## HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 36, OF HARRIS COUNTY, TEXAS

Minutes of Meeting of Board of Directors May 13, 2021

The Board of Directors ("Board") of Harris County Municipal Utility District No. 36, of Harris County, Texas ("District"), met in regular session on May 13, 2021, in accordance with the duly posted notice of meeting. The meeting was held via telephone conference call pursuant to Texas Government Code, Section 551.125, as amended, and as modified by the temporary suspension of various provisions thereof effective March 16, 2020, by the Governor of Texas in accordance with the Texas Disaster Act of 1975, all as related to the Governor's proclamation on March 13, 2020, certifying that the COVID-19 pandemic poses an imminent threat of disaster and declaring a state of disaster for all counties in Texas. The roll was called of the duly constituted officers and members of the Board, as follows:

Chris Mayeu President
Gina Angulo Vice President
George Peckham Secretary/Treasurer
Rose Mary Bundscho Assistant Secretary

and all of said persons were present, with the exception of Director Angulo, thus constituting a quorum.

Also attending the meeting via telephone conference call were Keith Arrant of Municipal Operations & Consulting, Inc. ("Municipal Operations"); Arturo Cornejo of Municipal Accounts & Consulting, L.P. ("MA&C"); Eric Johnson of IDS Engineering Group ("IDS"); Tim Spencer of Ad Valorem Appraisals, Inc. ("Ad Valorem"); and Daniel Ringold and Peyton Ellis of Schwartz, Page & Harding, L.L.P. ("SPH").

#### **EXPLANATION OF TELEPHONE CONFERENCE MEETING PROCEDURES**

Mr. Ringold explained to all in attendance the requirements of the Texas Open Meetings Act, as modified by the Governor's Disaster Proclamation, relative to the conduct of meetings by telephone. In connection therewith, he informed the participants that the meeting would be recorded, and requested that each participant clearly state his or her name before speaking, including when making or seconding a motion. Mr. Ringold further explained that a roll call vote will be taken for all motions and requested that Board members vote with a verbal indication of being in favor of, opposed to, or abstaining from voting on the motion when his or her name is called. Similarly, Mr. Ringold stated that a full roll call of all participants would be conducted at the start of the meeting for attendance purposes. Mr. Ringold proceeded to perform a roll call to establish attendance of Board members, consultants, development representatives, and members of the public, if any.

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

#### **PUBLIC COMMENTS**

There being no members of the public present on the call, the Board continued to the next item of business.

### **MINUTES OF MEETING**

The Board considered approval of the minutes of its meeting held on April 8, 2021. After discussion, Director Bundscho moved that the minutes of the meeting held on April 8, 2021, be approved as presented. Director Peckham seconded said motion, which unanimously carried.

#### **BOOKKEEPER'S REPORT**

Mr. Cornejo presented to and reviewed with the Board a Bookkeeper's Report dated May 13, 2021, including a listing of the checks presented for payment. A copy of such Bookkeeper's Report is attached hereto as **Exhibit A**. Following discussion, it was moved by Director Bundscho that said report be approved, and that the disbursements identified therein be approved for payment. Director Peckham seconded the motion, which unanimously carried.

Mr. Cornejo presented to and reviewed with the Board a Quarterly Investment Inventory Report ("Investment Report") which had been prepared by MA&C for the reporting period ended March 31, 2021, a copy of which is attached to the Bookkeeper's Report. Following review of the subject Investment Report and upon motion duly made by Director Bundscho, seconded by Director Peckham and unanimously carried, said Investment Report was approved and the District's Investment Officer was authorized to execute same on behalf of the Board and the District.

#### UNCLAIMED PROPERTY REPORT

Mr. Cornejo presented an Unclaimed Property Report as of March 1, 2021, and reported that there was \$2,771.45 of unclaimed funds in the District's operating account to be escheated to the State of Texas. A copy of said report is attached hereto as **Exhibit B**. Following discussion, Director Bundscho moved that MA&C be authorized to remit such report along with the unclaimed funds to the State Comptroller prior to July 1, 2021. Director Peckham seconded the motion, which carried unanimously.

#### TAX ASSESSOR-COLLECTOR'S REPORT

Mr. Spencer presented to and reviewed with the Board a written Tax Collector's Report regarding tax collections within the District for the month ended April 30, 2021, including a list of bills and charges to be paid out of the District's Tax Account, a copy of which is attached hereto as **Exhibit C**. Following discussion, Director Bundscho moved that the Tax Collector's Report and the disbursements reflected therein be approved. The motion was seconded by Director Peckham and unanimously carried.

