

**HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 286**

Minutes of Board of Directors Meeting

April 4, 2022

**ACTIONS TAKEN**

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1. The Board approved the minutes of the March 7, 2022, meeting.
2. The Board authorized sending Texas Pride a Notice of Requirement to Cure Performance Deficiencies and authorized solicitation of proposals for solid waste collection and recycling services.
3. The Board approved the Tax Assessor-Collector's Report as presented by Utility Tax Service L.L.C., including the checks presented for payment.
4. The Board adopted a Resolution Authorizing an Additional Penalty on Delinquent Taxes.
5. The Board approved a proposal from Source Point Solutions, in an amount not to exceed \$25,000, for the clean out of the WWTP and the vactoring of the effluent chamber.
6. The Board approved the Operations and Maintenance Report presented by EDP.
7. The Board authorized the Operator to prepare a draft Consumer Confidence Report.
8. The Board approved a proposal from Alsay, Inc. in the amount of \$7,969 for repairs to the well head at Water Plant No. 1.
9. The Board approved the Engineering Report presented by Eby Engineers, Inc.
10. The Board approved the Bookkeeper's Report as presented by Claudia Redden & Associates, L.L.C., including the checks presented for payment.
11. The Board approved a Resolution Regarding Development Designation of the District and authorized the President and Secretary to execute same on behalf of the Board and the District.

The Board of Harris County Municipal Utility District No. 286 ("District") met in regular session at 12779 Jones Road, Houston, Harris County, Texas 77070 on April 4, 2022, in accordance with the duly posted notice of meeting, and the roll was called of the officers and members of said Board of Directors, as follows:

David Geaslen, President  
Michael Rhodes, Vice President  
Steve Garner, Secretary  
Rosalind Theriot, Assistant Secretary  
Becky Campbell, Assistant Secretary

All of said persons were present, therefore constituting a quorum.

Also present were Kelly Trebing of Claudia Redden & Associates L.L.C.; Dennis Eby of Eby Engineers, Inc. ("Eby"); Eric Thiry of Environmental Development Partners, L.L.C. ("EDP"); Roshell Arterburn of Utility Tax Service, L.L.C. ("UTS"); Sergeant Westmoreland and Deputy Williams of Harris County Constable's Office Precinct Four ("HCCO"); and Kara Richardson of Marks Richardson PC ("MRPC").

The President called the meeting to order.

#### **APPROVAL OF MINUTES**

As the first order of business, the Board considered approval of the minutes of the Board of Directors meeting held on March 7, 2022. After discussion, Director Theriot made a motion to approve the minutes of the March 7, 2022, Board of Directors meeting, as presented. Director Rhodes seconded the motion, which carried unanimously.

#### **SECURITY PATROL REPORT BY THE CONSTABLE'S OFFICE**

The Board next considered the Security Patrol Report, a copy of which is attached hereto as (**Exhibit A**), and the status of security monitoring services within the District. Deputy Williams reviewed the report and discussed the activity within the past month.

#### **COMMENTS FROM THE PUBLIC**

The Board deferred comments from the public, as no members of the public were present.

#### **DISCUSSION REGARDING STATUS OF SOLID WASTE COLLECTION AND RECYCLING SERVICES BY TEXAS PRIDE DISPOSAL**

The Board next discussed the status of solid waste collection and recycling services by Texas Pride Disposal ("Texas Pride"). Director Theriot discussed recent issues related to the solid waste collection and recycling services by Texas Pride. She stated that Texas Pride has missed numerous pickups over the past few months and that service does not appear to be improving despite multiple complaints to Mr. Atkinson and other representatives from Texas Pride. The other

Board members acknowledged their frustration with the service as well. She noted that Mr. Atkinson suggested changing the District's collection days from Tuesday and Friday to Monday and Thursday in an effort to alleviate the current issues. Ms. Richardson stated that Mr. Atkinson was scheduled to attend the meeting this evening to address the issues with the Board, but that she received an email from him around 4:00 p.m. stating that he was unable to attend due to illness. Ms. Richardson noted that Mr. Atkinson offered to meet with the Board members later in the week to discuss the issues if the Board so desired.

Ms. Richardson noted that the District's contract with Texas Pride requires that the Board send a Notice of Requirement to Cure Performance Deficiencies giving Texas Pride thirty (30) days to cure performance deficiencies prior to terminating the contract.

