

LAKE POINTE MUNICIPAL UTILITY DISTRICT

MINUTES OF A MEETING OF THE BOARD OF DIRECTORS

July 14, 2022

The Board of Directors of Lake Pointe Municipal Utility District (the “District”) met in person in a regular session on July 14, 2022, at 7:00 p.m., open to the public. The District posted a copy of the notice of meeting, attached as “Exhibit A.”

President Salgo called the meeting to order at 7:01 p.m.

Item No. 1

Item No. 1 was to call the meeting to order and establish quorum. The following members of the Board were present:

Director Robert Salgo
Director Jason Rew-Hunter
Director Terry Elam
Director Jody Flaws

Director Penny Handsel was absent. Also in attendance were William Swanks with TUMCO, Josiah Longbons and Blake Foree with Landscape Resources, Scott Mincey, and Grayson McDaniel with The Carlton Law Firm.

Item No. 2

Item No. 2 was to receive public comment on items not on the agenda. No public comment was offered.

The Board took **NO ACTION** on this item.

Item No. 3

Item No. 3 was to receive an update from the Lake Pointe Homeowners’ Association. No representative from the HOA attended the meeting.

The Board took **NO ACTION** on this item.

Item No. 6

Item No. 6 was to discuss, consider, and take action as necessary regarding landscape services within the Lake Pointe subdivision. Mr. Longbons asked if he could attend an HOA meeting regarding some of the pear trees that may need maintenance. President Salgo stated that Mr. Longbons could attend, but that the HOA was not having a July meeting and the next HOA meeting would be in August.

Director Elam stated that Mr. Longbons could also reach out to the HOA Board President between meetings.

Next, Mr. Longbons presented a proposal for June irrigation repairs for \$2,975.50. Mr. Longbons explained that Controller F had a valve stuck open and needed to be replaced. Controller H was not properly turning on certain zone valves and 50 feet of common wire had to be replaced. Controller N had the same issue as Controller H and 50 feet of common wire also had to be replaced. Controller V had two valves that were not coming on. One stuck valve had to be replaced, and the solenoid on the second stuck valve had to be replaced to make it operational. Director Rew-Hunter asked about the amount of time it took to track the wiring to see where there were breaks. Mr. Longbons and Mr. Foree explained the proportion of material costs of the repairs and the labor costs associated with the work.

Next, President Salgo stated that he and Director Elam will create a document to identify the four components of any proposal, including labor, material, subcontractor, and rental, and then a subtotal, overhead, and profit. President Salgo stated this will likely avoid the questions and speed up the process of approving the proposals. President Salgo asked for Landscape Resources to please provide the document the day before the meetings, if possible. President Salgo said if Landscape Resources has questions or concerns about the idea that he would welcome any discussion. President Salgo also said that they would come to an agreement on labor rates. Mr. Longbons agreed. President Salgo said that he thought the Board would likely, as it worked on the budget, have a somewhat more disciplined view with regard to projects.

President Salgo said the trees in the District look excellent and the trimming and tending showcased the beauty of the 30-40 year-old trees.

Next, Director Elam said that he had a PowerPoint about different areas within the District that he hoped to present to illustrate areas in the neighborhood that needed additional attention.

Director Elam said he was curious why the Board tabled Landscape Resources' proposal for Asian Jasmine in the second island on Resaca, as he thinks that with the uncertainty on the wall project, it seemed like a good idea to move forward with that proposal and get the contractor for the wall project to agree to remediate any damage done to the plant material when that project is done. Director Elam asked Mr. Longbons if the weather was still suitable for planting in the second island, and Mr. Longbons said it was. He also stated that the Asian Jasmine in the first island was doing very well. Mr. Longbons distributed the proposal for Asian Jasmine in the second island for \$74,560.00. Director Elam asked if there were concerns about approving that proposal tonight, and President Salgo said yes, because the proposal is for a significant amount of money and the amount that had already been spent on Resaca was substantial and that the District may want to instead allocate money to beautifying a different area of the neighborhood first. He questioned spending \$100,000 on Resaca this year and said he hoped that Landscape Resources would have the resources to beautify Napa Pond area and the trees there. He said that if the Board disagreed, he would follow what the Board wanted to do.

