

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

Minutes of Meeting of Board of Directors
June 7, 2023

The Board of Directors ("Board") of Fort Bend County Municipal Utility District No. 35, of Fort Bend County, Texas ("District"), met on June 7, 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, except Director Feng, thus constituting a quorum.

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") ElizaBeth Reeves and Dawn Mouton of Inframark ("Inframark"); Jerry Schroeder of Champions Hydro-Lawn, Inc. ("Champions"); Nataly Benavides, a member of the public; and Kate Henderson and Melanie Walsh of Schwartz, Page & Harding, L.L.P. ("SPH").

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 May 3, 2023. After discussion, Director Handal moved that the minutes for said meeting be approved, as written. Director Battistini seconded said motion, which unanimously carried.

BOOKKEEPER'S REPORT

Mr. Gonzalez presented to and reviewed with the Board the Bookkeeper's Report dated June 7, 2023, including an Investment Report for the period of May 1, 2023, through May 31, 2023, a copy of which is attached hereto as **Exhibit A**. After discussion, Director Handal moved that: (i) the Bookkeeper's Report be approved and that the disbursements identified therein be approved for payment, and (ii) the Investment Report for May 2023 be approved, and that the District's Investment Officer be authorized to execute same on behalf of the Board and the District. Director Battistini seconded said motion, which unanimously carried.

UNCLAIMED PROPERTY REPORT

The Board considered approval of Unclaimed Property Reports as of March 1, 2023, and the filing of same with the Comptroller of Public Accounts of the State of Texas (the "Comptroller") prior to July 1, 2023. In connection therewith, Mr. Gonzalez presented to and reviewed with the Board an Unclaimed Property Report from Clarity dated June 7, 2023, a copy of which is attached hereto as **Exhibit B**, advising that the District has \$2,844.74 to escheat to the Comptroller. After discussion, Director Haleem moved that said Report be approved and Clarity be authorized to file said Report with the Comptroller prior to July 1, 2023. Director Eynon seconded said motion, which unanimously carried.

TAX ASSESSOR-COLLECTOR REPORT

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

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 July.

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

Ms. Henderson presented a Monthly Contract Deputy Activity Report for the month of April 2023, regarding FBCCO, a copy of which is attached hereto as **Exhibit D**. It was noted that no action was required by the Board in connection with the FBCCO Report at this time.

ENGINEER'S REPORT

Mr. Safe presented to and reviewed with the Board a written Engineer's Report, dated June 7, 2023, a copy of which is attached hereto as **Exhibit E**, relative to the status of various engineering and construction projects within the District, and discussed the matters contained therein. After discussion, it was moved by Director Handal that the Engineer's Report and all action items listed therein be approved, including approval of Pay Request No. 2 in the amount of \$67,119.30 from McDonald Municipal and Industrial in connection with the contract for Installation of Permanent Emergency Generator at Remote Well Site. Director Haleem seconded said motion, which unanimously carried.

PROPOSED CONSTRUCTION OF NOISE BARRIER BY THE TEXAS DEPARTMENT OF TRANSPORTATION ("TXDOT")

The Board next considered the status of communications 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 as well as Seven Meadows Community Association, Inc.'s communications with TxDOT 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 June 7, 2023, prepared by Champions, for Little Prong Creek and corresponding photographs, a copy of which is attached hereto as **Exhibit F**. Following discussion, it was noted that no action was required of the Board in connection with the D&D Report at this time.

STORMWATER MANAGEMENT PROGRAM ("SWMP")

The Board considered the status of the District's SWMP. Ms. Henderson noted that there were no updates at this time.

OPERATIONS REPORT

Ms. Mouton presented to and reviewed with the Board the Operations and Maintenance Report ("O&M Report") for the month of April 2023, a copy of which is attached hereto as **Exhibit G**. Ms. Mouton reported to the Board that the District had approximately 95% 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. She next presented one (1) delinquent account to be referred to collections in the total amount of \$69.73.

