

SPRING CREEK UTILITY DISTRICT
Minutes of Meeting of Board of Directors
May 19, 2025

The Board of Directors (the “Board”) of Spring Creek Utility District (the “District”) held its regular monthly meeting 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 Board, as follows:

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

All the said members were present, except Directors Sterling and Sunderman, who entered later in the meeting, thus constituting a quorum.

Also present were Monica Pena of Utility Tax Services, LLC (the “District’s Tax Assessor”); Mason Mueller and Amber Hurd of Cobb, Fendley & Associates, Inc. (the “District’s Engineer”); Lonnie Wright and Sally Gomez of Municipal Operations & Consulting, Inc. (the “District’s Operator”); Jonathan Roach and Jessica Gentry of Roach & Associates, PLLC (the “District’s Attorney”); Brian Desilets and Eric Gonzalez of Clarity Consulting Corporation (the “District’s Bookkeeper”); Aric Braddock, who entered later in the meeting, of ASB Services, Inc. (the “District’s Inspector”); and Calep Estes and Danae Dehoyos of Touchstone District Services (the “District’s Communications Consultant”).

Call to Order: President Humbert called the meeting to order.

PUBLIC COMMENTS

There were no public comments.

CONSENT AGENDA: MINUTES

The Board considered the special meeting minutes from March 31, 2025, and regular meeting minutes from April 21, 2025, for approval. After some discussion, Director Gourley motioned to approve the March 31, 2025, special meeting minutes. Director Fusca seconded the motion, which passed unanimously. Next, Director Gourley motioned to approve the April 21, 2025, regular meeting minutes, subject to revisions. Director Fusca seconded the motion, which passed unanimously.

CONSENT AGENDA: CONSULTANT REPORTS

After some discussion, Director Gourley motioned to approve the following consultant reports: (1) Garbage Collection Report, attached hereto as **Exhibit “A”**; (2) Security Report, attached

hereto as Exhibit “B”; (3) Tax Assessor’s Report, attached hereto as Exhibit “C”; and (4) Communications Report, attached hereto as Exhibit “D”. Director Fusca seconded the motion, which passed unanimously.

Ms. Pena exited the meeting.

COMMITTEE REPORTS

The Board provided updates for the following Committees:

- (a) Park Committee. Director Gourley noted that the slide and swings have been installed, and the gravel is back in place at the park. He stated that many compliments have been received regarding what has been done at the park thus far.
- (b) Communication Committee. Director Humbert noted that the committee met with the District’s Communications Consultant last week and is preparing the next newsletter.
- (c) Development Committee. Director Gourley reported that he visited 2121 Riley Fuzzel to assess the progress on the replacement trees. He noted that while the developer had committed to replacing the District’s trees, the newly planted ones were not the same size as the originals.

BOOKKEEPER’S REPORT

Mr. Desilets presented the Bookkeeper's Report, attached hereto as Exhibit “E”, noting issues with subcontractor invoicing. He stated that the District’s Bookkeeper will hold payment on these invoices pending confirmation from the District’s Inspector. Mr. Roach added that he will be meeting with the District’s Engineer and Bookkeeper to review several developer accounts. After some discussion, Director Gourley motioned to approve the Bookkeeper’s Report and payment of invoices. Director Fusca seconded the motion, which passed unanimously.

SALES TAX REPORT AND STRATEGIC PARTNERSHIP AGREEMENT UPDATES

There was nothing new to report.

Director Sterling entered the meeting.

ENGINEER’S REPORT

Mr. Mueller presented the Engineer’s Report, attached hereto as Exhibit “F”. He noted that a site progress meeting was held on May 13, 2025, for the District’s Administration Building. He then presented Pay Estimate No. 3 in the amount of \$220,959.55, payable to Grossman Design Build, for Board approval. Next, Mr. Mueller noted that C3 Constructors, LLC (“C3”) installed the booster pump and piping at Water Plant No. 2 and is working towards coatings and electrical completion. He presented Pay Estimate No. 4 in the amount of \$33,250.00, payable to C3, for Board approval. After some discussion, Director Gourley motioned to approve: (1) the Engineer’s Report;

(2) Pay Estimate No. 3; and (3) Pay Estimate No. 4. Director Sterling seconded the motion, which passed unanimously.

Mr. Braddock and Director Sunderman entered the meeting.

The Board then discussed a new development in the Regal Center.

