

**MINUTES OF MEETING  
OF THE BOARD OF DIRECTORS**

**October 18, 2021**

**STATE OF TEXAS** §

**COUNTY OF HARRIS** §

**NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 21** §

The Board of Directors (the "Board") of **Northwest Harris County Municipal Utility District No. 21** (the "District") met in regular session, open to the public, at 6330 West Loop South, Suite 150, Bellaire, Texas 77401, on Monday, October 18, 2021, whereupon roll was called of the members of the Board, to-wit:

- |                |   |                     |
|----------------|---|---------------------|
| Rand R. Wall   | - | President           |
| Bill Tallas    | - | Vice President      |
| Bruce Popper   | - | Secretary           |
| Andy Johnston  | - | Assistant Secretary |
| Matthew Barton | - | Assistant Secretary |

All members of the Board were present, except Directors Wall and Popper, thus constituting a quorum.

Also present at the meeting were Jon Strange of JNS Consulting Engineers, Inc. ("JNS"); Howard Wilhite of H2O Innovation Operation and Maintenance, LLC ("H2O"), Operator for the District ("Operator"); Grady Turner and Wesley Lay of Jones & Carter, Inc. ("J&C"), Engineer for the District ("Engineer"); Lina Loaiza of Bob Leared Interests ("BLI"), the District's Tax Assessor/Collector ("TAC"); Christina Cole of Myrtle Cruz, Inc. ("MCI"), the District's Bookkeeper ("Bookkeeper"); John Cannon and Laken Jenkins Kilgore of Coats|Rose, P.C. ("Coats|Rose"), the District's legal counsel.

Whereupon, the meeting was called to order in accordance with notice posted pursuant to Texas law, and the following action was conducted. A copy of the posted agenda notice is attached hereto as Exhibit "A."

**HEAR FROM PUBLIC**

The Board noted that there were no members of the public wishing to address the Board.

**CONDUCT HEARING ON TAX RATE**

The Board opened the meeting to a public hearing on the proposed 2021 tax rate and confirmed that notice of such hearing was published according to applicable law. It was noted that no members of the public were in attendance to address the matter of the tax rate. The public hearing was closed, and the Board meeting resumed.

**ADOPT ORDER SETTING TAX RATE**

Having conducted a hearing on the tax rate and following discussion, Director Johnston made a motion to levy a 2021 tax rate of \$0.23 per \$100 of assessed valuation for maintenance and operation purposes and to adopt an Order Setting Tax Rate and Levying Tax for 2021 (the "Order") evidencing the same. The motion was seconded by Director Barton and passed unanimously by the Board. A copy of the Order is attached hereto as Exhibit "B."

**AMENDED NOTICE TO SELLERS AND PURCHASERS**

The Board next considered approving an Amended Notice to Sellers and Purchasers of Real Estate Situated in the District (the "Notice"). Mr. Cannon stated that the Notice needs to be updated to reflect the adoption of the tax rate. Mr. Cannon continued that the Notice will be filed in the Harris County Real Property Records and with the Texas Commission on Environmental Quality (the "Commission"). Upon a motion made by Director Johnston, seconded by Director Barton, the Board by unanimous vote approved the Notice and authorized the District's attorney to file the Notice in the Harris County Real Property Records and with the Commission.

**TAX ASSESSOR/COLLECTOR'S REPORT**

The Board reviewed the TAC's Report and a list of delinquent tax accounts, copies of which are attached hereto as Exhibit "C." As of September 30, 2021, 95% of the 2020 tax levy has been collected.

Following a discussion of the report and the status of collection of delinquent taxes, upon a motion made by Director Johnston, seconded by Director Barton, the Board voted unanimously to approve the TAC's Report and the action items therein.

**BOOKKEEPER'S REPORT**

The Board recognized Ms. Cole, who submitted to and reviewed with the Board the Bookkeeper's Report, including invoices for payment, a copy of which is attached hereto as Exhibit "D."

Following review and discussion and based on a motion by Director Johnston, which was seconded by Director Barton, the Board voted unanimously to approve the Bookkeeper's Report and invoices submitted for payment.

## **ATTORNEY'S REPORT**

### **Minutes**

The Board recognized Mr. Cannon, who presented minutes of the meeting held on September 20, 2021 previously distributed to the Board. Upon a motion made by Director Johnston and seconded by Director Barton, the Board voted unanimously to approve the minutes of the meeting of September 20, 2021, as presented.

### **Discuss Security Issues along Cypress Creek Parkway Corridor**

Mr. Cannon reviewed with the Board a letter from Johnson Petrov, LLP, attorneys for Champions MUD, regarding security issues along Cypress Creek Parkway Corridor. The Board requested Mr. Cannon request additional information and no action was taken.

## **OPERATOR'S REPORT**

The Board recognized Mr. Wilhite, who presented the Operator's Report, a copy of which is attached hereto as Exhibit "E." Mr. Wilhite reported as follows:

- The District has a total of 86 connections;
- The combined billed consumption for the month was 14,849,830 gallons of water;
- There were no cut-offs; and
- Attached to the Operator's Report is a list of charges over \$500.

After discussion, upon a motion brought by Director Johnston, seconded by Director Barton, the Board voted unanimously to approve the Operator's Report as presented.

## **ENGINEER'S REPORT**

The Board recognized Mr. Lay of Jones & Carter ("J&C"), who presented the Engineer's Report attached hereto as Exhibit "F."

- **10.78-Acre Torrey Chase Multifamily Development**
  - The future owner of the tract has submitted a letter, a copy of which is included in the Engineer's Report, requesting the District allow approval of the plans before executing the encroachment agreement and recordation of all easements required to received permitting to close on the property.
  - J&C offers no objection to the request with the understanding that no water/sewer will be provided until the District receives the agreement, easements and recorded plat.
- **WWTP MCC & Blower Replacement**

- J&C presented two bids for review. The low bid submitted by Cardinal Construction in the amount of \$3,557,000 which is substantially higher than the J&C cost estimate of \$2,110,000.
- J&C is reviewing the bids to determine why the project bid is higher than the construction cost estimate and plan to make a recommendation on how to proceed at the next regular meeting.
- 2021 Multi-Sector General Permit
  - J&C is finalizing the Storm Water Pollution Prevention Plan and will provide it to the District Operator and engineer for the other participants next week.
  - J&C requested approval to submit the Notice of Intent Application to the TCEQ.
- 2021 Sanitary Sewer Rehabilitation:
  - J&C presented for the Board's review and approval a sanitary sewer rehabilitation cost estimate and scope, a copy of which is included in the Engineer's Report.
  - J&C requested to proceed with the sanitary sewer rehabilitation at a cost of \$346,000, including contingencies and engineering.
- AWIA Risk Assessment and Emergency Response Plan
  - J&C continues with the preparation of the Emergency Response Plan.
- Winter Plant Winterization Cost Estimate
  - J&C presented for the Board's review a revised water plant winterization estimate to include improvements that can be implemented this winter.
  - J&C requested authorization to request proposals from Flexin Manufacturing and Vipak to purchase winterization materials for review at the next regular meeting.

After further discussion, upon a motion brought by Director Johnston, seconded by Director Barton, the Board voted unanimously to approve the Engineer's Report and the action items therein.

There being no further business to come before the Board, the meeting was adjourned.

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PASSED, APPROVED and ADOPTED this 15<sup>th</sup> day of November, 2021.

(Seal)



DocuSigned by:

*Bruce Popper*

Secretary, Board of Directors