



NORTH TEXAS MUNICIPAL WATER DISTRICT

**501 E. Brown Street • Wylie, Texas 75098
(972) 442-5405 – Phone • (972) 295-6440 – Fax**

MINUTES OF REGULAR MEETING (IN PERSON AND BY TELECONFERENCE) OF THE BOARD OF DIRECTORS JUNE 24, 2021

The North Texas Municipal Water District (NTMWD) Board of Directors met in a regular meeting on Thursday, June 24, 2021, at 2:30 p.m. Notice of the meeting was legally posted in accordance with Government Code, Title 551, Open Meetings.

I. CALL TO ORDER

President Phil Dyer called the meeting to order at approximately 2:33 p.m.

President Dyer advised the following regarding today's meeting:

In accordance with the COVID-19 public health threat and the related March 16, 2020, action by the Office of the Governor, temporarily suspending certain provisions of the Texas Open Meetings Act, NTMWD will hold its meeting by telephonic conference call.

In lieu of physical attendance of the meeting, the public may teleconference in to the Board meeting by calling 1 (844) 621-3956 and entering the following access code: 928 587 040. Members of the public joining by teleconference and wishing to make public comment during the meeting should follow the instructions for on-line registration listed under Item VIII. below no later than the start time of the meeting. The meeting will be recorded and the audio recording will be available on the NTMWD website after the meeting. In addition, the public may attend the meeting in person at 501 E. Brown Street Wylie, Texas 75098. Members of the public wishing to make public comment in person at the meeting should follow the registration instructions provided at the meeting location.

II. INVOCATION

Director Terry Sam Anderson gave the invocation.

III. PLEDGE OF ALLEGIANCE

President Dyer led the Pledge of Allegiance.

IV. PLEDGE OF ALLEGIANCE TO THE TEXAS FLAG

President Dyer led the Pledge of Allegiance to the Texas Flag.

V. ROLL CALL/ANNOUNCEMENT OF QUORUM

The roll was called, and attendance was confirmed by teleconference as follows:

1	Anderson, Terry Sam	
2	Appolito, Robert	Absent
3	Boren, Kalen	
4	Carr, John	
5	Crump, George	
6	Dyer, Phil	
7	Farmer, Joe	
8	Fuller, Marvin	
9	Gordon, Don	
10	Hollifield, David	
11	Imrie, Chip	
12	Johnson, Blair	Absent
13	Kelley, Ron	
14	Kerr, James (Jim)	
15	Kever, Geralyn	
16	May, Jack	
17	Murphy, John	
18	Obera, Marlo	
19	Parks, Larry	
20	Patrick, Brenda Jean	
21	Peasley, Richard	
22	Shuyler, Lynn	
23	Stephens, Keith	
24	Sweeden, John	

The following NTMWD legal and financial consultants attended the meeting:

Lauren Kalisek and Sara Thornton – Lloyd Gosselink Rochelle & Townsend
Lewis Isaacks and Mark Walsh – Saunders Walsh & Beard
Alan Raynor and Molly Carson – McCall Parkhurst & Horton
Nick Bulaich – Hilltop Securities

VI. INSTRUCTIONS FROM MODERATOR

Executive Director Jenna Covington served as moderator for the meeting and provided instructions to Board members, staff and the public for conducting the meeting by teleconference and in person.

VII. OPENING REMARKS

- A. President's Remarks concerning current events, conduct of meeting, posted agenda items, committee assignments, and related matters

President Dyer welcomed everyone to the meeting. He advised that this meeting is being conducted in person and by video teleconference. He welcomed newly

appointed Director Geralyn Keever from the City of McKinney and newly appointed Director Kalen Boren from the City of Forney.

President Dyer advised that Governor Abbott renewed the COVID-19 disaster declaration on June 4th for an additional 30 days.

President Dyer advised that Director Larry Parks will abstain from voting on Agenda Item No. XII. F.

President Dyer reviewed the tentative list of meetings for July 2021 as follows:

- Executive Committee meeting
- Personnel Committee meeting
- Budget Work Session
- Real Estate Committee meeting
- Wastewater Committee meeting
- Water Committee meeting
- Open Government Training (provided by attorney Lauren Kalisek)
- Regular Board meeting

Dates and times of meetings are available on the District calendar.

