

**HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 401**  
**Minutes of Meeting of Board of Directors**  
**May 16, 2022**

The Board of Directors of Harris County Municipal Utility District No. 401 met at Staybridge Suites, 10011 Farm to Market Road 2920, Harris County, Texas 77385, on May 16, 2022, in accordance with the duly posted notice of meeting, and the roll was called of the duly constituted officers and members of said Board of Directors, as follows:

Blair Fesler, President  
Mark Atchison, Vice-President  
Santee Wright, Secretary  
Roland Massey, Assistant Vice President/Secretary  
Jordan Thomas, Assistant Vice President/Secretary

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

Also present were Jeff Vogler of Vogler and Spencer Engineering, Inc. ("V&S"); Scott Shelnett, Lonnie Wright and Ryan Vaughn of Municipal Operations & Consulting, Inc. ("MOC"); Les Griffith of Champions Hydro-Lawn, Inc. ("Champions"); Stephanie Viator of District Data Services ("DDS"); Robin Goin of Bob Leared Interests, Inc. ("BLI"); Deputy Martinez of the Harris County Precinct Four Constable's Office ("HCCO"); and Kara Richardson of Marks Richardson PC ("MRPC").

The President called the meeting to order.

**CANVASS RETURNS OF DIRECTOR ELECTION**

As the first order of business, the Board considered canvassing the returns of the Directors Election held on May 7, 2022, and declaring the results of said election. Ms. Richardson presented the attached election results to the Board which had been prepared and certified by the Harris County Elections Department. The Board reviewed same and found them to be acceptable in all respects. After discussion, it was duly moved by Director Wright, seconded by Director Massey and unanimously carried that there be passed and adopted the Order Declaring Results of Directors Election held May 7, 2022, attached hereto as Exhibit A, which declares Mark Atchison and Jordan Thomas elected as Directors of the District, each to serve a four (4) year term, or until their successors are duly elected or appointed and qualified and that the President and Secretary of the Board be authorized to execute such Order on behalf of the Board and District.

**ELECTION OF OFFICERS**

The Board next considered the election of officers of the Board of Directors. After discussion, Director Atchison made a motion to re-elect all current officers of the Board to the position that each currently holds. Director Wright seconded the motion, which carried unanimously.

## SECURITY PATROL

The Board next considered the report from the HCCO regarding security services in the District. Deputy Martinez reviewed the Patrol Statistics, a copy of which is attached hereto as Exhibit B. Deputy Martinez discussed various activity within the District over the past month and noted that a traffic initiative was conducted in April. Director Atchison stated that there is a pipeline easement in the Reserve at Inverness neighborhood where there have been recent reports of kids riding four-wheelers, dirt bikes and golf carts on the subject property. He requested that HCCO monitor the situation as he suspects that the activity will increase once school is out for summer.

Deputy Martinez exited the meeting at this time.

## PUBLIC COMMENT

The Board next considered comments from the public. No one present had anything new to report.

## APPROVE MINUTES

The Board next considered approval of the minutes of the Board meeting held on April 18, 2022. After discussion, Director Atchison made a motion to approve the minutes of the meeting of April 18, 2022, as written. Director Thomas seconded the motion, which unanimously carried.

## ACCEPTANCE OF OATHS OF ELECTED DIRECTORS

The Board next considered the acceptance of the Oaths of Office ("Oaths") and Statements of Elected Officer ("Statements") for Directors Atchison and Thomas. Directors Atchison and Thomas took their respective Oaths and executed their respective Statements. Ms. Richardson advised that MRPC will file the Oaths of Directors Atchison and Thomas with the Secretary of State in a timely manner. After discussion, Director Thomas made a motion to accept said Oaths and Statements for Directors Atchison and Thomas and declare them elected for four-year terms. Director Massey seconded the motion, which carried unanimously.

## BOOKKEEPING REPORT

Ms. Viator presented and reviewed the bookkeeper's report dated May 16, 2022, a copy of which is attached hereto as Exhibit C. After discussion, Director Thomas made a motion to approve the bookkeeper's report and to authorize payment for the invoices listed therein. Director Atchison seconded said motion, which carried unanimously.

## TAX ASSESSOR-COLLECTOR'S REPORT

Ms. Goin presented and reviewed the tax assessor-collector's report dated April 30, 2022, a copy of which is attached hereto as Exhibit D. The Board then briefly discussed District taxes reflected as delinquent on the report. Ms. Goin stated that the Harris County Appraisal District will resolve the matter. After discussion on the report presented, Director Atchison made a motion

to approve the tax assessor-collector's report and to authorize payment of the checks listed therein. Director Massey seconded the motion, which carried unanimously.

### DELINQUENT TAX REPORT

Ms. Richardson next presented the delinquent tax report dated May 16, 2022, by the District's delinquent tax attorney, Perdue, Brandon, Fielder, Collins & Mott, LLP, a copy of which is attached hereto as Exhibit E. Director Atchison asked about the outstanding taxes on the Constable account. Ms. Richardson and Ms. Goin agreed to follow up with District's delinquent tax attorney to find out if a lawsuit has been filed.

