

MINUTES  
FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 165

November 11, 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 11<sup>th</sup> day of November, 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
Vacant	Assistant Vice President
Avery Bidmead	Assistant Secretary

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

Also attending the meeting in person or by teleconference were Christine Oliver, a resident of the District, Brenda Garcia and Matthew Norton of Municipal Accounts & Consulting, L.P. ("MAC"); Stephanie Lee of KGA/DeForest Design, LLC ("KGA"); Shammari Leon of Bob Leared Interests, Inc. ("BLI"); Charlie Chapline and Austin Muse of Municipal District Services ("MDS"); Lyndsay Evans of Jones & Carter, Inc. ("J&C"); and Hannah Brook, Whitney Higgins, and Caroline Jones of Allen Boone Humphries Robinson LLP ("ABHR").

MINUTES

The Board considered approving the minutes of the October 14, 2021, regular meeting. Following review and discussion, Director Garcia made a motion to approve the minutes as written. Director Moake seconded the motion. The motion passed unanimously with all Directors voting in favor of the motion.

PUBLIC COMMENT

Director McKinnie 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, Director McKinnie moved to the next agenda item.

SECURITY MATTERS AND FIRE PROTECTION SERVICE

The Board received a security report and a traffic report from Precinct 4 for the month of October, copies of which are attached. Discussion ensued regarding the

purchase and installation of two permanent solar-powered radar signs. Director Garcia moved to purchase two solar-powered radar signs in the amount of \$8,780.00. Director Moake seconded the motion, which passed unanimously. A copy of the estimate from Trantex Transportation Products of Texas is attached to the minutes.

#### FINANCIAL AND BOOKKEEPING MATTERS

Ms. Garcia 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. Ms. Garcia stated MAC is still transitioning the District's checking accounts from BBVA to Central Bank. Ms. Garcia noted the following checks, (1) check no. 5022 in the amount of \$10,470.24 for a customer refund; (2) check no. 5024 in the amount of \$700.00 for the Annual Membership Fee to the Association of Water Board Directors; and (3) check no. 5032 in the amount of \$10,500.00 to McCall Gibson Swedlund Barfoot PLLC for audit fees. Copies of the bookkeeper's report and the investment report are attached to the minutes. Following review and discussion, Director Moake made a motion to (1) approve the bookkeeper's report and investment report; and (2) pay the District's bills as submitted. Director Garcia seconded the motion, which passed unanimously.

The Board then conducted its annual review of the District's Investment Policy, and Ms. Higgins stated that neither ABHR nor the bookkeeper have any recommended changes.

Ms. Higgins reviewed a Resolution Establishing Authorized Depository Institutions and Adopting List of Qualified Broker/Dealers with Whom the District May Engage in Investment Transactions. She next reviewed a list of qualified broker/dealers provided by the District's bookkeeper.

Following review and discussion, Director McKinnie made a motion to (1) adopt a Resolution Regarding Annual Review of Investment Policy and to direct that a copy of the Resolution be filed and retained in the District's records; and (2) adopt a Resolution Establishing the Authorized Depository Institutions and Adopting List of Qualified Broker/Dealers with Whom the District May Engage in Investment Transactions, and direct that the Resolutions be filed appropriately and retained in the District's official records. Director Garcia 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.

Ms. Lee presented and reviewed three design concepts and layouts for options for amenity improvements, including five disc golf baskets, a gathering area by the

recreation center pond, and a playground by the pipeline easement. After review and discussion, the Board concurred to move forward with design development of concept Option C. Ms. Lee stated that she will provide renderings for the disc golf baskets and the playground at the December meeting.

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

Ms. Lee stated the Splashpad and Playground Improvement Project is complete and can be removed from the agenda. Ms. Lee added that the contractor will shut down the splashpad for the winter.

Ms. Lee stated KGA will replace a component in a malfunctioning bollard light fixture.

#### 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 99.538% of the District's 2020 taxes and 3.156% of the District's 2021 taxes were collected as of October 31, 2021.

Ms. Leon stated that BLI will be taking aerial photographs of municipal utility districts in January, 2022. Ms. Evans stated the last aerial photographs of the District were taken in 2019. The Board deferred action on this matter.

