

MINUTES  
MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 90

February 8, 2024

The Board of Directors (the "Board") of Montgomery County Municipal Utility District No. 90 (the "District") met in regular session, open to the public, on the 8th day of February, 2024, at the offices of Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, Suite 2400, Houston, Texas outside the boundaries of the District, and the roll was called of the members of the Board:

Tim Kurtin	President
Richard Fisher	Vice President
Perri D'Armond	Secretary
Wayne McLane	Assistant Vice President
Danny Golden	Assistant Secretary

and all of the above were present except Directors McLane and Golden, thus constituting a quorum.

Also attending the meeting were Josh Penton of Meritage Homes; Brian Jarrard of Jarrard Development; Mark Welch and Scott Black of David Weekley Homes; Suzanne Villarreal of McCall Gibson Swedlund Barfoot PLLC; Joseph Hopper of Storm Water Solutions LLC ("SWS"); Adam Kupstas of Aurous Development Services, Ltd.; Ron Dechert of Costello, Inc. ("Costello"); Tracey Scott of Myrtle Cruz, Inc. ("Myrtle Cruz"); Robin Goin of Bob Leared Interests ("BLI"); and Greer Pagan and Kerri Houck of Allen Boone Humphries Robinson LLP ("ABHR").

MINUTES

The Board considered approving the minutes of the September 14, 2023, regular meeting. After review and discussion, Director Fisher moved to approve the minutes of the September 14, 2023, regular meeting, as presented. Director D'Armond seconded the motion, which passed unanimously.

2024 DIRECTORS ELECTION

Mr. Pagan discussed procedures related to the 2024 Directors Election. He reviewed a Resolution Designating an Agent of the Secretary of the Board of Directors During the 2024 Directors Election Period. Following review and discussion, Director D'Armond moved to adopt a Resolution Designating an Agent of the Secretary of the Board During the 2024 Directors Election Period appointing Kerri Houck as the agent of the Secretary of the Board of Directors to perform the duties of the District's Directors Election, authorize the agent to post the related notice as required, and direct that the

Resolution be filed appropriately and retained in the District's official records. Director Fisher seconded the motion, which passed unanimously.

Mr. Pagan reported on requirements to post a Notice of Deadline to File Applications for Place on the Ballot for the 2024 Directors Election. Following review and discussion, Director D'Armond moved to authorize the Secretary's agent to post the notice as required. Director Fisher seconded the motion, which passed unanimously.

Mr. Pagan stated that the District may contract with Montgomery County (the "County") to conduct the District's 2024 Directors Election. Following review and discussion, Director D'Armond moved to contract with the County to administer the District's election. Director Fisher seconded the motion, which passed unanimously.

Mr. Pagan continued discussing procedures related to the 2024 Directors Election and reviewed an Order Calling Directors Election. Following review and discussion, Director D'Armond moved to adopt the Order Calling Directors Election and direct that the Order be filed appropriately and retained in the District's official records. Director Fisher seconded the motion, which passed unanimously.

Mr. Pagan discussed that Notice of Election may be required to be posted or published and provided to the County Clerk and Voter Registrar of Montgomery County. Following review and discussion, Director D'Armond moved to authorize the Secretary's agent to post or publish and provide to the County Clerk and Voter Registrar Notice of Election, if required, and to direct that the Notice be filed appropriately and retained in the District's official records. Director Fisher seconded the motion, which passed unanimously.

#### APPROVE AUDIT

Ms. Villarreal reviewed a draft of the District's audit for fiscal year end September 30, 2023. Following review and discussion, Director Fisher moved to approve the audit for fiscal year end September 30, 2023, subject to final comments by the Board and consultants, and direct that the audit be filed appropriately and retained in the District's official records. Director D'Armond seconded the motion, which passed unanimously.

