

MINUTES  
BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 36

February 8, 2024

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 8<sup>th</sup> day of February, 2024, 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
Jean Froehlich	Vice President
Esther Flores	Secretary
Kimberly Stevens	Assistant Vice President
Paul Torres	Assistant Secretary

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

Also attending the meeting were Emma Delgado, a member of the public; Derek Davenport and Veronica Hernandez of McLennan & Associates, L.P.; Madeline James of Assessments of the Southwest, Inc.; Todd A. Elston of R. G. Miller Engineers, Inc.; Corey Laughner of KGA/DeForest Design, LLC ("KGA"); Danae Dehoyos of Touchstone District Services; Eric Ungar of Skymark Development Company, Inc.; Becky Ullman of Lennar Homes of Texas Land and Construction, Ltd.; and Heather Trachtenberg and Danielle Hudson of Allen Boone Humphries Robinson LLP ("ABHR").

PUBLIC COMMENTS

There Board opened the meeting up for public comments. Ms. Ullman introduced herself to the Board and discussed potential residential development in Kendall Lakes, Section 12.

APPROVE MINUTES

The Board considered approving the minutes of the January 11, 2024, regular meeting. Following review and discussion, Director Nokelby moved to approve the minutes, as presented. Director Torres seconded the motion, which passed unanimously.

APPOINTMENT OF NEW DIRECTOR

Ms. Trachtenberg stated that Director Froehlich submitted her resignation to the Board. The Board thanked Director Froehlich for her service to the District.

The Board discussed appointing Emma Delgado to the Board to fill the vacant position. Ms. Trachtenberg reviewed the Sworn Statement, Official Bond and Oath of Office for Ms. Delgado.

The Board considered reorganizing the Board of Directors, and following discussion concurred that Ms. Delgado will take the open position as Vice President. The Board then considered authorizing the filing of the District Registration Form with the Texas Commission on Environmental Quality ("TCEQ") to report the term of the newly appointed director and the new slate of officers.

Ms. Trachtenberg reviewed a Memorandum from ABHR regarding the Texas Open Meetings Act requirements. She noted that Ms. Delgado, as an appointed public official, is required to complete the course on training responsibilities of the governmental body and its members under the Texas Government Code, Chapter 551, within 90 days of taking the Oath of Office.

Ms. Trachtenberg reviewed a Memorandum from ABHR regarding conflict of interest disclosure required under Chapter 176 of the Texas Local Government Code and disclosure forms adopted by the Texas Ethics Commission and asked Ms. Delgado to submit any required disclosures to the District's attorney. She stated that pursuant to Chapter 176 of the Texas Local Government Code, the District maintains a List of Local Government Officers. Ms. Trachtenberg reviewed the List of Local Government Officers.

Following review and discussion, Director Nokelby moved to (1) accept Director Froehlich's resignation and appoint Emma Delgado to the Board of Directors for a term ending May 2, 2026; (2) approve the Sworn Statement, Official Bond, and Oath of Office for Director Delgado and direct that the documents be filed appropriately and retained in the District's official records and that the Oath of Office be filed with the Secretary of State, as required by law; (3) authorize filing of the updated District Registration Form with the TCEQ and direct that the form be filed appropriately and retained in the District's official records; and (4) approve and authorize execution of the List of Local Government Officers and direct that the list be filed appropriately and retained in the District's official records. Director Stevens seconded the motion, which passed unanimously.

### INSURANCE RENEWAL

The Board reviewed a proposal from McDonald & Wessendorff Insurance ("McDonald") for renewal of the District's insurance policies. Following review and discussion, Director Nokelby moved to approve the proposal from McDonald and direct that the proposal be filed appropriately and retained in the District's official records. Director Torres 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. Davenport introduced Ms. Hernandez to the Board as the bookkeeper who will be attending the meetings moving forward. Ms. Hernandez presented and reviewed the bookkeeper's report, a copy of which is attached. Following review and discussion, Director Nokelby moved to approve the bookkeeper's report and payment of the bills. 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 Nokelby 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 Nokelby moved to adopt the Resolution and direct that the Resolution be filed appropriately and retained in the District's official records. Director Torres seconded the motion, which passed unanimously.

