

HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 249

Minutes of Meeting of Board of Directors  
July 15, 2021

The Board of Directors (the "Board") of Harris County Municipal Utility District No. 249 (the "District") met in regular session, open to the public on July 15, 2021, in accordance with the duly posted Notice of Public Meeting, and the roll was called of the duly constituted officers and members of the Board, as follows:

Ralph V. Palermo, President  
Willie Hodge, Vice President  
Norman Adamek, Secretary  
Michael Guillory, Assistant Secretary  
Diana Moore, Assistant Secretary

all of whom were present, and all participated in the meeting via telephone conference call, thus constituting a quorum.

Also attending the meeting via telephone conference call were: John Davis of Langford Engineering, Inc. ("Langford"); Eric Thiry of Environmental Development Partners, L.L.C. ("EDP"); Jordan Weyand of Municipal Accounts & Consulting, L.P. ("MAC"); Odett McMullen of Bob Leared Interests, Inc. ("BLI"); Michael Murr of Murr Incorporated ("MI"); Michelle Johnson of Touchstone District Services, LLC ("Touchstone"); Kathryn Foss and Rose Montalbano of Municipal Financial Services, LLC; Cindy Adamek, a resident of the District; and Christopher Skinner and Rick Barker of Schwartz, Page & Harding, L.L.P. ("SPH"), some of whom joined the meeting after the call to order as noted below.

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

**EXPLANATION OF TELEPHONE CONFERENCE CALL MEETING PROCEDURES AND CALL TO ORDER**

Mr. Barker explained to the Board the procedures to be used during the telephone conference call meeting. In connection therewith, he informed the participants that the meeting would be recorded, and requested that each participant clearly state his or her name before speaking, including when making or seconding a motion. Mr. Barker further explained that he would conduct a roll call vote for all motions and that Board members should wait to vote on a motion until his or her name has been called. Lastly, Mr. Barker conducted a full roll call of all meeting participants for attendance purposes.

**PUBLIC COMMENTS**

The Board began by opening the meeting for public comments. There being no public comments presented, the Board continued to the next item of business.

## **MINUTES**

The Board next reviewed the draft minutes of its meeting held on June 17, 2021. After discussion of the minutes presented, Director Guillory moved that said minutes be approved, as written. Director Adamek seconded said motion, which carried unanimously.

## **DISTRICT SECURITY**

The Board next considered the report regarding District security matters. Mr. Barker presented the Harris County Sheriff's Office ("HCSO") security patrol report for June 2021, a copy of which report is attached hereto as **Exhibit A**.

## **TAX ASSESSOR-COLLECTOR'S REPORT**

Ms. McMullen next presented to and reviewed with the Board the Tax Assessor-Collector's Report for the month of June 2021, a copy of which report is attached hereto as **Exhibit B**. After discussion, Director Guillory moved that the Tax Assessor-Collector's report be approved and the checks identified therein be approved for payment from the District's tax account. Director Adamek seconded said motion, which carried unanimously.

Mr. Skinner joined the meeting and Mr. Barker exited the meeting at this time.

## **DELINQUENT TAX REPORT**

Mr. Skinner next presented to and reviewed with the Board the Delinquent Tax Report, dated July 15, 2021, prepared by Perdue, Brandon, Fielder, Collins & Mott, L.L.P., the District's delinquent tax collection attorneys; a copy of the report is attached hereto as **Exhibit C**. Mr. Skinner noted that no Board action was necessary in connection with any of the accounts reflected in the report.

## **RESOLUTION CONCERNING DEVELOPED DISTRICT STATUS FOR 2021 TAX YEAR**

Mr. Skinner reminded the Board that the tax rate adoption procedures applicable to the District will depend, in part, upon whether it is determined to be a "Developed District" pursuant to Texas Water Code Section 49.23602. Mr. Skinner then reviewed with the Board a worksheet completed by Langford to assist the Board in making this determination, along with a Resolution Concerning Developed District Status for the 2021 Tax Year, which Resolution is attached hereto as **Exhibit D**. Following discussion, upon motion made by Director Guillory, seconded by Director Adamek and unanimously carried, the attached Resolution was adopted by the Board.

## **BOOKKEEPER'S REPORT**

Mr. Weyand next presented to and reviewed with the Board the Bookkeeper's Report, dated July 15, 2021, a copy of which report is attached hereto as **Exhibit E**. After discussion, it was moved by Director Guillory that the Bookkeeper's Report be approved and that the disbursements identified therein be authorized for payment. Director Adamek seconded the motion, which carried unanimously.

