

**MINUTES OF A MEETING OF THE BOARD OF DIRECTORS
OF HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 191
March 22, 2023**

STATE OF TEXAS §
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COUNTY OF HARRIS §

The Board of Directors of Harris County Municipal Utility District No. 191 of Harris County, Texas, met in **regular session**, open to the public, beginning at **6:30 PM** on **March 22, 2023** at the **Champions MPC Clubhouse, 13719 Champions Centre Drive, Houston, Texas 77069**. The duly constituted officers and members of the Board were:

Robert Price	President
Vaughan G. Miller	Vice President
Rob Harris	Secretary
Ronald Young	Treasurer
Deborah Umphry	Assistant Secretary

All were present, thus constituting a quorum. Also present were Ms. Patty Rodriguez of BLICO, Inc.; Mr. Jacob Williams, Ms. Michelle Giacona, and Ms. Jaquetta Baker of H2O Innovation Operation & Maintenance LLC; Mr. Timothy Hardin of Langford Engineering; Ms. Sarah Redden of Claudia Redden & Associates; and Deputy Jose Rivera of the Harris County Constable's office. Mr. James Dougherty, an attorney for the District (but not an employee of the District), was consulted by telephone conference call audible at the meeting place, as allowed by the Texas Government Code, Chapter 551. Mr. Chayn Mousa arrived during the meeting.

1. Constable/Patrol/County Matters. Deputy Rivera presented a written Constable report.

2. Regular Subjects, Minutes, and Consent Agenda

a. Bookkeeping and financial matters. Ms. Redden presented the bookkeeper's written report and gave a brief overview. She answered a question about the fund balance from the prior month.

She also presented the investment report from the Investment Officer. There was a motion to receive and approve the investment report and order that a written instrument be adopted and shown on the report to state that the Board had: (i) received and approved the report; (ii) reviewed the District's investment policy and investment strategies and decided to make no changes to them. The motion was seconded, and all voted in favor.

There was a motion to accept the bookkeeper's report and to approve and authorize the checks presented. The motion was seconded and adopted unanimously.

b. Tax Assessor-Collector. Ms. Rodriguez presented the Tax Assessor-Collector's report. She noted some delinquencies, and there was a question about TexPool. There was a brief discussion about the Vivo apartment site and the announced grand opening. The President indicated that the operator had set up the account to be billed as multi-family, per the Rate Order. Ms. Rodriguez recommended that the Board authorize cessation of collection activities on certain accounts that appeared to be uncollectable. There was a motion to: (i) accept the Assessor-Collector's report, (ii) approve and authorize the checks presented, and (iii) authorize cessation of collection activities on the accounts mentioned that appeared to be uncollectable. The motion was seconded and adopted unanimously.

c. Legal matters. There was no action taken.

d. Utility operations. The President recognized Mr. Williams, who presented his written operator report. There was a question and discussion about pulling water meters, as opposed to just turning them off. Mr. Williams also mentioned the need for some pump repairs.

The President opened a public hearing for any persons present to be heard to show cause why their water service should not be terminated for non-payment of utility bills. The operator reported that the hearing notice was given for each account on the list of proposed terminations. It was noted that no persons were present to be heard, and the public hearing was closed. The operator recommended service terminations for the accounts on the list in accordance with the District's standard operating procedures. It was then duly moved and seconded that: (i) the amount shown for each account on the list of proposed service terminations be found to be correct, (ii) although notice of that night's hearing was given to each person on the list, no one appeared, and (iii) water service be authorized to be terminated to the accounts listed, in accordance with the District's standard operating procedures. The motion carried by unanimous vote.

There was a motion to accept the operator's report. The motion was seconded and adopted unanimously.

The attorney said that the report of the special master in the Neville-Mousa appeal had been received. There was a motion to: (1) acknowledge receipt of the report, with exhibits, and (2) direct that a notice be sent to the applicant allowing the applicant a reasonable time to submit additional information and arguments, as provided in Section 16 of the Rater Order, and specifying 30 days as the time allowed, but also allowing the applicant to request additional time, for good cause shown. The motion was seconded, and all voted in favor.

(Hearing Regarding Surcharges, Utility Policies, Etc.)

At 7:30 PM, the President announced that a hearing would be starting on sanitary sewer surcharges and utility policies, as applied to the shopping center property at 13455 Cutten Road (Chayn Mousa, owner). He explained that, because he would likely have to present data or correspondence during the hearing, he would not participate in the hearing as a member of the Board--and that he had asked the Vice President to preside.

