

MINUTES  
FIRST COLONY LEVEE IMPROVEMENT DISTRICT  
OF FORT BEND COUNTY, TEXAS

August 2, 2022

The Board of Directors (the "Board") of First Colony Levee Improvement District of Fort Bend County, Texas (the "District") met in regular session open to the public, on the 2nd day of August, 2022, at the offices of Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, Suite 2600, Houston, Texas outside the boundaries of the District, and the roll was called of the members of the Board:

Scott Jacobson	President
Richard E. Sherrill	Vice President/ Assistant Secretary
Debra Coffman	Secretary

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

Also attending the meeting were Anthea Moran of Masterson Advisors LLC; ("Masterson"); Robin Goin of Bob Leared Interests, Inc. ("BLI"); Mark Burton of Municipal Accounts & Consulting, L.P. ("MAC"); Mike Thelen of LID Solutions, LLC ("LID Solutions"); Greg Frank of Costello, Inc. ("Costello"); and Angie Lutz and Kerri Houck of Allen Boone Humphries Robinson LLP ("ABHR").

PUBLIC COMMENTS

Director Jacobson offered any members of the public attending the meeting the opportunity to make public comment. There being no members of the public requesting to make public comments, Director Jacobson moved to the next agenda item.

MINUTES

The Board considered approving the minutes of the June 7, 2022, regular meeting and the minutes of the April 19, 2022, special meeting. Following review and discussion, Director Coffman moved to approve the minutes of the June 7, 2022, regular meeting and the minutes of the April 19, 2022, special meeting, as submitted. Director Jacobson seconded the motion, which passed unanimously.

TAX ASSESSOR/COLLECTOR'S REPORT

Ms. Goin reviewed the tax assessor/collector's report for July 2022, a copy of which is attached. Following review and discussion, Director Sherrill moved to approve the tax assessor/collector report and payment of the tax bills. Director Coffman seconded the motion, which passed unanimously.

DISCUSS 2022 TAX RATE, ADOPT RESOLUTION REGARDING DEVELOPMENT STATUS FOR 2021 TAX YEAR, SET PUBLIC HEARING DATE, AND AUTHORIZE NOTICE OF PUBLIC HEARING REGARDING ADOPTION OF TAX RATE

The Board considered the District's 2022 tax rate. Ms. Lutz discussed the "truth-in-taxation" property tax calculations and tax levy process for water districts and stated that Chapter 49 of the Texas Water Code establishes three main categories for water districts, based on a district's development status and/or tax rate. She reviewed the definitions for each of the three categories and said the Board must annually determine the District's category for that tax year and follow the associated notice and levy provisions in the Texas Water Code.

Discussion ensued regarding the District's development status. After fully considering relevant data, information, and statutory definitions, the Board determined that the District is a Developed District for the 2022 tax year.

Ms. Moran distributed and reviewed a tax rate analysis reflecting the recommendation for the District to levy a 2022 maintenance and operations tax rate of \$0.136 per \$100 of assessed valuation, based on the District's initial 2022 certified value of \$1,448,719,736.00, plus \$19,920,739.00 representing 80% of the uncertified value under protest. A copy of the tax rate analysis is attached. Ms. Milbauer discussed the two-step process for setting the District's tax rate.

Following review and discussion, Director Jacobson moved to (1) adopt a Resolution Regarding Development Status for 2022 Tax Year establishing the District as a Developed District for the 2022 tax year, pursuant to Section 49.23602, Texas Water Code; (2) set the public hearing date for October 4, 2022; and (3) authorize the tax assessor/collector to publish notice in the Fort Bend Independent of the District's meeting on October 4, 2022, to set the proposed 2022 total tax rate of \$0.136 per \$100 of assessed valuation. Director Coffman seconded the motion, which passed unanimously.

COLLECTION OF DELINQUENT TAXES

There was no discussion on this item.

AMENDED RESOLUTION ESTABLISHING ADDRESSES AND METHODS FOR TEXAS PUBLIC INFORMATION ACT REQUESTS

Ms. Lutz reviewed with the Board an Amended Resolution Establishing Addresses and Methods for Texas Public Information Act Requests ("Amended Resolution") to clarify the addresses and methods for receipt of requests for public information under the Texas Public Information Act ("TPIA Requests"). After review and discussion, Director Jacobson moved to: (1) adopt the Amended Resolution to (a)

designate the address of the District’s official office and mailing address as the designated mailing address and [fir000@txdistricts.info](mailto:fir000@txdistricts.info) as the designated 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 Amended Resolution to be filed appropriately and retained in the District’s official records. Director Coffman seconded the motion, which passed unanimously.

