

# ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

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## MEMORANDUM

TO: Board of Directors -  
Block House Municipal Utility District

FROM: Denise L. Motal  
Legal Assistant

DATE: October 3, 2022

RE: Block House Municipal Utility District -  
October 10, 2022 Special Meeting

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Enclosed please find the agenda and support materials for the special meeting of the Board of Directors of Block House Municipal Utility District scheduled for Monday, October 10, 2022, at 6:30 p.m., at 2600 Block House Drive South, Leander, Texas.

Please let me know if you cannot attend the meeting so that I can confirm that a quorum will be present.

Please do not hesitate to contact me if you have any questions.

Lisa Torres (Crossroads Utility Services, LLC)  
Andrew Hunt (Crossroads Utility Services, LLC)\*  
Taylor Kolmodin (Municipal Accounts & Consulting, L.P.)  
Mark Burton (Municipal Accounts & Consulting, L.P.)\*  
David Gray (Gray Engineering, Inc.)\*  
Cheryl Allen (Public Finance Group LLC)\*  
Carol Polumbo (McCall, Parkhurst & Horton L.L.P.)\*  
Tripp Hamby (Priority Landscapes, LLC)\*  
Antonio Lovato (Williamson County Sheriff's Dept.)\*  
Jay Howard (Texas Disposal Systems, Inc.)\*

Ja-Mar Prince (Texas Disposal Systems, Inc.)\*  
Barbara Graves (Texas Disposal Systems, Inc.)\*  
Chris Swedlund (McCall Gibson Swedlund Barfoot PLLC)\*  
Brian Toldan (McCall Gibson Swedlund Barfoot PLLC)\*  
Jan Gibson (McCall Gibson Swedlund Barfoot PLLC)\*  
Ashlee Martin (McCall Gibson Swedlund Barfoot PLLC)\*  
Tom Davis (Lifeguard 4 Hire, L.L.C.)\*  
Sandy Martin (BHC Owners Association)\*  
Amanda Stanfield (Tidal Waves Swim Team)\*

\*AGENDA ONLY (via email)

**BLOCK HOUSE MUNICIPAL UTILITY DISTRICT**

**October 10, 2022**

TO: THE BOARD OF DIRECTORS OF BLOCK HOUSE MUNICIPAL UTILITY DISTRICT AND ALL OTHER INTERESTED PERSONS:

Notice is hereby given that the Board of Directors of Block House Municipal Utility District will hold a special meeting at **6:30 p.m.** on **Monday, October 10, 2022**, at 2600 Block House Drive South, Leander, Texas. The following matters may be considered and acted upon at the meeting:

**PLEASE NOTE: Public comments will be accepted only during designated portions of the Board meeting. Comments from the floor will not be accepted during the business portion of the Board meeting. Citizens wishing to address the Board must complete the citizens’ communication form provided at the entrance to the meeting room, so they may be recognized to speak.**

**The meeting will be preceded by the U.S. Pledge of Allegiance and a moment of silence or prayer.**

*Board member announcements and agenda prioritization requests may be considered at the beginning of the meeting.*

**Note: Matters on which Board action is anticipated are noted as “Decision”. Matters on which Board action is not anticipated are noted as “Informational”. Such notations are intended as a guide to facilitate the conduct of the meeting based on information available at the time that this agenda was finalized and are not binding. The Board reserves the right to take action on any of the following matters.**

| <u><b>AGENDA</b></u>             |  |
|----------------------------------|--|
| <b>GENERAL</b>                   |  |
| 1.                               | Citizens’ communications;  |
| <b>DISCUSSION / ACTION ITEMS</b> |  |
| 2.                               | Payment of invoice from HouckDesign;   |
| 3.                               | Bike Trails; final plans and specifications;   |
| 4.                               | Complaint received under Code of Ethics, Travel, and Professional Services Policy;                                   |
| 5.                               | Code of Ethics, Travel and Professional Services Policy;   |
| 6.                               | Overview of Board decorum and role of a Board member (Director Roberts);   |
| 7.                               | Role and authority of subcommittees and subcommittee members (Director Roberts);                                     |
| 8.                               | Section 551.143, Texas Government Code (“Walking Quorum” statute from the Texas Open Meetings Act) (Director Logan); |
| 9.                               | Letter Agreement with BHC Owners Association (Director Koenig);  |
| 10.                              | Future Board meetings/agenda items.  |

