

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

Minutes of Meeting of Board of Directors  
December 1, 2021

The Board of Directors ("Board") of Fort Bend County Municipal Utility District No. 35, of Fort Bend County, Texas ("District"), met on December 1, 2021, 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  
Steven Olsen, Secretary  
Tony Feng, Assistant Secretary  
Susan Ruske, Assistant Secretary

and all of said persons were present, thus constituting a quorum. Director Handal entered the meeting later as noted herein.

Also present were: Esther Flores of Tax Tech, Inc. ("Tax Tech"); Ravi Patel of Municipal Accounts & Consulting, L.P. ("MAC"); Jerry Schroeder of Champions Hydro-Lawn, Inc. ("Champions"); Jeff Safe of Brown & Gay Engineers, Inc. ("BGE"); Katie May and Robert Lugo of Inframark ("Inframark"); and Bryan Yeates and Melanie Walsh of Schwartz, Page & Harding, L.L.P. ("SPH"). Clay Brandenburg of Inframark entered later in the meeting as noted 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 November 3, 2021. After discussion, Director Ruske moved that the minutes for said meetings be approved, as written. Director Olsen seconded said motion, which unanimously carried.

Director Handal entered the meeting at this time.

**BOOKKEEPER'S REPORT**

Mr. Patel presented to and reviewed with the Board the Bookkeeper's Report dated December 1, 2021, which includes a Quarterly Investment Inventory Report for the period ended September 30, 2021, a copy of which is attached hereto as **Exhibit A**. After discussion, Director Olsen moved that (i) the Bookkeeper's Report be approved and that the disbursements identified therein be approved for payment, and (ii) the Quarterly Investment Inventory Report be approved and the District's Investment Officer be authorized to execute same on behalf of the Board and the District. Director Ruske seconded said motion, which unanimously carried.

**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 December 1, 2021, prepared by Champions, for Little Prong Creek and corresponding photographs, a copy of which is attached hereto as **Exhibit B**. Mr. Schroeder next presented two proposals prepared by Champions relative to areas of erosion located near the golf cart crossing, copies of which are included with **Exhibit B**, for Little Prong Creek Slope Repairs North (the "North Project"), in the total estimated amount of \$46,208, and Little Prong Creek Slope Repairs South (the "South Project"), in the total estimated amount of \$41,920. He noted that, at its last meeting, the Board of Fort Bend County Municipal Utility District No. 34, of Fort Bend County, Texas ("No. 34"), authorized BGE to solicit two (2) additional bids for each project, with the conventional repair method as the base bid and the ShoreSOX repair method as an alternate bid item. The Board deferred action relative to Champions' proposals for the North and South Projects pending receipt of the additional bids to be obtained by BGE.

**FBCCO ACTIVITY REPORT**

Mr. Yeates next presented to and reviewed with the Board the FBCCO Activity Report for the month of October 2021, a copy of which is attached hereto as **Exhibit C**. The Board noted that no action on its part was required in connection with said report at this time.

**INTERLOCAL AGREEMENT FOR ADDITIONAL LAW ENFORCEMENT SERVICES**

The Board deferred consideration of the proposed renewal of the Interlocal Agreement for Law Enforcement Services by and between the District, Fort Bend County (the "County"), Seven Meadows, and No. 34 for the 2021 – 2022 term (the "Agreement"), noting that the proposed renewal Agreement has not yet been received from the County.

**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 work on the project is not expected to commence until sometime after January 1, 2022.

**PROPOSAL FOR WILDFLOWER SEEDING**

The Board deferred consideration of a proposal for application of wildflower seeds to certain recreational areas within the District, noting that no such proposal has yet been received.

**TAX ASSESSOR-COLLECTOR REPORT**

Ms. Flores presented to and reviewed with the Board the Tax Assessor-Collector Report for the month ending November 30, 2021, a copy of which is attached hereto as **Exhibit D**. After discussion, it was moved by Director Battistini, seconded by Director Ruske and unanimously carried, that the Tax Assessor-Collector Report be approved as presented, that the disbursements identified therein be approved for payment, and that a reminder message to be

printed on customers' upcoming water bills regarding payment of their 2021 taxes, a copy of which is attached to the Tax Assessor-Collector Report, be approved as presented.

### **DELINQUENT TAX REPORT**

Mr. Yeates 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. He stated that the next quarterly report will be provided in January.

### **ENGINEER'S REPORT**

Mr. Safe presented to and reviewed with the Board a written Engineer's Report, dated December 1, 2021, 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 proposed purchase and installation of a permanent emergency diesel generator at the joint Remote Well site, Mr. Safe reported that No. 34 is now a confirmed participant in The Interlocal Purchasing System program ("TIPS Program"). He advised the Board that BGE is in the process of reviewing the TIPS Program to determine the procedures required to realize savings and economies of scale by cooperatively procuring materials, supplies, goods, services, or equipment. He noted that BGE's preliminary finding is that none of the generator vendors associated with the TIPS Program are on BGE's list of preapproved dealers. Following discussion, Director Ruske moved that BGE coordinate a meeting between Directors Battistini and Handal and Billy Haehnel and Jim Marken, members of the Board of Directors of No. 34, in order to more fully discuss the TIPS Program and the proposed purchase and installation of a permanent emergency diesel generator at the joint Remote Well site. Director Olsen seconded the motion, which unanimously carried.

