

**MINUTES OF A MEETING OF THE BOARD OF DIRECTORS
OF HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 191
May 2, 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 (rescheduled)**, open to the public, beginning at **6:30 PM** on **May 2, 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, except Mr. Young, thus constituting a quorum. Also present were Ms. Robin Goins of BLICO, Inc.; Ms. Robin Secrest and Ms. Michelle Giacona of H2O Innovation Operation & Maintenance LLC; Mr. Timothy Hardin of Langford Engineering; Ms. Claudia Redden of Claudia Redden & Associates; Deputy Jose Rivera of the Harris County Constable's office; and Mr. James Dougherty, attorney for the District.

1. Constable/Patrol/County Matters. Deputy Rivera presented a written Constable report. He mentioned some minor reports and incidents.

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. 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. Goins presented the Tax Assessor-Collector's report. There was a motion to accept the Assessor-Collector's report and approve and authorize the checks presented. The motion was seconded and adopted unanimously.

c. Legal matters. There was no action taken.

d. Utility operations. The President recognized Ms. Giacona, who presented the written operator report. There was a question about the reported water accountability (more than 100%). Ms. Secrest said the District's accountability tended to run high, and in this case it may have been over 100% because of a usage adjustment. Ms. Giacona mentioned several work items that were underway, including work on starters and contacts for two of the water booster pumps. Ms. Secrest mentioned that the operator was planning to change the subcontractor that handles the preparation of monthly bills.

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 presented a list of points to address the questions presented and discussed at the March 22, 2023 hearing on sanitary sewer charges and related issues (Mousa center, 13455 Cutten Road). After discussion and three amendments to the list, there was motion to authorize the President to sign a written order deciding the questions presented at the hearing as follows:

- (1) None of the waste samples for February should be excluded. Averaging, as done by the Pretreatment Coordinator, was correct.
- (2) The operator should not be obligated to send a worker to a 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) It does not appear that the "sanitary sewer easement" shown on the site plan for 13455 Cutten Road is a District-owned easement, so the District is not responsible to maintain a sewer line in such easement.
 - (b) The 2-inch water line shown on the site plan is not owned by the District.
- (3) Neither the operator nor any District official should be *obligated* to notify a customer when there is a "high" meter reading or an "irregularity," in advance of the upcoming monthly billing, but they may do so as a courtesy, in appropriate circumstances.
- (4) However, the sanitary sewer surcharges for 13455 Cutten Road for the billing period ending in February should be re-calculated using a usage quantity of 75,000 gallons, and the account should be adjusted accordingly.

The motion was seconded and adopted by a vote of 3-0 (Mr. Price not voting).

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

3. Water and Sewer Matters. There was discussion of water and sewer matters during the report on "Engineering & Projects."

4. Engineering & Projects. After the Constable report, Mr. Hardin presented a written engineer's report. He mentioned the permits and tap fees for Cy-Champ PUD park properties ("Parks A and B") on Cutten Road. There was a discussion about the draft tap fee calculation letter prepared by the engineer. After the discussion there was a motion to amend to rate order to provide that all tap fees based in whole or in part on cost to the District shall be collected, before the tap is set, as estimates, and then re-calculated using actual cost and "trued-up" against the estimated amount (by refunding if there is an actual underrun of the estimated cost and fee or by charging an increment if there is an actual overrun of the estimated cost and fee). The motion was seconded, and all voted in favor.

Mr. Hardin mentioned 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. There was a brief discussion about City of Houston approval of plans and specifications for relocated water and sewer lines. The President reported on an offer letter received from TxDOT for the storm sewer easements parallel to FM 1960. There was an extended discussion, including items omitted from the offer (easements, rights, facilities, obligations), also possible counteroffers. After the discussion, there was a motion to authorize the President to make a counteroffer along the lines discussed.

The attorney presented a resolution regarding eminent domain. After discussion, Mr. Miller made a motion as follows: I move that the Harris County Municipal Utility District No. 191 adopt Resolution No. 2023-05-02 authorizing the use of the power of eminent domain to acquire the property described in said resolution for the relocation of a sewer line." Director Harris seconded the motion, and, when the question was called, there was a roll-call vote as follows:

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

The motion and the resolution were thus adopted (4-0).

7. *Records, Communications, Meetings, etc.* There was a discussion about the date for the facilities tour. The consensus was to start the tour at the Clubhouse at 9:00 AM on May 20, then go to the WWTP, then to the water plant then to the three lift stations.

(Adjournment) The meeting adjourned at approximately 9:40 PM.



Secretary, Board of Directors

(SEAL)