

MINUTES
HARRIS-WALLER COUNTIES MUNICIPAL UTILITY DISTRICT NO. 5

March 21, 2024

The Board of Directors (the "Board") of Harris-Waller Counties Municipal Utility District No. 5 (the "District") met in regular session, open to the public, on the 21st day of March, 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 being present:

Christie Leighton	President
Brian Lopera	Vice President
Olga M. Strong	Secretary
Wes Simon	Assistant Vice President
Cindy Morrow	Assistant Secretary

and all of the above were present except Directors Leighton and Lopera, thus constituting a quorum.

Also attending the meeting were Shamar O'Bryant of Land Tejas Development Company; Stephen Eustis and David Wood of Robert W. Baird & Co. Incorporated; Dane Turner of Best Trash, LLC ("Best Trash"); Erik Scott of Champions Hydro-lawn, Inc. ("Champions"); Patty Rodriguez of Bob Leared Interests; Sean Sturhan of Quiddity Engineering, LLC ("Quiddity"); Dana Hollingsworth of Municipal District Services, LLC ("MDS"); Tracey Scott of Myrtle Cruz, Inc.; David Daughtry of Kimley-Horn & Associates, Inc. ("Kimley-Horn"); Richard Jenks and Chelsea Taylor, members of the public; and Jessica Holoubek, Brooke Milbauer, and Merry Heyne of Allen Boone Humphries Robinson LLP ("ABHR").

PUBLIC COMMENTS

There were no comments from the public.

APPROVE MINUTES

The Board considered approving the minutes of the February 29, 2024, regular meeting. After review and discussion, Director Morrow moved to approve the meeting minutes. Director Strong seconded the motion, which passed by unanimous vote.

DIRECTOR MATTERS

ACCEPT RESIGNATIONS OF DIRECTORS LEIGHTON AND LOPERA

The Board discussed the resignation of Directors Leighton and Lopera. After review and discussion, Director Simon moved to accept Directors

Leighton's and Lopera's resignation. Director Strong seconded the motion, which passed by unanimous vote.

APPOINT NEW DIRECTORS; APPROVE SWORN STATEMENTS, OFFICIAL BONDS, AND OATHS OF OFFICE OF NEW DIRECTORS

The Board discussed appointing Richard Jenks and Chelsea Taylor, qualified landowners within the District, to the Board to fill the vacant positions. The Board then considered appointing new directors to the Board.

REORGANIZATION OF BOARD AND EXECUTION OF DISTRICT REGISTRATION FORM

The Board considered reorganization. Ms. Holoubek stated that a revised District Registration Form must be executed and submitted to the Texas Commission on Environmental Quality ("TCEQ") listing the new Directors' terms and offices.

OPEN MEETINGS ACT AND PUBLIC INFORMATION ACT TRAINING REQUIREMENTS

Ms. Holoubek presented and the Board reviewed a memorandum from ABHR regarding the Texas Open Meetings Act Requirements, a copy of which is attached. She stated that each elected public official is required to complete a course of training regarding responsibilities of the governmental body and its members under the Texas Open Meetings Act, Chapter 551, Texas Local Government Code. Ms. Holoubek requested that Directors Jenks and Taylor complete the required training and forward their certificate of completion to ABHR for the District's records within 90 days. It was noted that Director Jenks previously completed this training.

CONFLICT OF INTEREST DISCLOSURE REQUIRED UNDER CHAPTER 176 OF THE TEXAS LOCAL GOVERNMENT CODE AND LIST OF LOCAL GOVERNMENT OFFICERS FOR THE DISTRICT

The Board reviewed a memorandum regarding conflict of interest disclosure required under Chapter 176 of the Texas Local Government Code and disclosure forms adopted by the Texas Ethics Commission. After discussion, the Board concurred for Directors Jenks and Taylor to review the memorandum and forms and file the appropriate forms for any disclosable conflicts. The Board also concurred to authorize execution of an updated List of Local Government Officers reflecting the new directors.

Following discussion, Director Simon moved to (1) appoint Richard Jenks and Chelsea Taylor to the Board; (2) accept Directors Jenk's and Taylor's Sworn Statements, Official Bonds, and Oaths of Office; (3) reorganize the Directors' positions as follows:

Richard Jenks	President
Chelsea Taylor	Vice President
Olga M. Strong	Secretary
Wes Simon	Assistant Vice President
Cindy Morrow	Assistant Secretary

and (4) authorize execution of the District Registration Form. Director Strong seconded the motion, which passed unanimously.

