

MINUTES
FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 165

December 9, 2021

The Board of Directors (the "Board") of Fort Bend County Municipal Utility District No. 165 (the "District") met in regular session, open to the public, on the 9th day of December, 2021 at the offices of Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, Suite 2400, Houston, Texas 77027, outside the boundaries of the District, and the roll was called of the members of the Board:

William "Mac" McKinnie	President
Rick Garcia	Vice President
Matt Moake	Secretary
Avery Bidmead	Assistant Vice President
Christine Oliver	Assistant Secretary

and all of the above were present except Director McKinnie, thus constituting a quorum.

Also attending the meeting in person or by teleconference were Corporal Jeffrey Taynan of Fort Bend County Precinct No. 4 Constable's Office ("Precinct 4"); Cory Burton of Municipal Accounts & Consulting, L.P. ("MAC"); Stephanie Lee of KGA/DeForest Design, LLC ("KGA"); Shammari Leon of Bob Leared Interests, Inc. ("BLI"); Dana Hollingsworth of Municipal District Services; Lyndsay Evans of Jones & Carter, Inc. ("J&C"); and Whitney Higgins, Hannah Brook, and Caroline Jones of Allen Boone Humphries Robinson LLP ("ABHR").

MINUTES

The Board considered approving the minutes of the November 11, 2021, regular meeting. Following review and discussion, Director Garcia made a motion to approve the minutes as written. Director Moake seconded the motion, which passed unanimously.

PUBLIC COMMENT

Ms. Higgins offered any members of the public attending the meeting by telephone the opportunity to make public comment. There being no members of the public requesting to make public comment, Ms. Higgins moved to the next agenda item.

SECURITY MATTERS AND FIRE PROTECTION SERVICE

Corporal Taynan presented and reviewed a security report and a traffic report from Precinct 4 for the month of November, copies of which are attached.

FINANCIAL AND BOOKKEEPING MATTERS

Mr. Burton distributed and reviewed the bookkeeper's report, budget comparisons, bills presented for payment, the investment report from the reporting period, and the quarterly investment report for approval. Copies of the bookkeeper's report and the investment report are attached to the minutes. Following review and discussion, Director Garcia made a motion to (1) approve the bookkeeper's report and investment report; and (2) pay the District's bills as submitted. Director Bidmead seconded the motion, which passed unanimously.

PARK AND RECREATIONAL MATTERS

Ms. Lee distributed and reviewed a report regarding landscaping projects in the District, a copy of which is attached.

RECREATIONAL FACILITY IMPROVEMENTS PROJECTS

Ms. Lee presented and reviewed renderings for the disc golf baskets, the playground, and the event gathering area at the Recreational Facility. The Board requested that Ms. Lee continue to develop the amenity design for the Recreational Facility Amenity Improvements.

COUNTY LIVE OAK IMPROVEMENT PROJECT

Ms. Lee updated the Board regarding construction of the County Live Oak Improvement Project and stated that the KGA contract should be closed out at the January meeting.

TAX ASSESSMENT AND COLLECTIONS MATTERS

Ms. Leon distributed and reviewed the tax report, including a list of delinquent accounts, a copy of which is attached. She stated 99.594% of the District's 2020 taxes and 7.300% of the District's 2021 taxes were collected as of the meeting date.

Ms. Leon stated that BLI will be taking aerial photographs of municipal utility districts in January 2022. The Board concurred to defer the purchase of aerial photographs until the Recreational Facility Improvements are complete.

After review and discussion, Director Garcia moved to approve the tax report and the checks presented for payment. Director Oliver seconded the motion, which passed by unanimous vote.

OPERATION OF DISTRICT FACILITIES

Ms. Hollingsworth presented and reviewed the operator's report and the storm water management report and updated the Board on repairs and maintenance in the District for the month of November. Ms. Hollingsworth presented four accounts in the total amount of \$281.44 recommended to be written off and sent to collections.

HEARING ON TERMINATION OF WATER SERVICE

Ms. Hollingsworth presented to the Board a list of delinquent customers and reported the residents on the termination list were delinquent in payment of their water and sewer bills and were given written notification, in accordance with the District's Rate Order, prior to the meeting of the opportunity to appear before the Board to explain, contest, or correct their bills and to show why utility services should not be terminated for reason of non-payment.

Following review and discussion, Director Garcia made a motion to (1) approve the operator's report; (2) approve four accounts for write off in the total amount of \$281.44; and (3) authorize termination of delinquent accounts in accordance with the District's Rate Order and direct that the delinquent customer list be filed appropriately and retained in the District's official records. Director Bidmead seconded the motion, which passed unanimously.

ENGINEERING MATTERS

Ms. Evans distributed and reviewed the District's engineering report, a copy of which is attached.

Ms. Evans stated that Source Point Solutions has completed televising the lines and will start the manhole inspection videos next. Ms. Evans stated that there are no pay estimates this month.

Ms. Evans stated that CDC repaired the sink hole and minor slope failure at the regional detention pond. She said two of the slopes at the regional detention pond have deteriorated further and that J&C is preparing a scope memo for the project.

Ms. Evans stated that Grand Mission Municipal Utility District's ("GMM1") engineer met with CenterPoint on site to discuss standing water behind Bradford Park and explore solutions.

Ms. Evans stated that J&C is coordinating with GMM1 to complete the Emergency Response Plan ("ERP") for America's Water Infrastructure Act. She requested the Board's authorization to submit the ERP to the Environmental Protection Agency ("EPA") by the December 2021 deadline, subject to final approval by GMM1.

Ms. Evans stated that GMM1's operator is working on some of the repairs listed in the draft report for the 2021 Water Plant Inspection. Ms. Evans stated that she will present the final report to the Board at the January meeting.