#### TAX ASSESSMENT AND COLLECTION MATTERS

Ms. Goin reviewed the tax assessor/collector's report, including the delinquent tax roll and checks presented for payment from the tax account. A copy of the tax assessor/collector's report is attached. She stated 96.3% of the District's 2023 taxes were collected as of January 31, 2024. Following review and discussion, Director D'Armond

moved to approve the tax assessor/collector's report and payment of the tax bills. Director Fisher seconded the motion, which passed unanimously.

### RESOLUTION CONCERNING EXEMPTIONS FROM TAXATION

Mr. Pagan reviewed a Resolution Concerning Exemptions from Taxation reflecting that the District rejects a general residential homestead exemption and grants a \$20,000 exemption for persons who are over 65 years of age or disabled. After review and discussion, Director Fisher moved to adopt the Resolution Concerning Exemptions from Taxation, as presented, and direct that the Resolution be filed appropriately and retained in the District's official records. Director D'Armond seconded the motion, which passed unanimously.

### RENEWAL OF INSURANCE POLICIES

The Board reviewed a proposal received from Brown & Brown Insurance Services ("Brown & Brown") for renewal of the District's insurance policies. Discussion ensued regarding excluding the Cyber and Auto Liability policies. Following review and discussion, Director D'Armond moved to approve the proposal from Brown & Brown for renewal of the District's insurance policies, excluding the Cyber and Auto Liability policies. Director Fisher seconded the motion, which passed unanimously.

### REPORT FROM STORM WATER SOLUTIONS

The Board reviewed a facility report of the north, middle, and south detention ponds, a copy of which is attached. Mr. Hopper discussed unauthorized vehicles entering the detention facilities. Following review and discussion, Director D'Armond moved to (1) approve the facility report; and (2) authorize SWS to install an additional "No Trespassing" sign, as discussed. Director Fisher seconded the motion, which passed unanimously.

### ENGINEERING MATTERS

Mr. Dechert reviewed the engineer's report, a copy of which is attached, and updated the Board on pending construction projects in the District.

Mr. Dechert updated the Board on the water, sewer, and drainage facilities to serve Stewarts Ranch, Section 1 and recommended approval of Pay Estimate No. 8 and Final in the amount of \$270,520.67 payable to R Construction Civil, LLC ("R Construction"). Mr. Dechert also presented a Certificate of Completion and Acceptance and recommended the Board accept the facilities.

Mr. Dechert then reviewed and recommended approval of Change Order No. 4 to the contract with R Construction for a Final Quantity Adjustment to the contract for the water, sewer, and drainage facilities to serve Stewarts Ranch, Section 1 to decrease

the contract in the amount of \$10,029.00. The Board determined that Change Order No. 4 is beneficial to the District.

Mr. Dechert stated that bids were received for the clearing and grubbing, water, sewer, and drainage facilities, and paving and appurtenances to serve Stewarts Ranch, Section 2. Mr. Dechert recommended that the Board award the contract to CE Barker, Ltd. ("CE Barker") in the amount of \$1,953,910.00. The Board concurred that, in its judgment, CE Barker was a responsible bidder who would be most advantageous to the District and would result in the best and most economical completion of the project.

Mr. Dechert updated the Board on the water, sewer, and drainage improvements to serve Stewarts Forest, Section 1A and recommended approval of Pay Estimate No. 2 and Final in the amount of \$4,863.00 payable to South Central Texas Excavation, LLC. Mr. Dechert also presented a Certificate of Completion and Acceptance and recommended the Board accept the facilities.

