

## MINUTES

### FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 50

April 14, 2020

The Board of Directors (the "Board") of Fort Bend County Municipal Utility District No. 50 (the "District") met in regular session by teleconference, with access by telephone available to the public, pursuant to Texas Government Code Section 551.125 and Governor Greg Abbott's emergency disaster declaration dated March 13, 2020 (the "Disaster Declaration"), on the 14th day of April, 2020, and the roll was called of the members of the Board being present by telephone:

Craig Lewis	President
Jerry Slatton	Vice President
Peter Lajoie	Secretary
Reginald Stubblefield	Assistant Secretary
Leon Bridges	Assistant Vice President

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

Also attending the teleconference were Muhammad Sadiq, a member of the public; Esther Flores of Tax Tech, Inc. ("Tax Tech"); Jordan Williams of R.G. Miller Engineers, Inc. ("R.G. Miller"); Wendy Austin of District Data Services, Inc.; Calvin Browne of Municipal District Services, LLC ("MDS"); Phil Halbert of Champions Hydro-Lawn, Inc. ("Champions"); Avik Bonnerjee of B&A Municipal Tax Service, LLC; Mark Eyring of Roth & Eyring, PLLC; Julie Gerdes of Rathmann and Associates, L.P. ("Rathmann"); Christie Leighton of Best Trash, LLC; and Christina Miller, Aaron Carpenter, and Cheryl Panozzo of Allen Boone Humphries Robinson LLP ("ABHR").

Ms. Miller reviewed certain recommended protocols for conducting the District's meeting via teleconference. She announced that the meeting was being recorded and that consultant reports presented at the meeting were posted online and available to the public in the form of an "agenda packet" prior to the start of the meeting at [www.districtdirectory.org/agendapackets/fbcmud50](http://www.districtdirectory.org/agendapackets/fbcmud50).

### DECLARE EMERGENCY

Ms. Miller reported on Governor Abbott's Disaster Declaration, authorizing political subdivisions of the State of Texas to use all available resources to facilitate and expedite the use and deployment of District resources to enhance preparedness and response to the novel coronavirus (COVID-19). She stated in response to the Governor's declaration, an emergency may be declared within the District for the duration of this declared disaster and for the limited purposes authorized by Governor

Abbott. After discussion, Director Stubblefield moved to declare an emergency within the District for the duration of this declared emergency/disaster and for the limited purposes authorized by the Governor as a result of the novel coronavirus (COVID-19). Director Lajoie seconded the motion. A roll call of the Board was taken and the motion passed unanimously, with all directors voting "yea."

CONSIDER OPERATIONS AND SERVICE REQUIREMENTS RELATING TO COVID-19 EPIDEMIC; MEMORANDUM REGARDING PREPARATION FOR POTENTIAL EFFECTS OF COVID-19 ("MEMORANDUM"); AND ADOPT RESOLUTION REGARDING DELEGATION OF AUTHORITY DUE TO AN EMERGENCY

Discussion ensued regarding the posting of notices related to COVID-19 on the District's website. Ms. Miller stated that the following notices related to COVID-19 have been posted to the District's website: (1) a notice from Best Trash regarding garbage and recycling service adjustments; (2) a notice issued by the Center for Disease Control regarding the impact of COVID-19 on drinking water; and (3) a notice regarding sewer system considerations. Following discussion, the Board directed Director Lajoie to also supplement the website information to include a link to the COVID-19 page on the MDS website.

The Board discussed the necessity of continuing District operations and services during the state of disaster and the likely inability of a majority of the Board to convene and sign checks to pay District expenses relating to District services and District contracts during the declared disaster. Ms. Miller reviewed the Memorandum and a Resolution Regarding Delegation of Authority Due to an Emergency (the "Resolution"). A copy of the Memorandum is attached. She noted the Resolution reflects delegations of authority to take certain actions on behalf of the Board or District, including delegation to the bookkeeper to sign approved, authorized checks on behalf of the District in accordance with Section 49.151 of the Texas Water Code.

Following review and discussion, Director Bridges moved to adopt the Resolution and direct it be filed appropriately and retained in the District's official records. The motion was seconded by Director Lajoie. A roll call of the Board was taken and the motion passed unanimously, with all directors voting "yea."

RESOLUTION DESIGNATING DIRECTOR AS TREASURER DURING COVID-19 DECLARED DISASTER AND AUTHORIZING DISBURSEMENTS

Ms. Miller presented and reviewed a Resolution Designating Director as Treasurer During COVID-19 Declared Disaster and Authorizing Disbursements reflecting the designation of a certain Board member as the Treasurer to sign approved, authorized checks from the District's tax account in accordance with Section 49.151 of the Texas Water Code. Following review and discussion, Director Bridges moved to

adopt the Resolution Designating Director as Treasurer During COVID-19 Declared Disaster and Authorizing Disbursements reflecting the designation of Director Lewis as Treasurer for the purposes stated therein. Director Stubblefield seconded the motion. A roll call of the Board was taken and the motion passed unanimously, with all directors voting "yea."

