

WALLER COUNTY MUNICIPAL UTILITY DISTRICT NO. 35
NOTICE OF PUBLIC MEETING

Notice is hereby given to all interested members of the public that the Board of Directors of the above captioned District will hold a regular meeting at 1300 Post Oak Boulevard, Suite 2500, Houston, Harris County, Texas 77056, said address being a meeting place of the District.

The meeting will be held on **Monday, August 12, 2024, at 12:00 p.m.**

The Board shall consider and discuss the following matters and take any action appropriate with respect to such matters:

1. Public Comments;
2. Review and approve minutes of the July 22, 2024, Board of Directors meeting;
3. Receive and act upon bids for the purchase of the District's \$1,170,000 Unlimited Tax Bonds, Series 2024 (the "Bonds"), and consider taking the following actions in connection with the Bonds:
 - a. Adoption of an Order authorizing the issuance, sale and delivery of the Bonds;
 - b. Approval and distribution of Final Official Statement;
 - c. Approval and execution of Paying Agent/Registrar Agreement by and between the District and The Bank of New York Mellon Trust Company, N.A.;
 - d. Authorize correspondence to the Texas Commission on Environmental Quality notifying it of change in maturity schedule and/or Commission approved tax rate;
 - e. Adoption of Resolution Authorizing Issuance of Notice of Redemption of the District's \$510,000 Bond Anticipation Note, Series 2023;
 - f. Any other matters concerning the Bonds, including the approval and execution of various documents for inclusion in the transcript of proceedings to be submitted to the Attorney General of the State of Texas; and
 - g. Engagement of auditor for preparation of audit of payments to the developer out of the proceeds of the Bonds;
4. Receive and act upon bids for the purchase of the District's \$2,385,000 Unlimited Tax Road Bonds, Series 2024 (the "Road Bonds"), and consider taking the following actions in connection with the Road Bonds:
 - a. Adoption of an Order authorizing the issuance, sale and delivery of the Road Bonds;
 - b. Approval and distribution of Final Official Statement;
 - c. Approval and execution of Paying Agent/Registrar Agreement by and between the District and The Bank of New York Mellon Trust Company, N.A.;
 - d. Approval of pre-audit relative to payment of proceeds of the Road Bonds; and

- e. Any other matters concerning the Road Bonds, including the approval and execution of various documents for inclusion in the transcript of proceedings to be submitted to the Attorney General of the State of Texas;
- 5. Consider approval of Resolution to Comply with Securities and Exchange Commission Rule 15c2-12 and General Certificates in connection therewith: (i) Harris-Waller Counties Municipal Utility District No. 4 \$15,770,000 Contract Revenue Bonds, Series 2024, and (ii) Harris-Waller Counties Municipal Utility District No. 4 \$16,395,000 Contract Revenue Road Bonds, Series 2024;
- 6. Tax Assessor-Collector Report;
- 7. Receive the Financial Advisor's recommendation concerning the District's proposed 2024 tax rate, determine intended tax rate, and authorize:
 - a. the required notice that the Board will consider adoption of a tax rate; and
 - b. the means of providing such notice;
- 8. Operator's Report, including:
 - a. Authorize the repair and maintenance of District facilities;
 - b. Appeal of District charges and customer complaints, and status of collections of the District's delinquent water and sewer accounts; refer accounts for collections and approve write-off of uncollectible accounts; and
 - c. Compliance with permit and regulatory requirements, including discussion of any violations of same and review of notices of violation, self-reporting of any violations as required, responses to notices and remedial action taken, self-reporting forms as required, and correspondence to and from regulatory agencies regarding same;
- 9. Engineering Report, including:
 - a. Authorizing the design, advertisement for bids and/or award of construction contracts or concurrence in the award of contracts for the construction of water, sanitary sewer, drainage and/or paving facilities within the District, and authorize acceptance of TEC Form 1295, including:
 - (i) Water, sanitary sewer, drainage and paving facilities serving Sunterra Section 47;
 - (ii) Paving facilities serving Sunterra Sections 76 and 77; and
 - (iii) Water, sanitary sewer, drainage and paving facilities serving Sunterra Section 78;
 - b. Status of construction contracts, including the approval of any pay estimates and/or change orders, and authorize acceptance of TEC Form 1295, including:
 - (i) Water, sanitary sewer, and drainage facilities serving Sunterra Section 55 (Principal Services, Ltd.);
 - (ii) Paving facilities serving Sunterra Section 55 (A&M Contractors, Inc.);
 - (iii) Water, sanitary sewer, drainage facilities serving Sunterra Section 56 (Fellers & Clark, LP);
 - (iv) Paving facilities serving Sunterra Section 56 (Allgood Construction

