

MINUTES  
FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 165

March 10, 2022

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 10<sup>th</sup> day of March, 2022 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, thus constituting a quorum.

Also attending the meeting in person or by teleconference were Lieutenant Don Dinh and Deputy Zachary Allard of Fort Bend County Precinct 3 ("Precinct 3"); Brenda Garcia and Matthew Norton of Municipal Accounts & Consulting, L.P.; Shammarie Leon of Bob Leared Interests, Inc.; Austin Muse of Municipal District Services ("MDS"); Lyndsay Evans of Quiddity; and Whitney Higgins and Caroline Jones of Allen Boone Humphries Robinson LLP ("ABHR").

MINUTES

The Board considered approving the minutes of the February 10, 2022, regular meeting. Following review and discussion, Director Moake made a motion to approve the minutes as written. Director Garcia seconded the motion, which passed unanimously.

PUBLIC COMMENT

Director McKinnie offered any members of the public attending the meeting by telephone or in person 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.

2022 DIRECTORS ELECTION

Ms. Higgins discussed procedures related to the 2022 Directors Election. She presented a Certificate Declaring Unopposed Status of Candidates for Election to the Board of Directors executed by the Board Secretary stating that the District received two

candidate applications for the two director positions for the May 7, 2022, Directors Election.

Ms. Higgins presented an Order Cancelling Election and Declaring Unopposed Candidates Elected to Office (the "Order Cancelling") stating that the May 7, 2022, Directors Election is cancelled and that the unopposed candidates, Rick Garcia and Christine Oliver, are declared elected to office to serve from the May 7, 2022, election until the May 2, 2026, Directors Election. She reviewed the posting requirements for the Order Cancelling.

Ms. Higgins discussed that the Board had approved entering into a contract with Fort Bend County (the "County") to administer the District's 2022 Directors Election.

Following review and discussion, Director Moake moved to (1) accept the Certificate Declaring Unopposed Status of Candidates for Election to the Board of Directors and direct that the Certificate be filed appropriately and retained in the District's official records; (2) adopt the Order Cancelling Election and Declaring Unopposed Candidates Elected to Office, authorize the Secretary's agent to post the Order Cancelling, as required, and direct that the Order Cancelling be filed appropriately and retained in the District's official records; and (3) cancel the contract with the County for election services for the May 7, 2022 Directors Election. Director Oliver seconded the motion, which passed unanimously.

#### SECURITY MATTERS AND FIRE PROTECTION SERVICE

Lieutenant Dinh introduced Deputy Allard to the Board as the new patrol officer for the District. Deputy Allard then presented and reviewed a security report and a traffic report from Precinct 3 for the month of February, copies of which are attached. Director Bidmead asked Deputy Allard to review the traffic reports from October and November 2021 to identify locations to monitor speeding traffic.

#### 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, copies of which are attached to the bookkeeper's report.

Discussion ensued regarding the Association of Water Board Directors ("AWBD") summer conference from June 23 through June 25, 2022.

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 Oliver seconded the motion, which passed by unanimous vote.

## PARK AND RECREATIONAL MATTERS

The Board received a report regarding landscaping projects in the District, a copy of which is attached.

## 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 97.4% of the District's 2021 taxes were collected as of the meeting date.

Ms. Higgins stated the delinquent tax attorney can begin collecting delinquent property taxes for personal property accounts as of April 1, 2022.

Following review and discussion, Director Moake made a motion to (1) approve the tax assessor/collector's report; (2) pay the bills presented for payment from the tax account; and (3) authorize the delinquent tax attorney to proceed with collection of delinquent personal property accounts after April 1, 2022. Director Garcia seconded the motion, which carried unanimously.

## OPERATION OF DISTRICT FACILITIES

Mr. Muse 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 February. Mr. Muse presented one account in the total amount of \$227.67 recommended to be written off and sent to collections.

Mr. Muse reported that a leak near a fire hydrant on Sandstone Cavern has been repaired, which required the removal of dirt and fill under the street. Mr. Muse stated that a permit for the concrete work to make the street repair is pending receipt from the County.

The Board discussed purchasing signs for the District regarding traffic control, soliciting, and the neighborhood watch program and discussion ensued regarding appropriate approvals and procedures for procurement of the same.

## HEARING ON TERMINATION OF WATER SERVICE

Mr. Muse 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.

