

MINUTES OF MEETING OF
HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 70,
OF HARRIS COUNTY, TEXAS
April 25, 2024

The Board of Directors (the "Board") of Harris County Municipal Utility District No. 70, of Harris County, Texas (the "District") met in regular session on April 25, 2024, in accordance with the duly posted notice of meeting, and the roll was called of the duly constituted officers and members of the Board, as follows:

Stephanie Peters, President
Ron Sanches, Vice President
Rudolph Lange, Secretary
Rachel Knight, Assistant Secretary
Ronald Garcia, Assistant Secretary

All of said persons were present, except Director Knight, thus constituting a quorum.

Also present at the meeting were: David Selesky of Green for Life Environmental ("GFL"); Rachel Broom of Cobb Fendley & Associates, Inc. ("CobbFendley"); Sam Cocke of Double Oak Erosion ("DOE"); Chuck Brandman of Harris County Municipal Utility District No. 264 ("No. 264"); Dennis Eby, District Engineer for Harris County Municipal Utility District No. 144 ("No. 144"); Darrell Hawthorne of Municipal Accounts & Consulting, L.P. ("MA&C"); Lonnie Wright and Ryan Vaughn of Municipal Operations & Consulting, Inc. ("MOC"); Brenda McLaughlin of Bob Leared Interests ("BLI"); and Spencer Creed of Schwartz, Page & Harding, L.L.P. ("SPH").

The meeting was called to order and declared open for such business as might regularly come before it.

JOINT SEWAGE TREATMENT PLANT COMMITTEE MEETING

MINUTES

The Joint Sewage Treatment Plant Committee portion of the minutes of the District's March 28, 2024, Board meeting were considered. No comments were offered regarding same.

ENGINEERING REPORT

Ms. Broom presented a written Engineering Report for the Joint Sewage Treatment Plant Committee Meeting, a copy of which report is attached hereto as **Exhibit A**, and noted that there was nothing new to report at this time.

OPERATIONS REPORT

Mr. Wright presented and reviewed the Wastewater Treatment Plant ("WWTP") Operations Report for the month of March 2024, a copy of which report is attached hereto as **Exhibit B**, and discussed same with the Board.

Mr. Wright followed up on the discussion last month regarding Mr. Eby's inquiry to Mr. Vaughn and Mr. Wright as to the work related to the February 15, 2024 entry on page 7 of the Operations Report, in connection with the contractor who serviced the screw screen at the head works. Mr. Wright confirmed that the repair work had not been covered by the original warranty.

Mr. Wright reviewed a copy of the Thermographic Study Report, a copy of which is included with the Operations Report. He noted that the report is representative of what was found, but not comprehensive. He further noted that the work reflected in the report has been completed.

Mr. Eby inquired about the blower work included on the bill, the details of the work and whether the work was considered to be routine maintenance. Mr. Wright provided the details of the work and noted that MOC recommends the work be completed every three to four years. Mr. Eby then suggested that the scheduled maintenance be included in a maintenance log for reference. After discussion, the Board concurred to add the blower maintenance schedule to the maintenance log, commencing with the service recently completed.

BOOKKEEPER'S REPORT

Mr. Hawthorne presented to and reviewed with the Board the Joint Sewage Treatment Plant ("JSTP") Bookkeeper's Report for April 25, 2024, a copy of which report is attached hereto as **Exhibit C**, including the disbursements presented for payment. After discussion, it was moved by Director Sanches that the JSTP Bookkeeper's Report be approved and that the disbursements identified in the report be authorized for payment. Director Peters seconded said motion, which unanimously carried.

JOINT SEWAGE TREATMENT PLANT ATTORNEY REPORT

The Board next considered the attorney's report. Mr. Creed queried Mr. Brandman and Mr. Eby as to the status of their respective districts relative to the acceptance and execution of the Memorandum of Understanding Concerning Operational Procedures for Joint Sewage Treatment Plant Advisory Committee (the "MOU"). Mr. Brandman reported that the No. 264 Board has approved the MOU and Adisa Harrington of Aller, Boone & Humphries Robinson, LLP, the attorneys for No. 264, will be in contact with SPH regarding the delivery of executed copies of the MOU. Mr. Eby reported that No. 144 has also approved the MOU and will be in touch with SPH on the delivery of the executed copy of the MOU.