The Board of Directors is authorized by the Texas Open Meetings Act, Chapter 551, Texas Government Code, to convene in closed or executive session for certain purposes, including receiving legal advice from the District's attorney (Section 551.071); discussing real property matters (Section 551.072); discussing gifts and donations (Section 551.073); discussing personnel matters (Section 551.074); discussing security personnel or devices or security audits (Section 551.076); and discussing information technology security practices (Section 551.089). If the Board of Directors determines to go into executive session to discuss any item on this agenda, the presiding officer will announce that an executive session will be held and will identify the item to be discussed and the provision of the Open Meetings Act that authorizes the closed or executive session.

(SEAL)



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Attorney for the District

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Block House Municipal Utility District is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please call Armbrust & Brown, PLLC at (512) 435-2300 for additional information. Hearing impaired or speech disabled persons equipped with telecommunications devices for the deaf may utilize the statewide Relay Texas program at (800) 735-2988.

HouckDesign  
 PO Box 163373  
 Austin, TX 78716  
 512-426-7722

# Invoice

| Date      | Invoice # |
|-----------|-----------|
| 9/27/2022 | 5004      |

| Bill To  |
|--|
| Block House MUD c/o<br>Municipal Accounts & Consulting, LP<br>6500 River Place Blvd<br>Bldg 4, Suite 104<br>Austin, TX 78730 |

| Ship To |
|---------|
|         |

| P.O. Number | Terms | Ship      | Via | F.O.B. | Due Date  | SO # |
|-------------|-------|-----------|-----|--------|-----------|------|
|             | Net   | 9/27/2022 | NA  |        | 9/27/2022 |      |

| Quantity | Item Code | Description  | Price Each | Amount   |
|----------|-----------|--|------------|----------|
|          | CDES      | Course Design Consulting for Phase One-First Year<br>Design Review and Maintenance | 3,000.00   | 3,000.00 |

Please Remit Payments To:

HOUCKDESIGN  
 P.O. Box 163373  
 Austin, TX 78716

|                          |                 |
|--------------------------|-----------------|
| <b>Subtotal</b>          | 3,000.00        |
| <b>Sales Tax (6.75%)</b> | \$0.00          |
| <b>Total</b>             | 3,000.00        |
| <b>Payments/Credits</b>  | \$0.00          |
| <b>Balance Due</b>       | <b>3,000.00</b> |

*Thank you!*

Contact@HouckDesign.com  
 circularproductions.com

**From:** Steve Bennett <[steve@blockhousemudtx.gov](mailto:steve@blockhousemudtx.gov)>  
**Sent:** Thursday, September 29, 2022 8:09 AM  
**To:** Sean Abbott <[SAbbott@abaustin.com](mailto:SAbbott@abaustin.com)>  
**Subject:** Oct 10 ? agenda item

I need to add one very small agenda item to clarify something.

**BMX work day procedures and volunteer compensation clarity.**

After last evening I am 100% uncertain on what my role is as a director and need clarification with board input to be able to proceed with the project on Oct 15-16. Please add the following information to the packet/ agenda item.

**BMX track work- days scope and responsibilities October 15-16, 2022**

To: MUD Board, accounting and GM

From: Subcommittee of Steve / Byron

Re: Request for clarity on responsibilities

All,

In an attempt to clarify please advise the subcommittee of Byron / Steve on the following items by October special meeting or before October 13<sup>th</sup>. A failure to give sufficient direction will cause the subcommittee to recommend aborting the project altogether.

