

MINUTES OF MEETING OF BOARD OF DIRECTORS  
December 21, 2021

THE STATE OF TEXAS  
COUNTY OF HARRIS  
HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 55

The Board of Directors (the “Board”) of Harris County Municipal Utility District No. 55 (the “District”) met in regular session, open to the public, at 2300 Pilgrims Point, Webster, Texas, on Tuesday, December 21, 2021, whereupon the roll was called of the members of the Board, to-wit:

Robert L. Squires, President  
Sam Longoria, Vice President  
David VanRiper, Secretary  
Richard Klenk, Treasurer  
Robert Tietz, Assistant Secretary

All members of the Board were present in person, thus constituting a quorum. Also attending all or parts of the meeting in person were Mr. Scott Wenger, of the Forest Bend Fire Department; Mr. Kyle Donham of Si Environmental (“Si”), operator for the District; and Mr. Nelson Gaez of Brown & Gay Engineers, Inc. (“BGE”), engineer for the District; and Mr. Alton Henderson from Windsor EMS, Inc.; Ms. Leslie Bacon and Ms. Kaity Malek of Norton Rose Fulbright US LLP (“NRF”), attorney for the District; Mr. Scott Gray of Champions Hydro-Lawn, Inc. (“Champions”); and Ms. Jennifer Landreville of ETI Accounting Services (“ETI”), bookkeeper for the District; Mr. Cullen Raska of Lake Management Services LP (“Lake Management”); and Ms. Kathleen Smith, resident of the District.

The meeting was called to order in accordance with notice posted pursuant to law, copies of the Certificates of Posting of which are attached hereto as Exhibit A, and the following business was transacted:

**1. Public Comments.** Ms. Smith stated that on November 9, 2021, she noticed someone came and put a big trash bag over the fire hydrant by her house. She stated that she called to inquire about the fire hydrant and was told that the company was waiting on parts. She stated that after many calls inquiring about this it was finally taken care of. Ms. Smith further stated that there were also pieces of concrete around the fire hydrant. Discussion ensued.

Director Tietz joined the meeting at this time.

**2. Approve Minutes.** The Board considered the minutes of the November 16, 2021 regular meeting, copies of which was previously distributed to the Board. Upon motion by Director Klenk, seconded by Director Tietz, after full discussion and the question being put to the Board, the Board voted unanimously to approve the minutes of November 16, 2021 regular meeting, as presented.

**3. Forest Bend Fire Department Report.** Mr. Wenger reviewed the runs for the month of November. He also reported on the service calls within the month and discussed the November budget activity.

Mr. Wenger reported that the District had a very successful Santa ride over the weekend.

Mr. Wenger discussed with the Board the volunteers and employment for Forest Bend Fire Department.

Mr. Wenger discussed the 2022 proposed budget. He stated that the Fire Department is seeking a 8% raise due to a significant increase in territory coverage as well as operation costs going up. Discussion ensued. Upon motion by Director Klenk, seconded by Director Longoria, after full discussion and the question being put to the Board, the Board voted to approve the 8% increase in the Forest Bend Fire Department 2022 proposed budget, as presented.

**4. Windsor EMS, Inc. Report.** Mr. Henderson presented to and reviewed with the Board the Windsor EMS, Inc. ("Windsor") report for November 2021, a copy of which is attached hereto as Exhibit C. Mr. Henderson stated that Windsor's 911 services were requested 65 times with a total of 66 patients. He stated that Windsor responded to 64 of the requests, with an average response time of 6 minutes and 02 seconds. He reported that Medic 18 responded to 62 requests and that Medic 19/ Windsor Shoreacers responded to 2 requests. He stated that 1 Mutual aid was provided by League City and one of the requests was a Mutual Aid request by SEVFD. Mr. Henderson stated that Windsor's response for medic 18 in MUD 55's district was less than 7 minutes and 59 seconds, on 100% of the requests.

Mr. Henderson presented to and reviewed with the Board the 2021 Windsor year-end review as well as the proposed 2022 Windsor budget. Extensive discussion ensued. Upon motion by Director Klenk, seconded by Director Longoria, after full discussion and the question being put to the Board, the Board voted to approve the 2022 proposed budget, as presented.

**5. Tax Assessor and Collector's Report.** Ms. Landreville presented to and reviewed with the Board the Tax Assessor and Collector's Report, a copy of which is attached hereto as Exhibit F.

Ms. Landreville reported that for the month of November the District has collected 99.5% of taxes for 2020 and 7.5% of taxes for 2021.

Ms. Landreville stated there are eleven checks being presented for review and approval.

Ms. Landreville reported on the District's depository pledge report for the month of November.

Ms. Landreville reported on the SPA Revenue report.

Upon motion by Director Longoria, seconded by Director VanRiper, after full discussion and the question being put to the Board, the Board voted unanimously to approve the Tax Assessor and Collector's Report, to approve the execution of the checks as presented.

