

## HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 149

### Minutes of Board of Directors Meeting November 15, 2021

The Board of Directors (the "Board") of Harris County Municipal Utility District No. 149 (the "District") met in regular session, open to the public on November 15, 2021, in accordance with the duly posted Notice of Public Meeting, and the roll was called of the duly constituted officers and members of the Board, as follows:

John R. VanDyke, President  
Stefanie Cline, Vice President  
Margaret Petry, Secretary  
Terrence Stephens, Assistant Secretary  
Randall Kallus, Assistant Secretary

all of said persons were present, thus constituting a quorum.

Also present were: Michelle Steadman of Inframark, LLC ("Inframark"); Jeffrey Bishop of Jones & Carter, Inc. ("J&C"); Diane Michaux of Municipal Accounts & Consulting, L.P. ("MA&C"); Michelle Guerrero of Bob Leared Interests ("Leared"); Mike Scott of Champions Hydro-Lawn, Inc. ("Champions"); Mustafa Adam, a potential commercial developer within the District; and Matthew Reed, Katie Davis and Kristi Tran-Chin of Schwartz, Page & Harding, L.L.P. ("SPH").

#### PUBLIC COMMENT

The Board began by opening the meeting for public comments. There being no members of the public present, the Board continued to the next item of business.

#### APPROVAL OF MINUTES

The Board reviewed the minutes of its October 18, 2021 regular Board meeting, October 28, 2021 special Board meeting, and November 3, 2021 special Board meeting. After review and discussion of the minutes presented, Director Kallus moved that the minutes of the Board's meeting held on October 18, 2021 and November 3, 2021, be approved, as written, and that the minutes of October 28, 2021 be approved, as revised. Director Petry seconded said motion, which unanimously carried.

#### TAX ASSESSOR-COLLECTOR REPORT

Ms. Guerrero presented to and reviewed with the Board the Tax Assessor-Collector's Report, dated October 31, 2021, a copy of which is attached hereto as Exhibit A. After discussion on the report, Director Petry moved that said report be approved and that the disbursements identified in the report be approved for payment from the tax account. Director Cline seconded said motion, which unanimously carried.

## DELINQUENT TAX ATTORNEY'S REPORT

The Board deferred consideration of the Delinquent Tax Attorney's Report from Perdue, Brandon, Fielder, Collins & Mott, L.L.P. ("Perdue"), after noting that there is no report for the month of October.

Mr. Reed reported that the Goo Goo Carwash has been sold and that the delinquent taxes, fees and penalties owed to the District totaling \$22,455.00, have been paid.

## BOOKKEEPER'S REPORT

Ms. Michaux presented to and reviewed with the Board the Bookkeeping Report, dated November 15, 2021, including the checks presented for payment, a copy of which is attached hereto as Exhibit B. After discussion on the matter, it was moved by Director Cline that said report be approved, and that the disbursements identified therein be approved for payment, or be voided as noted in said report, including any additional checks noted therein. Director Petry seconded said motion, which unanimously carried.

Ms. Micheaux also presented to and reviewed with the Board a Quarterly Investment Inventory Report for the period ending September 30, 2021, a copy of which is attached to the bookkeeping report. Upon review, Director Cline moved that the Quarterly Investment Inventory Report be approved, as presented. Director Petry seconded said motion, which unanimously carried.

## STATUS OF COMPLIANCE BY THE DISTRICT WITH TEXAS GOVERNMENT CODE, CHAPTER 2265, RELATIVE TO ENERGY REPORTING

The Board considered the District's compliance with Texas Government Code, Chapter 2265, relative to energy reporting requirements. In connection therewith, Mr. Reed advised the Board that governmental entities, including the District, are required to prepare an annual report on the entities' metered usage of electricity and the aggregate costs for same. He then noted that Acclaim Energy has provided an annual report, a copy of which is attached to the Bookkeeper's Report, summarizing the District's electricity usage and costs. Mr. Reed advised that no Board action was necessary.

## ADOPTION OF AMENDED OPERATING BUDGET FOR FISCAL YEAR ENDING MARCH 31, 2022

Ms. Michaux presented an amended operating budget for fiscal year ending March 31, 2022, for the District's general operating fund, which is attached to the bookkeeping report. After discussion on the matter, Director Kallus moved that the amended operating budget for the general operating fund, for the District's fiscal year ending March 31, 2022, be approved. Director Petry seconded said motion, which unanimously carried.

A discussion ensued regarding Texas Pride Disposal Solutions LLC ("Texas Pride"). Mr. Reed inquired regarding specific missed pick-up dates that was discussed at the last Board

meeting in order to request credit for same. It was then noted that the recycling trucks have been leaving the bins on the road. After further discussion, the Board requested that a Texas Pride representative attend the next Board meeting to address the Board's concerns.

### OPERATOR'S REPORT

Ms. Steadman presented to and reviewed with the Board the Operator's Report for the month of October 2021, a copy of which is attached hereto as Exhibit C.