After review and discussion, Director Moake moved to (1) approve the operator's report; (2) authorize MDS to write off one account; 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 Garcia 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 construction of the 2021 Sanitary Sewer Cleaning and Televising project and reviewed and recommended approval of Pay Estimate No. 2 and Final in the amount of \$10,531.67, payable to Source Point Solutions, LLC ("Source Point"). She stated that the Certificate of Completion and Acceptance and the Affidavit of Bills Paid are pending receipt from Source Point.

Ms. Evans stated that Grand Mission Municipal Utility District No. 1 ("GMM1") approved CDC Unlimited, LLC's ("CDC") invoice no. 22587 in the amount of \$3,937.00, of which the District's share is \$874.75.

Ms. Evans updated the Board regarding construction of the Wastewater Treatment Fence Project and stated that GMM1 approved Pay Estimate No. 6 and Final in the amount of \$24,944.18, payable to Fencecrete America, Inc., and approved the Certificate of Substantial Completion and the Certificate of Acceptance. Ms. Evans stated that the District's share of the pay estimate is \$4,410.13.

Ms. Evans requested the Board's approval of the Municipal Storm Water Management Plan ("SWMP") Year 3 Annual Report.

Ms. Evans reported that MDS will remediate standing water issues at manholes along Stonerose Trail with fill dirt. She stated that Quiddity will continue to monitor the site. Mr. Muse stated that he will present a proposal for the repairs to the Board at the April meeting.

Ms. Evans requested the Board's authorization to update the District's Emergency Preparedness Plan ("EPP") and to submit the EPP to the appropriate government agencies.

Ms. Evans noted that a 25-Year Capital Improvement Plan approved by GMM1 for the regional water, wastewater, and detention facilities is attached to the engineer's report.

Following review and discussion, Director Moake moved to (1) approve the engineer's report; (2) based on the engineer's recommendation, approve Pay Estimate

No. 2 and Final in the amount of \$10,531.67, and withhold the check to Source Point subject to the receipt of the Certificate of Completion and Acceptance and the Affidavit of Bills Paid; (3) upon the engineer's recommendation, approve CDC's invoice no. 22587, of which the District's share is \$874.75; (4) upon the engineer's recommendation, approve Pay Estimate No. 6 and Final in the amount of \$24,944.18; (5) approve the SWMP Year 3 Annual Report; and (6) authorize the engineer to update the District's EPP and submit it to the appropriate government agencies. Director Garcia seconded the motion, which carried unanimously.

#### DRAINAGE FACILITIES REPORT

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

#### GARBAGE AND RECYCLING COLLECTION

The Board requested a proposal from Best Trash for recycling carts with lids to replace recycling bins.

#### DISTRICT WEBSITE

Director Garcia updated the Board regarding the District's website and stated that Jesse Deleon of InMode Interactive is addressing matters on the Service Agreement regarding the required cyber-security liability and workers compensation insurance. Director Garcia stated that he will follow up with Mr. Deleon regarding the same.

#### NORTH FORT BEND WATER AUTHORITY'S (THE "AUTHORITY") MATTERS

Mr. Muse confirmed that the District is enrolled in the Authority's 2022 Water Provider Conservation Program ("WPCP"). Discussion ensued regarding the WPCP requirements to form a committee, consisting of two Directors and one resident from the District, and the selection of program initiatives necessary to receive water rebates from the Authority. Mr. Muse stated that he will re-distribute the program's brochure to the Board for consideration at the April meeting.

The Board deferred action on the Water Conservation Plan Annual Report until the April meeting.

#### ATTORNEY'S REPORT

Ms. Higgins reported that the District is required to review the District's Drought Contingency Plan annually. Mr. Muse confirmed that no changes need to be made at this time.

MEETING SCHEDULE

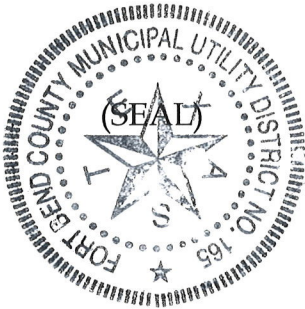
The Board concurred to hold its next meeting on April 14, 2022, at 9:00 a.m. at the offices of ABHR.

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

There was no discussion regarding this agenda matter.

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

  
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Secretary, Board of Directors



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