

MINUTES OF REGULAR MEETING  
HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 102  
HARRIS COUNTY, TEXAS

24 June 2019

THE STATE OF TEXAS  
COUNTY OF HARRIS

The Board of Directors (the "Board") of Harris County Municipal Utility District No. 102 (the "District") of Harris County, Texas, met in regular session, open to the public, on the 24th day of June, 2019, at the regular meeting place thereof, at 15300 Falmouth, Harris County, Texas, inside the boundaries of the District, and the roll was called of the duly constituted officers and members of the Board, to-wit:

Randal W. Ward	President
Douglas Jordan	Vice President
Jason A. Iken	Secretary and Assistant Treasurer
Robert Moorman	Treasurer, Assistant Secretary, and Investment Officer
Richard Barbour	Assistant Secretary

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

Also present were: Amy Symmank of Myrtle Cruz, Inc. the District's Bookkeeper; Brittany Bogard of Assessments of the Southwest, Inc. ("Assessments"), the District's Tax Assessor/Collector; Dana Hollingsworth of Municipal District Services, L.L.C. ("MDS"), the District's Operator; Mike Kurzy, P.E., of AEI Engineering, L.L.C. ("AEI"), the District's Engineer; Kevin Atkinson representing Texas Pride Disposal ("TPD"), the District's Solid Waste Collector; Sergeant Billy Johnson and Deputy Jerry Pierre of the Harris County Sheriff's Department (the "Sheriff's Department"); and Will Yale and David Green of Coats Rose, P.C. ("Coats Rose"), the District's Attorney.

Director Ward called the meeting to order.

**Public Comments**

Ms. Hollingsworth reported that the District's Operator had received a request from a District customer for an adjustment to her utility service account because of a leak in the irrigation system at her residence. She noted that the customer is a tenant at the residence. The Directors deferred consideration of this request to the Board's meeting on 22 July 2019.

## **Approval of Minutes**

The Board next considered approval of the minutes of the meeting of 20 May 2019. After discussion, upon a motion duly made and seconded, the Board voted unanimously to approve the minutes of the meeting of 20 May 2019, as written.

## **Solid Waste Collection Service**

Then the Directors discussed matters relating to the solid waste collection service (the "Service") being provided in the District by TPD. Mr. Yale distributed to the Board copies of the Monthly Service Report for May 2019 as prepared by TPD. Mr. Atkinson informed the Board that the Service would be provided on earlier than usual on Thursday, 4 July 2019. After review, the Board accepted the Monthly Service Report and directed the District's Attorney to attach a copy of same to these minutes.

## **Security Patrol Report**

Next, Mr. Yale presented the Board with copies of the Security Patrol Report for May 2019 as prepared by the Sheriff's Department. Sergeant Johnson addressed the Board regarding security related issues. He stated that he had received comments from residents of the District with regard to traffic issues on Kentwick Drive; and the visibility of the contract officers assigned to patrol in the District. Sergeant Johnson informed the Board that a radar-equipped traffic sign had been placed on Kentwick Drive to make motorists aware of the speed limit on that roadway. He added that the contract officers had been instructed to enforce the speed limits on Kentwick Drive, and noted that the speed limit was 30 miles per hour for northbound traffic and 25 miles per hour for southbound traffic. Director Ward expressed his view that speeding vehicles on West Little York Road in the District was of greater concern than on Kentwick Drive. A discussion then ensued regarding the visibility of the contract officers when they are on patrol in the District. Director Ward requested that the contract officers enforce the nighttime curfew in the small parks located in the District. The Directors then discussed with Sergeant Johnson recent incidents involving graffiti on property in the District.

After review, the Directors accepted the Security Report and directed the District's Attorney to attach a copy of same to these minutes.