**Overall Scope:**

**Item 1**-Days/ evenings weekends prior – Steve and or Byron meet w/ bike track residents when possible to discuss the proposed layout and logistics to be able to provide a smooth work day Friday and Saturday. This relates to sequencing work how many times we move dirt, where to, what each persons doing, who actually says where to place obstacles or smooth areas.

**Board input:** Intent is to work with a resident bike rider / racer family on our own time to determine sequence of work etc. Any problems there?

**Item 2** – Volunteers getting a donation. Last month we agreed as a board to limit spending to 5K. Lisa stated to subcom she can get an operator and equipt for \$2000. Even with additional dirt Lisa has made it appear that we will have enough budget (5k) to compensate the Rouse Baseball team should they actually perform the work we need. The team has been informed they will receive \$1000 for there efforts of appx 10-15 volunteers Saturday. The subcommittee is very concerned that the board or others will not honor this and leave the directors with the tab.

**Board input:** Please inform the subcommittee whether they intend to honor the agreement if the subcommittee feels they have provided the effort. If the board cannot agree to this we need to cancel the event or simply allow the GM to handle it all.

**Item 3** – Day of work. The subcommittee is asking who is in charge of the workers, the equipt operator on day of work?

**Board input:** Please respond as to who will actually direct the workers the subcommittee and resident bike riders or the GM? Only one clear answer please.

**BLOCK HOUSE MUNICIPAL UTILITY DISTRICT  
CODE OF ETHICS, TRAVEL, AND PROFESSIONAL SERVICES POLICY**

(February 27, 2019)

**ARTICLE I**

**SUBJECT MATTER**

This Code of Ethics, Travel, and Professional Services Policy (“*Policy*”) is adopted by the Board of Directors (the “*Board*”) of Block House Municipal Utility District (the “*District*”) under Sections 49.157 and 49.199 of the Texas Water Code and Section 2256.005 of the Texas Government Code. The subject matter of this Policy is addressed by other requirements of Texas law, including those governing public meetings, public records, audits, financial management, disqualifications of Directors, dual office holding limitations, conflicts of interest, self-dealing, and illegal and corrupt practices. This Policy is not intended to supersede or summarize other provisions of applicable law.

**ARTICLE II**

**DEFINITIONS**

2.01. Business Entity. “*Business Entity*” means a sole proprietorship, partnership, firm corporation, holding company, joint stock company, receivership, trust or any other entity recognized by law through which business is conducted.

2.02. Commission. “*Commission*” means the Texas Commission on Environmental Quality.

2.03. Developer. “*Developer*” means a developer of property in the District.

2.04. Director. “*Director*” means a person elected or appointed to serve on the Board.

2.05. District Official. “*District Official*” means a Director, Officer, or Employee.

2.06. Emolument. “*Emolument*” means pay or some other benefit, compensation, or thing of value received in exchange for holding an office. For example, free or discounted utility services or a fee of office for meeting attendance could constitute an emolument.

2.07. Employee. “*Employee*” means any person or Business Entity working for or on behalf of the District.

2.08. Investment Officer. “*Investment Officer*” means a person appointed by the Board to handle District investments.

2.09. Officer. “*Officer*” means an elected or appointed officer of the District, including an Investment Officer, who exercises responsibilities beyond those that are advisory in nature.

2.10. Professional Services Procurement Act. “*Professional Services Procurement Act*” means Subchapter A, Chapter 2254, Texas Government Code, as amended from time to time.

2.11. Public Funds Investment Act. “*Public Funds Investment Act*” means Chapter 2256, Texas Government Code, as amended from time to time.

2.12. Public Funds Collateral Act. “*Public Funds Collateral Act*” means Chapter 2257, Texas Government Code, as amended from time to time.