Ms. Evans stated that Fencecrete is nearing completion of the Wastewater Treatment Plant Fence project. She said there are no pay estimates this month.

Ms. Evans stated that J&C completed the Storm Water Pollution Prevention Plan and Notice of Intent for the permit renewal and that GMM1 approved the documents and authorized the submittal of the same to the Texas Commission on Environmental Quality.

Ms. Evans stated that J&C is working on the District's Annual Report for Permit Year 3 of the MS4 Storm Water Management Plan. She requested the Board's authorization to administer the District's MS4 Phase II TDPES Permit for Permit Year 4 in the amount of \$17,000.00.

Ms. Evans requested the Board's authorization to complete a topographic survey to determine the cause of standing water issues along Stoneroses Trail in the amount of \$4,500.00.

Ms. Evans stated that the EPA has revised the Lead and Copper Rule that will go into effect on December 16, 2021. A handout regarding the revisions is attached to the Engineer's Report.

Following review and discussion, Director Garcia moved to (1) approve the engineer's report; (2) authorize J&C to submit the ERP to the EPA, subject to final approval by GMM1; (3) authorize J&C to administer the District's MS4 Phase II TDPES Permit for Permit Year 4 in the amount of \$17,000.00; and (4) authorize J&C to complete a topographic survey to determine the cause of standing water issues along Stoneroses Trail in the amount of \$4,500.00. Director Bidmead seconded the motion, which passed unanimously.

DRAINAGE FACILITIES REPORT

The Board received a drainage facilities report, a copy of which is attached.

GARBAGE AND RECYCLING COLLECTION

There was no discussion regarding this agenda matter.

DISTRICT WEBSITE

Director Garcia updated the Board regarding the District's website and stated that Jesse Deleon of InMode Interactive is addressing matters regarding the required cyber-

security liability insurance. Director Garcia stated that he will follow up with Mr. Deleon regarding the same.

NORTH FORT BEND WATER AUTHORITY ("AUTHORITY") MATTERS

Ms. Hollingsworth presented and reviewed a 2021 Larry's Toolbox Key Performance Indicators chart, a copy of which is attached to the operator's report. Ms. Hollingsworth generally reviewed the Larry's Toolbox water conservation initiatives and noted that the District needs to earn 6 points to meet the quarterly incentive payments for 2021. Director Garcia stated that he will try to distribute 5 rain barrels to District residents to acquire more points.

The Board reviewed a notice from the Authority stating that, upon the Authority's Board of Directors' approval, effective January 1, 2022, the new pumpage fee will be \$4.55 per 1,000 gallons of groundwater pumped and the new surface water fee will be \$4.90 per 1,000 gallons of water delivered by the Authority.

ATTORNEY'S REPORT

ANNUAL REPORT

Ms. Higgins reviewed an Annual Report containing updated financial and operating data to be filed in accordance with the continuing disclosure provisions contained in the District's bond resolutions. She stated that the District is required to file certain financial and operating data with the Municipal Securities Rulemaking Board (the "MSRB") through EMMA in compliance with SEC Rule 15c2-12 and with the Municipal Advisory Council of Texas, the State Information Depository. She added that the District's financial and operating data must be filed by December 31, 2021. Following review and discussion, Director Garcia moved to approve the Annual Report, authorize the attorney to submit the District's updated financial and operating data in compliance with the continuing disclosure provisions contained in the bond resolutions, and direct that the Report be filed appropriately and retained in the District's official records. Director Oliver seconded the motion, which passed unanimously.

ANNUAL REVIEW

The Board reviewed the District's procedures for continuing disclosure compliance. Ms. Higgins stated that no changes are required at this time.

RESOLUTION ESTABLISHING ADDRESSES AND METHOD FOR TEXAS PUBLIC INFORMATION ACT REQUESTS

Ms. Higgins reviewed with the Board a memorandum regarding designating addresses and methods for receipt of requests for public information

under the Texas Public Information Act ("TPIA Requests"), a copy of which is attached. The Board considered designating a mailing address and an email address and approving other methods for receipt of TPIA Requests, pursuant to Section 552.234 of the Texas Government Code. After review and discussion, Director Garcia moved to: (1) adopt a Resolution Establishing Addresses and Methods for Texas Public Information Act Requests ("Resolution") to (a) designate the address of the District's official office as the mailing address and formud165@txdistricts.info as the email address for receipt of TPIA Requests to the District and (b) direct that the designated addresses and methods be printed on the sign displayed by the District under Section 552.205, Texas Government Code; and (2) direct the Resolution to be filed appropriately and retained in the District's official records. Director Oliver seconded the motion, which passed unanimously.

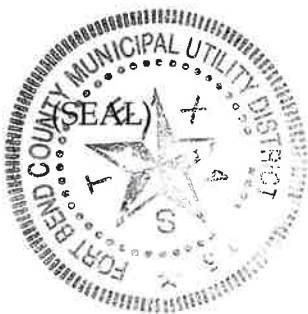
EMINENT DOMAIN


Ms. Higgins reported that ABHR has filed the District's Eminent Domain Authority Annual Report for 2021 with the Comptroller of the State of Texas, pursuant to Senate Bill 1812. Discussion ensued regarding Hidalgo County Water Improvement District No. 3 v. Hidalgo County Water Irrigation District No. 1.

MEETING SCHEDULE

The Board concurred to hold its next meeting on January 13, 2022, at 9:00 a.m. at the offices of ABHR.

There being no further business to come before the Board, the meeting was adjourned.




Asst. Secretary, Board of Directors

LIST OF ATTACHMENTS

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