## **Tax Assessor/Collector's Report**

Ms. Bogard distributed the Tax Assessor/Collector's Report for the month of May 2019, a copy of which is attached hereto as an exhibit to these minutes. She stated that as of 31 May 2019, the District's 2018 tax levy was 97.8% collected. She noted that the District's Tax Account had a balance of \$52,956.89 as of the end of this reporting period (31 May 2019). After deducting the disbursements for payment at today's meeting and adding collections received to date, she added, the District's Tax Account ends with a balance of \$45,892.15. She noted that Assessments was requesting approval for 12 checks written on the District's tax account, and two transfers by wire as follows: a

transfer of \$6,906.52 in revenues from the tax for maintenance and operations to the District's Operating Fund and \$5,000.00 to the Debt Service Fund.

The Board then reviewed the Unpaid Accounts Report dated 16 June 2019, a copy of which is included in the Tax Assessor/Collector's Report. Then, after review, upon a motion duly made and seconded, the Board voted unanimously to: (1) accept the Tax Assessor/Collector's Report; and (2) authorize payment of the checks listed therein.

### **Operator's Report**

Next, Ms. Hollingsworth distributed the Operator's Report prepared by MDS for the month of May 2019. She reviewed the Water Production portion of the Operator's Report in detail. Ms. Hollingsworth reported that the District had produced 345,000 gallons of water and had purchased 25,500,000 gallons of water from the West Harris County Regional Water Authority (the "Authority") during the period ending 17 May 2019, with an accountability rate of 95.9%. She reported that the District had provided 1,929,000 gallons of water to Harris County Municipal Utility District No. 250 during the reporting period. The District currently has 3,011 active service connections, she told the Board. Then Ms. Hollingsworth reviewed the Wastewater Treatment portion of the Operator's Report. She noted that the District's Wastewater Treatment Plant (the "Plant") operated at 57.7% of design capacity during the May 2019 reporting period, with an average daily flow of 750,000 gallons per day ("gpd").

Ms. Hollingsworth reviewed and discussed with the Board the repairs and maintenance performed on the District's water distribution system and wastewater collection system, as listed in the Operator's Report. She reviewed with the Board the Preventive Maintenance Log for the District's facilities, a copy of which is included with the Operator's Report. The Board then reviewed (1) charts depicting the monthly groundwater pumpage from the District's active water wells during the period of January 2016 to May 2019; and (2) charts depicting the influent and effluent testing results for May 2019 at the Plant, copies of which are included with the Operator's Report.

After review, upon a motion duly made and seconded, the Board voted unanimously to accept the Operator's Report, a copy of which is attached hereto and shall be considered to be a part of these minutes.

### **Sanitary Sewer System**

Ms. Hollingsworth reported that the District's Operator had investigated a stoppage and possible tree root intrusion in a section of sanitary sewer line near 5623 Georgetown Colony Drive. She stated that there was no obvious tree root intrusion in the District's sanitary sewer line.

## **Water Well No. 6 / Emergency Repairs**

The Board discussed the condition of the District's Water Well No. 6 ("Well No. 6"). Ms. Hollingsworth reported that during May 2019 the electrical surge arrester on Well No. 6 had been replaced. She then stated that during the previous week the pump motor on Well No. 6 (the "Pump Motor") had gone out of service, and was pulled and inspected by C & C Water Services LLC (called "C & C"). She called the Board's attention to a letter dated 24 June 2019 from Garrett Huebner of C & C, a copy of which is attached hereto as an exhibit to these minutes. According to Mr. Huebner, she told the Board, the winding on the Pump Motor failed phase-to-phase and the failure appeared to have been caused by a voltage surge. Ms. Hollingsworth stated that C & C had quoted a price of \$29,890.00 to repair the Pump Motor (the "Pump Motor Repairs"). A discussion ensued regarding the Pump Motor. Mr. Kurzy recommended that the Board authorize Neil Technical Services, Corp. ("NTS") to inspect the Pump Motor prior to having C & C undertake the Pump Motor Repairs. The Board agreed with Mr. Kurzy's recommendation.

