

MINUTES
HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 391

December 13, 2021

The Board of Directors (the "Board") of Harris County Municipal Utility District No. 391 (the "District") met in regular session, open to the public on the 13th day of December, 2021 at the offices of Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, Houston, Texas, outside the boundaries of the District, and the roll was called of the members of the Board:

Robert McShane	President
John Sachs	Vice President
Catherine Shook	Secretary
Vacant	Assistant Vice President
William "Gabe" Blackwell	Assistant Secretary

and all of the above were present, thus constituting a quorum.

Also present at the meeting were George Porter and Raj Goonie, residents of the District; Justin Wagner of R.G. Miller Engineers, Inc. ("RG Miller"); Demitra Berry of McLennan & Associates, LP ("McLennan"); Stephanie Lee of KGA/DeForest Design, LLC ("KGA"); Debbie Arellano of Bob Leared Interests ("BLI"); Teri Laguarta of Inframark Water & Infrastructure Services ("Inframark"); and Greer Pagan, Frances Blake, and Kerri Houck of Allen Boone Humphries Robinson LLP ("ABHR").

PUBLIC COMMENT

The Board opened the meeting for public comments. There being no members of the public requesting to make public comment, the Board moved to the next agenda item.

MINUTES

The Board considered approving the minutes of the November 8, 2021, regular meeting. After review and discussion, Director Shook moved to approve the minutes of the November 8, 2021, regular meeting, as submitted. Director Blackwell seconded the motion, which passed unanimously.

APPOINTMENT OF A NEW DIRECTOR

Mr. Pagan stated Director Skehan has submitted his resignation from the Board of Directors. He then introduced Mr. Porter to the Board and stated he is interested in serving on the Board of Directors. After discussion, Director Blackwell moved to (1) accept the resignation of Director Skehan; and (2) appoint Mr. Porter to the Board. Director Shook seconded the motion, which passed unanimously.

Mr. Pagan stated that Mr. Porter must execute a Sworn Statement, Official Bond, and Oath of Office as required by the Texas Constitution and Texas Water Code.

The Board considered reorganizing the Board of Directors. Following discussion, the Board concurred to retain their current positions, with Mr. Porter to serve as Assistant Vice President.

Mr. Pagan stated the District Registration Form must be filed with the Texas Commission on Environmental Quality ("TCEQ") to show the new slate of officers.

Mr. Pagan next reviewed a memorandum regarding Texas Open Meetings Act and Public Information Act training requirements for Directors and encouraged Mr. Porter to receive his training as soon as possible and forward his certificate of completion to ABHR for inclusion in the District's permanent records.

Mr. Pagan then reviewed with the Board legislation enacting Chapter 176 of the Texas Local Government Code, which requires directors and consultants to disclose certain conflicts of interest. Mr. Pagan reviewed with the Board the forms adopted by the Texas Ethics Commission for making disclosures under Chapter 176 and noted that the forms are required to be filed with the records administrator for the District. Mr. Pagan encouraged Mr. Porter to contact ABHR if assistance is needed in determining whether a conflict requires disclosure or in making a required disclosure.

Following review and discussion, Director Blackwell moved to (1) approve Director Porter's Sworn Statement, Official Bond, and Oath of Office, and direct that they be filed and retained in the District's official records and that the Oath of Office be filed with the Secretary of State of the State of Texas; and (2) authorize ABHR to file the District Registration Form with the TCEQ. Director Shook seconded the motion, which passed unanimously.

RESOLUTION ESTABLISHING ADDRESSES AND METHODS FOR TEXAS PUBLIC INFORMATION ACT REQUESTS

Mr. Pagan reviewed with the Board a memorandum regarding designating addresses and methods for receipt of requests for public information under the Texas Public Information Act ("TPIA Requests"), a copy of which is attached. The Board

considered designating a mailing address and an email address and approving other methods for receipt of TPIA Requests, pursuant to Section 552.234 of the Texas Government Code. After review and discussion, Director McShane moved to (1) adopt a Resolution Establishing Addresses and Methods for Texas Public Information Act Requests ("Resolution") to (a) designate the address of the District's official office as the mailing address and har391@txdistricts.info as the email address for receipt of TPIA Requests to the District, (b) approve electronic submission through the District's website, <https://www.hcmud391.org/>, as methods for submittal of TPIA Requests to the District, and (c) direct that the designated addresses and methods be printed on the sign displayed by the District under Section 552.205, Texas Government Code, and posted continuously on the District's Internet website; and (2) direct the Resolution to be filed appropriately and retained in the District's official records. Director Shook seconded the motion, which passed unanimously.

REVIEW FINAL ARBITRAGE REPORT FOR THE SERIES 2012A BONDS AND SERIES 2016 BONDS

Director Sachs joined the meeting.

Mr. Pagan reviewed a Final Arbitrage Rebate Report for the District's Series 2012A Bonds and an Arbitrage Rebate Report for the District's Series 2016 Bonds. He noted that the Reports reflect no payments are due to the Internal Revenue Service.