SECURITY SERVICES

The Board reviewed the security patrol report, a copy of which is attached.

GARBAGE AND RECYCLING MATTERS, INCLUDING CONSUMER PRICE INDEX ADJUSTMENT

Mr. Turner presented and reviewed a letter from Best Trash regarding the automatic annual Consumer Price Index ("CPI") price adjustment reflecting a cost increase from \$22.58 to \$24.21. A copy of the annual CPI adjustment letter is attached.

FINANCIAL AND BOOKKEEPING MATTERS; BUDGET FOR FISCAL YEAR END APRIL 30, 2025

Ms. Scott presented and reviewed the bookkeeper's report, and the District's bills, budget comparison, and investment report, a copy of which is attached. She also presented and reviewed the budget for fiscal year end April 30, 2025, a copy of which is attached to the bookkeeper's report.

After review and discussion, Director Morrow moved to approve the bookkeeper's report and the checks presented for payment. Director Jenks seconded the motion, which passed unanimously. There was no action taken on the draft budget.

TAX ASSESSOR/COLLECTOR MATTERS

Ms. Rodriguez presented and reviewed the tax assessor/collector's report, a copy of which is attached.

After review and discussion, Director Morrow moved to approve the tax assessor/collector's report and payment of the tax bills. Director Strong seconded the motion, which passed unanimously.

OPERATION OF DISTRICT FACILITIES; HEARING ON TERMINATION OF WATER AND SEWER SERVICE TO DELINQUENT CUSTOMERS AND AUTHORIZE TERMINATION OF SERVICE

Ms. Hollingsworth presented and reviewed the operator's report, a copy of which is attached.

Ms. Hollingsworth then presented a list of delinquent customers to the Directors and reported the residents on the termination list were delinquent in payment of their water and sewer bills and were given written notification, in accordance with the District's Rate Order, prior to the meeting of the opportunity to appear before the Board of Directors to explain, contest, or correct their bills and to show why utility services should not be terminated for reason of non-payment. The Board discussed the outstanding balance owed by Pulte Homes. Following discussion, the Board concurred to defer action on terminations until the next Board meeting.

After review and discussion, Director Morrow moved to (1) approve the operator's report; and (2) withhold taps from Pulte Homes until they pay their delinquent account. Director Strong seconded the motion, which passed unanimously.

ADOPT DROUGHT CONTINGENCY PLAN

Ms. Holoubek reviewed a Drought Contingency Plan with the Board. After review and discussion, Director Morrow moved to adopt an Order Adopting Drought Contingency Plan; Providing for Implementation and Enforcement Thereof; Providing Penalties for Violations; and Containing Other Provisions Related to the Subject and direct that the Order be filed appropriately and retained in the District's official records. Director Strong seconded the motion, which passed by unanimous vote.

REVIEW EMERGENCY PREPAREDNESS PLAN AND AUTHORIZE FILING OF UPDATES

Ms. Holoubek discussed the Emergency Preparedness Plan ("EPP") with Quadvest, LP. Following discussion, the Board concurred to defer action on this agenda item until the next Board meeting.

ENGINEERING MATTERS; DEEDS, EASEMENTS, ENCROACHMENT AGREEMENTS, WAIVERS OF SPECIAL APPRAISAL, AND PLAT MATTERS

Mr. Sturhan presented and reviewed the engineer's report, a copy of which is attached. He discussed an overview of engineering matters in the District.

Mr. Sturhan updated the Board on construction of Lift Station No. 1. He recommended approval of Change Order No. 7 to the contract with ZeusCon, LLC to increase the contract in the amount of \$30,000.00. The Board determined that Change Order No. 7 is beneficial to the District.

After review and discussion as recommended by the engineer, Director Morrow moved to (1) approve the engineer's report; and (2) approve the Change Order, as presented, based upon the Board's finding that the Change Order is beneficial to the District and the District engineer's recommendation. Director Strong seconded the motion, which passed unanimously.

