

**MINUTES OF THE MEETING  
OF THE  
BOARD OF DIRECTORS**

November 7, 2024

THE STATE OF TEXAS	§
	§
COUNTIES OF FORT BEND AND WALLER	§
	§
WILLOW POINT MUNICIPAL UTILITY	§
DISTRICT OF FORT BEND AND	§
WALLER COUNTIES	§

The Board of Directors (the “Board”) of Willow Point Municipal Utility District of Fort Bend and Waller Counties (the “District”), met in special session, open to the public, on Thursday, November 7, 2024, at 11:30 a.m., at 1330 Post Oak Boulevard, Suite 2650, Houston, Texas, a designated meeting place outside the boundaries of the District, and via ZOOM audio/video conference. The roll was called of the members of the Board, to-wit:

Ryan B. Niles	-	President
Will Gutowsky	-	Vice President
David L. Salley	-	Secretary
Simon VanDyk	-	Assistant Secretary
Paul Breaux	-	Assistant Secretary

All members of the Board were present except Directors Niles and VanDyk, thus constituting a quorum. Director VanDyk subsequently entered the meeting in progress.

Also participating in the meeting were Mary Ann Mihills of Municipal Accounts & Consulting, L.P. (“MAC”), bookkeeper for the District; Lyndsay Evans and Marshall Green of Quiddity Engineering, LLC (“Quiddity”), engineer for the District; Lita Lemus of Utility Tax Service, LLC, tax assessor and collector for the District; Ryan Mapes of SiEnvironmental (“SiEnviro”), operator for the District; Blake Kridel of Storm Water Solutions (“SWS”); John O’Donnell of WaterLogic; Justin Waggoner of Touchstone District Services (“Touchstone”); Josh Wailes of Mike Stone Associates; Andrew Faubion of Terry’s Landscape, LLC; Jim Moses, a resident of the District and member of the Anserra Homeowner’s

Association (“Anserra HOA”); and Ryan E. LaRue and Alyssa Stanford (Legal Assistant) of Sanford Kuhl Hagan Kugle Parker Kahn LLP (“SK Law”), attorneys for the District.

Jim Grover of Ventana Development Katy, Ltd. (“Ventana”); and Murali Rajam and Dave Hall, residents of the District and member of the Trails of Katy Homeowner’s Association (“Trails of Katy HOA”) joined the meeting in progress.

The meeting was called to order at 11:44 a.m. Copies of the notices of the meeting are attached hereto.

**HEAR FROM PUBLIC**

The Board noted that there were no members of the public who wished to address the Board.

**APPROVE MINUTES OF MEETINGS HELD SEPTEMBER 5, AND OCTOBER 3, 2024**  
**BOOKKEEPER’S REPORT**  
**TAX ASSESSOR/COLLECTOR’S REPORT**  
**WATERLOGIC REPORT**  
**REPORT FROM TOUCHSTONE DISTRICT SERVICES**

Upon motion by Director Breaux, seconded by Director Salley, and after full discussion, the Board voted to:

- a. approve the minutes of the meetings held September 5, and October 3, 2024;
- b. approve the Bookkeeper’s Report, including payment of the bills, noting that Check No. 2028 to Gael, Inc. will be held and included for approval at the next meeting of the Board;
- c. approve the Tax Assessor/Collector’s Report for the month of October, noting that approximately 0.38% of the 2024 taxes and 99.19% of the 2023 taxes have been collected; and
- d. approve the report submitted by Touchstone;

Upon motion by Director Breaux, seconded by Director Salley, and after full discussion, the Board voted four (4) ayes to zero (0) nays to approve the Bookkeeper’s Report, including payment of the bills and approval of investment report.

Director VanDyk abstained from voting on payment of Check No. 3858 made payable to Touchstone.

Copies of the Bookkeeper's Report, the Tax Assessor/Collector's Report, the report submitted by WaterLogic, and the report submitted by Touchstone are attached hereto.

**HEAR REPORT FROM HOA**

Mr. Moses stated that he had nothing to report at this time.

