limit of three hours on regular monthly meetings
Motion by: Director Jones
Second by: Director Avila
Ayes: Director Jones
Director Avila
Nos: Director Flores
Director Fabre

Motion Fails

Agenda Item No. 10(f): New business, including:

(f) discussion regarding annexation by City of Cedar Park

- Director Avila stated that he feels that a number of District residents are unaware of the duties and responsibilities of a MUD. He said that he wanted to start to an education campaign in order to respond to residents' questions and/or concerns regarding a possible future annexation.
- Director Fabre reminded those present that the subject of annexation into Cedar Park is not a Board decision but a resident decision. A discussion ensued regarding the viability of annexation with Cedar Park and resident awareness of the annexation discussions. Director Jones expressed her oppositional opinion as to any future annexation discussions with Cedar Park.

Agenda Item No. 11: Attorney's Report

(a) update regarding transition of District files from McGinnis Lochridge to Coats Rose.

- Mr. Konopka said that he has received District files from McGinnis Lochridge, the District's previous Attorney, and that the files are currently being downloaded to Coats Rose's electronic database. He said that he plans to review the District's contracts on a case-by-case basis.

Agenda Item No. 11: Attorney's Report

(b) discuss Public Information Requests (PIR)

- Mr. Konopka updated the Board on recent and outstanding PIRs received by Coats Rose, including five years of Hatch Lift Station Reports. He said that the District's Engineer and General Manager are working to provide the reports in a timely manner.

Agenda Item No. 11: Attorney's Report

(c) discuss letter to Texas Commission on Environmental Quality relating to emergency approval associated with the District's storm cleanup

- Mr. Konopka briefly summarized the correspondence on the District's Google drive. He said that he expects to receive a response from the Texas Commission on Environmental Quality within the next ten (10) days.

Agenda Item No. 11: Attorney's Report

(d) discuss continuing disclosure requirements for the District (due 03/30/23)

- Mr. Konopka confirmed that Chris Lane of SAMCO Capital Markets, Inc. filed the District's continuing disclosures on March 31, 2023.
- Director Flores then thanked Mr. Konopka for work that he is doing in responding to the numerous PIRs received by the District.

- Director Fabre then requested that Mr. Konopka research (1) House Bill 92 of the 88th Texas Legislature relating to the authority of a municipality, county, or property owners' association to prohibit or regulate certain activities on homestead property and (2) House Bill 1191 relating to regulation of raising or keeping six or fewer chickens by a political subdivision or property owners' association.
- The Board entered into an executive session at 9:21 p.m., pursuant to V.T.C.A. Government Code, Chapter 551, to discuss potential litigation. The Board reconvened in open session at 10:23 p.m.
- There being no further business to come before the Board, the meeting adjourned.