2.13. Substantial Interest. “*Substantial Interest*” has the same meaning as set forth in Chapter 171, Texas Local Government Code, as amended from time to time. Under Chapter 171, Texas Local Government Code:

A. A person has a Substantial Interest in a Business Entity if the person: (i) owns 10% or more of the voting stock or shares of a Business Entity; (ii) owns either 10% or more or \$15,000 or more of the fair market value of a Business Entity; or (iii) has received funds from the Business Entity that constitute more than 10% of the person’s gross income for the previous year.

B. A person has a Substantial Interest in real property if the person has an equitable or legal ownership interest in the property that has a fair market value of \$2,500 or more.

C. A person also has a Substantial Interest in a Business Entity or real property if he or she is related in the first degree by consanguinity (blood) or the first degree by affinity (marriage), as determined under Chapter 573, Texas Government Code, to a person who has a Substantial Interest in a Business Entity or in real property under Subsections A or B of this Section.

### **ARTICLE III**

#### **CODE OF ETHICS**

3.01. Statement of Policy; Purposes of Policy. This Policy has been adopted to establish guidelines for high ethical standards in official conduct by Directors and Officers, and to provide guidance to Directors and Officers in order to instill a high level of public confidence in their professionalism, integrity and commitment to the public interest. Further, this Policy will serve as a basis for disciplining those who refuse to abide by its terms.

3.02. Standards of Conduct.

A. All Directors and Officers must conduct themselves, both inside and outside District service, so as to give no occasion for mistrust of their integrity, impartiality, or devotion to the best interests of the District.

B. All District Officials must conduct themselves with decorum, both at public meetings and in other settings in which he or she may be viewed by the public as acting in an official capacity. All District Officials must treat each other, and any member of the public appearing at any meeting of the Board, with proper courtesy and respect.

C. No District Official may disclose any confidential information, including information gained during any executive session of the Board, without prior written authorization of the Board.

D. No District Official may engage in any conduct prejudicial to the District or that reflects discredit upon the Board.

E. All District Officials must use care when taking any public position on any issue pertaining to the business of the District to distinguish between their individual opinions and the official position of the Board or the District.

F. All Directors must consistently attend all meetings of the Board, including all regularly scheduled work sessions. If a Director fails to attend one-half of the regular meetings of the Board scheduled within a 12-month period, the Director may be removed from the Board by the unanimous vote of the other Directors.

H. The Board shall conduct a minimum two-hour ethics training per year.

3.03. Conflicts of Interest.

A. All Directors and Officers are subject to Chapter 171, Texas Local Government Code, relating to the regulation of conflicts of interest.

B. The District may not transact any business with a Business Entity or involving real property in which a Director or Officer has any interest, whether direct or indirect, without prior approval of the Board, after disclosure by the interested Director or Officer and discussion at a posted Board meeting. If a Director or Officer has a Substantial Interest, the Director or Officer must also file an affidavit disclosing the nature and extent of the interest before any action is taken on the matter in accordance with Chapter 171, Texas Local Government Code.

C. A Director may not participate in discussion or action on a matter involving a Business Entity or real property in which the Director has a Substantial Interest if the Board's action will, or it is reasonably foreseeable to, have a special economic effect on the Business Entity or value of the real estate that is distinguishable from the effect on the public, unless a majority of the Board is likewise disqualified and has filed affidavits disclosing similar interests in the same matter.

D. A Director may not participate in a discussion or action on a matter involving a Business Entity or real property in a manner that will, or is reasonably foreseeable to, have a special economic effect on the Director, such as a matter involving a current or prospective District contractor or subcontractor with whom the Director does, or has done, business, without prior approval of the Board, after disclosure by the Director.

E. A Director or Officer may not act as a surety for a Business Entity that has work, business, or a contract with the District or act as a surety on any official bond required of a District Official.

F. No Director or Officer may represent, directly or indirectly, himself or any private person, Business Entity, group or interest, other than the District, before the Board, except in matters of purely public concern, when doing so without compensation or remuneration.

