

MINUTES OF MEETING OF  
HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 70,  
OF HARRIS COUNTY, TEXAS  
December 16, 2021

The Board of Directors (the "Board") of Harris County Municipal Utility District No. 70, of Harris County, Texas (the "District") met in special session on December 16, 2021, in accordance with the duly posted notice of meeting, and the roll was called of the duly constituted officers and members of the Board, as follows:

|                  |                     |
|------------------|---------------------|
| Stephanie Peters | President           |
| Ron Sanches      | Vice President      |
| Rudolph Lange    | Secretary           |
| Rachel Knight    | Assistant Secretary |
| Lillian Wanjagi  | Director            |

all of said persons were present, except Directors Knight and Wanjagi, thus constituting a quorum.

Also present at the meeting were Rachel Broom of Cobb Fendley & Associates, Inc. ("CobbFendley"); Lonnie Wright of Municipal Operations & Consulting, Inc. ("MOC"); Cory Burton of Municipal Accounts & Consulting, L.P. ("MA&C"); Brenda McLaughlin of Bob Leared Interests ("Bob Leared"); Russ Applegate of Harris County Municipal Utility District No. 264; Dennis Eby of Eby Engineers, Inc. ("Eby Engineers"), engineer for Harris County Municipal Utility District No. 144; Ronald Garcia, a member of the public; and Spencer Creed of Schwartz, Page & Harding, L.L.P. ("SPH").

The meeting was called to order and declared open for such business as might regularly come before it.

**JOINT SEWAGE TREATMENT PLANT COMMITTEE MEETING**

**RESIGNATION OF DIRECTOR WANJAGI**

Mr. Creed next presented to the Board a letter of resignation from Lillian Wanjagi as a Director of the District. A copy of said resignation letter is attached hereto as **Exhibit A**. Upon motion duly made by Director Sanches, seconded by Director Peters and unanimously carried, said resignation was accepted. The Board noted that it was extremely grateful to Director Wanjagi for her many years of service to the District.

**CONSIDER APPOINTMENT OF NEW DIRECTOR**

As the next order of business, the Board considered the appointment of Ronald Garcia to the Board. Mr. Garcia addressed the Board and expressed his desire to serve on the Board. He then presented his Statement of Appointed Officer, Oath of Office, Official Bond, Election Not to Disclose Certain Information and Affidavit of Current Director. After discussion on the

matter, it was moved by Director Sanches, seconded by Director Peters and unanimously carried, that the Board approve said Bond, accept said Statement, Oath, Affidavit and Election Not to Disclose Certain Information and declare Ronald Garcia to be duly appointed and a qualified Director of the District. Director Garcia participated in the remainder of the meeting.

The next item to be considered was the reorganization of the officers of the Board of Directors. Nominations for the office of Assistant Secretary were called for. Director Garcia was nominated for that office, and there being no further nominations, they were closed. A vote was called, and upon motion duly made by Director Lange, seconded by Director Garcia and unanimously carried, Director Garcia was duly elected Assistant Secretary of the Board and the District.

### **APPROVAL OF DISTRICT REGISTRATION FORM**

The Board next considered approving a District Registration Form required by the Texas Commission on Environmental Quality (the "TCEQ"). Mr. Creed explained that municipal utility districts are required to file names, mailing addresses, officer positions and the terms of office of new or re-elected directors with the TCEQ within thirty days (30) after an election or appointment. He advised that, with the Board's approval, SPH will complete the District Registration Form to reflect Director Garcia's appointment as a Director of the District and file same with the TCEQ. After further discussion of the matter, Director Peters moved that the Board authorize SPH to complete the District Registration Form as discussed and file same with the TCEQ. Director Lange seconded said motion, which unanimously carried.

### **LOCAL GOVERNMENT OFFICERS LIST**

Mr. Creed advised the Board that the District is required to maintain a list of Local Government Officers, which includes the members of the Board and the District's Investment Officers, as and when same may be appointed, in connection with conflict of interest disclosure requirements. After discussion on the matter Director Peters moved that SPH be authorized and directed to prepare the District's list of Local Government Officers as required by law. Director Lange seconded said motion, which unanimously carried.

### **TRAINING REQUIREMENTS FOR NEW DIRECTOR PURSUANT TO THE TEXAS OPEN MEETINGS ACT AND THE TEXAS PUBLIC INFORMATION ACT**

Mr. Creed discussed the open government training requirements for public officials in connection with Director Garcia's appointment. He advised that public officials, including directors of a municipal utility district, must complete separate training courses regarding the Texas Open Meetings Act ("OMA") and the Texas Public Information Act ("PIA"). Mr. Creed reviewed with Director Garcia a memorandum prepared by SPH which summarizes the training requirements, a copy of which memorandum is attached hereto as **Exhibit B**. He advised Director Garcia that the deadline for public officials to complete their training is the 90th day after they either take their oath of office or otherwise assume their responsibilities as a public official. Mr. Creed noted that the Texas Attorney General has prepared a website which satisfies the training requirements for both the OMA and PIA, and that Director Garcia had been provided

with a link for the website. Mr. Creed further noted that it is the responsibility of Director Garcia to ensure that he completes his training by the deadline.

