

**HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 61**  
**Minutes of Meeting of Board of Directors**  
**January 26, 2021**

The Board of Directors of Harris County Municipal Utility District No. 61 met by videoconference on January 26, 2021, in accordance with the duly posted notice of meeting, and the roll was called of the duly constituted officers and members of said Board of Directors, as follows:

Wheeler BeMent, President  
Billy Lowery, Vice-President  
W.R. Lusby, Secretary  
Floyd J. Ball, Assistant Secretary  
William Evans, Director

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

Also present via videoconference were Jim Ainsworth, Faith Despard and Andrew Johnson of A&S Engineers, Inc. (“A&S”); Lonnie Wright of Municipal Operations & Consulting, Inc. (“MO&C”); Tina Kelsey of Myrtle Cruz, Inc. (“MC”); Caryn Adams of Wheeler & Associates, Inc. (“W&A”); Richard Martin of First Environment Erosion Controls (“FEEC”); Sergeant Conner and Deputy Waits of Harris County Sheriff’s Office (“HCSO”); and David Marks of Marks Richardson PC (“MRPC”).

The President called the meeting to order.

As the first order of business, the Board considered comments from members of the public. No one present signed up to address the Board.

The Board next considered approval of the minutes of the Board of Directors meeting held on December 22, 2020. After discussion, Director Ball made a motion to approve the minutes of the meeting held on December 22, 2020, as presented. Director Lowery seconded the motion. A roll call vote was conducted and with all five directors present voting in the affirmative, the motion unanimously carried.

The Board next considered a report relative to security patrol services by the Harris County Sheriff’s Office (“HCSO”). Deputy Waits reviewed the attached patrol report for December from the HCSO and discussed recent activity in the District. She stated that the HCSO conducted sixty (60) stops during the past month, several of which resulted in felony arrests. She noted that there were also several accidents. Deputy Waits reported that the homeless people living on Colonial Parkway were issued eviction notices.

Sergeant Conner then reviewed the POV Contract Patrol Report for December and discussed the night shift activities in the District.

Sergeant Conner and Deputy Waits disconnected from the videoconference at this time.

The Board next considered a report on mowing activity within the District. Mr. Martin reviewed the attached report with the Board and reported on the status of mowing within the District. He stated that FEEC goes above and beyond the contract requirements in providing service to the District.

The Board next considered the status of surface water issues and the West Harris County Regional Water Authority (“WHCRWA”). No one present had anything new to report.

The Board next considered the financial and investment reports and invoices presented for payment. Ms. Kelsey reviewed the attached bookkeeping reports, investment inventory reports and bills for payment with the Board. After review and discussion, Director Ball made a motion to approve the reports and authorize the disbursements identified therein. Director Evans seconded the motion. A roll call vote was conducted and with all five directors present voting in the affirmative, the motion unanimously carried.

Mr. Marks next advised the Board that provisions of the Public Funds Investment Act require the Board of Directors of the District to review, revise and adopt at least annually a list of qualified brokers authorized to engage in investment transactions with the District. He reviewed with the Board a Resolution Adopting List of Qualified Brokers Authorized to Engage in Investment Transactions with the District, and the attached list of financial institutions, brokers and dealers attached thereto as Exhibit "A." Mr. Marks recommended to the Board that if any of the directors have a relationship with any of the institutions shown on the list that could create a conflict of interest, then that institution(s) should be deleted from the list that the Board adopts. After discussion, Director BeMent made a motion to approve the Resolution Adopting List of Qualified Brokers Authorized to Engage in Investment Transactions with the District. Director Lowery seconded the motion. A roll call vote was conducted and with all five directors present voting in the affirmative, the motion unanimously carried.

The Board next considered the status of collection of taxes. The Board reviewed the attached tax assessor’s report and the delinquent tax roll for the month of December. It was noted that 61.03% of the District’s 2020 taxes had been collected through December 31, 2020. After review and discussion of the reports, Director Ball made a motion to approve the reports and authorize the disbursements identified therein. Director BeMent seconded the motion. A roll call vote was conducted and with all five directors present voting in the affirmative, the motion unanimously carried.

There was next a discussion regarding the status of the District’s delinquent tax accounts. The Board reviewed the attached Delinquent Collections Listing as of December 31, 2021. The Board next reviewed the attached written report dated January 26, 2021, which had been prepared by the District’s delinquent tax attorney, Perdue, Brandon, Fielder, Collins & Mott, L.L.P. No action was necessary with respect to the delinquent tax report.

The Board next considered the adoption of a Resolution Authorizing an Additional Penalty on Delinquent Personal Property Taxes. Mr. Marks advised that the Board is authorized pursuant to Section 33.11 of the Texas Tax Code, as amended, to impose, under certain conditions, an additional penalty not to exceed twenty percent (20%) of the delinquent personal property taxes due to the District that became delinquent on or after February 1 of a year and that remain delinquent sixty (60) days after the date on which they become delinquent. After discussion,

Director Ball made a motion to adopt the attached Resolution Authorizing an Additional Penalty on Delinquent Personal Property Taxes and to authorize Perdue to proceed with the collection of the District's delinquent personal property accounts following proper notice as provided in the Resolution, including the filing of lawsuits, as necessary. Director BeMent seconded the motion. A roll call vote was conducted and with all five directors present voting in the affirmative, the motion unanimously carried.