G. The Board may not appoint or confirm the appointment to any position, or award any contract to, a person related to a member of the Board within the second degree by affinity (marriage) or within the third degree by consanguinity (blood) when the salary or other compensation is paid, directly or indirectly, from District funds, except as provided by Chapter 573, Texas Government Code.

H. Each District Official must file a conflict of interest disclosure statement or conflict of interest questionnaire, as applicable, when required to do so by Chapter 176, Texas Local Government Code.

I. As provided in Section 171.009, Texas Local Government Code, a Director may serve as a member of the board of directors of a private, nonprofit corporation or other



non-profit entity if he or she receives no compensation or other remuneration from the nonprofit corporation or other nonprofit entity.

3.04. Disqualification of Directors. As provided in Section 49.052, Texas Water Code, a Director is disqualified from serving as a member of the Board if he or she:

A. is related within the third degree of affinity or consanguinity to a Developer, any other Director, or the manager, engineer, attorney, or other person providing professional services to the District;

B. is an employee of a Developer or any Director, manager, engineer, attorney, or other person providing professional services to the District or a Developer in connection with the District or property located in the District;

C. is a Developer;

D. is serving as an attorney, consultant, engineer, manager, architect, or in some other professional capacity for the District or a Developer in connection with the District or property located in the District;

E. is a party to a contract with or along with the District, except for the purchase of public services furnished by the District to the public generally;

F. is a party to a contract with or along with a Developer relating to the District or to property within the District, other than a contract limited solely to the purpose of purchasing or conveying real property in the District for the purpose of either establishing a permanent residence, establishing a commercial business within the District, or qualifying as a Director; or

G. during his or her term of office, fails to maintain the qualifications required by law to serve as a Director.

3.05. Dual Office Holding Limitations.

A. Constitutional Limitations. Except as permitted by Article XVI, Section 40 of the Texas Constitution, no Director may hold or exercise at the same time, more than one civil office of Emolument.

B. Common-Law Incompatibility. No Director may hold another public office in violation of the common-law doctrine of incompatibility that applies to holding two incompatible positions and prohibits a person from holding certain public offices at the same time because of practical conflicts of interest that might arise, including service as a director of two governmental authorities with overlapping taxing jurisdictions.

## ARTICLE IV

### TRAVEL EXPENDITURES AND FEES OF OFFICE

4.01. Fees of Office. A Director is entitled to receive fees of office of not more than \$150 per day for each day the Director actually spends performing duties as a Director. Total fees of office payable to any Director may not exceed the sum of \$7,200 per District fiscal year. This maximum will be determined based on the date the fee of office is earned and not on the date of payment. No Director may receive fees of office if the Director owes any sum of money to the District. Fees of office will be paid only for called meetings of the Board or, upon prior

approval of the Board, for subcommittee meetings, approved conferences, or other special projects requested by the Board. In this section, “performing the duties of a Director” means substantive performance of the management or business of the District, including participation in Board and committee meetings and other activities involving the substantive deliberation of District business and in pertinent educational programs. The phrase does not include routine or ministerial activities such as the execution of documents, self-preparation for meetings, or other activities requiring a minimal amount of time.

4.02. Reimbursement of Expenses. Reimbursement for travel expenditures and other expenses incurred by a Director on behalf of the District is subject to approval by the Board.

4.03. Verification. In order to receive fees of office and to receive reimbursement for expenses, each Director must present a verified statement of attendance to the Board indicating the date(s) spent performing the duties of a Director and a general description of the duties performed on each such date, together with all supporting receipts and invoices.