**6. Bookkeeper's Report and Investment Report.** Ms. Landreville presented to and reviewed with the Board the Bookkeeper's Report for November 2021 and the Investment Report copies of which are attached hereto as Exhibit G.

Ms. Landreville reported on the District's general operating funds.

Ms. Landreville stated there are 56 checks being presented for review and approval.

Ms. Landreville reviewed the November investment and capital reports.

Ms. Landreville reported on the District's 2022 proposed budget. Discussion ensued.

Upon motion by Director Klenk, seconded by Director Longoria, after full discussion and the question being put to the Board, the Board voted unanimously to accept the Bookkeeper's Report and the Investment Report, and to approve execution of the checks presented.

**7. Operations Report, Including Review and Approval of Maintenance Items and Delinquent Report.** Mr. Donham presented to and reviewed with the Board the Operations Report and Maintenance Report for November 2021 a copy of which is attached hereto as Exhibit I.

Mr. Donham reported on the water distribution repairs and maintenance for the month of November stating that Si performed billing/collection activities and responded to customers calls for service.

Mr. Donham reported that Si replaced 4 meters over 1 million per the meter change out program.

Mr. Donham reported that, at 2146 Pilgrims Point, Si excavated down to the main and replaced a leaking tapline. He stated that Si backfilled and cleaned the area after the repair.

Mr. Donham reported that, at 117734 Fife and 17718 Point Comfort, Si excavated and replaced leaking U branch.

Mr. Donham reported that Si made repairs on 9 hydrants as noted on the inspection report.

Mr. Donham reported that at 16819 Nina, Si removed a section of fencing and excavated down to the sewer main, replaced a section of pipe that failed, tied it back to the house line, backfilled and cleaned the area then replaced the fence after the repair.

Mr. Donham reported that lines were jetted to clear blockage at 16906 Manowar, 3011 Early Turn and 4723 Cavern.

Mr. Donham reported on the lift station maintenance for the month of November. He stated that at Signal Hill L3, Si found that a RMS had failed. He stated that Si pulled the RMS and installed loaner and that after the repair was reinstalled, programmed and tested it was put back into service. He stated that at St. Lawrence L1, Si found that a controller was not working so they installed a new controller, wired, programmed, tested, monitored and put back into service. He stated that at Blue Mesa L2, Si found that one float was bad so they pulled it and replaced the float with a new one. He stated that Si checked operation and put it back into service.

Mr. Donham stated that at Fife W1, Si found that the CL2 was not feeding, so they flushed the air out of the solution line and put it back into service. He stated that they also pulled booster pump #4 and motor for repairs. He stated they reinstalled the motor after the repairs has been made, checked the rotation and amps and put it back into service. Mr. Donham further reported that Si ordered and replaced a 1” air release booster pump header and completed after hour checs and monitored the facility during free chlorine.

Mr. Donham reported on the water accountability. He stated that it was at 94.41% for the month of November.

Mr. Donham reported on the delinquent account list with the Board. Upon motion by Director Klenk, seconded by Director Longoria, after full discussion and the question being put to the Board, the Board voted unanimously to approve the delinquent cut off list.

Upon motion by Director Longoria, seconded by Director Klenk, after full discussion and the question being put to the Board, the Board voted unanimously to approve the Operations Report.

**8. Engineer’s Report.** Mr. Gaez presented to and reviewed with the Board the Engineer’s Report, a copy of which is attached hereto as Exhibit J, and which follows in substantially the form it was presented:

a. **Commercial Reviews:**

1. **Beamer Villas:** Mr. Gaez reported that Crystal Creek Developers have requested BGE to provide proposals to update the construction plans for the sanitary sewer lift station and storm water pump station. He stated that Gehan Homes has partnered with Crystal Creek Developers as the home builder.
2. **El Dorado Tracts:**
  - i. **Allora Apartments (9.13 Acre Multi Family Tract):** Mr. Gaez reported that that construction is ongoing and it is anticipated that the project will be fully completed in March 2022.
  - ii. **Assisted Living Facility (6.77 Acres El Dorado Blvd and Beacons View):** Mr. Gaez stated that construction is ongoing and it is anticipated that the project will be fully completed in March 2023.
3. **Rodzina Office Warehouse Phase II.** Mr. Gaez that there were no new updates other than the plat has now been recorded.
4. **Speedy Carwash.** Mr. Gaez stated that Si Environmental and BGE have requested that the contractor expose the base of the unauthorized manhole for inspection. The contractor will be excavating a portion of the manhole prior to scheduling the inspection. He reported that the developer has

submitted as-built construction plans to Harris County to schedule final inspection.

