

## WALLER COUNTY MUNICIPAL UTILITY DISTRICT NO. 35

Minutes of the Meeting of Board of Directors  
May 11, 2026

The Board of Directors (the "Board") of Waller County Municipal Utility District No. 35 (the "District") met in regular session, open to the public, on May 11, 2026, in accordance with the duly posted Notice of Public Meeting, and the roll was called of the duly constituted members of the Board, as follows:

Victoria A. Battistini, President  
Ryan C. Ward, Vice President  
Jaclyn Day, Secretary  
Daniel C. Feiler, Assistant Secretary  
Tiffani S. Walker, Assistant Secretary

all of whom were present with the exception of Directors Ward and Feiler, thus constituting a quorum.

Also present were: Blair Bozoarth of Quiddity Engineering, LLC ("Quiddity"); Jennifer Abad of Municipal Accounts & Consulting, L.P. ("MA&C"); Mia Hargrove of Municipal District Services, LLC ("MDS"); Tiffany Wilkes of Kudela & Weinheimer ("K&W"); David Wood of Cedar Creek Municipal Advisors, LLC ("Cedar Creek"); Shamar O'Bryant on behalf of Astro Sunterra, L.P. ("Astro Sunterra"); Melissa Vasquez of Forvis Mazars, LLP ("Forvis"); David Daughtry and Ronnie Eppinette of Kimley-Horn & Associates, Inc. ("KH"); Patty Rodriguez of BLICO, Inc., dba Bob Leared Interests ("BLICO"); and Christina Cole and Kris Eddlemon of Schwartz, Page & Harding, L.L.P. ("SPH").

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

### **PUBLIC COMMENTS**

There were no comments from members of the public.

### **MINUTES**

The Board considered the minutes of its meeting held on April 13, 2026. After discussion, it was moved by Director Day seconded by Director Battistini, and unanimously carried, that said minutes be approved, as written.

**ACCEPTANCE OF QUALIFICATION STATEMENTS, AFFIDAVITS OF CURRENT DIRECTOR, ELECTIONS NOT TO DISCLOSE CERTAIN INFORMATION, BONDS, AND OATHS OF OFFICE**

The Board next considered the acceptance of Qualification Statements, Elections Not to Disclose Certain Information, Bonds, and Oaths of Office for Jaclyn Day and Tiffani Walker, including the acceptance of Affidavits of Current Director. In that regard, Ms. Day and Ms. Walker presented their Statements of Elected Officer, Oaths of Office, Official Bonds, Elections Not to Disclose Certain Information, and Affidavits of Current Director. After discussion on the matter, it was moved by Director Day, seconded by Director Battistini and unanimously carried that the Board approve said Bonds, accept said Statements of Elected Officers, Elections Not to Disclose Certain Information, Oaths, and Affidavits of Current Director and declare Jaclyn Day and Tiffani Walker to be duly elected and qualified Directors of the District.

**ELECTION OF OFFICERS**

The Board next considered re-organization of the officers of the Board of Directors. The Board members concurred to have all officers remain in their current offices.

**DISTRICT REGISTRATION FORM**

The Board next considered approving a District Registration Form required by the Texas Commission on Environmental Quality ("TCEQ"). Ms. Cole explained that, in accordance with the Texas Water Code, municipal utility districts are required to file names, mailing addresses, officer positions and terms of new directors with the TCEQ within thirty (30) days after an election or appointment. She advised that, with the Board's approval, SPH will complete the District Registration Form to include newly elected directors' terms of office and will file the form with the TCEQ. After further discussion of the matter, Director Day moved that the Board authorize SPH to complete the District Registration Form as discussed and file same with the TCEQ. Director Battistini seconded said motion, which unanimously carried.

**PREPARATION AND MAINTENANCE OF LOCAL GOVERNMENT OFFICERS LIST**

Ms. Cole advised the Board that, pursuant to Chapter 176 of the Texas Local Government Code, the District is required to maintain a list of Local Government Officers, which includes the members of the Board and the District's Investment Officers, in connection with conflict of interest disclosure requirements. After discussion on the matter, Director Day moved that the District update its list of local government officers as required by law. Director Battistini seconded said motion, which unanimously carried.

