

JACKRABBIT ROAD PUBLIC UTILITY DISTRICT
Minutes of Board of Directors Meeting
June 13, 2023

The Board of Directors (the "Board") of Jackrabbit Road Public Utility District (the "District") met in regular session, open to the public on June 13, 2023, at 16720 Pine Forest Lane, Houston, Texas, in accordance with the duly posted notice of public meeting, and the roll was called of the duly constituted officers and members of said Board, as follows:

Charles L. Falknor, President
Ross L. Bell, Vice-President
Michael Goings, Secretary
Michael Kopecky, Assistant Secretary
James Horn, Assistant Secretary

all of whom participated in the meeting, except Director Kopecky, thus constituting a quorum.

Also attending the meeting were: Gary Streit, a resident of the District; Eric Worthington of Harris County Municipal Utility District No. 136 ("MUD No. 136"); Mirna Bonilla-Odums of Inframark, LLC ("Inframark"); Rene Andel of Wheeler & Associates, Inc. ("Wheeler"); Yaneth Castillo of Municipal Accounts & Consulting, L.P. ("MAC"); Erik Miller of Sander Engineering Corporation ("SEC"); and Rick Barker 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

The Board began by opening the meeting for public comments. There being no comments offered, the Board continued to the next item of business.

MINUTES

As the next order of business, the Board considered approval of the draft minutes of the May 9, 2023, Board meeting. Ms. Castillo noted a correction to the draft minutes on Page 2, Paragraph 1 noting that MAC submitted an Unclaimed Property Report at the May 9, 2023, Board meeting in the amount of \$1,739.02. After review and discussion of the draft minutes presented, it was moved by Director Goings, seconded by Director Horn, and unanimously carried that the said minutes be approved as revised.

NOTICE OF RESIGNATION

Mr. Barker presented to and reviewed with the Board the resignation of Director Kopecky to be effective on June 13, 2023, a copy of which resignation is attached hereto as **Exhibit A**. After discussion, Director Falknor moved to accept the resignation of Director Kopecky, as discussed. Director Goings seconded the motion, which unanimously carried.

APPOINTMENT OF NEW DIRECTOR; ACCEPTANCE OF QUALIFICATION STATEMENT, AFFIDAVIT OF CURRENT DIRECTOR, OFFICIAL BOND, AND OATH OF OFFICE

The Board then considered the appointment of a Director to fill the vacancy created by the resignation of Michael Kopecky from the Board. Mr. Streit introduced himself to the Board and expressed a desire to serve on the Board. The Board next considered the acceptance of a Statement of Elected Officer, Affidavit of Current Director, Official Bond, and Oath of Office for Gary S. Streit. In that regard, Mr. Streit presented his Statement of Elected Officer, Affidavit of Current Director, Official Bond, and Oath of Office. After discussion on the matter, it was moved by Director Falknor, seconded by Director Goings and unanimously carried that the Board approve said Bond, accept said Statement, Affidavit and Oath, declare Gary S. Streit to be a duly appointed and qualified Director of the District.

ELECTION NOT TO DISCLOSE CERTAIN INFORMATION

Mr. Barker presented to the Board an Election Not to Disclose Certain Information ("Form") for Director Streit. He stated that, pursuant to Section 552.024 of the Texas Government Code, as amended, a director may elect to withhold public access to information in the custody of the District, including any additional information in the District's custody that is not specifically listed on the Form. Upon review, Director Falknor moved that the Form be accepted. Director Goings seconded said motion, which unanimously carried.

REORGANIZATION AND ELECTION OF OFFICERS

The next item to be considered was the election of the officers of the Board. Mr. Barker noted a vacancy in the office of Assistant Secretary. Nominations for the office of Assistant Secretary were called. Director Streit was nominated for that office, and there being no further nominations, the nominations were closed. A vote was called, and upon motion duly made by Director Falknor, seconded by Director Goings and unanimously carried, Director Streit was duly elected Assistant Secretary of the Board and District.

The Board concurred to make no further changes to its officers.

