

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

NOTICE OF PUBLIC MEETING

Notice is hereby given to all interested members of the public that the Board of Directors of the above captioned District will hold a regular public meeting **via telephone conference call** pursuant to Texas Government Code, Section 551.125, as amended, and as modified by the temporary suspension of various provisions thereof effective March 16, 2020, by the Governor of Texas in accordance with the Texas Disaster Act of 1975, all as related to the Governor's proclamation on March 13, 2020, certifying that the COVID-19 pandemic poses an imminent threat of disaster and declaring a state of disaster for all counties in Texas. **The telephone conference call phone number is 1-877-304-9269 and the access code is 594747#.** All members of the public may participate in the meeting via telephone conference call.

The meeting will be held on Wednesday, April 7, 2021, at 1:00 p.m.

The Board shall consider and/or act on the following matters:

1. Call to order, including explanation of telephone conference call meeting procedures;
2. Comments from the public;
3. Review and approve the minutes of the March 3, 2021, Board of Directors meeting;
4. Review activity reports and/or receive updates regarding Fort Bend County Precinct 3 Constable's Office ("FBCCO"); discussion regarding proposed patrol schedules;
5. Consider requests from Seven Meadows Community Association, Inc., including:
 - a. Status of discussions with CenterPoint Energy regarding painting of the decorative light poles in the community in connection with conversion to LED bulbs; and
 - b. Installation of warning signs around bodies of water within the District;
6. Tax Assessor-Collector Report, including status of delinquent tax accounts, authorizing the payment of invoices presented, approving tax refunds and moving of accounts to uncollectible roll;
7. Adoption of Resolution Authorizing an Additional Penalty on Delinquent Real Property Taxes and Authorize the delinquent tax attorney to pursue the collection of delinquent real property taxes beginning July 1, 2021, including the filing of lawsuits, as necessary;
8. Delinquent Tax Collections Attorney Report, including authorizing foreclosure proceedings, installment agreements and the filing of proofs of claim;
9. Bookkeeper's Report, including financial investment reports, authorizing the payment of invoices presented;
10. Status of continuing disclosure report (due March 30, 2021);

11. Consider the following related to issuance of the District's Unlimited Tax Refunding Bonds, Series 2021 (the "Refunding Bonds"):
 - a) Establish parameters for sale of Refunding Bonds pursuant to Texas Government Code Section 1207.007, and authorize the District's consultants to proceed with the preparation of a final Plan of Financing and Pricing Certificate in connection with the Refunding Bonds;
 - b) Approval and execution of an Order authorizing the issuance of the Refunding Bonds, including delegation of authority pursuant to Texas Government Code Section 1207.007;
 - c) Engagement of Special Tax Counsel; adoption of the Resolution Approving Contingent Fee Contract for Legal Services pursuant to **Exhibit A** attached hereto;
 - d) Designation of Paying Agent/Registrar, approval of execution of Paying Agent/Registrar Agreement; approval of execution of Agreement with Paying Agent for refunded bonds, if applicable;
 - e) Designation of Escrow Agent and approval of execution of an Escrow Agreement;
 - f) Designation of Verification Agent;
 - g) Approval of Preliminary Official Statement in connection with the issuance of the Refunding Bonds and authorize distribution of same; and authorize the completion and distribution of a Final Official Statement;
 - h) Authorize subscription for and purchase of U.S. Government securities or open market securities in connection with the issuance of the Refunding Bonds, if applicable;
 - i) Authorize bookkeeper to issue check for Attorney General's fees;
 - j) Authorize execution of various additional documentation for inclusion in the transcript of proceedings to be submitted to the Attorney General of the State of Texas;
 - k) Authorize execution of Pricing Certificate and Bond Purchase Agreement relative to the Refunding Bonds;
 - l) Authorize disbursement of bond proceeds relative to the Refunding Bonds;
 - m) Authorize execution of closing documentation relative to the Refunding Bonds;
 - n) Authorize execution and filing of Internal Revenue Service reporting forms relative to the Refunding Bonds;
 - o) Authorize District's disclosure counsel to file material events notice relative to bonds to be refunded by the Refunding Bonds; and
 - p) Authorize any other necessary action relating to the issuance of the Refunding Bonds;

12. Engineering Report, including:
 - a. Authorizing the design, advertisement for bids and/or award of construction contracts or concurrence in the award of a contract for the construction of water, sanitary sewer and drainage facilities within the District and acceptance of TEC Form 1295;
 - b. Status of construction contracts, including the approval of any pay estimates, change orders and/or acceptance of facilities for operation and maintenance purposes, including:
 - (i) Repair of approximate 300-foot portion of Little Prong Creek at Fry Road utilizing the SOX erosion repair system and repair of outfall (Double Oak Erosion);
 - c. Acceptance of site and/or easement conveyances for facilities constructed or to be

