

MINUTES

ACTON MUNICIPAL UTILITY DISTRICT

The Board of Directors of Acton Municipal Utility District met in regular session at 9:00 a.m., Wednesday, December 21, 2022. Notice of said meeting was posted as prescribed by Chapter 54, Article 109, of the Texas Water Code.

Regular Session

December 21, 2022

Directors Present

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

Staff Present

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

Visitors

A. Head, Jackson Walker  
J. Berryhill, P.E.,  
Enprotec/Hibbs & Todd  
A. Mullins, 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 Don Cleveland.

- A. After discussion, a motion was made to accept the minutes from the Regular Meeting November 16, 2022.

Motion: Cleveland  
Second: Vernon  
Vote: All ayes

- B. Ray Lewis, Board President opened a Public Hearing at 9:02 a.m. The purpose for the Public Hearing is to consider amendments of Land Use Assumptions, Capital Improvements Plan (CIP) and Impact Fees. The maximum assessable impact fee for water is \$15,766.00 per equivalent meter and the maximum sewer impact fee is \$10,650.27 per equivalent meter. Allen Mullins, via conference call answered questions regarding calculations. No one from the public was present, therefore the Public Hearing closed at 9:10 a.m.
- C. Richard English presented a resolution for Board consideration to adopt the amendments to the Land Use Assumptions and Capital Improvements Plan, as recommended.

After discussion, a motion was made to adopt the resolution adopting the amendments of the Land Use Assumptions and Capital Improvements Plan. (RESOL 22-12-384)

Motion: Rose  
Second: Cleveland  
Vote: All ayes

D. Richard English presented a resolution for Board consideration to amend the Impact Fee for water service. He presented a memorandum dated December 16, 2022 with regard to amendment of water and sewer impact fees. The Impact Fee Advisory Committee, after lengthy discussions, recommends the water and sewer impact fees be increased from \$3,500 each to \$4,900 each. Also attached under this agenda item is a list of impact fees currently charged by other entities. The numbers vary, but with the rising cost of infrastructure improvements industry wide, he expects most entities will be revising impact fees in the near future.

R. English stated AMUD typically allows about 3 months advance notice to developers and builders to give them an opportunity to prepay impact fees at the current rate for specific lots, and therefore recommends amended fees to include an effective date of April 1, 2023 to allow Staff time to notify local builders and realtors.

After discussion, a motion was made to adopt the Resolution to increase the impact fee for water service to \$4,900.00 per equivalent meter, effective April 1, 2023. (RESOL 22-12-385)

Motion: Rose  
Second: Vernon  
Vote: All ayes

E. Richard English presented a resolution for Board consideration to amend the impact fee for sewer service.

After discussion, a motion was made to adopt the Resolution to increase the impact fee for sewer service to \$4,900.00 per equivalent meter, effective April 1, 2023. (RESOL 22-12-386)

Motion: Rose  
Second: Vernon  
Vote: All ayes

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

G. Executive Session – The Board entered into closed executive session at 9:21 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.
2. Any other matters.

Executive session adjourned at 11:47 a.m. and returned to open session at 11:52 a.m.

H. No action taken on executive session items.

- I. Richard English presented a resolution for Board consideration to retire the tax assessment for the Defined Area, DCBE, Phase 1 for the tax year 2023. The tax rate for 2022 is \$.0200 per \$100 valuation. This Resolution is per request from Hood County Appraisal District.

After discussion, a motion was made to approve the resolution to retire the tax for the Defined Area, DCBE, Phase 1 for the tax year 2023. (RESOL 12-22-387)

Motion: Cleveland  
Second: Vernon  
Vote: All ayes

- J. Richard English presented a joint election contract with Hood County for the May 6, 2023 elections. The contract includes The City of Cresson, The City of Lipan, Lipan ISD, and AMUD. R. English stated this is a standard contract and Staff recommends approval. Terms expiring on the Board of Directors are Ray Lewis and Gary Rose.

After discussion, a motion was made to approve the joint election contract with Hood County for the May 6, 2023 elections.

Motion: Rose  
Second: Vernon  
Vote: All ayes

- K. The Engineer's Report was presented by Joshua Berryhill, P.E. of Enprotec/Hibbs & Todd (eHT). He reported on the following:

- WWTP #1 Improvements – The Control Building and the SBR Support Building were finished out in October. The SBR system supplier was onsite in November to support completion of the startup tasks and seeding of the SBR basins began the week of November 14<sup>th</sup>. The initial performance testing of the SBR units began the last week of November along with taking the racetrack aeration basin offline. The full transfer of plant flow to the SBR basins has been very successful; still anticipating several delivery delays of components for the new plant SCADA (officially delayed to April 2023). TraC-n-trol committed to install temporary wiring (at no additional cost) at the plant to bring the full plant SCADA system online before the end of December to allow for continuing to complete the remaining plant

components of the project, with the final communications modules to be installed in April. Construction Status Meeting (CSM) #23 was held November 17<sup>th</sup>; the CSM #24 was held December 14<sup>th</sup>. The next CSM is anticipated January 19<sup>th</sup>.