Ms. Steadman then presented to and reviewed with the Board the list of delinquent accounts for the prior month. She requested authorization to move four (4) accounts to collections in the amount of \$295.68. Upon discussion, Director Kallus moved that Inframark be authorized to forward said accounts to collections, as requested. Director Stephens seconded said motion, which unanimously carried.

Ms. Steadman next reported that there was an error in the Water Plant ESFC usage and the District was incorrectly billed approximately \$1,275.00 by Inframark. She noted that a credit for that amount will be reflected on next month's invoice from Inframark.

### ENGINEER'S REPORT

Mr. Bishop presented to and reviewed with the Board a written Engineer's Report, dated November 11, 2021, a copy of which is attached hereto as Exhibit D, relative to the status of various projects within the District.

Mr. Bishop updated the Board regarding the Wastewater Treatment Plant Replacement Project (the "Project"). He reported that Pay Estimate No. 3 in the amount of \$290,114.10 was received from CSA Construction, Inc., ("CSA") for the Project, and recommended that the Board approve same. Upon discussion, Director Cline moved that Pay Estimate No. 3 from CSA in the amount of \$290,114.10 be approved, as recommended by J&C. Director Kallus seconded said motion, which unanimously carried.

Mr. Bishop requested authorization for J&C to perform a mechanical and electrical inspection of the District's offsite lift station for an estimate cost of \$7,500. After discussion on the matter, Director Cline moved that J&C be authorized to perform a mechanical and electrical inspection of the District's offsite lift station for an estimate cost of \$7,500. Director Kallus seconded said motion, which unanimously carried. It was noted that J&C will communicate same with Harris County Municipal Utility District No. 257's ("No. 257") engineer as No. 257 conveys wastewater to the Joint Wastewater Treatment Plant through that lift station.

Mr. Bishop next presented to and reviewed with the Board correspondence from Heights Engineer, LLC ("Heights"), a copy of which is included with Exhibit D. He noted Heights has requested, on behalf of its owner, a utility commitment from the District for a proposed project consisting of individual spaces of small warehouse and office space, located along FM 529 with the nearest intersection at Ridgeberry Drive. Mr. Bishop then advised that the District has sufficient capacity to serve the retail development and that J&C recommends the utility

commitment request be approved. After further discussion on the matter, Director Cline moved that said utility commitment request be approved by the Board and District and that the President be authorized to execute a utility commitment in accordance with the foregoing, as recommended by the engineer. Director Kallus seconded said motion, which unanimously carried.

Mr. Adam exited the meeting at this time.

#### CHAMPIONS HYDRO-LAWN, INC. ("CHAMPIONS")

Mr. Scott presented to and reviewed with the Board Champions' report dated November 15, 2021, a copy of which is attached hereto as Exhibit E. No action was taken by the Board at this time.

A discussion ensued regarding the continued maintenance of the District's easement areas around the Goo Goo Carwash property. After discussion, the Board concurred to discontinue maintenance of same on said tract, but requested that Champions continue to monitor its condition and take photos. The Board then requested that SPH reach out to the new owners of said property to communicate their responsibility of maintaining the District's easement.

#### WEST HARRIS COUNTY REGIONAL WATER AUTHORITY ("AUTHORITY")

Director VanDyke reported to the Board regarding the activities of the Authority. He then noted that West Harris County Regional Water Authority anticipates a fee increase, to be effective January 1, 2022. Mr. Reed noted an agenda item will be added to next month's agenda to consider same.

#### ATTORNEY'S REPORT

The Board next considered the Attorney's Report. Mr. Reed presented correspondence from Acclaim Energy, a copy of which is attached hereto as Exhibit F.

Mr. Reed informed the Board that, pursuant to §2206.154, Texas Government Code, all political subdivisions with the power of eminent domain, including the District, are required to file an annual eminent domain report by February 1 of each year with the Texas Comptroller of Public Accounts (the "Comptroller"). He explained that the report will contain the District's contact information as well as information related to the District's ability to exercise the power of eminent domain. After discussion, it was moved by Director Petry, seconded by Director Kallus, and unanimously carried, that SPH be authorized to prepare and file the required eminent domain report with the Comptroller on behalf of the District prior to February 1, 2022.

Mr. Reed advised the Board that SPH has reached out to the District's insurance company, McDonald & Wessendorff ("McDonald"), regarding the billing discrepancy with No. 257 regarding the Joint Water Plant and Joint Wastewater Treatment Plant. He noted that McDonald is investigating same.

EXECUTIVE SESSION

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

FUTURE AGENDA ITEMS

There being no further business to come before the Board, Director Cline moved that the meeting be adjourned. Director Stephens seconded said motion, which unanimously carried.

  
Secretary, Board of Directors



EXHIBITS  
November 15, 2021

- A. Tax Assessor-Collector Report
- B. Bookkeeper's Report
- C. Operator's Report
- D. Engineer's Report
- E. Champions Hydro-Lawn Report
- F. Acclaim Newsletter