- Company, Inc.);
- (v) Water, sanitary sewer, and drainage facilities serving Sunterra Sections 65 and 66 (Principal Services, Ltd.);
- (vi) Paving facilities serving Sunterra Sections 65 and 66 (Allgood Construction Company, Inc.);
- (vii) Water, sanitary sewer, and drainage facilities serving Sunterra Sections 67 and 68 (Gonzalez Construction Enterprises, Inc.);
- (viii) Paving facilities serving Sunterra Sections 67 and 68 (A&M Contractors, Inc.);
- (ix) Water, sanitary sewer, drainage and paving facilities serving Sunterra Section 69 (R Construction Civil, LLC);
- (x) Paving facilities serving Sunterra Section 69 (Allgood Construction Company, Inc.);
- (xi) Water, sanitary sewer, drainage and paving facilities serving Sunterra Section 70 (Fellers & Clark, LP);
- (xii) Paving facilities serving Sunterra Section 70 (Hurtado Construction Company);
- (xiii) Water, sanitary sewer, drainage and paving facilities serving Sunterra Section 71 (TexaSite, LLC);
- (xiv) Paving facilities serving Sunterra Section 71 (Daco Paving, Inc.);
- (xv) Water, sanitary sewer and drainage facilities serving Sunterra Section 72 (TexaSite, LLC);
- (xvi) Paving facilities serving Sunterra Section 72 (Allgood Construction Company, Inc.);
- (xvii) Water, sanitary sewer, and drainage serving Sunterra Section 73 (R Construction Civil, LLC);
- (xviii) Paving facilities serving Sunterra Section 73 (Hassell Construction Group, Inc.);
- (xix) Water, sanitary sewer and drainage facilities serving Sunterra Section 74 (Blazey Construction Services LLC);
- (xx) Paving facilities serving Sunterra Section 74 (Allgood Construction Company, Inc.);
- (xxi) Water, sanitary sewer, drainage and paving facilities serving Sunterra Section 75 (Bay Utilities, LLC);
- (xxii) Paving facilities serving Sunterra Section 75 (Hurtado Construction Company); and
- (xxiii) Water, sanitary sewer, and drainage facilities serving Sunterra Sections 76 and 77 (Blazey Construction Services, LLC);
- c. Acceptance of sites and/or easement conveyances for facilities constructed or to be constructed for the District, and acceptance of facilities for operation and maintenance purposes, including:
 - (i) Special Warranty Deed conveying recreational sites to the District;
- d. Review and approval of Stormwater Quality Management Plans related to construction contracts; and
- e. Status of acceptance by Waller County of streets for maintenance; authorize any action required in connection therewith;

10. Consider approval of revised exhibit to Maintenance Agreement relating to Recreational Facilities between the District and Sunterra Property Owners Association, Inc.;
11. Consider approval of Utility Development Agreements for road and recreational facilities between the District and (i) AG EHC II (LEN) Multi State 4, LLC, and (ii) D.R. Horton – Texas, Ltd.; consider approval of Acknowledgments of Assignment of Utility Development Agreement Proceeds;
12. Silt Solutions, Inc.'s Report; authorize any action in connection therewith, including review of builder stormwater controls and issuance of fines and penalties for non-compliance;
13. Landscape Architect Reports, including:
 - a. Authorizing or ratifying the design, advertisement for bids and/or award of construction contracts or concurrence in the award of contracts of facilities within the District, and authorize acceptance of TEC Form 1295, including:
 - (i) Sunterra Phase 6 - Landscape Improvements (Sunterra Sections 47 and 56);
 - (ii) Sunterra Phase 7 - Landscape Improvements (Sunterra Sections 65 and 66); and
 - (iii) Sunterra Phase - Landscape Improvements (Sunterra Sections 67 and 68);
 - b. Status of construction contracts, including the approval of any pay estimates and/or change orders and authorize acceptance of TEC Form 1295, including:
 - (i) Landscape Improvements (Sunterra Sections 35, 36 and 44) – Softscape (Strickscapes);
 - (ii) Landscape improvements (Sunterra Sections 35, 36 and 44) – Hardscape (DL Meachum);
 - (ii) Landscape Improvements (Sunterra Sections 45, 51 and 52) – Softscape and Hardscape (Strickscapes);
 - (iv) Landscape Improvements (Sunterra Section 46) – Softscape (Zodega/Silversand Services);
 - (v) Landscape Improvements (Sunterra Section 46) - Hardscape (Oak Forest Construction Group);
 - (vi) Landscape Improvements (Sunterra Sections 53 and 54) – Softscape (Zodega/Silversand Services);
 - (vii) Landscape Improvements (Sunterra Sections 53 and 54) - Hardscape (DL Meachum);
 - (vii) Sunterra Phase 6 – Landscape Improvements (Sunterra Section 48) – Softscape (PGS Landscaping); and
 - (ix) Sunterra Phase 6 – Landscape Improvements (Sunterra Section 48) – Hardscape (Strickscapes);

- c. Acceptance of sites and/or easement conveyances for facilities constructed or to be constructed for the District and acceptance of facilities for operation and maintenance purposes;
- 14. Bookkeeper's Report and authorizing the payment of invoices presented;
- 15. Developer's Report;
- 16. Security Patrol Report;
- 17. Attorney's report; and
- 18. Matters for possible placement on future agendas.



SCHWARTZ, PAGE & HARDING, L.L.P.

By: Christina Cole
Christina Cole
Attorneys for the District

Persons with disabilities who plan to attend this meeting and would like to request auxiliary aids or services are requested to contact the District's attorney at (713) 623-4531 at least three business days prior to the meeting so that appropriate arrangements can be made.