DISTRICT MEETING

The President then called the District Board meeting to order and declared it open for such business as might regularly come before it.

COMMENTS FROM THE PUBLIC

The Board deferred consideration of comments from the public, as no comments were offered.

MINUTES

The Board considered approving the minutes of the District's March 28, 2024, Board meeting. After discussion, Director Lange moved that the March 28, 2024, Board meeting minutes be approved as written. Director Garcia seconded said motion, which unanimously carried.

HARRIS COUNTY SHERIFF'S OFFICE ("HCSO") SECURITY ACTIVITY REPORT

The Board considered the April 2024 HCSO Security Activity Report, a copy of which report is attached hereto as **Exhibit D**. No action required was by the Board.

Mr. Creed next presented to and reviewed with the Board a notice of Fiscal Year 2025 Rate Increase, advising the Board of a five percent (5%) increase for Law Enforcement Services to become effective on October 1, 2024. A copy of such notice is attached to the HCSO Security Activity Report.

BOOKKEEPER'S REPORT

Mr. Hawthorne presented to and reviewed with the Board the Bookkeeper's Report dated April 25, 2024, a copy of which report is attached hereto as **Exhibit E**, including the disbursements listed therein. After discussion, it was moved by Director Sanches that the report be approved and that the disbursements identified in the report be authorized for payment, with the exception of check number 15022, which will be voided. Director Peters seconded said motion, which unanimously carried.

TAX ASSESSOR/COLLECTOR'S REPORT

Ms. McLaughlin presented and reviewed the Tax Assessor/Collector's Report for March 31, 2024, including the disbursements presented for payment as listed therein, a copy of which report is attached hereto as **Exhibit F**. Ms. McLaughlin requested approval of check numbers: 1146, 1147 and 1148 payable to Harris County Central Appraisal District ("HCAD"). She explained that they are holding checks for the payment of the HCAD quarterly invoices when they are received. After discussion, Director Peters moved that said report be approved, that the disbursements identified in the report be approved for payment from the tax account and holding

checks numbers: 1146, 1147 and 1148 payable to HCAD be approved and held until the HCAD quarterly invoices are received. Director Lange seconded said motion, which unanimously carried.

DELINQUENT TAX COLLECTIONS ATTORNEY'S REPORT

Mr. Creed presented to and reviewed with the Board a Delinquent Tax Report received from Perdue, Brandon, Fielder, Collins & Mott, LLP ("Perdue"), the District's delinquent tax collections attorneys, dated April 25, 2024, a copy of which Report is attached hereto as **Exhibit G**. Mr. Creed advised that, according to the report, no Board action was necessary at this time.

RESOLUTION AUTHORIZING AN ADDITIONAL PENALTY ON DELINQUENT REAL PROPERTY TAXES

The Board considered the adoption of a Resolution Authorizing an Additional Penalty on Delinquent Real Property Taxes. Mr. Creed advised that the Board is authorized pursuant to Section 33.07 of the Texas Tax Code, as amended, to impose, under certain conditions on July 1, an additional penalty not to exceed twenty percent (20%) of the total taxes, penalty and interest due the District on taxes that remain delinquent as of July 1 of the year in which they became delinquent. He noted that the additional penalty to be imposed by this Resolution will not apply to delinquent personal property taxes which have incurred an additional penalty pursuant to that certain Resolution Authorizing an Additional Penalty on Delinquent Personal Property Taxes, which was passed and approved by the District on January 25, 2024. After further discussion, it was moved by Director Peters, seconded by Director Garcia, and unanimously carried, that the Resolution Authorizing an Additional Penalty on Delinquent Real Property Taxes, attached hereto as **Exhibit H**, be adopted by the District, and that Perdue be authorized to proceed with the collection of the District's 2023 delinquent real property tax accounts on July 1, 2024, subject to proper notice having been given as provided in said Resolution, including the filing of lawsuits as necessary.

OPERATIONS REPORT

Mr. Wright presented and reviewed the Operations Report for the month of March, 2024, a copy of which report is attached hereto as **Exhibit I**, and discussed same with the Board.

