

MONTGOMERY COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 205

MINUTES OF MEETING OF BOARD OF DIRECTORS

July 17, 2024

The Board of Directors (the "Board") of Montgomery County Water Control and Improvement District No. 205 (the "District") met in regular session, open to the public, on Wednesday, July 17, 2024, at 11:00 a.m., in accordance with the duly posted Notice of Public Meeting, and the roll was called of the duly constituted officers and members of the Board, as follows:

Erica Sinner, President  
Alene Frey, Vice President  
Chad P. Collins, Secretary  
Dana Neuneker, Assistant Secretary  
Elaine Balagia, Assistant Secretary

and all of said persons were present, except for Director Balagia, thus constituting a quorum. Director Balagia entered later in the meeting, as noted herein.

Also present were Lorenzo Rivera on behalf of TPHTL HBL, LLC ("TPHTL"); Ravi Patel of Municipal Accounts & Consulting, L.P. ("MAC"); Robin Goin of BLICO Inc. ("BLICO"); Martin Murdock and Cameron Miller of Quiddity Engineering, LLC ("Quiddity"); Robert Garcia of Champions Hydro-Lawn, Inc. ("Champions"); Christine Crotwell of Masterson Advisors LLC ("Masterson"); and Howard Cohen, Julie Kime and Jennifer Spears of Schwartz, Page & Harding, L.L.P. ("SPH").

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

PUBLIC COMMENTS

The Board opened the meeting for public comments. No comments from the public were presented.

APPROVAL OF MINUTES

As the first order of business, the Board considered approval of the draft minutes of the meeting of the Board of Directors held on June 19, 2024. After review and discussion of the minutes presented, Director Sinner moved that such minutes be approved, as written. Director Frey seconded said motion, which unanimously carried.

BOOKKEEPING REPORT

Mr. Patel then presented to and reviewed with the Board the bookkeeping report, a copy of which is attached hereto as **Exhibit A**. He also presented to and reviewed with the Board the Investment Report for the period ended May 31, 2024, a copy of which is attached to the

Bookkeeper's Report. Following review and discussion, Director Sinner moved that the bookkeeping report be approved and that payment be authorized on the checks presented, being check nos. 1225 through 1236. Director Neuneker seconded the motion, which unanimously carried.

Mr. Patel next presented for the Board's consideration a proposed Budget for the Fiscal Year ending August 31, 2025. He advised the Board that he would present a final proposed Budget for approval at the next Board meeting, following receipt of comments from the Board and other District consultants.

#### TAX ASSESSOR/COLLECTOR REPORT

Ms. Goin presented the Tax Assessor/Collector Report dated June 30, 2024, a copy of which is attached hereto as **Exhibit B**.

Mr. Cohen advised the Board that in connection with the District's first bond issue at its meeting of June 19, 2024, the Board adopted and approved a Resolution Requesting Appraisal of Property from the Montgomery Central Appraisal District as of June 15, 2024. Mr. Cohen advised that since the consideration of such action was not included on the agenda, for such meeting, it is necessary that the Board ratify such actions. Following discussion, Director Sinner moved that such action be ratified, approved, and confirmed in all respects. Director Neueker seconded the motion, which unanimously carried.

#### FINANCIAL ADVISOR'S REPORT

Ms. Crotwell stated that she had nothing to report until the discussion regarding the status of the District's first bond issue later in the meeting.

#### DEVELOPER'S REPORT

Mr. Rivera discussed the status of development in the District.

Director Balagia entered during the presentation of the Developer's Report.

#### ENGINEER'S REPORT

Mr. Murdock presented to and reviewed with the Board the Engineer's Report, a copy of which is attached hereto as **Exhibit C**. Mr. Rivera then discussed with the Board the need for continued maintenance within Woodson's Gully. He explained that due to the poor soil conditions and lack of vegetation growth that there will be an ongoing need for maintenance. Mr. Cohen recommended that the Board authorize the President to approve a maintenance agreement and related proposals for necessary work related to Woodson's Gully prior to the August Board meeting. Following review and discussion, Director Sinner moved to (i) authorize payment of the pay estimates identified in the Engineer's Report, and (ii) authorize the President to approve necessary work for Woodson's Gully in between Board meetings as requested by the Engineer. Director Nueneker seconded the motion, which unanimously carried.

STATUS OF BOND APPLICATION NO. 1 FOR DISTRICT'S \$7,100,000 UNLIMITED TAX BOND ISSUE, SERIES 2024 (the "BONDS")

Mr. Murdock noted that the District anticipates receiving the Order Approving the Sale of the Bonds from the Texas Commission on Environmental Quality prior to the August Board of Directors meeting.

