

ELLIS COUNTY FRESH WATER SUPPLY DISTRICT NO. 3

TO: THE BOARD OF SUPERVISORS OF ELLIS COUNTY FRESH WATER SUPPLY DISTRICT NO. 3 AND TO ALL OTHER INTERESTED PERSONS:

Notice is hereby given pursuant to Chapter 551, Texas Government Code, that the Board of Supervisors of Ellis County Fresh Water Supply District No. 3 (“District”) will hold a public meeting on Wednesday, August 3, 2022, at 12:00 p.m. at 2728 N. Harwood Street, Suite 500, Dallas, Texas 75201, for the following purposes:

1. Public communications and comments;
2. Review and acknowledge Order of the Ellis County Commissioners Court appointing Supervisors;
3. Hear overview of District and report on status of proposed development;
4. Qualify Supervisors and administer statement of officer forms and oaths of office;
5. Elect officers;
6. Consider and review Conflict of Interest Questionnaire for local governmental officials; and discuss government training pursuant to Chapter 551 of the Texas Government Code;
7. Review insurance proposal and approve placement of directors and officers liability insurance, bonds and other insurance deemed appropriate at this time;
8. Consider review and approve engagement letter for general services for the District, and adopt Resolution Approving Contingent Fee Contract;
9. Consider and approve engagement of Kimley-Horn as engineer for the District and execute related agreement;
10. Consider and approve engagement of Dye & Toverly, LLC, as bookkeeper for the District and execute related agreements and approve necessary authorizations;
11. Consider and approve engagement of Dye & Toverly, LLC, for preparation and filing of the District’s annual financial report;
12. Consider and designate depository bank and authorize the operating account and execution of required account documents, including signature cards and related bank resolutions;
13. Consider and approve bookkeeper’s report, including financial and investment reports, authorization of the payment of invoices presented, and ratification of out-of-pocket costs;
14. Consider review and approve Agreement for the Construction of Improvements and Reimbursement of Advances;
15. Adopt District Seal;
16. Consider and adopt Amended Order Adopting an Investment Policy and Appointing an Investment Officer;

17. Adopt Order Designating Office Locations Outside the District and authorize publication of Notice of same;
18. Consider and adopt Resolution Designating Posting of Meeting Notices for meeting notices posted within the District;
19. Consider, review and adopt Order Adopting Code of Ethics, Travel Expense Policy, Policies and Procedures for Selection and Review of Consultants, Policies Concerning Use of Management Information including the formation of an Audit Committee, Fees of Office and Selection of Fiscal Year-End;
20. Consider, review and adopt Order Approving Records Management Policy and Designating Records Manager;
21. Approve and authorize filing of Amended District Information Form;
22. Discuss tentative date for next meeting; and
23. Adjournment.

The Board of Supervisors may enter into Executive Session, if necessary and appropriate, pursuant to the applicable section of Subchapter D, Chapter 551, Texas Government Code Annotated, the Texas Open Meetings Act, on any matter that may come before the Board. No action, decision or vote on any subject or matter may be taken unless specifically listed on the agenda for this meeting.

EXECUTED this 29th day of July, 2022.

ELLIS COUNTY FRESH WATER SUPPLY
DISTRICT NO. 3



Ross S. Martin, Attorney for the District

NOTICE OF
CONTINGENT FEE CONTRACT BY AND BETWEEN
WINSTEAD PC AND
ELLIS COUNTY FRESH WATER SUPPLY DISTRICT NO. 3

Pursuant to Chapter 2254.1036, Texas Government Code, notice is hereby given that Ellis County Fresh Water Supply District No. 3 (the “District”) will consider a contingent fee contract for bond counsel legal services with Winstead PC (“Winstead”). The contingent fee contract by and between the District and Winstead will be presented to the District at a public meeting to be held on Wednesday, August 3, 2022, at 12:00 p.m. at 2728 N. Harwood Street, Suite 300, Dallas, Texas 75201.

The engagement of Winstead is required to render professional services in connection with the authorization, sale, and delivery of bonds, certificates of participation, notes, or other evidences of indebtedness (“Bonds”) on behalf of the District. Winstead will coordinate with the District and its consultants in the preparation of bond applications, official statements, and transcripts of legal proceedings to comply with the requirements of the Attorney General of the State of Texas, and will coordinate with the District and its consultants in all matters relative to the receipt and tabulation of bids for purchase of bonds. Additionally, Winstead will supervise the execution and delivery of the bonds to the original purchasers. Winstead will additionally provide an Opinion to confirm the validity of the bonds, and the tax-exempt status of the interest earned thereon under Federal Income Tax regulations, if applicable.

Members of the Winstead Public Finance Practice Group have been advising clients and serving as bond counsel on tax-exempt and taxable bonds, and rendering market opinions for governmental issuers, including special districts, for over 40 years. Winstead Public Finance attorneys are active members of the National Association of Bond Lawyers.

Winstead’s fee for bond counsel services will be as follows: for new-money financings, 2.5% of the principal amount thereof; for refundings, 1.25% of the principal amount thereof; and for Anticipation Notes, 1%.

Winstead was engaged by the property owners of the District to create the District, and to provide for the financing of water, sanitary sewer, drainage, roadway, transportation, and similar infrastructure for master-planned developments to serve future residents and users. The District

will consider the engagement of Winstead to serve as bond counsel at its organizational or meeting.

Winstead's specialized practice in public finance transactions provides the District with professional expertise therein, including oversight and compliance with Local, State, and Federal regulatory agencies. Winstead is aware of the resources required to issue Bonds. Further, the District has no source of revenue sufficient to compensate an attorney in private practice under a contract for the payment of hourly fees without contingency in the context of a Bond issuance, nor does the District's support staff possess the qualifications or resources to properly represent the District in a Bond issuance. A contingent fee contract for bond counsel services with Winstead would allow the District to proceed with the issuance of Bonds in the most efficient, cost-effective, and feasible manner, resulting in benefits to future residents of Ellis County Fresh Water Supply District No. 3.