

## **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 122**

Minutes of Meeting of Board of Directors

March 22, 2023

The Board of Directors ("Board") of Harris County Municipal Utility District No. 122 ("District") met in regular session at the Board's regular meeting place on March 22, 2023, in accordance with the duly posted notice of public meeting, and the roll was called of the duly constituted officers and members of said Board of Directors, as follows:

Joycelyn Barnes Reese, President  
Ronald F. Bennett, Vice-President  
James H. Ragan, Jr., Secretary  
John Hoxie, Assistant Secretary  
John R. Marshall, Assistant Secretary

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

Also present were Patty Rodriguez of Bob Leared Interests, Inc. ("BLI"); Sabrina Alaquinez of Inframark, LLC ("Inframark"); Rahi Patel of Municipal Accounts & Consulting, L.P. ("MA&C"); Robert Dazey and Madison Barrington of Quiddity Engineering LLC ("Quiddity"); Joyce Bennett, a member of the public; and Abraham Rubinsky, Katie Blasio and Charlotte Griffiths of Schwartz, Page & Harding, L.L.P. ("SPH").

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

### **PUBLIC COMMENTS**

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

### **APPROVAL OF MINUTES**

The Board considered the review and approval of the minutes of its meeting held on February 22, 2023. After discussion, Director Marshall moved that the minutes of the Board's meeting held on February 22, 2023, be approved, as written. Director Ragan seconded said motion, which unanimously carried.

### **STATUS OF CONTINUING DISCLOSURE REPORT**

The Board discussed the status of the District's annual continuing disclosure report which was due on February 28, 2023. In connection therewith, Mr. Rubinsky advised the Board that the annual continuing disclosure report for the District's fiscal year ended August 31, 2022 has been filed with the appropriate entities by Coats Rose, P.C.,

Continuing Disclosure Counsel to the District, on February, 3, 2023, in advance of the February 28, 2023 deadline.

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

Ms. Rodriguez presented to and reviewed with the Board the Tax Assessor/Collector's Report for the period ended February 28, 2023, which is attached hereto as **Exhibit A**, including the disbursements presented for payment from the Tax Account. After discussion, Director Ragan moved that the Tax Assessor/Collector's Report be approved and the disbursements identified in said report be approved for payment from the Tax Account. Director Bennett seconded said motion, which unanimously carried.

### **REPORT AND LEGAL ACTION TAKEN BY THE DISTRICT'S DELINQUENT TAX COLLECTIONS ATTORNEY**

Mr. Rubinsky presented to and reviewed with the Board a Delinquent Tax Report received from Perdue, Brandon, Fielder, Collins & Mott, L.L.P. ("PBFCM"), the District's Delinquent Tax Collections Attorneys, dated March 22, 2023, a copy of which is attached hereto as **Exhibit B**. No action was required by the Board at this time.

### **BOOKKEEPER'S REPORT**

Mr. Patel presented to and reviewed with the Board the Bookkeeper's Report dated March 22, 2023, a copy of which attached hereto as **Exhibit C**. After discussion, it was moved by Director Bennett that the Bookkeeper's Report be approved and the disbursements listed therein be approved for payment. Director Marshall seconded said motion, which unanimously carried.

### **UNCLAIMED PROPERTY REPORT**

As the next order of business, the Board considered authorizing certain District consultants to research their files for unclaimed property being held by the District and authorizing the District's Bookkeeper to prepare an Unclaimed Property Report as of March 1, 2023. Mr. Rubinsky advised the Board that the District's Tax Assessor-Collector, in addition to the Bookkeeper, will review its records and provide the Bookkeeper with a current listing of any unclaimed property in the District's accounts for preparation of the Unclaimed Property Report. He further advised the Board that the District's Bookkeeper and/or Tax Assessor-Collector will file the report, if necessary, with the State Comptroller of Texas and escheat any unclaimed funds to the State. After discussion on the matter, Director Ragan moved that the District's Tax Assessor-Collector, in addition to the Bookkeeper, be authorized to provide current listings of any and all unclaimed property to the Bookkeeper and that, should any unclaimed property exist, the Bookkeeper and/or Tax Assessor Collector be authorized to file an Unclaimed Property Report with the State of Texas by July 1, 2023. Director Marshall seconded said motion, which unanimously carried.

### **OPERATIONS AND MAINTENANCE REPORT**

Ms. Alaqueinez presented to and reviewed with the Board the Operations and Maintenance Report for the month of February 2023, a copy of which is attached hereto as **Exhibit D**, and discussed with the Board the various matters contained therein. Ms. Alaqueinez then presented to and reviewed with the Board the list of delinquent accounts for the prior month. Ms. Alaqueinez was instructed by the Board to disconnect and lock meters relative to two (2) accounts should they remain unpaid. Following discussion, the Board concurred that no action was necessary at this time in connection the Operations and Maintenance Report.

