

**FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 35,**  
**OF FORT BEND COUNTY, TEXAS**

Minutes of Meeting of Board of Directors  
February 1, 2023

The Board of Directors ("Board") of Fort Bend County Municipal Utility District No. 35, of Fort Bend County, Texas ("District"), met on February 1, 2023, at 1300 Post Oak Boulevard, Suite 2500, Houston, Harris County, Texas 77056, 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:

Piero Battistini	President
Sergio Handal	Vice President
Tony Feng	Secretary
Shah Haleem	Assistant Secretary
Trevor Eynon	Assistant Secretary

and all of said persons were present, thus constituting a quorum. Director Battistini entered the meeting after it had been called to order, as noted herein.

Also present were: Brian Desilets and Eric Gonzalez of Clarity Consulting Corporation ("Clarity"); Esther Flores of Tax Tech, Inc. ("Tax Tech"); Jeff Safe of Brown & Gay Engineers, Inc. ("BGE"); Jerry Schroeder of Champions Hydro-Lawn, Inc. ("Champions"); David Beyer of Storm Water Solutions, LLC ("SWS"); ElizaBeth Reeves and Dawn Mouton of Inframark ("Inframark"); Jeremy Roach of Apollo IT Consulting ("Apollo"); Rose Herbst, a member of the public; and Kate Henderson and Melanie Walsh of Schwartz, Page & Harding, L.L.P. ("SPH"). Mr. Roach entered the meeting after it had been called to order, as reflected herein.

**COMMENTS FROM THE PUBLIC**

The Board began by opening the meeting for public comments. No comments from the public were presented.

**APPROVAL OF MINUTES**

As the next order of business, the Board considered approval of the minutes of its meeting held on January 4, 2023. After discussion, Director Handal moved that the minutes for said meeting be approved, as written. Director Haleem seconded said motion, which unanimously carried.

**BOOKKEEPER'S REPORT**

Mr. Desilets presented to and reviewed with the Board the Bookkeeper's Report dated February 1, 2023, a copy of which is attached hereto as **Exhibit A**. After discussion, Director Battistini moved that the Bookkeeper's Report be approved and that the disbursements identified therein be approved for payment. Director Feng seconded said motion, which unanimously carried.

Director Battistini entered the meeting during the above discussion.

## **STATUS OF CONTINUING DISCLOSURE REPORT**

Ms. Henderson advised the Board that the annual continuing disclosure report will be filed by the District's disclosure counsel prior to the March 30, 2023 deadline.

## **TAX ASSESSOR-COLLECTOR REPORT**

Ms. Flores presented to and reviewed with the Board the Tax Assessor-Collector Report for the month ending January 31, 2023, a copy of which is attached hereto as **Exhibit B**. Following discussion, it was moved by Director Haleem, seconded by Director Battistini and unanimously carried that the Tax Assessor-Collector Report be approved as presented and that the disbursements identified therein be approved for payment.

## **BUSINESS LIST UPDATE FOR STRATEGIC PARTNERSHIP AGREEMENT ("SPA") WITH CITY OF HOUSTON ("COH")**

Ms. Henderson next discussed with the Board the annual update of a list of businesses in the District in compliance with the District's SPA with the COH. In that regard, she advised the Board that B&A Municipal Tax Service, LLC submitted an updated list of businesses located within the District's SPA boundaries to the COH on January 24, 2023, prior to the COH's deadline for same.

## **DELINQUENT TAX REPORT**

Ms. Henderson reported that a Delinquent Tax Report was not received this month from Perdue, Brandon, Fielder, Collins & Mott, L.L.P., the District's delinquent tax collections attorneys. She stated that the next quarterly report will be provided in April.

## **FORT BEND COUNTY CONSTABLE'S OFFICE ("FBCCO") ACTIVITY REPORT**

Ms. Henderson presented a Monthly Contract Deputy Activity Report for the month of December, 2022, regarding FBCCO, a copy of which is attached hereto as **Exhibit C**. She next presented email correspondence dated January 30, 2023 from Seven Meadows Community Association, Inc. providing the current deputy shift schedule and noted that the night shift is currently vacant. A copy of the correspondence is included with **Exhibit C**. It was noted that no action was required of the Board.

## **STATUS OF CONVERSION TO LED BULBS AND PAINTING OF THE DECORATIVE LIGHT POLES IN THE COMMUNITY BY CENTERPOINT ENERGY**

The Board deferred consideration of the status of conversion to LED bulbs and painting of the decorative light poles in the community by CenterPoint Energy ("CenterPoint"), noting that no new updates have been received.