#### DELINQUENT TAX COLLECTIONS REPORT

Mr. Ringold advised that a Delinquent Tax report was not received this month from the District's delinquent tax attorney, Perdue, Brandon, Fielder, Collins, & Mott, L.L.P. ("Perdue").

#### **OPERATIONS REPORT**

Mr. Arrant presented to and reviewed with the Board written Operations Reports for the month of March 2021, copies of which are attached hereto as **Exhibit D**.

In connection with the purchase of a 1,000-gallon auxiliary diesel fuel tank to be installed at the District's water plant to support the District's generator during events such as Winter Storm Uri (the "Storm"), Mr. Arrant advised the Board that such fuel tank has been purchased and installed at the District's water plant, as previously authorized by the Board.

#### **CONSUMER CONFIDENCE REPORT**

Mr. Arrant presented the Board with a draft Consumer Confidence Report ("CCR") prepared by Municipal Operations for distribution to the District's customers, a copy of which is attached hereto as **Exhibit E**, and requested that the Board authorize electronic distribution of same to the District's customers, in accordance with the Environmental Protection Agency's rules for electronic delivery. After discussion, Director Bundscho moved to approve the CCR and authorize Municipal Operations to distribute same electronically to the District's customers by July 1, 2021, subject to SPH's approval and confirmation that such CCR is consistent with the requirements implemented by the Texas Commission on Environmental Quality. Director Peckham seconded said motion, which unanimously carried.

#### DISCUSSION REGARDING GENERATOR PERFORMANCE DURING THE STORM

Director Mayeu provided the Board with an update regarding the performance of the District's generator during the Storm. In connection therewith, Director Mayeu advised that Mr. Elder has not yet received information from the Electric Reliability Council of Texas ("ERCOT") regarding pricing of electricity provided back to the grid during Winter Storm Uri. He further advised that Mr. Elder plans to attend the Board's next meeting to present and discuss a report detailing generator performance and revenues received by the District for sale of electricity to the grid during the Storm following receipt of the necessary information from ERCOT to prepare such report.

#### **ENGINEER'S REPORT**

Mr. Johnson presented to and reviewed with the Board a written Engineer's Report dated May 13, 2021, concerning engineering projects within the District, a copy of which is attached hereto as **Exhibit F**.

In connection with the Wastewater Collection System Rehabilitation of 2021 (the "2021 Project"), Mr. Johnson advised the Board that a preconstruction meeting was held on April 15,

2021, and the Notice to Proceed was issued on April 19, 2021. He further advised that Texas Pride Utilities, LLC ("Texas Pride") started construction on May 7, 2021, and that Texas Pride is currently televising the lines along Woodham Drive.

Discussion ensued regarding the schedule for the second phase of the Wastewater Collection System Rehabilitation project (the "2022 Project"). In connection therewith, Mr. Johnson advised the Board that he conducted research to determine whether the 2022 Project can be expedited to be completed more quickly, and advised that the remaining portions of the Project can be completed under one construction contract. Mr. Johnson then requested that the Board (i) authorize IDS to move forward with the preparation of plans and specifications for the 2022 Project, and (ii) authorize the advertisement for bids for same following completion of such plans and specifications. Following discussion, Director Bundscho moved to (i) authorize IDS to move forward with the preparation of plans and specifications for the 2022 Project, and (ii) authorize the advertisement for bids for the 2022 Project following completion of such plans and specifications. Director Peckham seconded the motion, which unanimously carried.

#### **DEVELOPER REPORT**

The Board deferred discussion of the Developer Report, as no developer was present at the meeting.

#### ATTORNEY'S REPORT

Mr. Ringold advised that he had nothing further of a legal nature to discuss with the Board at this time.

#### **FUTURE AGENDA ITEMS**

The Board did not request any items be placed on future agendas other than regular and on-going items.

#### **ADJOURNMENT**

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

Secretary, Board of Directors

# HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 36, OF HARRIS COUNTY, TEXAS

# LIST OF ATTACHMENTS TO MINUTES

Exhibit A - Bookkeeper's Report

Exhibit B - Unclaimed Property Report

Exhibit C - Tax Assessor-Collector's Report

Exhibit D - Operations Report

Exhibit E - Consumer Confidence Report

Exhibit F - Engineer's Report

590188.1