- B. Executive Director's Status Report concerning legislation and regulatory matters, budgets, current projects and ongoing programs of the District including the Regional Water System, Regional Wastewater System, Regional Solid Waste System, Watershed Protection, and Water Conservation

Executive Director Jenna Covington advised that the Governor may not further extend the suspension of certain provisions of the Texas Open Meetings Act that have allowed meetings to be held by telephonic conference call. Therefore, Committee meetings scheduled for July 7th may be in person. Staff will keep the Board updated as information becomes available.

Executive Director Covington gave an update on the Wylie Operations Center air conditioning situation. She said that the cause of the problem was rust on a pressure sensor on the evaporator core. The system has been flushed to remove debris and now appears to be working properly.

Executive Director Covington reviewed the contents of the Directors' handouts today.

Executive Director Covington provided a brief review of her integration meetings with District staff. She added that she and others attended the Texas Water Conservation Association meetings recently and she was appointed to the River Authority Panel.

President Dyer added optimistic remarks about the upcoming year.

VIII. PUBLIC COMMENTS

INSTRUCTIONS FOR PUBLIC COMMENT ON-LINE REGISTRATION: Prior to the start of the Board meeting, members of the public wishing to provide public comment must submit via email to PublicRelations.Info@ntmwd.com their first and last name, organization, comment topic, mailing address and email address. During the public comment portion of the meeting, speakers will be recognized by name and asked to provide their comments. The time limit is five (5) minutes per speaker, not to exceed a total of thirty (30) minutes for all speakers. The Board may not discuss these items, but may respond with factual or policy information.

There were no public comment requests.

IX. EXECUTIVE SESSION

At 2:46 p.m. President Dyer announced the need for an Executive Session of the Board of Directors to discuss the following agenda items:

- Agenda Item Section X. Discussion Item No. A. (1-5) and Section XII. Agenda Items for Individual Consideration No. F. on the agenda pursuant to Texas Government Code, Section 551.071, Consultation with Attorney; and,
- Agenda Item Section X. Discussion Item No. B. on the agenda pursuant to Texas Government Code, Section 551.074, Personnel; and,
- Agenda Item Section XII. Agenda Items for Individual Consideration No. J. on the agenda pursuant to Texas Government Code, Section 551.072, Real Property.

President Dyer confirmed with staff that the public access line was disconnected and that the audio recording was disabled during the Executive Session discussion.

X. DISCUSSION ITEMS – EXECUTIVE SESSION

- A. Update on litigation involving North Texas Municipal Water District/advice from legal counsel, including:
1. Provide update regarding possible easement encroachment by a contractor performing residuals removal, hauling, and disposal
 2. *Justin A. Jinright, et al., v. NTMWD*, Cause No. 429-02373-2016, Collin County, Texas
 3. Provide update regarding "Permanent Impoundment" deadline issues related to Bois d'Arc Lake Dam Construction Manager At-Risk Agreement with Archer Western Construction, LLC
 4. *Oncor Electric Delivery Company LLC, vs. Excel Aircraft, LLC, d/b/a Excel Mulching, North Texas Municipal Water District and John Doe*; Cause No. 007-01996-2021; Collin County Court at Law No. 7
 5. *Brian Ferguson v. NTMWD*, Cause No. 366-02745-2021, Collin County, Texas

6. *Benny L. Mondy v. NTMWD*, Civ. Act. No.: 4:21-cv-431, filed in the US District Eastern District Court – Sherman Division

XII. AGENDA ITEMS FOR INDIVIDUAL CONSIDERATION – EXECUTIVE SESSION

- F. **Authorize additional engineering services on Wylie to Rockwall Pipeline Relocation project – Administrative Memorandum No. 5733**
 - Consider authorizing additional engineering services with Freese and Nichols, Inc., in the amount of \$308,194, for final engineering design on Project No. 101-0526-18, Wylie to Rockwall Pipeline Relocation
- J. **Authorize additional funding of legal services on Treated Water Pipeline from Leonard Water Treatment Plant to McKinney No. 4 project – Administrative Memorandum No. 5738**
 - Consider authorizing additional funding of \$1,000,000 with Saunders, Walsh & Beard, Attorneys & Counselors, resulting in the total authorization of \$8,230,500 and adoption of Resolution No. 21-34 authorizing the additional funding of right-of-way for the Treated Water Pipeline from Leonard Water Treatment Plant to McKinney No. 4, Project No. 101-0425-16