TRAVEL REIMBURSEMENT GUIDELINES AND DIRECTOR EXPENSES FOR ASSOCIATION OF WATER BOARD DIRECTORS WINTER CONFERENCE

The Board discussed the District's Travel Reimbursement Guidelines with respect to the upcoming Association of Water Board Directors winter conference.

FINANCIAL AND BOOKKEEPING MATTERS

The Board next received the bookkeeper's report and considered payment of invoices submitted to the District. Ms. Berry reviewed with the Board an investment report, budget comparisons, checks written since the report was prepared and tax transfers. Copies of the bookkeeper's report and list of bills presented for payment are attached. After review and discussion, Director Shook moved to approve the bookkeeper's report and payment of the bills. Director Blackwell seconded the motion, which passed unanimously.

TAX ASSESSMENT AND COLLECTIONS MATTERS

Ms. Arellano reviewed tax assessor/collector's written report for November 2021, and checks presented for payment from the tax account. Copies of the tax assessor/collector's report and list of checks presented for approval are attached.

Following review and discussion, Director Blackwell moved to accept the tax assessor/collector's report and pay the bills described therein. Director Shook seconded the motion, which passed unanimously.

ENGINEERING MATTERS

Mr. Wagner generally reported on engineering projects within the District. A copy of the engineering report is attached.

Mr. Wagner updated the Board regarding construction of the permanent wastewater treatment plant expansion and reviewed and recommended approval of Pay Estimate No. 9 in the amount of \$136,635.75 payable to C4 Partners, LLC ("C4 Partners").

Mr. Wagner stated that the surplus funds application has been submitted to the TECQ and is administratively complete.

Mr. Wagner stated that an outfall pipe in the District requires repair. He stated that he has received two bids and recommended obtaining a third bid. Following review and discussion, the Board concurred to obtain a third bid for the outfall pipe repair.

Following review and discussion, Director Shook moved (1) to approve the engineering report; and (2) based on the engineer's recommendation, to approve Pay Estimate No. 9 in the amount of \$136,635.75 for the construction of the permanent wastewater treatment plant expansion. Director Blackwell seconded the motion, which passed unanimously.

LAKE AND TURF MANAGEMENT REPORT

Director Shook reported on lake and turf matters.

MASTER PARKS AND FUTURE PARK DEVELOPMENT

The Board reviewed a report from KGA, a copy of which is attached.

Ms. Lee stated that bids were received for irrigation enhancements for the Louetta Road medians. Ms. Lee recommended that the Board award the contract to Triple E Growers, Inc. dba Triple E Landscapes ("Triple E") in the amount of \$78,057.00. The Board concurred that, in its judgment, Triple E was a responsible bidder who would be most advantageous to the District and would result in the best and most economical completion of the project. Following review and discussion, Director Blackwell moved to award the contract for irrigation enhancements for the Louetta Road medians to Triple E in the amount of \$78,057.00, based upon the landscape

architect's recommendation and subject to approval of the payment and performance bonds and review of the certificate(s) of insurance and endorsements, if any, provided by the contractor. Director Shook seconded the motion, which passed unanimously.

OPERATION OF DISTRICT FACILITIES AND TERMINATION OF WATER AND SEWER SERVICE TO DELINQUENT CUSTOMERS

Ms. Laguarta reviewed the operator's report for November 2021, a copy of which is attached and requested authorization to refer three delinquent accounts to collections.

Ms. Laguarta reviewed with the Board a fire hydrant inspection report. She stated that thirty-five fire hydrants are in need of repair. Ms. Laguarta noted the cost for repair is approximately \$13,850.00. Discussion ensued regarding repainting the fire hydrants at the same time as repairing the fire hydrants.

The Board next considered termination of utility service to delinquent accounts. Ms. Laguarta reported that the customers on the termination list were mailed written notice prior to this meeting in accordance with the Rate Order, notifying them of the opportunity to appear before the Board of Directors to explain, contest, or correct the utility service bill and to show reason why utility service should not be terminated for reason of nonpayment.

Following review and discussion, Director Blackwell moved to (1) approve the operator's report; (2) authorize Inframark to repair the thirty-five fire hydrants for an approximate cost of \$13,850.00, and to re-paint the fire hydrants at the same time; and (3) not terminate utility service for the month of December due to the holidays. Director Shook seconded the motion, which passed unanimously.

Mr. Pagan reported on certain certification obligations that the District must meet under the America's Water Infrastructure Act of 2018 (the "Act"). He stated that, pursuant to the Act, the District must certify to the Environmental Protection Agency that its community water system has completed an Emergency Response Plan (the "Plan"). Ms. Laguarta stated that the plan has been certified with the Environmental Protection Agency.

GARBAGE COLLECTION MATTERS

The Board discussed garbage collection matters in the District.

DEVELOPMENT IN THE DISTRICT

There was no discussion on this item.

SECURITY REPORT

The Board discussed security patrolling for 2022 and concurred to keep the same patrol staff numbers for 2022.

WEBSITE MATTERS

There was no discussion on this item.

There being no additional business for consideration, the meeting was adjourned.



A handwritten signature in blue ink, appearing to be "A. J.", is written over a horizontal line.

Secretary, Board of Directors

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