PARK AND RECREATIONAL FACILITIES MATTERS

Mr. Daughtry presented and reviewed Kimley-Horn's landscape architect report, a copy of which is attached.

Mr. Daughtry updated the Board on Section 21 Hardscape, Landscape and Irrigation. He reviewed and recommended approval of Pay Estimate No. 8 in the amount of \$42,663.95, submitted by Earth First.

Mr. Daughtry updated the Board on Section 26 Hardscape, Landscape and Irrigation. He recommended approval of Change Order No. 5 to the contract with JBM Landscapes to increase the contract in the amount of \$8,882.00. The Board determined that Change Order No. 5 is beneficial to the District.

Mr. Daughtry updated the Board on Section 27 Hardscape, Landscape and Irrigation. He reviewed and recommended approval of Pay Estimate No. 10 in the amount of \$4,926.60, submitted by HLU Services, Inc.

After review and discussion, and as recommended by the landscape architect, Director Morrow moved to (1) approve the landscape architect's report; (2) approve the Pay Estimates, as presented; and (3) approve the Change Order, as presented, based upon the Board's finding that the Change Order is beneficial to the District and the District landscape architect's recommendation. Director Strong seconded the motion, which passed unanimously.

Ms. Holoubek reviewed KGA/DeForest Design, LLC's ("KGA") landscaping report on behalf of KGA, a copy of which is attached.

Ms. Holoubek, on behalf of KGA, updated the Board on Sunterra Beach Corner Park Improvements. She reviewed Pay Estimate No. 8 in the amount of \$128,548.89, submitted by DL Meacham, that was recommended for approval by KGA.

Ms. Holoubek, on behalf of KGA, updated the Board on Sunterra Sol Club West Amenity Improvements. She reviewed Pay Estimate No. 5 in the amount of \$97,510.14, submitted by DL Meacham, that was recommended for approval by KGA.

Following review and discussion, Director Simon moved to (1) approve KGA's report; and (2) approve the Pay Estimates, as presented. Director Morrow seconded the motion, which passed unanimously.

DETENTION AND DRAINAGE FACILITIES

Mr. Scott presented and reviewed a detention and drainage facilities report, a copy of which is attached.

Mr. Scott updated the board on the condition of the detention and drainage facilities.

2024 DIRECTORS ELECTION

ACCEPT CERTIFICATE DECLARING UNOPPOSED STATUS OF CANDIDATES FOR ELECTION TO THE BOARD OF DIRECTORS

Ms. Holoubek discussed procedures related to the 2024 Directors Election. She presented a Certificate Declaring Unopposed Status of Candidates for Election to the Board of Directors executed by the Board Secretary stating that the District received two candidate applications for the three director positions for the May 4, 2024, Directors Election.

ADOPT ORDER CANCELLING ELECTION AND DECLARING UNOPPOSED CANDIDATES ELECTED TO OFFICE

Ms. Holoubek presented an Order Cancelling Election and Declaring Unopposed Candidates Elected to Office (the "Order Cancelling") stating that the May 4, 2024, Directors Election is cancelled and that the unopposed candidates, Olga Strong and Chelsea Taylor are declared elected to office to serve from the May 4, 2024, election until the May 6, 2028, Directors Election. She reviewed the posting requirements for the Order Cancelling.

AUTHORIZE CANCELLATION OF COUNTY CONTRACT FOR ELECTION SERVICES

Ms. Holoubek discussed that the Board had approved entering into a contract with Waller County (the "County") to administer the District's 2024 Directors Election.

Following review and discussion, Director Morrow moved to (1) accept the Certificate Declaring Unopposed Status of Candidates for Election to the Board of Directors and direct that the Certificate be filed appropriately and retained in the District's official records; (2) adopt the Order Cancelling Election and Declaring Unopposed Candidates Elected to Office, authorize the Secretary's agent to post the Order Cancelling, as required, and direct that the Order Cancelling be filed appropriately and retained in the District's official records; and (3) cancel the contract with the County for election services for the May 4, 2024, Directors Election. Director Strong seconded the motion, which passed unanimously.

DEVELOPER'S REPORT

Mr. O'Bryant discussed development in the District.

There being no further business to come before the Board, the Board concurred to adjourn the meeting.


Secretary, Board of Directors

(SEAL)



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