- d. constructed for the District; and
 - d. Consider installation of an emergency generator at the District's remote water well;
- 13. Proposed noise barrier wall to be constructed by TxDOT along State Highway 99 within the boundaries of the District;
- 14. Proposed construction by Fort Bend County of a sidewalk along the east side of Katy Gaston Road between Fry Road Summerset Ridge Lane;
- 15. Landscape Architect Report, including status of construction contracts and approval of any pay estimates and/or change orders, including:
 - a. Construction of replacement fences at Joint Water Plant and Joint Wastewater Treatment Plant (Republic Masonry & Fencing, LLC);
- 16. Report by Champions Hydro-Lawn, Inc., regarding maintenance of drainage facilities, including:
 - a. Status of removal of beavers from Long Meadow Channel;
- 17. Storm Water Management Program for the District;
- 18. Operations and Maintenance Report, including:
 - a. Authorizing the repair and maintenance of District facilities;
 - b. Compliance with Fort Bend County Municipal Utility District No. 34's water supply and waste discharge permits;
 - c. Appeals of District charges;
 - d. Referral of accounts for collection and deeming of various accounts as uncollectible;
 - e. Report regarding water accountability;
 - f. Status of maintenance of the District's park facilities, including replacement of rocks along the fencing at the Dog Park;
 - g. Discussion regarding status of planning Native Plant virtual event;
 - h. Discussion regarding proposed alternatives to reduce the use of flushable wipes within the District;
 - i. Status of sanitary sewer point repairs (Year 2 of 5 Sanitary Sewer Televising and Cleaning Project);
 - j. Status of fire hydrants repairs;
 - k. Consider disposition of delinquent utility accounts due to the 2021 Winter Storm Uri;
 - l. Report regarding operations of the District's facilities and systems during Winter Storm Uri;
 - m. Annual report regarding status of District's Identity Theft Prevention Program ("Program"), including discussion of Program compliance, staff training, effectiveness and suggested changes; and
 - n. Authorize preparation of draft Consumer Confidence Report for review by Board of Directors;
- 19. Review proposals for implementation of a mass notification system within the District; authorize any action necessary in connection therewith;

20. Status of Annual Implementation Report regarding Water Conservation Plan and the filing of same with the North Fort Bend Water Authority (due May 1, 2021);
21. Approval of 2021 water loss audit and authorize filing of same with Texas Water Development Board;
22. Discussion regarding America's Water Infrastructure Act of 2018 and District's compliance with same, including status of Risk and Resilience Assessment;
23. Discussion regarding annual cybersecurity training as required by Chapter 2054, Texas Government Code, and authorize any required reporting to the Texas Department of Information and Resources;
24. Attorney's Report;
 - a. Review of correspondence from Best Trash regarding notice of annual CPI adjustment of rate charged to the District for solid waste collection and disposal services;
25. Convene in Closed Session pursuant to Open Meetings Act, Section 551.071, Texas Government Code, for consultation with the District's attorney regarding pending or threatened litigation or matters protected by attorney-client privilege;
26. Reconvene in Open Session and authorize any action resulting from discussions in Closed Session; and
27. Matters for possible placement on future agendas.



SCHWARTZ, PAGE & HARDING, L.L.P.

By: _____

Bryan T. Yeates
Attorneys for the District

Persons with disabilities who plan to attend this meeting and would like to request auxiliary aids or services are requested to contact the District's attorney at (713) 623-4531 at least three business days prior to the meeting so that appropriate arrangements can be made.

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**FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 35,
OF FORT BEND COUNTY, TEXAS
NOTICE OF CONTINGENT FEE ENGAGEMENT OF SPECIAL TAX COUNSEL**

Pursuant to Texas Government Code Section 2254.1036, notice is hereby given that the Board of Directors of Fort Bend County Municipal Utility District No. 35, of Fort Bend County, Texas (the "District"), at the public meeting described in the Notice of Public Meeting to which this Exhibit is attached, shall consider the engagement of McCall, Parkhurst & Horton L.L.P. (the "Firm") to serve as Special Tax Counsel for a contingent fee. In support thereof, the Firm offers the following:

- (A) The Firm is proposing to perform legal services for the purpose of providing legal representation to the District in the areas of federal tax law relating to the exemption of interest from federal income taxation on governmental public securities in the form of refunding bonds. The purpose of issuing such refunding bonds is to create a cost savings related to previously issued bonds of the District.
- (B) The Firm is a well-qualified law firm with more than 100 years of experience and has represented numerous entities similar to the District in matters related to the refunding of municipal bonds.
- (C) The Firm has no relationship with the District or its Board members other than its position as Special Tax Counsel. The District has engaged the Firm as Special Tax Counsel for each of its prior issuances of refunding bonds based on the Firm's reputation as a specialist in the area.
- (D) Special Tax Counsel services are highly specialized legal services involving complex regulatory guidance. While the District's Bond Counsel effectuates the issuance of District bonds, the Firm possesses expertise with the intricacies of federal tax law which are outside the scope of Bond Counsel's engagement, and industry standards necessitate the engagement of Special Tax Counsel.
- (E) The Firm's compensation is contingent upon the issuance and from proceeds of the sale of the refunding bonds. It is the industry standard for the fees of Special Tax Counsel, and many other types of legal and financial counsel associated with an offering of municipal securities, to be provided on a contingent basis.
- (F) This contingent fee contract is in the best interest of the District's residents because the arrangement allows the District to have certainty of its costs prior to the issuance of such bonds, which allows it to size its bonds with greater certainty. This arrangement also allows the District to preserve its right to discontinue the issuance of such refunding bonds for any reason without expending any costs related to the Firm's services as Special Tax Counsel.