

MINUTES

ACTON MUNICIPAL UTILITY DISTRICT

The Board of Directors of Acton Municipal Utility District met in regular session at 9:00 a.m., Wednesday, August 16, 2023. Notice of said meeting was posted as prescribed by Chapter 54, Article 109, of the Texas Water Code.

Regular Session

August 16, 2023

Directors Present

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

Staff Present

R. English
C. Neal
R. Evert
T. Riggio

Visitors

M. Walker, AMUD
Customer
C. Hay, P.E.,
Enprotec/Hibbs & Todd
J. Berryhill, P.E.,
Enprotec/Hibbs & Todd
K. Kindle, P. E.,
Enprotec/Hibbs & Todd
A. Head, Jackson Walker,
via conference call
L. Dougal, Jackson Walker,
via conference call

Directors Absent

None

Call to Order

Ray Lewis, Board President, called the meeting to order at 9:00 a.m.

Invocation

By Van Vernon.

A. After discussion, a motion was made to accept the minutes from the Regular Meeting July 19, 2023.

Motion: Cleveland
Second: Rose
Vote: All ayes

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

C. Executive Session – The Board entered into closed executive session at 9:02 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 9:47 a.m. and returned to open session at 9:47 a.m.

D. No action taken on executive session item.

E. Richard English presented the annexation of 1.383 acres situated in the Wherry Adams Survey, Abstract No. 1, located in Hood County Texas, and known as 2729 Mambrino Highway, first reading. We expect the annexation to go through, however the owner has issues with the requirement of installing a fire hydrant; our policy requires the developer to install a fire hydrant.

After discussion, a motion was made to carry over for a second reading.

Motion: Featherston
Second: Cleveland
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 currently working on punch list items (mostly SCADA tasks) to prepare for Substantial Completion of the project. There are only a few remaining punch list items outstanding which should be completed in August. Construction Status Meeting (CSM) #30 was held June 15th; the next CSM is to be determined pending contractor progress.
- WWTP #2 Improvements – Bar Constructors continuing work on hydraulic leak testing of the SBR basins; the initial testing did not pass due to a significant number of minor leaks in the basins; Bar has been working on crack repairs via epoxy injection and preparing for re-testing of hydraulic leak testing. Completion of the transformer relocation at the plant by Oncor was completed in February which allowed Bar to begin working on the new Control Building and Dewatering Building which will continue into August and September. Bar Constructors continuing work on site civil construction for retaining walls, dirt work, and other miscellaneous items. CSM #10 was held June 20th; the July CSM was cancelled due to schedule conflicts, the next CSM is anticipated for late August.
- Lift Station 11 Improvements – Bid opening was February 14th; no bids were submitted; eHT is standing by to re-advertise the project at a time to be determined later.
- Greenleaves Low Pressure Sewer System Improvements – The project was awarded to Day Services, LLC at the May Board Meeting. Contracts have been executed. A pre-construction meeting was held on July 11th; the Contractor anticipates starting construction September 1st. A site visit was held August 1st to walk through the project; currently working on submittals and line locates prior to the start date. The estimated construction duration is 90 days.
- Pecan Plantation Elevated Storage Tank Improvements – eHT is continuing to work on plans and specifications for this project for submittal to TCEQ for approval. A design review meeting was held with Staff June 8th and plans are

being modified to reflect comments. TCEQ submittal will occur this week; typically takes at least 60 days for review and approval. The project can be advertised for bids upon receipt of TCEQ approval.

- Acton Loop Water Line Extension Improvements – eHT held a design kickoff meeting with Staff July 12th; a preliminary route was determined. Surveyors have completed most of the design survey in the right-of-way areas. The preliminary alignment included requires approximately 4 easements to be acquired. Once access is allowed for the easements, eHT will perform surveys and create easement exhibits to move forward with design.

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

Motion: Vernon
Second: Featherston
Vote: All ayes

- G. Richard English presented a resolution for Board consideration regarding ratifying the authorization for repairs to the Ground Storage Tank located at Well 25. He stated that typically bidding laws require submitting for competitive bids, however Section 49.273 (j) of the Texas Water Code states “The Board is not required to advertise or seek competitive bids for the repair of district facilities if the scope or extent of the repair work cannot be readily ascertained”. This tank is an important component of AMUD’s groundwater production system and is currently in a state of disrepair.

After discussion, a motion was made to approve the resolution ratifying the authorization for repairs to the Ground Storage Tank located at Well No. 25.
(RESOL 23-08-404)

Motion: Vernon
Second: Cleveland
Vote: All ayes

- H. The Operational Report was presented by T J Riggio. He briefed the Board regarding landfill issues; the high level of Benzene is believed to have come from a leaking gear box on one of the rotors. Additional samples have been taken; the sludge from WWTP No. 1 is being accepted at the landfill, however the level of Benzene was still high at WWTP No. 2, therefore the landfill will not accept the sludge from WWTP No. 2. Another sample was taken today and will be taken again next Tuesday.

T. Riggio reported there was a power outage at WWTP No. 1; the generator did not come on for unknown reasons; once power was restored, the non-potable pumps air locked and one burned up before the operators could catch it.

Under wastewater, T. Riggio reported WWTP No. 1 construction is nearing completion, WWTP No. 2 construction is well under way; there have been no complaints from the community. He reported WWTP No. 1 was at 62% of the

average permitted flow for the month of July, under the future 930K permit this would be 40%. WWTP No. 2 is at 40% of the average permitted flow, under the future 820K permit this would be 24%. Both plants met all discharge permit parameters for the month of July.

