

MINUTES  
BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 36

February 13, 2025

The Board of Directors (the "Board") of Brazoria County Municipal Utility District No. 36 (the "District") met in regular session, open to the public, on the 13<sup>th</sup> day of February, 2025, at the offices of Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, Suite 2600, Houston, Texas, outside the boundaries of the District, and the roll was called of the members of the Board:

Mark Nokelby	President
Emma Delgado	Vice President
Esther Flores	Secretary
Kimberly Stevens	Assistant Vice President
Paul Torres	Assistant Secretary

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

Also attending the meeting were Courtney Brokaw of ABIP Advisors LLC; Jorge Diaz of McLennan & Associates, L.P.; Madeline James of Assessments of the Southwest, Inc.; Todd A. Elston of R. G. Miller Engineers, Inc.; Ryan Haynes of Environmental Allies; Justin Klump of Storm Water Solutions LLC ("SWS"); Corey Laughner of KGA/DeForest Design, Inc.; Danae Dehoyos of Touchstone District Services; Eric Ungar of Skymark Development Company, Inc.; and Hannah Brook and Kathryn Easey of Allen Boone Humphries Robinson LLP.

PUBLIC COMMENTS

Ms. Brokaw introduced herself to the Board and stated she is observing the meeting to learn more about municipal utility districts.

STORM WATER MANAGEMENT PLAN

Mr. Klump discussed the issuance of the 2024 renewal of the Texas Pollutant Discharge Elimination System General Permit No. TXR040000 (the "MS4 Permit"). He indicated that pursuant to the 2024 renewed MS4 Permit requirements, the District must prepare a Stormwater Management Program ("SWMP") and submit a Notice of Intent ("NOI") to the Texas Commission on Environmental Quality ("TCEQ") no later than February 11, 2025, to obtain MS4 Permit coverage. Mr. Klump stated that the City of Pearland is willing to include the District under its SWMP. He noted the District will continue to maintain the District's facilities in accordance with the MS4 Permit requirements.

Mr. Klump then presented and reviewed a Master Services Agreement (“Agreement”) for stormwater management services and a Proposal for Services (“Proposal”) for the preparation and implementation of the SWMP and the preparation and submittal of the NOI required by the MS4 Permit.

Following review and discussion, Director Nokelby moved to (1) approve the Agreement and Proposal; (2) authorize SWS’s preparation of the NOI and SWMP; (3) authorize and ratify Director Nokelby’s electronic execution and submission of the NOI on behalf of the District to the TCEQ; and (4) direct that the Agreement, Proposal, NOI and SWMP be filed appropriately and retained in the District’s official records. Director Delgado seconded the motion, which passed unanimously.

#### APPROVE MINUTES

The Board considered approving the minutes of the January 9, 2025, regular meeting. Following review and discussion, Director Nokelby moved to approve the January 9, 2025, regular meeting minutes, as presented. Director Delgado seconded the motion, which passed unanimously.

#### INSURANCE RENEWAL

The Board reviewed a proposal from McDonald & Wessendorff Insurance for renewal of the District’s insurance policies. Following review and discussion, Director Nokelby moved to approve the proposal from McDonald & Wessendorff Insurance and direct that the proposal be filed appropriately and retained in the District’s official records. Director Delgado seconded the motion, which passed unanimously.

#### DISCUSS ASSOCIATION OF WATER BOARD DIRECTORS (“AWBD”) WINTER CONFERENCE, APPROVE REIMBURSEMENT OF ELIGIBLE EXPENSES, AND AUTHORIZE ATTENDANCE AT SUMMER CONFERENCE

The Board considered approving reimbursement of expenses and payment of per diems for directors who attended the AWBD winter conference and authorizing attendance of its Board members at the AWBD summer conference. After review and discussion, Director Nokelby moved to approve reimbursement of the AWBD winter conference expenses and payment of per diems and to authorize attendance of the Board members at the AWBD summer conference. Director Flores seconded the motion, which passed unanimously.

#### FINANCIAL AND BOOKKEEPING MATTERS

Mr. Diaz presented and reviewed the bookkeeper’s report with the Board, a copy of which is attached.

Mr. Diaz noted hand-written check no. 1271 in the amount of \$3,201.00 payable to McDonald & Wessendorff Insurance for the District's insurance renewal premium is also being presented for approval, but is not included in his report.

Director Flores requested that Mr. Diaz update the description in the bookkeeper's report on her Director Fees item to show attendance at the January 9, 2025 Board meeting and completion of the required Public Information Act Training on December 10, 2024.