DISTRICT REGISTRATION FORM

Mr. Barker advised the Board that the Texas Commission on Environmental Quality (the "TCEQ") requires that the District file a form identifying current directors and consultants. He noted that the directors are permitted to submit the District's address and telephone number rather than their own personal information. Mr. Barker further stated that, with the Board's authorization, SPH will file the District Registration Form (the "DRF") with the TCEQ in connection with the new term and office designation of recently appointed Director Streit. After discussion, Director Falknor moved that SPH be authorized to file the DRF with the TCEQ relative to the current Directors and consultants. Director Goings seconded the motion, which carried unanimously.

PREPARATION AND MAINTENANCE OF LOCAL GOVERNMENT OFFICERS LIST

Mr. Barker next advised the Board that, pursuant to amendments 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 Falknor moved that the District prepare and maintain a list of local government officers as required by law. Director Goings seconded said motion, which unanimously carried.

DIRECTOR TRAINING REQUIREMENTS

Mr. Barker then discussed with the Board the training requirements for public officials. Mr. Barker advised that public officials, including directors of a municipal utility district, must complete separate training courses regarding the Texas Open Meetings Act (the "OMA") and the Texas Public Information Act (the "PIA"). Mr. Barker presented to and reviewed with Director Streit a memorandum prepared by SPH which summarizes the training requirements. Mr. Barker advised that the deadline for a public official to complete his training is the 90th day after he either takes his oath of office or otherwise assumes his responsibilities as a public official. Mr. Barker noted that the Texas Attorney General's Office provides the training sessions via link on its website, which meet the requirements for both the OMA and PIA. The link for online training sessions was provided to Director Streit. Mr. Barker further noted that it is the responsibility of Director Streit to ensure that he completes his training by September 11, 2023.

CONFLICTS DISCLOSURE STATEMENT REPORTING REQUIREMENTS

Mr. Barker next discussed with the Board the conflicts disclosure statement reporting requirements for officers of certain local governmental entities, including water district directors, pursuant to Chapter 176 of the Local Government Code. Mr. Barker presented Director Streit with a memorandum prepared by SPH, which summarizes the conflicts disclosure requirements, and acknowledged that Director Streit had completed a Local Government Officer Conflicts Disclosure Statement, which will be maintained in the official records of the District.

Director Streit participated in the remainder of the meeting.

BOOKKEEPER'S REPORT AND QUARTERLY INVESTMENT INVENTORY REPORT

Ms. Castillo presented to and reviewed with the Board the Bookkeeper's Report, dated June 13, 2023, a copy of which is attached hereto as **Exhibit B**. After discussion, it was moved by Director Goings, seconded by Director Horn, and unanimously carried that the Board approve the Bookkeeper's Report and authorize payment of the disbursements listed therein.

Ms. Castillo next presented to and reviewed with the Board the Quarterly Investment Inventory Report for the reporting period ending April 30, 2023, a copy of which Report is attached to the Bookkeeper's Report. After discussion, it was moved by Director Goings, seconded by Director Horn and unanimously carried, that the Quarterly Investment Inventory Report be approved, and that the District's Investment Officer be authorized to execute same on behalf of the

Board and the District.

RESOLUTION ADOPTING LIST OF QUALIFIED BROKERS

The Board considered adopting a list of qualified brokers authorized to engage in investment transactions with the District. Mr. Barker advised that pursuant to the Public Funds Investment Act, the Board is required to review such list at least annually. He presented to and reviewed with the Board the attached Resolution Adopting List of Qualified Brokers Authorized to Engage in Investment Transactions with the District, and a list of financial institutions, brokers and dealers attached thereto (the "Resolution"), together with a comparison of the list submitted and the list previously adopted by the Board, copies of which are attached hereto as **Exhibit C**. Mr. Barker further noted that the broker list presented includes three additional institutions with which the District may potentially engage in investment transactions compiled with the input of the District's Investment Officer, but it is ultimately the Board's decision as to where the District's funds are actually placed. After discussion, it was moved by Director Goings, seconded by Director Bell, and unanimously carried that the Resolution be approved by the Board and the District, and that the President and Secretary be authorized to execute same.

