

MINUTES

ACTON MUNICIPAL UTILITY DISTRICT

The Board of Directors of Acton Municipal Utility District met in regular session at 9:00 a.m., Wednesday, March 20, 2024. Notice of said meeting was posted as prescribed by Chapter 54, Article 109, of the Texas Water Code.

Regular Session

March 20, 2024

Directors Present

R. Lewis
D. Cleveland
J. Featherston
G. Rose
V. Vernon

Staff Present

R. English
C. Neal
R. Evart
T. Riggio

Visitors

C. Hay, P.E.,
Enprotec/Hibbs & Todd
A. Head, Jackson Walker,
via conference call
L. Dougal, Jackson Walker,
via conference call
S. Leibe, Norton Rose
Fulbright, via conference
call

Directors Absent

None

Call to Order

Ray Lewis, Board President, called the meeting to order at 9:02 a.m.

Invocation

By Don Cleveland.

A. After discussion, a motion was made to accept the minutes from the Regular Meeting February 21, 2024.

Motion: Cleveland

Second: Vernon

Vote: All ayes

B. Open Forum. No one signed in for open forum.

C. Executive Session – The Board entered into closed executive session at 9:04 a.m. pursuant to Gov. Code 551.071 (Consultation with Attorney) to discuss the following:

1. Cause No. DS-C202100480; Johnson County Special Utility District v. Acton Municipal Utility District, including pending proposals, mediation, settlement terms, and litigation.

Executive session adjourned at 9:42 a.m. and returned to open session at 9:45 a.m.

D. No action taken on executive session item.

E. Richard English presented a memorandum dated February 29, 2024 regarding the semi-annual review of water and wastewater impact fees for Board consideration. No discrepancies were found and no changes are recommended at this time.

After discussion, a motion was made to accept the Impact Fee Advisory Committee memorandum dated February 29, 2024.

Motion: Cleveland
Second: Rose
Vote: All ayes

F. The Engineer's Report was presented by Chris Hay, P.E. of Enprotec/Hibbs & Todd (eHT). He reported on the following:

- WWTP #1 Improvements – The plant is fully operational; Crossland is still working on the remaining punch list items related to SCADA (final SCADA programming adjustments, SCADA alarm troubleshooting). eHT and AMUD have requested several updates from Crossland on the remaining completion of outstanding items with no response as yet from Crossland; Substantial completion has not yet been granted to Crossland which puts them over the contractual completion date by approximately a year. Retainage is still being held. The last Construction Status Meeting (CSM) #30 was held June 15th; the next CSM is to be determined pending contractor progress.
- WWTP #2 Improvements – Construction moving forward. Bar Constructors, Inc. (Bar) completed installation of equipment in the SBR Building, Dewatering Building, and Chlorine Building and continued work on the new influent lift station required to transfer influent wastewater to the new SBR system. Bar continuing work on site civil construction around the rest of the plant for retaining walls, dirt work, and other miscellaneous items. eHT and Bar held the most recent startup preparation meeting March 12th with TraC-n-Trol to verify tasks, timing, and critical milestones to prepare for startup of the new SBR system over the next several months. The next startup coordination meeting is planned for the 3rd week of April. CSM #14 was held March 12th; the April CSM is anticipated April 16th. With delays in electrical equipment delivery, Bar has noted an anticipated delay in startup of the SBR system until Summer 2024 and plant completion in Fall 2024, however they have not formally requested additional time in the contract schedule.
- Lift Station 11 Improvements – Bid opening was February 14, 2023; no bids were submitted; eHT is standing by to re-advertise the project at a time to be determined later.
- Pecan Plantation Elevated Storage Tank Improvements – The project was awarded to Phoenix Fabricators & Erectors, LLC in the amount of \$3,340,440.00 at the December 2023 Board Meeting. Contracts have been fully executed and a preconstruction conference was held February 20th in which Notice to Proceed was issued. Phoenix submitted a tentative project schedule, as listed on the Engineer's Report. Tank construction should begin in July and the tank should be online before the summer of 2025.

- Greenleaves Low Pressure Sewer System Improvements – The project was awarded to Day Services, LLC at the May Board Meeting. The Contractor reached substantial completion March 11th; a punch list was generated with minor items needed to reach final completion; anticipate final completion within the next few weeks.
- Acton Loop Water Line Extension Improvements – Surveyors have completed most of the design survey in the right-of-way areas. The preliminary alignment requires approximately 4 easements to be acquired. A right of entry agreement has been granted for all four parcels, eHT completed the field surveying for them and are in the process of finalizing the easement exhibits and proceeding forward with design. eHT has been in coordination with 3 of the 4 landowners; 2 of the landowners are amenable to the easement location and waiting on final feedback from the 3rd landowner; the 4th landowner has not been agreeable to grant the easement. Working on a cost analysis for other options and to possibly move the route. R. English stated there may be good justification to change the route; it could allow us to replace aging water lines.

General Services Task

1. TWDB Reports

- a) 2023 Water Use Survey – eHT submitted the Water Use Survey to TWDB in advance of the 3/1/2024 deadline on behalf of the District.
- b) 2023 Water Loss Audit – eHT has begun working on this report due to TWDB by 5/1/2024.
- c) 2023 Water Conservation Plan Annual Report – eHT has begun working on this report due to TWDB by 5/1/2024.

