

MINUTES
HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 439

February 9, 2023

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 9th day of February, 2023, 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
Jonathan Reichel	Vice President
Nancy Zimmerman	Secretary
Bonny Beasley	Asst. Vice Pres./ Asst. Secretary
Steven M. Burgess	Asst. Vice Pres./ Asst. Secretary

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

Also attending in person were David Beyer and Karen Sears of Storm Water Solutions, LLC ("SWS"); Shane Stuckey of Stuckey's, LLC ("Stuckey's"); Jason Hajduk of IDS Engineering Group ("IDS"); Derek Davenport of McLennan & Associates, L.P.; Odett Newman of Bob Leared Interests, Inc.; Hannah Brook and Ashley Ramos of Allen Boone Humphries Robinson LLP; and Bryan Sheppard of Pape-Dawson Engineers, Inc. ("Pape-Dawson"), attending via teleconference.

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 12, 2023, regular meeting. Following review and discussion, Director Burgess moved to approve the minutes of the January 12, 2023, regular meeting, as presented. Director Zimmerman seconded the motion, which passed unanimously.

RENEWAL OF DISTRICT'S INSURANCE POLICIES

The Board reviewed a proposal for renewal of the District's insurance policies from McDonald & Wessendorff. After review and discussion, Director Zimmerman

moved to approve the renewal of the District's insurance policies, as reflected in the presented proposal. Director Reichek seconded the motion, which passed unanimously.

FINANCIAL AND BOOKKEEPING MATTERS

Mr. Davenport presented and reviewed the bookkeeper's report, including a list of checks presented for approval, and the District's budget comparison. He noted additional check no. 1104 in the amount of \$14,500.00 made payable to M&M Sisters, LLC related to the waterline easement acquisition project. After review and discussion, Director Burgess moved to approve the bookkeeper's report and payment of the bills, including check no. 1104. Director Reichek seconded the motion, which passed unanimously. A copy of the bookkeeper's report is attached.

ASSOCIATION OF WATER BOARD DIRECTORS CONFERENCE

The Board considered authorizing attendance at the Association of Water Board Directors ("AWBD") summer conference for any interested Director. Following discussion, Director Burgess moved to authorize attendance at the AWBD summer conference. Director Reichek 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 2022 taxes were 84.845% collected as of January 31, 2023. A copy of the tax assessor/collector's report is attached. After review and discussion, Director Zimmerman moved to approve the tax report and payment of the bills from the tax account. Director Reichek 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 Burgess moved to adopt the Resolution Concerning Exemptions from Taxation as presented, which declines granting any exemptions, including residential homesteads in the District. Director Reichek seconded the motion, which passed unanimously.

DETENTION POND MAINTENANCE

Mr. Beyer and Ms. Sears introduced themselves to the Board and then reported on the maintenance of District detention facilities and presented and reviewed an inspection report, a copy of which is attached. Ms. Sears next presented and reviewed an Annual Maintenance Budget, which includes the maintenance of the east detention facility.

Mr. Stuckey presented and reviewed a proposal for the maintenance of the east detention facility.

Mr. Beyer and Mr. Stuckey responded to questions from the Board. Following review and discussion, the Board unanimously concurred to defer award of the east detention facility maintenance contract.

ENGINEER'S REPORT

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

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, stating construction is complete. He reviewed and recommended approval of Pay Estimate No. 23 in the amount of \$148,273.98, submitted by Paskey Incorporated, as recommended by Pape-Dawson.

Mr. Hajduk updated the Board regarding the construction of water, sewer, and drainage facilities to serve Wayside Village, Section 12. He reviewed and recommended approval of Pay Estimate No. 2 in the amount of \$70,650.93, submitted by Clearwater Utilities, Inc. ("Clearwater"), as recommended by Pape-Dawson.

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 No. 23 in the amount of \$148,273.98 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; and (3) approve Pay Estimate No. 2 in the amount of \$70,650.93 for the construction of water, sewer, and drainage facilities to serve Wayside Village, Section 12 project, as recommended by Pape-Dawson. Director Reichel seconded the motion, which passed unanimously.

ACCEPT DEEDS AND EASEMENTS

Ms. Brook presented a proposal from Berg-Oliver Associates, Inc. in the amount of \$2,900.00 for performance of a Phase I Environmental Site Assessment for a 39.124-acre detention basin.

The Board reviewed a 0.226-acre Water Line Easement, a 0.009-acre Storm Sewer Easement, a 0.009-acre and 0.11-acre Sanitary Sewer Easement, and 0.172-acre Temporary Access Easement (collectively, the "Easements") to be granted to the District from Rausch Coleman Homes Houston, LLC.

Ms. Brook reported that M&M Sisters, LLC accepted payment from the District in the amount of \$14,500.00 for the 0.154-acre Water Line Easement.

Following review and discussion, Director Zimmerman moved to (1) approve the proposal from Berg-Oliver Associates, Inc. for performance of a Phase I Environmental Site Assessment; and (2) accept the Easements, as discussed. Director Reichek seconded the motion, which passed unanimously.

DEVELOPMENT IN THE DISTRICT

There was no additional report on development within the District.

ATTORNEY'S REPORT

There was no additional attorney report.

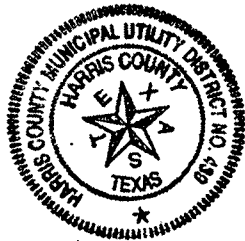
CONVENE IN EXECUTIVE SESSION PURSUANT TO SECTION 551.074 OF THE TEXAS GOVERNMENT CODE

The Board convened in executive session at 12:53 p.m. pursuant to Section 551.074 of the Texas Government Code.

RECONVENE IN OPEN SESSION AND AUTHORIZE APPROPRIATE ACTION REGARDING MATTERS DISCUSSED IN EXECUTIVE SESSION

The Board reconvened in open session at 1:18 p.m. The Board took no action.

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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