X. DISCUSSION ITEMS – EXECUTIVE SESSION

- B. Discuss senior executive team and possible restructuring to maximize efficiency and performance

Open Session reconvened at 4:21 p.m. No action was taken in Executive Session. The public teleconference line was reconnected.

Attorney Lauren Kalisek clarified that Item X.A.6 was also discussed in Executive Session and may have been inadvertently left off the list of executive session items announced previously by President Dyer in the meeting.

X. DISCUSSION ITEMS (Continued)

- C. Announcement of 2021-2022 Board of Directors Standing Committee assignments

President Dyer advised that the standing Committee assignments became effective June 1, 2021 and were emailed to the Board members and are included in the Board Packet (attached to the Board memorandum). He expressed his appreciation for each Director's service on the standing Committees.

- D. Award of Board of Directors service pins

Executive Director Covington advised that each year the District recognizes Board member service milestones, and in 2021 there are four Directors being recognized as follows:

- Director Ron Kelley

- Director Ron Kelley received his 1-year service pin as an NTMWD Director. Mr. Kelley was appointed by the City of Plano in 2020. He served on the Solid Waste and Personnel Committees.
- Director Marlo Obera
 - Director Marlo Obera received his 1-year service pin as an NTMWD Director. Mr. Obera was appointed by the City of Princeton in 2020. Mr. Obera served on the Wastewater and Personnel Committees.
- Director Lynn Shuyler
 - Director Lynn Shuyler received his 20-year service pin as an NTMWD Director. Mr. Shuyler was appointed by the City of Frisco in 2001 when Frisco become a Member City.
 - Mr. Shuyler has served on all but one standing committee:
 - Executive
 - Water
 - Wastewater
 - Solid Waste
 - Insurance
 - Finance
 - Personnel
 - Legislative
 - Policy
 - Mr. Shuyler served as Chairman of the Executive, Solid Waste, and Policy Committees. He served as Secretary (2009-10), Vice President (2010-11), and President of the Board of Directors (2011-2012).

Director Shuyler offered remarks and appreciation to the District.

- Director Marvin Fuller
 - Director Marvin Fuller received his 25-year service in as an NTMWD Director. Mr. Fuller was appointed by the City of Wylie in 1996.
 - Mr. Fuller has served on every standing committee:
 - Executive
 - Water
 - Wastewater
 - Solid Waste
 - Insurance
 - Finance
 - Personnel
 - Real Estate
 - Legislative
 - Policy
 - Mr. Fuller has served as Chairman of the Executive, Wastewater, Insurance, Finance, Personnel, Legislative, and Policy Committees. He

served as the Secretary (2001-02), Vice President (2002-03), and President of the Board of Directors (2003-04).

Director Fuller offered remarks and appreciation.

At this time President Dyer advised the following agenda items will be addressed.

XII. AGENDA ITEMS FOR INDIVIDUAL CONSIDERATION

GENERAL/ADMINISTRATIVE SERVICES AGENDA ITEMS

A. Adoption of Resolution No. 21-30 commending Director Joe Joplin

- Consider adoption of Resolution No. 21-30 commending Director Joe Joplin for over 18 years of service as a member of the NTMWD Board of Directors

Upon a motion by Director Anderson and a second by Director Keever the Board of Directors voted unanimously to approve Resolution No. 21-30.

Executive Director Covington read Resolution 21-30 recognizing Joe Joplin for his years of service on the Board of Directors. President Dyer presented Mr. Joplin with a Texas plaque award.

Mr. Joplin expressed his appreciation and thoughts about his service on the Board.

Directors Anderson, Sweeden, Gordon, Farmer and Patrick offered words of appreciation to Mr. Joplin.

