

MINUTES  
HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 439

February 10, 2022

The Board of Directors (the "Board") of Harris County Municipal Utility District No. 439 (the "District") met in regular session, open to the public, on the 10<sup>th</sup> day of February, 2022, at the offices of Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, Suite 2600, Houston, Texas, outside the boundaries of the District, with access by telephone available to the public, and the roll was called of the members of the Board:

Adam Kramer	President
Vacant	Vice President
Nancy Zimmerman	Secretary
Bonny Beasley	Asst. Vice Pres./ Asst. Secretary
Steve M. Burgess	Asst. Vice Pres./ Asst. Secretary

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

Also attending in person or by telephone were Jonathan Reichek, a member of the public; Tony Garza of Rausch Coleman Homes; Amanda Edmondson of Pape-Dawson Engineers, Inc. ("Pape-Dawson"); Jason Hajduk of IDS Engineering Group ("IDS"); Judy Osborn of McLennan & Associates, L.P.; Odett Newman of Bob Leared Interests, Inc. ("BLI"); and Hannah Brook and Faye Simonds of Allen Boone Humphries Robinson LLP ("ABHR").

PUBLIC COMMENTS

Director Kramer offered any members of the public attending the meeting by telephone the opportunity to make public comment. There being no members of the public requesting to make public comment, Director Kramer moved to the next agenda item.

MINUTES

The Board considered approving the minutes of the January 13, 2022, regular meeting. Following review and discussion, Director Zimmerman moved to approve the minutes of the January 13, 2022, regular meeting, as presented. Director Beasley seconded the motion, which passed unanimously.

APPOINTMENT OF NEW DIRECTOR

The Board discussed appointing Jonathan Reichek to the Board to fill the vacant position. Ms. Brook stated that Director Reichek had been provided with his Sworn Statement, Official Bond, and Oath of Office for execution.

The Board considered reorganizing the Board of Directors as follows:

Adam Kramer	President
Jonathan Reichek	Vice President
Nancy Zimmerman	Secretary
Bonny Beasley	Asst. Vice Pres./ Asst. Secretary
Steven M. Burgess	Asst. Vice Pres./ Asst. Secretary

The Board then considered authorizing execution of a District Registration Form. Ms. Brook stated that a revised District Registration Form must be executed and submitted to the Texas Commission on Environmental Quality ("TCEQ") identifying the new director term and updated director positions.

Ms. Brook reviewed a memorandum from ABHR regarding Open Meetings Act training requirements, a copy of which is attached. She stated the Texas Legislature requires each elected or appointed public official to complete a course of training regarding the responsibilities of the governmental body and its members under the Texas Open Meetings Act within ninety days of receiving the appointment.

Ms. Brook next reviewed a Conflict of Interest Disclosure Memorandum from ABHR regarding Chapter 176 of the Texas Local Government Code, which requires directors and consultants to disclose certain conflicts of interest. She reviewed 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 within seven days of a disclosable conflict arising. Ms. Brook encouraged Board members to contact ABHR if assistance is needed in determining whether a conflict exists and/or in making a required disclosure. A copy of the Conflict of Interest Disclosure Memorandum is attached.

Ms. Brook stated that pursuant to Chapter 176 of the Texas Local Government Code, the District maintains a List of Local Government Officers. She reviewed the List of Local Government Officers and noted that Director Reichek has been added to the list.

After review and discussion, Director Beasley moved to (1) to appoint Jonathan Reichek to the Board of Directors; (2) approve the Oath of Office, Official Bond, and Sworn Statement for Director Reichek and authorize filing of the Oath of Office with the

Secretary of State and direct that the Sworn Statement, Oath of Office, and Official Bond be filed and retained in the District's official records; (3) approve the officers' positions, as discussed; (4) authorize execution of the District Registration Form and direct that the Registration Form be filed appropriately and retained in the District's official records; and (5) approve and authorize execution of the List of Local Government Officers and direct that the List be filed appropriately and retained in the District's official records. Director Zimmerman seconded the motion, which passed unanimously.

#### FINANCIAL AND BOOKKEEPING MATTERS

Ms. Osborn presented and reviewed the bookkeeper's report, including a list of checks presented for approval, and the District's budget comparison. After review and discussion, Director Zimmerman moved to approve the bookkeeper's report and payment of the bills. Director Beasley seconded the motion, which passed unanimously.

#### ASSOCIATION OF WATER BOARD DIRECTORS CONFERENCES

The Board considered authorizing attendance at the Association of Water Board Directors ("AWBD") summer conference for any interested Director. Following discussion, Director Zimmerman moved to authorize attendance at the AWBD summer conference. Director Beasley seconded the motion, which passed unanimously.

