

FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 94

Minutes of Special Meeting of Board of Directors October 26, 2023

The Board of Directors ("Board") of Fort Bend County Municipal Utility District No. 94 ("District") met at the Board's regular meeting place on October 26, 2023, in accordance with the duly posted notice of special meeting, and the roll was called of the duly constituted officers and members of said Board of Directors, as follows:

Sean Gutierrez, President
Cleo Holguin, Vice President
Fred Maynard, Secretary
Ken Bartling, Assistant Secretary
JoAnn Hartfiel, Assistant Secretary

and all of said persons were present, thus constituting a quorum.

Also attending the meeting were Debbie Arellano of Bob Leared Interests ("BLI"); Diane Michaux of Municipal Accounts & Consulting, L.P. ("MAC"); Rebecca Watkins of Quiddity Engineering, LLC ("Quiddity"); Brian Krueger of FORVIS, LLC ("FORVIS"); and Gina Free of Schwartz, Page & Harding, L.L.P. ("SPH").

Following the roll call, the President called the meeting to order and declared it open for such business as might regularly come before the Board.

PUBLIC COMMENTS

The Board began by opening the meeting for public comments. There being no comments from the public, the Board continued to the next item of business.

APPROVE MINUTES

The Board considered approval of the minutes of its Board of Directors meeting held on September 20, 2023. After discussion of the minutes presented, Director Gutierrez moved that same be approved, as presented. Director Maynard seconded said motion, which unanimously carried.

BOOKKEEPER'S REPORT

Ms. Michaux presented to and reviewed with the Board the Bookkeeper's Report dated October 26, 2023, a copy of which is attached hereto as **Exhibit A**. After discussion, Director Gutierrez moved that the Bookkeeper's Report be approved and that the disbursements identified therein be approved for payment. Director Maynard seconded said motion, which unanimously carried.

OPERATING BUDGET FOR FISCAL YEAR ENDING DECEMBER 31, 2024

Ms. Michaux presented and reviewed with the Board the proposed annual budget for the District's fiscal year ending December 31, 2024, a copy of which is included under **Exhibit B**. After discussion, Director Gutierrez moved that the Board approve and adopt the annual budget for the District's fiscal year ending December 31, 2024, as presented. Director Maynard seconded said motion, which unanimously carried.

ANNUAL REVIEW OF ORDER ESTABLISHING POLICY FOR INVESTMENT OF DISTRICT FUNDS AND APPOINTING INVESTMENT OFFICER

The Board considered a review of its Order Establishing Policy for Investment of District Funds and Appointing Investment Officer ("Investment Policy"), and the adoption of a Resolution in connection therewith. Ms. Free presented for the Board's review an amended Investment Policy and Resolution Regarding Review of Order Establishing Policy for Investment of District Funds and Appointing Investment Officer ("Resolution"), copies of which are attached hereto as **Exhibit C**. After discussion on the matter, Director Gutierrez moved that the amended Investment Policy be approved to reflect the proposed changes discussed, that the Board adopt the Resolution and that the President and Secretary be authorized to execute the Investment Policy and the Resolution on behalf of the Board and the District. Director Maynard seconded said motion, which unanimously carried.

TAX ASSESSOR-COLLECTOR'S REPORT

Ms. Arellano presented the Tax Assessor-Collector's Report for the month of September 2023, a copy of which is attached hereto as **Exhibit D**. After discussion, it was moved by Director Gutierrez, seconded by Director Maynard, and unanimously carried, that said Tax Assessor-Collector's Report be approved as presented, and the disbursements listed therein be approved for payment.

CONDUCT PUBLIC HEARING REGARDING ADOPTION OF THE DISTRICT'S 2023 TAX RATE

As the next order of business, the Board conducted a public hearing regarding the adoption of the District's proposed tax rate for 2023. There being no testimony offered by the public, the public hearing was closed.

LEVY OF THE DISTRICT'S 2023 TAX RATE

The Board discussed the levy of the 2023 taxes. Ms. Arellano confirmed that the notice of the District's intention to set a tax rate had been published in the *Fort Bend Herald* newspaper in accordance with all legal requirements and as directed at the previous meeting. After discussion on the matter, Director Gutierrez moved that: (i) the Board adopt the tax rates as proposed at the District's September 20, 2023 meeting, being a 2023 debt service tax rate of \$0.28 per \$100 of assessed valuation and a 2023 maintenance tax rate of \$0.06 per \$100 of assessed valuation, resulting in a total 2023 tax rate of \$0.34 per \$100 of assessed valuation, and (ii) the Order Levying Taxes, attached hereto as **Exhibit E**, be adopted in connection therewith,

and the President be authorized to execute and the Secretary to attest same on behalf of the Board and the District. Director Maynard seconded said motion, which carried unanimously.

