

FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 94

Minutes of Special Meeting of Board of Directors September 20, 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 September 20, 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, except for Director Bartling, thus constituting a quorum.

Also attending the meeting were Debbie Arellano of Bob Leared Interests ("BLI"); Mary Ann Mihills of Municipal Accounts & Consulting, L.P. ("MAC"); Rebecca Watkins of Quiddity Engineering, LLC ("Quiddity"); Debbie Shelton of Masterson Advisors LLC ("Masterson"); 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 March 27, 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. Mihills presented to and reviewed with the Board the Bookkeeper's Report dated September 20, 2023, a copy of which is attached hereto as **Exhibit A**. She then presented to and reviewed with the Board the Quarterly Investment Reports for the periods ended March 31, 2023 and June 30, 2023, copies of which are attached to the Bookkeeper's Report. Ms. Mihills noted the addition of check no. 3080 to Rosenberg Civic Center for \$25.00. After discussion, Director Gutierrez moved that (i) the Bookkeeper's Report be approved and that the disbursements identified therein be approved for payment, including check no. 3080, and (ii) the Quarterly

Investment Reports be approved and the District's Investment Officers be authorized to execute same on behalf of the Board and the District. Director Maynard seconded said motion, which unanimously carried.

RESOLUTION ADOPTING LIST OF QUALIFIED BROKERS AUTHORIZED TO ENGAGE IN INVESTMENT TRANSACTIONS WITH THE DISTRICT

The Board considered adopting a list of qualified brokers authorized to engage in investment transactions with the District. Ms. Free presented and reviewed with the Board the attached Resolution Adopting List of Qualified Brokers Authorized to Engage in Investment Transactions with the District, and a list of financial institutions, brokers and dealers attached thereto, together with a comparison of the list submitted and the list previously adopted by the Board, copies of which are attached hereto as **Exhibit B**. She noted the addition of three banks. After discussion, Director Gutierrez moved that the attached Resolution Adopting List of Qualified Brokers Authorized to Engage in Investment Transactions with the District be approved by the Board and the District, and that the President and Secretary be authorized to execute same. Director Maynard seconded said motion, which unanimously carried.

TAX ASSESSOR-COLLECTOR'S REPORT

Ms. Arellano presented the Tax Assessor-Collector's Reports for the months of April 2023 through August 2023, copies of which are attached hereto as **Exhibit C**. After discussion, it was moved by Director Gutierrez, seconded by Director Maynard, and unanimously carried, that said Tax Assessor-Collector's Reports be approved as presented, and the disbursements listed therein be approved for payment.

2023 TAX RATE RECOMMENDATION

The Board next considered the Financial Advisor's recommendations concerning the District's proposed 2023 tax rate. In connection therewith, Ms. Shelton presented to and reviewed with the Board Masterson's recommendation and analysis regarding the proposed 2023 debt service tax rate and options regarding the 2023 maintenance tax rate, a copy of which is attached hereto as **Exhibit D**.

Ms. Free next advised that, pursuant to Section 49.236 of the Texas Water Code, as amended, the District is required to provide a notice containing certain tax-related information in connection with each meeting at which the adoption of a tax rate will be considered by either publishing it, or mailing it to each owner of taxable property in the District. After further discussion, Director Gutierrez moved that (i) the Board accept Masterson's recommendation of a 2023 debt service tax rate of \$0.28 and declare its intention to levy said rate plus a maintenance tax rate of \$0.06, and (ii) BLI be authorized to publish notice of the District's intention to adopt a 2023 tax rate at its next meeting in the form and at the time required by law. Director Maynard seconded said motion, which unanimously carried.

DELINQUENT TAX COLLECTIONS

Ms. Free advised the Board that a Delinquent Tax Attorneys Report was not provided this month from Perdue, Brandon, Fielder, Collins & Mott, L.L.P., the District's delinquent tax collections attorneys.

