

**SPRING CREEK UTILITY DISTRICT**  
**Minutes of Meeting of Board of Directors**  
**June 16, 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 of Cobb, Fendley & Associates, Inc. (the “District’s Engineer”); Lonnie Wright and Claudia Garza 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”); Calep Estes of Touchstone District Services (the “District’s Communications Consultant”); and Danielle Fussell, a member of the public.

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

**PUBLIC COMMENTS**

Ms. Fussell reported that trees had been removed from the tree line intended to separate Fox Run from the 2121 Riley Fuzzel development (the “Development Site”). Director Fusca responded that the Board had previously advised the developer not to remove trees, but they proceeded regardless. Director Gourley added that the District is currently surveying the area to determine what trees were removed so they can be replaced. Ms. Fussell then raised a concern about concrete being poured at the Development Site during the night, disturbing nearby residents. She also inquired about the current stage of the District’s Drought Contingency Plan (“DCP”). Director Humbert confirmed that the District is in Stage 1 of the DCP and noted that there are currently no penalties for violations. Director Fusca cautioned that if a significant drought were to occur, the District would have to advance to a more restrictive stage. Finally, Ms. Fussell reported that someone was changing the oil on an 18-wheeler within the District and disposing of it into the District’s system. Director Fusca advised that residents should immediately contact the constable if they witness this activity.

**CONSENT AGENDA: MINUTES**

The Board considered the regular meeting minutes from May 19, 2025, for approval. After

some discussion, Director Fusca motioned to approve the May 19, 2025, regular meeting minutes, subject to revisions. Director Humbert 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. Next, Director Humbert inquired if the District’s Tax Assessor could include a summary of the delinquent tax accounts in the Tax Assessor’s Report. Ms. Pena confirmed she would contact the District’s Attorney regarding the matter further. Director Humbert also inquired about the arbitrage report updates and invoicing.

Ms. Pena exited the meeting.

### **CONSENT AGENDA: COMMITTEE REPORTS**

There was nothing new to report.

### **CONSENT AGENDA: PENDING BUSINESS**

Director Humbert noted some of the legislation recently passed, including the requirement of posting a meeting agenda three (3) business days before a meeting.

### **BOOKKEEPER’S REPORT**

Mr. Desilets presented the Bookkeeper's Report, attached hereto as **Exhibit “E.”** A discussion ensued regarding different vendors charging the District fuel surcharges. After the 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 (“SPA”) UPDATES**

Mr. Roach noted that the District’s Attorney and Sales Tax Consultant had been working with the City of Houston (“COH”) regarding the SPA Amendment. He confirmed that the COH is moving forward with drafting the metes and bounds of the SPA Amendment.

### **ENGINEER’S REPORT**

Mr. Mueller presented the Engineer’s Report, attached hereto as **Exhibit “F.”**

Directors Sterling and Sunderman entered the meeting.

He then presented Pay Estimate No. 4 in the amount of \$224,675.00, payable to Grossman Design Build for the District Administration Building, for the Board’s approval. After some discussion, Director Sunderman motioned to approve Pay Estimate No. 4. Director Fusca seconded

the motion, which passed unanimously. Next, Director Fusca motioned to approve the Engineer's Report. Director Gourley seconded the motion, which passed unanimously.

### **OPERATOR'S REPORT**

Mr. Wright presented the Operator's Report, attached hereto as **Exhibit "G."** Director Humbert emphasized the importance of encouraging residents to sign up for the District's water usage app, and Ms. Fussell noted that the Fox Run Homeowners Association has already been promoting the app to residents. Mr. Wright reported that meter replacements have begun within the District. Director Sterling suggested installing smart meters at the wellheads, and Mr. Wright agreed, stating it would be beneficial as it would allow the District's Operator to perform daily readings. He also mentioned that the District's Operator is currently researching companies to clean and paint the District's fire hydrants. Mr. Wright further reported that the District's surge protector failed during the previous day's storm, which caused certain systems to go offline. He then presented the list of delinquent accounts.

Director Sunderman asked who is responsible for installing and replacing signs within the District. After discussion, Director Sterling motioned to assign responsibility for all park signs to the District's Inspector and for all other District signs to the District's Operator. Director Sunderman seconded the motion, which passed unanimously. Next, Director Sterling motioned to approve the Operator's Report. Director Sunderman seconded the motion, which passed unanimously.

### **NATIONAL NIGHT OUT ("NNO")**

Mr. Wright confirmed that NNO would be held on October 7, 2025. The Board then had a lengthy discussion regarding potential event locations, coupons from local businesses, advertisement of unknown Montgomery County (the "County") resources, and potentially amending the District's community events budget.

### **INSPECTOR'S REPORT**

Director Humbert noted from the Inspector's Report, attached hereto as **Exhibit "H,"** that while inspecting the diffuser in the Wastewater Treatment Plant, multiple issues were found with the piping and bubblers. The Board had a discussion regarding the necessary replacements within the plant rather than putting the system back online.

Ms. Fussell exited the meeting.

### **REVIEW AND APPROVE BOND APPLICATION REPORT ("BAR")**

Director Humbert stated that there are a few minor comments regarding the BAR. Mr. Mueller highlighted some of the proposed changes and noted that he had forwarded them to the District's Attorney and Financial Advisor for review. The Board then engaged in further discussion.

### **POSSIBLE RATE ORDER AMENDMENTS**

Mr. Roach noted that he would send the latest version of the Rate Order to the District's Operator soon.

## JOINT FACILITIES ADVISORY COMMITTEE ("JFAC") MATTERS

The Board discussed the pumps at the Legends Ranch Detention Facility. Next, Mr. Roach presented the letter of support for the County and the Texas Department of Transportation's additional pathway project for Elan Boulevard and Birnham Woods Drive. After some discussion, the Board concurred to support the additional pathway project.

Mr. Wright exited the meeting.

## DIRECTOR'S REPORT

There was nothing new to report.

Director Gourley temporarily exited the meeting.

## ATTORNEY'S REPORT

Mr. Roach noted that the Board is required annually to file a form with the Secretary of State regarding the voting system(s) the District may have used during the year and asked for authorization for the District's Attorney to complete and file the form on behalf of the District as necessary.

Director Gourley re-entered the meeting.

The Board then had a brief discussion regarding the outcome of some of the proposed legislative bills. Next, Mr. Roach asked the Board to consider approval of the destruction of old copies of prior Board meeting notes as allowed by applicable law. He reminded the Board that the District's Attorney is retaining electronic copies of virtually all District records and that copies of all official meeting minutes are kept in perpetuity. After some discussion, Director Sterling motioned to authorize: (1) the destruction of old copies of prior Board meeting notes; and (2) the execution of the voting system annual filing form. Director Fusca seconded the motion, which passed unanimously. Finally, the Board engaged in a discussion regarding future potential District projects.

Messrs. Mueller and Estes exited the meeting.

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

The Board entered into executive session at 8:49 p.m. with the District's Attorney, Engineer, and Operator for legal consultation.

Ms. Garza exited the meeting.

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

The Board reconvened in open session at 9:33 p.m.

**DISCUSS PENDING BUSINESS AND MATTERS FOR FUTURE AGENDAS**

The Board concurred to reconvene for their next regular meeting on July 21, 2025, at 5:00 p.m. There being no further business to discuss, Director Fusca motioned to adjourn the meeting. Director Gourley seconded the motion, which passed unanimously.

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Passed and approved this 21<sup>st</sup> day of July 2025.

/s/ Frederick Sunderman  
Secretary, Board of Directors



#### 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