Following review and discussion and based on the engineer's recommendation, Director D'Armond moved to (1) approve the engineer's report; (2) approve Pay Estimate No. 8 and Final in the amount of \$270,520.67 for the water, sewer, and drainage facilities to serve Stewarts Ranch, Section 1, and to accept the facilities; (3) approve Change Order No. 4 in the amount of \$10,029.00 as a decrease to the contract with R Construction for the water, sewer, and drainage facilities to serve Stewarts Ranch, Section 1 based upon the Board's finding that the Change Order is beneficial to the District; (4) award the contract for the clearing and grubbing, water, sewer, and drainage facilities, and paving and appurtenances to serve Stewarts Ranch, Section 2 to CE Barker in the amount of \$1,953,910.00, subject to receipt of the payment and performance bonds and review of the certificate of insurance and endorsements, if any, provided by the contractor; and (5) approve Pay Estimate No. 2 and Final in the amount of \$4,863.00 for the water, sewer, and drainage improvements to serve Stewarts Forest, Section 1A and to accept the facilities. Director Fisher seconded the motion, which passed unanimously.

#### BOND APPLICATION NO. 5

Mr. Dechert updated the Board on bond application no. 5.

#### DEVELOPMENT IN THE DISTRICT

Mr. Penton, Mr. Kupstas, and Mr. Jarrard generally reported on development matters in the District.

#### APPROVE DEVELOPMENT FINANCING AGREEMENT

Mr. Pagan reviewed a Development Financing Agreement between the District and David Weekley Homes. Following review and discussion, Director Fisher moved to

approve the Development Financing Agreement with David Weekley Homes, subject to finalization. Director D'Armond seconded the motion, which passed unanimously.

ADOPT ORDER ADDING LAND

There was no discussion on this item.

EXECUTION OF AMENDMENT TO INFORMATION FORM

There was no discussion on this item.

FINANCIAL AND BOOKKEEPING MATTERS

Ms. Scott reviewed the bookkeeper's report, budget comparison, and schedule of investments and presented the District's bills for payment. A copy of the bookkeeper's report is attached.

Ms. Scott noted additional check no. 1132 in the amount of \$1,775.00 payable to Brown & Brown for the revised insurance renewal amount.

Following review and discussion, Director Fisher moved to approve the bookkeeper's report and authorize payment of the bills. Director D'Armond seconded the motion, which passed unanimously.

ACCEPT ANNUAL DISCLOSURE STATEMENTS FOR INVESTMENT OFFICER AND BOOKKEEPER

Mr. Pagan stated in accordance with the District's Investment Policy and the Public Funds Investment Act, the District's bookkeeper and the District's Investment Officer, are required to execute disclosure statements that disclose any relationships with banks and brokers who seek to sell investments to the District. He added the disclosure statements will be filed with the Texas Ethics Commission. After review and discussion, Director D'Armond moved to accept the Disclosure Statements pursuant to the District's Investment Policy and the Public Funds Investment Act and direct that the statements be filed appropriately and retained in the District's official records. Director Fisher seconded the motion, which passed unanimously.

APPROVE ANNUAL REPORT IN ACCORDANCE WITH CONTINUING DISCLOSURE OF INFORMATION AGREEMENT

Mr. Pagan reviewed an Annual Report containing updated financial and operating data to be filed in accordance with the continuing disclosure provisions contained in the bond resolutions. He stated that the District is required to file certain financial and operating data with the Municipal Securities Rulemaking Board through the Electronic Municipal Market Access ("EMMA") system in compliance with SEC Rule 15c12-12. Following review and discussion, Director Fisher moved to approve the

Annual Report, authorize the attorney to submit the District's updated financial and operating data to EMMA in compliance with the continuing disclosure provisions contained in the bond resolutions and direct that the Report be filed appropriately and retained in the District's official records. Director D'Armond seconded the motion, which passed unanimously.

ANNUAL REPORT REGARDING POST-ISSUANCE COMPLIANCE POLICY

Mr. Pagan reported on the District's compliance activities during the prior calendar year related to bond financings. He stated that no corrective action is required at this time.

ANNUAL REVIEW OF PROCEDURES FOR CONTINUING DISCLOSURE COMPLIANCE

The Board reviewed the District's procedures for continuing disclosure compliance. Mr. Pagan stated that no changes are required at this time.

There being no further business to consider, the meeting was adjourned.

  
Secretary, Board of Directors

(SEAL)



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