4.04. Conference and Seminar Policy. Directors may attend conferences and meetings at the District’s expense only if deemed appropriate by the Board. Each Director will report to the Board on all seminars and conferences attended at the next regular meeting of the Board following the seminar or conference. This report may be oral or written, as determined by the Director. Unless otherwise approved by the Board, each Director attending a conference or meeting must attend all blocks of educational sessions in order to qualify for reimbursement. Subject to prior Board approval and compliance with the other requirements of this Policy, each Director who attends a conference, business meeting, or seminar related to the District business may be reimbursed for travel, lodging, and meal expenses associated with that attendance, as follows:

A. Travel Expenses. Transportation costs, including but not limited to airfare, car rental, taxi fare, and parking incurred while on official District business, will be reimbursed based upon the costs actually incurred by the Director; however, reimbursement for transportation on a common carrier will be limited to tourist/coach rates. Mileage reimbursement for transportation by personal automobile will conform to Internal Revenue Service regulations.

B. Lodging Expenses. Lodging expenses will be reimbursed based upon costs actually incurred by the Director and will not exceed the amount of lodging expense determined to be reasonable and necessary.

C. Meal Expenses. Meal expenses will be limited to the amount determined to be reasonable and necessary.

D. Excluded Expenses. The cost of alcoholic beverages, hotel movies, gifts, laundry and dry cleaning, entertainment, family attending with the Director, personal telephone calls and all other expenses that are of a personal nature or are not reasonable or necessary to District business will not be paid or reimbursed by the District.

## ARTICLE V

### **PROFESSIONAL SERVICES; BONDS**

5.01. Selection. Consultants and Employees retained to provide professional services to the District, including, but not limited to, legal, engineering, management, accounting and tax collection services, will be selected based upon their demonstrated competence and qualifications to perform the services for a fair and reasonable price, and by majority vote of the Board. In selecting attorneys, engineers, auditors, financial advisors or other professional consultants, the District will follow the procedures required by the Professional Services Procurement Act.

5.02. Interested Parties. If required to do so by Section 2252.908, Texas Government Code, attorneys, engineers, auditors, financial advisors, or other professional consultants entering into a contract, renewal, amendment, or extension of a contract with the District will (i) complete a Certificate of Interested Parties ("Form 1295") and electronically file it with the Texas Ethics Commission (the "TEC"); and (ii) submit to the District the signed and notarized Form 1295 including the certification of filing number of the Form 1295 with the TEC, at the time the executed contract is submitted to the District. Any contract that requires a Form 1295 will not be effective until the requirements listed above are satisfied and any award of a contract by the District is expressly made contingent upon compliance with such requirements.

5.03. Bond or Insurance. In order to protect the District against loss of District funds, the District will, in accordance with Section 49.057(e), Texas Water Code, require any Employee who routinely collects, pays, or handles District funds to either (i) provide the District with a bond payable to the District in an amount determined by the Board to be sufficient to safeguard the District; or (ii) obtain and thereafter maintain a policy or policies of insurance, the coverage of which, in the Board's determination, adequately protects the interests of the District.

5.04. Review. The performance of all Employees providing professional services to the District will be regularly monitored and reviewed by the Board. An Employee's performance may be formally reviewed and evaluated by the Board at any time, upon the request of any Director.

## ARTICLE VI

### **BOARD MEETING PROCEDURES**

6.01. Regular Meetings. Regular meetings of the Board will be held on the fourth Wednesday of each month, beginning at 6:30 p.m., unless another date and time are approved by the Board. In order to avoid overly long Board meetings which tend to be inefficient and which also result in increased fees being paid to the District's consultants, regular Board meetings will be adjourned at 10:30 p.m. and all agenda items which have not been considered ("Pending Items") will be continued until the next Board meeting, unless a motion to continue the regular meeting beyond 10:30 p.m. is adopted by affirmative vote of a majority of the Board members.

6.02. Unfinished Business. Any Pending Items from a regular Board meeting will be continued to either (i) a special called meeting scheduled by motion adopted by affirmative vote of a majority of the Board members or (ii) the next regular meeting of the Board.