**Discuss maintenance of tennis courts**

The Board deferred discussion of this item.

**HEAR DEVELOPER'S REPORT**

The Board noted that no report was submitted.

**HEAR ENGINEER'S REPORT**

The Board recognized Ms. Evans, who reviewed with the Board the Engineer's Report, a copy of which is attached hereto. She updated the Board on the status of ongoing construction projects within the District as detailed in such Report.

Ms. Evans requested that the Board approve Pay Estimate No. 3 in connection with construction of the Wastewater Treatment Plant Expansion to 0.3 MGD in the amount of \$153,000.00.

Upon motion by Director Gutowsky, seconded by Director Salley, and after full discussion, the Board voted unanimously to approve Pay Estimate No. 3 in connection with construction of the Wastewater Treatment Plant Expansion to 0.3 MGD in the amount of \$153,000.00.

Ms. Evans then submitted to and reviewed with the Board a Notification of Change in 2024 Schedule of Hourly Rates and amended Schedule of Hourly Rates, noting that the hourly rates are increasing by approximately 6% and are effective January 1, 2025. A copy of the Notification and Schedule are attached hereto. She requested that the Board approve the amendment to the Professional Services Agreement between the District and Quiddity in connection with the amended Schedule of Hourly Rates.

Upon motion by Director Gutowsky, seconded by Director Salley, and after full discussion, the Board voted unanimously to approve the amendment to the Professional Services Agreement between the District and Quiddity in connection with the amended Schedule of Hourly Rates

Ms. Evans requested that the Board authorize Quiddity to begin preparation of a surplus funds application to apply funds from the Series 2024 Bonds to finance the Remote Water Well Generation Addition project.

Upon motion by Director Gutowsky, seconded by Director Salley, and after full discussion, the Board voted unanimously to authorize Quiddity to begin preparation of a surplus funds application to apply funds from the Series 2024 Bonds to finance the Remote Water Well Generation Addition project. By the same motion, the Board voted unanimously to approve the Engineer's Report as submitted.

At this time, Director VanDyk entered the meeting.

The Board then recognized Mr. LaRue, who stated that the final offer letter to Gael, Inc. has not been submitted, and inquired whether the Board wants such letter to include a statement on payment in the case of non-response from Gael, Inc.

Upon motion by Director Gutowsky, seconded by Director Salley, and after full discussion, the Board voted unanimously to authorize SK Law to submit a final offer letter to Gael, Inc. stating that the deadline to respond to such letter is November 29, 2024.

At this time, Mr. Grover and Mr. Rajam joined the meeting via videoconference.

#### **HEAR OPERATOR'S REPORT**

The Board recognized Mr. Mapes, who reviewed with the Board the Operator's Report, a copy of which is attached hereto, as well as the list of "High Water Users". He also reviewed with the Board the delinquent list, a copy of which is attached hereto.

Upon motion by Director Breaux, seconded by Director Salley, and after full discussion, the Board voted unanimously to authorize termination of service to the customers listed on the delinquent list, as the customers were neither participating in the meeting nor presented any written statement on the matter. By the same motion, the Board voted unanimously to approve the Operator's Report as submitted.

#### **HEAR REPORT FROM TERRY'S LANDSCAPE**

The Board recognized Mr. Faubion, who submitted a report on landscape maintenance and improvements throughout the District, a copy of which is attached hereto.

Mr. Faubion then submitted to and reviewed with the Board a proposal for two-wire repair of irrigation Trails of Katy Lane in the amount of \$13,157.18, a copy of which is attached hereto.

Upon motion by Director VanDyk, seconded by Director Breaux, and after full discussion, the Board voted unanimously to approve the proposal for two-wire repair of irrigation Trails of Katy Lane in the amount of \$13,157.18.

At this time, Mr. Hall entered the meeting.

**HEAR REPORT FROM MIKE STONE ASSOCIATES**

The Board recognized Mr. Wailes, who submitted to and reviewed with the Board a Park Maintenance Report, a copy of which is attached hereto.

The Board noted that no action was required.

