

MINUTES  
HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 365

January 20, 2022

The Board of Directors (the "Board") of Harris County Municipal Utility District No. 365 (the "District") met in regular session, open to the public, on the 20th day of January, 2022, at the offices of Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, Suite 2400, Houston, Texas, outside the boundaries of the District, and the roll was called of the members of the Board:

Joe Myers	President
Greg Coleman	Vice President
Alan Silverman	Secretary
Cathy Cropper	Assistant Secretary
Angela Small	Assistant Vice President

and all of the above were present, except Director Small who attended the meeting telephonically, thus constituting a quorum.

Also present at the meeting were Chris Burke of Burke Engineering, LLC; and Whitney Higgins and Holly Huston of Allen Boone Humphries Robinson LLP ("ABHR").

Due to the COVID-19 virus epidemic emergency and the high threat level warnings issued by various governments and agencies, the District established videoconference and telephone options for members of the public to listen to the meeting and to address the Board. Also attending via teleconference or videoconference were Beverly Currie, resident of the District; Mary Jarmon of Myrtle Cruz, Inc.; Jade Collins of Off Cinco; Odett McMullin of Bob Leared Interests, Inc.; and Brian Bare of Si Environmental, LLC.

CONSENT AGENDA

Director Myers offered Board members and consultants the opportunity to remove items from the consent agenda for individual discussion. Director Myers requested the Board remove the Minutes from the consent agenda. Director Silverman then moved to approve all items on the consent agenda, except for the item removed. Director Cropper seconded the motion, which passed by unanimous vote. Copies of all documents approved as part of the consent agenda are attached.

## MINUTES

Director Myers requested clarification on the minutes from the December 6, 2021 special meeting, specifically if the District's recycling provider, Best Trash, LLC, provided a report as stated in the minutes. Director Coleman stated Best Trash provided a monthly report but following discussion at the January special meeting, ABHR requested that Best Trash include tonnage reporting in addition to that report for all future reports. Following review and discussion, Director Silverman moved to approve the minutes from the December 6, 2021, special and December 16, 2021, regular meeting as presented. Director Cropper seconded the motion which passed by a unanimous vote.

## PUBLIC COMMENT

Director Myers offered any members of the public attending the meeting the opportunity to make public comment.

Director Small updated the Board regarding comments received from residents regarding the construction timeline for the concrete fence along Jarvis.

There being no further public comments, Director Myers moved to the next agenda item.

## 2022 DIRECTORS ELECTION

Ms. Higgins discussed procedures related to the 2022 Directors Election. She reviewed a Resolution Designating an Agent of the Secretary of the Board of Directors during the 2022 Directors Election Period.

Ms. Higgins reported on requirements to post a Notice of Deadline to File Applications for Place on the Ballot for the 2022 Directors Election.

Ms. Higgins stated that the District may contract with Harris County (the "County") to conduct the District's 2022 Directors Election.

Ms. Higgins discussed exemptions from using electronic voting systems during the 2022 Directors Election. She stated there is no action necessary to be taken as the County will run the 2022 Director's Election if necessary.

The Board concurred it was not necessary to set pay for election officials because the County will be appointing the election officials to administer the election, if necessary.

Ms. Higgins discussed procedures related to the 2022 Directors Election. She then reviewed an Order Calling Directors Election.

Ms. Higgins discussed that Notice of Election may be required to be posted or published and provided to the County Clerk and Voter Registrar of Harris County.

Following discussion, Director Silverman moved to (1) adopt a Resolution Designating an Agent of the Secretary of the Board During the 2022 Directors Election Period appointing Holly Huston as the agent of the Secretary of the Board of Directors to perform the duties of the District's Directors Election, and authorize the agent to post the related notice as required;; (2) authorize the Secretary's agent to post the Notice of Deadline to File Applications for Place on Ballot for the 2022 Directors Election, as required; (3) contract with the County to administer the District's election; (4) adopt the Order Calling Directors Election; (5) authorize the Secretary's agent to post or publish and provide to the County Clerk and Voter Registrar Notice of Election, if required; and (6) authorize ABHR to publish the appropriate election notices and translations to the District's website. Director Cropper seconded the motion, which was approved by unanimous vote.

