

MINUTES  
HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 439

January 11, 2024

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 11<sup>th</sup> day of January, 2024, at the offices of Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, Suite 2600, Houston, Texas, outside the boundaries of the District, 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, thus constituting a quorum.

Also attending in person were Eve Blakemore of IDS Engineering Group ("IDS"); Derek Davenport of McLennan & Associates, L.P.; Odett Newman of Bob Leared Interests, Inc.; Karen Sears of Storm Water Solutions, LLC ("SWS"); and Hannah Brook and Sydney Durham of Allen Boone Humphries Robinson LLP ("ABHR").

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 December 14, 2023, regular meeting. Following review and discussion, Director Burgess moved to approve the minutes of the December 14, 2023, regular meeting, as presented. Director Beasley 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. 1161 in the amount of \$3,916.50 made payable to ABHR. After review and discussion, Director Burgess moved to approve the bookkeeper's report and payment of the bills, including check no. 1161. Director Beasley seconded the motion, which passed unanimously. A copy of the bookkeeper's report is attached.

## ANNUAL DISCLOSURE STATEMENTS

In accordance with the District's Investment Policy, the Board considered the annual disclosure statements of Jorge Diaz and Bisma Sohail as the District's bookkeeper and investment officer, respectively. Ms. Brook explained that the statements disclose any relationships with entities or individuals who are offering, have offered, or may offer to engage in an investment transaction with the District, and the disclosure statements will be filed with the Texas Ethics Commission and the District. After review and discussion, Director Beasley moved to accept the disclosure statements as presented and to authorize they be appropriately filed. Director Reichel seconded the motion, which passed unanimously.

## ANNUAL REPORT REGARDING POST-ISSUANCE COMPLIANCE POLICY

Ms. Brook reported on the District's compliance activities during the prior calendar year related to bond financings. Ms. Brook stated that no corrective action is required at this time.

## TAX ASSESSOR/COLLECTOR'S REPORT

Ms. Newman presented and reviewed the tax assessor/collector's report for the month of December, including the checks presented for payment. A copy of the tax assessor/collector's report is attached. After review and discussion, Director Burgess moved to approve the tax report and payment of the bills from the tax account. Director Beasley seconded the motion, which passed unanimously.

## ENGINEER'S REPORT

Ms. Blakemore reviewed an engineering report from IDS, a copy of which is attached.

Ms. Blakemore updated the Board regarding construction of water, sewer, and drainage to serve Wayside Village, Section 9 and Parker Road Phase II, and reviewed Pape Dawson's recommendation that the Board approve Pay Estimate No. 4 and Final in the amount of \$39,345.44, payable to Clearwater Utilities, Inc. ("Clearwater").

Ms. Blakemore updated the Board regarding construction of the water, sewer, and drainage to serve Wayside Village, Section 5, and reviewed Pape Dawson's recommendation that the Board approve Pay Estimate No. 1 in the amount of \$260,672.85, payable to Clearwater.

Ms. Blakemore updated the Board regarding preparation of and planning for Bond Application No. 2.

Following review and discussion, and based upon recommendation by the engineer, Director Burgess moved to (1) approve the engineer's report prepared by IDS; and (2) approve the pay estimates discussed above, as recommended by Pape Dawson. Director Zimmerman seconded the motion, which passed unanimously.

#### DETENTION POND MAINTENANCE

Ms. Sears reported on the maintenance of District detention facilities and presented and reviewed an inspection report, a copy of which is attached. Following review and discussion, Director Burgess moved to approve the inspection report. Director Reichek seconded the motion, which passed unanimously.

#### ACCEPT DEEDS AND EASEMENTS

There was no discussion for this agenda item.

#### DEVELOPMENT IN THE DISTRICT

There was no discussion for this agenda item.

#### 2024 DIRECTORS ELECTION

Ms. Brook discussed procedures related to the 2024 Directors Election. She reviewed a Resolution Designating an Agent of the Secretary of the Board of Directors During the 2024 Directors Election Period.

Ms. Brook reported on requirements to file a Notice of Deadline to File Applications for Place on the Ballot for the 2024 Directors Election.

Ms. Brook explained that the Harris County Clerk notified the District that Harris County will not contract with political subdivisions, such as the District, to administer the District's May 2024 Directors Election. She stated that, as a result, the District will not contract with Harris County, but instead the District will administer its own election.

Ms. Brook discussed exemptions from using electronic voting systems during the 2024 Directors Election. She stated that the basis of the District's exemption is that the 2022 Directors Election was cancelled.

The Board discussed pay for election officials during the 2024 Directors Election.

Following review and discussion, Director Burgess moved to (1) adopt a Resolution Designating an Agent of the Secretary of the Board During the 2024 Directors Election Period appointing Sydney Durham as the agent of the Secretary of the Board of Directors to perform the duties of the District's Directors Election and authorize the agent to post the related notice as required; (2) authorize the Secretary's agent to post the Notice of Deadline to File Applications for Place on the Ballot for the 2024 Directors Election as required; (3) moved to authorize the Secretary's agent to publish Notice of Exemption in a newspaper of general circulation; and (4) moved to set the pay for election officials at \$18.00 per hour. Director Beasley seconded the motion, which passed unanimously.

#### ATTORNEY'S REPORT

There was no discussion for this agenda item.

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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