The Board then discussed approval of an amount not to exceed to allow Terry's to perform repairs between meetings. Upon motion by Director Breaux, seconded by Director VanDyk, and after full discussion, the Board voted unanimously to authorize Terry's to perform repairs between meetings in an amount not to exceed \$5,000.00.

**HEAR REPORT FROM STORM WATER SOLUTIONS**

The Board recognized Mr. Kridel, who reviewed with the Board a report and pictures regarding drainage and detention facilities, a copy of which is attached hereto.

The Board noted that no action was required.

**HEAR ATTORNEY'S REPORT**

**Adopt Resolution Evidencing Review and Authorizing Filing of Eminent Domain Authority**

Mr. LaRue noted that certain information must be filed each year with the Comptroller evidencing the District's eminent domain authority, as required by Texas Government Code Section 2206.154. He submitted to and reviewed with the Board a proposed Resolution Evidencing Annual Review and Authorizing Filing with Comptroller of Public Accounts of State of Texas Documentation of Eminent Domain Authority, which Resolution would authorize completion of the online form on behalf of the District.

Upon motion by Director Breaux, seconded by Director Gutowsky, and after full discussion, the Board voted unanimously to adopt the Resolution Evidencing Annual Review and Authorizing Filing with Comptroller of Public Accounts of State of Texas Documentation of Eminent Domain Authority as submitted.

**Discuss swimming pool construction encroachment**

Mr. LaRue stated that correspondence has been submitted to Mr. and Ms. Ruan at 1106 Belt Rose Court, Katy, Texas 77494 regarding remediation of the damage to District property in connection with construction of the swimming pool.

**Discuss claim for payment from Gael, Inc. regarding contract for construction of Katy Townhomes**

**Lift Station**

The Board noted that this item was discussed earlier in the meeting.

**ACCEPT RESIGNATION OF DIRECTOR**

Mr. LaRue informed the Board that Directors Niles and Gutowsky have submitted letters of resignation from the Board, copies of which are attached hereto. Upon motion by Director Salley, seconded by Director Breaux, and after full discussion, the Board voted unanimously to accept the letters of resignation as submitted.

**CONSIDER APPOINTING NEW DIRECTOR**

Mr. LaRue informed the Board that Mr. Hall and Mr. Moses have agreed to serve on the Board to fill the vacancies on the Board left by the resignation of Director Niles and Director Gutowsky.

Upon motion by Director Breaux, seconded by Director VanDyk, and after full discussion, the Board voted unanimously to appoint Mr. Hall and Mr. Moses as Directors to fill the vacancies on the Board.

**ACCEPT SWORN STATEMENT AND OATH**

Director Hall and Director Moses then executed Sworn Statements and took the Constitutional Oaths of Office, all in accordance with the provisions of Section 49.055 of the Texas Water Code. Upon motion by Director Breaux, seconded by Director VanDyk, and after full discussion, the Board voted

unanimously to accept the Sworn Statements and Oaths and to authorize that each be filed and retained in the District's official records, and that such Oaths be filed with the Secretary of State of the State of Texas.

**CONSIDER RECONSTITUTING BOARD**

The Board then considered reconstituting the Board and filing an amended District Registration Form. Upon motion by Director Salley, seconded by Director Breaux, and after full discussion, the Board voted unanimously to elect the following slate of officers:

- |                 |   |                     |
|-----------------|---|---------------------|
| Simon VanDyk    | - | President           |
| Paul Breaux     | - | Vice President      |
| David L. Salley | - | Secretary           |
| Dave Hall       | - | Assistant Secretary |
| Jim Moses       | - | Assistant Secretary |

The Board then authorized preparation of a revised District Registration Form and filing of the same with the Texas Commission on Environmental Quality ("TCEQ").

Upon motion by Director VanDyk, seconded by Director Hall, and after full discussion, the Board voted unanimously to designate 11:30 a.m. as the start time of regular meetings of the Board.

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

**[SIGNATURE PAGE FOLLOWS]**

PASSED, APPROVED AND ADOPTED this 5<sup>th</sup> day of December, 2024.



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Secretary, Board of Directors

(SEAL)

