

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

Minutes of Special Meeting of Board of Directors

December 20, 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 December 20, 2022, in accordance with the duly posted notice of special 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, except Director Piper, thus constituting a quorum.

Also present were: Ravi Patel of Municipal Accounts & Consulting, L.P. ("MAC"); Kristen Scott of Bob Leared Interests ("BLI"); Jerry Schroeder of Champions Hydro-Lawn, Inc. ("Champions"); Angie Hartwell and Michael Willett of Touchstone District Services, LLC ("Touchstone"); Mike Williams of Municipal Operations & Consulting, Inc. ("MOC"); Jeff Safe of BGE, Inc. ("BGE"); and Kate Henderson and Melanie Walsh of Schwartz, Page & Harding, L.L.P. ("SPH"). Mr. Willett entered later in the meeting, as noted herein.

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. The Board deferred consideration of comments from the public as no comments were offered.

**APPROVE MINUTES**

The Board considered approval of the minutes of its meeting held on November 22, 2022. After discussion, Director Hajovsky moved that the minutes for said meetings be approved, as written. Director Marken seconded said motion, which unanimously carried.

**BOOKKEEPER'S REPORT**

The Board next considered the Bookkeeper's Report. In connection therewith, Mr. Patel presented to and reviewed with the Board the Bookkeeper's Report dated December 20, 2022, a copy of which is attached hereto as **Exhibit A**. After discussion, Director Torres moved that the Bookkeeper's Report be approved and that the disbursements identified therein be approved for payment, with the exception of check no. 10386, which was voided. 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 November 30, 2022, a copy of which is attached hereto as **Exhibit B**. After discussion, Director Marken moved that the Tax Assessor-Collector Report be approved and the disbursements identified therein be approved for payment. Director Torres seconded said motion, which unanimously carried.

### **DELINQUENT TAX REPORT**

Ms. Henderson 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. She stated that the next quarterly report will be provided in January.

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

Mr. Schroeder next presented to and reviewed with the Board a Detention and Drainage Facilities Report ("D&D Report") dated December 20, 2022, prepared by Champions, for Little Prong Creek and corresponding photographs, a copy of which is attached hereto as **Exhibit C**. 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. Ms. Henderson noted that there were no updates at this time.

### **DISTRICT WEBSITE AND MASS NOTIFICATION MESSAGING MATTERS**

Ms. Hartwell next presented to and reviewed with the Board a Communications Meeting Report prepared by Touchstone dated December 20, 2022, a copy of which is attached hereto as **Exhibit D**, regarding the status of the District's website and customer messaging system. Ms. Hartwell then recommended that Touchstone be authorized to send out a text alert to District customers enrolled in the messaging system notifying them of the District's new website. The Board concurred with Ms. Hartwell's recommendation.

Ms. Henderson next requested that Touchstone update its map of the District's boundaries to include the Haven at Seven Lakes subdivision.

Ms. Henderson next advised the Board that the District's website satisfies the requirements of House Bill 1154 and that BLI will, therefore, no longer bill the District for hosting such information on the District's page on its website. She noted, however, that SPH recommends that BLI continue to host District information required pursuant to Sections 26.17 and 26.18 of the Texas Tax Code. Following a brief discussion, the Board concurred with Ms. Henderson's recommendation.

### **RECEIVE FORT BEND COUNTY CONSTABLE'S OFFICE PRECINCT 1 ("FBCCO") ACTIVITY REPORTS**

Director Haehnel next presented to the Board a Monthly Contract Deputy Report for the month of November 2022 from the FBCCO (the "FBCCO Report"), a copy of which is attached hereto as **Exhibit E**. It was noted that no action was required by the Board in connection with the FBCCO Report at this time.

## **OPERATIONS AND MAINTENANCE REPORT**

Mr. Williams presented to and reviewed with the Board the Monthly Operations Report ("O&M Report"), a copy of which is attached hereto as **Exhibit F**, for November 2022 prepared by MOC. In connection therewith, he reported that the District had 95% water accountability for the reporting period. Mr. Williams next submitted to the Board seven (7) accounts in the total amount of \$1,573.99 to be cut off, a list of which is included in the O&M Report. After consideration, the Board directed MOC to postpone pending service disconnections until after January 1, 2023. Mr. Williams next presented to and reviewed with the Board a copy of the District's Phase I Manhole Survey, a copy of which is included with **Exhibit F**, noting that there were no critical issues were noted by MOC. He then reported that both the (a) rehabilitation of the clarifier at the District's Wastewater Treatment Plant and (b) repainting of the fire hydrants with in the District are complete. It was noted that no action was required by the Board in connection with the O&M Report at this time.

The Board next requested that MOC obtain a quote for installation of an overhead cover for the existing emergency generator located at the Joint Wastewater Treatment Plant ("Joint WWTP") for its consideration at the next Board meeting. A discussion next ensued regarding the District and Fort Bend County Municipal Utility District No. 35's ("No. 35") existing portable emergency generator. After discussion, the Board requested that MOC perform a test run to ensure that said generator is in good working order.