Director Elam asked about the budget line item for "Subdivision Improvements." President Salgo said he hoped to finish up the Landscape Resources item so Mr. Longbons and Mr. Foree could leave. He said there would be lots of time to discuss the budget and asked for consent to move on to finish up with Landscape Resources. Director Flaws stated that there was \$1.4 million budgeted to spend on "Subdivision Improvements" and it had not been spent due to a wall contractor dispute, but that a fair

amount of money had indeed been spent on projects that were not envisioned at the time the budget was made. He also stated that there are people who want to wait and spend that money next year. He explained that there is money left in the budget for that item, but said that if all that money is spent it will not have been spent on what it was planned for. He urged caution with regard to spending all of that money just because it is there and also cautioned against the idea of securing bonds (as was mentioned at the June 22 meeting) that would have a significant amount of money owed from the District on an annual basis. President Salgo stated that if the other three wanted to vote to pay for the Asian Jasmine proposal they could..

Director Elam made a motion to approve Landscape Resources' proposal for June irrigation repairs for \$2,975.50. President Salgo seconded the motion. President Salgo asked for questions and, hearing none, took a voice vote, and the motion **PASSED** unanimously.

President Salgo asked for a motion to approve the proposal for Asian Jasmine in the second Resaca island. Director Flaws said he thought it needed more discussion.

Mr. Longbons asked about Director Elam's PowerPoint and Director Elam said he could meet with Mr. Longbons outside of a meeting and show him the PowerPoint and drive the areas to look at them and another Director could join if they wanted. Mr. Longbons said that would work and that they can do it sooner rather than later as the District needs to adopt its budget soon.

Finally, President Salgo said that he and Director Elam could meet with Landscape Resources at Napa Park to discuss how to work on the landscaping there. Operations Manager Swanks mentioned that the existing plants were growing well there without water, but they will need to have regular maintenance so they will not grow into the new fence. Director Elam said that someone should find out who owns those plants, the District or the HOA, and President Salgo said that Murphy Engineering would be the correct entity to contact, probably, because they were heading up the conveyance efforts. Director Elam asked Operations Manager Swanks about a brush pile that will need to be removed in the back side of Napa Park. Landscape Resources said they would look at the area to address that issue.

Director Rew-Hunter said that there was brush behind a residence on Brittany Point Lane. President Salgo said he met with the resident and the brush was from a Juniper in the Preserve and was not very large but recommended that it be addressed.

The Board took **NO FURTHER ACTION** on this item.

Item No. 8

Item No. 8 was to discuss, consider, and take action as necessary regarding the ongoing activities of the West Travis County Public Utility Agency ("PUA"), including receiving a report from Jason Bethke. Mr. Bethke was not in attendance. Director Flaws stated that he sent an email to invite Mr. Bethke, but he did not respond. Director Flaws said that he also has not seen any updates from the PUA meetings from Mr. Bethke. President Salgo asked the Directors if the District might want to consider nominating someone else to the PUA Board. He said he has another person in mind and has asked Mr. Bethke four or five months ago if he still wanted to be on the Board and Mr. Bethke said he did. Director Elam asked if anyone has gone to a PUA meeting to see how active Mr. Bethke was on the Board. President Salgo said he had gone over after he became Board President, but had not gone since. He explained that he had not supported a past nominee to the Board and that had caused some issues between

the District and the PUA in the past. Director Elam said that perhaps one or two of the Directors should attend a meeting to observe. Director Flaws also stated that Mr. Bethke should be asked more firmly to attend a Board meeting and meet the Directors. Director Elam said that it appeared that there was a June 16 meeting and that the July 7 special meeting was canceled. President Salgo explained that the District's nominee can be anyone in Travis County and in the past the Board has also tried to have the individual live in the neighborhood. President Salgo said he would call Mr. Bethke in the next week and report back.

President Salgo said that PUA had a water pipe from Walgreens to Highway 71 going toward the treatment plant. Some of the trails to the Galleria would need to be closed during the construction. Right now, the area is staked and the trees are tagged. President Salgo said he was just informed about the project by the PUA today. Director Flaws asked if the land was District property and President Salgo stated that it is City of Bee Cave property, but that the PUA does irrigate the property with treated effluent.