### **CONFLICTS DISCLOSURE STATEMENT REPORTING REQUIREMENTS**

Mr. Creed discussed with Director Garcia the conflicts disclosure statement reporting requirements for officers of certain local governmental entities, including water district directors, pursuant to Chapter 176 of the Texas Local Government Code. Mr. Creed noted that Director Garcia had been provided with a memorandum prepared by SPH which summarizes the conflicts disclosure requirements and a questionnaire for completion by Director Garcia regarding conflict of interest disclosure reporting.

### **ENGINEERING REPORT**

Ms. Broom presented to and reviewed with the committee members a written Engineering Report for the Joint Sewage Treatment Plant Committee Meeting, a copy of which report is attached hereto as **Exhibit C**, and discussed same with the Board.

A discussion ensued regarding the Mechanical Bar Screen for the District's Wastewater Treatment Plant ("WWTP"). Ms. Broom requested authorization to solicit and/or advertise for bids for the project. After discussion on the matter, Director Peters moved to authorize CobbFendley to solicit and/or advertise for bids for the replacement of the Mechanical Bar Screen for the District's WWTP. Director Sanches seconded said motion, which unanimously carried.

### **OPERATIONS REPORT**

Mr. Wright presented to and reviewed with the committee members the Wastewater Treatment Plant Operations Report for the month of November 2021, a copy of which report is attached hereto as **Exhibit D**, and discussed same with the Board.

Mr. Wright then presented some photos of damage to the District's fence due to recent high winds, a copy of which is included with **Exhibit D**. It was noted that the cost of the repair was less than the District's \$5,000 insurance deductible and therefore MOC has completed the repair. After discussion on the matter, the Board concurred with MOC's repair of said fence.

Mr. Wright then noted that if Director Garcia is interested, MOC will provide a tour of the District's facilities.

### **BOOKKEEPER'S REPORT**

Mr. Burton presented to and reviewed with the Board the Joint Sewage Treatment Plant Bookkeeper's Report dated December 16, 2021, a copy of which report is attached hereto as **Exhibit E**, including the disbursements presented for payment. After discussion on the matter, it was moved by Director Lange that the Bookkeeper's Report be approved and that the

disbursements identified in the report be authorized for payment. Director Sanches seconded said motion, which unanimously carried.

### **JOINT SEWAGE TREATMENT PLANT ATTORNEY REPORT**

The Board next considered the attorney's report. Mr. Creed advised that he had nothing of a legal nature to report to the committee members at this time.

Messrs. Applegate and Eby exited the meeting at this time.

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### **DISTRICT MEETING**

The President then called the District Board meeting to order and declared it open for such business as might regularly come before it.

### **COMMENTS FROM THE PUBLIC**

The Board deferred consideration of comments from the public, as no comments were offered.

### **APPROVE MINUTES**

The Board considered approving the minutes of the District's November 18, 2021 special Board meeting. After discussion, Director Peters moved that the November 18, 2021 special Board meeting minutes be approved, as presented. Director Lange seconded said motion, which unanimously carried.

### **AUDIT FOR FISCAL YEAR ENDED SEPTEMBER 30, 2021**

The Board deferred consideration of the audit for fiscal year ending September 30, 2021 at this time.

### **HARRIS COUNTY SHERIFF'S OFFICE SECURITY ACTIVITY REPORT**

Mr. Creed presented the Harris County Sheriff's Office security activity report for November 2021, a copy of which report is attached hereto as **Exhibit F**, and discussed same with the Board. No action was required by the Board at this time.

### **BOOKKEEPER'S REPORT**

Mr. Burton presented to and reviewed with the Board the Bookkeeper's Report dated December 16, 2021, a copy of which report is attached hereto as **Exhibit G**, including the

disbursements listed therein. After discussion, it was moved by Director Peters that the report be approved and that the disbursements identified in the report be authorized for payment, except check no. 14071, which was voided. Director Lange seconded said motion, which unanimously carried.

### **TAX ASSESSOR/COLLECTOR'S REPORT**

Ms. McLaughlin presented and reviewed the Tax Assessor/Collector's Report for November 2021, including the disbursements presented for payment as listed therein, a copy of which report is attached hereto as **Exhibit H**. After discussion on the matter, it was moved by Director Peters that said report be approved and that the disbursements identified therein be approved for payment, as discussed. Director Lange seconded said motion, which unanimously carried.

### **DELINQUENT TAX COLLECTIONS ATTORNEY'S REPORT**

Mr. Creed advised the Board that the District did not receive a Delinquent Tax Report from Perdue, Brandon, Fielder, Collins & Mott, LLP, the District's delinquent tax collections attorneys, for the month of December.

### **OPERATIONS REPORT**

Mr. Wright presented to and reviewed the Operations Report for the month of November 2021, a copy of which report is attached hereto as **Exhibit I**, and discussed same with the Board.

