

MINUTES OF MEETING  
OF THE  
BOARD OF DIRECTORS

October 23, 2024

THE STATE OF TEXAS §

COUNTY OF MONTGOMERY COUNTY §

EAST MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 5 §

The Board of Directors (the "Board") of East Montgomery County Municipal Utility District No. 5 (the "District") met in regular session open to the public, at 1:00 p.m., on Wednesday, October 23, 2024, at the Tavola Recreation Center, 23212 Via Principale Parkway, New Caney, Texas 77357, a designated meeting place outside the boundaries of the District; whereupon, the roll was called of the members of the Board of Directors, to-wit:

John Patterson	-	President
Jeff Campbell	-	Vice President
Charles L. Prause	-	Secretary
Vacant	-	Assistant Secretary
Nancy Walker	-	Assistant Secretary

All members of the Board of Directors were in attendance except Director Patterson, thus constituting a quorum.

Also in attendance were: Claude Humbert and Benjamin Slotnick, members of the public; Arlene Faustermann, Joanne Moscatelli, and Norma Davila, residents of Tavola; Jennifer Hanna of Forvis & Mazars, LLC, Auditor for the District; Tiffany Cardin of L&S District Services, LLC, Bookkeeper for the District; Michelle Giacona of H2O Innovation, Operator for the District; Justin Graham and Cole Caraway of LJA Engineering, Inc., Engineer for the District; Chase Wolf of Robert W. Baird & Co. Incorporated, Financial Advisor for the District; and Emily Forswall and Tara Miles of Coats|Rose, P.C. ("Coats|Rose"), the District's legal counsel.

Whereupon, the meeting was called to order at 2:05 p.m. A copy of the notice of the meeting is attached hereto as Exhibit "A."

**HEAR FROM THE PUBLIC**

The Board recognized Mr. Humbert who requested the Board consider voting for the appointment of Benjamin Slotnick to the Review Committee for the San Jacinto River Authority. Following discussion, Director Campbell moved to adopt a Resolution Casting Vote for Candidate for Appointment to Groundwater Reduction Plan Contract Review Committee. Director Prause seconded the motion, which passed unanimously.

## **CONDUCT PUBLIC HEARING ON 2024 TAX RATE**

The Board opened the public hearing on the 2024 tax rate at 2:10 p.m. and confirmed that the notice of such hearing was published according to applicable law. The Board closed the public hearing at 2:13 p.m., and the regular meeting resumed.

## **ADOPT ORDER SETTING 2024 TAX RATE**

The Board then considered adopting an Order Setting Tax Rate and Levy for 2024 (the "Order"), a copy of which is attached hereto as Exhibit "B." Mr. Wolf reviewed the recommended tax rate presented at the previous meeting. After a full discussion and consideration, upon a motion made by Director Campbell and seconded by Director Prause, the Board voted unanimously to adopt the Order reflecting the 2024 total tax rate of \$1.30 per \$100 of assessed valuation, comprised of \$0.52 per \$100 of assessed valuation for maintenance and operations purposes, \$0.31 per \$100 assessed valuation for debt service purposes, and \$0.47 per \$100 of assessed valuation for contract tax rate purposes.

## **AMEND NOTICE TO SELLERS AND PURCHASERS**

The Board next considered amending the Notice to Sellers and Purchasers (the "Notice") to reflect the tax rate and the recent bond sale, a copy of which is attached hereto as Exhibit "C". After consideration, upon a motion made by Director Campbell and seconded by Director Prause, the Board voted unanimously to (i) amend the Notice and (ii) authorize filing of the same in Montgomery County real property records and with the Texas Commission on Environmental Quality.

## **CONSIDER APPROVING MEETING MINUTES**

The Board considered approving the minutes of the meeting held on September 25, 2024, which were previously distributed to the Board. After discussion and consideration, upon a motion made by Director Campbell and seconded by Director Prause, the Board voted unanimously to approve the minutes.

## **HEAR ROMAN FOREST POLICE DEPARTMENT**

The Board recognized Chief Carlisle who presented the Roman Forest Police Department ("RFPD") report, a copy of which is attached hereto as Exhibit "D," and a written proposal from Flock Group, Inc. ("Flock"), a copy of which is attached hereto as Exhibit "E," to install six security cameras in the District at a cost of \$3,000 per year per camera and an installation cost of \$1,250 per camera. Chief Carlisle proposed that Flock Safety contract directly with RFPD, and the participating municipal utility districts enter into a cost sharing agreement with RFPD. He also stated that Flock has offered a free 60-day trial period for the cameras.

Following discussion, Director Prause moved to authorize Flock to install six cameras in the District for the 60-day trial period and to authorize Coats|Rose to prepare a Cost Sharing Agreement for approval at the next Board meeting. Director Campbell seconded the motion, which passed unanimously.

**HEAR FROM GARBAGE SERVICE PROVIDER AND CONSIDER PROPOSAL TO UPDATE CONTRACT TO CART-ONLY TRASH SERVICES**

The Board recognized Ms. Lowman who presented a proposal from Waste Management (“WM”) to increase recycling collection to once per week. A copy of the proposal is attached hereto as Exhibit “F.” Ms. Lowman also proposed changing trash collection days to Monday/Thursday of each week. Following discussion, Director Prause moved to approve the new Monday/Thursday trash collection schedule and to table the recycling service increase until there are more residents in the District. Director Campbell seconded the motion, which passed unanimously.

