

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

Minutes of Meeting of Board of Directors  
November 1, 2023

The Board of Directors ("Board") of Fort Bend County Municipal Utility District No. 35, of Fort Bend County, Texas ("District"), met on November 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, except Director Haleem, thus constituting a quorum. Director Haleem entered the meeting after it was called to order, as noted herein.

Also present were: Jeremy Roach of Apollo IT Consulting ("Apollo"); 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"); Dawn Mouton of Inframark ("Inframark"); 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 October 4, 2023. After discussion, Director Handal moved that the minutes for said meeting be approved, as written. Director Battistini seconded said motion, which unanimously carried.

**DISTRICT WEBSITE AND MASS NOTIFICIATION 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 A**, 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 regarding a proposed public email address for the Board. After discussion, the Board concurred to obtain one Microsoft Exchange public email address for the Board at a cost of \$7.00 per month and requested that Mr. Roach

provide an amendment to the District's Website Re-Design and Operations Agreement with Apollo relative to same for the Board's consideration at its meeting next month.

Director Handal next inquired whether the Board is in favor of including one or both of two newly available public service announcement videos produced by the Association of Water Board Directors (the "AWBD PSAs") on the District's website. After discussion, the Board indicated its support of posting the AWBD PSAs on the District's website and requested that Director Handal coordinate with Mr. Roach relative to same.

Director Haleem entered the meeting during the above discussion.

### **BOOKKEEPER'S REPORT**

Mr. Gonzalez presented to and reviewed with the Board the Bookkeeper's Report dated November 1, 2023, a copy of which is attached hereto as **Exhibit B**. Mr. Gonzalez noted check no. 10303 in the amount of \$122,091.81 payable to Cavallo Energy Texas, LLC ("Cavallo"), for payment of Cavallo's invoices from February through September of this year. Mr. Gonzalez noted that Clarity had not received any invoices from Cavallo since the beginning of February. He stated that Clarity became aware of the issue when preparing to compile the Energy Consumption Report for the Board's review at today's meeting. After discussion, Director Haleem moved that the Bookkeeper's Report be approved and that the disbursements identified therein be approved for payment. Director Eynon seconded said motion, which unanimously carried.

### **COMPLIANCE WITH TEXAS GOVERNMENT CODE CHAPTER 2265 RELATIVE TO ENERGY REPORTING**

The Board next considered the status of the District's compliance with Texas Government Code, Chapter 2265, relative to energy reporting requirements. Ms. Henderson reminded the Board that, pursuant to the energy efficiency and reporting requirements set forth in Texas Government Code, Chapter 2265, the District must prepare an annual report of its metered usage of electricity and the aggregate costs for same. In connection therewith, Mr. Gonzalez presented to and reviewed with the Board an Energy Consumption Report, a copy of which is attached hereto as **Exhibit C**. Ms. Henderson noted that said report satisfies the statutory reporting requirements and no further action is required by the Board.

### **TAX ASSESSOR-COLLECTOR REPORT**

Ms. Flores next presented to and reviewed with the Board the Tax Assessor-Collector Report for the month ending October 31, 2023, a copy of which is attached hereto as **Exhibit D**. Following discussion, it was moved by Director Haleem, seconded by Director Eynon 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 January.

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

The Board deferred consideration of a Monthly Contract Deputy Report from FBCCO after Ms. Henderson noted that no report had been received.

### **ENGINEER'S REPORT**

Mr. Safe presented to and reviewed with the Board a written Engineer's Report, dated November 1, 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. In connection with the annual inspection of the exteriors of the ground storage tanks and hydropneumatic tanks at the District's Water Plant sites, Mr. Safe presented to and reviewed with the Board photographs depicting the current external condition of said tanks, copies of which are included with **Exhibit E**, and discussed BGE's recommendation regarding the results of said inspection. Mr. Safe reported that the exterior coating on all of the subject tanks is in good condition and advised that, at its meeting held on October 24, 2023, the Board of Directors of Fort Bend County Municipal Utility District No. 34, of Fort Bend County, Texas ("No. 34") approved BGE's recommendation that rehabilitation of the exteriors of said tanks (the "Tank Rehab Project") be deferred for at least another year. After discussion, the Board concurred with No. 34's prior approval of BGE's recommendation relative to the Tank Rehab Project and noted that no action was required by the Board in connection with the Engineer's Report at this time.

