

MINUTES  
HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 359

October 5, 2022

The Board of Directors (the "Board") of Harris County Municipal Utility District No. 359 (the "District") met in regular session at the offices of Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, Blanco Conference Room, Houston, Texas 77027, outside the boundaries of the District, on the 5<sup>th</sup> day of October, 2022, and the roll was called of the members of the Board being present:

Neil Daniels	President
Marilyn Keys	Vice President
Hubert Pierre	Secretary
David Keller	Assistant Vice President
Mike Berry	Assistant Secretary

and all of the above were present, thus constituting a quorum.

Also attending the meeting were: Kathy Kaufman, representing the Shadowlake Homeowners Association ("HOA"); Matt Carpenter of IDS Engineering Group ("IDS"); Darce' Ahlschlager of Wheeler & Associates, Inc. ("Wheeler"); Glenn Woodson of Storm Maintenance & Monitoring; Brenda Garcia of Municipal Accounts & Consulting, L.P.; and Andrew Vaughan and Alyssa Ollwerther of Allen Boone Humphries Robinson LLP ("ABHR").

PUBLIC COMMENT

Ms. Kaufman stated that she emailed correspondence from the HOA requesting that the District consider a financial request for garbage and security services.

PRESIDENT'S COMMENTS

There were no comments from the President of the Board.

APPROVAL OF THE MINUTES

The Board considered approving the minutes of the September 7, 2022, regular meeting. Upon a motion made by Director Berry and seconded by Director Keller, the Board voted unanimously to approve the minutes.

TAX ASSESSMENT AND COLLECTION MATTERS

Ms. Ahlschlager presented and reviewed the District's monthly tax report and delinquent tax roll, a copy of which is attached, reflecting that 98.98% of the District's 2021

taxes were collected as of the end of September 2022. After review and discussion, Director Keller moved to approve the tax report and payment of the invoices. Director Berry seconded the motion, which passed unanimously.

CONDUCT PUBLIC HEARING REGARDING DISTRICT'S TAX RATE, ADOPT ORDER LEVYING TAXES AND AUTHORIZE EXECUTION OF AMENDMENT TO INFORMATION FORM

Ms. Ahlschlager stated that Wheeler & Associates, Inc. published a Notice of Public Hearing stating that the District anticipates levying a total tax rate of \$0.11 per \$100 of assessed valuation at this meeting.

Mr. Vaughan opened the public hearing. There being no public comments, Mr. Vaughan then closed the public hearing.

Following discussion, Mr. Vaughan presented to the Board an Order Levying Taxes for 2022 reflecting a total tax rate of \$0.11 per \$100 of assessed valuation, comprised entirely of \$0.11 for operations and maintenance. He next presented to the Board an Amendment to Information Form reflecting the 2022 tax rate. After review and discussion, Director Keys moved to adopt the Order Levying Taxes as presented, approve and authorize execution of the Amendment to Information Form, and direct that the Order and the Amendment be filed appropriately and retained in the District's official records. Director Berry seconded the motion, which passed unanimously. The Board confirmed its intention that the 2022 tax levy includes a maintenance tax component for the fiscal year ending August 31, 2023.

FINANCIAL REQUEST FROM HOA

Ms. Kaufman reviewed correspondence from the HOA requesting a financial contribution from the District for additional security services and responded to questions and comments from Board members related to same.

The Board discussed the possibility of entering into a letter agreement with the HOA, to make a one-time contribution to the Shadowlake HOA for additional security services, in the amount of \$63,000. After review and discussion, Director Daniels moved to approve entering into the letter agreement with the HOA. The motion was seconded by Director Keller. The motion passed with four votes "yay" from Directors Keller, Daniels, Keys, and Pierre, and Director Berry voting "nay." Director Keller requested that the HOA investigate recycling matters and options for same for District residents.

## FINANCIAL AND BOOKKEEPING MATTERS, INCLUDING PAYMENT OF THE BILLS AND REVIEW OF INVESTMENTS

Ms. Garcia reviewed the bookkeeper's report, including a list of checks presented for payment and the quarterly investment report, a copy of which is attached. After review and discussion, Director Berry moved to approve the bookkeeper's report, investment report, and payment of the bills listed in the report. Director Keller seconded the motion, which passed unanimously.

The Board requested that Ms. Garcia confirm any fees associated with Positive Pay offered by Central Bank and report back to the Board at the November meeting.

## REVIEW STATUS OF DETENTION POND MAINTENANCE AND MOWING

Mr. Woodson reviewed the monthly report on the detention pond maintenance and mowing, a copy of which is attached.

## MEETING SCHEDULE AND ITEMS FOR THE NEXT BOARD MEETING

The Board discussed agenda items for the next Board meeting and concurred to hold its next regular meeting on November 2, 2022, at 12:30 p.m., at the offices of ABHR, 3200 Southwest Freeway, Suite 2400, Blanco Conference Room, Houston, Texas 77027.

## ENGINEERING MATTERS

Mr. Carpenter reviewed the engineer's report, a copy of which is attached. He updated the Board on the status of various District projects, as reflected in his report.

Mr. Carpenter and the Board discussed water reclamation, bond proceeds available for construction costs, and lake shoreline stabilization matters. He stated that IDS has begun the preparation of construction plans and has completed the topographic survey of the area. He added that Tolunay-Wong Engineers completed the soil investigation for the geotechnical study related to the lake shoreline stabilization project.

Mr. Carpenter stated that he has requested an update from the Houston Parks Board related to the relocation work of the culvert box and fence across the Brays Bayou Trail Culvert.

Following review and discussion, Director Berry moved to approve the engineer's report. Director Keller seconded the motion, which passed by unanimous vote.

## EXECUTIVE SESSION

The Board convened in executive session at 1:46 p.m. Mr. Vaughan and Ms. Ollwerther were also present.

RECONVENE IN OPEN SESSION

The Board reconvened in open session at 1:53 p.m. Director Daniels moved to approve a legal services engagement letter with Feldman & Feldman P.C., with a maximum cost of \$1,000.00, and direct that the legal services engagement letter be filed appropriately and retained in the District's official records. Director Berry seconded the motion, which passed unanimously.

There being no further business to come before the Board, the meeting adjourned.



Secretary, Board of Directors