#### TAX ASSESSMENT AND COLLECTION MATTERS

Ms. Flores reviewed the tax assessor/collector's report, a copy of which is attached. She reported that 97.95% of the 2019 tax levy had been collected as of March 31, 2020. After review and discussion, Director Bridges moved to approve the tax assessor/collector's report and payment of the bills listed in the report. Director Lajoie seconded the motion. A roll call of the Board was taken and the motion passed unanimously, with all directors voting "yea."

#### ORDER ADOPTING ELECTRONIC SIGNATURE RULES FOR CONSTRUCTION CONTRACTS

The Board considered adopting an Order Adopting Electronic Signature Rules for Construction Contracts to set forth rules surrounding the receipt of electronic signatures on construction contracts. Following review and discussion, Director Stubblefield moved to adopt an Order Adopting Electronic Signature Rules for Construction Contracts. Director Bridges seconded the motion. A roll call of the Board was taken and the motion passed unanimously, with all directors voting "yea."

#### ORDER ADOPTING SECTION 49.2731 ELECTRONIC BIDDING RULES

The Board considered adopting an Order Adopting Section 49.2731 Electronic Bidding Rules to permit the receipt of bids under Section 49.273 of the Texas Water Code through electronic transmission. Following review and discussion, Director Stubblefield moved to adopt an Order Adopting Section 49.2731 Electronic Bidding Rules. Director Bridges seconded the motion. A roll call of the Board was taken and the motion passed unanimously, with all directors voting "yea."

#### PUBLIC COMMENT

Director Lewis offered any members of the public attending the meeting by telephone the opportunity to make public comment. There being no members of the public requesting to make public comment, Director Lewis moved to the next agenda item.

## MINUTES

The Board reviewed the minutes of the regular meeting held March 10, 2020. After review and discussion, Director Lajoie moved to approve the minutes of the regular meeting held March 10, 2020, as submitted. Director Stubblefield seconded the motion. A roll call of the Board was taken and the motion passed unanimously, with all directors voting "yea."

## DISCUSS IMPLEMENTATION OF LAW ENFORCEMENT SERVICES IN THE DISTRICT

The Board concurred to discuss law enforcement services available to the District from Fort Bend County Constable Precinct 3 at a subsequent meeting. The Board directed that ABHR request information on law enforcement services available to the District from other providers, including private security firms.

## CYBERSECURITY TRAINING REQUIREMENTS

Ms. Miller presented a memorandum regarding legislation enacted by the Texas Legislature regarding annual cybersecurity training requirements for certain local government employees and elected officials, beginning in 2020. She said the Board members must select a training program that is certified by the Texas Department of Information Resources. Ms. Miller reported that the Association of Water Board Directors ("AWBD") expects to provide a certified training program for water districts at its annual conferences beginning in June 2020.

## FINANCIAL AND BOOKKEEPING MATTERS

Ms. Austin presented the bookkeeper's report, including the investment report, a copy of which is attached, and submitted the District's bills for payment. She requested the Board approve check no. 8982 to the AWBD for director fees for the summer conference in the amount of \$750.00 and check no. 8984 to Roth & Eyring, PLLC for preparation of the project audit for the economic development grant payment to MRPL Retail Partners, Ltd., and MRPL Retail Partners II, Ltd., in the amount of \$750.00. After review and discussion, Director Stubblefield moved to approve the bookkeeper's report, investment report, and payment of the bills listed in the report, including check no. 8982 to AWBD in the amount of \$750.00 and check no. 8984 to Roth & Eyring, PLLC in the amount of \$750.00. Director Lajoie seconded the motion. A roll call of the Board was taken and the motion passed unanimously, with all directors voting "yea."

## REPORT ON SALES TAX AUDIT SERVICES

Mr. Bonnerjee reviewed a report on the District's sales tax revenue accounts, a copy of which is attached. He reviewed new and changed sales and use tax permits issued since the last report for businesses located within the District's boundaries.