Director Elam said he was not thrilled with the replacement of landscaping by the PUA along its waterline, especially along the trailhead, and asked if the Board has ever considered whether it had any recourse on that. President Salgo said he would walk the trail with Director Elam and had sent Mr. Baze a list of 6-7 items, including, for example, removing the silt fence and addressing revegetation, as the contractor had used mulch instead of actual revegetation. Operations Manager Swanks said there was also the issue of loose gravel, and that several residents have gotten stuck in the parking lot gravel. Director Rew-Hunter asked if the District should consider putting a sign there to state that it is not a parking lot and that there is parking only at one's own risk. President Salgo explained that Cash Construction had caused a lot of that problem after the waterline construction as they left a lot of material in that area. Operations Manager Swanks asked if they should ask the PUA to remove the surplus to make it less likely people will get stuck, and the Directors agreed. Director Flaws said the PUA has two Bobcats on that site for construction now so it would be a good time to make that request.

Director Elam asked what the status of the gate was, and Operations Manager Swanks said he has discussed that with the PUA and the construction company is handling that work, but that there was not currently a finish date. President Salgo asked Operations Manager Swanks to please make sure that the gate is repaired in a quality manner. Director Elam said there have been some complaints about people leaving trash in that area. Operations Manager Swanks will also connect the workers who make the repair to work with the PUA and will look into discussing a project plan with them.

The Board took **NO ACTION** on this item.

Item No. 10

Item No. 10 was to discuss, consider, and take action as necessary regarding maintenance of the District's facilities, including the ongoing Stormwater Basin Maintenance Project. Operations Manager Swanks said the inlet at Adelanto Cove and its associated outlet ha been cleaned out. He said last week he had to fix a pump at the community park and have water delivered. The contractor that repaired the other pond fences is making steady progress on Lyons Court and several other areas.

Director Elam asked about the berm at the community center parking lot that was constructed and how its effectiveness can be verified. President Salgo said that they could turn on the fire hydrant and see if it was effective or wait for the next rain. Director Elam expressed concern about the trail still

being washed out. Operations Manager Swanks said he had discussed doing in-ground drains with Mr. Foree.

Director Elam asked about having the exposed metal on the trail removed. President Salgo said the metal, as it is dangerous, ideally would be removed and stored. Operations Manager Swanks said that they had decided to first address the drainage and then look into the walkway. Ms. McDaniel explained that she and her associate had researched the issue, and the particular walkway there was not required to conform to accessibility under ADA, as it was outdoor and not a site entrance or exit or similar non-recreational location. As it was a project for less than \$50,000, it did not have to be registered with Texas Department of Licensing and Regulation. President Salgo said this was helpful information.

Next, Director Elam said the sign that states “Do Not Enter” is not placed well, as it is right by the trail that encourages people to walk. Operations Manager Swanks said the sign was put in when the neighborhood was built and it can be moved if the District wants that. Operations Manager Swanks said the sign was placed there to protect the District from liability if a child fell in the pond, but that now there is a trail by it. Ms. McDaniel said she could discuss it with Operations Manager Swanks after the meeting to get a better idea of the location and the purpose of the sign. Operations Manager Swanks asked if it could get mounted on the fence at the pump—that way it would still face the pond. Director Elam said he always thought it meant do not enter the water. Director Rew-Hunter said he reads it that way and not as do not enter the trail. Director Rew-Hunter asked what exactly the sign said. President Salgo and Director Elam agreed to take it up along with the berm issue.

Director Rew-Hunter asked Operations Manager Swanks about the buckling of the street that came up in a prior meeting. Operations Manager Swanks said Travis County has accepted that road for maintenance—Lakestone Section 5 is the only area that has not. Operations Manager Swanks said he will contact the County about that.

The Board took **NO ACTION** on this item.

Item No. 12

Item No. 11 was to discuss, consider, and take action as necessary regarding committees or subcommittees of the District’s Board of Directors, including the Facilities, Finance, and Parks committees. Director Elam said the Facilities issues had been discussed already. Director Flaws had no report for the Finance Committee. Director Handsel is absent, so there is no report from the Preserve Committee.