**ENGAGEMENT OF AUDITOR**

The Board considered the engagement of an auditor to prepare the District's audit report for the fiscal year ending May 31, 2026. Ms. Vasquez made a presentation to the Board and advised that Forvis' fees for the preparation of said audit report would be \$19,400, plus an administrative fee of \$1,100 to cover items such as report production, copies, postage, and other

delivery charges, supplies, and other technology-related costs. A copy of Forvis' engagement letter is attached hereto as **Exhibit A**. Following discussion, Director Walker moved that (i) Forvis be engaged to conduct an audit of the District's financial statements and prepare the District's audit report for the fiscal year ended May 31, 2026, in accordance with the terms of the engagement letter presented, (ii) the District accept Forvis' Texas Ethics Commission ("TEC") Form 1295 relative to the engagement, and (iii) SPH be authorized to acknowledge the District's receipt of same with the TEC. Director Battistini seconded said motion, which unanimously carried.

### **TAX ASSESSOR-COLLECTOR REPORT**

Ms. Rodriguez presented to and reviewed with the Board a written Tax Assessor-Collector Report ("TAC Report") for the period ended April 30, 2026, including the disbursements presented therein for payment from the District's tax account, a copy of which TAC Report is attached hereto as **Exhibit B**. After discussion, on motion made by Director Day, seconded by Director Battistini and unanimously carried, the Board approved the TAC Report and authorized the payments listed therein.

### **OPERATOR'S REPORT**

Ms. Hargrove presented to and reviewed with the Board the Operations Report dated May 11, 2026, a copy of which is attached hereto as **Exhibit C**. She advised that there are two (2) delinquent accounts totaling \$290.55, which MDS has been unable to collect. She advised that MDS recommends these accounts be turned over to collections for further collection efforts. Following discussion, Director Walker moved that the Operator's Report be approved, water service be terminated to those customers who remain delinquent in accordance with the terms of the District's Rate Order, and that MDS be authorized to turn over the subject accounts to collections for further collection efforts, as discussed and as reflected in the Operations Report. Director Battistini seconded said motion, which unanimously carried.

The Board next considered ratifying the Board's prior approval of a Consumer Confidence Report ("CCR") and authorizing distribution of same to customers of the District by MDS. Following discussion, Director Walker moved that the Board's prior approval of the CCR and distribution of same by MDS be ratified and approved in all respects. Director Battistini seconded the motion, which unanimously carried.

### **ENGINEERING REPORT**

Mr. Bozoarth next presented to and reviewed with the Board an Engineering Report dated May 8, 2026, a copy of which report is attached hereto as **Exhibit D**, relative to the status of various engineering and construction projects within the District. Upon review and discussion of the Report, Director Walker moved that the Engineering Report and all actions noted therein be approved as recommended by Quiddity, including (i) authorization of DL Meacham to demolish a sidewalk located in Sunterra Section 50, (ii) authorization of Semarck to regrade the swale located in Sunterra Section 50, at a cost not to exceed \$7,500, (iii) authorization of Allgood Construction to perform non-warranty repairs in Sunterra, Sections 67, 68, 47, and 74, (iv) authorization of Quiddity to send a letter to R Construction regarding punch-list item repairs

located in Sunterra Section 69, and (v) approval of the scope memo for preparation of 2027 Bond Application Report by Quiddity. Director Battistini seconded the motion, which unanimously carried.

### **SILT SOLUTIONS, INC.**

The Board next considered a report from Silt Solutions, Inc. ("SSI") in connection with storm water pollution and prevention services. Ms. Cole advised that SSI provided a report for the period April 13, 2026 through May 5, 2026, a copy of which is attached hereto as **Exhibit E**.

### **LANDSCAPE ARCHITECTURE REPORT(S)**

Ms. Wilkes presented to and reviewed with the Board a monthly report prepared by K&W regarding the status of various recreational projects, a copy of which report is attached hereto as **Exhibit F**. Following discussion, Director Walker moved that K&W's report and all actions noted therein be approved as recommended by K&W. Director Battistini seconded the motion, which unanimously carried.

