

MINUTES  
FIRST COLONY MUNICIPAL UTILITY DISTRICT NO. 10

November 28, 2022

The Board of Directors (the "Board") of First Colony Municipal Utility District No. 10 (the "District") met in regular session open to the public, on the 28<sup>th</sup> day of November, 2022, at the offices of First Colony Community Services Association ("FCCA"), 4350 Austin Parkway, Sugar Land, Texas, outside the boundaries of the District, and the roll was called of the members of the Board:

Rodney L. Craig	President
Zac Cypert	Vice President
John E. Peper	Secretary
Stephen D. Higgins	Assistant Vice President
Marta Mohan	Assistant Secretary

and all of the above were present, except Directors Cypert and Higgins, thus constituting a quorum. Director Higgins attended by teleconference.

Also present for all or part of the meeting were Greg McGrath of McGrath & Co., PLLC; Judy Osborn of McLennan & Associates, L.P; Shammarie Leon of Bob Leared Interests, Inc.; David Pella of FCCA; and Greer Pagan and Justine M. Cherne of Allen Boone Humphries Robinson LLP.

PUBLIC COMMENTS

There were no public comments.

APPROVE MINUTES

The Board considered approving the minutes of the September 14, 2022, regular meeting. Following review and discussion, Director Peper moved to approve the meeting minutes, as written. Director Mohan seconded the motion, which passed unanimously.

APPROVE AUDIT FOR FISCAL YEAR END JULY 31, 2022

Mr. McGrath presented a draft audit for the District's fiscal year ended July 31, 2022, and the associated management letter. Discussion ensued regarding corrections to be made to the audit. Following review and discussion, Director Peper moved to approve the audit for the fiscal year ended July 31, 2022, subject to the corrections as noted, and direct that the audit be filed appropriately and retained in the District's official records. Director Mohan seconded the motion, which passed unanimously.

## FINANCIAL AND BOOKKEEPING MATTERS

Ms. Osborn presented the bookkeeper's report, including the investment report and the invoices for payment. A copy of the bookkeeper's report is attached. Following review and discussion, Director Mohan moved to approve the bookkeeper's report and authorize payment of the invoices as presented. Director Peper seconded the motion, which passed unanimously.

## TAX ASSESSMENT AND COLLECTIONS MATTERS

Ms. Leon reviewed the tax assessor/collector's report, including a list of the checks presented for approval. Copies of the tax assessor/collector's reports for September, October, and November, 2022 and the list of presented checks are attached. Ms. Leon reported that the District's 2021 taxes were 99.5% collected.

Ms. Leon reviewed a list containing six eligible uncollectible personal property tax accounts in the total amount of \$1,438.27, a copy of which is attached.

Ms. Leon reviewed a delinquent tax report from Perdue, Brandon, Fielder, Collins & Mott, L.L.P. dated November 9, 2022, a copy of which is attached.

Following review and discussion, Director Mohan moved to (1) approve the tax assessor/collector's report and payment of the tax bills; and (2) transfer the six eligible personal property tax accounts to the uncollectible roll. Director Peper seconded the motion, which passed unanimously.

## CONDUCT PUBLIC HEARING REGARDING DISTRICT'S TAX RATE, ADOPT ORDER LEVYING TAXES, AND AUTHORIZE EXECUTION OF AMENDMENT TO INFORMATION FORM

Ms. Leon stated that notice was published of the public hearing to be held at today's meeting regarding adoption of the District's proposed 2022 total tax rate of \$0.145.

Director Craig opened the public hearing. There being no comments from the public, Director Craig closed the public hearing.

Mr. Pagan presented an Order Levying Taxes reflecting the proposed 2022 tax rate. He then presented an Amendment to Information Form reflecting the tax rate and stated that the Amendment will be filed with the Texas Commission on Environmental Quality and recorded in the Official Public Records of Fort Bend County.

After review and discussion, Director Peper moved to: (1) adopt the Order Levying Taxes reflecting a total 2022 tax rate of \$0.145 per \$100 of assessed valuation, comprised of \$0.65 to pay debt service and \$0.08 for operations and maintenance; (2)

authorize execution of the Amendment to Information Form; and (3) direct that the order and amendment be filed appropriately and retained in the District's official records. Director Mohan seconded the motion, which passed unanimously.