Ms. May next requested authorization from the Board to fill in and resod certain low areas at the District's Dog Park. In connection therewith, she presented to and reviewed with the Board two (2) proposals prepared by LIT, copies of which are attached to the O&M Report, in the estimated combined total amount of \$17,347.07. After discussion, the Board deferred action on the proposed rehabilitation project pending inspection of the site and evaluation by Directors.

A discussion next ensued regarding commercial vehicles and trailers parking overnight in the parking lot at the District's Family Park. The Board noted that this has been an ongoing issue. After discussion, the Board requested that Inframark provide a proposal for installation of an additional sign at the Family Park notifying the public that trucks and trailers are prohibited and vehicles parked in the lot between certain hours will be towed at the owner's expense and providing contact information for the towing company. The Board concurred that the new sign will be posted on the existing "No Parking" sign post.

Ms. Mouton next reported that Inframark is preparing to repair a main water valve within the District. She advised the Board that, in the event that Inframark determines that replacement of the subject valve is required, Inframark will hang door tags and coordinate with Apollo IT Consulting to send out a text message to the affected customers providing notice regarding a possible brief interruption in water service.

Ms. Henderson reported that Fort Bend County Municipal Utility District No. 34, of Fort Bend County, Texas ("No. 34") is interested in conducting a joint community event this coming fall in cooperation with the District in connection with the NFBWA's 2023 Water Provider Conservation Program and inquired whether the Board is interested in participating. After discussion, the Board indicated that it is willing to participate with No. 34 in such an event and requested that Inframark coordinate with the Operator for No. 34 to begin planning.

Ms. Henderson next advised the Board 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 Fort Bend County, the Public Utility Commission of Texas, and the division of emergency management of the governor. Mr. Lugo advised that he would provide the annual update and, if required, any changes to the information to the appropriate entities.

After discussion, Director Eynon moved that the Board authorize Inframark to refer (1) delinquent account to collections and make the critical load annual filings on behalf of the District, both as discussed above. Director Battistini seconded the motion, which unanimously carried.

DISTRICT WEBSITE AND MASS NOTIFICATION MESSAGING MATTERS

The Board deferred consideration of the continued operation of the District's website and its mass notification system.

VOTING SYSTEM ANNUAL FILING FORM

The Board next considered authorizing the completion, execution and filing with the Secretary of State of a Voting System Annual Filing Form (the "Form") relative to District elections. Ms. Henderson advised that pursuant to Section 123.061 of the Texas Election Code, each political subdivision in the State of Texas is required to complete and file the Form with the Secretary of State's office annually. After discussion on the matter, Director Eynon moved that SPH be authorized to complete and file the Form with the Secretary of State's Office, as required by law. Director Battistini seconded said motion, which unanimously carried.

RECORDS DESTRUCTION REQUEST

Ms. Henderson reported that the District's General Records Retention Schedule adopted in connection with its Records Management Program requires that notes taken during meetings and used to prepare the official minutes of Board meetings are to be retained for ninety days after approval of such minutes by the Board. She next presented a request from the Records Management Officer, attached hereto as **Exhibit H**, for approval to destroy all such notes from February 2, 2022, to January 4, 2023. After discussion, Director Battistini moved that SPH be authorized to destroy such notes. Director Haleem seconded said motion, which carried unanimously.

SCHEDULE FOR JULY BOARD MEETING

The Board next considered its meeting schedule for next month. After discussion, the Board concurred that no changes be made to the Board's regular meeting schedule for July.

ATTORNEY'S REPORTS

The Board considered the Attorney's Report. In connection therewith, Ms. Henderson advised the Board that the District will be recognized at the Association of Water Board Directors 2023 Annual Conference Awards Luncheon on June 24, 2023 in Corpus Christi.

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 Eynon seconded said motion, which unanimously carried.

(SEAL)




Secretary, Board of Directors

TABLE OF EXHIBITS

June 7, 2023

- Exhibit A: Bookkeeper's Report
- Exhibit B: Unclaimed Property Report
- Exhibit C: Tax Assessor-Collector's Report
- Exhibit D: FBCCO Monthly Activity Report
- Exhibit E: Engineer's Report
- Exhibit F: Detention and Drainage Facilities Report
- Exhibit G: Operations and Maintenance Report
- Exhibit H: Records Destruction Request Letter