The Board next considered authorizing the design, advertisement for bids and/or award of construction contracts, status of construction contracts previously awarded and acceptance of sites and easements. Mr. Ainsworth reviewed the attached report.

The Board next considered approval of the award of construction contract for expansion of water, sanitary sewer and drainage facilities to serve Skybox expansion. Mr. Ainsworth stated that he has nothing new to report.

The Board next considered approval of plans for the modifications of the Franz Road Sheet Flow Road Adjustments. Mr. Ainsworth stated that A&S prepared the first draft of exhibits for discussion as well as revised the drainage study. He stated that once the exhibits are finalized and ready for discussion, A&S will schedule a meeting with Directors BeMent and Ball to revise road profiles. Mr. Ainsworth stated that once all are in agreement as to the approach, A&S will work to schedule a meeting with Harris County.

The Board next considered the status of the construction contract with Aranda Industries, LLC ("Aranda") for Waterline Replacement, Phase II. Mr. Ainsworth stated that construction activity continues. He next reviewed an updated exhibit showing the approximate schedule.

The Board next considered the status of the construction contract with Environmental Allies ("EA") for the weir elevation modification. Mr. Ainsworth stated that the pipeline company has not completed its review. He stated that A&S requested an update on January 22, 2021 and anticipates an update this week.

The Board next considered the acceptance of site and/or easement conveyances for facilities constructed or to be constructed for the District. Mr. Ainsworth reported that he had nothing new to report.

The Board next considered the status of storm water quality permits. Mr. Ainsworth stated that the storm water quality permit for Mason/Franz Storm Trooper has been submitted and A&S awaits the updated permit. He stated that the storm water quality permit for Mason Seniors Detention Pond expires in February 2021 and the renewal is to be submitted in the near future. Mr. Ainsworth stated that the storm water quality permits for Mason Ranch Detention Pond and Westside Office Park Detention Pond are up to date.

Mr. Ainsworth reported on the status of the Mason & Franz development. He stated that a punch list item to complete the force main connection is outstanding pending resolution of the easements.

Mr. Ainsworth reported on the review of bids and award of contract for mowing and maintenance of the District's park and drainage facilities. He stated that A&S did not send out the

package in adequate time for all the bidders to have time to review the sites. He noted that the bids are due February 9, 2021 at 11:00 a.m. Mr. Ainsworth stated that the bid package was sent out to five (5) contractors.

Mr. Ainsworth reported on the status of Harris County Precinct 3 sidewalk project. He stated that A&S supplied a response to Harris County and awaits further correspondence.

The Board next considered the status of the elevated storage facility variance. Mr. Ainsworth reported that A&S is currently working on the elevated storage tank variance request to the Texas Commission on Environmental Quality (“TCEQ”) and is coordinating with MOC on same.

The Board next considered the status of the surplus funds request, including the adoption of an Amended Resolution. Mr. Marks reviewed the information request letter from the TCEQ. Mr. Ainsworth advised that he has the additional information ready to file, along with the Amended Resolution once it is approved by the Board. Director Evans advised the Board that the computer equipment secured by this infrastructure has all been removed. The Board concurred to defer action on the matter at this time and instructed Mr. Ainsworth and Mr. Marks to defer filing a response to the TCEQ letter.

The Board next considered the issuance of utility commitments. No one present had anything new to report.

The Board next considered a report on the District’s water, sanitary sewer and storm sewer systems for the month of December. Mr. Wright reported that 100% of the water pumped during the month of December had been accounted for, and that the District’s facilities had been operated in compliance with their respective permits.

Mr. Wright next requested that the Board authorize MOC to turn over one (1) delinquent account (over \$25.00) in the total amount of \$110.34 to Collections Unlimited (“CU”), as shown on the list attached to the Operator’s Report. After discussion, Director Ball moved to authorize MOC to turn over the one (1) subject account to CU, as set out above. Director Lowery seconded the motion. A roll call vote was conducted, and with all five directors present voting in the affirmative, the motion unanimously carried.

The Board next considered the report on the regional sewage treatment plant, including compliance with the wastewater discharge permit. Mr. Wright stated that the facilities were operated in compliance with the permit and operated at 45% of capacity for the month of December.

The Board next considered authorizing MOC to provide required information to districts receiving water through emergency interconnect relative to Consumer Confidence Reports. After discussion, Director BeMent made a motion to authorize the operator to provide the required information to districts receiving water through emergency interconnect relative to Consumer Confidence Reports. Director Lowery seconded the motion. A roll call vote was conducted and with all five directors present voting in the affirmative, the motion unanimously carried.

The Board next considered matters for possible placement on future agendas. Mr. Marks reported that MRPC received an open records request for the District from Ms. Ashlee Boswell. The Board concurred MRPC should send a response. The Board then concurred to hold the next meeting via video conference on February 23, 2021.

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

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Secretary, Board of Directors

ATTACHMENTS TO MINUTES OF BOARD OF DIRECTORS  
January 26, 2021

1. Patrol Report from HCSO/Off-Duty Report
2. FEEC Report
3. Bookkeeper's Report
4. Resolution Adopting List of Qualified Brokers
5. Tax Assessor Collector's Report
6. Delinquent Tax Report
7. Resolution Authorizing an Additional Penalty on Delinquent Personal Property Taxes
8. Engineer's Report with related correspondence
9. Operations Report