MS4 STORM WATER MANAGEMENT PLAN

There was no discussion on this agenda item.

FORT BEND COUNTY COMMISSIONERS COURT

There was no discussion on this agenda item.

DISTRICT WEBSITE

The Board reviewed a website analytics report for the month June 2022, a copy of which is attached and discussion ensued regarding updates to the District website.

FINANCIAL AND BOOKKEEPING MATTERS

Mr. Burton reviewed the bookkeeper’s report, including the list of checks presented for approval. A copy of the bookkeeper’s report is attached.

Mr. Burton noted additional check no. 5101 in the amount of \$60,079.65 payable to Rally Construction for Pay Estimate No. 6.

Following review and discussion, Director Jacobson moved to approve the bookkeeper’s report and payment of the District’s bills. Director Sherrill seconded the motion, which passed unanimously.

AMENDMENT FOR BOOKKEEPING SERVICES

Mr. Burton presented and reviewed an amended Agreement between the District and MAC for bookkeeping services in the District (the “Amended Agreement”). Following review and discussion, Director Jacobson moved to approve the Amended Agreement, effective August 2, 2022, and direct that the Amended Agreement be filed appropriately and retained in the District’s official records. Director Coffman seconded the motion, which passed unanimously.

Discussion ensued regarding electronic payments.

## OPERATOR'S REPORT

Mr. Thelen reviewed the operator's report regarding general mowing, maintenance, weather watch, and turf management, a copy of which is attached. Discussion ensued. After review and discussion, Director Jacobson moved to approve the operator's report, as discussed. Director Sherrill seconded the motion, which passed unanimously.

## ENGINEER'S REPORT

Mr. Frank reviewed an engineering report, a copy of which is attached. He provided an update on pending construction matters in the District.

Mr. Frank updated the Board regarding the slope paving and interior pond expansions for Ditch A-3 and Pond A-2 and reviewed and recommended approval of Pay Estimate No. 6 in the amount of \$60,079.65, payable to Rally Construction.

Mr. Frank continued updating the Board regarding the slope paving and interior pond expansions for Ditch A-3 and Pond A-2 and discussed the 12,000 cubic yards dirt shortage for the project. He stated that Costello is working with Fort Bend County Levee Improvement District No. 2 to obtain additional dirt. Discussion ensued.

After review and discussion, Director Coffman moved (1) to approve the engineer's report; and (2) based on the engineer's recommendation, to approve Pay Estimate No. 6 in the amount of \$60,079.65 for the slope paving and interior pond expansions for Ditch A-3 and Pond A-2. Director Jacobson seconded the motion, which passed unanimously.

## FORT BEND ECONOMIC DEVELOPMENT COUNCIL ("FBEDC") MEETINGS AND UPDATES, NATIONAL FLOOD INSURANCE PROGRAM ("NFIP") LEGISLATION, FLOOD MANAGEMENT CONFERENCES, AND APPROVE ALL REIMBURSEMENTS TO DIRECTORS

The Board discussed FBEDC and NFIP matters. Discussion ensued regarding industry conferences.

## EMERGENCY ACTION PLANNING

Mr. Frank updated the Board on emergency action planning.

## AGENDA ITEMS FOR NEXT MEETING

The Board discussed agenda items for the next Board meeting and concurred to hold the next regular meeting on October 4, 2022.

CONVENE IN EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO CONDUCT A PRIVATE CONSULTATION WITH ATTORNEY

At 2:51 p.m., Ms. Lutz announced that the Board would meet in executive session pursuant to Section 551.071, Texas Government Code, to conduct a private consultation with the Attorney to discuss pending or contemplated litigation, or a settlement offer. All attendees left the meeting except for the Board members, Ms. Lutz, and Ms. Houck.

RECONVENE IN OPEN SESSION AND AUTHORIZE APPROPRIATE ACTION

The Board reconvened in open session at 2:59 p.m. No Board action was taken.

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

(SEAL)



*D.M. Goffman*  
Secretary, Board of Directors

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