

## Midland County Utility District

### Regular Meeting Minutes

August 17, 2023

The Board of Directors of the Midland County Utility District met in a regular meeting on August 17, 2023, at 2405 W. Missouri Avenue, Midland, Texas 79701. The meeting was held pursuant to notice given to the public in accordance with the laws of the state of Texas. The meeting was open to the public.

**Item 1. Call to Order.** Dr. Viney called the meeting to order and made the following statement. It is 5:33 p.m. on August 17, 2023, and I am calling to order the regular meeting of the Midland County Utility District.

Board members present were:

Dr. Shelton Viney  
Joe Patten  
Israel Rodriguez  
Jackie Schneider  
Alan Lang

Also present at the meeting via Zoom were:

John Carlton                      Counsel for Midland County Utility District  
Shane Darley                      Parkhill Smith & Cooper  
Jay Edwards                      Parkhill Smith & Cooper

**Item 2. Establish a Quorum.** Dr. Viney announced that a quorum was present.

**Item 3. Review Public Comments.** Juanita Woodruff asked for financial information of the District since its inception. Mr. Carlton asked Ms. Woodruff to provide her contact information to Mr. Edwards.

**Item 4. Discuss and consider taking action on minutes from the August 3, 2023, special meeting.** Dr. Viney called Item 4 on the agenda. Mr. Rodriguez made a motion to approve the minutes of the August 3, 2023, special meeting as presented. The motion was seconded by Mr. Lang and approved by a vote of 5-0.

**Item 5. Receive financial report from District's Bookkeeper and consider: (a) approval of payment of bills and invoices; and (b) approval of financial report.** Mr. Edwards said Mr. Bain is not present to present the financial report, and expenditures.

(a) **Approval of payment of bills and invoices:** The matter was not addressed.

(b) **Approval of financial report:** The matter was not addressed.

(c) **Budget amendment for FY2022-2023:** Mr. Edwards reviewed the FY2024 budget with the Board and discussed amendments to the 2023 budget. Mr. Carlton explained the Board would need to make a motion to approve the amended FY2023 budget. Mr.

Schneider made a motion to approve the FY2023 budget amendment as discussed. Mr. Patten seconded the motion, the motion passed 5-0.

**Item 6. Receive report from the District's General Manager and consider taking action regarding proposed plan to finance District improvements and plan for implementation as well as financial matters, utility planning and service issues, water supply evaluation and management.** Jay Edwards provided his General Manager report and discussed background information regarding the District's water source project. Mr. Edwards also discussed the current steps taken and future steps needed for the water source project.

**Item 7. Discuss and consider acquisition of property for District facilities.** The item was not addressed.

**Item 8. Discuss and consider agreement for water supply.** The Board discussed this item in closed session. The Board entered into executive session at 6:11 pm to consult with the District's attorney pursuant to Section 551.071 of the Government Code regarding item 8. The Board left executive session and reconvened in open session at 6:32 pm. No action was taken in executive session. Mr. Rodriguez moved to sign a contract between the District and Highland Water Service. Mr. Schneider seconded the motion, and the motion passed 5-0.

**Item 9. Receive Park Water development updates.** Mr. Edwards updated the Board on the Park Water development background, status, and fees owed.

**Item 10. Receive report from District's attorney and consider taking action regarding contracts, legislative issues, regulatory issues and matters relating to future elections.** Mr. Carlton discussed the work that has been done regarding the District's tax rate and the groundwater agreement.

**Item 11. Conduct public hearing.** Ms. Woodruff said she has been paying taxes since 2004 and has received no benefits for doing so. Mr. Viney said the District began collecting taxes in 2013 and described the costs expended. Steve Meldrum asked the Board where the water will come from and said he is concerned about the impact water supply development by the District could have on his well. Dr. Viney said he could better address Mr. Meldrum's comment after the Board reconvenes in open session after consulting with the District's attorney in closed session. Ms. Woodruff expressed similar concerns to that of Mr. Meldrum. Mr. Lang moved to close the public hearing. Mr. Patten seconded the motion, and the motion passed 5-0.

**Item 12. Take a record vote on the District's 2023 tax rate, adopt an Order Levying Taxes, authorize filing the Order with the Midland County Tax Assessor/Collector.** The Board discussed the item. Mr. Rodriguez moved to approve adoption of the 2023 tax rate of \$0.029446 on each \$100.00 of taxable property within the District and Mr. Lang seconded. The motion passed 5-0. Mr. Schneider voted yes, Mr. Patten voted yes, Mr. Rodriguez voted yes, Mr. Lang voted yes, and Dr. Viney voted yes to adopt the 2023 tax rate of \$0.029446.


**Item 13. Acknowledge and approve posting of statement regarding adopted tax rate to home page of District website.** Mr. Schneider moved to approve the posting of the statement. Mr. Patten seconded the motion, the motion passed 5-0.

**Item 14. Review Resolution adopting fees of office.** Mr. Carlton discussed the changes in the law that occurred. Dr. Viney said no fees of office have been paid to date and said he suggests no per diems be collected by any Board members. No action was taken.

**Item 15. Discuss time and date for next meeting.** Next regular meeting will be held on September 21, 2023, at 5:30 p.m. at 2405 W. Missouri Avenue, Midland, Texas 79701.

**Item 16. Adjourn.** Dr. Viney moved to adjourn the meeting, and Mr. Lang seconded. The motion passed 5-0, and the meeting was adjourned at 6:35 pm.

Respectfully submitted,

  
\_\_\_\_\_  
Joe Patten  
Secretary