

TIMBER LANE UTILITY DISTRICT
Minutes of Meeting of Board of Directors
November 9, 2023

The Board of Directors (“Board”) of Timber Lane Utility District (“District”) met at 1904 Naplechase Crest Drive, Spring, Harris County, Texas in the District, on November 9, 2023 in accordance with the duly posted notice of the meeting, with a quorum of Directors present, as follows:

Robert B. Schenck, Vice President
James F. Messer, Secretary
A.F. “Bud” Gessel, Assistant Secretary
Eric Langstaff, Director

and the following was absent:

Daniel M. Meacham, President

Also present were Kayla Ray, Mark Ivy, Monica Pena, Jeff Vogler, Mark Cervantes, Lt. Juan Flores, Sergeant Juvencio Ramos, Captain Vicente Medina, Sergeant Lindley, Sergeant Brian Norton, Larry Byrne, Eric O’Brien, Kurt Trauth, Paulette Scott, Kyler Correia, Jennifer B. Seipel, and Lori G. Aylett.

The Vice President called the meeting to order and declared it open for such business as might properly come before it.

1. Director Langstaff led the recital of the Pledge of Allegiance.
2. There were no public comments.
3. The Board then considered the minutes of the meetings held on October 12, 2023 and October 18, 2023. Upon motion duly made and seconded, the Board unanimously approved the minutes of the meetings as presented.
4. Sergeant Juvencio Ramos presented a law enforcement report, copy attached. The following crime statistics were reported: five burglaries of a habitation, ten vehicle thefts, three assaults, 24 calls for family disturbances, 34 alarms, five reported runaways, eight burglaries of a motor vehicle, 15 other thefts, two sexual assaults, two juvenile disturbances, 56 suspicious vehicles, two phone harassments, one theft of a habitation, one robbery, 14 criminal mischief calls, 47 other disturbances, 48 suspicious persons, and 737 other calls. Upon unanimous vote, the Board approved the law enforcement report as presented.
5. Monica Pena presented a tax assessor-collector’s report, a copy of which is attached. The District’s 2022 taxes are 98.41% collected as of the date of the report. Two wire transfers and twelve checks were presented for the Board’s review and approval. Upon unanimous vote, the Board approved the tax assessor-collector’s report as presented.

6. The Board then considered an engineer's report, copy attached. Mark Cervantes reported on the status of several District engineering matters. Design of the wastewater treatment plant expansion continues. With regard to the District's wastewater discharge permit, the engineer noted that the application for a major permit amendment that would remove copper, TDS, and other testing requirements is underway. As for the Schultz Gulley pedestrian bridge, the engineer stated that the structural engineering design is complete, and the plans have been submitted to the appropriate agencies for review. Mr. Cervantes stated that the plans for the recoating of the Schultz Gulley sanitary crossings have been submitted to Harris County Flood Control District for approval, and bids for the project are due before the December meeting. As for the sanitary sewer phase three project, the engineer presented the bids received and recommended award of the contract to the low bidder, Insituform, in the amount of \$216,465.00. The engineer also requested authorization to advertise for bids for the Timber Lane Community Center auxiliary power project.

Mr. Cervantes then presented and recommended payment of Pay Application No. 8 and Final in the amount of \$28,811.90 from Division III + Constructors for their work in connection with the rehabilitation of the Cypress Terrace detention pond. Then, Mr. Cervantes presented and recommended payment of Pay Application No. 6 in the amount of \$270,260.23 and Change Order No. 1 in the amount of \$16,569.80 to Principal Services for their work in connection with water plant no. 5.

The engineer also discussed a variety of other matters, including the schedule for bidding and commencement of the Treaschwig Road expansion project.

Upon unanimous vote, the Board approved the engineer's report and action items thereon as presented.

