

**MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 94**  
**NOTICE OF PUBLIC MEETING**

Notice is hereby given to all interested members of the public that the Board of Directors of the above captioned District will hold a regular public meeting **via telephone conference call** pursuant to Texas Government Code, Section 551.125, as amended, and as modified by the temporary suspension of various provisions thereof effective March 16, 2020, by the Governor of Texas in accordance with the Texas Disaster Act of 1975, all as related to the Governor's proclamation on March 13, 2020, certifying that the COVID-19 pandemic poses an imminent threat of disaster and declaring a state of disaster for all counties in Texas. **The telephone conference call phone number is 1-877-304-9269 and the access code is 826495#.** All members of the public may participate in the meeting via telephone conference call.

The meeting will be held on **Tuesday, September 1, 2020, at 12:00 Noon.**

The Board shall consider and discuss the following matters and take any action appropriate with respect to such matters:

1. Call to order, including explanation of telephone conference call meeting procedures;
2. Public Comments;
3. Review and approve the minutes of the August 4, 2020, Board of Directors meeting;
4. Report from Montgomery County Constable's Office regarding the provision of security services within the District;
5. Consider the following related to issuance of the District's Unlimited Tax Refunding Bonds, Series 2020 (the "Refunding Bonds"):
  - (a) review Financial Advisor's proposed Plan of Financing;
  - (b) establish parameters for sale of Refunding Bonds pursuant to Texas Government Code, Section 1207.007, and authorize the District's consultants to proceed with the preparation of a final Plan of Financing and Pricing Certificate in connection with the Refunding Bonds;
  - (c) approval and execution of an Order authorizing the issuance of the Refunding Bonds, including delegation of authority pursuant to Texas Government Code Section 1207.007;
  - (d) designation and approval of underwriter(s), including designation of Board officer(s) to receive and acknowledge MSRB Rule regarding disclosure of role, compensation, material conflicts of interest and material financial characteristics and risks of the financial structure provided by the approved underwriter(s); and approval of form of bond purchase agreement;

- (e) engagement of Special Tax Counsel; adoption of the Resolution Approving Contingent Fee Contract for Legal Services pursuant to Exhibit A attached hereto;
  - (f) designation of Paying Agent/Registrar, approval of execution of Paying Agent/Registrar Agreement; approval of execution of Agreement with Paying Agent for refunded bonds, if applicable;
  - (g) designation of Escrow Agent and approval of execution of an Escrow Agreement;
  - (h) designation of Verification Agent;
  - (i) approval of Preliminary Official Statement in connection with the issuance of the Refunding Bonds and authorize distribution of same; and authorize the completion and distribution of a Final Official Statement;
  - (j) authorize subscription for and purchase of U.S. Government securities or open market securities in connection with the issuance of the Refunding Bonds, if applicable;
  - (k) authorize bookkeeper to make payment for Attorney General's fees; and
  - (l) authorize execution of various additional documentation for inclusion in the transcript of proceedings to be submitted to the Attorney General of the State of Texas;
6. Authorize designated Board officer(s) to:
- (a) execute Pricing Certificate and Bond Purchase Agreement relative to the Refunding Bonds;
  - (b) authorize disbursement of bond proceeds relative to the Refunding Bonds;
  - (c) authorize execution of closing documentation relative to the Refunding Bonds;
  - (d) authorize execution and filing of Internal Revenue Service reporting forms relative to the Refunding Bonds;
  - (e) authorize District's disclosure counsel to file material events notice relative to bonds to be refunded by the Refunding Bonds; and
  - (f) such other matters and take any other necessary action relating to the issuance of the Refunding Bonds;
7. Status of new contract for electricity services for term beginning in 2024; discuss any appropriate adjustments to parameters for contract;
8. Report by Republic Services of Houston concerning solid waste and recycling collection activities within the District;
- (a) Discuss potential dates for annual document shredding event;
9. Tax Assessor/Collector's Report, including authorizing the payment of invoices presented and approve moving of accounts to uncollectible roll;
10. Discuss implementation of S.B. 2 and consider adoption of Resolution Concerning Developed District Status for 2020 Tax Year;

11. Receive the Financial Advisor's recommendation concerning the District's proposed 2020 tax rate, determine intended tax rate, and authorize:
  - (a) the required notice that the Board will consider adoption of a tax rate; and
  - (b) the means of providing such notice;
  
12. Report and legal action taken by the District's tax collection attorney, including authorizing foreclosure proceedings, installment agreements, and the filing of proofs of claim;
  
13. Operations Report, including:
  - (a) Authorizing the repair and maintenance of District facilities;
    - (i) Status of replacement of lift pump no. 1 at lift station no. 1;
  - (b) Appeals of District charges;
  - (c) Referral of accounts for collection and approve write-off of uncollectible accounts;
  - (d) Review and discuss list of completed and/or proposed District projects; discuss recommendations from the operator and engineer; and
  - (e) Status of Enforcement Action and Agreed Order relative to Montgomery County Municipal Utility District No. 119 ("No. 119") Wastewater Treatment Plant ("WWTP");
  