#### TAX ASSESSOR/COLLECTOR'S REPORT

Ms. Newman presented and reviewed the tax assessor/collector's report for the month of January, including the checks presented for payment. She reported that the District's 2021 taxes are 98.3% collected through January 31, 2022. A copy of the tax assessor/collector's report is attached. After review and discussion, Director Zimmerman moved to approve the tax reports and payment of the bills from the tax account. Director Beasley seconded the motion, which passed unanimously.

#### RESOLUTION CONCERNING EXEMPTIONS FROM TAXATION

The Board next reviewed a proposed Resolution Concerning Exemptions from Taxation. After review and discussion, Director Zimmerman moved to adopt the Resolution Concerning Exemptions from Taxation as presented, which declines granting any exemptions, including residential homesteads in the District. Director Beasley seconded the motion, which passed unanimously.



## ENGINEER'S REPORT

Mr. Hajduk reviewed an engineering report from IDS Engineering Group, a copy of which is attached.

Mr. Hajduk reported on the construction of the Wayside Village East Phase I detention facilities. He reviewed and recommended approval of Pay Estimate Nos. 8 and 9 in the amounts of \$131,553.36 and \$69,874.35, respectively, submitted by Paskey Incorporated ("Paskey"), as recommended by Pape-Dawson.

Mr. Hajduk reported on the construction of the Wayside Village West Phase I detention facilities and the Wayside Village Phase I Harris County Flood Control District Improvements. He reviewed and recommended approval of Pay Estimate No. 13 in the amount of \$271,331.30, submitted by Paskey, as recommended by Pape-Dawson. Mr. Hajduk then reviewed and recommended approval of Change Order No. 5 to the contract with Paskey for the construction of the Wayside Village West Phase I detention facilities and the Wayside Village Phase I Harris County Flood Control District Improvements to increase the contract in the amount of \$14,437.50 for the removal of debris from the site, as recommended by Pape-Dawson. The Board determined that Change Order No. 5 is beneficial to the District.

Mr. Hajduk updated the Board regarding the plans for the water, sewer, and drainage facilities to serve Wayside Village, Section 9 and Wayside Village Parker Road Phase 2. He stated that bids were received for construction of the water, sewer, and drainage facilities to serve Wayside Village, Section 9 and Wayside Village Parker Road Phase 2. Mr. Hajduk recommended that the Board award the contract to Clearwater Utilities, Inc. ("Clearwater") in the amount of \$1,387,112.82, as recommended by Pape-Dawson. The Board concurred that, in its judgment, Clearwater 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.

Mr. Hajduk updated the Board regarding the plans for the water, sewer, and drainage facilities to serve Wayside Village, Section 12. He stated that bids were received for construction of water, sewer, and drainage facilities to serve Wayside Village, Section 12. Mr. Hajduk recommended that the Board award the contract to Clearwater in the amount of \$1,268,560.45, as recommended by Pape-Dawson. The Board concurred that, in its judgment, Clearwater 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, and based upon recommendation by the engineer, Director Zimmerman moved to (1) approve the engineer's report prepared by IDS; (2) approve Pay Estimate Nos. 8 and 9 in the amounts of \$131,553.36 and

\$69,874.35, respectively, for the construction of the Wayside Village East Phase I detention facilities, as recommended by Pape-Dawson; (3) approve Pay Estimate 13 in the amount of \$271,331.30 for the construction of the Wayside Village West Phase I detention facilities and the Wayside Village Phase I Harris County Flood Control District Improvements, as recommended by Pape-Dawson; (4) approve Change Order No. 5 in the amount of \$14,437.50 as an increase to the contract with Paskey for the construction of the Wayside Village West Phase I detention facilities and the Wayside Village Phase I Harris County Flood Control District Improvements, based upon the Board's finding that the Change Order is beneficial to the District and Pape Dawson's recommendation; (5) award the contract for construction of the water, sewer, and drainage facilities to serve Wayside Village, Section 9 and Wayside Village Parker Road Phase 2 to Clearwater in the amount of \$1,387,112.82, based upon the Pape-Dawson'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; and (6) award the contract for construction of the water, sewer, and drainage facilities to serve Wayside Village, Section 12 to Clearwater in the amount of \$1,268,560.45, based upon the Pape-Dawson'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 Beasley seconded the motion, which passed unanimously.

#### ACCEPT DEEDS AND EASEMENTS

No deeds or easements were submitted for Board approval.

#### DEVELOPMENT IN THE DISTRICT

Mr. Garza reported on the status of development by Rausch Coleman Homes.

#### ATTORNEY'S REPORT

There was no additional attorney report.

There being no further business to come before the Board, the Board concurred to adjourn the meeting.



*Nancy Zimmerman*  
Secretary, Board of Directors

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