B. Adoption of Resolution No. 21-29 commending Director Larry Parks

- Consider adoption of Resolution No. 21-29 commending Director Larry Parks for his service as President of the Board of Directors in 2020-2021

Upon a motion by Director Anderson and a second by Director Sweeden the Board of Directors voted unanimously to approve Resolution No. 21-29.

Executive Director Covington read Resolution 21-29 recognizing Larry Parks for serving as President of the Board of Directors. Present Dyer presented Director Parks with the Water Drop Award.

Director Parks offered his appreciation to those he served with and thoughts about his service as President.

E. Legislative Update

David Kelly, Government Relations Advisor, provided an update on the 87th Legislative Session as well as the Texas/Oklahoma Boundary issue. He reviewed the number of bills filed, noting that COVID-19 had an impact on the session.

Mr. Kelly reviewed that Tracy King was appointed as the new House Chair. He advised that as a result of the February Winter Storm Uri, SB 3 was adopted. The District is working on the requirements of SB 3. Mr. Kelly also summarized the

District's other interests for this session that included the Public Utility Commission oversight of water rates and the Texas Open Meetings Act. He advised there are some planned Special Sessions.

F. Discuss possible modifications to Energy Program

Scott Puckett, NTMWD's Energy Manager, provided an update on possible interim modifications to NTMWD's Energy Strategy in response to the District's unexpected cost for energy for Winter Storm Uri. The District's strategy for energy costs was provided based on on-peak and off-peak usage. Interim adjustments proposed are, through September 2023, to fix 100% of our anticipated energy needs for the months of January and February, and to fix ancillary services. The District, and its outside partners, will continue to monitor changes in the Texas power market and report back if interim changes need to become permanent.

G. Engineering update

1. Update on Bois d'Arc Lake project

Deputy Director Cesar Baptista provided an update on the Bois d'Arc Lake project. He advised that as of June 10, 2021, the lake is at elevation 516.2 and is about one third full. Updates and photos were provided for the dam, outlet channel to Honey Grove Creek, the Intake Tower, and Raw Water Pipeline progress. He discussed how the CMAR were managing the release of water above elevation 511 and how they were protecting on-going work on the weir. He advised that the Texas Water Development Board conducted a site visit and was pleased with the construction progress. A drone video of the dam site and other lake areas was presented.

XI. CONSENT AGENDA ITEMS

President Dyer advised that Director Fuller requested to pull Consent Agenda Item No. XI. E (21-06-05) for separate discussion.

Upon a motion by Director Terry Sam Anderson and a second by Director Chip Imrie the Board of Directors voted to approve Consent Agenda Items A., B., C., and D.

A. Approval of Regular Board Meeting Minutes – Consent Agenda Item No. 21-06-01

- Consider approval of May 27, 2021, Board of Directors Regular meeting minutes

B. Approval of Special Board Meeting Minutes – Consent Agenda Item No. 21-06-02

- Consider approval of May 3, 2021, Board of Directors Special meeting minutes

C. Approval of Monthly Construction Report – Consent Agenda Item No. 21-06-03

- Consider approval of June 2021 Monthly Construction Report

D. Authorize legal services to review Construction Manager At-Risk Agreements – Consent Agenda Item No. 21-06-04

- Consider authorize legal services in the amount of \$45,000 with Saunders, Walsh & Beard relating to Construction Manager At-Risk Agreements on Project Nos. 101-0390-15, Wylie Water Treatment Plant (WTP) Biologically Active Filtration; 101-0496-18, Wylie WTP Ammonia System Improvements; and 101-0517-18, Wylie WTP II Structural and Mechanical Improvements

Consent Agenda Item E. individual consideration:

E. Adoption of Resolution No. 21-28 authorizing encroachment and use agreement – Consent Agenda Item No. 21-06-05

- Consider adoption of Resolution No. 21-28 authorizing an encroachment and use agreement with H-E-B, LP

President Dyer advised this item was discussed in the Real Estate Committee meeting yesterday.

Executive Director Covington advised that an email went out yesterday following the Committee meeting providing additional information regarding the District's obligations under this agreement and opened the floor for additional discussion.