**b. Capacity Requests.** Mr. Gaez stated that there was nothing to report.

**c. BGE Authorized Projects:**

**i. Water Plant No. 1 Driveway Replacement:** Mr. Gaez reported that BGE solicited bids from four reputable contractors. On Friday, December 10, 2021, two bids were received for the Driveway Replacement Project. He reported that the lowest bidder was Skilled Construction with a bid of \$95,531.00. Mr. Gaez reported that given that the bids received exceeded the threshold of \$75,000 required for bid solicitation, the District will have to publicly bid the project.

**d. COH / County Projects**

**i. City of Houston (“COH”) Southeast Transmission Line (surface water line):** Mr. Gaez reported on that design is ongoing. He stated that the alignment of line segments is under review and consultants are working towards milestone submittals. Mr. Gaez stated that the next cash call (Cash Call #3) in the amount of \$993,603.98 will be due on December 27th. Discussion ensued.

**ii. Blackhawk Treatment Plant:** Mr. Gaez stated that an advisory committee meeting was held on December 16th. CDM Smith presented the scope of the aeration improvements project after completion of the study portion. He stated that the current scope of work is estimated at \$9,492,200 and that the original estimate from the previous consultant was \$6,693,237. CDM Smith updated the project scope to include redundancy in the number blowers, included aeration basin no. 1, RAS pump improvements, and accounts for increase in material costs and 30% contingency. Discussion ensued.

**iii. Joint Regional Lift Station 142-2:** Mr. Gaez stated that Techstar Construction is waiting on parts to begin reconstruction of the control panel. He stated that the tentative start date is December 28th.

**e. Additional Items:**

**i. 840,000 Gallon Ground Storage Tank Cathodic Protection Repair:** Mr. Gaez stated that the repair will be completed during the next internal inspection of the ground storage tank. The Operator has requested that the tanks be drained after the holidays to avoid issues with high demand.

ii. **Water Plant Coating Inspections:** Mr. Gaez stated that the 840,000 gallon ground storage tank and 20,000 gallon Hydropneumatic tank will be due for inspection this month. He stated that the ground storage tank will be drained to comply with the TCEQ coating inspection schedule.

iii. **AWIA Emergency Preparedness Plan Certification:** Mr. Gaez reported that BGE incorporated comments from Si Environmental and completed the Emergency Preparedness Plan (ERP). BGE will submit certification of ERP completion to the EPA by December 31 as required by the AWIA.

Upon motion by Director Klenk, seconded by Director VanRiper, after full discussion and the question being put to the Board, the Board voted unanimously to approve the Engineer's Report and to authorize BGE to advertise and receive bids for the driveway replacement.

**9. Approve Notice of Intent to Reimburse Itself.** Ms. Bacon presented to and reviewed with the Board the Notice of Intent to Reimburse Itself, a copy of which is attached hereto as Exhibit H.

Upon motion by Director VanRiper, seconded by Director Longoria, after full discussion and the question being put to the Board, the Board voted unanimously to approve the Notice of Intent to Reimburse Itself.

**10. Park and Recreational Facility Report.** Mr. Gray, who presented to and reviewed with the Board the Parks and Recreational Facilities Report, a copy of which is attached hereto as Exhibit K.

Mr. Gray reported that the resident tree limb debris was removed.

Mr. Gray reported on Heritage Park Short Channel, stating that the channel is in good condition. Discussion ensued regarding silt cleaning along this channel.

Mr. Gray reported on Heritage Park Long Channel, stating that the channel is in good condition and is functioning as designed.

Mr. Raska reported that lake management pulled a fountain due to an outage. He stated that the part that went out was replaced and is up and running.

Mr. Raska reported on the fish structures, stating that the structure that lake management is wanting to install will increase fish production. He stated that he also will add the turtle traps around major areas of the pond. He reported that this will be a three step process over the next three years. Extensive discussion ensued. Upon motion by Director Tietz, seconded by Director VanRiper, after full discussion and the question being put to the Board, the Board voted unanimously to approve the installation of the fish structures in the District's pond.

**11. Sewage Treatment Plant Operations Report.** Director Squires stated that there was nothing to report.

**12. Discuss Southeast Water Plant Report.** There was nothing to report.

**13. Discuss Maintenance of District Facilities.** There was nothing to report.

**14. Review operating account fund balance and rate order and authorize any amendments.** Director squires stated that the District will have a special meeting in the new year to further discuss the rate order.

**15. Adopt budget for fiscal year ending December 31, 2022.** Upon motion by Director Klenk, seconded by Director VanRiper, after full discussion and the question being put to the Board, the Board voted unanimously to adopt the budget for fiscal year ending December 31, 2022, as discussed.

**16. Other District Matters.** There was nothing to report.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, THE MEETING WAS ADJOURNED.

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The above and foregoing minutes were passed and approved by the Board of Directors on **January 2022.**

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President, Board of Directors

ATTEST:

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Secretary, Board of Directors