

MINUTES OF MEETING OF BOARD OF DIRECTORS

April 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 **April 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 Eric Pederson and Justin Abshire with 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 was present at the meeting place. Cathy Hwang, with Sugarcreek Builders was present by conference call for at least the initial part of the meeting.

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. in the form shown in *Exhibit A*, attached. It was moved and seconded to approve and adopt the notice.

2. Public comments. Ms. Hwang inquired about taps, meters and fees for a new triplex. Mr. Wright reported on factual matters related to that project. He said there was a 60-day dialog with City of Conroe departments about multiple meters and a “combined” fire-and-domestic service. He said the plan received from Ms. Hwang that day showed a “unique” building, with three units all in one building, all on one lot. He said the plumbing was intermingled throughout the building. He said one meter to serve the entire property would be better, and that was supported by an email from one of the City departments. Mr. Dougherty explained that District policy required a capacity commitment a permit for the project (with plans for the building). It appeared that there had been no application made for either of them---and apparently there would have to be variances to allow the connection to be made. The Board discussed whether to put the matter on the agenda for the next meeting. There was a motion to do so, which was seconded and adopted.

6. Engineering. The President introduced the subject and asked Mr. Dougherty to provide some background. Mr. Dougherty described the reported changes in personnel between Jones & Carter Inc. and WGA (Ward Getz & Associates, PLLC). He described the qualifications-based process for making engineering services agreements (including the use of a request for qualifications, or “RFQ”), also the existing agreement with Jones & Carter and possible combinations. After discussion, it was moved and seconded to have an “RFQ” prepared and brought back to the Board for its consideration.

11. *Other.* There was an inquiry about holding face-to-face meetings. The President asked if the next meeting could include a provision for meeting face-to-face, with the dial-in as an option.

A motion was made to adjourn the meeting at about 3:07 PM. The motion was seconded and carried unanimously.

These minutes were approved by the Board of Directors on April 19, 2021.

SIGNED: Doris Heckman, President, Board of Directors

ATTEST: [Signature], 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 April 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. If allowed by 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. Engineering matters. Receive, discuss, consider and act upon reports, studies, facilities and projects, also: changes in staffing at Jones & Carter, Inc., engineering services agreements with Jones & Carter Inc. and/or others; related matters, including qualifications and statements of interest.
4. Solid Waste, etc. Discuss, consider and act upon solid waste matters, including regulations and Bailey Bros. contract; UD4 policies; and related matters.
5. Executive sessions(s) under Sections 551.071-551-084, Texas Government Code regarding subjects on this agenda.
---Action on items discussed in executive session.

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: [Signature] Secretary
Montgomery County Utility District No. 3.
Date: 4/6/2021



DOC# 21-0510
POSTED
04/06/2021 08:29AM
Rhonda Robey
MARK TURNBULL, COUNTY CLERK
MONTGOMERY COUNTY, TEXAS