#### ADOPT AMENDED BUDGET FOR FISCAL YEAR END JULY 31, 2023

The Board concurred to defer this item.

#### ANNUAL REVIEW OF INVESTMENT POLICY, AUTHORIZED DEPOSITORY INSTITUTIONS, AND QUALIFIED BROKER/DEALERS

The Board conducted an annual review of the District's Investment Policy. Mr. Pagan stated that there were no recommended changes to the policy. He reported that the District's list of authorized depository institutions and qualified broker/dealers had been updated by the District's bookkeeper. Following review and discussion, Director Peper moved to (1) adopt a Resolution Regarding Annual Review of Investment Policy confirming that the current Investment Policy shall remain in effect; (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 (3) direct that the resolutions be retained in the District's official records. Director Mohan seconded the motion, which passed unanimously.

#### ARBITRAGE REBATE REPORT

Mr. Pagan reported that the District is not required to remit payment to the Internal Revenue Service per the previously distributed final arbitrage rebate and yield restriction liability report for the District's Series 2009 Bonds prepared by OmniCap Group, LLC.

#### EMINENT DOMAIN REPORT

Mr. Pagan reported on the District's filing requirements related to eminent domain authority and stated that the District's Eminent Domain Authority Annual Report will be filed with the Comptroller of the State of Texas as required.

#### MAINTENANCE AND REPAIR OF DISTRICT FACILITIES (FCCA) AND COMMUNITY DEVELOPMENT PROJECTS

Mr. Pella stated that he will forward a copy of a proposed amendment to the Maintenance Agreement for Recreational Facilities between the District and FCCA drafted by the FCCA's attorney to Mr. Pagan for review.

Mr. Pella reported that stump grinding for the 104 invasive Chinese Tallow trees removed from along the Brooks Lake Trail is not yet complete. He reported that performance of irrigation modifications has delayed the schedule for replanting the

replacement trees. He said he will forward the most recent schedule to the Board.

Mr. Pella reported on maintenance and repair of District facilities and responded to inquiries, including the planned installation of plants along the trail near the pump station, repair of irrigation system smart controllers, and the completed removal of a dead tree in response to a resident's request. He stated that he will follow-up on matters related to cleaning the trail lights, repairing additional sloughing at the bulkhead near the north end of the trail, replacing failing sidewalk pavers on Lake Point Parkway and at the exit gates of the homes located along the trail, preventing dirt runoff on the trail located in front of the hospital, controlling apple snails in the lake, installing decorative ground cover along the banks where trees were removed, servicing of the bait boxes, and determining the applicability of the Maintenance Agreement for Recreational Facilities for Sections 4 and 5 of the neighborhood.

#### LONG TERM PARK PLANNING AND PROJECT DEVELOPMENT

The Board concurred to defer this item.

#### BROOKS LAKE TRAIL

The Board concurred to defer this item.

#### MEETING SCHEDULE

Following discussion, the Board concurred to meet on January 11, 2023, and hold a workshop after the meeting to discuss planning for proposed District projects.

#### CONVENE IN EXECUTIVE SESSION

The Board convened in executive session at 1:04 p.m., pursuant to Section 551.071, Texas Government Code, to seek the advice of its attorney regarding pending or contemplated litigation or to seek and receive legal advice by the District's attorney.

#### RECONVENE IN OPEN SESSION

At 1:16 p.m., the Board reconvened in open session. Director Peper moved to approve a legal services engagement letter with Feldman & Feldman, and direct that the legal services engagement letter be filed appropriately and retained in the District's official records. Director Mohan seconded the motion, which passed unanimously.

There being no further business to come before the Board, the Board concurred to adjourn the meeting.

[SIGNATURE PAGE FOR THE MINUTES OF THE NOVEMBER 28, 2022, BOARD MEETING]

(SEAL)



*John E. Reper*  
Secretary, Board of Directors

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