Mr. Safe next discussed with the Board bids received from Storm Water Solutions, LLC ("SWS") and Double Oak Erosion, Inc. for Construction of North Outfall Detention Pond Side Slope Rehabilitation, copies of which are included in **Exhibit E**, and which were distributed to the Board by electronic mail prior to the meeting. He advised that SWS had the lowest base bid and that BGE recommends the Board award the contract to SWS utilizing the ShoreSOX repair method for the total estimated base bid amount of approximately \$73,080.80.

After discussion, Director Olsen moved that the Engineer's Report and all action items listed therein be approved, including (i) approval of Pay Request No. 4 and Final in the amount of \$19,542.00 from Double Oak Erosion, Inc. for construction of Little Prong Creek Slope Repair and Storm Outfall Replacement, and (ii) awarding the contract for the North Outfall Detention Pond Side Slope Rehabilitation project to SWS in the amount of \$73,080.80, as recommended by BGE. Director Feng seconded said motion, which carried unanimously.

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

The Board considered the status of the District's SWMP. Mr. Yeates advised the Board that there were no updates regarding the District's SWMP at this time.

## **OPERATIONS REPORT**

Mr. Lugo presented to and reviewed with the Board the Operations and Maintenance Report ("O&M Report") for the month of October 2021, a copy of which is attached hereto as **Exhibit F**. Mr. Lugo 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, relative to the District's park facilities, a copy of which is attached to the O&M Report.

Mr. Lugo reported that Inframark received a request from one (1) District customer for an adjustment to the water bill for which was abnormally high due to a leak, as detailed in the O&M Report, which leak has since been repaired. He requested that the Board consider authorizing Inframark to bill said customer for the full amount of water usage at the District's lowest rate tier.

Mr. Lugo next presented a list of eight (8) delinquent accounts to be referred to collections in the total amount of \$3,098.93, a copy of which is included with the O&M Report, and requested that the Board consider deferring the referral to collections.

After discussion, Director Olsen moved that the Board authorize Inframark to bill the customer account discussed above for the full amount of water usage at the District's lowest rate tier. Director Ruske seconded said motion, which unanimously carried. The Board concurred to defer referring the delinquent accounts to collections as discussed.

## **NORTH FORT BEND WATER AUTHORITY ("NFBWA") LARRY'S TOOLBOX PROGRAM 2021 REPORT AND 2022 ENROLLMENT**

Mr. Lugo next discussed with the Board the status of the District's participation in the 2021 Larry's Toolbox Program (the "2021 Program"). He advised that he expects the District to obtain the remainder of the 9 points required to qualify for the 2021 Program prior to the December 31, 2021 deadline. With regard to the District's participation in the 2022 Larry's Toolbox Program (the "2022 Program"), Mr. Lugo reported that the enrollment forms for the 2022 Program have not yet been finalized by the NFBWA, as it is currently in the process of overhauling and simplifying the program. With regard thereto, he advised the Board that the deadline to enroll in the 2022 Program has been extended to March 2022.

Mr. Brandenburg entered the meeting during the above discussion.

## **STATUS OF DISTRICT WEBSITE AND IMPLEMENTATION OF MASS NOTIFICATION SYSTEM**

The Board next considered the continued operation of the District's website and the status of implementation of a mass notification system within the District. In connection therewith, Mr. Yeates presented an Analytics Report prepared by Apollo for the month of November 2021, a copy of which is attached hereto as **Exhibit G**, detailing trends in traffic to the District's website and the status of implementation of the District's customer messaging system.

## **MATTERS RELATED TO MAY 7, 2022 DIRECTORS ELECTION**

Mr. Yeates reported on issues related to the District's Directors Election (the "Election") to be held on May 7, 2022. In connection therewith, Mr. Yeates presented to and discussed with

the Board a memorandum prepared by SPH, a copy of which is attached hereto as **Exhibit H**, regarding (i) participation in the joint election with Fort Bend County (the "County"), (ii) publication of notice regarding accessible voting systems, and (iii) posting of Notice Regarding Candidate Filing Period. Mr. Yeates advised that the County will administer the Election if the District participates in the County's joint election. He further noted that if the District elects not to contract with the County and to hold an independent Election, Section 49.111, Texas Water Code, provides an exemption from the requirement to provide certain electronic voting systems at the Election if the District's previous directors election was canceled as uncontested or if fewer than 250 voters voted in the District's previous directors election. Mr. Yeates noted that the District is not exempt from said requirement because more than 250 voters voted in the District's previous directors election. Following discussion, the Board deferred action relative to its decision regarding the District's intent to participate in the joint Election. It was then moved by Director Ruske, seconded by Director Battistini and unanimously carried, that SPH be authorized to (i) provide notice of the District's intent to provide electronic voting systems for said Election by publication in a newspaper of general circulation in an area that includes the District, in case the District subsequently elects to hold an independent Election, and (ii) post the required Notice Regarding Candidate Filing Period.

### **ATTORNEY'S REPORT**

The Board considered the Attorney's Report. Mr. Yeates advised the Board that he had nothing further to discuss with the Board of a legal nature which was not previously covered under a specific agenda item.

### **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 Ruske seconded said motion, which unanimously carried.

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Secretary, Board of Directors

**TABLE OF EXHIBITS**

**December 1, 2021**

- Exhibit A: Bookkeeper's Report
- Exhibit B: Detention and Drainage Facilities Report
- Exhibit C: Monthly Contract Deputy Report
- Exhibit D: Tax Assessor-Collector's Report
- Exhibit E: Engineer's Report
- Exhibit F: Operations and Maintenance Report
- Exhibit G: District Website Analytics Report
- Exhibit H: Memorandum regarding May 7, 2022 Directors Election

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