

MINUTES OF MEETING OF
HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 70,
OF HARRIS COUNTY, TEXAS
May 23, 2024

The Board of Directors (the "Board") of Harris County Municipal Utility District No. 70, of Harris County, Texas (the "District") met in regular session on May 23, 2024, in accordance with the duly posted notice of meeting, and the roll was called of the duly constituted officers and members of the Board, as follows:

Stephanie Peters, President
Ron Sanches, Vice President
Rudolph Lange, Secretary
Rachel Knight, Assistant Secretary
Ronald Garcia, Assistant Secretary

All of said persons were present, except Director Knight, thus constituting a quorum.

Also present at the meeting were: Chase Eastland of Masterson Advisors LLC ("Masterson"); Vivien Nguyen of Champions Industries Inc. ("Champions"); David Selesky of Green for Life Environmental ("GFL"); Rachel Broom of Cobb Fendley & Associates, Inc. ("CobbFendley"); Sam Cocke of Double Oak Erosion ("DOE"); Darrell Hawthorne of Municipal Accounts & Consulting, L.P. ("MA&C"); Ryan Vaughn of Municipal Operations & Consulting, Inc. ("MOC"); Brenda McLaughlin of Bob Leared Interests ("BLI"); Brian Cunningham, representative of the District Engineer for Harris County Municipal Utility District No. 144 ("No. 144"); Chuck Brandman of Harris County Municipal Utility District No. 264 ("No. 264"); and Spencer Creed of Schwartz, Page & Harding, L.L.P. ("SPH").

The meeting was called to order and declared open for such business as might regularly come before it.

JOINT SEWAGE TREATMENT PLANT COMMITTEE MEETING MINUTES

The Joint Sewage Treatment Plant Committee portion of the minutes of the District's April 25, 2024, Board meeting were considered. No comments were offered regarding same.

ENGINEERING REPORT

Ms. Broom presented a written Engineering Report for the Joint Sewage Treatment Plant Committee Meeting, a copy of which report is attached hereto as **Exhibit A**, and noted that there was nothing new to report at this time.

OPERATIONS REPORT

Mr. Vaughn presented and reviewed the Wastewater Treatment Plant ("WWTP") Operations Report for the month of April 2024, a copy of which report is attached hereto as **Exhibit B**, and discussed same with the Board.

Mr. Brandman queried Mr. Vaughn as to why the WWTP expenses were over budget for the year to date. Mr. Vaughn said he would investigate the issue and report his findings to the Board at the June meeting.

BOOKKEEPER'S REPORT

Mr. Hawthorne presented to and reviewed with the Board the Joint Sewage Treatment Plant ("JSTP") Bookkeeper's Report for May 23, 2024, a copy of which report is attached hereto as **Exhibit C**, including the disbursements presented for payment. After discussion, it was moved by Director Sanches that the JSTP Bookkeeper's Report be approved and that the disbursements identified in the report be authorized for payment. Director Lange seconded said motion, which unanimously carried.

JOINT SEWAGE TREATMENT PLANT ATTORNEY REPORT

The Board next considered the attorney's report. Mr. Creed advised that the No. 144 Board has approved the Memorandum of Understanding Concerning Operational Procedures for the Joint Sewage Treatment Plant Advisory Committee (the "MOU") and will be providing SPH with an executed copy of the MOU.

Mr. Brandman and Mr. Cunningham exited the meeting at this time.

DISTRICT MEETING

The President then called the District Board meeting to order and declared it open for such business as might regularly come before it.

COMMENTS FROM THE PUBLIC

The Board deferred consideration of comments from the public, as no comments were offered.

ACCEPTANCE OF QUALIFICATION STATEMENTS, BONDS, OATHS OF OFFICE, AND AFFIDAVITS OF CURRENT DIRECTOR

The Board considered the acceptance of Qualification Statements of Elected Officer, Bonds, Oaths of Office, and Affidavits of Current Director for Rudolph Lange and Ronald Garcia. In that regard, Directors Lange and Garcia presented their Statements of Elected Officer, Oaths of Office, Affidavits of Current Director and official Bonds. After discussion on the matter, it was moved by Director Garcia, seconded by Director Lange and unanimously carried that the Board approve said Bond, and accept said Oaths, Statements, and Affidavits.