T. Riggio reported unaccounted water for the month of July is 17.74%. He reported the water production and sales for the month and year to date, and reported there were no positive bacteriological samples for the month of July. T. Riggio updated the status with the green water/manganese issue; someone did report this to TCEQ, therefore we are going through a mini-audit with TCEQ. We submitted all requested records to TCEQ August 4th, currently we have not received any feedback. T. Riggio reported on wells; at Well No. 25 we signed a quote for repairs; currently we are refilling the tank for emergency use so we are pushing back making repairs; Well No. 14 is turned off as of June 22nd due to the tank coming apart at the seams; it will hold water but it is exposed to the atmosphere and possible contamination, the well will remain off until the tank is repaired; Well No. 16 we are waiting on parts for the booster pump; Well No. 20, crews are getting the well ready for emergency use due to demand, it will have to be flushed for at least 2 to 3 days to clear up. By running the well, we will have to notify TCEQ and make it available for annual testing; Well No. 15P is currently in emergency use.

T. Riggio informed the Board that we are currently 2 employees short in the field.

T. Riggio gave an up to date status of water demands in our tanks and SWATS. BRPUA can only produce 5,900 gpm; over the last 3 days, AMUD has averaged 2,746 gpm; JCSUD has averaged 2,907 gpm. R. English stated we need a couple of days to recover; he presented a notice we plan to send out to customers urging them to avoid landscape irrigation for the next 2 days. The notice will be flashing on our website and sent via email to all customers that are signed up for notifications. Staff will also contact the homeowner's associations for Pecan Plantation, DeCordova Bend Estates and Indian Harbor as well as Hood County News.

After discussion, a motion was made to accept the Operational Report for July, 2023.

Motion: Cleveland
Second: Vernon
Vote: All ayes

- l. Richard English presented a memorandum dated August 11, 2023 regarding expiring terms on the Brazos Regional Public Utility Agency (BRPUA) Board. Place 4 currently held by Ray Lewis expires at the end of September; Ray Lewis stated he is willing to serve another term. The term for Place 3 alternates every two years between AMUD and JCSUD, therefore Place 3 currently held by an AMUD appointment will be replaced by a JCSUD appointment.

After discussion, a motion was made to reappoint Ray Lewis to fill Place 4 on the BRPUA Board of Directors.

Motion: Cleveland
Second: Rose
Vote: All ayes

- J. Richard English presented the Texas County and District Retirement System (TCDRS) Plan Provisions for 2024 including Cost of Living Allowance (COLA) for retirees. The COLA requires Board action annually; staff recommends including COLA. R. English stated with our rate revenue strong, this would be a good opportunity to increase the funded ratio to buffer the plan. The funded ratio would be 93.8%.

After discussion, a motion was made to adopt the TCDRS Plan provisions for 2024 including the COLA and to increase the CPI to \$150,000 bringing the funded ratio to 93.8%.

Motion: Vernon
Second: Rose
Vote: All ayes

- K. Bob Evert presented a request for Board consideration to write off the net uncollectible accounts in the amount of \$2,618.75 for the month of July, 2023. The year to date write offs rate of revenue is 0.20%.

After discussion, a motion was made to write off the net uncollectible accounts in the amount of \$2,618.75 for the month of July, 2023.

Motion: Rose
Second: Cleveland
Vote: All ayes

- L. Bob Evert presented the Financial Report for July, 2023. 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 July, 2023.

Motion: Featherston
Second: Cleveland
Vote: All ayes

M. The General Manager’s Report was presented by Richard English. He reported on the following items:

1. The Regular Meeting for September is scheduled for 9:00 a.m., Wednesday, September 20, 2023. Committee meetings are scheduled for Thursday, September 14th.
2. A Budget Workshop is scheduled for 10:00 a.m., Wednesday, August 23, 2023.
3. Semi-Annual Impact Fee Advisory Committee Meeting – Wednesday, August 23rd at 3:30 p.m.
4. Monthly Brazos Regional Public Utility Agency meeting – Wednesday, August 30th at 2:00 p.m. at the JCSUD Office.
5. AMUD Office closed Monday, September 4th for the Labor Day Holiday.
6. Articles – News from Brazos River Authority regarding BRA Central Office Dedication Commemorates Longtime Leader Lt. Gen. Phillip J. Ford; “Keep It Legal” from Quench, and “House advances bill that could provide billions of dollars for new water projects and fixing aging infrastructure” from www.texastribune.org.

Open Items –

- a) SWATS Plant Update – Presented water quality reports; source, raw and finished water for the month of July, 2023 and the beginning of August 2023. Chloride levels are holding steady.

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

Motion: Featherston
Second: Cleveland
Vote: All ayes

N. Items from Board Members:

Rose:
None

Cleveland:
None

Vernon:
None

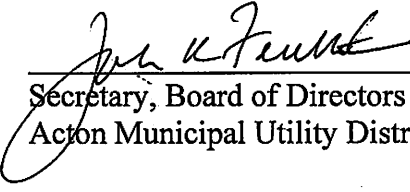
Featherston:
None

Lewis:
None

Adjournment

A motion was made to adjourn at 11:01 a.m.

Motion: Vernon
Second: Featherston
Vote: All ayes



Secretary, Board of Directors
Acton Municipal Utility District