Mr. Yale remarked that the Board could determine that an emergency situation exists and undertake the Pump Motor Repairs on the basis of negotiated bids pursuant to §49.274 of the Texas Water Code. He stated that failure to quickly perform the Pump Motor Repairs could possibly disrupt the supply of drinking water to the District's customers in the event that the supply of surface water from the Authority was interrupted. Therefore, he continued, the situation meets the description of an emergency in §49.274, i.e., a serious health hazard or unreasonable economic loss to the District that requires immediate corrective action. Mr. Yale noted that §49.274 allows the District to commence work prior to receipt of approval from the Texas Commission on Environmental Quality (the "Commission").

After discussion, upon a motion duly made and seconded, the Board voted unanimously to: (1) authorize C & C to perform the Pump Motor Repairs on an emergency basis without the necessity of advertising for competitive bids, but with notice and application to the Commission, pursuant to §49.274, and subject to prior examination of the Pump Motor by NTS; and (2) authorize the District's Engineer to transmit a letter to the Commission requesting approval to perform the Pump Motor Repairs project on the basis of negotiated bids, pursuant to §49.274. Attached hereto as an exhibit to these minutes is a copy of the letter from the District's Engineer to the Commission regarding the Pump Motor Repairs.

## **Portable Auxiliary Generator**

The Board discussed the proposed repair or replacement of the District's 30-kilowatt ("kW") mobile auxiliary generator (the "Generator"). Ms. Hollingsworth reported that NTS had quoted a price of \$22,313.45 to replace the control panel on the Generator (the "Generator Repairs"). She then discussed with the Board the following proposals from NTS for the purchase and installation of a permanent generator at Lift Station No. 3: (1) a natural gas 25 kW Kohler generator at a cost of \$41,000; (2) a

diesel 20kW Kohler generator with 38-hour fuel tank at a cost of \$45,000; and (3) a diesel 30kW Kohler generator with a 24-hour fuel tank at a cost of \$47,000 (collectively, the "Permanent Generators"). A copy of the proposal dated 20 May 2019 from NTS for the Permanent Generators is included with the Operator's Report.

After discussion, upon a motion duly made and seconded, the Board voted unanimously to authorize the District's Operator to notify C&C to proceed with the Generator Repairs. The Directors agreed to keep the proposal from NTS for the purchase of a Permanent Generator under consideration.

### **Unauthorized Discharges**

Ms. Hollingsworth then reviewed with the Board the Noncompliance Notification that was filed by the District's Operator in connection with an incident on 23 May 2019 in which 360 gallons of wastewater were discharged from two sanitary sewer manholes at the intersection of West Little York Road and Addicks-Satsuma Road. A copy of the Noncompliance Notification is included with the Operator's Report. She stated that the discharge resulted from telecommunication lines being run through the sanitary sewer main line, which resulted in a blockage.

Then Ms. Hollingsworth reviewed with the Board the Noncompliance Notification that was filed by the District's Operator in connection with an incident on 23 May 2019 in which 60 gallons of wastewater were discharged from a sanitary sewer manhole near 15522 Baxter Avenue. A copy of the Noncompliance Notification is included with the Operator's Report. She stated that the discharge was caused by a dip in the sanitary sewer line, which resulted in a blockage.

### **Termination of Service**

Consideration was then given to the termination of water and sewer service to certain delinquent accounts. The President recognized Ms. Hollingsworth, who advised the Board that the requisite notifications had been given to each customer and that each customer was advised of the date, time, and place of the Board meeting which they could attend to discuss termination of service. The Board noted that there were no customers present to protest the utility billings. After discussion, upon a motion duly made and seconded, the Board voted unanimously to authorize the Operator to terminate the water and sewer service to those accounts listed on the termination list, attached hereto.