Director Marvin Fuller advised his question was about who is responsible for the concrete over this easement, and it was determined the District is not required to replace the concrete if there is a need to access the District's underground infrastructure.

Upon a motion by Director Marvin Fuller and a second by Director Chip Imrie, the Board of Directors voted unanimously to approve.

XII. AGENDA ITEMS FOR INDIVIDUAL CONSIDERATION

GENERAL/ADMINISTRATIVE SERVICES AGENDA ITEMS

Items A. and B. were discussed previously.

~~A. **Adoption of Resolution No. 21-30 commending Director Joe Joplin**~~

- ~~• Consider adoption of Resolution No. 21-30 commending Director Joe Joplin for over 18 years of service as a member of the NTMWD Board of Directors~~

~~B. **Adoption of Resolution No. 21-29 commending Director Larry Parks**~~

- ~~i. Consider adoption of Resolution No. 21-29 commending Director Larry Parks for his service as President of the Board of Directors in 2020-2021~~

C. Amendment to NTMWD Administration and Finance Policies Manual and Adoption of Resolution No. 21-35 approving NTMWD Investment Policy and Investment Strategy – Administrative Memorandum No. 5730

- Consider authorizing amendment to the NTMWD Administration and Finance Policies Manual as follows: (a) Section 1, General Investment Policy; (b) Section 11, Fund Balance Policy; and, (c) add Section 12, Debt Policy; and adopt Resolution No. 21-35, as it pertains to the General Investment Policy,

“A Resolution approving NTMWD Investment Policy and Investment Strategy” which includes an annual review and approval of the Investment Policy and Strategies that are included in the NTMWD Administration and Finance Policies Manual.

Director Chip Imrie advised that the Debt Policy was reviewed by the Finance Committee on May 12, 2021. The General Investment Policy and the Fund Balance Policy were reviewed by the Finance Committee on June 9, 2021. The Debt Policy, General Investment Policy, and Fund Balance Policy were reviewed by the Policy Committee on June 9, 2021. The Finance Committee voted unanimously for the Board of Directors to approve these amendments to the NTMWD Administration and Finance Policies Manual.

Director Chip Imrie made a motion to accept these changes with two adjustments:

1. In the Fund Balance Policy, a definition is to be added to the Pipeline Reserve Fund for Chapman that reads “Funded by budgeted transfers from operating funds, these funds are 50% NTMWD and 50% the City of Irving. These reserve funds are used for repairs and projects on the Chapman Pump Station and Pipeline.”
2. And in the Investment Policy, the fund types are to be listed separately, in the following order: Operating Funds, Construction Funds, Interest and Sinking Funds, Debt Service Reserve Funds, Contingency Funds, Reserve for Maintenance Funds, and Rate Stabilization Fund.

Motion was seconded by Director Marvin Fuller.

Executive Director Jenna Covington advised that additional information on this item was included in yesterday’s email and these modifications are included in today’s handouts.

The Board of Directors voted unanimously to approve.

D. Adoption of Resolution No. 21-31 authorizing Regional Water System Revenue Refunding and Improvement Bonds, Series 2021 – Administrative Memorandum No. 5731

- Consider adoption of Resolution No. 21-31 authorizing the issuance, sale, and delivery of North Texas Municipal Water District Regional Water System Revenue Refunding Bonds and Improvement Bonds, Series 2021, in the amount of approximately \$75.45 million; and approving and authorizing instruments and procedures relating thereto

Director Chip Imrie advised this item was reviewed by the Finance Committee on June 9, 2021, and the Water Committee on June 23, 2021. The Finance Committee voted unanimously for the Board of Directors to adopt Resolution No. 21-31 authorizing the issuance, sale and delivery of NTMWD Regional Water System Revenue Refunding Bonds and Improvement Bonds, Series 2021.

Director Chip Imrie made a motion to approve, and Director Terry Sam Anderson seconded the motion.

Nick Bulaich with Hilltop Securities provided an overview of this bond sale. He advised that the purchaser offered a cash premium of \$8.5 million resulting in a true interest rate of 2.06%. The savings on the refunding component is \$4.7 million. Mr. Bulaich commended the District on an upgraded credit rating by Moody's Investor Services from Aa2 to Aa1.