The Board took **NO ACTION** on this item.

Item No. 11

Item No. 11 was to discuss, consider, and take action as necessary regarding the Preserve. Operations Manager Swanks said that any work must be done from September-March due to nesting. He walked the area with Lake Travis Fire and Rescue and in February they will do weed-eating and lower-level clearing for fire prevention and trim oak trees. The work will begin on September 1st behind Mr. Finch’s house. The neighborhood will be broken up into three sections and they will do one per year. Also, in the event of a fire, Lake Travis Fire and Rescue will fight the fire. Director Rew-Hunter asked if they had a plan as to how to get back there, and Operations Manager Swanks said they have helicopters,

etc., and know the locations of the fire hydrants. Operations Manager Swanks said that the Lake Travis Fire and Rescue said there are no “sacrificial homes.”

Mr. Mincey said his house backs up to the Preserve and asked what his rights are to clearing behind their house and how far into the Preserve they can go. Operations Manager Swanks said the residents can maintain the area within ten feet of their fence with the permission of the District, which just requires emailing Operations Manager Swanks and they will walk the area so he can tag any native trees that they do not want cut. He also said that residents can clear any items that are immediately going to threaten their property, which would be the fence line, if they haul off the debris.

Director Elam asked if the fencing behind the house is the resident’s property. Operations Manager Swanks said the HOA has the responsibility to make sure that it is maintained, and it is in the deed restrictions that you cannot obtain a Certificate of Occupancy unless you have a fence and also that it must be maintained.

Operations Manager Swanks asked if the District wildlife permit requires a fence. Ms. McDaniel will check. Operations Manager Swanks said a resident had asked about removing and replacing their fence.

Director Elam asked about working with a private contractor to do the fire prevention prior to February. Operations Manager Swanks said that he could do that. President Salgo agreed that he would like that to happen. Director Elam asked if that contractor could come to the next meeting, and President Salgo said he would like Operations Manager Swanks to just schedule it. Operations Manager Swanks said the private contractor charges \$1,500/day and Lake Travis Fire and Rescue charges \$1,800/day. He also said that for certain areas he wants to use Lake Travis Fire and Rescue because they have specialized equipment that is needed there. Since he cannot do the work until September, Operations Manager Swanks will get his proposal for the August meeting.

President Salgo asked Ms. Reicher with the PUA last week to test every fire hydrant in the neighborhood. He will follow up with her.

Director Rew-Hunter asked where the closest hydrants to the Preserve are located. Operations Manager Swanks said they are on the road on Pleasant Panorama and on the raw waterline in the Preserve.

The Board took **NO ACTION** on this item.

Item No. 9

Item No. 9 was to discuss, consider, and take action as necessary regarding the Resaca Boulevard Fence project within the Lake Pointe Subdivision. The District has some time to determine if it will take legal action on the Johnson Service Company issue. The Board waited to discuss in Executive Session.

President Salgo reported that the HOA had some interest in modifying the agreement regarding the boundary fence. Director Elam asked if the HOA gave the District money for the project. President Salgo said they gave the District money for their half of the design phase, but confirmed they had not given the District the remainder of their portion of the cost. There is interest in potentially amending or otherwise revising the agreement now that it is clear that a “maintenance-free” fence may be significantly

more costly than they originally hoped. There may be interest in considering a composite design rather than masonry. Operations Manager Swanks stated that the HOA had paid the District \$48,920 this year.

The Board took **NO ACTION** on this item.

Item No. 7

Item No. 7 was to discuss, consider, and take action as necessary regarding the District's budget. President Salgo stated that he had proposed some numbers and asked if the Directors wanted to go down and review item by item. President Salgo asked if the Board could also discuss at the August meeting and Ms. McDaniel confirmed they could. Ms. McDaniel suggested the Board have a special meeting for a budget workshop, as well, and the main issue was Director Flaws' availability. President Salgo suggested that the Board review all budget items except for "Subdivision Improvements" and save that item, which will merit lengthier discussion, for the next meeting.

