

AGUA SPECIAL UTILITY DISTRICT

Regular Meeting of the Board of Directors
Agua SUD Administration Building
3120 North Abram Road
Palmview, Texas

12:00 p.m., August 6, 2021

MINUTES OF SPECIAL "VIRTUAL" MEETING

1. The meeting was called to order by Mr. Homero Tijerina at 12:06 p.m., August 6, 2021, at which time Mr. Tijerina acknowledged the presence of the following Elected Members of the Board of the Agua SUD:

Directors Present:

Mr. Homero Tijerina
Mr. Ivan Sandoval
Ms. Maribel Diaz
Mrs. Esmeralda H. Solis
Mr. Lloyd Loya

Directors Absent:

Mr. Cesar Rodriguez, Jr.
Mr. Adolfo Arriaga

A quorum of the members of the Agua SUD being present, the meeting was duly convened.

Public Comment: None received.

2. The Board of Directors reviewed and adopted minutes of the May 6, 2021 Agua Board Meeting. The motion was made by Mr. Ivan Sandoval and seconded by Mrs. Esmeralda H. Solis and was unanimously approved by the Board.
3. The Board of Directors received presentation by IAM Insurance Agency on the Texas Mutual Dividend Check.
4. The Board of Directors approved Resolutions to remove and add new authorized signers to all Agua SUD's escrow and investment accounts. The motion was made by Mrs. Esmeralda H. Solis and seconded by Ms. Maribel Diaz and was unanimously approved by the Board.
5. The Board of Directors tabled Resolution amending the Agua SUD employee policy handbook. The motion was made by Mr. Lloyd Loya and seconded by Mr. Ivan Sandoval and was unanimously approved by the Board.

6. The Board of Directors approved to amend and revise the Agua SUD By-Laws as presented. The motion was made by Mrs. Esmeralda H. Solis and seconded by Mr. Lloyd Loya and was unanimously approved by the Board.
7. The Board of Directors approved the Agua SUD procurement policy as presented with the amendment to require vendors to provide Agua a form 1295. The motion was made by Ms. Maribel Diaz and seconded by Mr. Ivan Sandoval and was unanimously approved by the Board.
8. The Board of Directors approved additional services regarding ongoing water and wastewater financing needs with Capex Consulting. The motion was made by Mr. Ivan Sandoval and seconded by Ms. Maribel Diaz and was unanimously approved by the Board.
9. The Board of Directors approved amendment to modify the supplemental agreement so that the General Manager agreement expires on September 30, 2021 with no further action by any party. The motion was made by Mrs. Esmeralda H. Solis and seconded by Mr. Ivan Sandoval and was unanimously approved by the Board.
10. The Board of Directors authorized legal counsel to draft and submit request for applications for position of General Manager. The motion was made by Mrs. Esmeralda H. Solis and seconded by Mr. Ivan Sandoval and was unanimously approved by the Board.
11. The Board of Directors approved interlocal agreement with City of Palmview to maintain and service fire hydrants within city limits. The motion was made by Mr. Ivan Sandoval and seconded by Ms. Maribel Diaz and was unanimously approved by the Board.
12. Director Mr. Ivan Sandoval motioned to un-table item twelve regarding appointment of Advisory Committee and seconded by Ms. Maribel Diaz and was unanimously approved by the Board. The Board of Directors appointed John Womack, Marcos Ochoa, Mary T. Hernandez, Adolfo Villarreal and Fernando Reyes as the Advisory Committee pursuant to Tex. Local Gov't Code §395.058 as required to review, evaluate and update Impact Fees charged by District. The motion was made by Ms. Maribel Diaz and seconded by Mr. Ivan Sandoval and was unanimously approved by the Board.
13. The Board of Directors tabled item regarding the district property for power backup facility. The motion was made by Mr. Ivan Sandoval and seconded by Mrs. Esmeralda H. Solis and was unanimously approved by the Board.
14. The Board of Directors received a report from the General Manager on operations and finance including:
 - a. June Financials
 - b. 2nd Quarter Investment Report
 - c. TWDB Palmview Sanitary Sewer Improvements
 - d. NAD Bank Technical Assistance Agreement (Sewer Hook-ups) status update was presented by Project Engineer, Milo Salinas, M2 Engineering. The status included summary of hookups on the Mor-Wil project, 852 service connections, 719 connected, 598 septic tanks fully pumped out, and 535 fully decommissioned.

