

EMERALD BAY MUNICIPAL UTILITY DISTRICT
FINAL AND APPROVED
MINUTES OF SPECIAL EMERGENCY MEETING
JANUARY 23, 2006

The Board of Directors of the Emerald Bay Municipal Utility District met in special emergency session on Monday, January 23, 2006, at 9:30 a.m., at the MUD Plant, 155 LaSalle Drive, Emerald Bay, Bullard, TX 75757. Present were Directors Jerry Ball, Bill Harris, Ray Hartley, Howard Rutherford, and Deena Johnson. One Emerald Bay resident was in attendance.

The meeting was officially called to order by President Bill Harris at 9:48 a.m. A conference call was placed to the District's attorney, Glen Patrick, to discuss the proposed easements for the road to be built on Woodring's property. Mr. Patrick had reviewed the proposed *Letter of Commitment and Understanding* with the Woodrings. Briefly, the proposal outlines the construction of an all-weather road to extend Woodring Road (CR 1347) 555 feet to join the 20 foot easement granted on the Simpson property for access to wellsite #1. The extension would be paved to the County's specifications and the District must maintain the road for two years before it can be dedicated to the County for maintenance. The 20-foot easement to Simpson's property would be private with restricted use by the District only.

Mr. Patrick recommended a non-exclusive easement for the Woodring extension to allow access by all parties. Regardless whether the County accepts the road and maintenance thereof, the District could still maintain and use the road and only the 20-foot Simpson section would remain an exclusive easement for the District's use. Mr. Patrick will prepare one document granting both easements. Mr. Patrick will also prepare a limited power of attorney to be executed by the Woodring family permitting use of the wellsite road to all future directors of the EBMUD and/or its successors and assigns. Mr. Patrick advised Mr. Simpson had signed the 20-foot easement and it could be recorded in the County Records. Likewise, Mr. Patrick has prepared an easement agreement with Terry Cowan to permit the laying of electrical lines within the pipeline easement to wellsite #2.

Jacobe Brothers Construction (hereinafter JBC) submitted a additional bid proposal of \$2,064 to prepare the pad at well site #1 for the 212,000-gallon ground storage tank thereby increasing the total bid to \$25,464 to complete both wellsites (including dirt work and concrete foundations). EBMUD will provide all materials and furnish the conduit per engineer's prints and sketches. Board discussed JBC contract proposal and recommended payment *net ten days* from date work is completed and approved by two Directors. Mr. Harris will issue a Purchase Order to JBC. Mr. Hartley asked for clarification regarding progress payments on this contract. Director Rutherford will contact JBC for a revised proposal including payment terms. JBC is scheduled to begin construction on January 25, 2006. Mr. Harris asked the landowner, Terry Cowan, to mark the corners (2 to 3 feet inside the property lines) of the #2 wellsite location. **Director Hartley made a motion (seconded by Director Ball) to accept the bid proposals from JBC and Russell Excavating for completion of both wellsite locations. The motion was approved by unanimous consent.**

President Harris presented an inquiry to purchase the excess horizontal pumps and motors from the dismantled golf course irrigation system. An outside party has offered \$2,800 for the pumps, motors and check valves. The District can use the check valves so Mr. Harris called National Waterworks to get prices for new check valves. According to National Waterworks, the prices of new check valves are as follows: 4" check valve-\$169, 6" check valve-\$375, 8" check valve-\$581, and 10" check valve-more than \$800. The Board cannot justify selling the pumps, motors and check valves for \$2,800 since it would cost the District more than \$2,500 to replace the five check valves. **Director Johnson made a motion to sell only the pumps and motors (no check valves) for \$2,800. Director Hartley amended the motion to grant Director Harris authority to negotiate the best deal for the sale of the pumps and motors only. The amended motion was seconded and approved by unanimous consent.** Mr. Harris notified the outside party of the Board's decision to sell only the pumps and motors for \$2,800.

Mr. Harris placed a conference call to Mr. Judson Smith of the Texas Commission on Environmental Quality (TCEQ) to discuss regulations for backflow prevention devices. Mr. Smith advised the State requires the installation of backflow prevention devices on all lawn/landscape irrigation systems connected to a public or private potable water supply. No backflow device is required for an irrigation system connected to an alternate water source, such as a lake, as long as the irrigation system remains separate from any potable water system. All irrigation systems must have a backflow prevention device installed and inspected by a licensed certified backflow prevention technician. As long as the connection is considered a non-health hazard, the backflow prevention device need only be tested and inspected upon initial installation not annually. Mr. Smith will provide a copy of the Subchapter D Citation 344.73 regarding the standards for landscape irrigation and backflow prevention methods. All irrigation systems connected to a potable water supply must be properly connected by one of five backflow prevention methods outlined in Chapter 344. Mr. Smith noted the District could require installation of hose or faucet bibbs in compliance with plumbing codes which would require inspection by a certified plumbing inspector.

Director Ball suggested the Board draft a letter to all members stating the District will require the installation of backflow prevention devices on all lawn/landscape irrigation systems connected to the District's potable water distribution system prior to the changeover from Southern Utilities as service provider. Director Rutherford further suggested that the District provide the backflow prevention devices at cost plus 20 percent for standardization. Any member using a lawn/landscape irrigation system connected to the District's potable water system without a backflow prevention device will be disconnected from service. Mr. Hartley noted the District should adopt the TCEQ rules and regulations of Section 207 regarding backflow prevention devices and send a letter to all customers giving 90 days notice to comply with regulation. The letter shall notify District members of (1) the required installation of backflow prevention devices on all lawn/landscape irrigation systems connected to District's potable water supply, (2) that such installation must be done by certified installers and inspectors, and (3) the deadline for such installation. Mr. Rutherford will investigate area plumbers to compile a list of approved certified technicians and applicable fees to install and inspect the backflow prevention devices. Directors Rutherford, Hartley and Johnson will work jointly on preparation of notification letter and written instructions for installation of backflow prevention devices. If approved by the Board, a notification letter would be included in the Emerald Bay Club's monthly billing.

The last order of business was to formally call a general election for May 13, 2006 to elect three directors to serve a four year term. The terms of three Directors (Hartley, Ball and Rutherford) expire as of May 13, 2006. The deadline for candidates to file an application for a place on the ballot is 5:00 p.m. on March 13, 2006. Notice of the general election must be delivered to the county clerk no later than March 14, 2006, and posted on a bulletin board on or before April 24, 2006.

There being no further business, the meeting was adjourned at 11:20 a.m. upon motion duly made (Harris) and seconded (Johnson) with unanimous consent.

Respectfully submitted,

Deena M. Johnson
Secretary

William F. Harris
President

Attachments:
Draft to Members on Backflow Prevention Devices