

## **NOTICE OF MEETING OF BOARD OF DIRECTORS**

**STATE OF TEXAS**

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**COUNTY OF HARRIS**

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**COUNTY OF MONTGOMERY**

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Pursuant to the Texas Open Meetings Act, Texas Government Code, Sections 551.001, *et seq.* and Sections 49.063 and 49.064, Texas Water Code, notice is hereby given that on the 15th day of February, 2023, the Board of Directors of the HMW Special Utility District of Harris and Montgomery Counties (the "District") will hold a meeting at 6:00 p.m., including participation by remote means as further set forth below. The subjects to be discussed are listed below and attached to and made a part of this notice.

Notice is hereby given that in accordance with state and local emergency proclamations related to the COVID-19 virus, including proclamations of the Governor of Texas dated March 13, 2020, and thereafter, one or more members of the Board of Directors of the District and other participants may participate in the meeting remotely by audio and visual means as provided by Chapter 551, Texas Government Code. Board members and designated attendees will receive instructions to join the meeting by such means.

Persons who desire to address the meeting of the Board of Directors may do so by appearing in person at the District office at 26726 Decker Prairie-Rosehill Road, Magnolia, Texas 77362, or by calling (281) 356 5060, at which time they will be connected to the meeting by audio means. District customers and members of the public are also encouraged to visit the District website at [www.hmw-sud.com](http://www.hmw-sud.com) to obtain instructions for participating in the meeting for which this notice is given.

If, during the course of the meeting covered by this Notice, the Board of Directors should determine that a closed or executive meeting or session of the Board of Directors is required, then such closed or executive meeting or session as authorized by the Texas Open Meetings Act, Texas Government Code Section 551.001 *et seq.*, will be held by the Board of Directors at the date, hour, and place given in this Notice or as soon after the commencement of the meeting covered by this Notice as the Board of Directors may conveniently meet in such closed or executive meeting or session concerning any and all purposes permitted by the Act, including, but not limited to the following sections and purposes:

### Texas Government Code Section:

- |         |                                                                                                                                     |
|---------|-------------------------------------------------------------------------------------------------------------------------------------|
| 551.071 | Private consultations with the board's attorney.                                                                                    |
| 551.072 | Discussions of the purchase, exchange, lease, or value of real property.                                                            |
| 551.073 | Discussions of prospective gifts or donations.                                                                                      |
| 551.074 | Discussions of personnel matters or complaints against employees or officers.                                                       |
| 551.076 | Consideration of the deployment, specific occasions for, or implementation of security personnel or devices, or of security audits. |

Should any action, decision or vote of the Board of Directors in regard to any matter considered in such closed or executive meeting or session, then such action, decision or vote shall be either:

- (a) in the open meeting covered by the Notice upon the reconvening of the

public meeting; or

- (b) at a subsequent public meeting of the Board of Directors upon notice thereof, as the Board of Directors shall determine.

An original copy of this notice was posted on the public bulletin board in the offices of HMW Special Utility District, 26726 Decker Prairie-Rosehill Road, Magnolia, Texas 77355, at \_ . m. on February 8, 2023, as well as the district website at [www.hmw-sud.com](http://www.hmw-sud.com), on or before such date.

A handwritten signature in black ink, reading "Patrick F. Timmons, Jr.", written over a horizontal line.

Patrick F. Timmons, Jr., General Counsel  
HMW Special Utility District of Harris and Montgomery  
Counties

**PROPOSED AGENDA FOR THE BOARD OF DIRECTORS**  
**HMW SPECIAL UTILITY DISTRICT OF HARRIS AND MONTGOMERY**  
**COUNTIES FOR FEBRUARY 15, 2023**