#### SECURITY MATTERS

The Board considered renewal of the District's Interlocal Agreement for Law Enforcement Services through the Harris County Sheriff's Department. Upon a motion by Director Silverman and a second by Director Coleman, the Board voted unanimously to authorize renewal and execution of an Interlocal Agreement for Law Enforcement Services.

#### ENERGY PRICING REPORT

There was no report this month.

#### ADDITIONAL BOOKKEEPING MATTERS

The Board considered accepting Disclosure Statements from the District's bookkeeper and Investment Officer as required by the Public Funds Investment Act and the District's Investment Policy. Upon a motion made by Director Silverman and seconded by Director Coleman, the Board voted unanimously to accept the Disclosure Statements from the District's bookkeeper and Investment Officer and to authorize filing with the Texas Ethics Commission.

#### ADDITIONAL TAX ASSESSMENT AND COLLECTION MATTERS

There was no discussion on this agenda item.

#### SMART METERS

Director Coleman presented and reviewed a comparison chart of two smart meter providers that provided presentations at previous meetings. Discussion ensued.

Director Coleman stated he will revise the comparison chart to reflect the comments received from the Board and present to the Board at a future meeting.

#### ADDITIONAL OPERATING MATTERS

There were no additional operating matters.

#### HEARING ON TERMINATION OF WATER SERVICE TO DELINQUENT CUSTOMERS AND AUTHORIZE TERMINATION OF SERVICE

The Board then conducted a hearing on the termination of utility service to delinquent accounts. Mr. Bare reported that the persons on the termination list provided to the Board 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. Director Silverman moved that, since the customers on the termination list were neither present at the meeting nor had presented any statement on the matter, utility service should be terminated in accordance with procedures set forth in the District's Rate Order. Director Cropper seconded the motion, which carried unanimously.

#### ENGINEERING SERVICES

Mr. Burke presented and reviewed an engineer's report, a copy of which is attached.

Mr. Burke updated the Board regarding the four bids received on December 14, 2021, for the Water Plant Coatings project. He stated that the lowest bidder, D&M Tank, LLC ("D&M"), has rescinded their bid due to bidding the project incorrectly. A copy of the letter is attached to the engineer's report. Mr. Burke then recommended the Board award the project to the second lowest bidder, Blastco Texas, Inc. in the amount of \$213,217.00. The Board concurred that, in its judgment and based on the engineer's recommendation, Blastco 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 on behalf of the District. Following discussion, Director Silverman moved to award the contract for construction of the Water Plant Coatings Project to Blatsco in the amount of \$213,217.00 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, and authorize Burke to return the bid bond to D&M. Director Cropper seconded the motion which passed by a unanimous vote.

#### RECLAIMED WATER SYSTEM

Mr. Burke updated the Board regarding the status of design of the reclaimed water system.

PUBLIC COMMUNICATIONS

Director Silverman stated he will be resigning from the Board upon the sale of his house.

RECREATIONAL AND LANDSCAPE FACILITIES

There was no discussion on this agenda item.

ATTORNEY'S REPORT

Ms. Higgins reported on the District's compliance activities during the prior calendar year related to bond financings and stated that no action is required at this time.

Ms. Higgins reviewed an Annual Report containing updated financial and operating data to be filed in accordance with the continuing disclosure provisions contained in the District's bond resolutions. Following review and discussion, Director Silverman moved to approve the Annual Report, authorize the attorney to submit the District's updated financial and operating data in compliance with the continuing disclosure provisions contained in the bond resolutions. Director Cropper seconded the motion, which passed unanimously.

The Board next reviewed the District's procedures for continuing disclosure compliance and determined no changes are required at this time.

FEBRUARY MEETING SCHEDULE

The Board discussed meeting on the following dates in February 2022: February 17, regular meeting and February 7, special meeting.

There being no further business brought before the Board, Director Silverman moved to adjourn the meeting. The motion was seconded by Director Cropper, which carried unanimously.



Secretary, Board of Directors

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