### **Collection of Delinquent Accounts**

Ms. Hollingsworth reviewed with the Board the Collection Accounts Detail Listing dated 30 May 2019 as prepared by the District's Operator (the "Detail Listing"). A copy of the Detail Listing is included with the Operations Report. The Directors noted that there were four delinquent service accounts in the total amount of \$289.90 that would be turned over to a collection agency. After review, upon a motion duly made and

seconded, the Board voted unanimously to direct the District's Operator to engage a collection agency to pursue collection of the amounts owed to the District by the delinquent utility service accounts listed in the Detail Listing.

## **Engineer's Report**

Mr. Kurzy presented the Engineer's Report for the Board's review. A copy of the Engineer's Report is attached hereto as an exhibit to these minutes.

## **Maintenance of Detention Ponds**

The Directors discussed matters relating to the maintenance (the "Detention Pond Maintenance") of the detention ponds (the "Detention Ponds") serving Waldron Estates Subdivision and Concord Colony Subdivision, Section 2, by Storm Water Solutions, L.P. (called "SWS"). Mr. Kurzy submitted to and reviewed with the Board the Inspection Report for the Detention Pond Maintenance for June 2019 as prepared by AEI, a copy of which is attached hereto as an exhibit to these minutes. Mr. Kurzy then informed the Board that SWS had submitted a Pay Estimate in the amount of \$225.37 for Detention Pond Maintenance performed during May 2019. After discussion, upon a motion duly made and seconded, the Board voted unanimously to authorize payment of the Pay Estimate.

## **Sanitary Sewer Overflow Initiative**

Next, Mr. Kurzy reported on the status of the District's participation in the Sanitary Sewer Overflow Initiative (the "SSO Initiative") being promulgated by the Commission. He submitted to and reviewed with the Board a memorandum dated 19 June 2019 from the District's Engineer regarding the status of the SSO Initiative Action Plan. A copy of the memorandum is attached hereto as an exhibit to these minutes. Mr. Kurzy remarked that the District's Engineer had submitted the annual report on the SSO Initiative to the Commission in January 2019 and was awaiting a response. He then reported that the District's Engineer had provided the District's Operator with educational pamphlets to be included with the utility bills to be distributed to the District's customers this month.

## **Federal Emergency Management Agency / Flood Mitigation Projects**

Mr. Kurzy reported that the District's Engineer was continuing to coordinate with the Federal Emergency Management Agency ("FEMA") and the District's Operator with regard to the District's requests for funding of flood mitigation projects relating to (1) Lift Station No. 2; (2) the on-site Lift Station at the Plant; and (3) the disinfection facility at the Plant (collectively, the "Mitigation Projects"). Mr. Kurzy reviewed with the Board the status of the proposals for the Mitigation Projects, as follows:

- On-site Lift Station at the Plant: FEMA has indicated that there are two options for obtaining additional funding for the Lift Station project. One option is the use of FEMA Section 404 for State support of supplemental mitigation (the "Section

404 Request"); the second option is to seek funding through the Texas General Land Office's Hurricane Harvey Local Infrastructure Program. AEI is currently working with FEMA on the Section 404 Request.

- Plant Disinfection Facility: The final inspection was conducted of the permanent conversion of disinfection system in the effluent basin in the Plant to operate with bleach instead of the ultraviolet disinfection system (the "Conversion") and the Conversion project has been closed out. AEI submitted documentation of project completion to FEMA.
- Lift Station No. 2: FEMA approved the modification to Lift Station No. 2 and will be making a payment to the District in the amount of \$18,913.50.

### **Water Plant No. 2 / 265,000 Gallon Ground Storage Tank**

The Board then discussed the proposed blast cleaning and recoating of the interior of the 265,000 gallon ground storage tank at Water Plant No. 2 (the "GST Recoating"). Mr. Kurzy reported that the District's Engineer had initiated the design of the GST Recoating and expected to bid the project in August 2019.

