

**FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 34,**  
**OF FORT BEND COUNTY, TEXAS**

Minutes of Meeting of Board of Directors

June 28, 2022

The Board of Directors ("Board") of Fort Bend County Municipal Utility District No. 34, of Fort Bend County, Texas ("District") met at 1300 Post Oak Boulevard, Suite 2500, Houston, Texas 77056, on June 28, 2022, 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 of Directors, as follows:

Billy E. Haehnel, President  
James Marken, Vice-President  
Jose Torres, Secretary  
Craig A. Hajovsky, Assistant Secretary  
Sean Piper, Assistant Secretary

and all of said persons were present, thus constituting a quorum.

Also present were: Bernita Armstrong of Principal Management Group of Houston ("PMI"), Community Manager for Seven Meadows Community Association, Inc. ("Seven Meadows"); Taylor Watson of Municipal Accounts & Consulting, L.P. ("MAC"); Kristen Scott of Bob Leared Interests ("BLI"); Kim Cosco of Champions Hydro-Lawn, Inc. ("Champions"); Tim Cleary of TRI Pointe Homes ("TRI Pointe"); Keith Arrant of Municipal Operations & Consulting, Inc. ("MOC"); Jeff Safe of BGE, Inc. ("BGE"), who entered later in the meeting, as noted herein; Layne Ricks of Meadowbrook Farms Golf Club ("Meadowbrook"); and Matthew Reed and Melanie Walsh of Schwartz, Page & Harding, L.L.P. ("SPH").

The President called the meeting to order and declared it open for such business as might regularly come before it.

**COMMENTS FROM THE PUBLIC**

The Board began by opening the meeting for public comments. In that regard, Ms. Armstrong presented correspondence dated June 24, 2022, from Seven Meadows, a copy of which is attached hereto as **Exhibit A**, requesting that the Board consider amending the Maintenance Agreement by and between the District and Seven Meadows, a copy of which is attached to said correspondence, relative to the District's annual contribution toward the maintenance costs for Long Meadow Park maintenance. After discussion, the Board requested that an item be added to next month's agenda for the Board to consider the matter.

Mr. Safe entered the meeting during the above discussion.

**APPROVE MINUTES**

The Board considered approval of the minutes of its meeting held on May 24, 2022. After discussion, Director Torres moved that the minutes for said meeting be approved, as written. Director Piper seconded said motion, which unanimously carried.

## **ACCEPTANCE OF QUALIFICATION STATEMENTS, BONDS, OATHS OF OFFICE, AND AFFIDAVITS OF CURRENT DIRECTORS**

In connection with his election as Director of the District, the Oath of Office, Affidavit of Current Director and Statement of Elected Officer were presented for Director Torres. Director Torres' Official Bond was then presented to the Board and the Board found said Bond to be in proper form. After discussion on the matter, it was moved by Director Piper, seconded by Director Hajovsky, and unanimously carried that the Board approve said Bond, accept said Statement of Elected Officer, Affidavit of Current Director and Oath and declare Director Torres to be a duly elected and qualified Director of the District.

## **ELECTION NOT TO DISCLOSE CERTAIN INFORMATION**

Mr. Reed noted that Director Torres has executed and delivered an Election Not to Disclose Certain Information. He stated that pursuant to Section 552.024 of the Texas Government Code, as amended, directors may elect to withhold public access to certain personal information in the custody of the District. Upon review, Director Hajovsky moved that the Elections Not to Disclose Certain Information be accepted as executed by Director Torres. Director Piper seconded said motion, which unanimously carried.

## **ELECTION OF OFFICERS**

The Board considered the election of officers of the Board. After discussion, Director Marken moved that all Directors continue to serve in their current officer positions and that no changes to the officer positions be made at this time. Director Hajovsky seconded said motion, which unanimously carried.

## **BOOKKEEPER'S REPORT**

The Board next considered the Bookkeeper's Report. In connection therewith, Mr. Watson presented to and reviewed with the Board the Bookkeeper's Report dated June 28, 2022, which includes a Quarterly Investment Inventory Report for the period ended March 31, 2022, a copy of which is attached hereto as **Exhibit B**. After discussion, Director Marken moved that: (i) the Bookkeeper's Report be approved and that the disbursements identified therein be approved for payment; and (ii) the Quarterly Investment Report be approved, and the District's Investment Officer be authorized to execute same on behalf of the Board and the District. Director Piper seconded said motion, which unanimously carried.

## **UNCLAIMED PROPERTY REPORT**

The Board considered approval of an Unclaimed Property Report as of March 1, 2022, and the filing of same with the Comptroller of Public Accounts of the State of Texas (the "Comptroller") prior to July 1, 2022. In connection therewith, Mr. Watson presented to and reviewed with the Board an Unclaimed Property Report dated June 28, 2022, a copy of which is attached hereto as **Exhibit C**, advising that the District has \$837.23 to escheat to the Comptroller. After discussion, Director Torres moved that MAC be authorized to file said Report with the Comptroller prior to July 1, 2022. Director Marken seconded said motion, which unanimously carried.