## **ADOPTION OF ORDER SELECTING DEPOSITORY BANK**

The Board next considered the designation of a depository bank for the District. Mr. Weyand advised that Central Bank was well qualified to act as a depository for the District and reviewed with the Board a Board of Directors Memo, a copy of which is included with **Exhibit E**, regarding same. After discussion of the matter, and upon motion made by Director Guillory and seconded by Director Adamek, the Board voted unanimously to adopt the Order Selecting Depository, attached hereto as **Exhibit E**, designating Central Bank as a depository for the District.

## **ENGAGEMENT OF ARBITRAGE COMPLIANCE SPECIALISTS**

Mr. Skinner presented to and reviewed with the Board a proposed engagement letter received from Arbitrage Compliance Specialists ("ACS") to prepare a Final Arbitrage Rebate Calculation Report for the District's \$6,020,000 Unlimited Tax Refunding Bonds, Series 2012, and advised that the fee for said report is \$2,450.00. After discussion, Director Guillory moved that (i) the engagement letter be approved and that ACS be engaged to prepare a Final Arbitrage Rebate Calculation Report for the bond issue described above, and (ii) the Texas Ethics Commission ("TEC") Form 1295 submitted by ACS relative to the engagement letter be accepted by the District and SPH be authorized to acknowledge the District's receipt of same with the TEC. Director Adamek seconded the motion, which carried unanimously.

## **EVO REPORT**

Ms. Foss next presented to and reviewed with the Board the EVO Report prepared by MFS, a copy of which report is attached hereto as **Exhibit G**. The Board then asked various questions to which Ms. Foss responded.

## **LANDSCAPING WITHIN THE DISTRICT**

The Board next discussed landscaping within the District. In connection therewith, Mr. Murr presented to and reviewed with the Board a Progress Report-Landscape Projects, a copy of which report is attached hereto as **Exhibit H**. Mr. Murr informed the Board that he was recently contacted by Trees for Houston regarding the possible donation of trees to the District and queried the Board if it was interested in said donation. The Board concurred that it is interested the tree donation.

## **DETENTION AND DRAINAGE FACILITIES REPORT**

The Board deferred consideration of a Drainage Facilities Report after noting that no representative of Storm Water Solutions, LP was present at the meeting.

## **ENGINEERING REPORT**

Mr. Davis next presented to and reviewed with the Board the Engineering Report, dated July 15, 2021, a copy of which report is attached hereto as **Exhibit I**, relative to the status of various projects within the District.

Mr. Davis next updated the Board relative to the repair of the water well motor and pump at the District's Water Plant, as previously discussed. In connection therewith, Mr. Davis informed the Board that installation of the new water well motor and pump is complete and noted that the well has been tested and is functioning properly, producing approximately 1,700 gallons per minutes.

Mr. Davis reminded the Board that, as discussed at the last meeting, Northland Joint Venture, LP recently televised its sanitary sewer system for the Northland Shopping Center and that EDP and Langford have reviewed certain televising reports. Mr. Davis then reminded the Board that said reports indicated that there is some damage to a gravity sewer line which appears to have been caused by a directional drilling operation, which may have been attributable to the District's installation of the lift station force main that was installed a few years ago. Mr. Davis additionally reminded the Board that it previously authorized EDP to make the necessary repair in an amount not to exceed \$10,000. In connection therewith, Mr. Davis informed the Board that it now appears that (i) the necessary repair is larger than anticipated and (ii) Northland Joint Venture, LP may be responsible for some of the necessary repairs. He advised that Langford is recommending that the Board suspend the previous authorization until EDP and Langford can speak with a representative of Northland Joint Venture, LP regarding the matter. After discussion, the Board concurred with Langford's recommendation.

## **PROPOSED ANNEXATION OF AND/OR PROVISION OF PERMANENT WATER AND SEWER SERVICE TO SIX FLAGS HURRICANE HARBOR SPLASHTOWN ("SPLASHTOWN")**

Mr. Skinner informed the Board that he had nothing new to report at this time in connection with the proposed annexation of Splashtown.

## **STATUS OF FEASIBILITY REPORT FOR 1.5 ACRE TRACT**

Mr. Davis next reminded the Board that Langford has been requested to perform a feasibility study for water and sanitary sewer service for a 1.5 acre tract located outside the jurisdictional boundaries of the District on the north side of Spring Cypress Road near the post office. He then informed the Board that, as authorized, Langford informed the property owner that the District would consider providing the requested water and sanitary sewer service if the owner was willing to (i) annex the property into the jurisdictional boundaries of the District, (ii)

pay for all the costs associated with the annexation and extension of the applicable water and sanitary sewer lines to service the property and (iii) enter into a Utility Development Agreement with the District containing certain restrictions regarding the type of development and/or use is permitted on the property. Mr. Davis additionally informed the Board that the property owner is currently looking into other options at this time.