14. Engineer's Report, including:
  - (b) Authorizing the design and/or advertisement for bids for construction of facilities within the District, and acceptance of TEC Form 1295;
  - (c) Review and approval of any Storm Water Pollution Prevention Plans related to construction within or on behalf of the District;
  - (d) Authorizing the award of construction contracts or concurrence of award of contracts for the construction and/or repair of facilities within the District;
  - (e) Status of construction and/or repair of facilities to serve land within the District, including the approval of any pay estimates and/or change orders;
  - (e) Acceptance of site and/or easement conveyances for facilities constructed or to be constructed for the District, and acceptance of facilities for operation and maintenance purposes;
    - (i) Two small reserve tracts owned by Midway Spring Trails Partners;
  - (f) Discussion regarding proposed adjustments of sidewalks and status of Interlocal Agreement with Montgomery County in connection therewith;
  - (g) Status of improvements to WWTP by No. 119;
  - (h) Status of Spring Trails Community Association (the "Association") tree installation within certain areas of the District;
  - (i) Construction of missing sidewalk segment at intersection of Channing Springs Dr. and Kallie Hills Ln by Johnson Fence & Masonry; and
  - (j) Discussion regarding unauthorized construction of drainage ditch on District property by Riley Fuzzel Road Property, LLC and related issues;

15. Discuss historical billing for District's share of operating costs associated with Harris County Water Control and Improvement District No. 92 and Montgomery County Municipal Utility District No. 119 wastewater treatment plants; discuss response to District's request for billing adjustment;
16. Consider approval and/or status of any Association related construction or maintenance projects within District property; discuss resident communications including construction activities and/or requested maintenance;
  - (a) Status of tree trimming along fence line near Eden Meadows; and
  - (b) Candidate event in connection with upcoming election;
17. Status of the District's Stormwater Management Program ("SWMP"), including any training necessary under the SWMP and comments from the public;
  - (a) Status of sewer medallion project;
18. Issuance of utility commitments;
19. Bookkeeper's Report, including financial and investment reports and authorizing the payment of invoices presented;
20. District website report;
21. Status of compliance with annual cybersecurity training as required by Chapter 2054, Texas Government Code, and authorize any required reporting to the Texas Department of Information and Resources;
22. Attorney's Report;
  - (a) Impact of COVID-19 pandemic on District operations and related matters;
23. Convene in executive session for consultation with attorney pursuant to Open Meetings Act, Section 551.071, Texas Government Code;
24. Reconvene in open session and authorize any necessary action resulting from executive session; and
25. Matters for possible placement on future agendas.

SCHWARTZ, PAGE & HARDING, L.L.P.

By: Spencer W. Creed  
Spencer W. Creed  
Attorneys for the District

***Persons with disabilities who plan to attend this meeting and would like to request auxiliary aids or services are requested to contact the District's attorney at (713) 623-4531 at least three business days prior to the meeting so that appropriate arrangements can be made.***

563160

# Exhibit A

**MCCALL**  
PARKHURST & HORTON



## **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 94, NOTICE OF CONTINGENT FEE ENGAGEMENT OF SPECIAL TAX COUNSEL**

Pursuant to Texas Government Code Section 2254.1036, notice is hereby given that the Board of Directors of Montgomery County Municipal Utility District No. 94 (the "District"), at the public meeting described in the Notice of Public Meeting to which this Exhibit is attached, shall consider the engagement of McCall, Parkhurst & Horton L.L.P. (the "Firm") to serve as Special Tax Counsel for a contingent fee. In support thereof, the Firm offers the following:

- (A) The Firm is proposing to perform legal services for the purpose of providing legal representation to the District in the areas of federal tax law relating to the exemption of interest from federal income taxation on governmental public securities in the form of refunding bonds. The purpose of issuing such refunding bonds is to create a cost savings related to previously issued bonds of the District.
- (B) The Firm is a well-qualified law firm with more than 100 years of experience and has represented numerous entities similar to the District in matters related to the refunding of municipal bonds.
- (C) The Firm has no relationship with the District or its Board members other than its position as Special Tax Counsel. The District has engaged the Firm as Special Tax Counsel for each of its prior issuances of refunding bonds based on the Firm's reputation as a specialist in the area.
- (D) Special Tax Counsel services are highly specialized legal services involving complex regulatory guidance. While the District's Bond Counsel effectuates the issuance of District bonds, the Firm possesses expertise with the intricacies of federal tax law which are outside the scope of Bond Counsel's engagement, and industry standards necessitate the engagement of Special Tax Counsel.
- (E) The Firm's compensation is contingent upon the issuance and from proceeds of the sale of the refunding bonds. It is the industry standard for the fees of Special Tax Counsel, and many other types of legal and financial counsel associated with an offering of municipal securities, to be provided on a contingent basis.
- (F) This contingent fee contract is in the best interest of the District's residents because the arrangement allows the District to have certainty of its costs prior to the issuance of such bonds, which allows it to size its bonds with greater certainty. This arrangement also allows the District to preserve its right to discontinue the issuance of such refunding bonds for any reason without expending any costs related to the Firm's services as Special Tax Counsel.

600 Congress Ave.  
Suite 1800  
Austin, Texas 78701  
T 512.478.3805  
F 512.472.0871

717 North Harwood  
Suite 900  
Dallas, Texas 75201  
T 214.754.9200  
F 214.754.9250

Two Allen Center  
1200 Smith Street, Suite 1550  
Houston, Texas 77002  
T 713.980.0500  
F 713.980.0510

700 N. St. Mary's Street  
Suite 1525  
San Antonio, Texas 78205  
T 210.225.2800  
F 210.225.2984

[www.mphlegal.com](http://www.mphlegal.com)