## **TAX ASSESSOR-COLLECTOR'S REPORT**

Ms. Scott next presented to and reviewed with the Board the Tax Assessor-Collector's Report dated May 31, 2022, a copy of which is attached hereto as **Exhibit D**. After discussion, Director Torres moved that the Tax Assessor-Collector Report be approved and the disbursements identified therein be approved for payment. Director Piper seconded said motion, which unanimously carried.

## **AMENDMENT TO AGREEMENT FOR SERVICES OF TAX ASSESSOR AND COLLECTOR**

The Board next considered the approval of an amendment to Agreement for Services of Tax Assessor/Collector by and between the District and BLI. In that regard, Ms. Scott presented to and reviewed with the Board correspondence, a copy of which is attached hereto as **Exhibit E** summarizing the changes requested by BLI in the proposed Second Amendment to Agreement for Services of Tax Assessor and Collector (the "Amended Agreement"). Following discussion, upon motion made by Director Marken, seconded by Director Torres and unanimously carried, the Board (i) approved the Amended Agreement, subject to SPH's final review and approval, and authorized the President to execute same on behalf of the Board and the District, and (ii) approved BLI's Texas Ethics Commission ("TEC") Form 1295 and authorized SPH to acknowledge receipt of same with the TEC.

## **DELINQUENT TAX REPORT**

Mr. Reed 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. He stated that the next quarterly report will be provided in July.

## **CHAMPIONS REPORT – MAINTENANCE OPERATIONS AT LITTLE PRONG CREEK**

Mr. Cosco next presented to and reviewed with the Board a Detention and Drainage Facilities Report ("D&D Report") dated June 28, 2022, prepared by Champions, for Little Prong Creek and corresponding photographs, a copy of which is attached hereto as **Exhibit F**. The Board deferred consideration of a proposal from Champions for repair or replacement of the weir wall located in the Long Meadow Park drainage channel. It was noted that no action was required by the Board in connection with the D&D Report at this time.

## **STORMWATER MANAGEMENT PROGRAM ("SWMP")**

The Board next considered the status of the District's SWMP. Mr. Reed noted that there were no updates at this time.

## **COMMUNICATIONS REPORT**

Director Haehnel next presented to and reviewed with the Board a Communications Meeting Report prepared by Touchstone District Services ("Touchstone") dated June 28, 2022, a copy of which is attached hereto as **Exhibit G**, regarding the District's customer messaging system. It was noted that no action was required by the Board in connection with the Communications Meeting Report at this time.

**RECEIVE FORT BEND COUNTY CONSTABLE'S OFFICE PRECINCT 3 ("FBCCO")**  
**ACTIVITY REPORTS**

Ms. Armstrong presented to the Board a Monthly Contract Deputy Report for the month of May 2022 from the FBCCO, a copy of which is attached hereto as **Exhibit H**. Following discussion, the Board noted there were no action items in the reports.

**DEVELOPER REPORTS**

The Board next considered the developers' reports. Mr. Cleary addressed the Board regarding the status of development of The Haven at Seven Lakes by TRI Pointe.

**OPERATIONS AND MAINTENANCE REPORT**

Mr. Arrant presented to and reviewed with the Board the Monthly Operations Report ("O&M Report"), a copy of which is attached hereto as **Exhibit I**, for May 2022 prepared by MOC. In connection therewith, he reported that the District had 94% water accountability for the reporting period. He also presented a list of four (4) delinquent accounts to be moved to the uncollectible roll in the total amount of \$465.26.

With regard to the Phase I cleaning and sanitary sewer televising inspection of the District's facilities identified in Schedule A (Year 1 of 5) of the District's five-year Sanitary Sewer Televising Inspection Schedule, Mr. Arrant reported that Pinnacle Pumping Services, LLC stopped work midway through the project. He advised the Board that MOC is coordinating with another vendor to complete the job.

Mr. Arrant next reported that Watts Pool Service ("Watts") has completed its inspection of the District's Splash Pad facility and stated that Watts found all systems to be in good working order.

With regard to the status of repair and/or rehabilitation of the clarifier at the District's Wastewater Treatment Plant, Mr. Arrant reminded the Board that MOC is investigating solutions to resolve the deficiencies noted by the TCEQ during its most recent inspection of the facility. He advised that he should have additional information regarding the matter at the next Board meeting.

Mr. Reed next advised the Board that Section 13.1396 of the Texas Water Code, as amended, requires the District to update its information identifying the location and description of facilities that have qualified for critical load status and its information regarding emergency contacts (a) annually to each electric utility that provides transmission and distribution service to the District and each retail electric provider that sells power to the District and (b) immediately upon any change in the information to the above entities, as well as to the office of emergency management of Fort Bend County, the Public Utility Commission of Texas, and the division of emergency management of the governor. Mr. Arrant advised that he would provide the annual update and, if required, any changes to the information to the appropriate entities.

After discussion, it was moved by Director Hajovsky, seconded by Director Marken and unanimously carried, that MOC be authorized to (i) move four (4) accounts totaling \$465.26 to the uncollectible roll, as reflected in the O&M Report and (ii) make the critical load annual filings on behalf of the District, both as discussed above.

