

MINUTES
FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 165

October 4, 2023

The Board of Directors (the "Board") of Fort Bend County Municipal Utility District No. 165 (the "District") met in regular session, open to the public, on the 4th day of October, 2023, at the offices of Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, Suite 2400, Houston, Texas 77027, outside the boundaries of the District, and the roll was called of the members of the Board:

Avery Bidmead	President
Christine Oliver	Vice President
Ed Escobar	Secretary
William "Mac" McKinnie	Assistant Vice President
Gregory Henry	Assistant Secretary

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

Also attending the meeting were Lieutenant Cory Hansen of Fort Bend County Precinct 4 ("Precinct 4"); Michelle Saccomen of McCall Gibson Swedlund Barfoot, PLLC; Brenda Garcia of Municipal Accounts & Consulting, L.P.; Shammarie Leon of Bob Leared Interests, Inc.; Garrett Robertson and Joseph Hopper of Storm Water Solutions, LLC; Austin Muse of Municipal District Services ("MDS"); Lyndsay Evans of Quiddity Engineering, LLC ("Quiddity"); Stephanie Lee of KGA/DeForest Design, LLC; Josh Wailes of Mike Stone Associates, Inc.; and Whitney Higgins and Caroline Jones of Allen Boone Humphries Robinson LLP ("ABHR").

MINUTES

The Board considered approving the minutes of the September 14, 2023, regular meeting. Following review and discussion, Director McKinnie made a motion to approve the minutes as written. Director Oliver seconded the motion, which passed unanimously.

PUBLIC COMMENT

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

GARBAGE AND RECYCLING COLLECTION

There was no discussion regarding this agenda item.

SECURITY MATTERS AND FIRE PROTECTION SERVICES

Lieutenant Hansen presented and reviewed a security report from Precinct 4 and two security statistics reports, copies of which are attached.

Director Bidmead generally discussed security matters in the District.

Director Oliver requested Precinct 4's attendance at a community event.

APPROVE AUDIT FOR FISCAL YEAR END JUNE 30, 2023

Ms. Saccomen presented and reviewed the audit for the fiscal year ended June 30, 2023. Following review and discussion, Director Oliver made a motion to approve the audit, subject to final review by the District's consultants, and to authorize filing of the same. Director McKinnie seconded the motion, which passed unanimously.

FINANCIAL AND BOOKKEEPING MATTERS

Ms. Garcia distributed and reviewed the bookkeeper's report, budget comparisons, bills presented for payment, and the investment report from the reporting period for approval. A copy of the bookkeeper's report and the investment report are attached to the minutes.

Ms. Garcia then presented and reviewed an Amended Budget, a copy of which is in the bookkeeper's report, reflecting the adopted 2023 maintenance and operating tax rate.

Following review and discussion, Director McKinnie made a motion to (1) approve the bookkeeper's report and investment report; and (2) pay the District's bills as submitted; and (3) amend the budget. Director Escobar seconded the motion, which passed unanimously.

TAX ASSESSMENT AND COLLECTIONS MATTERS

Ms. Leon distributed and reviewed the tax report, including a list of delinquent accounts, a copy of which is attached. She stated 99.817% of the District's 2022 taxes were collected as of the meeting date. Following review and discussion, Director McKinnie made a motion to (1) approve the tax assessor/collector's report; and (2) pay the bills presented for payment from the tax account. Director Oliver seconded the motion, which passed unanimously.

DRAINAGE FACILITIES REPORT

Mr. Robertson introduced Mr. Hopper to the Board. Mr. Robertson then presented and reviewed a drainage facilities report, a copy of which is attached.

Mr. Robertson stated he continues to research solutions to repair the cross bars on the culverts at the drainage channel.

After review and discussion, Director Escobar moved to approve the drainage facilities report, Director McKinnie seconded the motion which passed unanimously.

OPERATION OF DISTRICT FACILITIES

Mr. Muse presented and reviewed the operator’s report and the storm water management report and updated the Board on repairs and maintenance in the District for the month of September.