- WWTP #2 Improvements – Bar began mobilizing at the WWTP site mid-June and are continuing earthwork, rock excavation, concrete structure formwork and concrete slab pours for the new SBR structure and submittal/RFI development through November with SBR structural work to continue through the rest of this year. The CSM #4 was held November 15<sup>th</sup>; the next CSM occurred on December 20<sup>th</sup>.
- Lift Station 11 Improvements – Received TCEQ approval for construction in response to the summary transmittal letter. eHT preparing to issue bid documents for advertisement and suggests advertising after the holidays to maximize bidder participation and avoid conflict with the holidays.
- Hood County CDBG First Time Sewer Service Project in Port Ridglea East – eHT has been in coordination with the grant consultant who is working with TDA to obtain a time extension for the project due to the re-bid process.
- Greenleaves Low Pressure Sewer System Improvements – eHT continuing with design modifications and preparation of final plans and specifications for the project. eHT had a site visit with Staff November 8<sup>th</sup> to discuss the installation and to investigate existing facilities.
- Pecan Plantation Elevated Storage Tank Improvements – eHT met onsite with Staff and Ben Anthony November 8<sup>th</sup> to discuss the elevated storage tank location. The agreed upon site will be approximately 250' x 150' that incorporates the existing Well 26 site off Monticello Drive. eHT is waiting on the survey to be prepared by the Pecan Plantation Developer's Engineer/Surveyor. Once survey obtained, eHT can begin preparation of plans for submittal to TCEQ.

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

Motion: Rose  
Second: Featherston  
Vote: All ayes

- L. The Operational Report was presented by T J Riggio. He informed the Board we received a Notice of Enforcement at WWTP No. 1 which is related to the construction; he reported 100% of the flow is going through the SBR. Both wastewater plants are well within the permit parameters. He reported the Level 1 Assessment is complete; we had 2 positive bacteriological samples, waiting on a response from TCEQ; T. Riggio thinks it is the bottles we are using. T. Riggio reported demand for water is down. Well No's. 1, 2, 11, 20, 25 and 26 are down. We are waiting on a transducer at Wells 1 and 2; Well 11 is being worked on; there is a leak at Well 25 and Well 26 needs to be flushed, however with a low demand we are leaving it off. Received CDMA endpoint replacements for remote meters, waiting on a list from Badger to see where the endpoints need to be replaced.

After discussion, a motion was made to accept the Operational Report for November, 2022.

Motion: Featherston  
Second: Cleveland  
Vote: All ayes

- M. Bob Evart presented a request for Board consideration to write off the net uncollectible accounts in the amount of \$1,990.67 for the month of November, 2022.

After discussion, a motion was made to write off the net uncollectible accounts in the amount of \$1,990.67 for the month of November, 2022.

Motion: Featherston  
Second: Rose  
Vote: All ayes

- N. Bob Evart presented the Financial Report for November 2022. 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. Total revenues are skewed due to issues using both Incode software and Logics software for the General Ledger. Reported expenditure totals for all departments for the month and the totals for revenues and expenditures were also reviewed and discussed. B. Evart reported we received the true-up from Brazos Regional Public Utility Agency.

After discussion, a motion was made to accept the Financial Report for November, 2022.

Motion: Vernon  
Second: Cleveland  
Vote: All ayes

- O. The General Manager's Report was presented by Richard English. He reported on the following items:
1. The Regular Meeting for January is scheduled for 9:00 a.m., Wednesday, January 18, 2023. Committee meetings are scheduled Thursday, January 12<sup>th</sup>.
  2. No monthly Brazos Regional Public Utility Agency meeting in December.
  3. AMUD office closed Friday, December 23<sup>rd</sup> and Monday, December 26<sup>th</sup> for Christmas and Monday, January 2, 2023 for New Year's.
  4. Articles – "Keep It Legal" from Attorney Kristen Fancher with regard to videoconference, a Board member can attend via videoconference but would not be allowed to vote; "U.S. Drought Monitor" from Texas Water Development Board, and "Utility Bills Rise as Americans Pay Off Storm-Recovery Costs for Decades to Come" from [www.wsj.com](http://www.wsj.com)

Open Items –

- a) SWATS Plant Update – Presented water quality reports; source, raw and finished water for the month of November, 2022 and the beginning of December 2022. Chloride levels are staying reasonably low.
- b) Port Ridglea East – CDBG First Time Sewer Service Project. Discussed under Engineer’s Report.

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

Motion: Vernon  
Second: Rose  
Vote: All ayes

P. Items from Board Members:

Rose:

1.

Cleveland:

None

Featherston:

None

Vernon:

1. Thanked Joshua Berryhill for his enlightening report.


Lewis:

None

Adjournment

A motion was made to adjourn at 12:34 p.m.

Motion: Vernon  
Second: Rose  
Vote: All ayes

  
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Secretary, Board of Directors  
Acton Municipal Utility District