OPERATOR'S REPORT

Mr. Wright presented the Operator's Report, attached hereto as **Exhibit "G"**. He then presented the uncollectable accounts. Finally, he presented the Consumer Confidence Report ("CCR") for the Board's approval. After some discussion, Director Sterling motioned to approve the filing of the CCR, subject to final review by the District's Attorney. Director Gourley seconded the motion, which passed unanimously. Then, Director Gourley motioned to approve the Operator's Report. Director Sterling seconded the motion, which passed unanimously.

INSPECTOR'S REPORT

Mr. Braddock presented the Inspector's Report, attached hereto as **Exhibit "H"**.

Messrs. Desilets and Gonzalez exited the meeting.

After some discussion, Director Gourley motioned to approve the Inspector's Report. Director Sterling seconded the motion, which passed unanimously. Next, a discussion ensued regarding the 2121 Riley Fuzzel development.

POSSIBLE RATE ORDER AMENDMENTS

The Board entered a discussion regarding the addition of potential security contribution language to the Rate Order.

JOINT FACILITIES ADVISORY COMMITTEE ("JFAC") MATTERS

Mr. Roach noted that the Board had previously approved the concept of a Pedestrian Bridge Cost Sharing Agreement. He advised that the District's Attorney is still working on it pending comments from the other parties. After some discussion, Director Sunderman motioned to approve the Pedestrian Bridge Cost Sharing Agreement, subject to final revisions from the District's Attorney. The motion failed due to a lack of a second. Director Sterling motioned to defer this matter until the next meeting. Director Gourley seconded the motion, which passed unanimously.

Next, Mr. Roach presented the Amended and Restated JFAC Agreement for Board approval. After some discussion, Director Sterling motioned to approve said agreement. Director Gourley seconded the motion, which passed unanimously. Finally, after some additional discussion, Director Gourley motioned to approve the Pedestrian Bridge Cost Sharing Agreement. Director Sterling seconded the motion, which passed unanimously.

DIRECTOR'S REPORT

Director Humbert reported that GMA-14 presented its review of environmental, subsidence, and economic impacts, which are evaluated every five (5) years. He also noted that the Region H Water Planning Group held a public hearing regarding the 2026 water plants. Finally, he stated that the San Jacinto River Authority reviewed its budget and confirmed there would be no rate increase for the upcoming year.

Ms. Gomez temporarily exited the meeting.

Director Sunderman noted that the Montgomery County Road Bond has passed, and the Board ensued further discussion.

ATTORNEY'S REPORT

Director Sunderman inquired about an update on a possible meeting with Commissioner Wheeler. Mr. Roach confirmed that he is corresponding with the Commissioner's office to have him attend one of the Board's meetings. Next, Mr. Roach provided some updates on the ongoing legislative session.

Ms. Gomez re-entered the meeting.

Mr. Roach presented House Bill No. 638, requiring districts to post meeting recordings on their websites, including recordings from two (2) years prior. After some discussion, Director Fusca motioned for the District's Attorney to send a formal letter on behalf of the District, opposing House Bill No. 638. Director Gourley seconded the motion, which passed four-to-one (4-1) with Director Sunderman opposed.

Messrs. Mueller, Estes, Wright, Ms. Hurd, Ms. Dehoyos, and Ms. Gomez exited the meeting.

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

The Board entered an executive session at 8:03 p.m. with the District's Attorney and Inspector for legal consultation.

Mr. Braddock exited the meeting.

Mr. Wright and Ms. Gomez re-entered the meeting.

Mr. Wright and Ms. Gomez exited the meeting temporarily.

RECONVENE IN OPEN SESSION AND AUTHORIZE ANY ACTION RESULTING FROM EXECUTIVE SESSION

The Board reconvened in open session at 9:06 p.m.

Director Fusca motioned to approve the delinquent cut-off list. Director Gourley seconded the motion, which passed unanimously.

DISCUSS PENDING BUSINESS AND MATTERS FOR FUTURE AGENDAS

The Board concurred to reconvene for their next regular meeting on June 16, 2025, at 5:00 p.m. There being no further business to discuss, Director Gourley motioned to adjourn the meeting. Director Humbert seconded the motion, which passed unanimously.

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Passed and approved this 16th day of June 2025.

/s/ Frederick Sunderman
Secretary, Board of Directors

[SEAL]



LIST OF EXHIBITS

Exhibit A - Garbage Collection Report
Exhibit B - Security Report
Exhibit C - Tax Assessor's Report
Exhibit D - Communications Report
Exhibit E - Bookkeeper's Report
Exhibit F - Engineer's Report
Exhibit G - Operator's Report
Exhibit H - Inspector's Report