TAX ASSESSOR-COLLECTOR REPORT

Ms. Anadel presented to and reviewed with the Board the Tax Assessor-Collector Reports dated April 30, 2023, and May 31, 2023, and a Delinquent Collections Listings as of May 31, 2023. Copies of which are attached hereto as **Exhibit D**. After discussion on the matter, it was moved by Director Goings, seconded by Director Horn, and unanimously carried that the Board approve the Tax Assessor-Collector Report and authorize payment of the disbursements identified therein.

DELINQUENT TAX REPORT

The Board considered the Delinquent Tax Report received from the District's delinquent tax collections attorney, Ted A. Cox, P.C, dated June 6, 2023, a copy of which is attached hereto as **Exhibit E**. Mr. Barker noted that there was no action required by the Board at this time with respect to any of the delinquent tax accounts listed in the report.

UNCLAIMED PROPERTY REPORT

The Board considered approval of an Unclaimed Property Report as of March 1, 2023, prepared by Wheeler, and the filing of same with the Texas State Comptroller (the "Comptroller") prior to July 1, 2023. In connection therewith, Ms. Anadel stated that the District had \$239.81 in unclaimed tax funds to submit to the Comptroller. She noted that she will send SPH a copy of the Unclaimed Property Report (the "Report") prepared by Wheeler after the meeting. After discussion, Director Falknor moved that the Report be approved and that Wheeler be authorized to file said Report with the Comptroller prior to July 1, 2023. Director Goings seconded said motion, which unanimously carried. A copy of the Report is attached to the Tax Assessor-Collector Report.

SALES AND USE TAX ADMINISTRATION REPORT

The Board deferred consideration of the Sales and Use Tax Administration Report prepared by Sales Revenue Inc. ("SRI"), as there was no representative of SRI at the meeting.

ENGINEER'S REPORT

Mr. Miller presented to and reviewed with the Board a written Engineer's Report prepared by SEC dated June 13, 2023, a copy of which is attached hereto as **Exhibit F**.

Mr. Miller then requested: (i) the approval of Pay Application No. 10 in the amount of \$9,900.00 to C3 Constructors ("C3") for work completed on the Wastewater Treatment Plant ("WWTP") Flood Wall System; and (ii) authorization to advertise for bids the Clarifier No. 2 Repair Project; a copy of Pay Estimate No. 10 is attached to the Engineer's Report. After discussion, it was moved by Director Falknor, seconded by Director Goings, and unanimously carried to approve Pay Application No. 10 to C3, and authorize SEC to advertise for bids the Clarifier No. 2 Repair Project as discussed.

UTILITY COMMITMENT

Mr. Miller reported that he did not have any additional information to report regarding the Shiva Durga Krishna Church and the proposed development of undeveloped 1.2745-acre tract of land located east of Carleigh Drive, north of Keith Harrow and south of Water Plant No. 4. He noted that SEC is currently preparing the tax-exempt tap fee letter in connection with the development, and coordinating with SPH regarding the Utility Commitment.

OPERATOR'S REPORT

Ms. Bonilla-Odums presented to and reviewed with the Board the Operator's Report for the month of April 2023, a copy of which is attached hereto as **Exhibit G**.

Ms. Bonilla-Odums next discussed the delinquent list of water accounts and requested that the Board consider authorizing Inframark to transfer six (6) delinquent accounts totaling \$714.65, which accounts are reflected on the attached report, to Collections Unlimited ("CU") for collection. After discussion on the matter, it was moved by Director Goings, seconded by Director Horn, and unanimously carried that Inframark be authorized to transfer said delinquent accounts to CU for collection.

Ms. Bonilla-Odums then presented two (2) proposals from: (i) Parkson Corporation Aftermarket ("Parkson") for the procurement of a spiral subassembly in the amount of \$18,500; and (ii) Global WET in the amount of \$14,500 for the installation of same at the WWTP. She noted that Inframark was waiving the markup typically added for subcontract work. After discussion on the matter, it was moved by Director Goings, seconded by Director Horn, and unanimously carried to authorize Inframark to accept the proposals from Parkson and Global WET as presented. Ms. Bonilla-Odums noted that public bid laws are not applicable because they are the only providers of the applicable part and installation services in the area. Copies of the proposals are attached to the Operator's Report.

