

MINUTES
HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 439

July 14, 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 14th day of July, 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
Jonathan Reichek	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, except Director Kramer, thus constituting a quorum.

Also attending in person or by telephone were Seth Page of Ashton Woods Homes; Amanda Edmondson of Pape-Dawson Engineers, Inc. ("Pape-Dawson"); Jason Hajduk of IDS Engineering Group ("IDS"); Derek Davenport of McLennan & Associates, L.P.; Odett Newman of Bob Leared Interests, Inc. ("BLI"); and Hannah Brook and Ashley Ramos of Allen Boone Humphries Robinson LLP ("ABHR").

PUBLIC COMMENTS

Director Reichek 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 Reichek moved to the next agenda item.

MINUTES

The Board considered approving the minutes of the June 9, 2022, regular meeting. Following review and discussion, Director Burgess moved to approve the minutes of the June 9, 2022, regular meeting, as presented. Director Zimmerman 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. After review

and discussion, Director Burgess moved to approve the bookkeeper's report and payment of the bills. Director Beasley seconded the motion, which passed unanimously. A copy of the bookkeeper's report is attached.

AUTHORIZE ATTENDANCE AT ASSOCIATION OF WATER BOARD DIRECTORS ("AWBD") WINTER CONFERENCE

The Board considered authorizing attendance at the upcoming AWBD winter conference in Austin, Texas. After review and discussion, Director Zimmerman moved to authorize attendance at the AWBD winter conference. Director Burgess 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 June, including the checks presented for payment. She reported that the District's 2021 taxes are 98.9% collected through June 30, 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 Burgess seconded the motion, which passed unanimously.

ADOPT RESOLUTION REGARDING DEVELOPMENT STATUS FOR 2022 TAX YEAR

Ms. Brook discussed the "truth-in-taxation" property tax calculations and tax levy process for water districts and stated that Chapter 49 of the Texas Water Code establishes three main categories for water districts, based on a district's development status and/or tax rate. She reviewed the definitions for each of the three categories and said the Board must annually determine the District's category for that tax year and follow the associated notice and levy provisions in the Texas Water Code.

Discussion ensued regarding the District's development status. After fully considering relevant data, information, and statutory definitions, the Board determined that the District is a Developing District for the 2022 tax year.

Following review and discussion, Director Zimmerman moved to adopt a Resolution Regarding Development Status for 2022 Tax Year establishing the District as a Developing district for the 2022 tax year, pursuant to Section 49.23603, Texas Water Code, and direct that the Resolution be filed appropriately and retained in the District's official records. 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, stating the project is substantially complete. He reviewed and recommended approval of Pay Estimate No. 15 in the amount of \$273,674.24, 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. 18 in the amount of \$96,745.78, submitted by Paskey, as recommended by Pape-Dawson.

Mr. Hajduk updated the Board regarding the construction of water, sewer, and drainage facilities to serve Wayside Village Parker Road Phase I and Wayside Village, Section 6. He reviewed and recommended approval of Pay Estimate No. 5 in the amount of \$10,235.30, submitted by Clearwater Utilities, Inc. ("Clearwater Utilities"), as recommended by Pape-Dawson.

Mr. Hajduk updated the Board regarding the construction of water, sewer, and drainage facilities to serve Wayside Village, Section 11. He reviewed and recommended approval of Pay Estimate No. 5 and Final in the amount of \$69,031.88, submitted by Clearwater Utilities, as recommended by Pape-Dawson. Mr. Hajduk next recommended final acceptance of the project, as recommended by Pape-Dawson.

Mr. Hajduk updated the Board on the Wayside Village 12-inch watermain extension project. He reviewed and recommended approval of the construction plans and specifications for the project, as recommended by Pape-Dawson, and requested Board authorization for Pape-Dawson to advertise the project for bids.

Following review and discussion, and based upon recommendation by the engineer, Director Reichel moved to (1) approve the engineer's report prepared by IDS; (2) approve Pay Estimate No. 15 in the amount of \$273,674.24 for the construction of the Wayside Village East Phase I detention facilities, as recommended by Pape-Dawson; (3) approve Pay Estimate No. 18 in the amount of \$96,745.78 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 Pay Estimate No. 5 in the amount of \$10,235.30 for the construction of water, sewer, and drainage facilities to serve Wayside Village Parker Road Phase I and Wayside Village, Section 6, as recommended by Pape-Dawson; (5)

approve Pay Estimate No. 5 and Final in the amount of \$69,031.88 and approve final acceptance of the construction of water, sewer, and drainage facilities to serve Wayside Village, Section 11 project, as recommended by Pape-Dawson; (6) approve the construction plans and specifications for the Wayside Village 12-inch watermain extension project, as recommended by Pape-Dawson; and (7) authorize Pape-Dawson to advertise the Wayside Village 12-inch watermain extension project for bids. Director Beasley seconded the motion, which passed unanimously.

The Board discussed scheduling a tour of the District.

ACCEPT DEEDS AND EASEMENTS

No deeds or easements were submitted for Board approval.

DEVELOPMENT IN THE DISTRICT

Mr. Page introduced himself to the Board and reported on development in the District.

The Board reviewed an Assignment of Reimbursements and Security Agreement of the Financing and Reimbursement Agreement for Water, Sewer, and Drainage Facilities between the District and Cove Matrix Development, Ltd. ("Cove Matrix"), dated May 24, 2018, for an approximate 40.720-acre tract to LGI Homes-Texas, LLC ("LGI"). Following review and discussion, Director Zimmerman moved to consent to the Assignment of Reimbursements and Security Agreement between Cove Matrix and LGI and authorize execution of the Consent to Assignment of Reimbursement. Director Burgess seconded the motion, which passed unanimously.

ATTORNEY'S REPORT

There was no additional attorney report.

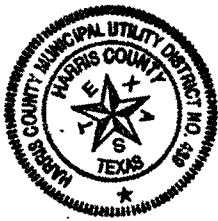
CONVENE IN EXECUTIVE SESSION FOR CONSULTATION WITH ATTORNEY PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE

The Board convened in Executive Session at 12:37 p.m. to consult with the attorney pursuant to Section 551.071, Texas Government Code.

RECONVENE IN OPEN SESSION AND AUTHORIZE APPROPRIATE ACTION

The Board reconvened in open session at 12:42 p.m.

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



Nancy Zimmerman
Secretary, Board of Directors

LIST OF ATTACHMENTS TO MINUTES

	Minutes
	<u>Page</u>
Bookkeeper's report.....	1
Tax Assessor/Collector's Report.....	2
IDS engineering report.....	3