Mr. Daughtry presented to and reviewed with the Board a monthly report prepared by KH regarding the status of various recreational projects, a copy of which report is attached hereto as **Exhibit G**. Following discussion, Director Walker moved that all actions noted therein be approved as recommended by KH, including the award of a contract to Earth First Landscapes for hardscape, landscape, and irrigation improvements to serve Sunterra Section 55, subject to SPH's review of the payment and performance bonds and insurance certificates submitted in connection with the contract to determine if the payment and performance bonds and insurance meet the requirements of the bid specifications, the Texas Insurance Code, the rules of the TCEQ and the provisions of the Texas Water Code and Astro Sunterra's or Sunterra 6A-Katy, L.P., as applicable, execution of the special conditions of the contracts under which Astro Sunterra or Sunterra 6A-Katy, L.P., as applicable, guarantees payment of all sums due thereunder. Director Battistini seconded the motion, which unanimously carried.

### **BOOKKEEPER'S REPORT**

Ms. Abad presented to and reviewed with the Board the Bookkeeper's Report, dated May 11, 2026, attached hereto as **Exhibit H**, including the disbursements presented for payment, as prepared by MA&C. After discussion, it was moved by Director Walker that the Bookkeeper's Report be approved, and that the disbursements identified in the Bookkeeper's Report be authorized for payment. Director Battistini seconded said motion, which unanimously carried.

### **OPERATING BUDGET**

Ms. Abad then presented to and reviewed with the Board a proposed operating budget for the District's fiscal year ending May 31, 2027, as prepared by MA&C, a copy of which is included in **Exhibit H**. After discussion, it was moved by Director Walker that the operating budget for the District's fiscal year ending May 31, 2027, be adopted, as presented. Director Battistini seconded said motion, which unanimously carried.

## **UNCLAIMED PROPERTY REPORT(S)**

The Board considered approval of Unclaimed Property Reports as of March 1, 2026, and the filing of same with the Texas Comptroller of Public Accounts (the "Comptroller") prior to July 1, 2026. In connection therewith, Ms. Abad noted that the District has a total of \$616.61 in unclaimed operating funds. Ms. Rodriguez then reported that the District has no unclaimed tax funds for the applicable reporting period, and noted that BLICO will submit its Unclaimed Property Report reflecting same. After discussion, Director Walker moved that MA&C and BLICO be authorized to file said Reports with the Comptroller prior to July 1, 2026. Director Battistini seconded said motion, which unanimously carried.

## **DEVELOPER'S REPORT**

Mr. O'Bryant discussed the status of development within the District.

## **CYBERSECURITY**

The Board next considered recent changes to cybersecurity and artificial intelligence training requirements for directors of the District. Ms. Cole then presented a memorandum from SPH regarding changes to such training requirements, a copy of which is attached hereto as **Exhibit I**, and discussed same with the Board. Ms. Cole advised that all directors of the District must annually complete a certified cybersecurity awareness training program prior to August 31 of the given year as required by Ch. 2063, Texas Gov't Code. She further advised that any director of the District who uses a computer to perform at least 25% of his or her duties and has access to the District's computer system must also complete a certified artificial intelligence training program by August 31 of each year as required by Ch. 2054, Texas Gov't Code. Following discussion, Ms. Cole noted that a link to the training program created by the Department of Information Resources will be provided to directors following the meeting and requested that each director notify SPH upon completion of the training program.

## **SECURITY PATROL REPORT**

Ms. Cole presented to and reviewed with the Board a Security Patrol Report prepared by On-Site Services, LLC for the month of April 2026, a copy of which is attached hereto as **Exhibit J**.

## **ATTORNEY'S REPORT**

The Board considered the attorney's report. In connection therewith, Ms. Cole advised the Board that she had nothing further to discuss with the Board of a legal nature which was not covered under a specific agenda item.


## **FUTURE AGENDA ITEMS**

The Board next considered additional items for placement on future agendas. No specific agenda items, other than routine and ongoing matters, were requested.

**ADJOURNMENT**

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



  
Secretary

LIST OF ATTACHMENTS

- EXHIBIT A Engagement Letter – Forvis Mazars, LLP
- EXHIBIT B Tax Assessor-Collector's Report
- EXHIBIT C Operations Report
- EXHIBIT D Engineering Report
- EXHIBIT E Report provided by Silt Solutions, Inc.
- EXHIBIT F Landscape Architect Report - Kudela & Weinheimer
- EXHIBIT G Landscape Architect Report - Kimley-Horn & Associates, Inc.
- EXHIBIT H Bookkeeper's Report; Operating Budget
- EXHIBIT I Memorandum prepared by Schwartz, Page & Harding, L.L.P.
- EXHIBIT J Security Patrol Report