The Board of Directors voted unanimously to approve.

WATER SYSTEM AGENDA ITEMS

E. Ratification and approval of cost of goods and services resulting from the 84-inch Chapman Raw Water Pipeline Failure – Administrative Memorandum No. 5732

- Consider ratification and approval of cost of goods and services in the amount of \$193,000 (adjusted total expenditure amount of \$655,713) in response to the emergency conditions resulting from the 84-inch Chapman Raw Water Pipeline failure on December 3, 2020

Director Keith Stephens advised the Water Committee reviewed this item and voted to recommend the Board authorize ratification and approval of additional expenditures for goods and services authorized by then Interim Executive Director in response to the emergency conditions associated with the 84-inch Chapman Raw Water Pipeline failure on December 3, 2020. Additional funding in the amount of \$193,000 is required for additional repair-related activities including construction of a site access road, additional county road repairs that were not anticipated, crane rental, and analysis of condition assessment effort by Pure Technologies.

Upon a motion by Director Keith Stephens and a second by Director James Kerr, the Board of Directors voted unanimously to approve.

F. Authorize additional engineering services on Wylie to Rockwall Pipeline Relocation project – Administrative Memorandum No. 5733

- Consider authorizing additional engineering services with Freese and Nichols, Inc., in the amount of \$308,194, for final engineering design on Project No. 101-0526-18, Wylie to Rockwall Pipeline Relocation

Director Keith Stephens advised the Water Committee reviewed this item and voted to recommend the Board authorize additional engineering services for realignment of certain segments of the Wylie to Rockwall Pipeline. Late changes in ownership of a major involved property resulted in the loss of intended pipeline alignment access and forced significant re-design of the project.

Upon a motion by Director Keith Stephens and a second by Director Joe Farmer, the Board of Directors voted unanimously to approve.

G. Authorize additional engineering services on McKinney Delivery Point No. 3 to McKinney Delivery Point No. 4 Pipeline project – Administrative Memorandum No. 5734

- Consider authorizing additional engineering services with HDR, Inc., in the amount of \$721,315 for final engineering design on Project No. 101-0505-18,

McKinney Delivery Point No. 3 to McKinney Delivery Point No. 4 Pipeline

Director Keith Stephens advised the Water Committee reviewed this item and voted to recommend the Board authorize additional engineering services for advancement of the water pipeline improvements project to the 60% design level. Advancing local development, along with coincidental expanding space needs by the Texas Department of Transportation and other Regional stakeholders, have made it necessary for the designer of this pipeline to consider several alternative alignments and potential collaborative construction concepts. The additional services address the extended effort for iterative alternative development that is well beyond what was anticipated in the original design scope.

Upon a motion by Director Keith Stephens and a second by Director Chip Imrie, the Board of Directors voted unanimously to approve.

LAND ACQUISITION/RIGHT-OF-WAY AGENDA ITEMS

H. Authorize execution of right-of-way acquisition program and adoption of Resolution No. 21-32 authorizing the use of eminent domain to acquire right-of-way for the Plano West Side Pipeline, Plano Delivery Point No. 3 to Richardson Delivery Point No. 2 projects – Administrative Memorandum No. 5736

- Consider authorizing the Executive Director to execute a right-of-way acquisition program with a budget of \$3,600,000, and adoption of Resolution No. 21-32 authorizing the use of eminent domain to acquire right-of-way for the Plano West Side Pipeline, Plano Delivery Point No. 3 to Richardson Delivery Point No. 2, Project No. 101-0566-20, and delegating authority to initiate condemnation proceedings to the NTMWD Executive Director

Director David Hollifield advised the Real Estate Committee met on June 23, 2021, and voted to recommend the Board of Directors authorize a right-of-way acquisition program in the amount of \$3,600,000 and adopt Resolution 21-32 authorizing the use of eminent domain to acquire right-of-way, if necessary for the Plano West Side Pipeline, Project No. 101-0566-20. Easements are necessary to install a 36" parallel pipeline to the east-west segment along Renner Road between Custer Road and Richardson Delivery Point No. 2, and to replace an existing 30" pipeline with a new 36" line in the north-south segment along Custer Road between Renner Road and the Plano Delivery Point No. 3.