Ms. Crotwell presented to and reviewed with the Board a proposed form of Official Notice of Sale and Preliminary Official Statement in connection with the Bonds. Following discussion, Director Sinner moved that, (i) subject to SPH's final review, such offering materials be approved, completed and distributed in anticipation of a sale of the Bonds on August 21, 2024, at 11:00 a.m., 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, terms and provisions to be specified in the competitive bidding process, (ii) the Board authorize Masterson to advertise for the sale of the Bonds, with bids to be received by the Board on August 21, 2024, at 11:00 a.m.; (iii) to accept the proposal received from The Bank of New York Mellon Trust Company, N.A. ("BONY") for paying agent/registrar services and that BONY be designated as Paying Agent/Registrar in connection with the Bonds; and (iv) the District's bookkeepers be authorized to issue a wire in the amount of \$7,100.00 to the Attorney General of Texas in connection with the review of the transcript of proceedings relative to the Bonds (v) the Board approve and execute Agreements to Provide Certain Information with TPHTL, HBL, LLC, Toll Southwest, LLC, and Tri Pointe Homes Texas, Inc. pursuant to SEC Rule 15c2 12 and the President be authorized to execute same on behalf of the Board and the District. Director Neueker seconded said motion, which unanimously carried.

CHAMPIONS HYDRO-LAWN REPORT

Mr. Garcia presented a Detention and Drainage Facilities Report dated July 2024, a copy of which is attached hereto as **Exhibit D**. Mr. Garcia next presented two (2) proposals for installation of (i) No Trespass signs at the Drainage Channel within the District, at a cost of \$1,780.00, and (ii) two (2) District name signs at two (2) locations within the District, also at a cost of \$1,780.00. Following review and discussion, Director Sinner moved to approve the two (2) proposals in all respects, authorize the President to execute same, and authorize SPH to acknowledge receipt of the Texas Ethics Commission ("TEC") Forms 1295 provided with same. Copies of the proposals thus approved are attached hereto as **Exhibit E**.

ATTORNEY'S REPORT

Mr. Cohen advised that he had nothing of a legal nature to report that was not covered under another agenda item.

REVIEW MEMORANDUM REGARDING ELECTRONIC STORAGE OF DISTRICT RECORDS; APPROVAL OF RESOLUTION ADOPTING RECORDS RETENTION

SCHEDULES AND POLICIES AND PROCEDURES FOR ELECTRONIC STORAGE OF DISTRICT RECORDS

Mr. Cohen presented to and reviewed with the Board a memorandum from SPH, which is attached hereto as **Exhibit F**, regarding the legal requirements to electronically store District records and destroy the paper copies of such records. In this regard, he recommended that the Board approve the Resolution Adopting Records Retention Schedules and Policies and Procedures for Electronic Storage of District Records attached hereto as **Exhibit G** (the "Records Resolution"). After discussion, Director Sinner moved to approve the Records Resolution, and authorize the Records Management Officer to execute the related certifications, and that same be submitted to the Texas State Library and Archives Commission for review and approval. Director Neuneker seconded the motion, which unanimously carried.

REQUEST FROM RECORDS MANAGEMENT OFFICER TO DESTROY CERTAIN RECORDS OF THE DISTRICT

Mr. Cohen reported that the District's Records Retention Schedules adopted in connection with its Records Management Program require that records of the District be retained only for specific periods of time based on the type of record. As an example, he explained that notes taken during meetings and which are used to prepare the official minutes of Board meetings are to be retained for ninety days after approval of such minutes by the Board. He next presented a request from the Records Management Officer for approval to destroy certain records (which will not be scanned in and stored electronically) in accordance with the District's Records Retention Schedules, a copy of which request is attached hereto as **Exhibit H** (the "Request"). After discussion, Director Sinner moved that SPH be authorized to destroy the records described in the Request. Director Neuneker seconded said motion, which carried unanimously.

ADJOURNMENT

There being no further business to come before the Board, on motion made by Director Sinner, seconded by Director Nueneker, and unanimously carried, the meeting was adjourned.



  
Secretary, Board of Directors

List of Attachments to  
Montgomery County Water Control and Improvement District No. 205  
Minutes of Meeting of July 17, 2024

- Exhibit A Bookkeeping Report dated July 17, 2024
- Exhibit B Tax Assessor/Collector's Report
- Exhibit C Engineer's Report
- Exhibit D Detention and Drainage Facilities Report
- Exhibit E Proposals for District No Trespass signs and District Name signs
- Exhibit F Memorandum Regarding Electronic Storage of District Records
- Exhibit G Resolution Adopting Records Retention Schedules and Policies and Procedures for Electronic Storage of District Records
- Exhibit H Request from Records Management Officer to Destroy Certain Records of the District