At that point, the Vice President called the hearing to order. He asked persons present who wanted to be heard to give their names. He asked the attorney to provide a brief background on the matters to be covered in this hearing. The attorney gave a brief background report. He mentioned the written materials that had been circulated before the hearing, and he and listed three questions to be addressed during the hearing:

- (1) Should one or both of the waste samples for February be excluded? The Pretreatment Coordinator did not exclude either one, but averaged them, as indicated in the Code of Operations.
- (2) Should the operator send a worker to the customer's premises when there is a reported leak (or "wet spot") behind the customer's main building--not close to any District facility? And:
 - (a) Is the "sanitary sewer easement" shown on the site plan for 13455 Cutten Road a District-owned easement, and, if so--
 - is there a sewer line in that easement?
 - is the District responsible to maintain that sewer line?
 - (b) Is the 2-inch line shown on the site plan owned by the District?
- (3) Is the operator or any District official *obligated* to notify a customer when there is a "high" meter reading or an "irregularity," in advance of the upcoming monthly billing?

The Vice President recognized Mr. Mousa to make a presentation. He said the January and February waste samples (for waste surcharges) were high, and the operator should throw one out. He also said the surcharge should not be based upon leaked water. He said the site plan for the center that had been circulated with the written materials for the hearing had come 13 years after the center was built in 1999. The President said it probably was prepared because of the variance the owner had requested in 2012.

Mr. Mousa asked why the District did not notify him about the high water bills and why the District doesn't do it every time. The President indicated it was a courtesy.

Mr. Mousa mentioned flushing with clean water to clean out waste, and he asked about grab samples and use of water consumption to calculate the surcharges. The President said he thought it was legitimate to exclude water that did not go down the drain from the surcharge calculation. There was a question about how to quantify that amount. There appeared to be no evidence about the location of a leak, or how big it was. The Vice President invited Mr. Mousa to submit documentation about the location of

the leak, how big it was, etc.

The President showed a photo of the reported wet area. Mr. Mousa said he first thought it was caused by the condensation drain pipe, but then he got the alert from the District about a possible leak. He said a leak detection company wanted \$1,200 to find the leak, plus \$200 per hour, and the estimate to fix the leak was \$2,700.

Mr. Mousa asked if the samples are always perfect. The President reviewed sampling reports going back to May 2022. He said he saw no reason to throw out the first sample in February, but he could support adjusting water quantity used to calculate the surcharge. He said it could result in a reduction of the surcharge to \$478.

Mr. Mousa said that if there is something out of the ordinary, District should go “above and beyond.” The President indicated that Mr. Mousa and the center had received a lot of attention from the District.

Mr. Mousa discussed the impact of human feces on the samples and the calculation. There was a discussion about low-flow toilets.

Mr. Mousa said the District should do random sampling. The President asked about going to one sample every three months.

Mr. Mousa said not notifying him about a leak could cause a problem with liability, like a slip and fall. He said the District’s communications were too cumbersome. The President indicated that the cumbersome communications were caused by the pending litigation against the District and the operator. Mr. Mousa said that notifying customers was a “moral obligation” not a legal obligation. The President mentioned the possibility of using electronic meters or possibly trying them out in a pilot study.

There was a general discussion about answering the first question “no,” but allowing an adjustment to the water usage (for surcharge calculation) to 75,000 gallons. After the discussion, there was a motion to take all the questions under advisement and request the attorney to prepare a draft decision document based upon the matters presented during the hearing and bring it back to the Board. The motion was seconded and adopted by a vote of 4-0 (Mr. Price not voting).

e. Minutes. There was a motion to approve draft minutes for the meeting of February 22, 2023. The motion was seconded and adopted.

3. Water and Sewer Matters. During the report on “Engineering & Projects,” Hardin gave an update and recommendation on the applications for permits filed by Cy-Champ PUD for “Parks A and B,” both located on Cutten Road.

4. Engineering & Projects. After the Constable report, Mr. Hardin presented a written engineer’s report and discussed the pending application by Cy-Champ PUD for permits for park properties (“Parks A and B”) on Cutten Road. The applications included one one-inch meter and two two-inch meters. After discussion, there was a motion to authorize the operator to issue the two permits, after review by the engineer and determination that the applicable requirements have been met. The motion was seconded, and all voted in favor. There was a question about the calculation of the tap fees, and the attorney explained that the tap fees for tax-exempt entities was “the greater of” two numbers specified in the District’s Rate Order (one of which included recoupment of invested capital). The engineer mentioned that the southern parcel had not yet been platted.

Mr. Hardin reported on discussions with property owners about the easement acquisitions for the TxDOT project on FM 1960. There was a motion to approve the engineer’s report. The motion was seconded, and all voted in favor.

5. Energy, Streetlights, Etc. There was no action taken.

6. FM 1960 Project. This project was also discussed during the engineer’s report. The President made a motion as follows: “I move that Harris County Municipal Utility District No. 191 adopt Resolution No. 2023-03-22 authorizing the use of eminent domain to acquire water and sewer easements and temporary construction easements as are fully described in said resolution for the relocation of water and sewer lines

within the District.” Director Miller seconded the motion, and, when the question was called, there was a roll-call vote as follows:

Voting Aye: Directors Price, Miller, Harris, Umphry, Young
Voting Nay: (none)
Absent: (none)

7. Records, Communications, Meetings, etc. There was no action taken.

(Adjournment) The meeting adjourned at approximately 8:45 PM.



Secretary, Board of Directors

(SEAL)