## APPROVE PROJECT AUDIT FOR AND RELATED PAYMENT OF ECONOMIC DEVELOPMENT GRANT PAYMENT TO MRPL RETAIL PARTNERS, LTD., AND MRPL RETAIL PARTNERS II, LTD

Mr. Eyring reviewed a project audit for the economic development grant payment to MRPL Retail Partners, Ltd., and MRPL Retail Partners II, Ltd., prepared by Roth & Eyring, PLLC. He noted that the audit reflects that an economic development grant payment is due to MRPL Retail Partners, Ltd., and MRPL Retail Partners II, Ltd., in the amount of \$476,718.12 for the year 2019. After review and discussion, Director Bridges moved to approve the project audit for and related payment of the economic development grant payment to MRPL Retail Partners, Ltd., and MRPL Retail Partners II, Ltd., and direct that the project audit be filed appropriately and retained in the District's official records. Director Stubblefield seconded the motion. A roll call of the Board was taken and the motion passed unanimously, with all directors voting "yea."

## ANNEXATION OF SADIQ TRACT

Ms. Miller stated that the City Council of the City of Houston approved the Petition for Consent to Annex Land for the 1.222-acre tract of land owned by Houston Squash & Fitness Club, LLC. She reviewed an Order Adding Land to add the 1.222-acre tract to the District. Ms. Miller then reviewed an Amendment to Information Form and stated that the Texas Water Code requires that the District file the Amendment to Information Form with Fort Bend County and the Texas Commission on Environmental Quality reflecting the new boundaries of the District. Following review and discussion, Director Lajoie moved to (1) adopt the Order Adding Land; (2) authorize execution of the Amendment to Information Form; and (3) direct that Order and the Amendment be filed appropriately and retained in the District's official records. Director Bridges seconded the motion. A roll call of the Board was taken and the motion passed unanimously, with all directors voting "yea."

## OPERATION OF DISTRICT FACILITIES

Mr. Browne reviewed the operator's report, a copy of which is attached. He reported that water accountability for the previous month was 96.8% and reported on maintenance performed at the District's facilities. Mr. Browne also discussed MDS' operations during the declared disaster.

Mr. Browne reviewed the Consumer Confidence Report with the Board. Following review and discussion, the Board concurred to approve the Consumer Confidence Report at the next meeting.

After review and discussion, Director Bridges moved to approve the operator's report. Director Stubblefield seconded the motion. A roll call of the Board was taken and the motion passed unanimously, with all directors voting "yea."

#### HEARING ON TERMINATION OF WATER AND SEWER SERVICE TO DELINQUENT CUSTOMERS AND AUTHORIZE TERMINATION OF SERVICE

The Board discussed correspondence from Fort Bend County Judge K.P. George requesting that all municipal utility districts suspend imposition of late fees and service terminations for the duration of the COVID-19 public health emergency. Following discussion, Director Bridges moved to (1) suspend termination of water and sewer service to delinquent customers and waive late fees and penalties until further notice; (2) authorize MDS to send written reminder notices of non-payment to delinquent customers; and (3) authorize MDS to set up payment plans with District customers on an as-needed basis until further notice. The motion was seconded by Director Stubblefield. A roll call of the Board was taken and the motion passed unanimously, with all directors voting "yea."

#### GARBAGE AND RECYCLING SERVICE MATTERS

Ms. Leighton discussed garbage and recycling matters.

#### NORTH FORT BEND WATER AUTHORITY ("NFBWA") MATTERS

Ms. Miller updated the Board on NFBWA matters and discussed the District's participation in the Larry's Toolbox Water Conservation Program. She discussed the District's participation in a proposed NFBWA study regarding utilization of reuse or other water conservation opportunities for new development within the District.

Ms. Miller stated that the District entered into an Irrigation System Evaluation Cost Sharing Agreement ("Irrigation Agreement") for participation in the W.I.S.E. Guys Program in June, 2011. She stated that the W.I.S.E. Guys Program provides evaluations of residential irrigation systems for the District's customers. Ms. Miller stated that the Irrigation Agreement automatically renews for another year if the District does not provide notice of termination at least 60 days prior to the renewal date. Following discussion, the Board concurred to allow the Irrigation Agreement to automatically renew for another year.

#### DEVELOPMENT IN THE DISTRICT

There was no discussion on development in the District.

## ENGINEERING MATTERS

Ms. Williams presented the engineer's report, a copy of which is attached, including the projects specifically addressed as follows:

### PARK WESTHEIMER BOULEVARD EXTENSION AND DRAINAGE IMPROVEMENTS

Ms. Williams gave an update on construction of the Park Westheimer Boulevard extension and drainage improvements and stated construction is 95% complete. She recommended the Board approve Pay Estimate No. 3 in the amount of \$9,188.40 to Clearwater Utilities, Inc. ("Clearwater").