ELECTION NOT TO DISCLOSE CERTAIN INFORMATION

Mr. Creed presented to the Board an Election Not to Disclose Certain Information (the

"Disclosure Form") for each of the directors. He stated that pursuant to Section 552.024 of the Texas Government Code, as amended, the directors may elect to withhold public access to certain information in the custody of the District, including any additional information in the District's custody that is not specifically listed on the Disclosure Form. Upon review, Director Garcia moved that the Disclosure Forms be accepted. Director Lange seconded said motion, which unanimously carried.

ELECTION OF OFFICERS OF THE BOARD OF DIRECTORS

The Board considered reorganization of officers of the Board of Directors. The Board concurred to retain its current positions.

DISTRICT REGISTRATION FORM

Mr. Creed presented and reviewed with the Board a District Registration Form to be filed with the Texas Commission on Environmental Quality in connection with the election of Directors Lange and Garcia to the Board of Directors of the District. After discussion on the matter, Director Garcia moved that the District Registration Form be approved as presented. Director Lange seconded said motion, which unanimously carried.

Director Lange requested SPH send thank you letters to the residents who volunteered to serve as election officials for the May 4, 2024, Directors Election. Mr. Creed noted that the letters will be sent out after the meeting.

MINUTES

The Board considered approving the minutes of the District's April 25, 2024, Board meeting. After discussion, Director Lange moved that the April 25, 2024, Board meeting minutes be approved as written. Director Peters seconded said motion, which unanimously carried.

DISTRICT'S PROPOSED \$7,615,000 UNLIMITED TAX BONDS, SERIES 2024

Mr. Creed reported that the District has not yet received from the Texas Commission on Environmental Quality (the "TCEQ") its Staff Memorandum and draft Order approving the District's application for approval of the District's \$7,615,000 Unlimited Tax Bonds, Series 2024 (the "Bonds"). Mr. Eastland advised that the sale of the Bonds is currently scheduled for Thursday, June 27, 2024, at 10:00 a.m. should the Staff Memorandum and draft Order be received in time.

PRELIMINARY OFFICIAL STATEMENT AND OFFICIAL NOTICE OF SALE

Ms. Eastland then presented to and reviewed with the Board the proposed Official Notice of Sale and Preliminary Official Statement to be utilized in connection with the sale of the Bonds, copies of which are attached hereto as **Exhibit D**. After discussion, Director Peters moved that such offering documents be approved, completed and distributed in anticipation of a sale of the Bonds, and that such Preliminary Official Statement be deemed to be final for all

purposes with the exception of any additional materials or information relating to subsequent material events, offering prices, interest rates, selling compensation, identity of the underwriters, aggregate principal amounts and other similar information, and terms and provisions to be specified in the competitive bidding process. The motion was seconded by Director Garcia, which unanimously carried.

AUTHORIZE THE FINANCIAL ADVISOR TO ADVERTISE

The Board then considered authorizing Masterson to advertise for the sale of the Bonds. After discussion on the matter, Director Peters moved that the Board authorize Masterson to advertise for the sale the Bonds in accordance with the Official Notice of Sale. The motion was seconded by Director Garcia, which unanimously carried.

DESIGNATION OF PAYING AGENT/REGISTRAR

The Board next considered the designation of a Paying Agent/Registrar in connection with the Bonds. After discussion on the matter, Director Peters moved that the Board designate Regions Bank, as Paying Agent/Registrar for the Bonds. The motion was seconded by Director Garcia, which unanimously carried.

ATTORNEY GENERAL'S FEE

After further discussion concerning the sale and issuance of the Bonds, Director Peters moved that the District's bookkeeper be authorized to issue electronic payment to the Attorney General of Texas for payment of transcript review fees. The motion was seconded by Director Garcia, which unanimously carried.

HARRIS COUNTY SHERIFF'S OFFICE ("HCSO") SECURITY ACTIVITY REPORT

The Board considered the May 2024 HCSO Security Activity Report, a copy of which report is attached hereto as **Exhibit E**. No action required was by the Board.

The Board authorized SPH to contact the District's representative at the HCSO to inquire as to why the Board is not receiving a complete monthly security report and to rectify the matter.

