

MINUTES
FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 165

April 14, 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 14th day of April, 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 Sergeant Mark Harrison, Lieutenant Martin Garret, and Deputy Zachary Allard of Fort Bend County Precinct 3 ("Precinct 3"); Brenda Garcia of Municipal Accounts & Consulting, L.P.; Stephanie Lee of KGA/DeForest Design, LLC ("KGA"); Shammarie Leon of Bob Leared Interests, Inc.; Austin Muse of Municipal District Services ("MDS"); Lyndsay Evans of Quiddity Engineering, LLC ("Quiddity"); David Beyer of Storm Water Solutions, LLC ("SWS"); and Whitney Higgins and Caroline Jones of Allen Boone Humphries Robinson LLP ("ABHR").

MINUTES

The Board considered approving the minutes of the March 10, 2022, regular meeting. Following review and discussion, Director Oliver made a motion to approve the minutes as written. Director Garcia seconded the motion, which passed 4-0 with Director Moake being absent from the vote.

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.

SECURITY MATTERS AND FIRE PROTECTION SERVICE

Deputy Allard then presented and reviewed a security report and a traffic report from Precinct 3 for the month of March, copies of which are attached. Discussion ensued regarding adding one additional deputy to patrol the District.

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. Ms. Garcia answered questions from the Board regarding bank fees charged to the District and the Association of Water Board Directors summer conference. 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 4-0 with Director Moake being absent from the vote.

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 ("RECREATIONAL IMPROVEMENTS")

Ms. Lee stated that she anticipates presenting bids for the Recreational Improvements project to the Board at the May meeting. Ms. Lee presented a Letter Of No Objection ("LONO") from Dow Pipeline Company ("Dow") for the playground sidewalk and irrigation line that will be crossing Dow's easement. Ms. Lee stated that a Letter of No Objection from Atmos Energy was pending.

Director Moake entered the 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 98.5% of the District's 2021 taxes were collected as of the meeting date. Following review and discussion, Director Garcia made a motion to (1) approve the tax assessor/collector's report; and (2) pay the bills presented for payment from the tax account. Director Bidmead 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 March. Mr. Muse presented two accounts in the total amount of \$386.11 recommended to be written off and sent to collections.

Mr. Muse presented and reviewed a quote to regrade a District-owned reserve along Stoneroses Trail in the amount of \$13,500.00. Discussion ensued. Mr. Muse stated that he will add more fill and sod to low areas of the right-of-way and will adjust the quote accordingly. Discussion ensued regarding ownership and maintenance of facilities at the reserve at Stoneroses Trail.

Mr. Muse updated the Board regarding sanitary sewer cleaning and repairs throughout the District that were recommended by Quiddity. Mr. Muse reviewed a manhole survey and repairs quote for MDS to reseal manhole rings and throats, regROUT and apply epoxy coating to manholes, install infiltration disks, and heavy clean the District's sanitary sewer lines in the approximate amount of \$107,000.00.

Mr. Muse requested the Board's authorization to prepare an estimate for the Phase III sidewalk repairs.

CONDUCT ANNUAL REVIEW AND RECEIVE REPORT FROM OPERATOR ON IDENTITY THEFT PREVENTION PROGRAM AND ADOPT IDENTITY THEFT PREVENTION PROGRAM AMENDMENT

Mr. Muse presented and reviewed the annual report on the District's Identity Theft Prevention Program, a copy of which is included in the operator's report. Mr. Muse stated that the annual report indicates no significant incidents of identity theft detection and recommended no changes to the program at this time.

CONSUMER CONFIDENCE REPORT

The Board deferred this matter until the May meeting.

CRITICAL LOAD ANNUAL FILING

Ms. Higgins reviewed the District's critical load spreadsheet, which had been previously provided to the District's operator, engineer, and bookkeeper for review. A copy of the critical load spreadsheet is attached. Ms. Higgins noted that the critical load information on the District's facilities is required to be reviewed at least annually and provided to certain entities, which include the District's electricity provider, the Public Utility Commission, and other governmental entities.

