MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS OF THE FERN BLUFF MUNICIPAL UTILITY DISTRICT

October 12, 2021

THE STATE OF TEXAS §
WILLIAMSON COUNTY §

The Board of Directors (the "**Board**") of the Fern Bluff Municipal Utility District (the "**District**") convened in a **regular** meeting open to the public at 6:00 p.m. on **October 12, 2021**, at the Fern Bluff Municipal Utility District Community Center, 7320 Wyoming Springs Drive, Round Rock, Texas, pursuant to notice duly given in accordance with the law.

George Sabatino	President
Joseph Teiber	Vice President
Jessica Stempko	Secretary
Kevin Barnes	Treasurer
Marc Smith	Assistant Secretary/Treasurer

and all Directors were present, thus constituting a quorum.

Also in attendance or joining during the meeting, were Janey Miller, the District's General Manager; Hector Alanis, the District's Operations Manager; Jack Gardner of Texas Lawn and Garden, LLC, ("**Texas Lawn**") the District's landscaper; and Zachariah T. Evans, Suzanne McCalla, and Elia Braham of McGinnis Lochridge, the District's Attorney ("**McGinnis**"). Several members of the public were also present.

Director Sabatino called the meeting to order, after which Director Smith led those present in the Pledge of Allegiance.

Director Sabatino then noted that there were residents present who wished to address the Board during the Citizen Communications portion of the meeting.

Mr. Gardner then presented the Landscaping Report. He reported the completion of the final aeration of the sports fields and the final application of pre-emergence fertilizer in the District. He also reported the treatment of some brown patches and explained that Texas Lawn was waiting for a "weather break" to apply post-emergent treatment for weeds, which would mark the end of the chemical program for the year. Mr. Gardner then reported that replacement of annuals with fall foliage at the community center was complete as was the adjustment of the timer on the irrigation system to irrigate twice per week during the fall. In addition, Mr. Gardner stated that the decomposed granite repairs to the trail and the lifting of the tree line canopy along the trail were completed, and he discussed treating ant mounds and cleaning the District's parks and green spaces in preparation for National Night Out. Director Smith thanked Mr. Gardner for the database

of plants at the District's butterfly garden for inclusion on the District's website, which will be reformatted and posted on the website.

The Board next heard Citizen Comments. A resident addressed the Board expressing her concern for safety at the District's parks. She reported missing and damaged baby swings and brought several other issues at the District's parks to the Board's attention. The Board thanked the resident for the information.

The Board then considered approval of the monthly consent agenda containing the minutes of the September 14, 2021, regular Board of Directors meeting; payment of bills and invoices; payment of transfers for operation expenses; pay requests; change orders; and customer charge write-offs. After a brief discussion, upon a motion duly made by Director Teiber and seconded by Director Barnes, the Board voted unanimously to approve the Consent Agenda, including the September 14, 2021, regular Board of Directors meetings minutes, as written.

Next, Ms. McCalla explained that the Board needed to revise the District's Registration Form to reflect McGinnis' new address. Ms. McCalla further stated that this revision is necessary whenever any information within the District Registration Form is changed, including a change of address for the District's consultants. She explained that the revised District Registration Form would be filed with the Texas Commission on Environmental Quality (the "**Commission**"), and in the offices of McGinnis Lochridge. Upon a motion duly made by Director Smith and seconded by Director Stempko, the Board voted unanimously to authorize the revisions to the District Registration Form, as noted, and to authorize the filing of same as outlined.

Ms. Miller then detailed the status of the improvements and/or widening of Brushy Creek Road and Hairy Man Road (the "**Hairy Man Project**"). She stated that the Hairy Man Project was nearing completion and that it should be finished within the next 30 days. She explained that contractors are putting signs up to keep people out of the area and that the intersection will be shut down after the first of the year. She also reported that the improvements to the Great Oaks/Brushy Creek Road intersection (the "**Great Oaks Project**") have started, with boring being done at the intersection to move the wastewater line. She continued that major clearing is taking place in the area, and she discussed the closure of the regional trail. Ms. Miller further stated that she will be sending out a Mailchimp® to inform residents in advance about the intermittent closures of the trail during the entire project as well as other pertinent information related to the Great Oaks Project. She also stated that the Great Oaks Drive/Brushy Creek intersection will be closed intermittently during the construction of the Great Oaks Project, and that she will keep residents informed.

Ms. Miller next thanked the Board for passing an order adopting fines for theft of the District's water. She stated that a person stealing water from a fire hydrant within the District was reported and the District is taking the steps necessary to address this issue.