Ms. Bonilla-Odums next presented to and reviewed with the Board a Water Quality Noncompliance Notification from the TCEQ, a copy of which is attached to the Operator's Report, and discussed the corrective action being implemented by Inframark. She noted that no Board action was required.

WATER/SANITARY SEWER RATE ANALYSIS

The Board concurred to defer consideration of Inframark's water/sanitary sewer rate analysis at this time.

CRITICAL LOAD STATUS

Mr. Barker advised that Section 13.1396 of the Texas Water Code, as amended, requires the District to update its information identifying the location and description of facilities that have qualified for critical load status and its information regarding emergency contacts (a) annually to each electric utility that provides transmission and distribution service to the District and each retail electric provider that sells power to the District and (b) immediately upon any change in the information to the above entities, as well as to the office of emergency management of Harris County, the Public Utility Commission of Texas, and the division of emergency management of the governor. After discussion, it was moved by Director Goings, seconded by Director Horn and unanimously carried, that the Board authorize Inframark to coordinate with SEC to complete the required filing and provide the information to the appropriate entities.

VOTING SYSTEM ANNUAL FILING FORM

Mr. Barker requested that the Board authorize SPH to complete a Voting System Annual Filing Form (the "Form"), which will be forthcoming from the Texas Secretary of State's Office. He advised that pursuant to Section 123.061 of the Texas Election Code, each political subdivision in the State of Texas is required to annually complete and file said Form with the Texas Secretary of State's Office. After discussion on the Form, Director Goings moved that SPH be authorized to complete the Form and file same with the Secretary of State's Office, as required by law. Director Horn seconded said motion, which unanimously carried.

RECORDS MANAGEMENT OFFICER REQUEST

The Board considered correspondence from the Records Management Officer requesting the Board to authorize SPH to destroy the notes of the Board meetings from February 8, 2022, to March 13, 2023, a copy of which correspondence is attached hereto as **Exhibit H**. After discussion, it was moved by Director Goings, seconded by Director Horn and unanimously carried, that the request from the Records Management Officer be approved.

ATTORNEY'S REPORT

The Board next considered the Attorney's Report. In connection therewith, Mr. Barker advised the Board that he had nothing additional to discuss with the Board of a legal nature which was not covered under specific agenda items.

SECURITY PATROL REPORT

The Board considered the Security Patrol Report. In connection therewith, Director Bell discussed with the Board the recent security related activities in the District. A copy of the Glencarin Crime Report for May 2023 is attached hereto as **Exhibit I**.

TEXAS PRIDE DISPOSAL ("TEXAS PRIDE") MONTHLY REPORT

Mr. Barker next presented to and reviewed with the Board the Texas Pride Monthly Report for May 2023. A copy of said report is attached hereto as **Exhibit J**. Director Falknor next discussed his recent communications with Texas Pride.

MATTERS FOR PLACEMENT ON FUTURE AGENDAS

The Board next considered matters to be placed on future agendas and noted that there were no additional items other than the items set forth hereinabove.

ADJOURNMENT OF MEETING

There being no further business to come before the Board, it was moved by Director Goings, seconded by Director Horn, and unanimously carried that the meeting be adjourned.

(SEAL)

Secretary
Board of Directors

LIST OF ATTACHMENTS TO MINUTES

- Exhibit A Notice of Resignation – Michael Kopecky
- Exhibit B Bookkeeper's Report and Quarterly Investment Inventory Report
- Exhibit C Resolution Adopting List of Qualified Brokers Authorized to Engage in Investment Transactions, with lists of qualified brokers
- Exhibit D Tax Assessor-Collector Report
- Exhibit E Delinquent Tax Report
- Exhibit F Engineer's Report
- Exhibit G Operator's Report
- Exhibit H Records Management Officer Request
- Exhibit I Glencarin Crime Report
- Exhibit J Texas Pride Monthly Report

DRAFT