APPROVE AMENDMENT TO DISTRICT INFORMATION FORM

Ms. Free presented to and discussed with the Board an Amendment to the Amended and Restated District Information Form ("Amendment") relative to the District's 2023 tax rate. After discussion regarding the Amendment, Director Gutierrez moved that the Amendment be approved and that the Board members present be authorized to execute same on behalf of the Board and the District. Director Maynard seconded said motion, which carried unanimously.

DELINQUENT TAX COLLECTIONS

The Board considered the delinquent tax report dated October 26, 2023, a copy of which is attached hereto as **Exhibit F**, received from Perdue, Brandon, Fielder, Collins & Mott L.L.P. ("Perdue"). It was noted that no Board action was required in connection with said report.

ENGAGEMENT OF AUDITOR

The Board next considered the engagement of an auditor to prepare the District's audit report for its fiscal year ending December 31, 2023. In connection therewith, Mr. Krueger presented an engagement letter relative to same and advised that FORVIS' fees for the preparation of said audit report will be \$17,500, plus an administrative fee of \$1,000 to cover items such as report production, copies, postage and other delivery charges, and technology related expenses. After discussion on the matter, Director Gutierrez moved that (i) FORVIS be engaged to prepare the District's audit report for its fiscal year ending December 31, 2023, in accordance with the terms of the engagement letter attached hereto as **Exhibit G**, (ii) the President be authorized to execute same on behalf of the Board and District, and (iii) Texas Ethics Commission Form 1295 from FORVIS be accepted and SPH be authorized to acknowledge same. Director Maynard seconded said motion, which unanimously carried.

EMINENT DOMAIN FILING

Ms. Free advised the Board that all political subdivisions with the power of eminent domain, including the District, are required to file an annual eminent domain report by February 1 of each year with the Comptroller. After discussion, it was moved by Director Gutierrez, seconded by Director Maynard and unanimously carried, that the Board authorize SPH to file the annual eminent domain report with the Comptroller on behalf of the District prior to February 1, 2024.

DEVELOPER'S REPORTS

The Board deferred consideration of the Developer's Reports.

ENGINEER'S REPORT AND UTILITY COMMITMENTS

Ms. Watkins then presented to and reviewed with the Board the Engineer's Report dated October 26, 2023, a copy of which is attached hereto as **Exhibit H**. In connection therewith, Ms. Watkins advised that Quiddity received plans for an Office Warehouse Business Park development south of FM 1640 near Radio Lane and that Quiddity is currently reviewing same. It was noted that no Board action was required.

SOLICITATION OF PROPOSALS FOR RENEWAL OF DISTRICT INSURANCE COVERAGES

The Board deferred action regarding the solicitation of proposals for renewal of District insurance coverages.

ATTORNEY'S REPORT


The Board considered the Attorney's Report. Ms. Free advised that she had nothing further to discuss with the Board of a legal nature which was not covered under specific agenda items.

FUTURE AGENDA ITEMS

The Board considered items for placement on future agendas. After consideration on the matter, no specific items, other than routine and ongoing matters were requested.

ADJOURNMENT OF MEETING

There being no further business to come before the Board, Director Gutierrez moved that the meeting be adjourned. Director Maynard seconded said motion, which unanimously carried.


Secretary
Board of Directors

LIST OF ATTACHMENTS TO MINUTES

Exhibit A	Bookkeeper's Report
Exhibit B	Operating Budget for fiscal year ending December 31, 2024
Exhibit C	Order Establishing Policy for Investment of District Funds and Appointing Investment Officer and Resolution Regarding Review of Order Establishing Policy for Investment of District Funds and Appointing Investment Officer
Exhibit D	Tax Assessor-Collector's Report
Exhibit E	Order Levying Taxes 2023
Exhibit F	Delinquent Tax Attorney Report
Exhibit G	Engagement Letter with FOVIS to prepare the Audit Report for fiscal year ending December 31, 2023
Exhibit H	Engineering Report