Director Flaws presented a worksheet he had made regarding the District's funds, including the General Fund and the Debt-Service Fund. He noted that MUD 5 pays a surcharge that covers most of the debt service. Operations Manager Swanks said it is set that way so there will not be anything left in the Debt Service Fund when the debt is paid. Director Flaws said there is a \$170,000 payment due in 6 weeks, \$175,000 due September 2023, and \$180,000 due September 2024, and then there will be no debt remaining, and the MUD 5 debt charge will go away. Director Flaws stated that over the last few years, the District has put about \$200,000 in the bank annually. Director Flaws said he thinks this is because the District was saving money for the wall, but that the District merits additional investment as the neighborhood is not as well-maintained as some of the other neighborhoods in the area. Director Flaws suggested that the Board consider raising debt now and then both MUDs would be burdened equally instead of just MUD 5, and MUD 5's contribution would likely decrease. Director Flaws stated that he does not know that the District needs to take on debt to build the wall, but that the District has the ability to do so.

Director Flaws stated that one option that would give the District the most flexibility would be to keep the District's tax rate the same as last year, which—because revenue would be increased by more than 3.5%--would necessitate a November election. Director Rew-Hunter asked what the revenue would be if that was done. Director Flaws said that he projects that keeping the same rate would increase revenue from \$1,167,000 approximately, to \$1,335,000, approximately, which would be a \$125,000 increase, about 17%.

President Salgo said that he had considered the option of increasing revenue by 3.5%, which would be a tax rate of approximately 0.14482, that would not necessitate an election, and would increase revenue to \$1,208,000, a \$40,000 increase. President Salgo said he thinks that the Board needs to seriously consider whether it wants to have an election. Director Rew-Hunter asked how much an election generally costs, and Ms. McDaniel said at least \$10,000-\$20,000.

Director Rew-Hunter said he believed that there is a cap on the amount of revenue that can be increased even with an election and asked for clarification, Operations Manager Swanks and Ms. McDaniel think it is an 8% cap. They explained that this is a state constitutional cap. Director Rew-Hunter questioned Director Flaws on what that rate would be.

Director Rew-Hunter asked if the fence project funds could be reclassified as a capital improvement funds. Operations Manager Swanks advised that it could not. Director Rew-Hunter said there were significant capital improvements that are needed that go beyond regular repair. He proposed keeping the \$1.4 million as “Subdivision Improvements” in the budget in reserve with the intent of using it for capital improvements.

Director Flaws said he would not necessarily argue one way or another, but wants the District to have a five-year plan and Director Rew-Hunter agreed.

Director Elam mentioned that he does not favor having the same budget as last year due to inflation. Director Elam mentioned that if the District had an election they would need to campaign for that. Director Rew-Hunter mentioned that with inflation there may be a general disinterest in paying any additional taxes so the Board should be sensitive to that. Director Elam agreed but said that they would not be raising the tax rate, but just more revenue and that is what they would need to campaign on. Director Rew-Hunter pointed out that people do get concerned about the amount they pay more than the rate and does not think that the election would be worth the amount the District would get and the risk that the measure would not pass, as well as the amount an election would cost. Director Flaws said he was inclined to agree, especially as 8% is about \$50,000 in additional revenue and did not seem worth spending \$10,000-\$20,000 on an election.

The Directors turned to the budget items. Operations Manager Swanks made the following suggestions to clean up certain items for an amended budget for this year. He proposed taking the cleanup money from “Subdivision Improvements”. If an item is not mentioned, then there was no change proposed for that item:

- Irrigation Repairs: Change to \$27,500 from \$12,000;
- Delete “Irrigation System Expense” item;
- Change Landscaping New to \$55,000 from \$25,000 and assign the installation of Asian Jasmine on the first Resaca island to that item from “Subdivision Improvements”;
- Increase Mowing/Landscaping to \$135,000 from \$133,024;
- Changing Legal to \$70,000 from \$45,000;
- Change Legal – Johnson Services from \$0 to \$30,000;
- Change Legal – Rules from \$0 to \$5,000;
- Change “Engineering Special Requests” to \$0 from \$3,000;
- Change “Engineering Pond Inspections” from \$3,000 to \$0;
- Change “Engineering/Pond/County/Plan” from \$5,000 to \$3,000;
- Change “Bond Expense” from \$2,250 to \$2,000; and

- Change “Subdivision Improvements” from \$1,400,000 to \$200,000.