## ARTICLE VII

### COMPLAINTS AND PROCEDURES FOR VIOLATIONS

7.01. Complaints. All complaints or allegations of violations of this Policy must be made in writing, sworn to before a notary public and filed with the District's attorney. A complaint must describe in detail the act that is complained of, and the specific sections of this Policy alleged to have been violated. A general complaint, lacking detail, will not be sufficient to invoke the procedures in this section, and anonymous complaints will not be considered.

7.02. Initial Determination. Within five business days of receipt of a complaint, the District's attorney will determine if the facts of the complaint, if true, would constitute a violation of this Policy. If the District's attorney determines that the complaint does not contain facts that constitute a violation, the District's attorney will so advise the Board at its next regular meeting.

7.03. Report to the Board. If the District's attorney determines that the complaint contains facts that, if true, would constitute a violation, the District's attorney will present a report to the Board. A majority of the Directors not implicated by the complaint will determine whether the complaint should be considered or rejected.


7.04. Consideration by the Board. To consider a complaint, the Board may convene in executive session as permitted by the Texas Open Meetings Act. The Board member implicated by the complaint will have the right to a full and complete hearing, with the right to call witnesses and present evidence. Any final action, decision, or vote will be made in open meeting.

7.05. Discipline. The failure of a Director to comply with the provisions of this Policy will constitute grounds for (i) a reprimand by the other Directors, (ii) removal of the Director from one or more subcommittees of the Board, (iii) required ethics training as approved by the Board, and/or (iv) other measures as determined by the Board.

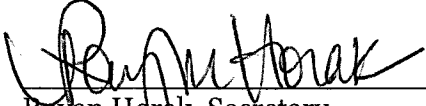
*[Signature Page Follows]*

ADOPTED this 27<sup>th</sup> day of February, 2019.

**BLOCK HOUSE MUNICIPAL UTILITY  
DISTRICT**

By:   
Cecilia Roberts, President  
Board of Directors

ATTEST:

  
Rayan Horak, Secretary  
Board of Directors

## Sec. 551.143. PROHIBITED SERIES OF COMMUNICATIONS; OFFENSE; PENALTY.

(a) A member of a governmental body commits an offense if the member:

(1) knowingly engages in at least one communication among a series of communications that each occur outside of a meeting authorized by this chapter and that concern an issue within the jurisdiction of the governmental body in which the members engaging in the individual communications constitute fewer than a quorum of members but the members engaging in the series of communications constitute a quorum of members; and

(2) knew at the time the member engaged in the communication that the series of communications:

(A) involved or would involve a quorum; and

(B) would constitute a deliberation once a quorum of members engaged in the series of communications.

(b) An offense under Subsection (a) is a misdemeanor punishable by:

(1) a fine of not less than \$100 or more than \$500;

(2) confinement in the county jail for not less than one month or more than six months; or

(3) both the fine and confinement.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 645 (S.B. 1640), Sec. 2, eff. June 10, 2019.

Acts 2019, 86th Leg., R.S., Ch. 645 (S.B. 1640), Sec. 3, eff. June 10, 2019.

July 27, 2022

BHC Owners Association, Inc.  
Attn: Board of Directors  
c/o Pinnacle Texas Management  
7301 N FM 620, Suite 155-349  
Austin, Texas 78726

Re: Use by BHC Owners Association, Inc. (the "OA") of facilities owned by Block House Municipal Utility District (the "District")

Ladies and Gentlemen:

The board of directors of the OA (the "OA Board") and the board of directors of the District (the "Board") have agreed to work cooperatively on a number of matters. In furtherance of that goal of mutual cooperation, the Board will approve the OA's use of certain District facilities for OA Board meetings and other activities approved by the Board from time to time. The purpose of this letter is to confirm the understandings and the terms on which such approvals will be granted.