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 McKinnie moved to (1) approve the operator's report; (2) authorize MDS to write off two accounts; (3) regrade reserve along Stonerose Trail in the amount of \$13,500.00 and add more fill and sod; (4) approve the sanitary sewer cleaning and repairs in the estimated amount of \$107,000.00; (5) authorize MDS to prepare an estimate for the Phase III sidewalk repairs; (6) accept the annual report on the Identity Theft Prevention Program, continue the program as currently operating, and direct that the report be filed appropriately and retained in the District's official records; (7) approve the critical load spreadsheet, authorize providing it to the appropriate entities, and direct that a copy be retained in the District's official records; and (8) 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 stated that Grand Mission Municipal Utility District No. 1 ("GMM1") approved CDC Unlimited, LLC's ("CDC") invoice nos. 22651 and 22795 in the total amount of \$7,874.00, of which the District's share is \$1,749.50.

Ms. Evans then reviewed Fort Bend County's (the "County") procedure for requesting radar signs. She stated that the County will need to know the locations for and the model of radar sign desired, the District's legal name, the District's mailing address, and the name and title of the District's authorized signatory. Ms. Evans stated that the County will then draft an agreement, and if the agreement is approved and executed by the District, it will then be placed on the County Court's agenda for approval by the County. She stated if the agreement is approved and fully executed, the District can then purchase and install the signs.

Following review and discussion, Director Moake moved to (1) approve the engineer's report; and (2) upon the engineer's recommendation, approve CDC's invoice

nos. 22651 and 22795, of which the District's share is \$1,749.50. Director Oliver seconded the motion, which carried unanimously.

DRAINAGE FACILITIES REPORT

Mr. Beyer discussed the District's drainage facilities.

Mr. Beyer presented and reviewed a drainage facilities report and an Annual Maintenance Cost Increase, with a breakdown of costs for fertilization, overseeding, mowing, handwork, cleaning, and miscellaneous work, in the amount of \$50,950.00.

Mr. Beyer then presented and reviewed a Master Service Agreement.

After review and discussion, Director Garcia moved to (1) approve the drainage facilities report; (2) approve the Annual Maintenance Cost Increase in the amount of \$50,950.00; and (3) approve the Master Service Agreement, subject to final review by ABHR. Director Oliver seconded the motion, which passed by unanimous vote.

GARBAGE AND RECYCLING COLLECTION

The Board reviewed a proposal from Best Trash, LLC ("Best Trash") to replace the recycling bins with 48 gallon recycle carts. Discussion ensued. The Board deferred action on this matter pending further information from Best Trash.

DISTRICT WEBSITE

Director Garcia stated that he followed up with Mr. DeLeon regarding the Service Agreement's insurance requirements and that Mr. DeLeon had questions regarding workers compensation matters. He stated Mr. DeLeon will follow up with ABHR contracts review.

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"). Directors Garcia and Oliver stated that they will serve as the District's committee. Discussion ensued regarding the designation of a member of the community to serve as a communications liaison. The Board then further discussed the WPCP Core Initiatives and the possible use of water, sewer, and drainage surplus bond funds for the purchase of smart meters to satisfy one of the WPCP initiatives. A copy of the WPCP brochure is attached

Mr. Muse reviewed the Water Conservation Plan Annual Report with the Board. After review and discussion, Director McKinnie moved to approve the Water Conservation Annual Report, direct that the report be filed appropriately and retained in the District's official records, and authorize the District's operator to submit the report to

the appropriate governmental agencies. Director Garcia seconded the motion, which passed by unanimous vote.

ATTORNEY'S REPORT

There was no discussion regarding this agenda matter.

MEETING SCHEDULE

The Board concurred to hold its next meeting on May 12, 2022, at 9:00 a.m. at the offices of ABHR.

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

The Board reviewed photographs of a portion of the District that abuts a portion of Fort Bend Municipal Utility District No. 194 ("FB 194") at Chiseled Rock Trail. Ms. Evans stated that she will contact the engineer for FB 194 to determine if there is any interest by FB 194 in exploring options for the area.

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



Asst. 

Secretary, Board of Directors

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