Director Fesler stated that the Inverness Property Owners Association ("POA") has overpaid water bills by a significant amount, so they have a large credit on several accounts. He asked if the POA can use the credits across all of their accounts. Mr. Wright stated that the POA can use the credits across all accounts.

### FACILITY SITE MAINTENANCE

Mr. Griffith presented and reviewed a detention and drainage facilities report from Champions, a copy of which is attached hereto as Exhibit F. He stated that the most recent service of the District was completed on May 5, 2022.

Mr. Griffith reported that dirt bike activity was noted near the Inverness Estates secondary pond within the past month.

Mr. Griffith presented a quote in the amount of \$1,500 for algae treatment to the Inverness Estates pond and secondary pond. After discussion, Director Thomas made a motion to approve the quote in the amount of \$1,500 for algae treatment to the Inverness Estates pond and secondary pond. Director Atchison seconded the motion, which unanimously carried.

Director Atchison asked if the District should add an additional monthly mowing service during the growing season. Mr. Griffith stated that the District should not add an additional mow because its unusual to have this much growth right now but recommends Champions monitor the situation to determine if it is warranted in the future.

Mr. Griffith next presented the annual storm water quality budget increase in the amount of \$8,800 for 2022-2023. After discussion, Director Thomas made a motion to approve the annual storm water quality budget increase in the amount of \$8,800. Director Atchison seconded the motion, which unanimously carried.

### ENGINEER'S REPORT

Mr. Vogler presented and reviewed the Engineer's Report, attached hereto as Exhibit G.

Mr. Vogler reported on the status of approval of plans and specifications and advertisement of bids for the Willow Creek Trail Extension. He stated that V&S received agency plan approvals. Mr. Vogler requested authorization for V&S to advertise for bids for the project. He also stated that V&S received approval to construct a connecting sidewalk on the POA property. After

discussion, Director Thomas made a motion to authorize V&S to advertise for bids for the Willow Creek Trail Extension project. Director Atchison seconded the motion, which unanimously carried.

Mr. Vogler reported on the status of the construction contract with Alsay Incorporated (“Alsay”) for Water Well No. 2. He stated that the well gravel packing is underway. He also noted that V&S is awaiting a quote for recoating of the diesel generator fuel tank and piping. Mr. Vogler next presented Pay Application No. 4 in the amount of \$252,711 and recommended payment of same. After discussion, Director Thomas made a motion to approve payment of Pay Application No. 4 in the amount of \$252,711, as discussed above. Director Atchison seconded the motion, which unanimously carried. Mr. Vogler noted that Well No. 1 may be shut down temporarily to eliminate methane gas on site and allow for welding of the Well No. 2 casing.

Director Atchison next discussed the pipeline easement in the area where the waterline was laid and stated that there is a mound of dirt in the area where kids are playing and riding dirt bikes and motorized vehicles. Mr. Vogler stated that V&S will investigate the matter.

### OPERATIONS REPORT

Mr. Shelnutt presented and reviewed the operations report for April 2021, a copy of which is attached hereto as Exhibit H. He reported that the District accounted for 93% of the water pumped during the month of April and that the District’s facilities operated in compliance with its respective permits during the month.

Mr. Shelnutt next requested that the Board authorize MOC to turn over one (1) delinquent account totaling \$75.06 to Collections Unlimited (“CU”), as shown on the list attached to the Operator’s Report. After discussion, Director Thomas made a motion to authorize MOC to turn over the one (1) subject account to CU, as set out above. Director Atchison seconded the motion, which passed unanimously.

Mr. Shelnutt reported that MOC is waiting on parts for the repairs to the Flygt 5 horsepower chlorine mixer motor which are expected to arrive in June.

Mr. Shelnutt reported that MOC is waiting on parts for the replacement of three hundred ninety-two (392) end points.

Mr. Shelnutt reported that the two-inch (2”) meters were replaced with E-Series electronic meters.

Mr. Shelnutt reported that the fire hydrants repairs are in process.

Director Atchison stated that the fencing around the box culverts appears to be weathered and may need repair. Mr. Shelnutt stated that MOC will investigate the matter and make an assessment.

APPROVE CONSUMER CONFIDENCE REPORT

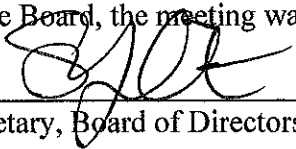
The Board next considered approval of the Consumer Confidence Report and authorization to distribute same to District customers. After discussion, Director Atchison made a motion to approve the Consumer Confidence Report, subject to MRPC's review and approval, and to authorize the operator to include a link on water bills to District customers. Director Massey seconded the motion, which passed unanimously.

ITEMS FOR FUTURE AGENDAS

The Board next considered items for future agendas.

ADJOURN

There being no further business to come before the Board, the meeting was adjourned.

  
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Secretary, Board of Directors

ATTACHMENTS TO MINUTES OF BOARD OF DIRECTORS  
May 16, 2022

- A. Order Declaring Results
- B. Patrol Report
- C. Bookkeeper's Report
- D. Tax Assessor-Collector Report
- E. Delinquent Tax Report
- F. Detention and Drainage Facilities Report including quote and storm water quality budget
- G. Engineer's Report
- H. Operations Report