

MINUTES OF MEETING OF BOARD OF DIRECTORS

February 9, 2021

THE STATE OF TEXAS §
COUNTY OF MONTGOMERY §
MONTGOMERY COUNTY UTILITY DISTRICT NO. 3 §

The Board of Directors (“Board”) of Montgomery County Utility District No. 3 (“District”) met in **special** session, open to the public, on **February 9, 2021 at 2:00 PM**, at the offices of Hays Utility North Corporation (the District’s utility operator) at 375 Lake Meadows Drive, Montgomery, Texas 77356, in Montgomery County, Texas and via a telephone conference call audible at that location (with two way audio), as authorized by the Governor of Texas under an emergency declaration, whereupon the roll was called of the members of the Board, to-wit:

- Doris Hickman, President
- Richard Tibbetts, Vice President
- Janis Boulware, Secretary and Assistant Treasurer
- Carolyn H. Smith, Treasurer
- Judy Robert, Assistant Secretary

and all members of the Board were present via conference call, thus constituting a quorum. Also present via conference call were Chris Roznovsky and Katherine Vu of Jones & Carter, Inc., engineers for the District, and James Dougherty, special counsel for the District. Philip Wright of Hays Utility North Corp., operator for the District attended at the meeting place and participated by conference call.

The meeting was called to order by the President, and in accordance with notice posted pursuant to law in the form attached as *Exhibit A*, the following business was transacted:

1. Notices, Minutes, Etc. The Secretary reported that the notice of the meeting had been given as required by law. It was moved and seconded to approve the notice and how it was given, in the form shown in *Exhibit A*, attached.

2. Public comments. There were no public comments.

3. Neighborhood Update (UD4). The President reported that a draft consolidation agreement had just been released by UD4.

4. Operations. Mr. Wright said there were no major operational matters to address.

5. Intergovernmental matters. Ms. Vu reported on a discussion with TxDOT staff held February 4. She mentioned a TxDOT consultant’s proposed “RCUT” design for the April Sound Blvd.-SH 105 intersection. She reviewed alternatives presented by others. She said a follow-up call was set for February 10. Ms. Robert and Mr. Tibbetts reported on the discussion of the Navajo u-turn proposal, including an impression that it might be “off the table.”

Mr. Tibbetts mentioned the “shielding effect” of the two existing signals controlling the westbound lanes of the intersection. He said the “RCUT” design had been prepared and sketched quickly. He said it was touted as having fewer “points of conflict” than a traditional four-legged intersection, adding that the existing intersection---and also Option A (extending the eastbound left-turn lane)---both had fewer points of conflict than a traditional four-legged intersection. He reported that TxDOT’s prime objective appeared to be to increase safety, also that the TxDOT District Engineer had suggested that the “forever green” signals controlling eastbound traffic could be removed.

Mr. Tibbetts asked for input from the Board before the follow-up meeting with TxDOT set for the following day. The President mentioned that she had seen other intersections that had signals close together. There was a brief discussion of using a pole-mounted left-turn signal, to eliminate span wires. There was discussion about problems with the RCUT design, especially the required u-turns. Ms. Robert mentioned the City's jurisdiction over traffic signals and timing. There was further discussion of Option A and access to the Exxon station.

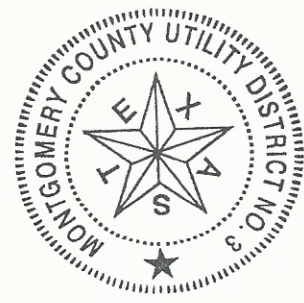
The President indicated that the District's representatives seemed to have the issues well-covered. Mr. Tibbetts and Ms. Boulware mentioned possible additional features to include in the intersection, like an acceleration lane westbound (at the exit), a longer right-turn lane westbound (at the entrance) and an optional (supplemental) u-turn at Navajo that eastbound vehicles could use to return to April Sound. Mr. Tibbetts and Mr. Roznovsky discussed the timing of TxDOT's design. There was a brief discussion about inviting others to attend the TxDOT meeting the following day (to be held via MS Teams).

A motion was made to adjourn the meeting at about 3:08 PM. The motion was seconded and carried unanimously.

These minutes were approved by the Board of Directors on March 15, 2021.