### **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 November 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 in connection with the D&D Report at this time.

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

The Board next 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 September 2023, a copy of which is attached hereto as **Exhibit G**. Ms. Mouton reported to the Board that the District had approximately 96% water accountability for the reporting period, discussed repairs made throughout the District, and presented one (1) delinquent account to be referred to collections in the total amount of \$79.62. Ms. Mouton next reviewed with the Board an inspection report from Landscape Images of Texas ("LIT"), relative to the District's park facilities. In connection therewith, Ms. Mouton presented

four (4) proposals prepared by LIT in the total estimated amount of \$1,770, copies of which are attached to the O&M Report, for repair of the irrigations systems at the District's dog and family park sites. After discussion, Director Battistini moved that the Board (i) authorize Inframark to write off one (1) account, as discussed above; and (ii) approve LIT's proposals for the irrigation repairs at the District's dog and family park sites, as recommended by Inframark. Director Eynon seconded the motion, which unanimously carried.

The Board then discussed implementation of the District's Drought Contingency Plan (the "DCP") water conservation measures. Ms. Henderson advised the Board that Stage 2 of the District's DCP was lifted and Stage 1 was implemented on October 13, 2023, following consultation with Mr. Safe and Directors Battistini and Handal.

### **NFBWA 2023 WATER PROVIDER CONSERVATION PROGRAM REPORT AND 2024 ENROLLMENT**

Ms. Mouton next discussed with the Board the status of the District's participation in the 2023 Water Provider Conservation Program (the "Program"). She stated that the District has acquired the points necessary to qualify for the 2023 Program. The Board next considered the District's enrollment in the 2024 Program. After discussion, it was moved by Director Battistini that Inframark be authorized to enroll the District in the 2024 Program, and to complete and submit the NFBWA enrollment form for the 2024 Program once it becomes available on behalf of the Board and the District. Director Eynon seconded the motion, which unanimously carried.

### **EMINENT DOMAIN REPORT**

Ms. Henderson reported that, pursuant to Section 2206.154, Texas Government Code, all political subdivisions with the power of eminent domain, including the District, are required to file an annual eminent domain report by February 1 of each year with the Texas Comptroller of Public Accounts (the "Comptroller"). She explained that the report will contain the District's contact information as well as information related to the District's ability to exercise the power of eminent domain. After discussion, it was moved by Director Battistini, seconded by Director Eynon and unanimously carried, that the Board authorize SPH to file the annual eminent domain report with the Comptroller on behalf of the District prior to February 1, 2024.

### **ATTORNEY'S REPORTS**

The Board considered the Attorney's Report. In connection therewith, Ms. Henderson requested that the Board consider its meeting schedule for January. After discussion, the Board concurred to consider the matter further at its regular meeting in December.

### **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 Eynon moved that the meeting be adjourned. Director Handal seconded said motion, which unanimously carried.

(SEAL)

  
Secretary, Board of Directors



**TABLE OF EXHIBITS**

**November 1, 2023**

- Exhibit A: District Website and Messaging Analytics Report
- Exhibit B: Bookkeeper's Report
- Exhibit C: Energy Consumption Report
- Exhibit D: Tax Assessor-Collector's Report
- Exhibit E: Engineer's Report; photographs depicting condition of District's ground storage tanks and hydropneumatic tanks
- Exhibit F: Detention and Drainage Facilities Report
- Exhibit G: Operations and Maintenance Report