With regard to the implementation of Accurate Meter & Supply, LLC's ("AMS") four (4) month wireless meter pilot program, Director Marken reported that the Badger E-Series wireless electronic meters have been installed within the District by MOC. He then inquired about the status of installation of the software used to monitor said meters and whether any instructional materials and/or training will be provided. Mr. Williams advised that MOC will follow up with AMS to determine its schedule for implementation of the software and whether any such training and/or instructional materials will be forthcoming.

With regard to the required replacement of the drum screen located at the Joint WWTP, Ms. Henderson advised the Board that SPH and BGE submitted correspondence to the Texas Commission on Environmental Quality ("TCEQ") on December 2, 2022, requesting emergency approval of the project. She then reported that, upon review of the information contained in the request for emergency approval, the TCEQ approved the District's request for a waiver of the competitive bidding requirements of Section 49.273 of the Texas Water Code by email correspondence dated December 2, 2022.

## **NFBWA 2022 WATER PROVIDER CONSERVATION PROGRAM REPORT AND 2023 ENROLLMENT**

The Board considered the status of the District's participation in the NFBWA 2022 Water Provider Conservation Program. In connection therewith, Mr. Williams discussed with the Board the status of the District's participation in the 2022 Program. He stated that the District has acquired the points necessary to qualify for the 2022 Program. The Board next considered the District's enrollment in the 2023 Program. After discussion, it was moved by Director Marken that MOC be authorized to complete and submit the NFBWA enrollment form for the 2023 Program once it becomes available and that, if necessary, the President be authorized to execute said enrollment form on behalf of the Board and the District. Director Hajovsky seconded the motion, which unanimously carried.

## **IMPLEMENTATION OF PUBLIC UTILITY COMMISSION OF TEXAS RULES RELATING TO SENATE BILL 3**

Ms. Henderson presented to and reviewed with the Board a Memorandum prepared by SPH detailing the Public Utility Commission of Texas' (the "PUC") publication of 16 TAC, Sections 24.173 and 24.364 relating to the implementation of Senate Bill 3 ("S.B. 3"). A copy of the Memorandum is attached hereto as **Exhibit G**. The Board was informed that a notice containing certain required information must be provided to each of the District's retail water or sewer customers prior to January 31, 2023. After discussion, Director Marken moved to approve the required notice language prepared by SPH and to authorize MOC to include the approved notice as an insert into the District's next utility bill. Director Hajovsky seconded the motion, which carried unanimously.

### **AMENDMENT TO DISTRICT RATE ORDER**

Ms. Henderson next presented to and reviewed with the Board an amended Rate Order. She advised that this Rate Order would allow sixty (60) days to refund deposits to customers and would address changes in the law resulting from the PUC's implementation of S.B. 3. After discussion, Director Hajovsky moved that (i) the District's Rate Order be amended to incorporate the PUC's implementation of S.B. 3, and (ii) effective as of January 1, 2023, any and all Rate Orders heretofore adopted by the Board be revoked, and the amended Rate Order attached hereto as **Exhibit H** be passed and adopted. Director Torres seconded said motion which unanimously carried.

### **ENGINEER'S REPORT**

Mr. Safe presented to and reviewed with the Board a written Engineer's Report, dated December 20, 2022, a copy of which is attached hereto as **Exhibit I**, relative to the status of various engineering and construction projects within the District, and discussed the matters contained therein. In connection with the repair of erosion located on the North and South Slopes of Little Prong Creek near the golf cart crossing (the "Slope Repair Project") by AR Turnkee Construction Company, Inc. ("Turnkee"), Mr. Safe presented to and reviewed with the Board Change Order No. 1 from Turnkee, a copy of which attached to the Engineer's Report, in the amount of \$85,420. Mr. Safe next presented to and reviewed with the Board a revised draft Capital Improvement Plan, a copy of which is included with **Exhibit I**. After discussion, it was moved by Director Hajovsky, seconded by Director Torres and unanimously carried, that that the Engineer's Report be approved and that the Board approve Change Order No. 1 from Turnkee, as recommended by BGE.

Mr. Willett entered the meeting during the above discussion.

### **UTILITY COMMITMENT REQUESTS**

The Board deferred consideration of requests for Utility Commitments after noting that no new requests were received.

### **ATTORNEY'S REPORT**

The Board considered the Attorney's Report. In connection therewith, Ms. Henderson advised that she had nothing further to report to the Board other than the items previously discussed.

**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 Marken moved that the meeting be adjourned. Director Hajovsky seconded said motion, which unanimously carried.



*Janet Jones*  
Secretary, Board of Directors

**TABLE OF EXHIBITS**

**December 20, 2022**

- Exhibit A: Bookkeeper's Report
- Exhibit B: Tax Assessor-Collector Report
- Exhibit C: Detention and Drainage Facilities Report
- Exhibit D: Communications Meeting Report
- Exhibit E: FBCCO Report
- Exhibit F: Monthly Operations Report
- Exhibit G: Memorandum Regarding PUC Rules Implementing S.B. 3
- Exhibit H: Rate Order
- Exhibit I: Engineer's Report; draft Capital Improvement Plan