### **AUTHORIZE SOLICITATION OF PROPOSALS FOR SOLID WASTE COLLECTION SERVICES**

Director Geaslen recommended soliciting proposals for solid waste collection and recycling services so that the Board will be prepared to hire a new provider if Texas Pride does not correct its performance issues within thirty (30) days. The Board requested that MRPC invite Best Trash, Residential Recycling and Refuse of Texas, Inc., and one other company to submit proposals and attend the next Board meeting to give a brief overview of their companies. After discussion, Director Rhodes made a motion to authorize MRPC to send a Notice of Requirement to Cure Performance Deficiencies to Texas Pride and to authorize MRPC to obtain proposals for solid waste collection and recycling services. Director Theriot seconded the motion, which carried unanimously.

### **TAX ASSESSOR-COLLECTOR REPORT**

The Board next considered the Tax Assessor-Collector Report. Ms. Arterburn presented the attached Tax Assessor-Collector Report (**Exhibit B**) dated March 31, 2022. The Board reviewed the total receivables, the cash balance, disbursements, and checks as reflected in the report. After discussion of the report, Director Garner made a motion to approve the Tax Assessor-Collector Report as presented and to approve the checks identified in the report for payment. Director Theriot seconded the motion, which carried unanimously.

### **RESOLUTION AUTHORIZING ADDITIONAL PENALTY ON DELINQUENT TAXES**

Ms. Richardson next advised the Board that pursuant to Section 33.07 of the Tax Code, as amended, the Board is authorized to impose, under certain conditions, an additional penalty not to exceed twenty percent (20%) of the total taxes, penalty and interest due to the District on July 1 on taxes that remain delinquent as of July 1 of the year in which they become delinquent. After discussion, Director Theriot made a motion to adopt the Resolution Authorizing Additional Penalty on Delinquent Taxes (**Exhibit C**). Director Campbell seconded the motion, which carried unanimously.

## **STATUS OF INSURANCE AND FEMA CLAIMS RELATIVE TO HURRICANE HARVEY DAMAGES**

The Board next considered the status of insurance and Federal Emergency Management Agency ("FEMA") claims relative to Hurricane Harvey damages. Mr. Thiry reported that EDP submitted the final documentation to FEMA relative to the WWTP damages this week. He stated that FEMA responded with additional questions and a request for backup documentation. Mr. Thiry stated that EDP is working on compiling the final documentation for the Water Plant for submission. Director Geaslen asked Mr. Thiry to advise him when EDP intends to submit the requested information to FEMA. Mr. Thiry stated that he will send Director Geaslen the date of expected submission tomorrow. Mr. Thiry reported that he has not received a response from the District's insurance company regarding the appeal. Director Geaslen requested that Mr. Thiry call the insurance company regarding the matter.

## **OPERATIONS REPORT**

The Board next considered the Operations and Maintenance Report (**Exhibit D**). Mr. Thiry reviewed the significant utility repairs within the past month.

Mr. Thiry reported that EDP has replaced all inoperative wireless modems with new 4G/5G modems.

Mr. Thiry next requested authorization to repair the existing booster pump at Water Plant No. 1 at a cost of \$7,324. He stated that the booster pump has been leaking water onto the ground due to broken seals and will need a minor rebuild to repair. Mr. Thiry noted that the booster pump is around forty (40) years old and has been repaired numerous times. Director Geaslen suggested looking into replacing the booster pump rather than repairing it. Mr. Thiry advised the Board that he will meet with Mr. Eby to review the specifications in order to obtain a quote on the replacement. He stated that he will have quotes for the replacement of the booster pump at next month's meeting

Mr. Thiry next requested authorization for Source Point Solutions to vactor and clean out the no. 2 clarifier and aeration basin at a cost of \$19,177.75 in advance of the upcoming inspection. He reported that Source Point Solutions was the lowest quote EDP received and noted that the quote's actual cost will be based on actual time spent on the job and the amount of debris that will need to be removed. Mr. Eby stated that the effluent chamber also needs to be vactored out and asked whether Source Point Solutions can include this service when they conduct the clean out. Mr. Thiry stated that he will ask Source Point Solutions whether the service can be included. After discussion, Director Theriot made a motion to authorize Director Geaslen to act on behalf of the Board to authorize Source Point Solutions to perform the clean out of the clarifier, aeration basin and effluent chamber at a cost not to exceed \$25,000. Director Garner seconded the motion, which unanimously carried.