Following review and discussion, Director Nokelby moved to approve the bookkeeper's report and payment of the bills, including check no. 1271 in the amount of \$3,201.00 payable to McDonald & Wessendorff Insurance. Director Stevens seconded the motion, which passed unanimously.

#### TAX ASSESSMENT AND COLLECTIONS MATTERS

Ms. James presented and reviewed the tax report from January, a copy of which is attached, including the delinquent tax roll. Following review and discussion, Director Flores moved to approve the tax report and payments to be made from the tax account. Director Stevens seconded the motion, which passed unanimously.

#### RESOLUTION CONCERNING EXEMPTIONS FROM TAXATION

The Board considered adopting a Resolution Concerning Exemptions from Taxation (the "Resolution"), which rejects any exemptions for residence homesteads from ad valorem taxation. Following review and discussion, Director Stevens moved to adopt the Resolution and direct that the Resolution be filed appropriately and retained in the District's official records. Director Nokelby seconded the motion, which passed unanimously.

#### ENGINEERING MATTERS

Mr. Elston presented and reviewed the engineer's report, a copy of which is attached, and updated the Board on the status of ongoing projects as noted in his report.

The Board discussed pre-payment options for future impact fees. Ms. Brook stated that the District will not prepay impact fees or reimburse a developer or builder for impact fees before adequate value is on the ground in accordance with TCEQ rules. Discussion ensued regarding the purpose of impact fees and eligible reimbursements.

Following review and discussion, Director Nokelby moved to approve the engineer's report. Director Delgado seconded the motion, which passed unanimously.

DEEDS, EASEMENTS, AND CONSENTS TO ENCROACHMENT, AND ABANDONMENT OF EASEMENTS

There was no discussion on this agenda item.

REPORT ON MAINTENANCE OF DISTRICT FACILITIES

Mr. Haynes reviewed a detention maintenance report with the Board, a copy of which is attached. He stated that mowing of the District's facilities will start up in April. He then updated the Board on the status of the South Pond repairs and Flexamat installation. Following review and discussion, Director Nokelby moved to approve the maintenance report. Director Delgado seconded the motion, which passed unanimously.

SECURITY MATTERS

The Board discussed the status of the Flock Security cameras. Ms. Brook stated an update will be provided at the next meeting.

DISTRICT WEBSITE MATTERS

Ms. Dehoyos reviewed a communications report related to the District's website, a copy of which is attached. She requested authorization to post the sidewalk update to the projects tab on the District's website. She also recommended posting articles relating to the top ten native plant species for Texas and lawn care guide for water conservation.

Director Nokelby reported that Estuary Lane is being blocked by parked and inoperable cars and trailers. He requested that residents be notified not to park there because construction will be starting soon. Mr. Ungar stated he will pass along the information to the property manager.

Director Nokelby then requested that Ms. Dehoyos post hurricane preparedness articles on the District's website in April and May. She stated she will send articles to the District's communications committee for review.

Following review and discussion, Director Nokelby moved to approve the communications report and authorize Touchstone to post the sidewalk update to the projects tab on the District's website. Director Delgado seconded the motion, which passed unanimously.

PARK PROJECTS, UTILIZATION OF OPEN SPACE AND RECREATIONAL MATTERS

Mr. Laughner reviewed a landscape architect’s report for the proposed park projects in the District, a copy of which is attached. He reviewed the revised trail improvements layout and design with the Board and discussed using bollard style lighting in certain areas along the trail to minimize light pollution. Mr. Laughner stated advertising for bids will need to be deferred because the ground is too wet to begin construction. Mr. Laughner stated he had no action items for the Board’s approval.

REPORT REGARDING DEVELOPMENT IN THE DISTRICT, INCLUDING FINANCING AGREEMENTS AND ASSIGNMENTS OF FINANCING AGREEMENTS

Mr. Ungar stated the Texas Hwy. 35 road frontage plans have been submitted to the Texas Department of Transportation for review. Discussion ensued regarding possible acceleration and deceleration lane planning, as well as adding another entrance into Kendall Lakes.

Ms. Brook discussed the terms of a form Development Financing Agreement to reimburse certain home builders for impact fees paid by the builders directly to the City of Alvin. Discussion ensued. Following review and discussion, Director Nokelby moved to enter into Development Financing Agreements (the “Agreements”) with Saratoga Homes of Texas Houston, LLC and Devon Street Homes, LP for impact fee reimbursement. Director Delgado seconded the motion, which passed unanimously.

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



Secretary, Board of Directors

(SEAL)



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