

## MINUTES WILLOW FORK DRAINAGE DISTRICT

September 8, 2022

The Board of Directors (the "Board") of Willow Fork Drainage District (the "District") met by regular session, open to the public, on the 8<sup>th</sup> day of September 2022, at the offices of LJA Engineering, Inc., 1904 West Grand Parkway North, Suite 100, Katy Texas 77449, outside the boundaries of the District, and the roll was called of the members of the Board:

Vacant	President
Gregg Nady	Vice President
John Savage	Secretary
Alexander "Alec" Bray	Assistant Vice President
Joseph S. Robinson	Assistant Secretary

and all the above were present, thus constituting a quorum.

Also attending the meeting, either in person or by telephone, were Stephanie Trevino, resident of the District; Sarah Hubbell, resident of the District; Jennifer Hana of Forvis, LLP; Katie May and Robert Miller of Inframark Water & Infrastructure Services ("Inframark"); Jerry Schroeder of Champions Hydro-Lawn ("Champions"); Craig Kalkomey of LJA Engineering ("LJA"); Rhonda Patterson of Assessments of the Southwest, Inc.; Lisa Rickert and Cara Sliva of Artesian Financial Services ("Artesian"); Craig Rathmann of Rathmann & Associates; Maeve Burns of TBG Partners; Cristen Wiatr, District Administrator; Yvonne Arceneaux, District Park Manager; Harry H. Thompson and Meagan Guilmenot of Allen Boone Humphries Robinson LLP.

### COMMENTS FROM DISTRICT RESIDENTS

Director Nady offered any members of the public attending the meeting the opportunity to make public comment. There being no members of the public wishing to make comments, Director Nady moved to the next agenda item.

### APPROVE MINUTES

The Board reviewed the minutes of the August 11, 2022, regular meeting. Director Bray moved to approve the minutes, as discussed. Director Nady seconded the motion, which passed unanimously.

## APPOINT NEW DIRECTOR

The Board discussed the appointment of a new director to fill the vacancy on the Board. After discussion, Director Robinson moved to appoint Sarah Hubbell to the Board of Directors for the term ending May 4, 2024. Director Savage seconded the motion, which passed by a unanimous vote.

## SWORN STATEMENT, OFFICIAL BOND, AND OATH OF OFFICE

Mr. Thompson reviewed the Sworn Statement, Official Bond, and Oath of Office for Director Hubbell. After review and discussion, Director Robinson moved that the Board approve the Sworn Statement, Official Bond and Oath of Office for Director Hubbell and direct that the documents be filed appropriately and retained in the District's official records, and that the Oath of Office be filed with the Secretary of State, as required by law. Director Bray seconded the motion, which passed by a unanimous vote.

## REORGANIZE THE BOARD AND AUTHORIZE EXECUTION OF DISTRICT REGISTRATION FORM

The Board considered reorganizing the Board of Directors. After discussion, Director Robinson made a motion to reorganize the Board as follows:

John Savage	President
Gregg Nady	Vice President
Sarah Hubbell	Secretary
Alec Bray	Assistant Vice President
Joseph S. Robinson	Assistant Secretary/ Investment Officer

Director Bray seconded the motion, which passed by a unanimous vote.

The Board then considered authorizing execution and filing of an updated District Registration Form with the Texas Commission on Environmental Quality ("TCEQ"), reflecting the term and office of the newly elected director. Following review and discussion, Director Bray made a motion to authorize execution and filing of the updated District Registration Form with the TCEQ and direct that the District Registration Form be filed appropriately and retained in the District's official records. Director Nady seconded the motion, which passed by a unanimous vote.

## OPEN MEETINGS ACT AND PUBLIC INFORMATION ACT TRAINING REQUIREMENTS

Mr. Thompson reviewed a Memorandum from ABHR regarding the Texas Open Meetings Act requirements, a copy of which is attached. He noted that Director Hubbell, as an elected public official, is required to complete a course on training

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responsibilities on the governmental body and its members under the Texas Government Code, Chapter 551, within 90 days of taking the Oath of Office.

## CONFLICT OF INTEREST DISCLOSURE

Mr. Thompson reviewed a Memorandum from ABHR regarding conflict of interest disclosure required under Chapter 176 of the Texas Local Government Code and disclosure forms adopted by the Texas Ethics Commission, a copy of which is attached. He stated that pursuant to Chapter 176 of the Texas Local Government Code, the District maintains a List of Local Government Officers. Mr. Thompson reviewed the List of Local Government Officers. After review and discussion, Director Bray moved to approve and authorize execution of the List of Local Government Officers and direct that the List be filed appropriately and retained in the District's official records. Director Nady seconded the motion, which passed by a unanimous vote.

## AUDIT FOR FISCAL YEAR END SEPTEMBER 30, 2022

Ms. Hanna presented to the Board an engagement letter for conducting the District's audit for fiscal year ending September 30, 2022, a copy of which is attached. Following review and discussion, Director Bray moved that the Board engage Forvis, LLP, to conduct the audit for fiscal year ending September 30, 2022. Director Savage seconded the motion, which passed unanimously.

## TAX ASSESSOR/COLLECTOR'S REPORT

Ms. Rickert presented the County tax collection report.