BOOKKEEPER'S REPORT AND QUARTERLY INVESTMENT REPORT

Mr. Hawthorne presented to and reviewed with the Board the Bookkeeper's Report dated May 23, 2024, a copy of which report is attached hereto as **Exhibit F**, including the disbursements listed therein. After discussion, it was moved by Director Sanches that the report be approved and that the disbursements identified in the report be authorized for payment, with the exception of check number 15044, which will be voided. Director Peters seconded said motion, which unanimously carried.

Mr. Hawthorne next presented to and reviewed with the Board a Quarterly Investment Inventory Report, which had been prepared by MA&C for the reporting period ending March 31, 2024, a copy of which is attached to the Bookkeeper's Report. After review of the Quarterly

Investment Inventory Report and upon motion duly made by Director Sanches, seconded by Director Peters and unanimously carried, said Quarterly Investment Inventory Report was approved and the District's Investment Officer was authorized to execute same on behalf of the Board and the District.

ARBITRAGE ANALYSIS REPORTS

Mr. Creed next presented to and reviewed with the Board an Arbitrage Analysis Report provided by Municipal Risk Management Group, L.L.C. ("MRMG") dated April 28, 2024, a copy of which is attached hereto as **Exhibit G**, in connection with the yield restriction and arbitrage rebate calculation analyses performed for the District's previous bond issues.

Mr. Creed then advised the Board that Arbitrage Compliance Specialists, Inc. had prepared the Arbitrage Rebate Calculation Report for the 5th Year Computation Period related to the District's Series 2019 Unlimited Tax Refunding Bonds, and presented and reviewed same with the Board, a copy of which is attached hereto as **Exhibit H**. Mr. Creed noted that, according to the report, no rebate payment is due for the relevant period. After discussion, the Board concurred that no action was required in connection with such report at this time.

UNCLAIMED PROPERTY REPORT AS OF MARCH 1, 2022

The Board considered approval of an Unclaimed Property Report as of March 1, 2024. The Board considered approval of an Unclaimed Property Report for the period from March 1, 2022 to February 28, 2023, prepared by MAC, and the filing of same with the State Comptroller prior to July 1, 2024. In connection therewith, Mr. Hawthorne noted that the District has \$967.58 in unclaimed funds to escheat to the State Comptroller, and that a copy of the report is included with the Bookkeeper's Report. After discussion, Director Sanches moved that MAC be authorized to file a Report concerning same with the State Comptroller prior to July 1, 2024. Director Peters seconded said motion, which unanimously carried.

TAX ASSESSOR/COLLECTOR'S REPORT

Ms. McLaughlin presented and reviewed the Tax Assessor/Collector's Report for April 30, 2024, including the disbursements presented for payment as listed therein, a copy of which report is attached hereto as **Exhibit I**. After discussion, Director Sanches moved that said report be approved, that the disbursements identified in the report be approved for payment from the tax account. Director Garcia seconded said motion, which unanimously carried.

DELINQUENT TAX COLLECTIONS ATTORNEY'S REPORT

The Board deferred consideration of the Delinquent Tax Report from Perdue, Brandon, Fielder, Collins & Mott, LLP, the District's delinquent tax collections attorneys, as there was no report due to the Board this month.

OPERATIONS REPORT

Mr. Vaughn presented and reviewed the Operations Report for the month of April, 2024, a copy of which report is attached hereto as **Exhibit J**, and discussed same with the Board.

Mr. Vaughn next presented to and reviewed with the Board the list of delinquent accounts for the prior month. He requested authorization to write off one (1) account in the amount of \$154.39, since all collection efforts to date had been unsuccessful. After discussion on the matter, Director Peters moved that MOC be authorized to write off one (1) delinquent account in the amount of \$154.39, as more fully set forth in the attached Operations and Maintenance Report, and as recommended by the District's Operator. Director Lange seconded said motion, which unanimously carried.

ENGINEERING REPORT

Ms. Broom presented to and reviewed with the Board a written Engineering Report for the District, a copy of which report is attached hereto as **Exhibit K**.

Ms. Broom reported that Bond Application Report No. 13 has been declared administratively complete by the Texas Commission on Environmental Quality and noted that CobbFendley and SPH are awaiting delivery of the Order and Staff Memorandum from the TCEQ.

Ms. Broom then updated the Board regarding the Waterline Replacement Project.