SIGNED: Davis Heckman President, Board of Directors

ATTEST: Joe Balle, Secretary, Board of Directors



MONTGOMERY COUNTY UTILITY DISTRICT NO. 3

NOTICE: In accordance with Ch. 551, Tex. Gov't Code and Sec. 49.063, Tex. Water Code, both as amended, take notice that the Board of Directors (Board) of Montgomery County Utility District No. 3 (District) will meet in **special** session, open to the public, at **2:00 PM** on **February 9, 2021** at the offices of Hays Utility North Corporation (the District's utility operator) at 375 Lake Meadows Drive, Montgomery, Texas 77356, in Montgomery County, Texas where one or more persons will be present. Pursuant to the disaster declaration and suspension of certain laws by the Governor of Texas, **any Director or other person may participate in the meeting via telephone (with two-way audio)** by calling a public, toll-free number (800-504-7056, enter conference code 447079 when prompted), and an electronic copy of any agenda packet will be made available on the internet at <https://hayswater.com/montgomery-county-utility-district-3/>. Alternative means of communicating with District Directors include: (i) email addressed to "MCUD#3 Directors, c/o James Dougherty" sent to jim@jldjr.com; (iii) mail, phone or fax to the MCUD#3 Directors c/o James Dougherty, 12 Greenway Plz., Ste. 1100, Houston, TX 77046, phone 713-880-8808, fax 281-220-8984. The subjects of the meeting are as follows:

1. **Notices & Minutes.** Notices; minutes of current and prior meetings; etc.
2. **Public comments.**
3. **Neighborhood matters,** including Montgomery County Utility District No. 4 (UD4), projects, facilities, etc., *also*,
 –consolidation (merger) of the District with UD4, including agreement, election, and related matters.
4. **Operations.** Receive, discuss and act upon operation report, *also*: customer matters; repairs and maintenance; drainage; grounds maintenance; other projects; claims; operations contract; easements (and amendments and encroachments); water conservation (and drought contingency); utility services, policies, rates; and related matters.
5. **Intergovernmental matters.** Discuss, consider and act upon matters relating to: (i) City of Conroe: strategic partnership agreements, annexation, services, elections, codes, etc.; (ii) SH 105-TxDOT (plans, facilities, alternatives, engineering services, legal services, coalitions, presentations, litigation, draft letter, etc.); (iii) legislation; and (iv) related matters.
6. **Other:** (i) inquiries, (ii) future meetings and agenda items, and (iii) related matters.

IMPORTANT: (1) Each subject listed includes discussion, consideration, action, etc. (2) Subjects may be taken up in the order listed or otherwise and may be taken up more than once during the meeting. (3) If a quorum is not present, directors present may form an ad hoc committee to discuss, consider and act upon the subjects listed. (4) If the Board determines that any closed or executive session is required or should be held, such session(s) will be held by the Board at the date, hour, and place given in this Notice, if permitted under Sections 551.071-551.084, Texas Gov't Code (including, but not limited to, Sec. 551.071 for private consultation with the Board's attorney). (5) IF YOU HAVE A DISABILITY REQUIRING SPECIAL ARRANGEMENTS AT THE MEETING, PLEASE CONTACT THE DISTRICT'S ATTORNEY AT 713-880-8808 BEFORE THE MEETING. REASONABLE ACCOMMODATIONS WILL BE MADE FOR YOUR PARTICIPATION IN THE MEETING.

NOTICE (Meeting Place). After at least 50 qualified electors are residing in the District, on written request of at least five of those electors, the District's Board shall designate a meeting place and hold meetings within the District. If no suitable meeting place exists inside the District, the Board may designate a meeting place outside the District that is located not further than 10 miles from the boundary of the District. On the failure of the Board, after such a request is made, to designate the location of the meeting place within the District or not further than 10 miles from the boundary of the District, five electors may petition the Texas Commission on Environmental Quality to designate a location. If it determines that the meeting place used by the District deprives the residents of a reasonable opportunity to attend District meetings, the Commission shall designate a meeting place inside or outside the District which is reasonably available to the public and require that the meetings be held at such place.

Signed: Janis C. Boulware, Secretary
Montgomery County Utility District No. 3. Date: 2/5/2021

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02/05/2021 01:52PM
GWENDALYNN CAMARENA
MARK TURNBULL, COUNTY CLERK
MONTGOMERY COUNTY, TEXAS