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

#### VOTE FOR WATER DISTRICT NOMINEE FOR FORT BEND CENTRAL APPRAISAL DISTRICT ("FBCAD") ELECTION

The Board next considered adopting a Resolution Voting for Director in the Board of Directors Election for the FBCAD. Following review and discussion, Director Garcia moved to cast the Board's ten votes for Michael D. Rozell and adopt the Resolution regarding the same. Director Moake seconded the motion, which carried unanimously.

#### OPERATION OF DISTRICT FACILITIES

Mr. Chapline 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 July. Mr. Chapline presented two accounts in the total amount of \$154.85 recommended to be written off and sent to collections.

Mr. Chapline presented and reviewed a 2021 Larry's Toolbox Key Performance Indicators chart, a copy of which is attached to the operator's report.

#### HEARING ON TERMINATION OF WATER SERVICE

Mr. Chapline 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 two accounts for write off in the total amount of \$154.85; 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 Moake 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 updated the Board regarding the 2021 Sanitary Sewer Cleaning and Televising Project and stated J&C had not received the videos from the inspection as of the meeting date. Ms. Evans stated that there was no pay application for the reporting period.

Ms. Evans stated CDC repaired the sink hole and minor slope failure at the regional detention pond. Ms. Evans stated that since the last meeting, GMM1 received and approved invoice no. 22111 in the total amount of \$8,500.00, of which the District's share is \$2,974.15. Ms. Evans stated that two of the slopes at the pond have deteriorated further, and J&C is gathering cost estimates for the slope failures.

Ms. Evans updated the Board regarding the Wastewater Treatment Plant Expansion and reported GMM1 approved Pay Estimate No. 27 and Final in the amount of \$74,842.33, of which the District's share of the estimate is \$13,953.34.

Ms. Evans stated Fencecrete is nearing completion of the Wastewater Treatment Plant fence ("WWTP fence"). Ms. Evans reported GMM1 approved Pay Estimate No. 5 in the amount of \$26,217.18, of which the District's share of the estimate is \$4,635.20. Ms. Evans stated GMM1 approved Change Order No. 3 to the contract with Fencecrete for the WWTP fence to decrease the contract in the amount of \$3,800.00 because existing trees did not need to be removed.

Ms. Evans then discussed the Multi-Sector General Permit ("MSGP") and stated J&C completed the updated Storm Water Pollution Prevention Plan ("SWPPP") and Notice of Intent for the SWPPP permit renewal. Ms. Evans stated GMM1 approved the MSGP and authorized the submittal of same to the Texas Commission on Environmental Quality ("TCEQ").

Director Bidmead provided photographs of ponding water at the intersection of Rollingstone Road and Stoneroses Trail and along Stoneroses Trail. Ms. Evans stated that J&C sent surveyors to the sites to perform a topographic survey. Ms. Evans stated that J&C and MDS will recommend actions to remediate the ponding based upon the topographic survey at a future meeting. Copies of the photographs are attached to the minutes.

Following review and discussion, Director Moake moved to (1) approve the engineer's report; (2) based on the engineer's recommendation, to concur with GMM1's approval of invoice no. 22111 in the total amount of \$8,500.00, of which the District's share is \$2,974.15; and (3) based on the engineer's recommendation, to concur with GMM1's approval of Pay Estimate No. 27 and Final in the amount of \$74,842.33, of which the District's share is \$13,953.34; (4) based on the engineer's recommendation, to concur with GMM1's approval of Pay Estimate No. 5 in the amount of \$26,217.18, of which the District's share is \$4,635.20; and (5) to concur with GMM1's approval of Change Order No. 3 in the amount of \$3,800.00 as a decrease to the contract with Fencecrete, based upon the Board's finding that the Change Order is beneficial to the District and the engineer's recommendation. Director Garcia seconded the motion, which passed unanimously.

#### DRAINAGE FACILITIES REPORT

The Board received a drainage facilities report.

#### GARBAGE AND RECYCLING COLLECTION

There was no discussion regarding this agenda matter.

#### DISTRICT WEBSITE

Director Garcia updated the Board regarding the District's website. He stated InMode Interactive is finishing up information on the District's park improvements and is creating a request form for sidewalk repairs in coordination with MDS to add to the website. Ms. Brook asked Director Garcia to follow up with Mr. DeLeon regarding ABHR's receipt of his executed Service Agreement.