Mr. Muse stated that he will provide the District-wide sidewalk survey to the Board for their review.

Mr. Muse reported that MDS has installed 127 smart meters throughout the District as of the meeting date. Mr. Muse reported that the remaining smart meters should be installed by the end of November, 2023.

Mr. Muse requested the Board’s authorization to send three accounts to collections in the total amount of \$619.33.

HEARING ON TERMINATION OF WATER SERVICE

Mr. Muse presented to the Board a list of delinquent customers and reported the residents on the termination list were delinquent in payment of their water and sewer bills and were given written notification, in accordance with the District’s Rate Order, prior to the meeting of the opportunity to appear before the Board to explain, contest, or correct their bills and to show why utility services should not be terminated for reason of non-payment.

After review and discussion, Director Escobar moved to (1) approve the operator’s report; (2) authorize MDS to send three accounts to collections in the total amount of \$619.33; and (3) authorize termination of delinquent accounts in accordance with the District’s Rate Order and direct that the delinquent customer list be filed appropriately and retained in the District’s official records. Director Oliver seconded the motion, which passed unanimously.

WEBSITE MATTERS

The Board reviewed and discussed the District’s website.

NORTH FORT BEND REGIONAL WATER AUTHORITY (“NFBWA”) MATTERS

Mr. Muse reported on the Grand Mission Municipal Utility District No. 1

("GMM1") Drought Contingency Plan.

ENGINEERING MATTERS

Ms. Evans distributed and reviewed the District's engineering report and discussed engineering matters in the District as more fully described in the report, a copy of which is attached.

Ms. Evans stated that Quiddity continues to address comments from governmental agencies for the corrosion control treatment system for the regional Water Plant Nos. 1 and 2.

Ms. Evans generally discussed ongoing Texas Commission on Environmental Quality's ("TCEQ") and NFBWA's alleged violations at the regional water plant for failure to provide adequate production capacity to meet GMM1's contractual obligations. Ms. Evans stated that it was possible that GMM1 might be required to construct another well to provide capacity to the District to meet contractual obligations. Discussion ensued regarding the potential costs and the timeline to construct a new well.

DEEDS, EASEMENTS, AND PLATS

There was no discussion regarding this agenda matter.

After review and discussion, Director Oliver moved to approve the engineer's report. Director McKinnie seconded the motion, which passed unanimously.

PARK AND RECREATIONAL MATTERS

Ms. Lee distributed and reviewed a report regarding landscaping projects in the District, a copy of which is attached. Ms. Lee updated the Board regarding construction of the Amenity Improvements project (the "Project") estimated that the project will be complete in January, 2024.

Director Bidmead asked Ms. Lee to keep the Board informed of possible delays of the Project.

PARK AND LANDSCAPE MATTERS, INCLUDING PROPOSALS FOR ADDITIONAL WORK AND COST SHARING AGREEMENTS REGARDING LANDSCAPE MAINTENANCE

Mr. Wailes presented and reviewed a proposal (the "Proposal") to perform park and splashpad maintenance and management services in the amount of \$2,930.00 and to create a landscape maintenance bid package in the estimated amount of \$5,000.00. Mr. Wailes also discussed hourly rates for additional work that might be requested by the

Board. Discussion ensued regarding possible timelines and costs to implement the services in the Proposal. Discussion ensued.

ATTORNEY’S REPORT

Ms. Higgins reported on correspondence received from the Fieldstone Community Association, Inc. (the “HOA”). Discussion ensued.

REPORTS FROM DIRECTORS AND DISTRICT CONSULTANTS REGARDING CORRESPONDENCE AND/OR REPORTS RECEIVED AND EVENTS AND/OR ACTIVITIES ATTENDED DURING THE MONTH

Director Bidmead updated the Board regarding HOA and Precinct 4 matters.

MEETING SCHEDULE

The Board concurred to hold a special meeting on October 26, 2023, at 9:00 a.m. at the office of Quiddity in Katy, Texas, and its next regular meeting on November 9, at 9:00 a.m. at the offices of ABHR.

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



Secretary, Board of Directors

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