

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

Minutes of Meeting of Board of Directors  
March 2, 2022

The Board of Directors ("Board") of Fort Bend County Municipal Utility District No. 35, of Fort Bend County, Texas ("District"), met on March 2, 2022, 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.

Also present were: Taylor Watson of Municipal Accounts & Consulting, L.P. ("MAC"); Bernita Armstrong of Principal Management Group of Houston ("PMI"), Community Manager for Seven Meadows Community Association, Inc. ("Seven Meadows"); Esther Flores of Tax Tech, Inc. ("Tax Tech"); Avik Bonnerjee and Brenda Bonnerjee of B&A Municipal Tax Service, LLC ("B&A"); Nate Jackson of Brown & Gay Engineers, Inc. ("BGE"); Jerry Schroeder of Champions Hydro-Lawn, Inc. ("Champions"); Robert Lugo of Inframark ("Inframark"); Jeremy Roach of Apollo IT Consulting ("Apollo"); and Kate Henderson and Melanie Walsh of Schwartz, Page & Harding, L.L.P. ("SPH"). Mr. Jackson entered the meeting after it was called to order, 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 February 2, 2022. After discussion, Director Olsen moved that the minutes for said meeting be approved, as written. Director Ruske seconded said motion, which unanimously carried.

**BOOKKEEPER'S REPORT**

Mr. Watson presented to and reviewed with the Board the Bookkeeper's Report dated March 2, 2022, which includes a Quarterly Investment Inventory Report for the period ended December 31, 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, including additional check no. 9234 in the amount of \$12,410 payable to Arthur J. Gallagher for renewal of the District's insurance policies and bonds for the 2022-2023 policy term, 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.

Mr. Jackson entered the meeting during the presentation of the Bookkeeper's Report.

### **UNCLAIMED PROPERTY**

The Board considered authorizing District consultants to research the District's accounts for unclaimed property and to authorize MAC to prepare an Unclaimed Property Report as of March 1, 2022. Ms. Henderson advised the Board that the District's consultants will review their records and provide MAC with a current listing of any unclaimed property in the District's accounts for preparation of the Unclaimed Property Report. She further advised the Board that MAC will file the report with the Comptroller of Public Accounts of the State of Texas (the "Comptroller") and discharge any unclaimed funds to the Comptroller by July 1, 2022. After discussion, Director Handal moved that the consultants be authorized to provide current listings of any and all unclaimed property to MAC and that, should any unclaimed property exist, MAC be authorized to file an Unclaimed Property Report with the Comptroller. Director Olsen seconded said motion, which unanimously carried.

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

Ms. Armstrong presented a Monthly Contract Deputy Report for the month of January, 2022, regarding FBCCO, a copy of which is attached hereto as **Exhibit B**. Director Handal noted a marked decrease in the presence of deputies patrolling the District recently and requested that Seven Meadows discuss the matter with the FBCCO. 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").

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

Ms. Flores presented to and reviewed with the Board the Tax Assessor-Collector Report for the month ending February 28, 2022, a copy of which is attached hereto as **Exhibit C**. After discussion, it was moved by Director Handal, seconded by Director Olsen and unanimously carried, that the Tax Assessor-Collector Report be approved as presented, 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.

### **SALES AND USE TAX AUDIT REPORT FROM B&A**

Mr. Bonnerjee presented to and reviewed with the Board the Sales and Use Tax Audit Report prepared by B&A, a copy of which is attached hereto as **Exhibit D**. After discussion, Director Olsen moved to approve the Sales and Use Tax Audit Report. Director Battistini seconded the motion, which carried unanimously.

Mr. Bonnerjee and Ms. Bonnerjee left the meeting at this time.

### **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, 2022 deadline.

### **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, 2022. In that regard, Ms. Henderson presented to and reviewed with the Board a revised insurance renewal proposal received from Arthur J. Gallagher ("AJG"), the District's current insurance provider, and an additional proposal from McDonald & Wessendorff for the 2022 – 2023 policy term, copies of which are attached hereto as **Exhibit E**. After discussion on the matter, Director Olsen moved that (i) the proposal from Gallagher be accepted and that the President be authorized to execute the accepted proposal on behalf of the Board and the District, and (ii) the Texas Ethics Commission ("TEC") Form 1295 received from Gallagher be accepted by the District and that SPH be authorized to acknowledge the District's receipt of same with the TEC. Director Handal seconded said motion, which unanimously carried.

### **ENGINEER'S REPORT**

Mr. Jackson presented to and reviewed with the Board a written Engineer's Report, dated March 2, 2022, a copy of which is attached hereto as **Exhibit F**, relative to the status of various engineering and construction projects within the District, and discussed the matters contained therein. Mr. Jackson reported that Double Oak Erosion has completed the repair and/or rehabilitation of an approximate 300-foot portion of Little Prong Creek at Fry Road. Mr. Jackson next reported that BGE recently conducted a meeting between Directors Battistini and Handal and Billy Haehnel and Jim Marken, members of the Board of Directors of Fort Bend County Municipal Utility District No. 34, of Fort Bend County, Texas ("No. 34"), to discuss various matters related to the proposed purchase of a permanent emergency diesel generator to be installed at the joint Remote Well site (the "Remote Well Generator Project"). Director Battistini then reviewed for the Board the various topics discussed at said meeting. After discussion, Mr. Jackson presented to and reviewed with the Board a revised design proposal from BGE in the amount of \$35,000 in connection with the Remote Well Generator Project, a copy of which is included with the Engineer's Report. It was then moved by Director Handal, seconded by Director Ruske and unanimously carried, that the revised design proposal from BGE for the Remote Well Generator Project be approved by the Board.

