

SPRING CREEK UTILITY DISTRICT
Minutes of Special Meeting of Board of Directors
August 8, 2023

The Board of Directors (the "Board") of Spring Creek Utility District (the "District") held a special meeting in person 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
Melvin Willcockson	-	Director

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

Also present were Jonathan Roach, Ray Arce, and Jessica Gentry of Roach & Associates PLLC ("RAPLLC"); and Sergeant Carswell of Montgomery County Precinct 3 Constable's Office ("MCC3").

Director Humbert called the meeting to order.

PUBLIC COMMENTS

There were no public comments.

REVIEW SECURITY MATTERS, INCLUDING NEW PATROL VEHICLES AND RELATED/CONTRACT MATTERS

Sergeant Carswell stated that the price for Tahoes has increased since the Board's original approval. He further noted that MCC3 typically receives a government discount on eligible Tahoes but explained that the price goes back to the original selling rate once those eligible vehicles are gone. Director Gourley asked when more vehicles would become available. Sergeant Carswell noted there may be more inventory in September, but the discount rate could not be guaranteed. He suggested the District approve the rate increase and move forward with the purchase, noting he would need another letter of intent with the updated values.

Then Sergeant Carswell reviewed the statistics for vehicle 3043, noting it is still operational but has high mileage, and the transmission had recently been replaced. He further stated that the cost of improvements and maintenance from 2017 to current had been \$23,017. Director Gourley inquired when the transmission was replaced. Sergeant Carswell confirmed it was replaced in March 2023. He then reviewed the statistics for vehicle 3044, noting it is currently non-operational and is now having the same issues with the transmission.

Director Sunderman noted his concern with the cost of adding improvements to these vehicles and then sending them to auction, where they would make less of a profit. Sergeant Carswell noted they are currently down one whole car, which would go to auction as is, and the proceeds would go back to the District. Director Humbert inquired how long vehicle 3044 would run if the transmission were replaced. Sergeant Carswell estimated a maximum of six (6) months and added that doing so would be risky.

Director Gourley inquired how long it would take to purchase and set up a new vehicle. Sergeant Carswell confirmed that the vehicle purchase and outfitting process would take approximately four (4) to six (6) weeks. Director Gourley inquired about the mileage on vehicle 3043. Sergeant Carswell stated that the mileage for vehicle 3043 was 134,500 miles and that vehicle 3044 had approximately 130,000 miles. Director Gourley asked how much of the District's budget has been used this year. Director Fusca confirmed that not much has been used since the District's new fiscal year just began. Sergeant Carswell suggested having a separate reserve for law enforcement so the District could stay within its budget.

Director Humbert recommended the District purchase a replacement for vehicle 3043 and repair vehicle 3044's transmission. Sergeant Carswell advised the District that an additional car would need to be replaced next year. Director Sunderman inquired about purchasing environmental and off-road vehicles and placing the old vehicles as "dummy cars" to prevent speeding. Sergeant Carswell noted it would be more beneficial to auction the old cars out since their value would significantly depreciate.

Then Sergeant Carswell noted that he needed more tools to perform better for the District. Director Fusca stated the Board should have purchased new vehicles during the last fiscal year. He further noted that replacing the transmission in vehicle 3044 would be a waste of money since it would only keep the vehicle running another for six (6) months. He then suggested buying one car using their current budget and purchasing another using the excess funds from last year's budget. Then, Director Humbert noted his disappointment in Montgomery County (the "County") for not providing enough security and making the District pay for extra coverage. Director Willcockson pointed out that if a car's transmission goes out, other parts will fail, and soon, they will have to replace everything in the vehicle. He further stated his frustration with auctioning vehicles with new parts. Next, a lengthy discussion ensued regarding crime rates, outstanding taxes, and the benefit of security.

Mr. Roach explained that when an outgoing vehicle is sent to auction, the contract reads that the proceeds go back to the District. He further noted that MCC3's Chief should be able to confirm this with the County. Sergeant Carswell stated that the Chief would most likely concur. Then Mr. Roach said that when a vehicle goes out of service, the County is in charge of what happens to the vehicle. Next, Director Sunderman inquired if the vehicle could be stripped and given to one of the District's consultants for use. Mr. Roach stated that if the District wanted to hand off the vehicle to one of its consultants, they would need to discuss it directly with the County and MCC3. Next, a discussion ensued regarding costs for transmission replacement and warranties.

After the discussion, Director Sunderman made a motion to purchase two (2) new vehicles, using the \$84,057.52 in reserves from last year's budget for one of the vehicles and \$63,090.48 from this year's budget for the second vehicle. Director Fusca seconded the motion, which passed three-one-one (3-1-1), with Director Willcockson opposed and Director Humbert abstaining.

The Board then discussed issues with overtime being paid to officers, noting that the contract clearly states that the District will not pay for overtime. Sergeant Carswell pointed out that their officers have a cap on compensation time, which will sometimes roll into overtime if an officer has to work longer due to unforeseen circumstances. He further noted he would review the contract and discuss with his constables to refrain from working overtime. Director Sunderman then discussed security around the District's facilities and other areas in the community, including school district plans to protect from abductions and shootings. Sergeant Carswell confirmed they regularly monitor these areas and have emergency plans for every school.

Mr. Roach thanked Sergeant Carswell for his efforts to provide better service to the District. Then, Director Sunderman suggested donating old vehicles to poor Constable offices. After some discussion, the Board decided not to proceed with this request.

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

The Board did not enter into executive session.

DISCUSS PENDING BUSINESS AND MATTERS FOR FUTURE AGENDAS

Director Fusca noted that the community recently received information regarding water conservation and suggested information be posted on the District's website to help residents better understand the importance of conserving their water. Then, a brief discussion took place regarding the recent Northwest Harris County Water Authority ("NHCWA") meeting and the Lonestar Groundwater Conservation District's ("LSGCD") involvement.

Director Willcockson exited the meeting.

The Board concurred to hold their next regular meeting on August 21, 2023, at 5:00 p.m. After discussing upcoming agenda items, Director Sunderman motioned to adjourn the meeting. The motion was seconded by Director Gourley, which passed four-to-zero (4-0) with Director Willcockson absent from the vote.

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Passed and approved this 16th day of October 2023.

/s/ Frederick Sunderman
Secretary, Board of Directors

[SEAL]