### **Area B – Phase II Sanitary Sewer System Improvements**

The Board then discussed the contract between the District and BLD Services, LLC (called "BLD") for the installation of "top hat" inserts on the connections between the main sanitary sewer lines and the lateral lines in certain segments of Area B – Phase II of the District's wastewater collection system (the "Insert Installation Project"). Mr. Yale submitted for the Board's review a memorandum from the District's Attorney regarding the bonds and insurance submitted by BLD in connection with the Insert Installation Project. A copy of the memorandum is attached hereto as an exhibit to these minutes. Mr. Yale remarked that the bonds and insurance submitted by BLD were found to be in order. Mr. Kurzy presented the Board with execution drafts of the contract for the Insert Installation Project (the "BLD Contract"). Director Ward then executed the BLD Contracts.

### **Wastewater Treatment Plant Effluent Basin Conversion**

The Directors discussed the contract with N&S Construction Co., LP (called "N&S") for the Conversion project at the Plant. Mr. Kurzy reported that the final inspection of the Conversion project was conducted on 21 May 2019. He informed the Board that N&S had submitted Pay Estimate No. 9 and FINAL in the amount of \$89,053.00 in connection with the Conversion project. A copy of Pay Estimate No. 9 and FINAL is attached hereto as an exhibit to these minutes. Mr. Kurzy then submitted for the Board's review and approval the Certificate of Completion and the Certificate of Acceptance for the Conversion project. Mr. Kurzy pointed out to the Board that the one-year warranty period for the Conversion project commenced on 21 May 2019 and would conclude on 21 May 2020.

After discussion, upon a motion duly made and seconded, the Board voted unanimously to (1) authorize payment of Pay Estimate No. 9 and FINAL; (2) approve the Certificate of Completion; and (3) accept the Conversion project and authorize execution of the Certificate of Acceptance for same. Copies of the Certificate of Completion and the executed Certificate of Acceptance are attached hereto.

### **Feasibility Study / 39-acre Tract Located South of Langham Creek / Langham Bayou Links, Ltd.**

Next, Mr. Kurzy submitted for the Board's review a draft feasibility study prepared by the District's Engineer (the "Feasibility Study") in connection with the request from George Jarkesy for utility service to a certain 39-acre tract of land owned by Langham Bayou Links, LTD that is located south of Langham Creek, outside the boundaries of the District (the "LBL Tract"). A copy of the draft Feasibility Study is attached hereto as an exhibit to these minutes.

Mr. Kurzy reviewed with the Board the Application for Service submitted by Mr. Jarkesy, and noted that Mr. Jarkesy was requesting utility service for residential use that would consist of a mobile home community. Mr. Kurzy stated that Mr. Jarkesy was estimating that the proposed development (the "Development") would require 42,500 gallons per day ("gpd") or 170 equivalent single-family connections (called "ESFCs") of water supply capacity; and 42,500 gpd or 170 ESFCs of wastewater treatment capacity. According to the information provided by the applicant, said Mr. Kurzy, the capacity that the Development would need was calculated by the District's Engineer at 70,500 gpd of water supply and 51,000 gpd for wastewater treatment. Based on the information in the Feasibility Study, he continued, the District has sufficient water and wastewater treatment capacity to provide service to the Development and all existing District customers.

In order for the District to provide water service to the Development, said Mr. Kurzy, a new 8-inch water line would have to be extended from the District to the property line (the "Extension"). The Development is planned to have a master water meter and accordingly there would be no District maintenance internal to the Development, he told the Board. He reviewed with the Board two alignment options as described in the Feasibility Study for the Extension. One option would call for the Extension to run south from Clarkston Street toward Langham Creek; traverse under Langham Creek; head southeast on the south bank and parallel to Langham Creek; and head into the Development ("Option 1"), said Mr. Kurzy. The second option would call for the Extension to run south from the west Goodman Street toward Langham Creek; traverse under Langham Creek; head southeast on the south bank and parallel to Langham Creek; and head into the Development ("Option 2"), said Mr. Kurzy. He remarked that under both Option 1 and Option 2, the Extension would require a crossing under Langham Creek by trenchless methods within a 16-inch steel casing, and would run within a 10-foot dedicated easement in areas not owned by the applicant or areas that are not public right-of-ways. Mr. Kurzy estimated the construction cost for the Extension at approximately \$173,000 for Option 1 and approximately \$258,000 for

Option 2, including engineering and contingencies. The cost estimate does not include water meters, tap fees, easements, permitting, legal or appraisal fees, he told the Board.