## **NFBWA EFFLUENT REUSE PROJECT**

The Board next considered the District's proposed participation in the NFBWA effluent reuse program. In connection therewith, Mr. Reed presented to and reviewed with the Board a term sheet prepared by the NFBWA for a proposed Reclaimed Water Facilities Agreement by and among the District, Fort Bend County Municipal Utility District No. 35, of Fort Bend County, Texas ("No. 35"), and the NFBWA, a copy of which is attached hereto as **Exhibit J**. Mr. Reed and Mr. Safe then discussed the pros and cons of the proposed Reclaimed Water Facility Agreement and responded to various questions from the Board. After a lengthy discussion regarding the matter and NFBWA's terms for the facilities, the Board concurred to continue the discussion at its regular meeting in July.

## **DISCUSSION REGARDING INSTALLATION OF SMART METERS IN THE DISTRICT**

The Board next considered the proposed installation and monitoring of electronic water meters within the District. After a brief discussion, the Board requested that SPH schedule a special meeting in the District to receive presentations from various vendors to be coordinated by MOC.

## **ENGINEER'S REPORT**

Mr. Safe presented to and reviewed with the Board a written Engineer's Report, dated June 28, 2022, a copy of which is attached hereto as **Exhibit K**, relative to the status of various engineering and construction projects within the District, and discussed the matters contained therein. Mr. Safe reported that the renewal of the TPDES Permit for Wastewater Treatment Plant No. 2 was issued on May 26, 2022. He noted that said permit will expire on May 26, 2027. Director Hajovsky next requested that BGE update the District's Capital Improvement Plan ("CIP"). After the Board concurred with Director Hajovsky's request, Mr. Safe advised that BGE will prepare an updated CIP for the Board's review. After further discussion, the Board noted that no action was required on its part in connection with the Engineer's Report at this time.

## **UTILITY COMMITMENT REQUESTS**

The Board next considered requests for Utility Commitments. In that regard, Mr. Ricks addressed the Board concerning Meadowbrook's request to purchase irrigation water from the District on a temporary emergency basis while Meadowbrook resolves the issues it's currently having with its existing water well. He advised the Board that Meadowbrook requires approximately 175,000 gallons of water per day to irrigate the golf course' greens and tees. Mr. Safe and Mr. Reed then discussed with the Board and Mr. Ricks various ways in which the District could potentially provide such service to Meadowbrook. After discussion and upon Mr. Reed's recommendation, it was moved by Director Piper that BGE be authorized to prepare a feasibility study regarding the matter subject to the District's receipt of an initial \$5,000 deposit from Meadowbrook to cover any costs the District may incur in connection with the preparation of same. Director Hajovsky seconded the motion, which unanimously carried.

## **VOTING SYSTEM ANNUAL FILING FORM**

Mr. Reed requested that the Board authorize SPH to complete a Voting System Annual

Filing Form ("Voting Form") on behalf of the District, which will be forthcoming from the Secretary of State's Office. He advised that, pursuant to provisions of the Texas Election Code, each political subdivision in the State of Texas is required to complete and file said Voting Form with the Secretary of State's Office on an annual basis. After discussion on the Voting Form, Director Marken moved that SPH be authorized to complete said form and that SPH be authorized to file same with the Secretary of State's Office, as required by law. Director Torres seconded said motion, which unanimously carried.

**RECORDS DESTRUCTION REQUEST**

Mr. Reed reported that the District's General Records Retention Schedule adopted in connection with its Records Management Program requires that notes and audio recordings taken during meetings and used to prepare the official minutes of Board meetings are to be retained for ninety days after approval of such minutes by the Board. He next presented a request from the Records Management Officer, attached hereto as **Exhibit L**, for approval to destroy all such notes and audio recordings from April 27, 2021, to February 22, 2022. After discussion, Director Marken moved that SPH be authorized to destroy such notes and audio recordings. Director Piper seconded said motion, which carried unanimously.

**ATTORNEY'S REPORT**

The Board considered the Attorney's Report. In that regard, Mr. Reed presented a brochure received from the Texas Commission on Environmental Quality providing details regarding a Public Drinking Water Conference to be held August 9-10, 2022. The Board concurred that no action was required in connection with the matter at this time.

**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 to be placed 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 Torres moved that the meeting be adjourned. Director Piper seconded said motion, which unanimously carried.



  
Asst. Secretary, Board of Directors

**TABLE OF EXHIBITS**

**June 28, 2022**

- Exhibit A: Correspondence from Seven Meadows
- Exhibit B: Bookkeeper's Report; Quarterly Investment Report
- Exhibit C: Unclaimed Property Report
- Exhibit D: Tax Assessor-Collector Report
- Exhibit E: Correspondence summarizing Second Amendment to Agreement for Services of Tax Assessor and Collector
- Exhibit F: Detention and Drainage Facilities Report
- Exhibit G: Communications Meeting Report
- Exhibit H: Monthly Contract Deputy Report
- Exhibit I: Monthly Operations Report
- Exhibit J: NFBWA Term Sheet for Proposed Reclaimed Water Facilities Agreement
- Exhibit K: Engineer's Report
- Exhibit L: Records Destruction Request Letter