Mr. Roach entered the meeting at this time.

## **ENGINEER'S REPORT**

Mr. Safe next presented to and reviewed with the Board a written Engineer's Report dated February 1, 2023, a copy of which is attached hereto as **Exhibit D**, relative to the status of various engineering and construction projects within the District, and discussed the matters

contained therein. Mr. Safe next reported that, as previously requested by the Board, he recently contacted Galen Dino and Brian O'Kelly, members of the Board of Directors of Avalon at Seven Meadows ("Avalon"), to discuss and explain the function and mechanics of the District's detention ponds located within Avalon. Mr. Safe then provided an overview of their discussion and advised the Board that no formal request was made on behalf of Avalon relative to said detention ponds. After discussion, it was noted that no action was required by the Board in connection with the Engineer's Report at this time.

**ANNUAL REVIEW OF SURVEY OF WAGE RATE SCALES AND ADOPTION OF RESOLUTION ADOPTING PREVAILING WAGE RATE SCALE FOR CONSTRUCTION PROJECTS**

The Board deferred the review of an annual survey of prevailing wage rate scales for construction projects and the adoption of a Resolution in connection therewith.

**ADOPTION OF RESOLUTION CONCERNING DEVELOPED DISTRICT STATUS FOR 2023 TAX YEAR**

Ms. Henderson advised the Board that the procedures applicable to the adoption of the District's tax rate will depend, in part, upon whether the District is determined to be a "Developed District" under Texas Water Code Section 49.23602. She then presented to and reviewed with the Board a worksheet completed by BGE to assist the Board in making this determination, along with a Resolution Concerning Developed District Status for the 2023 Tax Year, attached hereto as **Exhibit E**, determining that the District shall be considered a Developed District. Following discussion, upon motion made by Director Battistini, seconded by Director Feng and unanimously carried, the attached Resolution was adopted by the Board.

**PROPOSED AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION ("TXDOT")**

The Board next considered a proposed agreement with TxDOT relative to the proposed construction of noise barriers in connection with the planned widening of the Grand Parkway from FM 1093 to Interstate 10 (the "Grand Parkway Project"). In connection therewith, Director Handal provided the Board with an update regarding TxDOT's plans and activities relative to same.

**CHAMPIONS HYDRO-LAWN, INC. ("CHAMPIONS") MAINTENANCE OPERATIONS AT LITTLE PRONG CREEK**

Mr. Schroeder next presented to and reviewed with the Board a Detention and Drainage Facilities Report ("D&D Report") dated February 1, 2023, prepared by Champions, for Little Prong Creek and corresponding photographs, a copy of which is attached hereto as **Exhibit F**. It was noted that no action was required of the Board.

**STORMWATER MANAGEMENT PROGRAM ("SWMP")**

The Board considered the status of the District's SWMP. In that regard, Mr. Beyer presented to and reviewed with the Board the Year 4 Annual Report for the District's SWMP (the "Annual Report") and a summary of the Year 5 training and goals under same ("Training Summary"), copies of which are attached hereto as **Exhibit G**. He next presented a utility bill

insert regarding stormwater runoff and prevention of stormwater pollution, a copy of which is included in **Exhibit G**, which is to be included in upcoming water bills to the District's customers. After discussion, Director Hajovsky moved that: (i) the Annual Report be approved as presented, and that the President be authorized to execute same on behalf of the Board and the District; and (ii) the utility bill insert be approved, subject to revision as discussed above. Director Piper seconded the motion, which carried unanimously.

Mr. Beyer next began his training session with the Board and other District consultants. The topic of the Year 5 training being stormwater pollution prevention, the minimum control measures required and bacteria-specific elements. Mr. Beyer explained the importance of keeping household hazardous waste, pet waste, and yard waste out of the storm sewers, to prevent adding to bacterial impairment. He then continued with the training, thoroughly explaining the sources of bacteria and outlining the program elements of the SWMP that deal with these sources.

### **OPERATIONS REPORT**

Ms. Reeves presented to and reviewed with the Board the Operations and Maintenance Report ("O&M Report") for the month of December 2022, a copy of which is attached hereto as **Exhibit H**. Ms. Reeves reported to the Board that the District had approximately 91% water accountability for the reporting period, discussed repairs made throughout the District, and reviewed with the Board an inspection report from Landscape Images of Texas ("LIT"), relative to the District's park facilities. Ms. Reeves further reported that installation of a "No Parking" sign at the District's Family Park is complete.