The District will move the funds it needs in order to increase the above items from “Subdivision Improvements”, which is why the “Subdivision Improvements” item has been accordingly reduced. The Directors and Operations Manager Swanks also discussed changing coding of items as needed.

Director Elam asked what the “Subdivision Improvements – Johnson Services” was for and what was the \$8,688.90 spent on, and Operations Manager Swanks said that was the amount paid for the Jones|Carter fees and the irrigation mainline loop fees and this can be reviewed once it has been recoded.

Director Flaws asked about adjusting “Subdivision Improvements” to change the budgeted amount. The Directors briefly discussed potential changes. The Directors also discussed their reserves and about amending the budget during the year. Director Flaws proposed that \$700,000 in “Subdivision Improvements” in the FY2023 budget would give the District flexibility to take on more projects and President Salgo agreed.

Operations Manager Swanks said he would make the adjustments to coding and the budget and send it to the Directors in a few days.

President Salgo asked if the Board could adopt the budget and tax rate at the same meeting and Ms. McDaniel said they could. There will need to be a special notice for the public hearing on tax rate.

The Board took **NO ACTION** on this item.

Item No. 5

Item No. 5 was to discuss, consider, and take action as necessary regarding the District’s financial reports and payment of the District’s bills and invoices. Director Flaws made a motion to pay this month’s bills. President Salgo seconded the motion. President Salgo asked for further discussion and, hearing none, called a voice vote, and the motion **PASSED** unanimously.

Director Elam asked why the District gets five water bills. Operations Manager Swanks explained it is for five sources of potable water. Director Elam asked why each bill has separate fees and asked was it not a point of the District’s consolidation to have one bill. Operations Manager Swanks said that tying the meters together would likely be cost-prohibitive to put the sources on raw water. Director Elam said potable water is \$4.70/1,000 gallons, about five times as much as raw water. Director Elam asked why there are five service fees and asked why they cannot have one fee for the five meters, and Operations Manager Swanks said that is a PUA issue, not a District issue. Director Elam said the District can save \$150/month for not paying five fees. Operations Manager Swanks mentioned that each meter must be serviced, and he doubts that the PUA would reduce any fees.

The Board took **NO FURTHER ACTION** on this item.

Item No. 13

Item No. 13 was to discuss, consider, and take action as necessary regarding updates to the District’s bank records. Operations Manager Swanks needs to remove Valerie Wheeler and Stephen

Knuff as signatories and add Operations Manager Swanks, Director Flaws, and President Salgo if desired.

President Salgo made a motion to update the District's banking records to remove current signatories and replace with William Swanks, Robert Salgo, and Jody Flaws. Director Rew-Hunter seconded the motion. President Salgo called for a voice vote and the motion **PASSED** unanimously.

The Board took **NO FURTHER ACTION** on this item.

Item No. 14

Item No. 14 was to discuss, consider, and take action as necessary regarding the District Records Management Program. Director Flaws asked that Operations Manager Swanks ask Gerri to stop emailing the Directors' old emails and use the lakepointemud.org emails.

President Salgo moved to adopt the resolution to adopt the Records Management Program for the District. Director Flaws seconded the motion. President Salgo asked for questions and, hearing none, called a voice vote and the motion **PASSED** unanimously.

The Board took **NO FURTHER ACTION** on this item.

Item No. 15

Item No. 15 was to discuss, consider, and take action as necessary regarding coordination between the District and HOA regarding new construction and remodeling review and deposit process. The Board tabled this item.

The Board took **NO ACTION** on this item.

Item No. 16

Item No. 16 was to discuss, consider, and take action as necessary regarding the necessity for the monthly Board meetings to provide remote access via Zoom. Director Rew-Hunter thinks that the Board should use YouTube and Director Elam suggested each Director having a microphone since the acoustics are so bad. President Salgo asked how it is charged, and Director Rew-Hunter said it is already included with the District's Gmail suite. The Directors agreed to run a trial at next month's meeting.