Mr. Kurzy then discussed with the Board the options for providing sanitary sewer service to the LBL Tract as described in the Feasibility Study. He noted that the wastewater collection system within the Development would be considered to be private because the LBL Tract would not be subdivided. Accordingly, he continued, it is the responsibility of the developer to design, construct, operate, and maintain the wastewater collection system within the Development. Wastewater flow from the Development could be pumped with a new sanitary sewer lift station through a 4-inch force main routed to (1) a manhole located on the west side of Clarkston Street ("Sewer Option 1"); or (2) to the District's Lift Station No. 2 ("Sewer Option 2") said Mr. Kurzy. The sanitary sewer force main should be located in a 20-foot force main easement, he told the Board. The new lift station should be located either in the Development or reasonably close to the LBL Tract, he told the Board. Mr. Kurzy estimated the construction cost of Sewer Option 1 at \$259,000 with a private lift station and \$540,000 with a public lift station. He then estimated the cost of Option 2 with a private lift station at approximately \$336,000. Mr. Kurzy stated that additional correspondence between the applicant and the District's Engineer would be necessary to determine the best option for serving the proposed development. With regard to Sewer Option 1, Mr. Kurzy recommended the construction of a public lift station rather than a private lift station. He explained that a public lift station must comply with all rules and regulations as promulgated by the Commission, Harris County, and the City of Houston (the "City"). Mr. Kurzy noted that a private lift station would not be maintained by the District, and the construction costs for the private lift station would not be eligible for reimbursement by the District to the developer.

Based on the information provided in the Application for Service, said Mr. Kurzy, the proposed development would have an estimated taxable land value of \$7,000,000 and improvement value of \$10,500,000. Based on this estimate of value, he continued, it may be estimated that the property taxes levied on the Development by the District would exceed \$100,000 per year, based on the property tax rates adopted by the District for the 2018 tax year.

A discussion ensued regarding the Feasibility Study. Director Ward expressed his view that the Board should defer discussion regarding the proposed development of the LBL Tract pending review and comment on the Feasibility Study by Robert W. Baird & Co. Incorporated ("Baird"), the District's Financial Advisor. The Board agreed. Mr. Kurzy stated that he would forward the Feasibility Study to Mr. Jarkesy and to Baird.

### **Request for Consent to Encroachment / Storage Partners of Hwy 6, LP**

Mr. Kurzy then reported that AEI had received a request from Storage Partners of Hwy 6, LP ("Storage Partners") for a Consent to Encroachment in connection with the Well No. 6 remote fill line easement (the "Easement"). According to the information

provided by Storage Partners, he told the Board, the southeastern corner of a certain building in the Storage Partners tract extends 0.7 feet onto the Easement. Mr. Kurzy recommended that the Board grant the request for the Consent to Encroachment. After discussion, the Board authorized the District's Attorney to prepare a Consent to Encroachment instrument between the District and Storage Partners. [Subsequent to this meeting, a representative of RRJ Realty Management, Inc. ("RRJ Realty") informed the District's Engineer that the apparent encroachment on the Easement by the Storage Partners building was in fact an error by an engineer and accordingly no such encroachment existed. Attached hereto as an exhibit to these minutes is an electronic mail message dated 25 June 2019 from Rebecca Jaso of RRJ Realty.]

