

Legacy Municipal Management District

Board Meeting

MINUTES

September 20, 2023

at 9:30 a.m. CST

1826 North Loop 1604 West, Suite 260,
San Antonio, TX 78248

1. Determine Quorum and Call to Order:

- a. David Earl called the meeting to order at 9:40 a.m.
- b. Directors Present: Melissa Johnson, Kathleen "Kandy" Walker, and Mike Olson
- c. Others Present: James P. "Rick" Walker; David Earl and Johnathan Earl, Attorneys for the District; and Tom Wendorf, District Engineer

2. Public Comments: There were no public comments.

3. Public Hearing(s): Conduct and hold public hearing in accordance with and pursuant to Section 147 of the Internal Revenue Code for the purpose of receiving public comments, in favor or against, approving the issuance of bonds for the purpose of financing facilities, infrastructure, and/or acquisition of real property by the District on behalf of the District by a 501(c)(3) non-profit issuer for the purpose of providing funds to the District or to a third-party non-profit corporation (i.e., Legacy Water Supply Corporation) in furtherance of the District's need to obtain public drinking water for fulfilling the District's purpose of providing retail water service within the boundaries of the District:

- i. *Mike Olson made a motion to open the public hearing at 9:42 a.m. Kathleen "Kandy" Walker seconded the motion. The motion was unanimously approved and carried.*
- ii. *Attorney for the District, David Earl, provided information on the Public Hearing.*
- iii. *Mike Olson made a motion to close the public hearing at 9:45 a.m. Melissa Johnson seconded the motion. The motion was unanimously approved and carried.*

4. Consent: The following items may be acted upon in a single motion. No separate discussion or action on any of these items will be held unless pulled at the request of a member of the Board.

- a. Consider approval of the Minutes of the following Legacy Municipal Management District Meeting(s):
 - i. August 15, 2023, and
 - ii. August 31, 2023

1. *Melissa Johnson made a motion to approve the August 15, 2023, and August 31, 2023, Board Meeting Minutes. Mike Olson seconded the motion. The motion was unanimously approved and carried.*

5. **Action/ Discussion Items:**

- a. Consider and Take Possible Action on Resolution Approving the Issuance of Bonds by the District and/or by a third-party issuer, including the Wisconsin Public Finance Authority, for the Purpose of Financing Construction of Facilities and Infrastructure and the Acquisition of Real Property by the Legacy Water Supply Corp., with such issuance being either directly by the District or through a third-party for the purpose of financing, in an amount not to exceed \$75,000,000.00;
 - i. *After discussion, Melissa Johnson made a motion to approve the District further examining the bond issuance process by either a third-party or the District. Mike Olson seconded the motion. The motion was unanimously approved and carried.*
- b. Consider and Take Possible Action on any other matters in connection with the District's November 2023 Bond Election;
 - i. *After review and discussion, Melissa Johnson made a motion to approve an Engagement Proposal by Jones-Heroy & Associates, Inc for Bond Application Preparation Legacy Municipal Management District JJ#0909. Kathleen "Kandy" Walker seconded the motion. The motion was unanimously approved and carried.*
- c. Consider and Take Possible Action on any other matters in connection with Agreement Regarding Water Service for the Proposed Talise Springs PH1 Subdivision, including Approval, Authorization and Ratification, if applicable, for District Engineer to Enter into Such Agreement, as prepared on behalf of District;
 - i. *Melissa Johnson made a motion to approve and authorize the District Engineer, Tom Wendorf, to execute and enter into the Agreement Regarding Water Service for the Proposed Talise Springs PH1 Subdivision. Mike Olson seconded the motion. The motion was unanimously approved and carried.*
- d. Consider and Take Possible Action on authorizing Secretary to issue payment by the District in the amount of \$1,286.32, to Webb County Elections Administrator, as required under the Elections Services Contract with County Elections Administrator for the Joint General/ Special Election of November 07, 2023, before December 4, 2023;
 - i. *Mike Olson made a motion to approve and authorize the Board Secretary to issue payment to Webb County Elections Administrator. Kathleen "Kandy" Walker second the motion. The motion was unanimously approved and carried.*
- e. Consider and Take Possible Action regarding future meeting dates;
 - i. *After discussion, the Board proposed two (2) future Board meeting(s) on October 18, 2023, at 9:30 a.m. CST at 1826 North Loop 1604 West Suite 260, San Antonio,*

Texas 78248, and on November 14, 2024, at 10:30 a.m. CST at 1826 North Loop 1604 West Suite 260, San Antonio, Texas 78248.

ii. Melissa Johnson made a motion to approve both meeting dates and times. Mike Olson seconded the motion. The motion was unanimously approved and carried.

6. **Reports:** Receive District Engineer's Report.

i. District Engineer, Tom Wendorf, provided an engineering report for the District and updated the Board on the calendar of activities occurring and preparations for same.

7. **Executive Session:** No action shall be taken in Executive Session. A closed Executive Session may be held if the discussion of any of the above agenda items concerns any one of the following:

- a. Seeking the advice of General Counsel concerning pending or contemplated litigation, settlement offers, or any matter in which the duty of General Counsel to the Board of Directors of the District under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act (TEX. GOV'T CODE § 551.071);
- b. Deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the District in negotiations with a third person (TEX. GOV'T CODE § 551.072);
- c. Deliberating a negotiated contract for a prospective gift or donation to the District if the deliberation in an open meeting would have a detrimental effect on the position of the District in negotiations with a third person (TEX. GOV'T CODE § 551.073);
- d. Deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an employee or officer unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing (TEX. GOV'T CODE § 551.074);
- e. Deliberating economic development negotiations or the offer of a financial or other incentive to a business prospect (TEX. GOV'T CODE § 551.087);
- f. Reconvene in Open Session to consider and take possible action on any item discussed in Executive Session.

i. The Board did not convene into Executive Session.

8. **Adjourn.**

i. Melissa Johnson made a motion to adjourn at 10:10 a.m. Mike Olson seconded the motion. The motion was unanimously approved and carried.

(SEAL)

Secretary, Board of Directors