1. Opening Items.
  - a. Moment of Silence and Pledge of Allegiance.
  - b. Discussion and action on proposed agenda of the Board of Directors.
2. Review and discussion of communications from users of the utility system and the public.
3. Public participation.
  - a. Remarks by Jim Spigener and Samantha Reiter of the Lone Star Groundwater Conservation District, and discussion with board of directors.
  - b. Comments by utility customers, persons requesting service and members of the public, and discussion with board of directors. Time limit of three minutes for each presentation, exclusive of questions by board members (Discussion and action, if any, under Item 16.).
4. Discussion and action, as required, on reports to Board of Directors on all agenda items and as permitted by law.
  - a. District Financial Advisor and Investment Officer
    - (1) Agenda Items No. 5.b., 5.c. and 5.d.
    - (2) Financing for acquisition of real property, vehicles, emergency power equipment, office equipment and other purchases.
    - (3) Performance compared to budget for fiscal year beginning September 1, 2022.
    - (4) Expenditures for capital projects.
    - (5) Cash flow projections.
    - (6) Banking matters.
    - (7) Investment matters, as applicable.
    - (8) Financial and investment reports.
  - b. President
    - (1) Routine management and personnel matters.
    - (2) Actions previously directed or authorized by the board of directors.
    - (3) Discretionary actions.
    - (4) Customer contacts.
    - (5) Community contacts, including follow up action following discussion.
    - (6) Board organization and conduct of board meetings, including procedures for public comments under Agenda Item 3.
    - (7) District Activity Analytics.
  - c. Other officers, board members and board committees
    - (1) North Harris County Regional Water Authority.
    - (2) Lone Star Groundwater Conservation District.
    - (3) San Jacinto River Authority.
    - (4) Harris Galveston Subsidence District.
    - (5) Other officer, director, and committee reports.

- (6) Director comments.
- (7) Compensation Committee.
- (8) Long Range Planning/Development Committee

d. General Manager and Controller (pursuant to Chapter 551, Subchapter D, Texas Government Code, some reports may be given in executive session).

- (1) Safety items.
- (2) Personnel matters.
- (3) Real property, fixture, vehicle, meter and equipment acquisitions and related upgrades.
- (4) Equipment repairs and maintenance.
- (5) Water production and sales, by water system.
- (6) Customer issues, contacts, and communications, including landlord/tenant policy letter.
- (7) Developer contacts.
- (8) Water system maintenance, repairs, and construction.
- (9) Proposed customer billing adjustments.
- (10) Office equipment, computer and office system maintenance, repair, and acquisitions.
- (11) Thefts or diversions of water service.
- (12) System emergencies.
- (13) Personnel and other policy revisions.
- (14) Property, liability, and other insurance.
- (15) Electric power, telephone, internet, and other utility services.
- (16) Leases and other contracts, including renewals, under Agenda Item No. 4.
- (17) Expenditures on matters under Agenda Item No. 4.
- (18) Adoption, modification and use of District administrative procedures, including records management.
- (19) Disposal of District property.
- (20) Expense reimbursement requests.
- (21) Planned time off for General Manager and Controller.
- (22) Postings for and administration of District website.
- (23) Tank and other inspections and inspection issues.
- (24) Other reports and updates, including COVID-19.

e. District Engineer

- (1) Storage, high pressure tank and other equipment orders.
- (2) Development reviews.
- (3) Contacts with and responses to TCEQ and other agencies on regulatory compliance matters.
- (4) Submission/approval and status of district construction projects, including advertisements for bids and contract awards on ground storage tanks and other equipment and services for District utility sites and facilities.
- (5) Developer/customer requests for water service.
- (6) Status of project budgets.
- (7) Other engineering reports.

f. General Counsel (pursuant to Section 551.071, Texas Government Code, some reports may be given in executive session)

- (1) Questions or comments on minutes of prior meetings.
- (2) Actual and potential litigation matters, including Texas PUC and eminent domain matters.
- (3) Developer contacts and related matters, including (i) requests to decertify or

annex territory within District boundaries and certificates of convenience and necessity, (ii) Spring Creek motor home development, and (iii) KB Homes water service agreement for new Oakwood Subdivision to be located on Decker Prairie-Rosehill Road 110.6acre tract.