## **ANNUAL FILINGS OF CRITICAL LOAD STATUS FACILITIES**

Ms. Henderson advised that Section 13.1396 of the Texas Water Code, as amended, requires that a District must annually submit to each electric distribution utility and each retail electric utility provider a list of its facilities which may qualify for critical load status and various emergency contact information for a determination that the facilities qualify for critical load status. After discussion on the matter, Director Handal moved that Inframark be authorized to make such annual filings on behalf of the District, with BGE to assist Inframark, if required. Director Olsen seconded the 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 March 2, 2022, prepared by Champions, for Little Prong Creek and corresponding photographs, a copy of which is attached hereto as **Exhibit G**. The Board noted that no action was required on its part 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 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 January 2022, a copy of which is attached hereto as **Exhibit H**. 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 ("LIT"), relative to the District's park facilities, a copy of which is attached to the O&M Report.

Mr. Lugo next presented one (1) delinquent account to be referred to collections in the total amount of \$59.82. After discussion, it was moved by Ruske, seconded by Director Olsen and unanimously carried, that the Board authorize Inframark to refer one (1) delinquent account in the amount of \$59.82 to collections.

Mr. Lugo next presented to and reviewed with the Board proposals from LIT to repair the irrigation systems and perform preventative lawn maintenance treatments at the District's dog and family park sites, copies of which are attached to the O&M Report, in the total amount of \$4,566.48. After discussion, Director Olsen moved that the Board approve LIT's proposals for the irrigation repairs and preventative lawn maintenance at the District' dog and family park sites, as recommended by Inframark. Director Handal seconded the motion, which unanimously carried.

The Board next considered ratifying its prior action relative to the approval and adoption of a Resolution Approving Submittal of the Water Smart Application for Inclusion in the

Association of Water Board Directors Water Smart Partners Program. After discussion, it was moved by Director Ruske, seconded by Director Olsen and unanimously carried, that such prior action be ratified and authorized in all respects. Mr. Lugo advised the Board that the Water Smart Application has been submitted to the Association of Water Board Directors for consideration.

### **NORTH FORT BEND WATER AUTHORITY ("NFBWA") WATER CONSERVATION PLAN ANNUAL IMPLEMENTATION REPORT**

The Board next considered authorizing Inframark to prepare and file the Annual Implementation Report regarding the District's Water Conservation Plan with the Texas Water Development Board and NFBWA. After discussion, Director Olsen moved that Inframark be authorized to prepare the Annual Implementation Report and file same with the Texas Water Development Board and NFBWA prior to the May 1, 2022, deadline. Director Ruske seconded said motion, which carried unanimously.

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

The Board next considered the continued operation of the District's website. In that regard, Mr. Roach presented to and reviewed with the Board an Analytics Report for the month of February 2022, a copy of which is attached hereto as **Exhibit I**, detailing trends in traffic to the District's website. Mr. Roach then responded to various questions from the Board. After discussion, the Board noted that no action was necessary on its part in connection with the Analytics Report at this time.

Ms. Armstrong left the meeting at this time.

### **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.

Director Handal then reminded the Board of the proposed construction by the Texas Department of Transportation ("TxDOT") of noise barriers in connection with the planned widening of the Grand Parkway from FM 1093 to Interstate 10 (the "Grand Parkway Project"). Director Handal reported that Wendy Duncan, President of the Board of Directors of the Willow Fork Drainage District ("WFDD"), is organizing a group of representatives from each of the various entities affected by the Grand Parkway Project in order to coordinate the collection and dissemination of information and propose solutions to various noise issues related to said project. After discussion, the Board concurred that Director Handal attend the meetings in connection with WFDD's Grand Parkway Project task force.

### **SUPPLEMENTAL AGENDA**

The Board considered cancellation of the Directors Election called for May 7, 2022. Ms. Henderson advised that, in accordance with Subchapter C, Chapter 2 of the Texas Election Code, the District may cancel the Directors Election if each candidate whose name is to appear on the

ballot and/or has registered as a write-in candidate is unopposed as of 5:00 p.m. on February 22, 2022. Director Ruske advised that she withdrew her application prior to the deadline. Therefore, the Board may declare the unopposed candidates to be elected. In that regard, there was presented to the Board a certificate of the Secretary declaring all candidates unopposed. Ms. Henderson then presented to and reviewed with the Board the Order Declaring Candidates Elected, attached hereto as **Exhibit J**. After discussion, it was moved by Director Ruske, seconded by Director Handal and unanimously carried, that the Order be adopted by the Board declaring Piero Battistini, Sergio Handal and Shah Haleem elected Directors of the District, each to serve a term of four years or until a successor is duly elected or appointed, that the President be authorized to execute and the Secretary to attest same on behalf of the Board and the District, and that the Directors Election called for May 7, 2022, be cancelled.

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



  
Assistant Secretary, Board of Directors

**TABLE OF EXHIBITS**

**March 2, 2022**

- Exhibit A: Bookkeeper's Report
- Exhibit B: FBCCO Monthly Activity Report
- Exhibit C: Tax Assessor-Collector's Report
- Exhibit D: Sales and Use Tax Audit Report
- Exhibit E: Insurance Proposals from Arthur J. Gallagher and McDonald & Wessendorff, 2022-2023 Term
- Exhibit F: Engineer's Report
- Exhibit G: Detention and Drainage Facilities Report
- Exhibit H: Operations and Maintenance Report
- Exhibit I: District Website Analytics Report
- Exhibit J: Order Declaring Candidates Elected

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