NORTH FORT BEND WATER AUTHORITY ("AUTHORITY") MATTERS

Mr. Chapline stated MDS has not received information from the Authority regarding the annual enrollment in Larry's Toolbox water conservation initiative. Mr. Chapline stated the Authority has moved the enrollment schedule to March, 2022.

ATTORNEY'S REPORT

There was no discussion regarding this agenda matter.

MEETING SCHEDULE

The Board concurred to hold its next meeting on December 9, 2021, at 9:00 a.m. at the offices of ABHR.

REPORTS FROM DIRECTORS AND CONSULTANTS REGARDING PENDING DISTRICT BUSINESS AND OUTSTANDING ITEMS

The Board discussed matters regarding the HOA's entry into the neighborhood.

APPOINTMENT OF NEW DIRECTOR

The Board considered appointing Christine Oliver to the Board of Directors.

APPROVE SWORN STATEMENT, OFFICIAL BOND, AND OATH OF OFFICE

Ms. Higgins reviewed the Sworn Statement, Oath of Office, and Official Bond for Ms. Oliver.

After review and discussion, Director Moake moved to (1) appoint Christine Oliver to the Board of Directors; and (2) approve the Sworn Statement, Oath of Office, and Official Bond executed by Ms. Oliver and direct that the documents be filed in the official records of the District, and that the Oath of Office be filed with the Secretary of State, as required by law. Director Bidmead seconded the motion, which passed by unanimous vote.

REORGANIZE THE BOARD AND AUTHORIZE EXECUTION OF DISTRICT REGISTRATION FORM

The Board considered reorganizing the Board of Directors. Following discussion, Director Moake moved to reorganize the Board as follows:

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

Christine Oliver

Assistant Secretary

Director Bidmead seconded the motion, which passed by unanimous vote.

DISTRICT REGISTRATION FORM

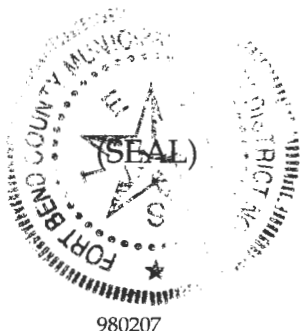
The Board then considered authorizing filing of an updated District Registration Form with the Texas Commission on Environmental Quality ("TCEQ"), reflecting the term of office of the newly appointed director and the reorganization of the Board. Following review and discussion, Director Moake made a motion to authorize filing of the updated District Registration Form with the TCEQ and direct that the District Registration Form be filed appropriately and retained in the District's official records. Director Bidmead seconded the motion, which passed by unanimous vote.

CONFLICT OF INTEREST DISCLOSURE REQUIRED UNDER CHAPTER 176 OF THE TEXAS LOCAL GOVERNMENT CODE, INCLUDING REVIEW OF DISCLOSURE FORMS ADOPTED BY THE TEXAS ETHICS COMMISSION AND LIST OF LOCAL GOVERNMENT OFFICERS

Ms. Higgins reviewed the memorandum regarding the Texas Open Meetings Act prepared by ABHR, a copy of which is attached.

Ms. Higgins next reviewed provisions of Chapter 176 of the Texas Local Government Code, which requires directors and consultants to disclose certain conflicts of interest. She reviewed the forms adopted by the Texas Ethics Commission for making disclosures under Chapter 176 and noted that the forms are required to be filed with the records administrator for the District within seven days of a disclosable conflict arising. Ms. Higgins reviewed the updated List of Local Government Officers for the District. After review and discussion, Director Moake moved to approve and authorize execution of the List of Local Government Officers and direct that the List be filed appropriately and retained in the District's official records. Director Bidmead seconded the motion, which passed by unanimous vote.

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



  
Secretary, Board of Directors

LIST OF ATTACHMENTS

security report ..... 1  
traffic report ..... 1  
Trantex quote..... 2  
bookkeeper’s report ..... 2  
landscaping report..... 2  
tax report ..... 3  
operator’s report and the storm water management report..... 3  
engineering report ..... 4  
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