ADOPTION OF RESOLUTION AUTHORIZING INCREASE IN FEES OF OFFICE

The Board next considered adoption of a Resolution Authorizing an Increase in the Fees of Office. Ms. Fee advised the Board that House Bill 2815, passed by the 88th Texas Legislature, amends Section 49.060 of the Texas Water Code to allow for an increase in director fees of office up to the amount of the per diem set by the Texas Ethics Commission for members of the legislature. Following discussion, Director Gutierrez moved that the Resolution Authorizing Increase in Fees of Office, attached hereto as **Exhibit E**, be approved, and that the President and Secretary be authorized to execute same on behalf of the Board and District. Director Maynard seconded the motion, which unanimously carried.

ADOPTION OF ORDER ADOPTING A CODE OF ETHICS, FEES AND EXPENSE POLICY, POLICY RELATING TO CONSULTING SERVICES, UNIFORM FINANCIAL ACCOUNTING AND REPORTING STANDARDS, POLICY RELATING TO ADOPTION OF ANNUAL OPERATING BUDGET, AND CREATING AN AUDIT COMMITTEE ("CODE OF ETHICS")

Ms. Free presented to the Board a proposed Code of Ethics, a copy of which is attached hereto as **Exhibit F**, and advised that that the language relative to the Fees and Expense Policy has been updated to provide that, with Board approval, directors may claim fees of office for virtual attendance or watching recorded sessions of conferences, but limited in number to the actual number of days of the conference during which live presentations were made. Following discussion, Director Gutierrez moved that the Code of Ethics be approved, the District's prior adopted code of ethics be revoked, and the President and Secretary be authorized to execute the Code of Ethics on behalf of the Board and District. Director Maynard seconded the motion, which unanimously carried.

AMENDMENT TO THE AMENDED AND RESTATED DISTRICT INFORMATION FORM

The Board next considered the approval and execution of an Amendment to the Amended and Restated District Information Form (the "Amendment"), reflecting a change in the form of Notice to Purchasers. A copy of the Notice to Purchasers is attached hereto as **Exhibit G**. After discussion regarding same, Director Gutierrez moved that the Amendment be approved and that all Board members present be authorized to execute same on behalf of the Board and the District. Director Maynard seconded said motion which carried unanimously.

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 September 20, 2023, a copy of which is attached hereto as **Exhibit H**. It was noted that no Board action was required.

RECORDS MANAGEMENT OFFICER REQUEST

The Board next considered a request from the District's Records Management Officer to destroy SPH's handwritten notes and audio recordings of Board meetings from February 2, 2022, to March 27 2022, a copy of which request is attached hereto as **Exhibit I**. After discussion on the matter, Director Gutierrez moved that the destruction of said notes be authorized as requested in accordance with the provisions of the District's Records Management Program. Director Maynard seconded said motion, which unanimously carried.

ATTORNEY'S REPORT


The Board considered the Attorney's Report. Ms. Free presented to and reviewed with the Board the Legislative Summary of the 88th Regular Session of the Texas Legislature prepared by SPH, and answered various questions regarding same. A copy of the Legislative Summary is attached hereto as **Exhibit J**.

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; Quarterly Investment Report (March 31, 2023);
Exhibit B	Resolution Adopting List of Qualified Brokers Authorized to Engage in Investment Transactions with the District
Exhibit C	Tax Assessor-Collector's Reports (March 31, 2023 through August 31, 2023)
Exhibit D	Tax Recommendation for 2023
Exhibit E	Resolution Authorizing an Increase in the Fees of Office
Exhibit F	Resolution Adopting the Code of Ethics
Exhibit G	Notice to Purchasers
Exhibit H	Engineering Report
Exhibit I	Records Management Officer Request to Destroy SPH's Handwritten Notes and Audio Recordings of Board Meetings
Exhibit J	Legislative Summary of the 88 th Regular Session of the Texas Legislature prepared by SPH