### **Request For Service Tap / Residential Fire Sprinkler System**

Mr. Kurzy reported that the District's Engineer had received a request from the owner of a residence at 15310 Bellport Drive for a service tap for a residential fire sprinkler system (the "Sprinkler System"). He stated that he had reviewed the plans for the Sprinkler System and responded to the applicant with minor comments.

### **Colonies Commercial, Section 2, Reserve C**

The Board briefly discussed matters relating to a certain tract of land owned by the District and located west of the Water Plant No. 2 site (Reserve C of Colonies Commercial, Section 2, hereafter the "District Tract"). Director Iken expressed his concern that the District Tract could potentially be designated as a jurisdictional wetland that would be subject to federal regulation under the Clean Water Act. He discussed with the Board the possibility of the District adding fill to the District Tract to increase the elevation, as well as certain other actions to improve the stormwater drainage in the District Tract.

Then, after review, upon a motion duly made and seconded, the Board voted unanimously to accept the Engineer's Report.

### **Bookkeeper's Report**

Ms. Symmank presented the Bookkeeper's Report, a copy of which is attached hereto and shall be considered to be part of these minutes. She reviewed the District's revenues and expenses for the month of May 2019 as well as the investments for each of the accounts maintained by the District. She reported that the balance of the District's Operating Fund, including the collections account, checking account, and investments, totals \$6,429,001.11 as of this date. Ms. Symmank informed the Board that the District had received a payment of \$9,673.42 from the City for the District's share of sales tax collections pursuant to the Strategic Partnership Agreement with the City for limited purpose annexation of commercial property in the District.

Ms. Symmank then reported that the balance of the District's Debt Service Fund, including investments, totals \$543,052.30 and the balance of the District's Capital

Projects Fund, including investments, totals \$3,241,849.96 as of this date. The Board then reviewed: (1) the District's Operating Budget for the fiscal year ending 30 September 2019; (2) the Summary of Costs relating to the District's Series 2018 Bonds; (3) the table listing the District's power consumption and the amount billed to the District; (4) the Schedule of Investments; (5) the balance of deposits paid by developers for legal and engineering fees incurred by the District for their respective projects; and (6) the Pledged Security Report. Copies of these documents are included with the Bookkeeper's Report.

Then, after review, upon a motion duly made and seconded, the Board voted unanimously to: (1) accept the Bookkeeper's Report and (2) authorize payment of the checks listed therein.

### **Annual Review of Unclaimed Property**

Ms. Symmank reported that unclaimed funds totaling \$3,946.70 for the period of 1 March 2017 through 28 February 2018 would be escheated to the Texas Comptroller's Office by the District's Bookkeeper.

### **Telecommunication Systems at District Facilities / AT&T Invoices**

The Board briefly discussed matters relating to the invoices submitted to the District by AT&T in recent years in connection with the land lines for the telecommunication systems at the District's facilities. Mr. Yale reported that he had provided comments on the PETITION TO TAKE DEPOSITION BEFORE SUIT PURSUANT TO TRCP RULE 202 to Randall C. Owens of Wright Close & Barger, Attorneys at Law. He added that Mr. Owens was expected to file the Petition in the coming weeks.

### **Association of Water Board Directors – Texas / Annual Conference**

The Directors discussed matters relating to the Annual Conference of the Association of Water Board Directors – Texas that was held on 13 to 15 June 2019 in Fort Worth. Director Ward expressed his desire for the District's Attorney to provide the Directors with copies of the slideshow presentation from the Community Outreach seminar at the Annual Conference (the "Presentation"). Mr. Green stated that he would transmit copies of the Presentation to the Directors by electronic mail.

### **Landscaping Report**

Director Ward reported on the status of landscaping activities in the District. He informed the Board a recent traffic accident had caused damage to the landscaping in the median on West Little York Road at Huffmeister Road. The Directors then discussed the raising of the canopy of the trees in the medians on West Little York Road and Huffmeister Road in the District to the ANSI Street Clearance of 14 feet (the "Canopy Raising") by Arbor Care, Inc. ("Arbor Care"), as authorized at the Board's meeting on

20 May 2019. Director Ward remarked that the Canopy Raising did not seem to be complete as of this date. Mr. Yale stated that the District's Attorney would contact Arbor Care and confirm the status of the Canopy Raising project.