After discussion, a motion was made to accept the Engineers Report.

Motion: Featherston
 Second: Cleveland
 Vote: All ayes

G. The Operational Report was presented by T J Riggio. He briefed the Board on several items; most punch list items are complete on the Greenleaves Sewer Project, working on cleanup, we are accepting applications and payments for sewer service; received confirmation from TCEQ with regard to offsetting the penalty amount assessed in the Agreed Order due to violations we received in 2022 at WWTP No. 1 in exchange for a Supplemental Environmental Project (SEP); we are required to update TCEQ after 3 months showing 90 days of compliance at the WWTP No. 1.

Under wastewater, T. Riggio reported the contractors have moved out from WWTP No. 1, there are only a few punch list items remaining; WWTP No. 2, construction is well underway, in the process of reconstituting one of the digesters into the plant lift station and running the piping. The contact basin No. 3 was taken down for

demolition, we had some higher than normal Total Suspended Solids but nothing outside our permit parameters, T. Riggio reported WWTP No. 1 was at 94% of the average permitted flow for the month of February, under the future 930K permit this would be 61%. WWTP No. 2 is at 65% of the average permitted flow, under the future 820K permit this would be 39%. Both WWTP's met all discharge permit parameters for the month of February.

T. Riggio reported unaccounted water for the month of February is 21.18%. He reported the water production and sales for the month and year to date. He reported there were no positive bacteriological samples for the month of February. T. Riggio informed the Board we will have leak detection services out to survey the stretch of FM 167 where our water line was hit multiple times to make sure there are no other leaks that may be traveling down the bore holes and not surfacing. He reported we have had a few complaints of standing water in Forest Oaks, there is no trace of C12 in the water, it appears to be groundwater which is common to that area but investigating to be sure. Reviewing a quote received from TraC-n-Trol to get B4 Xfer pumps fitted with VFD's to help create a more predicible pumping schedule this summer; working with TraC-n-Trol to get radio remote readings of BRPUA's finished tank levels; reported the second round of UCMR5 are complete, no indication of PFAS.

T. Riggio reported Well No. 11, the production meter is not operable, waiting on a new meter; Well No's. 14, 21, 23 and 29 have been placed back in operation; Well No. 26 has been off due to low demand, the pump still cuts off and has to be flushed every time it comes back on; if the Well does not run continuously, we will get colored water in the distribution system.

T. Riggio reported we currently have 4 open positions, in process of scheduling interviews.

After discussion, a motion was made to accept the Operational Report for February, 2024.

Motion: Vernon
Second: Featherston
Vote: All ayes

H. Bob Evart presented a request for Board consideration to write off the net uncollectible accounts in the amount of \$889.10 for the month of February, 2024. Year to date write off rate of revenue is 0.08%. B. Evart questioned the auditors if there are any issues in presenting write offs on a quarterly basis rather than on a monthly basis; there is not, therefore, beginning next month, the write off accounts for bad debt will be presented quarterly.

After discussion, a motion was made to write off the net uncollectible accounts in the amount of \$889.10 for the month of February, 2024.

Motion: Featherston
Second: Rose
Vote: All ayes

- I. Bob Evart presented the Financial Report for February, 2024. He reviewed the revenues and changes for overall water and sewer, water revenues from customers, wholesale water, sewer revenues from customers, other sewer revenues and impact fees. He reported expenditure totals for all departments for the month and reported the totals for revenues and expenditures are all within budget.

After discussion, a motion was made to accept the Financial Report for February, 2024.

Motion: Vernon
Second: Rose
Vote: All ayes

- J. The General Manager's Report was presented by Richard English. He reported on the following items:
 1. The Regular Meeting for April is scheduled for 9:00 a.m., Wednesday, April 17, 2024. Committee meetings would typically fall on April 11th; the Operational Committee will not be available to meet on that date, a date will be determined later.
 2. Monthly Brazos Regional Public Utility Agency Meeting – Wednesday, March 27th at the JCSUD Office.
 3. AMUD Office closed Friday, March 29th for Good Friday.
 4. Letter to customer in response to complaint with AMUD Billing System.
 5. Articles – “Some Brazos River Authority system reservoirs removed from drought status” from Hood County News.

Open Items:

- a) SWATS Plant Update – Presented water quality reports; source, raw and finished water for the month of February, 2024 and the beginning of March 2024. Finished water Chloride levels are holding around 400 which is a reasonable level.

After discussion, a motion was made to accept the Managers Report.

Motion: Featherston
Second: Cleveland
Vote: All ayes

K. Items from Board Members:

Vernon:

1. Good job to everyone.

Featherston:

1. Good job to everyone.

Cleveland:

1. Happy to see the court is putting pressure to get matters settled.

Rose:

None

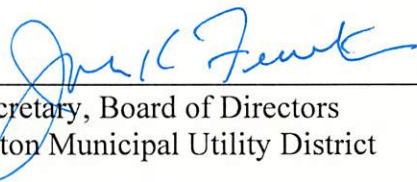
Lewis:

None

Adjournment

A motion was made to adjourn at 10:26 a.m.

Motion: Cleveland
Second: Featherston
Vote: All ayes


Secretary, Board of Directors
Acton Municipal Utility District