- (4) Contract matters, including performance of pending agreements, and Agenda Items No.4, No.5., No. 6., No.7, No.9, No.11, No. 12, No.14 and No.15.
  - (5) Contacts with and responses to Texas Commission for Environmental Quality ("TCEQ"), Texas Public Utility Commission ("PUC"), other agencies and interested parties, on regulatory compliance and other matters, including the District Water Conservation Plan.
  - (6) Customer contacts and related matters.
  - (7) Contacts with and from public officials and others regarding District matters, including water well registrations, permit applications to and regulations of the Harris Galveston Subsidence District ("HGSD"), North Harris County Regional Water Authority("NHCRWA") and Lone Star Groundwater Conservation District ("LSGCD").
  - (8) Information requests under the Texas Open Records Act.
  - (9) Issues pertaining to private water wells.
  - (10) District Bylaws, Personnel, Investment, COVID-19, Water Conservation, public comment and other policies and policy matters.
  - (11) Real property acquisitions, including easements.
  - (12) Inter local and other agreements with other political subdivisions.
  - (13) Legislative matters, including issues before 88<sup>th</sup> Texas Legislature.
  - (14) Groundwater Reduction Plans to which the District is a party, including related water conservation and drought contingency plans.
  - (15) Policies and activities of HGSD, NHCRWA, LSGCD, San Jacinto River Authority and other regional entities with regulatory authority.
  - (16) Reports on subjects requested by board of directors, including ongoing service contracts, SWIFT funding, NHCRWA, LSGCD and SJRA groundwater policy, PUC policy on water and power issues and certificates of convenience and necessity, records management and other reports as requested.
  - (17) Director election matters.
  - (18) Other reports.
5. Discussion and action on the following consent agenda items (subject to separate consideration at the request of one or more members).
- a. Approval of minutes of prior meetings.
  - b. Approval of payroll and payments for professional services and other materials and services purchased in the ordinary course of business.
  - c. Approval of monthly financial report.
  - d. Approval of monthly investment reports.
6. Discussion and action, as required, on authorization of services, acquisitions, construction and/or installation of equipment or improvements and/or repairs of District facilities, including prior authorizations of such projects and related expenditures by the President.

7. Discussion and action, as required, on the following action items recommended by General Manager or requested by the board of directors:
  - a. Request for Proposal related to Spring Creek wastewater operations.
  - b. Water and wastewater rates.
  - c. Other recommendations.
8. Discussion and action, as required, on review of and/or revisions to the District's Rate Tariff and Order, including water and wastewater rates.
9. Discussion and action, as required, on authorization to acquisition of additional property for District utility sites and other uses, whether by agreement or eminent domain.
10. Discussion and action, as required, on appeal to Third Court of Appeals of Texas PUC decision on application by Previllage, LLC, to decertify portion of the District certificate of convenience and necessity, and related proceedings in the Texas PUC.
11. Discussion and action, as required, on matters pertaining to water service agreement with KB Home Lone Star, Inc.
12. Discussion and action, as required, on matters related to 2023 director election.
13. Discussion and action, as required, on District responses to public health emergencies, including emergence of COVID-19 virus and responses/coordination by the District with public health authorities.
14. Discussion and action, as required, on acquisition of "smart" water meters for the District.
15. Discussion and action, as required, on developer and water and wastewater service agreements, including drainage agreement and action on request for proposal for wastewater operations, for Spring Creek motor home development.
16. Discussion and action, as required, on Agenda Items No. 2. and No. 3.
17. Discussion in executive session of matters permitted by Chapter 551, Subchapter D, Texas Government Code.
18. Discussion and action, as required, on matters discussed in executive session.
19. Action Item Review and follow up actions, as required.
20. Review of board actions taken.
21. Discussion and action, as required, on agenda, place, date, and time for future meetings of the board of directors and its committees.
22. Adjournment.



Patrick F. Timmons, Jr., General Counsel, HMW  
Special Utility District of Harris and Montgomery Counties