Upon the motion by Director David Hollifield and a second by Director Joe Farmer the Board of Directors voted unanimously to approve.

I. Authorize execution of right-of-way acquisition program and adoption of Resolution No. 21-33 authorizing use of eminent domain to acquire right-of-way for the Plano-McKinney Water Transmission System, Phase I, Pipeline Relocation projects and Upper East Fork Interceptor System Pipeline Relocation project – Administrative Memorandum No. 5737

- Consider authorizing the Executive Director to execute a right-of-way acquisition program with a budget of \$1,092,000 and adoption of Resolution

No. 21-33 authorizing the use of eminent domain to acquire right-of-way for the Plano-McKinney Water Transmission System, Phase I, Relocation of 84-inch and 42-inch Pipelines, and Upper East For Interceptor System, Relocation of 60-Inch Wastewater Pipeline, Project No. 101-0544-19 and delegating authority to initiate condemnation proceedings to the NTMWD Executive Director

Director David Hollifield advised the Estate Committee met on June 23, 2021, and reviewed this item. The Committee voted to recommend the Board of Directors authorize a right-of-way acquisition program in the amount of \$1,092,000 and adopt Resolution 21-33 authorizing the use of eminent domain to acquire right-of-way, if necessary for the Plano-McKinney Water Transmission System, Phase I, Relocation of 84-inch and 42-inch Pipelines, and Upper East For Interceptor System, Relocation of 60-Inch Wastewater Pipeline, Project No. 101-0544-19. Portions of the 84-inch Plano/McKinney Water Transmission Pipeline, the 42-inch North Plano Pipeline, and the 60-inch Rowlett Cottonwood Transfer Sewer Parallel must be relocated to accommodate TXDOT expansion of FM 2551 (Murphy Rd) from FM 2514 (Parker Rd) and FM 2170 (Estate Parkway) and Director Hollifield made the recommendation in the form of a motion.

Upon the motion by Director David Hollifield, and a second by Director Joe Farmer, the Board of Directors voted unanimously to approve.

J. **Authorize additional funding of legal services on Treated Water Pipeline from Leonard Water Treatment Plant to McKinney No. 4 project – Administrative Memorandum No. 5738**

- Consider authorizing additional funding of \$1,000,000 with Saunders, Walsh & Beard, Attorneys & Counselors, resulting in the total authorization of \$8,230,500 and adoption of Resolution No. 21-34 authorizing the additional funding of right-of-way for the Treated Water Pipeline from Leonard Water Treatment Plant to McKinney No. 4, Project No. 101-0425-16

Director David Hollifield advised that the Real Estate Committee met on June 23, 2021 and reviewed this item. The Committee voted to recommend the Board of Directors approve Administrative Memorandum No. 5738 authorizing additional funding of \$1,000,000 for the Treated Water Pipeline from Leonard Water Treatment Plant to McKinney No. 4, Project No. 101-0425-16. The additional funding is for property acquisition and legal services to complete the acquisition of easements required for this pipeline that will bring treated water originating from Bois D'Arc Lake into the northern service area of the system.

Upon a motion by Director David Hollifield to adopt Administrative Memorandum 5738, and a second by Director Chip Imrie, the Board of Directors voted unanimously to approve.

XIII. CLOSING ITEMS

A. Review of items for follow up raised during meeting

There were no follow up items requested.

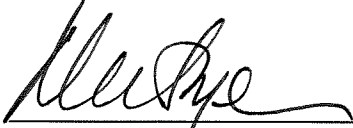
- B. Opportunity for Board members to request potential future agenda items
(No substantive discussion of items will take place at this time)

There were no potential future agenda items requested.

IV. ADJOURNMENT

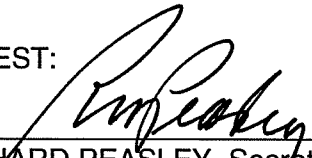
There being no further business, the meeting adjourned at approximately 5:52 p.m.

APPROVED:



PHIL DYER, President

ATTEST:



RICHARD PEASLEY, Secretary