Mr. Wright then requested that the Board consider authorizing MOC to move three (3) delinquent accounts to the uncollectible roll in the combined amount of \$226.86, since all collection efforts to date had been unsuccessful. After discussion on the matter, Director Peters moved that MOC be authorized to move three (3) delinquent accounts to the uncollectible roll in the amount of \$226.86, as more fully set forth in the attached Operations and Maintenance Report, and as recommended by the District's Operator. Director Sanches seconded said motion, which unanimously carried.

Mr. Wright next reviewed with the Board the details of a large sanitary sewer line repair performed during the month by MOC.

Mr. Wright then presented to and reviewed with the Board three quotes for security measures at the District's Water Plant and remote well by Lakeshore Alarm Services, LLC, copies of which are attached hereto as **Exhibit J**, including: (i) video cameras for the water plant at a cost of \$3,221.00, (ii) alarm for the water plant at a cost of \$1,855.50, and (iii) video cameras for the remote well at a cost of \$1,980.00. After discussion on the matter, Director Peters moved that MOC be authorized to move forward with the installation of the items as discussed. Director Sanches seconded said motion, which unanimously carried.

Mr. Wright requested that an item be added to the next agenda to discuss a potential contract amendment involving rate adjustments.

## **ENGINEERING REPORT**

Ms. Broom presented to and reviewed with the Board a written Engineering Report for the District, a copy of which report is attached hereto as **Exhibit K**, and discussed same with the Board.

Ms. Broom then presented to and reviewed with the Board an update to the Capital Improvements Plan ("CIP"), which is updated with years 6-10, a copy of which is included with **Exhibit K**. Ms. Broom noted that said update will be added to the current CIP and will be presented for formal approval at next month's meeting.

## **UTILITY COMMITMENTS**

The Board deferred consideration of the issuance of utility commitments after noting that no formal requests for same had been received during the previous month.

## **STATUS REPORT FROM GFL ENVIRONMENTAL REGARDING GARBAGE COMPLAINTS**

Mr. Creed presented to and reviewed with the Board GFL Environmental's ("GFL") report for the month of November 2021, a copy of which report is attached hereto as **Exhibit L**. Mr. Creed then updated the Board regarding GFL's new representative for the District, and noted that SPH was advised said position was still vacant at this time.

## **DISCUSSION REGARDING DISTRICT RATE ORDER**

The Board deferred any amendments related to the commercial customer sampling plan at this time.

## **EXECUTIVE SESSION**

The Board determined it would not be necessary to enter into Closed Session pursuant to Texas Government Code Sections 551.071 and 551.076.

## **MATTERS RELATED TO MAY 7, 2022 DIRECTORS ELECTION**

Mr. Creed reported on issues related to the District's Directors Election (the "Election") to be held on May 7, 2022. In connection therewith, Mr. Creed presented to and discussed with the Board a memorandum prepared by SPH, a copy of which is attached hereto as **Exhibit M**, regarding (i) participation in the joint election with Harris County (the "County"), (ii) publication of notice regarding accessible voting systems, and (iii) posting of Notice Regarding Candidate Filing Period. Mr. Creed advised that the County will administer the Election if the District participates in the County's joint election. He further noted that if the District elects not to contract with the County and to hold an independent Election, Section 49.111, Texas Water Code, provides an exemption from the requirement to provide certain electronic voting systems at the Election if the District's previous directors election was canceled as uncontested or if fewer

than 250 voters voted in the District's previous directors election. Mr. Creed noted that the District is exempt from said requirement because the District's previous directors election was canceled. Following discussion, it was moved by Director Lange, seconded by Director Sanches and unanimously carried that SPH be authorized to (i) notify the County of the District's intent to participate in the joint Election, (ii) provide notice of the District's intent not to provide electronic voting systems for said Election by publication in a newspaper of general circulation in an area that includes the District, in case the District subsequently elects to hold an independent Election, and (iii) post the required Notice Regarding Candidate Filing Period.

**ATTORNEY'S REPORT**

The Board considered the Attorney's Report. Mr. Creed advised the Board that he had nothing further to discuss with the Board of a legal nature, which was not covered under specific agenda items.

**FUTURE AGENDA MATTERS**

The Board considered items for placement on future agendas. No specific agenda items, other than routine and ongoing matters and matters noted earlier in the meeting, were requested.

**ADJOURNMENT**

There being no further business to come before the Board, upon motion made by Director Peters, seconded by Director Sanches and unanimously carried, the meeting was adjourned.



  
Secretary

## LIST OF EXHIBITS TO MINUTES

- Exhibit A - Resignation of Lillian Wanjagi
- Exhibit B - Memorandum regarding Director Training Requirements
- Exhibit C - Engineering Report for Joint Sewage Treatment Plant Committee Meeting
- Exhibit D - Joint Sewage Treatment Plant Operations Report
- Exhibit E - Joint Sewage Treatment Plant Bookkeeper's Report
- Exhibit F - Harris County Sheriff's Office Report
- Exhibit G - Bookkeeper's Report
- Exhibit H - Tax Assessor/Collector Report
- Exhibit I - Operations Report
- Exhibit J - Proposal from Lakeshore Alarm Service, LLC
- Exhibit K - Engineering Report
- Exhibit L - GFL Environmental Report
- Exhibit M - Memorandum regarding District's Directors Election