

SPRING CREEK UTILITY DISTRICT
Minutes of the Special Meeting of
Board of Directors/Joint Facilities Advisory Committee
March 31, 2025

The Board of Directors (the “Board”) of Spring Creek Utility District (the “District”) met in special session as part of a Joint Facilities Advisory Committee (“JFAC”) meeting, open to the public, in person and via videoconference* in accordance with the duly posted notice of meeting and the Texas Open Meetings Act. The roll was called of the duly constituted officers and members of said Boards as follows:

Claude Humbert	-	President
Mark Fusca	-	Vice President
Frederick Sunderman	-	Secretary
Leslie Gourley	-	Assistant Secretary
Paul Sterling	-	Director

All of the said members were present except Director Sunderman, thus constituting a quorum.

Also present were Mason Mueller of Cobb, Fendley & Associates Inc. (the “District’s Engineer”); Lonnie Wright, Claudia Garza, and Mike Williams of Municipal Operations & Consulting, Inc. (“MC88, MC89, & the District’s Operator”); Calep Estes of Touchstone District Services (the “District’s Communications Consultant”); Jonathan Roach*, Ray Arce, who entered later in the meeting, and Jessica Gentry of Roach & Associates, PLLC (the “District’s Attorney”); Kathryn Mercado* and David Oliver* of Allen Boone Humphries Robinson, legal counsel for Montgomery County Municipal Utility District No. 89 (“MC89’s Attorney”); Josh Zientek of Mitchell, Zientek & Scruggs, LLP, legal counsel for Montgomery County Municipal Utility District No. 88 (“MC88’s Attorney”); Justin Abshire, Diego Burgos, and David Warner of Quiddity Engineering, LLC (“MC88 & MC89’s Engineer”); Paul Cote and Jordan Green, Directors of MC89; Ryan Tsamouris and Kent Doerries, Directors of MC88; Billy Jo Craig, a resident of the Districts. [*Remote attendees]

PUBLIC COMMENTS

There were no public comments.

WATER PLANT EXPANSIONS AND AMENDED AND RESTATED JOINT WATER FACILITIES AGREEMENT

Mr. Burgos noted that the Water Plant No. 2 expansion is under design and confirmed that it would be finalized for submission next week. He also stated that MC88 & MC89’s Engineer is working with the attorneys for the District, MC88, and MC89 for comments to the Amended and Restated Joint Water Facilities Agreement. Mr. Mueller stated that the District’s Engineer is trying to get on the next Lonestar Groundwater Conservation District (“LSGCD”) agenda for the proposed Water Plant No. 3. Director Humbert indicated that the Texas Commission on Environmental

Quality had approved Water Plant No. 3 and that bids have been sent out. The Boards ensued in further discussion regarding the wells and expansions.

Messrs. Arce and Oliver entered the meeting.

SAN JACINTO RIVER AUTHORITY (“SJRA”) WATER LINE EXTENSION/SURFACE WATER SUPPLY AGREEMENT

Mr. Burgos noted that the SJRA surface water supply agreement had been executed. He explained that the SJRA wanted to update their water model to ensure that the waterline would not impact any pressure and stated that the update would be completed towards the end of April or early May. A discussion ensued regarding upsizing options, alternative alignments, and easements along the expansion.

WATER RECLAMATION/RE-USE (PURPLE PIPE) OPTIONS

Director Humbert noted that the District has decided to move forward with the water reuse plant. He explained that the plant has been reviewed and is out for bid. Mr. Mueller stated that the District’s Engineer is still reviewing how the phases would be split up. Director Humbert noted that he is aware that MC89 previously expressed the desire to receive water from another source. He indicated that the District may eventually have enough capacity to sell from the plant before moving to the next phase. The Boards ensued in further discussion regarding capacity, usage, and wastewater treatment plants.