### **West Harris County Regional Water Authority**

Mr. Yale distributed copies of a memorandum from Coats Rose regarding the 12 June 2019 meeting of the Authority's board of directors. A copy of the memorandum is attached hereto as an exhibit to these minutes.

### **Power Supply Issues / Public Power Pool**

Next, the Directors discussed matters pertaining to the aggregate purchase of electricity under the auspices of the Public Power Pool ("P3"). Mr. Yale distributed copies of a newsletter from P3 dated 11 June 2019, a copy of which is attached hereto.

### **House Bill 3693 Compliance / Electricity Consumption**

Mr. Yale reminded the Board that Chapter 2265 of the Texas Government Code requires Texas political subdivisions to record and make available their utility usage and costs pursuant to House Bill 3693 ("HB 3693") as approved by the 80th Texas Legislature in 2007. He then submitted for the Board's review the HB 3693 Report for the District for calendar year 2018 as prepared by P3. A copy of the HB 3693 Report is attached hereto as an exhibit to these minutes.

### **Attorney's Report**

Mr. Yale presented the Attorney's Report.

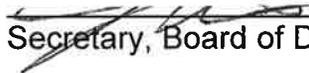
### **86th Texas Legislature**

Mr. Yale submitted to and reviewed with the Board a memorandum prepared by the District's Attorney that summarizes certain bills approved by the 86th Texas Legislature – Regular Session (2019) that could affect water district operations. A copy of the memorandum is attached to and shall be considered to be part of these minutes. Mr. Yale discussed in detail the actions that would need to be taken by the District and its consultants with respect to Senate Bill 239; House Bill 305; House Bill 3001; Senate Bill 943; Senate Bill 944; Senate Bill 2; House Bill 933; House Bill 1048; and House Bill 1850. He called the Board's attention to House Bill 1640, which modifies the Texas Government Code regarding open meetings. Mr. Yale commented that the definition of "deliberation" has been modified to include a written exchange as well as a verbal exchange. He added that the law now states that a member of a governmental body commits an offense if the member "knowingly engages in at least one communication among a series of communications that occur outside of a meeting" that concern an issue related to the governmental body in which the individual communications involve fewer than a quorum of Directors but the series of communications involves a quorum.

Then, after review, upon a motion duly made and seconded, the Board voted unanimously to accept the Attorney's Report.

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



  
Secretary, Board of Directors

Harris County Municipal Utility District No. 102  
Meeting of 24 June 2019  
Attachments

1. Solid Waste Collection Report;
2. Security Patrol Report;
3. Tax Assessor/Collector's Report;
4. Operator's Report;
5. Letter from C & C Water Services LLC;
6. Letter from AEI Engineering, L.L.C. to TCEQ;
7. Engineer's Report;
8. Detention Pond Maintenance Report;
9. Memo from AEI Engineering, L.L.C. / Sanitary Sewer Overflow Initiative action plan;
10. Coats Rose memo / bonds and insurance for Phase II Sanitary Sewer System Improvements;
11. Pay Estimate No. 9 and FINAL / WWTP Disinfection Conversion;
12. Certificate of Completion / WWTP Disinfection Conversion;
13. Certificate of Acceptance / WWTP Disinfection Conversion;
14. Draft Feasibility Study / 39-acre Tract;
15. Email from Rebecca Jaso of RRJ Realty;
16. Bookkeeper's Report;
17. Coats Rose memo / WHCRWA ;
18. P3 Newsletter;
19. HB 3693 Report from P3; and
20. Coats Rose memo / 86th Texas Legislature – Regular Session.