

**Minutes for MSLA Meeting
Nov. 19, 2016. 10AM at Red Rock Community Center.**

Meeting commenced with sign-up sheet showing 16 souls in attendance. There were 10 individual road fee assessment holdings representing 275 acres. Landowner John Schneider contacted newly elected Precinct 3 Commissioner Mark Meuth and invited him to attend our meeting, and he did.

Mr. Meuth spoke first, and said he would consult with fellow county commissioners and the County Judge about the possibility of the MSLA roads being “grandfathered” into county maintenance, as our roads were built before current standards were in place. For instance, the MSLA roads have a 50’ ROW and the newest rules require a 60’ ROW. He said he did not know the details yet for the county assuming responsibility for existing private roads. However, he would be willing to drive our roads accompanied by trustees to evaluate the roads as they are now, and take photos to document problem areas or other areas of interest which could be used to illustrate our road situation to the County Commissioner’s Court. Tentative plans for his touring the MSLA roads were discussed for some time before the start of the new year. Any plans for potential partial help by the county, as far as blading the road or bringing in any road material, new or salvaged would have to run by the County District Attorney to determine the compliance with state laws. Mr. Meuth stated he has 58 miles of unpaved roads in his precinct under his administration and has a total road budget for Precinct 3 of \$1.2m. He hopes to convince the Commissioner’s Court to hire outside private contractors to do some projects for the county, as his 29-year experience with TXDOT has convinced him that a better job, in less time, for less overall expense can be had with private professional contractors compared to government workers doing the same job. He stated the term “interlocal agreements” did not apply in our case, between the county and a subdivision. That term refers to state cooperation with municipal or county units to share resources for road construction, maintenance and repairs. He commented, in regard to being informed of the MSLA rebuilding of the 3-culvert bridge over Sandy Creek after record 2015 floods, that the county was required to build bridges on county roads to withstand 10-year flood. He informed us the floods which beset Bastrop County in 2015 were 500-year floods. He was informed that we had consulted the county engineer in the planning stages of replacing our Sandy Creek bridge. Before he left, Mr. Meuth said he was a taxpayer too, acknowledged the MSLA landowners deserved to get something for their tax dollars and that he wanted to be an advocate for our road situation, and that he promised he would be upfront with us about whether anything could be done to help us on the county level.

Next up, Trustee Reza Pouragabher spoke about road conditions and work done in the past year. About \$5k of MSLA road funds was spent in the past year with Richard Richter, a private contractor, to use his dozer and front end loader and bring in loads of road material. His hourly rate was \$60-100/hr. and dump truck loads of material varied from \$400-600 per load. Work was described on various portions of the road up to Sandy Creek. The early section of straightaway after the first left turn on Sand Hills Road was worked over for potholes and rain damage. The horseshoe bend around down Sand Hills Road past Hill Top Road had serious and dangerous washouts from the heavy floods towards its lower end, just before the left turn that leads into Sandy Creek Road. Material was salvaged from ditches, the washouts filled and a significant crown formed on the roadway to alleviate this problem area. It was mentioned that broken asphalt could be had for about \$350/truckload but this material did not go very far, though it was good to line ditches to prevent such serious washouts in heavy rains. In the last half of this year, no paid road work was done, due to a depleted budget. Reza mentioned that we need to have funds collection that would allow keeping about \$5k available for emergency situations. He mentioned the goal of staging road material in various locations down the road so as to be available for volunteer road repair efforts. Various landowners, bringing in their own heavy machinery, have worked on areas of the

road and accomplished much good at low cost to the MSLA treasury. It is estimated hundreds of hours of volunteer labor have contributed to the effort to maintain the road. At contract fees of \$50/hr. for an operator and machine, perhaps \$5-10k of road work has been done since and including the Sandy Creek bridge repair, which happened in August 2015. It was also discussed that leaving a supply of traffic cones at a convenient location would be a good idea for drivers to use to mark any emergency problem areas, such as occurred some weeks ago with a hidden washout behind an area of old asphalt paving at the top of the horsehoe bend described earlier. Also discussed was the issue of a swale across the road towards the end of the first section off the paved county road. Heavy rains last spring caused a water flow across the road which created a deep gully completely across the road. Filling was discussed, but it may wash out again, and the idea of a culvert being placed there was also proposed.

Trustee Ed Dupnick spoke next concerning MSLA finances. A summary detail follows, but at present the MSLA only has \$1,400 in its treasury. It was discussed to send easy to understand financial information to landowners, either by mail or email in the road fee notice or newsletter, or posted on the whiteboard at the entrance to the subdivision. It was also discussed to restart or reset communication with landowners, to explain the responsibilities of landowners to pay road fees and the necessity of having adequate funds to maintain the roads and deal with emergencies. Liens have been levied on properties changing owners and those delinquent road fees collected by title companies. An \$85 fee would be required for each case to file small claims court actions to collect delinquent fees, and it was stated the MSLA did not have the funds to proceed on that option and a friendlier approach was suggested, to speak to delinquent landowners to attempt to raise consciousness and secure more compliance with road fee collections. Some discussion was given to the future MSLA website, where many reference materials could be available to landowners, such as the history of the association, reporting of funds collected and how used. It was planned to have this information source available to landowners by the first quarter of 2017. Mention was made of approaching our State Representative to discuss the possibility of legislation being proposed in next year's Texas Legislative Session allowing county aid to neglected rural subdivisions with private roads such as the MSLA.

These are the financial highlights submitted by Ed for MSLA Fiscal Years running from Nov. 1 – Oct. 31:

- Total amount of delinquent road fees = \$15,500 by 39 out of 81 landowners, an average of \$524 per delinquency.
- For Fiscal Year 2015, on 11/1/2014, there was a starting balance of \$9,616. Road fees collected totaled \$11,935. The emergency repair of Sandy Creek bridge cost about \$21,000, with landowners donating \$4,900 in extra funds towards the bridge repair. Some landowners paid forward to provide immediate funds, so they would be paid up in future year(s), while others made a onetime donation. Administrative costs of \$180 plus \$750 for road maintenance were the additional costs, leaving an ending balance on 10/31/2015 of \$4,388.
- For Fiscal Year 2019, on 11/1/2015, the starting balance was \$4,388. Road fees paid totaled \$5,345 and \$184 was donated towards administrative costs. The outlays were \$218 for administrative costs, \$2,861 in additional bridge repair costs, and \$5,407 for road maintenance expenses. The ending balance on 10/31/2016 was \$1,431.

Some takeaways from these summaries are:

- If all landowners paid their road fees when due, \$9,720 would be collected each year,
- The road fee delinquencies amount to over a year and a half or normal road fees due,
- The bridge disaster in August 2015 depleted MSLA funds and took away the emergency cushion of about \$5k which has been the goal of the trustees to be prepared for the unexpected road emergency,

- The current balance does not allow for any road work of significance, but if delinquent fees began to be paid off, a working balance to allow for more regular road maintenance and an emergency cushion could be re-established.

Trustee Jim Williamson spoke next. Jim allowed as how he had been taking care of the MSLA bank account, managing road fee payments from landowners mailed to the MSLA PO Box, keeping records of checks paid out, and supplying Trustee Ed Dupnick with the financial records for his bookkeeping purposes. Jim said he had been doing this for 3-4 years, and he needed to move on and needed to find someone to replace his efforts. No one volunteered as a trustee but some help was offered to help carry on Jim's financial duties.

The meeting, running on over two hours, was then adjourned.