

MINUTES
HARRIS-WALLER COUNTIES MUNICIPAL UTILITY DISTRICT NO. 5

May 16, 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 16th day of May, 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:

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

and all of the above were present, thus constituting a quorum.

Also attending the meeting were Alex Stachow of McGrath & Co., PLLC; Shamar O'Bryant of Land Tejas Development Company; Stephen Eustis of Robert W. Baird & Co. Incorporated; Erik Scott of Champions Hydro-lawn, Inc. ("Champions"); Patty Rodriguez of Bob Leared Interests; Blair Bozoarth of Quiddity Engineering, LLC ("Quiddity"); Dana Hollingsworth of Municipal District Services, LLC ("MDS"); Tracey Scott of Myrtle Cruz, Inc. ("Myrtle Cruz"); David Daughtry of Kimley-Horn & Associates, Inc. ("Kimley-Horn"); Lacy Hamilton of KGA/DeForest Design, LLC ("KGA"); 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 April 18, 2024, regular meeting. After review and discussion, Director Morrow moved to approve the meeting minutes. Director Simon seconded the motion, which passed by unanimous vote.

2024 DIRECTORS ELECTION

CERTIFICATE OF ELECTION

The Board considered approving a Certificate of Election, reflecting the election of Olga M. Strong and Chelsea Taylor to the Board of Directors of the District for new four-year terms.

DIRECTORS' SWORN STATEMENTS AND OATHS OF OFFICE

Ms. Holoubek reviewed the Sworn Statements and Oaths of Office for Directors Strong and Taylor.

Following review and discussion of all election related items, Director Strong moved to (1) approve the Certificate of Election; (2) approve the Sworn Statements and Oaths of Office; and (3) direct that all of the documents be filed appropriately and retained in the District's official records. Director Taylor seconded the motion, which passed unanimously.

REORGANIZE THE BOARD

The Board considered reorganizing the Board of Directors.

DISTRICT REGISTRATION FORM

The Board considered authorizing filing of an updated District Registration Form with the Texas Commission on Environmental Quality ("TCEQ"), reflecting the terms of the newly elected directors.

Following review and discussion, Director Morrow moved to (1) keep all current offices the same; and (2) authorize filing of an updated District Registration Form with the TCEQ, reflecting the terms of the newly elected directors. Director Jenks seconded the motion, which passed unanimously.

SECURITY SERVICES

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

SUPPLEMENTAL DEVELOPER REIMBURSEMENT REPORT

Mr. Stachow presented and reviewed a supplemental developer reimbursement reports for reimbursable amounts due to District developers from the District's Series 2023, Unlimited Tax Bonds. After review and discussion, Director Morrow moved to (1) approve the developer reimbursement report, subject to review and finalization; and (2) authorize disbursement of the bond proceeds as provided in the developer reimbursement report. Director Strong seconded the motion, which passed unanimously.

TRAVEL REIMBURSEMENT GUIDELINES AND DIRECTOR EXPENSES FOR ASSOCIATION OF WATER BOARD DIRECTORS ("AWBD") SUMMER CONFERENCE

There was no discussion on this agenda item because there are no directors attending the AWBD summer conference.

FINANCIAL AND BOOKKEEPING MATTERS

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.

After review and discussion, Director Strong moved to approve the bookkeeper's report and the checks presented for payment. Director Morrow seconded the motion, which passed unanimously.

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 Strong moved to approve the tax assessor/collector's report and payment of the tax bills. Director Simon 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; CONSUMER CONFIDENCE REPORT

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.

Ms. Hollingsworth requested authorization to write off five uncollectible accounts totaling \$1,885.21 and send them to the collection agency.

Ms. Hollingsworth reported that the District's drinking water is regulated by the TCEQ to ensure the water is meeting all of the requirements as stated in the Federal Drinking Water Standards, which also requires the District to publish a Consumer Confidence Report ("CCR") to residents in the District regarding the status of the drinking water.

After review and discussion, Director Strong moved to (1) approve the operator's report; (2) authorize termination of delinquent accounts in accordance with the District's Rate Order and direct that the delinquent customer list be filed appropriately and retained in the District's official records; (3) authorize MDS to write off five uncollectible accounts totaling \$1,885.21 and send them to the collection agency; and (4)

approve the CCR, subject to final review, and authorize the operator to deliver the CCR and file the certificate of delivery with the TCEQ. Director Morrow seconded the motion, which passed unanimously.

ENGINEERING MATTERS; DEEDS, EASEMENTS, ENCROACHMENT AGREEMENTS, WAIVERS OF SPECIAL APPRAISAL, AND PLAT MATTERS; REVIEW EMERGENCY PREPAREDNESS PLAN AND AUTHORIZE FILING OF UPDATES

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

Mr. Bozoarth updated the Board on paving facilities for Sunterra Sections 12 and 13. He stated that the paving facilities for Sunterra Sections 12 and 13 were inspected by Waller County, and a punch list has been created. Mr. Bozoarth requested the Board authorize Quiddity to solicit bids for non-warranty items for paving facilities for Sunterra Sections 12 and 13.

After review and discussion as recommended by the engineer, Director Strong moved to (1) approve the engineer's report; and (2) authorize Quiddity to solicit bids for non-warranty items for the punch list for paving facilities for Sunterra Sections 12 and 13. Director Simon seconded the motion, which passed unanimously.

PARK AND RECREATIONAL FACILITIES MATTERS

Ms. Hamilton reviewed KGA's landscaping report, a copy of which is attached.

Ms. Hamilton updated the Board on Sunterra Beach Corner Park Improvements. She reviewed and recommended approval of Pay Estimate No. 10 in the amount of \$34,078.50, submitted by DL Meacham. She also recommended approval of Change Order No. 7 to the contract with DL Meacham as an increase to the contract with DL Meacham in the amount of \$9,900.00. The Board determined that Change Order No. 7 is beneficial to the District.

Ms. Hamilton updated the Board on Sunterra Sol Club West Amenity Improvements. She reviewed and recommended approval of Pay Estimate No. 7 in the amount of \$324,930.83, submitted by DL Meacham. She also recommended approval of Change Order Nos. 5, 6, and 7 to the contract with DL Meacham for a 5-day rain delay and an increase to the contract with DL Meacham in the amounts of \$26,968.00 and \$12,850.00, respectively. The Board determined that Change Order Nos. 5, 6, and 7 are beneficial to the District.

Following review and discussion, Director Morrow moved to (1) approve KGA's report; (2) approve the Pay Estimates, as presented; and (3) approve the Change Orders, as presented, based upon the Board's finding that the Change Orders are beneficial to

the District and KGA's recommendation. Director Jenks seconded the motion, which passed unanimously.

Mr. Daughtry presented and reviewed Kimley-Horn's landscape architect report, a copy of which is attached. There was no Board action taken.

DETENTION AND DRAINAGE FACILITIES

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

PUBLIC INFORMATION ACT TRAINING

Ms. Holoubek discussed the Texas Public Information Act ("TPIA") and noted that the Texas Legislature has made it explicit that officers and employees of governmental entities are temporary custodians of public information. Ms. Holoubek distributed a memorandum regarding Texas Open Meetings Act ("TOMA") and TPIA training requirements, noted that all Directors have previously completed TOMA training, and encouraged the Board of Directors to receive TPIA training as soon as possible and forward their certificate of completion to ABHR for inclusion in the District's permanent records.

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.

(SEAL)



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Secretary, Board of Directors

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