Ms. Miller then detailed the installation of fiber optic cable in areas of the District by AT&T, and she stated that residents were not notified by AT&T of this work. She further stated that the installation of the cable is not an easy process for residents due to the damage to property and irrigation systems that may result, and she emphasized that she will keep the Board updated on any problems. Mr. Alanis added that a notice was sent out to residents with a phone number for AT&T to allow residents to report any damages the resident might experience to AT&T directly.

Next, Ms. Miller reported that the fire hydrant damaged by a car has been repaired, and that the insurance company for the driver had reimbursed the District for the repairs. She then discussed the damages to the Fern Bluff Community Center parking lot. She reported that the District has entered into a two-year agreement with the driver to reimburse the District for damages to the parking lot.

Mr. Alanis then provided the Operations Report. He reported that the water usage was slowing down and that the water tower storage location is now in "clean up" mode. He explained that staff was revamping organization in the maintenance department to speed up locating parts when needed.

Mr. Alanis next reported that the District recently received a report of an illegal connection to the District's water supply via a fire hydrant. After a question from the Board regarding how to identify when a person is illegally hooked up to a District fire hydrant, Ms. Miller responded that for legal connections there is a meter attached and the connection can be easily seen and is hard to miss. She emphasized that the main problem with stealing water from the District via the District's fire hydrants was not the loss of water but the lack of a backflow preventer. She continued that a backflow preventer device is used to protect the District's potable water supplies from contamination or pollution due to backflow into the District's water system and that a connection to the District's water supply without a backflow preventer puts the District's water supply at risk. Mr. Alanis added that the General Manager regularly monitors the District's facilities to ensure that illegal connections are immediately addressed.

Director Barnes next reviewed with the Board the Profit and Loss Statement for the District for the fiscal year to date. He stated that the District's finances looked good, and he thanked the General Manager and Operations Manager for keeping the District's expenses down.

Director Teiber then reviewed the Parks and Recreations report. He discussed the improvements to parks and green belts during September, and he stated that he will continue to work with Mr. Gardner on future maintenance issues. Ms. Miller addressed the issue of wasp nests in the parks with the Board, and she informed the Board that some of the toddler swings were stolen again. She then detailed the need to keep all the swings of the same commercial quality as the ones previously installed, but explained that commercial quality swings are hard to find at this time and are currently on back order due to sellers giving priority to entities building new playscapes.

Director Barnes next provided the Deed Restrictions Committee Report. He reported that the Architectural Control Committee (the "**ACC**") met last night to discuss guidelines for car covers. He continued that the ACC determined that car covers are allowed with the following conditions: (1) residents must submit an application for ACC approval [cover should be neatly fitted and in good condition]; (2) residents must provide current proof of registration with the application, and (3) the resident must provide a timetable for removal of car cover. A lengthy discussion ensued. Director Stempko pointed out that each application would be considered on a case-by-case basis. Director Barnes pointed out that the residents of the Fern Bluff subdivision needed to be notified of the new rules, and he suggested the information be provided on the District's website and via Mailchimp®, and the Board agreed. Director Sabatino thanked everybody for their work.

Director Teiber then reported on the patrols of the District by off-duty officers pursuant to the Independent Contractor Agreement for Off-Duty Security and Patrol Services between the District and the Williamson County Sheriff's Office. Director Teiber stated that 90 patrol hours were logged in by patrol officers for the month of September. He noted that these patrols included checking all parks and traffic enforcement along streets and school zones within the District.

The Board then discussed the Communications Committee report. Director Smith reported that the document provided by Texas Lawn would be included on the District's website. Ms. Miller then updated the Board on the status of the website redesign.

Next, Mr. Evans reviewed the Attorney's Report with the Board. Mr. Evans discussed the status of recent public information requests ("**PIRs**"), and he suggested the Board adopt a policy establishing detailing the District's procedures in responding to PIRs, and the Board agreed.

Mr. Evans then reported on litigation in a nearby municipal utility district where the District Court issued an order ruling in the district's favor. No action was taken on this item.

The Board then entered into executive session at 7:00 p.m., pursuant to V.T.C.A. Government Code, Chapter 551.071, to receive the Mr. Evan's advice on Agenda Item No. 10(g)(i) as listed on the District's agenda. The Board reconvened in open session at 7:26 p.m. Director Sabatino reported that no decisions were made and no votes taken on the items discussed in executive session.

The Board then discussed the date of the District's next regular Board of Directors meeting. After discussion, the Board decided that the District's next regular meeting would be held at 6:00 p.m. on November 9, 2021.

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

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Secretary, Board of Directors
Fern Bluff Municipal Utility District

(SEAL)

Attachments to the Minutes of the
Fern Bluff Municipal Utility District
October 12, 2021, Board of Directors Meeting

1. Board Packet.