The Board next considered the status of the District's enrollment in the 2023 North Fort Bend Water Authority ("NFBWA") Water Conservation Program (the "2023 Program"). After reminding the Board that it previously authorized Inframark to complete and submit the NFBWA enrollment form for the 2023 Program and, if necessary, the President to execute said enrollment form on behalf of the Board and the District, Ms. Reeves reported that said form has not yet been released by the NFBWA and the deadline to submit same is March 1, 2023. Ms. Reeves next advised the Board that Inframark is coordinating the participation by various utility districts in a community event to be held on Earth Day, April 22, 2023, at La Centerra at Cinco Ranch and inquired whether the Board would like the District to be included. She noted that the total estimated cost for the District's participation would be approximately \$450 and that, should the District participate in the event, it would receive credit toward its 2023 Program goals. Following further discussion, the Board concurred to authorize Inframark to include the District in the Earth Day event.

### **RESOLUTION APPROVING SUBMITTAL OF THE WATER SMART APPLICATION FOR INCLUSION IN THE ASSOCIATION OF WATER BOARD DIRECTORS WATER SMART PARTNERS PROGRAM**

Ms. Henderson presented to and reviewed with the Board a Resolution Approving Submittal of the Water Smart Application for Inclusion in the Association of Water Board Directors Water Smart Partners Program, which is attached hereto as **Exhibit I**. After discussion on the matter, Director Handal moved that (i) the Resolution be approved, and the President be authorized to execute and the Secretary to attest same on behalf of the Board and the District, (ii) Inframark be authorized to prepare the Water Smart Application for the District's Water Smart Partners Program membership, and (iii) Inframark be authorized to submit said Water

Smart Application to the Association of Water Board Directors on behalf of the District. Director Eynon seconded said motion, which unanimously carried.

### **DISTRICT WEBSITE AND MASS NOTIFICATION MESSAGING MATTERS**

The Board next considered the continued operation of the District's website and its mass notification system. In that regard, Mr. Roach presented to and reviewed with the Board a Quarterly Analytics Report, a copy of which is attached hereto as **Exhibit J**, detailing trends in traffic to the District's website and the enrollment and usage of the notification system. Mr. Roach then responded to various questions from the Board. After discussion, the Board requested that Apollo work with Inframark to update the District's notification system database on a quarterly basis and include language on the District's website regarding Tax Tech's contact information for questions from customers regarding tax bills.

### **REVIEW AND APPROVAL OF PROPOSAL FOR RENEWAL OF DISTRICT INSURANCE COVERAGES**

The Board discussed the District's various insurance coverages scheduled to expire on March 31, 2023. In that regard, Ms. Henderson presented to and reviewed with the Board a renewal insurance proposal received from Arthur J. Gallagher ("AJG"), the District's current insurance provider, for the 2023 – 2024 policy term, a copy of which is attached hereto as **Exhibit K**. After discussion, the Board deferred action on the proposal from AJG and requested that SPH obtain an additional proposal from McDonald & Wessendorff Insurance for consideration at its next meeting in March.

### **ATTORNEY'S REPORT**

The Board considered the Attorney's Report. In connection therewith, Ms. Henderson advised she had nothing further to report to the Board other than the items previously discussed.

### **CLOSED SESSION**

The Board determined that it would not be necessary to meet in Closed Session at this time.

### **FUTURE AGENDA ITEMS**

The Board considered items for placement on future agendas. No other specific agenda items other than routine and ongoing matters, or those discussed above, were requested.

### **ADJOURNMENT OF MEETING**

There being no further business to come before the Board, Director Handal moved that the meeting be adjourned. Director Feng seconded said motion, which unanimously carried.



  
Secretary, Board of Directors

**TABLE OF EXHIBITS**

**February 1, 2023**

- Exhibit A: Bookkeeper's Report
- Exhibit B: Tax Assessor-Collector's Report
- Exhibit C: FBCCO Monthly Activity Report
- Exhibit D: Engineer's Report
- Exhibit E: Resolution Concerning Developed District Status for 2023 Tax Year
- Exhibit F: Detention and Drainage Facilities Report
- Exhibit G: SWMP Annual Report and Training Summary; utility bill insert
- Exhibit H: Operations and Maintenance Report
- Exhibit I: Resolution Approving Submittal of the Water Smart Application for Inclusion in the Association of Water Board Directors Water Smart Partners Program
- Exhibit J: District Website and Messaging Analytics Report
- Exhibit K: Insurance Proposal from Arthur J. Gallagher, 2023-2024 Term