

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

September 15, 2023

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 15<sup>th</sup> day of September, 2023, at the offices of Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, Suite 2600, Houston, Texas 77027, 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 McGrath and Co. PLLC (McGrath"); Carla Barrios of the City of Sugar Land (the "City"); Robin Goin of Bob Leared Interests, Inc. ("BLI"); Putri Tesalonika of Municipal Accounts & Consulting, L.P. ("MAC"); Jason Klump of LID Solutions, LLC ("LID Solutions"); Greg Frank of Costello, Inc. ("Costello"); and Angela Lutz and Carli Trojcek 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 July 21, 2023, regular meeting. Following review and discussion, Director Coffman moved to approve the minutes of the July 21, 2023, regular meeting, as submitted. Director Sherrill seconded the motion, which passed unanimously.

TAX ASSESSOR/COLLECTOR'S REPORT

Ms. Goin reviewed the tax assessor/collector's report for August 2023, a copy of which is attached. Following review and discussion, Director Jacobson moved to approve the tax assessor/collector report and payment of the tax bills. Director Sherrill seconded the motion, which passed unanimously.

DISCUSS 2023 TAX RATE, ADOPT RESOLUTION REGARDING DEVELOPMENT STATUS FOR 2023 TAX YEAR, SET PUBLIC HEARING DATE, AND AUTHORIZE NOTICE OF PUBLIC HEARING REGARDING ADOPTION OF TAX RATE

Ms. Moran considered the District's 2023 tax rate. Ms. Moran 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 2023 tax year.

Ms. Moran distributed and reviewed a tax rate analysis reflecting the recommendation for the District to levy a 2023 maintenance and operations tax rate of \$0.12 per \$100 of assessed valuation, based on the District's initial 2023 certified value of \$1,799,427,183.00, plus \$8,988,814.00 representing 80% of the uncertified value under protest. A copy of the tax rate analysis is attached. Ms. Lutz discussed the two-step process for setting the District's tax rate.

Following review and discussion, Director Coffman moved to: (1) adopt a Resolution Regarding Development Status for 2023 Tax Year establishing the District as a Developed District for the 2023 tax year, pursuant to Section 49.23602, Texas Water Code; (2) set the public hearing date for October 20, 2023; and (3) authorize the tax assessor/collector to publish notice in the Fort Bend Independent of the District's meeting on October 20, 2023, to set the proposed 2023 total tax rate of \$0.12 per \$100 of assessed valuation. Director Jacobson seconded the motion, which passed unanimously.

MS4 STORM WATER MANAGEMENT PLAN

Mr. Klump updated the Board on the District's Stormwater Management Plan ("SWMP"). He reviewed the Year 5 training and goals under the SWMP, a copy of which is attached.

Mr. Klump began his training session with the Board and other consultants. He stated the topic of the Year 5 training was stormwater pollution prevention, the minimum control measures, and bacteria-specific elements. Mr. Klump explained the importance of keeping household hazardous waste, pet waste, and yard waste out of the storm sewers, to prevent adding to bacterial impairment. He then continued with the training, thoroughly explaining the sources of bacteria and outlining the program elements of the SWMP that deal with these sources.

## FORT BEND COUNTY COMMISSIONERS COURT

There was no discussion on this item.

### DISTRICT WEBSITE

Director Coffman requested to post an update on the website pertaining to the completion of the levee raising project. She stated that no quarterly email blast would be sent at this time.

### FINANCIAL AND BOOKKEEPING MATTERS; BUDGET FOR FISCAL YEAR END JULY 31, 2024

Ms. Tesalonika reviewed the bookkeeper's report, including the list of checks presented for approval. A copy of the bookkeeper's report is attached.

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

### DISCUSS RENEWAL OF DISTRICT'S INSURANCE POLICIES

Ms. Lutz stated Brown and Brown Lone Star Insurance Agency, Inc. will be providing proposals and that current coverage does not expire till December 31, 2023.

### OPERATOR'S REPORT

Mr. Klump reviewed the operator's report regarding general mowing, maintenance, weather watch, and turf management, a copy of which is attached. He stated they pushed back fertilization due to the drought and will reassess the levee condition once rain levels are back to normal.

Mr. Klump reviewed a violation the District received from Missouri City, a copy of which is included in his report. He stated the address listed on the violation does not belong to the District and the date of the violation notice, August 4, 2023, and the date of the inspection, August 21, 2023 does not coincide. He stated he spoke to the Missouri City inspector and explained the situation. The Board concurred to defer action on this violation.

Mr. Klump stated he contacted Missouri City Public Works to inquire on whether they plan on making the sidewalk and curb repairs at the delivery entrance of LA Fitness. He stated he provided pictures for their review. Mr. Klump stated he will report back to the Board at their next regular meeting.

Mr. Klump discussed the importance of radio communications during emergency events. He presented a proposal in the amount of \$25,507.98 from Motorola Solutions ("Motorola") for the costs associated with implementation of three District radios, a copy of which is included in his report. Discussion ensued.

After review and discussion, Director Coffman moved to: (1) approve the operator's report, as discussed; and (2) approve the Motorola proposal in the amount of \$25,507.98 for the costs associated with implementation of three District radios. Director Sherrill seconded the motion, which passed unanimously.

#### ANNUAL WRITTEN REPORT FROM OPERATOR AND ENGINEER

Mr. Frank presented and reviewed a future projects list, a copy of which is attached. He stated they are currently evaluating desilting of the lake bottom and will report back to the Board at the next meeting.

Discussion ensued regarding prioritizing certain projects on the list.

He stated the Safety, Monitoring and Operational Upgrades at Outfall Structure (the "Operational Upgrades") involves electrical components, and he needs to coordinate with an electrician. He stated the preliminary cost estimate for the Operational Upgrades is \$250,000.00.

He provided an update to the Board that the flap gate closure is located at Murphy Road not Dulles Avenue and he is reevaluating the closure outfalls. He reviewed a preliminary cost estimate for hardening of the levee tops with articulated concrete blocks in the amount of \$2,250,000.00. Discussion ensued.

#### 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 on the levee fill project with Fort Bend Levee Improvement District No. 2 ("FBL No. 2"). He stated that the project is expected to be completed in early October.

Following review and discussion, Director Coffman moved to: (1) approve the engineering report; and (2) authorize Mr. Frank to begin design work for the Operational Upgrades and headwalls at the east ditch roadway culverts subject to presenting engineering design proposals at the District's next board meeting. 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 the perimeter levee meetings, FBEDC matters and NFIP matters. Director Coffman stated she spoke to Rhonda Montgomery, a Federal Insurance Advocate for the Federal Emergency Management Agency ("FEMA") and provided her examples of flood policies where premiums have increased. She reviewed two letters that were sent to FEMA from FBEDC regarding the Risk Rating 2.0 ("RR 2.0") and Community Rating System ("CRS"), copies of which are attached. She also requested that a letter from the District addressed to FEMA regarding the CRS and RR 2.0 be filed and retained in District records. Discussion ensued regarding dissolving the District's customer identification number.

EMERGENCY ACTION PLANNING ("EAP")

There was no discussion on this agenda item.

PARKS AND RECREATIONAL MATTERS

There was no discussion on this agenda item.

CONTINUING EDUCATION REQUIREMENTS

The Board reviewed the Continuing Education Chart, a copy of which is attached.

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 20, 2023.

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



  
Secretary, Board of Directors

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