ENGINEERING MATTERS

Mr. Elston had no written report to present to the Board.

Mr. Elston stated the construction by the Texas Department of Transportation of the left turn lane into the District and the installation of the traffic light is complete. He noted that there is an issue with the timing of the light that will be corrected.

Director Nokelby stated that there have been resident complaints regarding night construction in Kendall Lakes, Section 9 that is causing a nuisance to the

community. Mr. Elston stated that there were several lines replaced throughout the District, but this work has been completed and should no longer disturb the residents.

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

There was no discussion on this agenda item.

#### PARK PROJECTS AND UTILIZATION OF OPEN SPACE AND RECREATIONAL MATTERS

Mr. Laughner presented and reviewed a Park Amenity Master Plan Study proposal prepared by KGA in the amount of \$7,800.00 for park and amenity development in the District. Discussion ensued regarding the location of the park and additional amenities, such as a gazebo, benches, and trail enhancements around the detention ponds. The Board considered using concrete for the walking trail instead of crushed granite and requested that Mr. Laughner add the costs associated with the concrete to the Park Amenity Master Plan Study, and to present it at the next Board meeting. Ms. Dehoyos recommended that the Board create a poll on the District's website for the community to determine if they would prefer concrete or crushed granite on the trail. Following review and discussion, Director Nokelby moved to approve the Park Amenity Master Plan Study proposal in the amount of \$7,800.00, subject to ABHR final review. Director Torres seconded the motion, which passed unanimously.

#### REPORT ON MAINTENANCE OF DISTRICT FACILITIES

There was no discussion on this agenda item.

#### SECURITY MATTERS

There was no discussion on this agenda item.

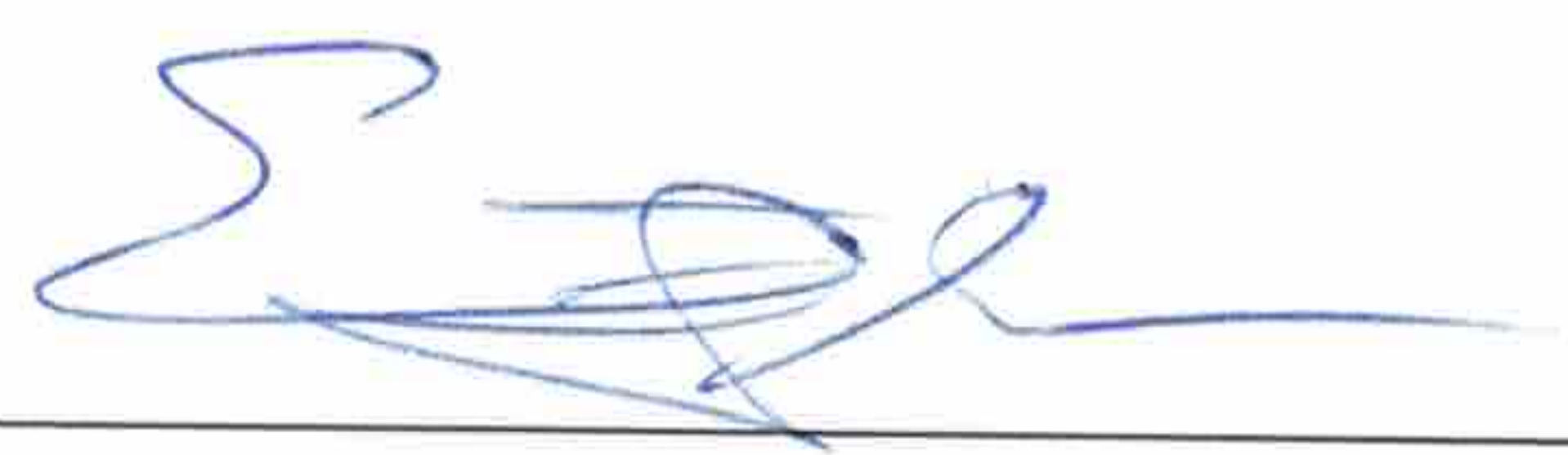
#### DISTRICT WEBSITE MATTERS

Ms. Dehoyos reviewed a communications report related to the District's website, a copy of which is attached. She stated the news articles "New Signs Posted," "Storm Drains Are Not Trash Cans!" and "How Are My Taxes Calculated?" have been posted to the District's website.

