

MINUTES
HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 439

August 10, 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 10th day of August, 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 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 Nancy Villarreal of McCall Gibson Swedlund Barfoot PLLC; Eve Blakemore 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 ("ABHR"); 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 July 13, 2023, regular meeting. Following review and discussion, Director Burgess moved to approve the minutes of the July 13, 2023, regular meeting, as presented. Director Reichek seconded the motion, which passed unanimously.

AUDIT FOR FISCAL YEAR END APRIL 30, 2023

Ms. Villarreal presented and reviewed the draft audit for fiscal year end April 30, 2023. Following review and discussion, Director Reichek moved to approve the audit

for fiscal year end April 30, 2023, subject to final review. Director Beasley 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 Reichek moved to approve the bookkeeper's report and payment of the bills. Director Burgess seconded the motion, which passed unanimously. A copy of the bookkeeper's report is attached.

TAX ASSESSOR/COLLECTOR'S REPORT

Ms. Newman presented and reviewed the tax assessor/collector's report for the month of July, including the checks presented for payment. She reported that the District's 2022 taxes were 99.5% collected as of July 31, 2023. 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 Reichek seconded the motion, which passed unanimously.

DISCUSS 2023 TAX RATE

Discussion of this agenda item was deferred to the next meeting.

DETENTION POND MAINTENANCE

There was no report on maintenance of District detention facilities.

ENGINEER'S REPORT

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

Ms. Blakemore updated the Board regarding the construction of water, sewer, and drainage facilities to serve Wayside Village, Section 5. She stated that bids were received for the construction of water, sewer, and drainage facilities to serve Wayside Village, Section 5. Ms. Blakemore recommended that the Board award the contract to Clearwater Utilities, Inc. ("Clearwater") in the amount of \$1,594,190.59, as recommended by Pape-Dawson. The Board concurred that, in its judgment, Clearwater was a responsible bidder who would be most advantageous to the District and would result in the best and most economical completion of the project.

Ms. Blakemore updated the Board regarding the construction of water, sewer, and drainage facilities to serve Wayside Village, Section 12. She reviewed and

recommended approval of Pay Estimate No. 3 and Final in the amount of \$70,963.62, submitted by Clearwater, as recommended by Pape-Dawson. Ms. Blakemore then reviewed and recommended approval of Change Order No. 2 to the contract with Clearwater for the construction of water, sewer, and drainage facilities to serve Wayside Village, Section 12 to decrease the contract in the amount of \$3,680.00 for the repair of a damaged sanitary sewer lead at 10611 Bird of Paradise Road and the reduction of unused bid items. The Board determined that Change Order No. 2 is beneficial to the District.

Ms. Blakemore updated the Board regarding the construction of water, sewer, and drainage facilities to serve Wayside Village, Section 13. She stated that bids were received for the construction of water, sewer, and drainage facilities to serve Wayside Village, Section 13. Ms. Blakemore recommended that the Board award the contract to Clearwater in the amount of \$796,439.20, as recommended by Pape-Dawson. The Board concurred that, in its judgment, Clearwater was a responsible bidder who would be most advantageous to the District and would result in the best and most economical completion of the project.

Ms. Blakemore updated the Board regarding the construction of water, sewer, and drainage facilities to serve Wayside Village, Section 14. She reviewed and recommended approval of the construction plans and specifications for the project, as recommended by Pape-Dawson, and requested Board authorization to advertise the project for bids.

Ms. Blakemore updated the Board on the Wayside Village 12-inch watermain extension project. She reviewed and recommended approval of Pay Estimate No. 2 in the amount of \$33,122.25, submitted by Carter Construction, LLC, as recommended by Pape-Dawson.

Ms. Blakemore reported on the preparation of bond application no. 2.

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) award the contract for the construction of water, sewer, and drainage facilities to serve Wayside Village, Section 5 to Clearwater in the amount of \$1,594,190.59, based upon Pape Dawson's recommendation and receipt of the payment and performance bonds and the certificate(s) of insurance and endorsements, if any, provided by the contractor; (3) approve Pay Estimate No. 3 and Final in the amount of \$70,963.62 for the construction of water, sewer, and drainage facilities to serve Wayside Village, Section 12, as recommended by Pape-Dawson; (4) approve Change Order No. 2 in the amount of \$3,680.00 as a decrease to the contract with Clearwater for the construction of water, sewer, and drainage facilities to serve Wayside Village, Section 12, based upon the Board's finding that the Change Order is beneficial to the District and Pape-Dawson's recommendation; (5) award the contract for the construction of water, sewer, and

drainage facilities to serve Wayside Village, Section 13 to Clearwater in the amount of \$796,439.20, based upon Pape-Dawson's recommendation and receipt of the payment and performance bonds and the certificate(s) of insurance and endorsements, if any, provided by the contractor; (6) approve the construction plans and specifications for the construction of water, sewer, and drainage facilities to serve Wayside Village, Section 14, as recommended by Pape-Dawson, and authorize advertisement of the project; and (7) approve Pay Estimate No. 2 in the amount of \$33,122.25 for the Wayside Village 12-inch watermain extension project, as recommended by Pape-Dawson. Director Beasley seconded the motion, which passed unanimously.

ACCEPT DEEDS AND EASEMENTS

No deeds or easements were submitted for Board approval.

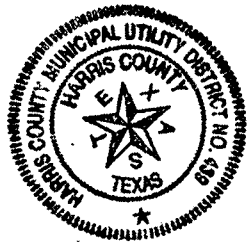
DEVELOPMENT IN THE DISTRICT

There was no report on development within the District.

ATTORNEY'S REPORT

There was no attorney report.

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



Mary Zimmerman
Secretary, Board of Directors

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