**AUDITOR’S REPORT**

**Approve Developer Reimbursement Reports in Connection with Bonds**

The Board recognized Ms. Hanna who presented the Developer Reimbursement Reports in connection with the District’s Series 2024 Contract Revenue Bonds and Series 2024 Bonds, copies of which are attached hereto as Exhibit “G.” After review and discussion, Director Prause moved to approve the Developer Reimbursement Reports as presented. Director Campbell seconded the motion, which passed unanimously.

**BOOKKEEPER’S REPORT**

The Board recognized Ms. Cardin, who presented and reviewed the Bookkeeper’s Report, a copy of which is attached hereto as Exhibit “H.” Upon a motion brought by Director Campbell and seconded by Director Prause, the Board voted unanimously to approve the Bookkeeper’s Report and the payment of the bills listed therein.

**HEAR TAX ASSESSOR/COLLECTOR’S REPORT**

The Board recognized Ms. Gideon who presented and reviewed the TAC’s Report, a copy of which is attached hereto as Exhibit “I.” She stated that the District’s 2023 taxes were 100% collected. Upon a motion made by Director Campbell and seconded by Director Prause, the Board voted unanimously to approve the TAC’s Report and payment of the bills listed therein.

**Consider Termination of Water Service and Authorizing Door Tags for Delinquent Tax Accounts**

There were no delinquent tax accounts, so no action was necessary on this agenda item.

**HEAR OPERATOR’S REPORT**

The Board recognized Ms. Giacona who presented and reviewed the Operator’s Reports, a copy of which is attached hereto as Exhibit “J.”

Ms. Giacona presented two proposals from Elite Pumps & Mechanical Services, LLC (“Elite”), copies of which are attached hereto as Exhibit “K,” for booster pump repairs in the amounts of \$27,162 and \$11,641. After review and discussion, upon a motion made by Director Campbell and seconded by Director Prause, the Board voted unanimously to approve the Operator’s Report as presented and the action items listed therein, including the two proposals from Elite.

**HEAR ENGINEER’S REPORT**

The Board recognized Mr. Graham who presented the Engineer’s Report, a copy of which is attached hereto as Exhibit “L,” and requested approval of the items listed therein.

**Approve Equipment Lease Agreement with AUC Group**

The Board considered approving an Equipment Lease Agreement with AUC Group for the interim wastewater treatment plant.

Following review and discussion, Director Campbell moved to accept the Engineer’s Report, approve the items listed therein, and approve the Equipment Lease Agreement with AUC Group. Director Prause seconded the motion, which passed by unanimous vote.

**HEAR REGIONAL DETENTION/DRAINAGE MAINTENANCE REPORTS**

The Board recognized Mr. Franklin who presented the Maintenance Report from Growth Services, Inc., a copy of which is attached hereto as Exhibit “M.” He presented proposals for additional maintenance work, copies of which are included in the Maintenance Report. Following review and discussion, upon a motion made by Director Campbell and seconded by Director Prause, the Board unanimously voted to accept the Maintenance Report and approve the proposals for the following work:

- i) West Diversion Ditch- Project #1 Repair Erosion on Slopes near Bridge;
- ii) West Diversion Ditch- Repair #2 Repair High Bank Erosion near street;
- iii) West Diversion Ditch- Repair #3 Repair Slope Erosion at south end of ditch near West Pond;
- iv) West Channel Project #1- Install Backslope Interceptor in place of rip rap;
- v) West Channel- Install Backslope swale along high bank to divert stormwater into new Interceptor;
- vi) West Channel Project #2- Repair smaller blowouts and rilling in center of north slope;
- vii) West Channel Project #3- Repair smaller blowouts and rilling at east end of channel slopes;
- viii) EMC MUD #5- Remove (85) dead/blown over trees from wooded area surrounding Water/Sewer Plants;
- ix) EMC MUD #6- Remove (65) Standing Dead Trees from HOA adjacent areas and walking trails;
- x) EMC MUD #7- Remove (55) Standing Dead Trees from areas between HOA and Tributaries 4 & 5; and

- xi) EMC MUD #7- Remove (79) Standing Dead Trees from areas between HOA and Tributary 6.

**HEAR DEVELOPER'S REPORT**

The Board recognized Mr. Espinoza who reported on the status of development in the District. No action was taken.

**HEAR ATTORNEY'S REPORT**

**Adopt Amended Rate Order**

The Board considered adopting an Amended Rate Order to incorporate amendments to the Drought Contingency Plan required by the Texas Commission on Environmental Quality. Following discussion, Director Campbell moved to adopt the Amended Rate Order, a copy of which is attached hereto as Exhibit "N." Director Prause seconded the motion, which passed unanimously.

**Maintenance Cost Sharing Agreement with Tavola Community Association, Inc.**

Ms. Forswall presented a Maintenance Cost Sharing Agreement (the "Agreement") between the District and Tavola Community Association, Inc., which sets forth the terms for maintenance of certain drainage improvements and replaces the 2017 Maintenance Cost Sharing Agreement. Following review and discussion, Director Campbell moved to approve the Agreement. Director Prause seconded the motion, which passed unanimously.

**Discuss Meeting Date**

Ms. Forswall stated that the December meeting falls on Christmas Day and will be re-scheduled.

There being no further business to come before the Board, upon a motion duly made and seconded, the meeting was adjourned.

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PASSED, APPROVED AND ADOPTED, this 21<sup>st</sup> day of November, 2024.

Asst. Nancy E. Walker  
Secretary, Board of Directors

(DISTRICT SEAL)