#### REPORT REGARDING DEVELOPMENT IN THE DISTRICT

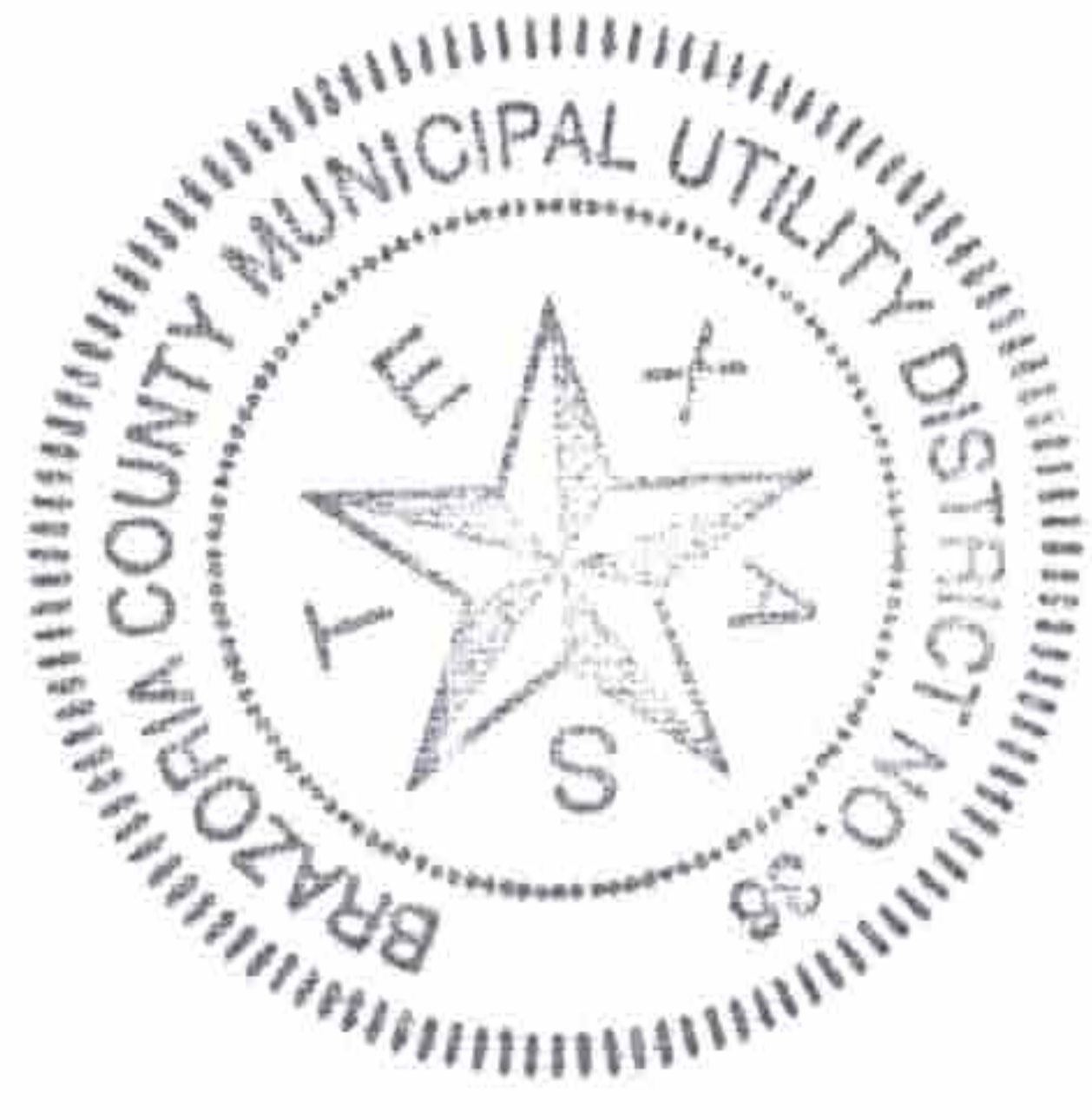
Mr. Ungar updated the Board on additional development in the District.

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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