15. The Board of Directors recessed into an Executive (closed) meeting at 1:29 p.m. under Texas Gov. Code Section 551.071 Consultation with Attorney, 551.072 Regarding Real Property, 551.073 Prospective Gift, 551.074 Personnel Matters and 551.076 Security. The motion was made by Mr. Ivan Sandoval and seconded by Mrs. Esmeralda H. Solis and was unanimously approved by the Board.

- ITEM 17. a. TWDB Palmview Sanitary Sewer Improvements Project
- ITEM 17. b. Discussion regarding Cause No. C-3353-20-I; S&B Infrastructure vs. Agua Special Utility District; In the District Court of Hidalgo County, Texas, 398th Judicial District
- ITEM 17. c. Discussion regarding Cause No. C-3856-20-D; Marvin Lee Terveen vs. Agua Special Utility District, Mor-Wil, LLC, S&B Infrastructure, LTD; In the District Court of Hidalgo County, Texas, 206th Judicial District
- ITEM 17. d. Jimmy Closner & Sons Liquidated Damages for Palmview Wastewater Collection System Phase 1, Lift Stations A2, F, G, & G7. (Project 3)
- ITEM 17. e. Mor-Wil, LLC Liquidated Damages for Palmview Wastewater Collection System, Main Lift Station and Force Main. (Project 4)
- ITEM 17. f. Salida del sol tank certification
- ITEM 17. g. Performance Services, Inc. smart meter program guarantee
- ITEM 17. h. Mendiola project

At 3:02 p.m., The Board moved to reconvene in open session and no action was taken in executive session. The motion was made by Mr. Ivan Sandoval and seconded by Mrs. Esmeralda H. Solis and was unanimously approved by the Board.

16. The Board of Directors took no action in open session regarding item(s) discussed in executive session for the following:

- ITEM 12.a. The Board of Directors took no action on TWDB Palmview Sanitary Sewer Improvements Project.
- ITEM 12.b. The Board of Directors took no action on Cause No. C-3353-20-I; S&B Infrastructure vs. Agua Special Utility District; In the District Court of Hidalgo County, Texas, 398th Judicial District.
- ITEM 12.c. The Board of Directors took no action on Cause No. C-3856-20-D; Marvin Lee Terveen vs. Agua Special Utility District, Mor-Wil, LLC, S&B Infrastructure, LTD; In the District Court of Hidalgo County, Texas, 206th Judicial District.
- ITEM 12. d. The Board of Directors took no action on Jimmy Closner & Sons Liquidated Damages for Palmview Wastewater Collection System Phase 1, Lift Stations A2, F, G, & G7. (Project 3).

- ITEM 12.e. The Board of Directors took no action on Mor-Wil, LLC Liquidated Damages for Palmview Wastewater Collection System, Main Lift Station and Force Main. (Project 4).
- ITEM 12.f. The Board of Directors took no action on Salida del sol tank certification.
- ITEM 12.g. The Board of Directors took no action on Performance Services, Inc. smart meter program guarantee.
- ITEM 12. h. The Board of Directors took no action on Mendiola project.

At 3:02 p.m., Mr. Ivan Sandoval moved for adjournment. Motion was seconded by Mrs. Esmeralda H. Solis and was unanimously approved by the Board.

Approved, the 1st of November, 2021


Homero Tijerina, President, Agua SUD

Attested by:


Maribel Diaz, Secretary, Agua SUD