RESOLUTION ADOPTING RULES FOR ELECTRONIC SUBMISSION OF BIDS

Ms. Broom next requested that the Board to consider authorizing the electronic acceptance of bids for future construction projects let by or on behalf of the District. In connection therewith, Mr. Creed presented to and reviewed with the Board a Resolution Adopting Rules for Electronic Submission of Bids (the "Resolution"). After discussion, Director Lange moved that said Resolution be adopted, and the President and Secretary be authorized to execute same on behalf of the Board and the District. Director Garcia seconded the motion, which unanimously carried. Copies of the Resolution and Certificate of Engineer are attached hereto as **Exhibit L**.

DRAINAGE FACILITY MAINTENANCE REPORT

Mr. Cocke presented to and reviewed with the Board a Maintenance Report prepared by DOE dated May 23, 2024, a copy of which report is attached hereto as **Exhibit M**.

Mr. Cocke next reported that the five signs prohibiting unauthorized motor vehicles have been installed but some were bent during the recent storm event.

Mr. Cocke then requested authorization to clean out the trash trooper units for an estimated cost of \$500 per unit. After discussion, Director Peters moved to authorize DOE to clean out the units. Director Garcia seconded the motion, which carried unanimously.

UTILITY COMMITMENTS

The Board deferred action regarding utility commitments as no requests were received this month.

STATUS REPORT FROM GFL ENVIRONMENTAL REGARDING GARBAGE COLLECTION SERVICE

Mr. Selesky provided a verbal service report for the month of April. He then presented to and reviewed with the Board a proposal for solid waste and recycling collection services prepared by GFL (the "GFL Proposal") and responded to questions from the Board. A copy of the GFL Proposal is attached hereto as **Exhibit N**.

Ms. Nguyen introduced herself and then presented to and reviewed with the Board a proposal for solid waste and recycling collection services prepared by Champions (the "Champions Proposal") and responded to questions from the Board. A copy of the Champion's Proposal is attached hereto as **Exhibit O**.

Mr. Creed noted that additional proposals had been received and provided to the Board from Best Trash, LLC, Texas Pride and Disposal and Republic Services of Houston.

After discussion, the Board concurred to defer further consideration of this matter until the June Board meeting.

DISTRICT WEBSITE

The Board deferred consideration of an Off Cinco Analytics Report, as no report was provided for distribution at the meeting.

EXECUTIVE SESSION

The Board determined it would not be necessary to enter into Closed Session pursuant to Texas Government Code Sections 551.071 and/or 551.076.

COMMUNICATIONS WITH HOMEOWNER'S ASSOCIATIONS ("HOA")

Director Lange reported that he had nothing new to report at this time.

ATTORNEY'S REPORT

The Board considered the Attorney's Report. Mr. Creed advised he had nothing further to discuss with the Board of a legal nature which was not covered elsewhere on the agenda.

FUTURE AGENDA MATTERS

The Board considered items for placement on a future agenda. No specific agenda items, other than routine and ongoing matters and matters noted earlier in the meeting were requested.

ADJOURNMENT

There being no further business to come before the Board, upon motion made by Director Peters, seconded by Director Sanches and unanimously carried, the meeting was adjourned.


Secretary



LIST OF ATTACHMENTS TO MINUTES

- Exhibit A Engineering Report – Joint Wastewater Treatment Plant Committee
- Exhibit B Wastewater Treatment Plant Operations Report
- Exhibit C Joint Sewage Treatment Plant Bookkeeper's Report
- Exhibit D Official Notice of Sale and Preliminary Official Statement
- Exhibit E Security Activity Report
- Exhibit F Bookkeeper's Report and Quarterly Investment Report
- Exhibit G Municipal Risk Management Group, L.L.C. Arbitrage Analysis Report Unclaimed Property Report.
- Exhibit H Arbitrage Rebate Calculation Report for the 5th Year Computation Period related to the District's Series 2019 Bonds.
- Exhibit I Tax Assessor/Collector's Report
- Exhibit J Operations Report
- Exhibit K Engineering Report
- Exhibit L Resolution Adopting Rules for Electronic Submission of Bids
- Exhibit M Double Oak Erosion Maintenance and Inspection Report
- Exhibit N Green for Life Proposal for Solid Waste and Recycling Collection Services
- Exhibit O Champions Industries, Inc. Proposal for Solid Waste and Recycling Collection Services