The Board next considered the annual report on the District's Identity Theft Prevention Program. Mr. Thiry noted that there are no identify theft issues to report.

Mr. Thiry reported that EDP witnessed all six (6) generators running under load in March.

After discussion, Director Rhodes made a motion to approve the Operations and Maintenance Report, as presented. Director Campbell seconded the motion, which carried unanimously.

### **CONSUMER CONFIDENCE REPORT**

The Board next considered authorizing the operator to prepare a draft Consumer Confidence Report. After discussion, Director Theriot made a motion to authorize the operator to prepare a draft Consumer Confidence Report for review by the Board. Director Campbell seconded the motion, which carried unanimously.

### **IDENTITY THEFT PREVENTION PROGRAM**

The Board next noted that the District's Identity Theft Prevention Program was discussed under the operations and maintenance report.

### **ENGINEERING REPORT**

The Board next considered the Engineering Report (**Exhibit E**).

The Board next discussed the Chasewood Park mitigation project. Mr. Eby stated that the project is nearing completion. He noted that the contractor is working to remove some silt and debris out of the sewer lines. Mr. Eby reported that the balance on the developer deposit is negative by \$6,500 and that he will have a final payment amount for the developer at the next Board meeting.

Mr. Eby next reported that he is currently working on the permit application for the WWTP Discharge Permit renewal.

Mr. Eby next reviewed the Water Plant No. 1 monthly checklists for the month of March from Patriot Production & Rental Services, LLC along with the related invoices and recommended payment of same. Mr. Eby stated that the inspector found two leaks on the well head. He reported that gas is leaking from the well at the leak points which are approximately twenty (20) years old. Mr. Eby advised the Board that he met with Alsay Inc., who quoted \$7,969 to seal the leaks on the well head. After discussion, Director Theriot made a motion to approve a quote from Alsay, Inc. in the amount of \$7,969 to repair the leaks on the well head. Director Campbell seconded the motion, which unanimously carried. Mr. Eby stated that he will ensure that Alsay utilizes the fan during the repair to prevent issues with flaring.

Mr. Eby next reported that Lone Star College is preparing to start construction on the performing arts building. He stated that he is currently reviewing the plans for the construction.

Mr. Eby next reported on the status of the installation of the license plate recognition camera and the relocation of the existing camera at the skate park by Advantage Security

Integration. He stated that he is waiting on verification that the camera at the skate park has been relocated and noted that he has not received the requested photos of same.

After discussion, Director Garner made a motion to approve the Engineering Report. Director Rhodes seconded the motion, which carried unanimously.

### **BOOKKEEPING REPORT**

The Board next considered the Bookkeeper's Report. Ms. Trebing reviewed the Bookkeeping Report (**Exhibit F**), including the checks presented for payment. She stated that various checks, including the check issued for payment to MRPC, did not make it on the report and will be reflected on next month's report. After discussion, Director Garner made a motion to approve the Bookkeeper's Report, including the checks presented for payment. Director Rhodes seconded the motion, which carried unanimously.

### **ADOPT RESOLUTION REGARDING DEVELOPMENT DESIGNATION OF DISTRICT**

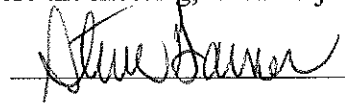
Ms. Richardson next discussed certain statutory requirements which set limitations on the amount by which certain municipal utility districts can increase their property taxes without triggering mandatory elections to approve such increases. In connection therewith, Ms. Richardson presented a Resolution designating the District as a "Developed District" pursuant to Section 49.23602 of the Water Code (**Exhibit G**) and noted that the District's engineer had certified such designation. After discussion, Director Rhodes made a motion to approve the Resolution and authorize the President and Secretary to execute same on behalf of the Board and the District. Director Theriot seconded the motion, which unanimously carried.

### **ITEMS FOR FUTURE AGENDAS**

The Board next considered matters for possible placement on future agendas.

### **ADJOURNMENT OF BOARD MEETING**

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



Secretary, Board of Directors

**LIST OF EXHIBITS**

April 4, 2022

- Exhibit A Patrol Report
- Exhibit B Tax Assessor-Collector's Report
- Exhibit C Resolution Authorizing an Additional Penalty on Delinquent Real Property Taxes
- Exhibit D Operations and Maintenance Report
- Exhibit E Engineering Report
- Exhibit F Bookkeeping Report
- Exhibit G Resolution Regarding Development Status of District