DROUGHT CONDITIONS AND WELL/SUPPLY ISSUES

Mr. Tsamouris noted some very unhappy residents in the community due to the Drought Contingency Plan (“DCP”) mandates. He then suggested that the Boards return to Stage 1 of the DCP, review and increase the penalties for Stage 2, and then return to Stage 2 in the summer. Director Humbert noted that the District mainly deals with leaks from commercial and residential customers. He stated there are significant discrepancies between the rates in the districts, noting that the District recently had a rate increase that changed the DCP tiers. He further said that the Board is trying to help those with small usage who do not have many people in the home, as opposed to residences with more people. Mr. Wright stated that he and the district engineers have been working on a document about coming out of the DCP efficiently, noting that it would be available by the next JFAC meeting. The Boards continued to discuss the DCP stages, rates, penalties, and leaks.

After some discussion, Director Humbert motioned for the District to move back to Stage 1 in the DCP, pending the agreement of MC88 and MC89. Director Sterling seconded the motion, which passed three-to-one (3-1) with Director Gourley opposed.

CDC ANNUAL REPORT, MAINTENANCE, AND RELATED MATTERS

Director Humbert presented the CDC Maintenance Report regarding the joint detention first quarter inspection. Further discussion ensued regarding the report.

BIRNHAM WOODS PEDESTRIAN BRIDGE CHANNEL CROSSING

Mr. Burgos noted that the Birnham Woods Pedestrian Bridge plans would be submitted next week for agency review. He also stated that they have met with the new precinct office to discuss sidewalk options. The Boards ensued in discussion regarding grant opportunities for sidewalks.

BUDGETS RELATED TO JOINT FACILITIES

Director Humbert noted that the spare pump for the Legends Ranch Detention Facility had been added to the budget. Director Gourley inquired where they are storing the pump, stating they need covered storage. Director Sterling asked if the pump facility is fully functional for hurricane season. Mr. Williams noted that Pump No. 1 is pulled for service right now.

Mr. Oliver exited the meeting.

The Boards further discussed storage for the spare pump, and the Boards concurred for the engineers to coordinate joint budget items.

REGIONAL AGENCY COORDINATION, ELECTION, AND GRANT MATTERS

Mr. Arce noted that he had affidavits for execution regarding the grant application that the District submitted to the Clean Water State Revolving Fund. After some discussion, Director Gourley motioned to approve the Texas Water Development Board Application Affidavit, Filing and Authorized Representative Resolution, and Application Resolution. Director Fusca seconded the motion, which passed unanimously. Next, Mr. Roach noted that the Montgomery County Appraisal District's 2025 Election Results were released that day. Then, Director Humbert pointed out that the SJRA will host an open house at Region 6's Flood Control District on April 20, 2025.

2025 LEGISLATIVE MATTERS

Mr. Cote said he would like to support legislation requiring Municipal Utility Districts to present their water well performance data to the LSGCD every month. He noted that the LSGCD only receives data every two (2) years, meaning they do not see the most recent updates. The Boards further discussed the water well performance data and possible legislative actions. Finally, Mr. Roach pointed out the Texas Special Districts Coalition ("TSDC"), which brings various types of special districts together to discuss pending legislation and other matters related to the benefits of the districts. He confirmed that the TSDC has formalized its memorandum of understanding. He also stated that the TSDC is working towards special districts being defined at the federal level so that they may benefit from the funding opportunities. Mr. Cote inquired if there was any cost to be part of the TSDC, and Mr. Roach confirmed it is currently free and on a volunteer basis.

NEXT JOINT MEETING DATE

The Boards concurred to reconvene for the next JFAC meeting on July 29, 2025, at 6:30 p.m.

*EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE, SECTION 551.071, 551.074, ET. SEQ.

The Boards did not enter into executive session.

DISCUSSION OF PENDING BUSINESS AND MATTERS FOR FUTURE AGENDAS

The Board concurred to hold their next regular meeting on April 21, 2025, at 5:00 p.m. There being no further discussion, Director Humbert motioned to adjourn the meeting. Director Sterling seconded the motion, which passed unanimously.

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Passed and approved this 19th day of May 2025.

/s/ Frederick Sunderman
Secretary, Board of Directors

(SEAL)