Mr. Wright next presented to and reviewed with the Board the list of delinquent accounts for the prior month. He requested authorization to write off two (2) accounts in the amount of \$245.30, since all collection efforts to date had been unsuccessful. After discussion on the matter, Director Lange moved that MOC be authorized to write off two (2) delinquent accounts in the amount of \$245.30, as more fully set forth in the attached Operations and Maintenance Report, and as recommended by the District's Operator. Director Peters seconded said motion, which unanimously carried.

Director Lange reported the existence of a sinkhole in the park and he believes the leak might be from a sanitary sewer line. Mr. Wright advised that MOC will inspect and repair the sinkhole.

Mr. Wright then reviewed with the Board an annual report prepared by MOC regarding the District's Identity Theft Prevention Program (the "Program"), a copy of which report is included with **Exhibit J**, addressing the District's experience with identity theft during the prior year, current identity theft methods, the types of accounts maintained by the District and the District's business arrangements with other entities. Mr. Wright advised that MOC recommends no changes be made to the District's Program at this time. The Board concurred with such recommendation.

RATIFICATION OF PRIOR ACTION AUTHORIZING MOC TO PREPARE A DRAFT 2023 CONSUMER CONFIDENCE REPORT; APPROVE REPORT AND AUTHORIZE DISTRIBUTION OF SAME TO CONSUMERS

The Board next considered the ratification of its prior action authorizing MOC to prepare a draft 2023 Consumer Confidence Report (the "CCR") on behalf of the District. After discussion, Director Garcia moved that the Board's prior action regarding authorizing MOC to prepare a draft CCR be ratified and approved in all respects. Director Peters seconded said motion, which carried unanimously.

Mr. Wright next presented to and reviewed with the Board a draft CCR for review. Mr. Creed noted that the draft CCR has not yet been reviewed by SPH and recommended that the CCR be approved subject to final review and approval by SPH. The Board requested the final CCR be placed on the District's website. After discussion on the matter, it was moved by Director Garcia, seconded by Director Peters and unanimously carried, that: (i) the draft CCR be approved and distributed to customers prior to the applicable deadline, subject to final review and approval by SPH for compliance with the regulatory requirements, and (ii) that the final CCR be included on the District's website. Mr. Wright noted that the recent UCMRS testing has been included in the most current draft of the CCR.

REVIEW WATER CONSERVATION PLAN

Mr. Creed discussed with the Board the requirements of Chapter 288 of the Texas Administrative Code for retail public water suppliers such as the District to review and, if appropriate, revise their Water Conservation Plan (the "WC Plan") not later than May 1, 2024, and every five years thereafter. Mr. Wright advised that MOC has reviewed the District's current WC Plan and is not recommending any revisions to such plan at this time. After discussion on the WC Plan, Director Peters moved that the District adopt a Resolution Regarding Review of Water Conservation Plan attached hereto as **Exhibit K**. Director Sanches seconded such motion, which passed unanimously.

REVIEW DROUGHT CONTINGENCY PLAN

Mr. Creed discussed with the Board the requirements of Title 30, Section 288.30 of the Texas Administrative Code for retail public water suppliers such as the District to review and, if appropriate, revise their Drought Contingency Plan (the "Plan") not later than May 1, 2024, and every five years thereafter. Mr. Wright advised that MOC has reviewed the District's current Plan and is not recommending any revisions to such Plan at this time. After discussion on the Plan, Director Peters moved that the District adopt a Resolution Regarding Review of Drought Contingency Plan attached hereto as **Exhibit L**. Director Sanchez seconded such motion, which passed unanimously.

ENGINEERING REPORT

Ms. Broom presented to and reviewed with the Board a written Engineering Report for the District, a copy of which report is attached hereto as **Exhibit M**.

Ms. Broom reported that Bond Application Report No. 13 has been declared administratively complete by the Texas Commission on Environmental Quality.

Ms. Broom then updated the Board regarding the Waterline Replacement Project.

DRAINAGE FACILITY MAINTENANCE REPORT

Mr. Cocke presented to and reviewed with the Board a Maintenance Report prepared by DOE dated April 25, 2024, a copy of which report is attached hereto as **Exhibit N**.

Mr. Cocke presented an aerial photo of the reserve where five signs prohibiting unauthorized motor vehicles will be installed at a cost of \$200 per sign. He noted that one additional sign will be retained for replacement purposes. After discussion, Director Sanchez moved to authorize DOE to install the signs in the locations as discussed for a cost not to exceed \$1,000. Director Lange seconded the motion, which carried unanimously.

