

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

Minutes of Meeting of Board of Directors

May 11, 2023

The Board of Directors (the "Board") of Harris County Municipal Utility District No. 36, of Harris County, Texas (the "District"), convened in regular session, open to the public, on May 11, 2023, at 12:00 noon, at 1300 Post Oak Boulevard, Suite 2500, Houston, Texas, and the roll was called of the duly constituted officers and members of the Board, to-wit:

Chris Mayeu	President
Gina Angulo	Vice President
Rose Mary Bundscho	Assistant Secretary

and all of said persons were present, thus constituting a quorum.

Also present were Keith Arrant and Ryan Vaughan of Municipal Operations & Consulting, Inc. ("Municipal Operations"); Eric Johnson of IDS Engineering Group ("IDS"); Rahi Patel of Municipal Accounts & Consulting, L.P. ("MA&C"); Chris Davy of Ad Valorem Appraisals, Inc. ("Ad Valorem"); Bear Oakley of Acclaim Energy Advisors ("Acclaim"); Mark Carter, a member of the public; and Eric Lai and Peyton Ellis 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 it.

**PUBLIC COMMENT**

There were no comments received from the public.

**MINUTES OF MEETING**

The Board considered approval of the minutes of its meeting held on April 13, 2023. After discussion, Director Angulo moved that the minutes of the meeting held on April 13, 2023, be approved as presented. Director Bundscho seconded said motion, which unanimously carried.

**APPOINTMENT OF NEW DIRECTOR TO FILL VACANCY ON BOARD OF DIRECTORS**

The Board considered the appointment of a new Director to fill the vacancy on the Board of Directors. In connection therewith, Mark Carter introduced himself to the Board and expressed a desire to be appointed a Director of the District. Mr. Lai advised the Board that SPH has prepared and provided to Prologis, L.P. ("Prologis") for review

and execution, the documentation necessary to seat Mr. Carter on the Board of Directors. He further advised that Prologis has not yet provided SPH with the executed documentation and, as such, requested that the Board defer the appointment of Mr. Carter until such documentation is received from Prologis. Following discussion, the Board deferred consideration of the appointment of Mr. Carter at this time, and concurred to reconsider the matter at next month's meeting, subject to receipt by SPH of the executed documentation from Prologis.

### **BOOKKEEPER'S REPORT**

Mr. Patel presented to and reviewed with the Board a Bookkeeper's Report dated May 11, 2023, including checks presented for payment, a copy of which is attached hereto as **Exhibit A**. Mr. Patel additionally presented to and reviewed with the Board a Quarterly Investment Inventory Report ("Investment Report") prepared by MA&C for the reporting period ended March 31, 2023, a copy of which is included in the Bookkeeper's Report. Following discussion of the reports presented, it was moved by Director Angulo, seconded by Director Bundscho, and unanimously carried, that: (i) the Bookkeeper's Report be approved and the disbursements identified therein be approved for payment, and (ii) the Investment Report be approved and the District's Investment Officer authorized to execute same on behalf of the Board and the District.

### **UNCLAIMED PROPERTY REPORT**

The Board considered the review and approval of an Unclaimed Property Report as of March 1, 2023, and the filing of same with the Comptroller of Public Accounts of the State of Texas (the "State Comptroller") prior to July 1, 2023. In connection therewith, Mr. Patel presented and reviewed the Unclaimed Property Report with the Board, a copy of which is attached hereto as **Exhibit B**, and reported that the District has \$2,625.61 in unclaimed funds to escheat to the State Comptroller. Following discussion, it was moved by Director Angulo, seconded by Director Bundscho and unanimously carried, that the Unclaimed Property Report as of March 1, 2023, be approved, and that MA&C be authorized to file same with the State Comptroller prior to July 1, 2023, as required.

### **TAX ASSESSOR-COLLECTOR'S REPORT**

Mr. Davy 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, 2023, including a list of bills and charges to be paid out of the District's Tax Account for the month ended April 30, 2023, a copy of which is attached hereto as **Exhibit C**. Following discussion, Director Angulo moved that the Tax Collector's Report and the disbursements reflected therein be approved. The motion was seconded by Director Bundscho and unanimously carried.

## **DELINQUENT TAX COLLECTIONS REPORT**

Mr. Lai 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 a written Operations Report for the month of March 2023, a copy of which is attached hereto as **Exhibit D**. Upon review and discussion, it was noted that no action was required by the Board in connection with the Operations Report.

## **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. Following discussion, Director Angulo moved that the CCR be approved, subject to SPH's review and final approval of same, and that Municipal Operations be authorized to distribute same electronically to the District's customers prior to July 1, 2023. Director Bundscho seconded said motion, which unanimously carried.

## **ENGINEER'S REPORT**

Mr. Johnson presented to and reviewed with the Board a written Engineer's Report dated May 11, 2023, concerning engineering projects within the District, a copy of which is attached hereto as **Exhibit F**. In connection with the renewal of the District's Wastewater Treatment Plant TPDES Discharge Permit (the "Permit"), Mr. Johnson reported that the Texas Commission on Environmental Quality (the "TCEQ") has issued the renewed Permit, which is valid through April 28, 2028. No action was required by the Board in connection with the Engineer's Report.

## **DEVELOPER REPORT**

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

## **REPORT ON THE DISTRICT'S GENERATOR, INCLUDING STATUS OF RECEIPT OF REVENUES ASSOCIATED WITH PERFORMANCE DURING WINTER STORM URI**

Director Mayeu advised the Board that, according to John Elder of Acclaim Energy Advisors ("Acclaim"), the Electric Reliability Council of Texas ("ERCOT") has

agreed remit payment of the funds owed to the District for the operation of the District's generator at its Water Plant. Director Mayeu noted that Mr. Elder is hopeful the District will receive a check for such funds at the Board's next meeting.

**RATIFICATION OF APPROVAL OF MANAGEMENT AGREEMENT BETWEEN THE DISTRICT AND ACCLAIM**

The Board next considered the ratification of its prior approval of a Management Agreement between the District and Acclaim. In that regard, Mr. Oakley reminded the Board that the Management Agreement provides for the adjustment of fees imposed by Acclaim for provisions of energy consulting services. Following discussion, it was moved by Director Angulo, seconded by Director Bundscho and unanimously carried, that the action previously taken by the Board to approve and authorize the execution of the Management Agreement between the District and Acclaim be ratified, approved and authorized in all respects. A copy of the Management Agreement, thus approved, is attached hereto as **Exhibit G**.

**ATTORNEY'S REPORT**

The Board next considered the attorney's report. In connection therewith, Mr. Lai advised that he had nothing further of a legal nature to discuss with the Board at this time.

**CLOSED SESSION**

The Board determined it was not necessary to enter into Closed Session.

**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 Angulo, seconded by Director Bundscho 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 as of March 1, 2023
- Exhibit C – Tax Assessor-Collector's Report
- Exhibit D – Operations Report
- Exhibit E – Consumer Confidence Report
- Exhibit F – Engineer's Report
- Exhibit G – Management Agreement with Acclaim Energy Advisors

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