### **DISCUSSION REGARDING CITY OF MISSOURI MATTERS**

The Board noted that no representative of the City of Missouri City was in attendance at today's Board meeting and concurred to remove this agenda item at this time.

### **ANNUAL REVIEW OF SURVEY OF WAGE RATE SCALES AND ADOPTION OF RESOLUTION ADOPTING PREVAILING WAGE RATE SCALE FOR CONSTRUCTION PROJECTS**

The Board considered the review of an annual survey of prevailing wage rates for construction projects and the adoption of a Resolution in connection therewith. In that regard, Mr. Rubinsky reported that SPH is recommending that the District adopt the updated wage rate scales published by the United States Department of Labor ("DOL"), in accordance with the Davis-Bacon Act (40 U.S.C. Section 276a *et seq.*). After discussion on the matter, Director Hoxie moved that the DOL wage rate scales effective January 1, 2023 be adopted as the District's prevailing wage rate scale for construction projects, and that the Resolution Adopting Prevailing Wage Rate Scale for Construction Projects, attached hereto as **Exhibit E**, be adopted by the Board. Director Bennett seconded said motion, which unanimously carried.

### **ENGINEERING REPORT**

Mr. Dazey presented to and reviewed with the Board a written Engineering Report dated March 22, 2023, a copy of which is attached hereto as **Exhibit F**, relative to the status of engineering and construction projects within the District. Mr. Dazey recommended that the Board (i) approve Pay Estimate No. 3 in the amount of \$44,429.40 from Division III Constructors relative to the Wastewater Treatment Access Road, and (ii) authorize Quiddity to prepare a proposal for the lead service line inventory to prepare for the compliance date for submission of the inventory on October 16, 2024. After discussion, Director Ragan moved that (i) the above-described Pay Estimate 3 be approved, and (ii) the Engineer be authorized to prepare a proposal for the lead service line inventory. Director Reese seconded the motion, which unanimously carried.

### **CRITICAL LOAD STATUS**

Mr. Rubinsky advised that Section 13.1396 of the Texas Water Code, as amended, requires the District to update its information identifying the location and description of

facilities that have qualified for critical load status and its information regarding emergency contacts (a) annually to each electric utility that provides transmission and distribution service to the District and each retail electric provider that sells power to the District and (b) immediately upon any change in the information to the above entities, as well as to the office of emergency management of Harris County, the Public Utility Commission of Texas, and the division of emergency management of the governor. Mr. Dazey advised that he would provide the annual update and, if required, any changes to the information to the appropriate entities. After discussion on the matter, Director Hoxie moved that Engineer be authorized to make such annual filings on behalf of the District. Director Reese seconded the motion, which unanimously carried.

### **DEVELOPER'S REPORT**

The Board deferred consideration of the developer's report, as no representative of any developer within the District was present at the meeting.

### **CLAIM FROM CITYPARK I, LP**

Mr. Rubinsky noted that SPH had contacted Arthur J. Gallagher ("Gallagher"), the District's insurance carrier, numerous times for an update regarding the status of its review of City Park I, LP's ("CityPark") claim for reimbursement of costs it claims are related to a sewer backup, which the District submitted to Gallagher for its review and handling. The Board discussed Gallagher's lack of response and next steps to resolve this matter.

### **REQUESTS FOR UTILITY COMMITMENTS**

Ms. Rubinsky noted that there had been no request for utility commitments and no action is required of the Board at this time.

### **DISCUSSION REGARDING SECURITY ENHANCEMENTS AND ADDITIONAL LAW ENFORCEMENT SERVICES**

It was noted that there are no new updates regarding proposed security enhancements and additional law enforcement services within the District.

### **ATTORNEY'S REPORT**

The Board next considered the Attorney's Report. Mr. Rubinsky advised that he had nothing additional of a legal nature that was not covered under another agenda item.

### **CLOSED SESSION**

The Board determined it would not be necessary to enter into Closed Session at this time.

**FUTURE AGENDA ITEMS**

The Board considered items for placement on a future agenda. No specific agenda items, other than routine and ongoing matters were requested.

**ADJOURNMENT**

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



(SEAL)

  
Assistant Secretary

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List of Attachments to  
Harris County Municipal Utility District No. 122  
Minutes of Meeting of March 22, 2023

- Exhibit A Tax Assessor-Collector's Report
- Exhibit B Delinquent Tax Report
- Exhibit C Bookkeeper's Report
- Exhibit D Operations and Maintenance Report
- Exhibit E Resolution Adopting Prevailing Wage Rate Scale for Construction Projects
- Exhibit F Engineer's Report