The District's deposits and user fees for OA Board meetings will be waived upon request. The deposits and user fees for other Board-approved events will either be waived or an agreed-upon fee will be charged, conditioned upon the events being open to all of the residents of Block House Creek. If necessary, the General Manager of the District shall send an invoice to the OA Board for any reasonable cleaning fees following an approved event. The OA Board shall pay the invoice no later than five (5) business days following the next OA Board meeting after the approved event. The OA Board will submit each request for use of the District's facilities for events to the District's General Manager, who will place or cause to be placed an item on the next Board meeting agenda for approval of the request and placing the event on the District's calendar after approval. Each request must be submitted to the General Manager at least two weeks prior to the Board meeting where the request will be considered. Each request will include the following, as applicable: an exact location plan and "layout" of equipment and facilities to be utilized at each event on a map provided by the District indicating infrastructure, expected vehicles in use as part of the event, expected number of attendees, primary and emergency contact information (including email and phone numbers), and whether or not electric and/or water and wastewater utility service will be required. If any material changes occur in the planning of an event that is to occur at a District facility, the OA Board must receive the approval of such changes by the full Board in advance of the event.

The Board has approved the OA Board's use of the Board meeting room in the Walker House, subject to there being no conflict between the OA Board's use and any scheduled meetings of the Board or any Board subcommittee. Any OA Board use of the Walker House will be consistent with all applicable local and state regulations relating to the congregating of individuals during a pandemic. One key to the Walker House will be issued to a designated OA Board member and a confirmation or receipt and use form must be completed to receive the key. The Board will not unreasonably delay processing or approving the use form in the preceding sentence. This key is not to be further transferred or duplicated. The OA Board will provide its requested dates for use of the Walker House meeting room to the District's General Manager as soon as possible so those dates can be placed on the District's calendar. Because the primary purpose of the Walker House meeting room is to provide space for public meetings of the Board, the Board's use, including use for special meetings and meetings of its subcommittees, will always be given priority. If a conflict arises due to a Board or subcommittee

meeting being set after an OA Board use is scheduled, the Board will provide notice to the OA through the District's General Manager as soon as possible after the conflict arises, and the OA will be required to reschedule or relocate its meeting.

The OA will abide by all park and facility rules that are current at the time of the event. Deviations from any rule can be approved by the Board for events. The OA will be responsible for leaving any District facilities used by the OA for its events or meetings in a neat, clean and undamaged condition. If the District's facilities are not left in such a condition, the District will notify the OA and, unless immediate action is required due to another scheduled use of the facility in question, will allow the OA 72 hours after receipt of the notice to rectify the problem. If, as a result of the OA's failure to leave any District facility in the required condition, and the District incurs any cleaning or repair costs, the OA agrees to reimburse the District for those costs within five (5) business days following the next OA Board meeting after the event. If the OA fails to undertake necessary cleaning or repairs after notice by the District, the District may decline to approve future requests for use of District facilities.

This Letter Agreement and the OA's use of the District's facilities under this Letter Agreement will be reviewed annually. Either the OA Board or the Board may request an earlier review, in which case the review will occur at the first Board meeting after the request is made. At the time of any review, either the OA Board or the Board may elect to terminate or the OA Board and the Board may mutually agree to modify the terms of the OA's use of the District's facilities.

Please evidence your agreement with the terms and provisions set out in this letter by executing one of the duplicate originals of this letter and returning it to the undersigned.

*[Signature pages follow]*



Sincerely,

**BLOCK HOUSE MUNICIPAL UTILITY  
DISTRICT**

By: Cecilia Roberts  
Cecilia Roberts, President  
Board of Directors

Address: c/o Armbrust & Brown, PLLC  
100 Congress Avenue, Suite 1300  
Austin, Texas 78701

Date: 7-27-22

**ACCEPTED AND AGREED TO BY:**

**BHC OWNERS ASSOCIATION, INC.**

By: \_\_\_\_\_

Name Printed: Sandy Martin

Title: President

Address: % Pinnacle Texas Management Services  
7301 N FM 620, Suite 155-349  
Austin, Texas 78726

Date: \_\_\_\_\_