### **PROPOSED BOND ISSUE**

Mr. Skinner informed the Board that the Bond Application Report ("BAR") for the District's proposed Series 2021 bond issue has been submitted to the Texas Commission on Environmental Quality and noted that correspondence was recently received from the TCEQ declaring said BAR to be administratively complete.

### **INTERLOCAL AGREEMENT (HAAS DETENTION POND)**

Mr. Skinner reminded the Board that it previously approved an Interlocal Agreement among the District, Harris County Water Control and Improvement District No. 110 ("No. 110") and Harris County Flood Control District ("HCFCD") for the removal of the berm between detention basins and noted that he had nothing new to report at this time.

### **INTERLOCAL AGREEMENT (LEMM GULLY STORMWATER DETENTION BASIN PROJECT)**

Mr. Skinner reminded the Board that it previously approved a revised draft Interlocal Agreement between the District and Harris County Flood Control District ("HCFCD") for the Lemm Gully stormwater detention basin project and noted that he had nothing new to report at this time.

### **ISSUANCE OF UTILITY COMMITMENTS**

The Board deferred the issuance of utility commitments, as no requests for same had been received.

### **OPERATIONS AND MAINTENANCE REPORT**

The Board next considered the Operations and Maintenance Report. Mr. Thiry presented to and reviewed in detail with the Board a written Operator's Report prepared by EDP, dated as of July 15, 2021; a copy of the report is attached hereto as **Exhibit J**.

Mr. Thiry next presented to and reviewed with the Board a Write Off Report describing a list of aged receivables, a copy of which is included with **Exhibit J**. After discussion, Director Guillory moved that EDP be authorized to write off the aged receivables reflected on said list and send them to the third-party collections firm engaged by EDP for the collection of such accounts. Director Adamek seconded the motion, which carried unanimously.

Mr. Thiry next informed the Board that on the morning of July 14, 2021, it was discovered that a return activated sludge pump at the wastewater treatment plant became clogged impeding the operation of the plant. He then advised that EDP was able to unclog the sludge pump and bring the wastewater treatment plant back to a reasonable level of operation.

Mr. Thiry next requested that the Board consider authorizing EDP to replace the no. 2 process water pump at the wastewater treatment plant at an estimated cost of \$5,203.00. After discussion, Director Guillory moved that EDP be authorized to replace said pump at the estimated cost of \$5,203.00. Director Adamek seconded the motion, which carried unanimously.

### **COMMUNICATIONS REPORT**

The Board next discussed District communications. Ms. Johnson presented to and reviewed with the Board a Monthly Communications Report, a copy of which Report is attached hereto as **Exhibit K**. It was noted that no action was being requested at this time.

### **ATTORNEY'S REPORT**

Mr. Skinner presented to the Board a Legislative Summary of the 87<sup>th</sup> Regular Session of the Texas Legislature, a copy of which is attached hereto as **Exhibit L**.

Mr. Skinner informed the Board that SPH will resume having in-person Board meetings on September 1, 2021.

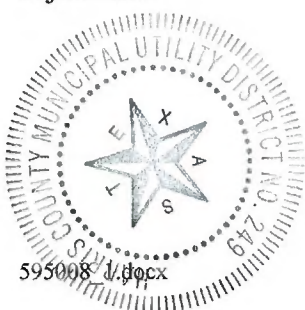
### **CLOSED SESSION PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 AND/OR SECTION 551.072**

The Board convened in closed session at 7:27 p.m., as authorized pursuant to Texas Government Code Section 551.071. Those in attendance, with the exception of the Board, Mr. Davis, and Mr. Skinner exited the meeting at this time.

At 7:45 p.m., the Board reconvened in open session. Director Guillory moved that the District engage Colliers International as the District's representative relative to the possible acquisition of certain real property, as discussed during the closed session. Director Adamek, seconded the motion, which carried unanimously.

### **ADJOURN**

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



  
Secretary

## **LIST OF ATTACHMENTS TO MINUTES**

- Exhibit A – Security Report
- Exhibit B – Tax Assessor-Collector's Report
- Exhibit C – Delinquent Tax Report
- Exhibit D – Resolution Concerning Developed District Status
- Exhibit E – Bookkeeper's Report
- Exhibit F – Order Selecting Depository
- Exhibit G – EVO Report
- Exhibit H – Progress Report-Landscape Projects
- Exhibit I – Engineer's Report
- Exhibit J – Operator's Report
- Exhibit K – Monthly Communications Report
- Exhibit L – Legislative Summary