Director Rew-Hunter moved to do a test-screen of the meeting on Youtube at the next meeting and for Operations Manager Swanks to bring the Board a cost estimate for audio equipment. President Salgo seconded the motion. President Salgo called a voice vote and the motion **PASSED** unanimously.

The Board took **NO FURTHER ACTION** on this item.

Item No. 17

Item No. 17 was to discuss, consider, and take action as necessary regarding the District's FY22 audit. The Board tabled this item.

The Board took **NO ACTION** on this item.

Item No. 18

Item No. 18 was to discuss, consider, and take action as necessary regarding the District's website. Director Flaws reported that the HOA has a way to communicate to the community. The District keeps a list of people who have asked to be on the District's communication list. Director Flaws says there are better applications for building communications list, like Constant Contact, for example, and thinks the Board should consider that. Director Elam moved to authorize himself to research and create an account with an application that will provide improved communication, like Constant Contact. After discussion, Director Rew-Hunter moved that Director Elam work in concert with Shay to identify one or more possible providers for email providers to communicate with the District and come back to the Board with that information. As the Board did not need a motion for that, there was no second or vote.

Ms. McDaniel requested that the Board move to authorize Shay to give The Carlton Law Firm credentials to post the District meeting agendas to the website. This will improve the ability of The Carlton Law Firm to ensure that all meeting agendas, including for example, special meeting agendas, timely. Director Flaws and Director Elam do not think this is a good idea because then The Carlton Law Firm will have access to the website. President Salgo thinks Ms. McDaniel is overreacting because there have been some problems posting. Ms. McDaniel suggested the item be tabled, though she noted that the issue is stressful because she is worried about the posting for every meeting even though she sends the Board packet out the Thursday evening a week before the meeting.

The Board took **NO ACTION** on this item.

EXECUTIVE SESSION

The Texas Open Meetings Act, Chapter 551 of the Texas Government Code, authorizes the Board of Directors to convene in close or executive session for certain purposes, including receiving legal advice from the District's attorney (Sec. 551.071); discussing real property matters (Sec. 551.072); discussing gifts and donations (Sec. 551.073); discussing security personnel or devices (Sec. 551.076); and discussing information technology security practices (Sec. 551.089). If the Board of Directors goes into executive session to discuss any item on this agenda, the President Officer will announce that the Board will meet in Executive Session will be held, will note the time, and will identify the item to be discussed and the provision of the Open Meetings Act which authorizes the Executive Session. The District may meet in executive session on any agenda item or any item listed below:

- A. the District's Preserve roadway access;
- B. the District's Preserve permit renewal;
- C. Johnson Services Company matters; and
- D. Ongoing or pending litigation involving the District.

Item No. 19

Item No. 19 was items for future agendas. Director Flaws asked about a permit update for the US Wildlife Conservation permit and Ms. McDaniel said that would be added in the future. Director Elam suggested adding the YouTube item. Director Rew-Hunter suggested including the five-year

strategic plan for the District to the next agenda. The District will also have budget and tax-rate setting on the August regular agenda. Director Rew-Hunter asked for the actions taken at the meeting to be sent to everyone after the meeting. The Directors asked for the minutes soon after the meeting so they can make revisions and Ms. McDaniel said that The Carlton Law Firm would make an effort to do that.

The Board took **NO ACTION** on this item.

Item No. 4

Item No. 4 was to review and approve minutes of the June 9, 2022, regular meeting and the June 22 special meeting.

President Salgo and Director Elam made revisions to the minutes and Ms. McDaniel said she would make the revisions.


President Salgo moved to approve the June 9 and June 22 minutes as amended. Director Flaws seconded the motion. President Salgo asked for discussion and hearing none, called a voice vote, and the motion **PASSED** unanimously.

The Board took **NO FURTHER ACTION** on this item.

Item No. 20

Item No. 20 was adjournment. Director Rew-Hunter moved to adjourn. Director Elam seconded the motion. The motion **PASSED** unanimously. The meeting was adjourned at 11:29 p.m.

PASSED, APPROVED, AND ADOPTED this ___ day of August 2022.



Jody Flaws, Secretary-Treasurer

(DISTRICT SEAL)

