

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, February 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 January 8, 2024, Board of Directors meeting;
3. Tax Assessor-Collector Report;
4. Adoption of Resolution Concerning Developed District Status for 2024 Tax Year;
5. Consider engagement of Silt Solutions, Inc. for storm water pollution prevention compliance services;
6. 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;
 - 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; and
 - d. Authorize review of Drought Contingency Plan for any required updates;
7. Consider approval of various agreements and documents in connection with program for payment of water bills by customers, including:
 - a. Heartland Payment Systems, LLC's Bill Pay Merchant Setup Form and Government and Education Merchant Processing Agreement;
 - b. Payment Services Agreement between First Mobile Trust, LLC ("FBS") and District;
 - c. FBS Addendum to Merchant Processing Agreement; and
 - d. Central Bank's Electronic Lockbox Payment Service Documents, including: (i) Resolution Approving Lockbox Payment Services, (ii) Addendum to Service Agreement between District and Operator, and (iii) Processing Agreement with Central Bank;

8. 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 Texas Ethics Commission ("TEC") Form 1295, including:
 - (i) Water, sanitary sewer, drainage and paving facilities serving Sunterra Section 47;
 - (ii) Water, sanitary sewer, drainage and paving facilities serving Sunterra Section 55;
 - (iii) Water, sanitary sewer, drainage and paving facilities serving Sunterra Section 56;
 - (iv) Water, sanitary sewer, drainage and paving facilities serving Sunterra Section 65;
 - (v) Water, sanitary sewer, drainage and paving facilities serving Sunterra Section 66;
 - (vi) Water, sanitary sewer, drainage and paving facilities serving Sunterra Section 67;
 - (vii) Water, sanitary sewer, drainage and paving facilities serving Sunterra Section 68;
 - (viii) Water, sanitary sewer, drainage and paving facilities serving Sunterra Section 69;
 - (ix) Water, sanitary sewer, drainage and paving facilities serving Sunterra Section 70;
 - (x) Water, sanitary sewer, drainage and paving facilities serving Sunterra Section 71;
 - (xi) Water, sanitary sewer, drainage and paving facilities serving Sunterra Section 72;
 - (xii) Water, sanitary sewer, drainage and paving facilities serving Sunterra Section 73;
 - (xiii) Water, sanitary sewer, drainage and paving facilities serving Sunterra Section 74;
 - (xiv) Water, sanitary sewer, drainage and paving facilities serving Sunterra Section 75;
 - (xv) Water, sanitary sewer, drainage and paving facilities serving Sunterra Section 76;
 - (xvi) Water, sanitary sewer, drainage and paving facilities serving Sunterra Section 77; and
 - (xvii) 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:
 - (i) Water, sanitary sewer and drainage facilities serving Sunterra Section 48 (TexaSite, LLC);
 - (ii) Paving facilities serving Sunterra Section 48 (A&M Contractors, Inc.); and
 - (iii) Paving facilities serving Sunterra Section 53 (Allgood Construction

- Company, Inc.);
- 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;
 - (i) Quitclaim Conveyance of Utility Facilities (Water, Sanitary and Drainage Facilities to serve Sunterra Section 53) (Astro Sunterra, L.P.);
 - (ii) Special Warranty Deed (Recreational Sites in Sunterra Section 48) (KB Home Lone Star, Inc.); and
 - (iii) Special Warranty Deed (Recreational Sites in Sunterra Sections 53 and 54) (Astro Sunterra, L.P.);
 - d. Review and approval of Stormwater Quality Management Plans related to construction contracts;
 - e. Status of acceptance by Waller County of streets for maintenance; authorize any action required in connection therewith;
 - f. Consider status of District's Bond Application Report in connection with the District's \$1,170,000 Unlimited Tax Bonds, Series 2024 Bonds; and
 - g. Approval of Summary of Costs in connection with use of surplus road construction funds;
9. Review of annual survey of wage rate scales and consider adoption of Resolution Adopting Prevailing Wage Rate Scale for Construction Projects;
 10. Engagement of auditor for preparation of audit of payments to the developer out of surplus road construction funds, and authorize acceptance of TEC Form 1295;
 11. Consider approval of revised exhibit to Maintenance Agreement relating to Recreational Facilities between the District and Sunterra Property Owners Association, Inc.;
 12. 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) Fencing (Sunterra Sections 46 and 47)
 - (ii) Fencing (Sunterra Sections 48 and 56); and
 - (iii) Sunterra Phase 6 – Landscape Improvements (Sunterra Sections 47 and 56);
 - 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) Hardscape, Landscape and Irrigation Improvements (Sunterra Sections 49 and 50) (Triple E Landscapes);
 - (ii) Landscape Improvements (Sunterra Sections 35, 36 and 44) (Stricksapes); and
 - (iii) Landscape Improvements (Sunterra Sections 45, 51 and 52) (Stricksapes);

- (iv) Landscape Improvements (Sunterra Section 46) (Zodega);
 - (v) Landscape Improvements (Sunterra Section 46) (Oak Forest Construction Group);
 - (vi) Landscape Improvements (Sunterra Sections 53 and 54) (Zodega);
 - (vii) Landscape Improvements (Sunterra Sections 53 and 54) (DL Meachum);
 - (viii) Sunterra Phase 6 – Landscape Improvements (Sunterra Section 48) (Stricksapes); and
 - (ix) Sunterra Phase 6 – Landscape Improvements (Sunterra Section 48) (PGS Landscaping);
- 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;
13. Bookkeeper's Report and authorizing the payment of invoices presented;
14. Developer's Report;
15. Review and approval of proposals relative to renewal of the District's general liability, umbrella liability, property, boiler and machinery, director and officer liability, and pollution liability insurance coverage for policies expiring March 31, 2024, and acceptance of TEC Form 1295 in connection therewith;
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.