7. The District then held a public hearing on violations of District rules. Kyler Correia, who was issued a violation notice for the unlawful trespass upon and damage to District property located on Casper Lane appeared to be the address. Director Gessel presented the Board with photographs and testimony that, on or about October 1, 2023 and in the surrounding weeks, Mr. Correia or contractors acting on his behalf cleared portions of Herman Little Park that are located behind Mr. Correia's property. Director Gessel noted that this is not the first time the District has had trespass and clearing issues with Mr. Correia. He presented photographs and evidence from 2021, when it was observed that a drain line and channel was cut across District property to drain Mr. Correia's lot. A notice of violation was issued to Mr. Correia at that time, but he failed to appear at the District's hearing in August 2021. The attorneys and the Board asked Mr. Correia several additional questions, including whether he has ever had legal trouble with any other municipal utility districts. After some back and forth, Mr. Correia acknowledged that he recently resolved issues involving water theft with Harris County Water Control and Improvement District No. 99, the district in which his lot is located. The Board then discussed Mr. Correia's placement of shipping containers directly on the boundary line between his lot and Herman Little Park. The District's engineer stated that the containers were not encroaching upon the District's property, although at least one container is encroaching upon the boundary of Mr. Correia's neighbor, Michael Martin, who owns Lot 30. However, it was noted that the containers prohibited the District from constructing a fence on the boundary line between Herman Little Park and Mr. Correia's lot. Having heard all of the evidence and

testimony, the Board discussed whether penalties should be assessed and whether the matter could be settled by Mr. Correia's payment for (i) a fence that runs between his lot and the District's property and (ii) trees to replace those cleared on District land. The Board then concluded the hearing, opting to recess the matter to obtain quotes for the replacement of trees cleared and for the installation of a fence between Herman Little Park and Mr. Correia's property.

8. Kayla Ray presented a bookkeeper's report, a copy of which is attached. Upon unanimous vote, the Board approved the bookkeeper's report as presented and authorized payment of the checks listed thereon.

9. Mark Ivy presented the operator's report, a copy of which is attached. The District served 7,624 active connections. The District's total current billing was \$591,026.72, while total current collections were \$695,409.19. The District had 94.75% water accountability. There were no excursions for the month of September.

Mark Ivy then reported on repairs and maintenance performed during the prior month.

Upon unanimous vote, the Board approved the operator's report as presented.

10. Bud Gessel presented the report from Champions Hydro-Lawn. He noted that the District's facilities are in good shape.

11. The Board noted that the City of Houston typically releases the list of businesses for Strategic Partnership Agreement collections in late December, and the District has a limited amount of time to review them. In the past, the District's bookkeeper has performed the analysis on the District's behalf, and the Board agreed to authorize Myrtle Cruz, Inc. to perform the annual review of the list of businesses.

12. The Board considered renewal of insurance coverages. After discussion, upon unanimous vote, the Board approved renewal of its property, boiler and machinery, cyber liability, workers' compensation, general liability with law enforcement, pollution, cleanup and excess liability, non-owned automobile liability, directors and officers liability and employment practices liability, directors and officers bond, peace officer bond, public employee blanket bond, business travel and national flood insurance (NFIP) as presented.

13. The attorney reported receipt of a notice from 3M and DuPont that the District has been identified as a member of a class-action lawsuit involving those entities and their production of PFAS, also known as "forever chemicals." She noted that, after consultation with other attorneys familiar with the matter, her firm's recommendation is for the District to opt out of the class action, as any funds received as a result of the class action settlement were not likely to be significant enough if the District had to remove PFAS from its drinking water. At this time, the District has not tested and has not been required to test for PFAS. Ms. Aylett presented a Resolution Authorizing Opt Out and/or Filing a Request for Exclusion from the Nationwide Class-Action Settlements related to PFAs and associated affidavits. Upon motion duly made, seconded, and unanimously carried, the Board approved the resolution and related paperwork as presented.

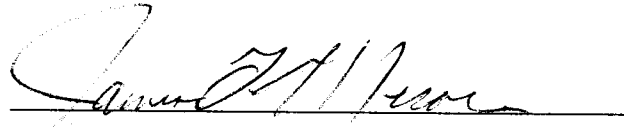
14. The Board briefly discussed the NLC service line warranty program and elected not to participate in such program.

15. There were no developers' reports.

16. Director Bud Gessel presented a parks and recreational facilities report, a copy of which is attached. Director Gessel noted that the Timber Lane Community Center was used as a polling location for the November general election. Director Gessel also stated that the District would be hosting a Veteran's Day event on November 11, 2023.

17. There were no rewards for citizen information.

There being no further business to come before the Board, the meeting was adjourned.



Secretary