UTILITY COMMITMENTS

The Board deferred action regarding utility commitments as no requests were made this month.

STATUS REPORT FROM GFL ENVIRONMENTAL REGARDING GARBAGE COLLECTION SERVICE

Mr. Selesky introduced himself and presented to and reviewed with the Board GFL Environmental's ("GFL") report for the month of March 2024, a copy of which report is attached hereto as **Exhibit O**. No action was taken by the Board in regard to the report.

The Board next discussed the schedule for soliciting bids from solid waste and recycling collection providers, the parameters for the bids, and a list of companies to request a bid from.

After discussion, Director Sanches moved: (i) to authorize SPH to solicit bids from GFL, Best Trash, L.L.C, Republic Services of Houston, Texas Pride Disposal, and Champions Industries, Inc.; (ii) that trash collection bids should address: a service option which includes the cost of a trash bin furnished by the company, an alternative service option which assumes bins are provided by residents, and with service on the same two days currently utilized by District, which are Wednesday and Saturday; (iii) that recycling collection bids should address: the cost of a recycle bin furnished by the company, and with service on the day currently utilized by District, which is Wednesday; (iv) heavy/bulky waste should be collected two times per week (on each service day); and (v) the proposed contract term should be included in the bid. The Board further requested that all proposals be received by SPH by 5:00 p.m. on Friday May 17, 2024 and noted that no personal presentations will be considered. Director Lange seconded the motion, which carried unanimously.

DISTRICT WEBSITE

The Board deferred consideration of an Off Cinco Analytics Report, as no report was provided for distribution at the meeting.

EXECUTIVE SESSION

The Board determined it would not be necessary to enter into Closed Session pursuant to Texas Government Code Sections 551.071 and/or 551.076.

COMMUNICATIONS WITH HOMEOWNER'S ASSOCIATIONS ("HOA")

Director Lange reported on the status of the creation of reciprocal website links between the District and the Westgate Homeowner's Association (the "HOA"). Director Lange further reported that he is working on getting approval to do the same with the Paddock Homeowner's Association.

Mr. Selesky exited the meeting at this time.

ATTORNEY'S REPORT

The Board considered the Attorney's Report. In connection therewith, Mr. Creed presented to and discussed with the Board a memorandum prepared by SPH, a copy of which is attached hereto as **Exhibit P**, regarding the use of social media by public officials. In connection therewith, Mr. Creed advised the Board that directors should exercise caution when posting about District-related matters on their personal social media pages in light of recent U.S. Supreme Court cases, as further discussed in the memorandum.

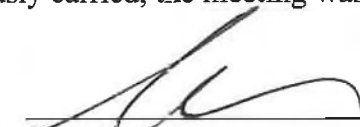
FUTURE AGENDA MATTERS

The Board considered items for placement on a future agenda. No specific agenda items, other than routine and ongoing matters and matters noted earlier in the meeting were requested.

ADJOURNMENT

There being no further business to come before the Board, upon motion made by Director Garcia, seconded by Director Peters and unanimously carried, the meeting was adjourned.




Secretary

LIST OF ATTACHMENTS TO MINUTES

- Exhibit A Engineering Report – Joint Wastewater Treatment Plant Committee
- Exhibit B Wastewater Treatment Plant Operations Report
- Exhibit C Joint Sewage Treatment Plant Bookkeeper's Report
- Exhibit D Security Activity Report and Fiscal Year 2025 Rate Increase
- Exhibit E Bookkeeper's Report
- Exhibit F Tax Assessor/Collector's Report
- Exhibit G Tax Assessor/Collector's Report
- Exhibit H Operations Report
- Exhibit I Operations Report
- Exhibit J Identity Theft Prevention Program Report
- Exhibit K Resolution Regarding Review of Water Conservation Plan
- Exhibit L Resolution Regarding Review of Drought Contingency Plan
- Exhibit M Engineering Report
- Exhibit N Double Oak Erosion Maintenance and Inspection Report
- Exhibit O GFL Environmental's February 2024 Report
- Exhibit P GFL Environmental's February 2024 Report