## 2022 TAX RATE

The Board reviewed a tax rate analysis reflecting the financial advisor's recommendation for the District to levy a 2022 tax rate of \$0.060 per \$100 assessed valuation for debt service and \$0.112 per \$100 assessed valuation for maintenance and operations (with \$0.06 designated for drainage and \$0.052 for parks) for a total tax rate of \$0.172 per \$100 assessed valuation. A copy of the tax rate analysis is attached. The Board discussed the District's funds and future projects.

Mr. Thompson discussed recent legislative changes to the "truth-in-taxation" property tax calculations and tax levy process for water districts in Chapter 49, Texas Water Code. He stated that such legislation established three main categories for water districts, based on a district's development status and/or tax rate. Mr. Thompson reviewed the definitions for each of the three categories and said the Board must annually determine the District's category for that tax year and follow the associated notice and levy provisions in the Texas Water Code.

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Discussion ensued regarding the District's development status. After fully considering relevant data, information, and statutory definitions, the Board determined that the District is a Developed District for the 2022 tax year.

Following review and discussion, and based off of the financial advisor's recommendation, Director Bray moved to (1) approve the tax rate recommendation; (2) adopt a Resolution Regarding Development Status for 2022 Tax Year establishing the District as a Developed district for the 2022 tax year pursuant to Section 49.23603, Texas Water Code; (3) direct that the Resolution be filed appropriately and retained in the District's official records; (4) set the public hearing date for September 22, 2022; and (5) publication of notice in the Katy Times of the District's September 22, 2022 meeting to set the proposed 2022 tax rate. Director Savage seconded the motion, which passed unanimously.

## FINANCIAL AND BOOKKEEPING MATTERS

Ms. Rickert and Sliva reviewed the bookkeeper's report, including the quarterly investment report, copies of which are attached.

Ms. Rickert reviewed the District's budget for both parks and drainage, for the fiscal year ending September 30, 2022 and reviewed a comparison of actual expenditures against the original budget adopted. Following review and discussion, Director Savage moved to approve (1) the bookkeeping report and authorize payment of the bills, subject to the discussed necessary changes; and (2) approve the budgets for the fiscal year ending September 2022, as recommended by the bookkeeper. Director Bray seconded the motion, which passed unanimously.

## OPERATOR'S REPORT, INCLUDING AUTHORIZING DITCH MAINTENANCE,

Mr. Schroeder reviewed the operator's report, a copy of which is attached. Mr. Schroeder reviewed and presented two proposals from Champions in the amount of \$24,327.60 for the Va9-14E Interceptor pipe replacement and \$34,333.50 for the Va3-2W Interceptor pipe replacement. Discussion ensued. Following discussion, The Board requested LJA to solicit two more bids for the Va3-2W Interceptor pipe replacement for the Board's review and consideration at the next meeting.

After review and discussion, Director Savage moved to (1) approve Champions' report; (2) approve Champions' proposal for the Va9-14E Interceptor pipe replacement, as discussed; and (3) authorize LJA to solicit bids for the Va3-2W Interceptor pipe replacement. Director Bray seconded the motion, which passed unanimously.

## UPDATE ON FEMA CLAIM AND MAINTENANCE OF STORM SEWER LINES

Ms. May provided background information and updated the Board on the total reimbursement received for the Diversion Channel project from the Federal Emergency Management Agency and the status of projects pending approval for funding.

Mr. Miller reviewed a Storm Line Maintenance Report, a copy of which is attached.

There were no items in Inframark's report requiring Board action.

## ENGINEER'S REPORT AND PROJECT BARKER UPDATE

Mr. Kalkomey reviewed the engineer's report, a copy of which is attached.

Mr. Kalkomey updated the Board on Project Barker matters and requested that the Board authorize LJA to submit an extension request with the Texas Water Development Board for Project Barker. After review and discussion, Director Robinson moved to authorize LJA to submit an extension request for Project Barker. Director Bray seconded the motion, which passed unanimously.

Mr. Kalkomey updated the Board on the Stormwater Quality Park and requested the Board's authorization to obtain bids for the project. Following review and discussion, Director Bray moved to (1) approve LJA's report; and (2) authorize LJA to obtain bids for the Stormwater Quality Park project. Director Hubbell seconded the motion, which passed unanimously.

## FLOOD MITIGATION EFFORTS INCLUDING COMMUNITY OUTREACH AND AUTHORIZE APPROPRIATE ACTION, IF APPLICABLE

Mr. Thompson and Director Bray updated the Board on flood mitigation matters.

## PARK MATTERS

Ms. Arceneaux updated the Board on Central Green matters.

## DIRECTOR AND COMMITTEE REPORTS AND MEETING MATTERS

The Board considered reorganizing the committees. Following discussion, Director Nady moved to reorganize the committees as follows:

Gregg Nady and Alec Bray	Security Committee
Sarah Hubbell and Alec Bray	Communications Committee
John Savage and Alec Bray	Project Barker Committee

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Sarah Hubbell and John Savage                      Parks Committee

Director Robinson seconded the motion, which passed by unanimous vote.

Director Bray reported regarding Houston Stronger meetings and events.

Director Robinson discussed current events.

## EXECUTIVE SESSION

The Board did not convene in Executive Session.

## OPEN SESSION

This item was not necessary.

There being no further business to come before the Board, the Board concurred to adjourn the meeting.

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Secretary, Board of Directors

(SEAL)