### PERMANENT WASTEWATER TREATMENT PLANT ("WWTP") AND LIFT STATION, INCLUDING OFFSITE UTILITIES TO SERVE PERMANENT WWTP

Ms. Williams gave an update on construction of the permanent WWTP and lift station, including the offsite utilities to serve the permanent WWTP. She recommended approval of Pay Estimate No. 5 in the amount of \$750,685.86 to C4 Partners, LLC.

### WASTEWATER TREATMENT PLANT DETENTION POND IMPROVEMENTS

Ms. Williams gave an update on design of the WWTP detention pond improvements.

### WATER PLANT NO. 2

Ms. Williams gave an update on construction of Water Plant No. 2 and stated construction is 60% complete. She recommended the Board approve Pay Estimate No. 9 in the amount of \$46,857.60 to Nunn Constructors, Ltd. ("Nunn").

### WATER, SEWER AND DRAINAGE FACILITIES AND PAVING TO SERVE GRAND TRAILS, SECTION 1

Ms. Williams gave an update on design of the water, sewer, and drainage facilities and paving to serve Grand Trails, Section 1.

### SUB-REGIONAL DETENTION PHASE II

Ms. Williams gave an update on design of the sub-regional detention phase II project.

## DETENTION FACILITIES TO SERVE DISTRICT EAST

Ms. Williams reported on construction of the detention facilities to serve District East. Discussion ensued regarding options for addressing project deficiencies. Following discussion, the Board directed Ms. Williams to request a proposal from the contractor to fill the amenity pond located adjacent to the detention facilities.

Ms. Williams recommended the Board approve Pay Estimate No. 4 in the amount of \$24,734.59 to R&T Ellis Excavation, Inc. ("R&T Ellis"), with the understanding that the final pay estimate would not be approved until the project deficiencies were remedied.

## DRAINAGE STUDY

Ms. Williams reported on the required updates to the District's drainage study based on the Atlas 14 rainfall study.

## STORM WATER PERMITTING MATTERS

Ms. Williams presented brochures on pet waste, lawn care, and water fowl (the "Brochures") in connection with the District's Storm Water Management Plan, copies of which are attached, and requested approval from the Board to insert the Brochures in the water bill.

## BOND APPLICATION NO. 9

Ms. Williams indicated that bond application no. 9 is under review by the Texas Commission on Environmental Quality.

After review and discussion, based on the engineer's recommendation, Director Bridges moved to (1) approve the engineer's report; (2) approve Pay Estimate No. 3 in the amount of \$9,188.40 to Clearwater for construction of the Park Westheimer Boulevard extension and drainage improvements, based on the engineer's recommendation; (3) approve Pay Estimate No. 5 in the amount of \$750,685.86 to C4 Partners, LLC for construction of the permanent WWTP and lift station, including the offsite utilities to serve the permanent WWTP; (4) approve Pay Estimate No. 9 in the amount of \$46,857.60 to Nunn for construction of Water Plant No. 2; (5) approve Pay Estimate No. 4 in the amount of \$24,734.59 to R&T Ellis for construction of the detention facilities to serve District East; and (6) authorize MDS to include the Brochures in connection with the District's Storm Water Management Plan in the water bill. Director Stubblefield seconded the motion. A roll call of the Board was taken and the motion passed unanimously, with all directors voting "yea."



SERIES 2020 UNLIMITED TAX REFUNDING BONDS ("SERIES 2020 REFUNDING BONDS")

Ms. Gerdes gave an update on the Series 2020 Refunding Bonds, including current market conditions and the anticipated pricing timeline.

REPORT ON MAINTENANCE OF DISTRICT DETENTION PONDS AND FACILITY SITES

Mr. Halbert reviewed a report from Champions on maintenance of the District's detention ponds and facility sites, a copy of which is attached.

Director Lewis reported on an abundance of fire ants at the Grand Meadows detention pond. Following discussion, Director Lewis moved to authorize reimbursement to a District director for the costs to purchase ant killer to be applied at the Grand Meadows detention pond in an amount not to exceed \$50.00. Director Bridges seconded the motion. A roll call of the Board was taken and the motion passed unanimously, with all directors voting "yea."

PARK AND RECREATIONAL FACILITY PLANNING MATTERS

Discussion ensued regarding the risk of transmitting COVID-19 from public drinking fountains. Following discussion, Director Lewis authorized Champions to turn off the water at the public drinking fountain at the Lost Creek park for the duration of the COVID-19 public health emergency. Director Lajoie seconded the motion. A roll call of the Board was taken and the motion passed unanimously, with all directors voting "yea."

The Board deferred discussing a Resolution Establishing Rules and Regulations Governing the Use of District Detention and Recreation Facilities until next month.

DISTRICT WEBSITE MATTERS

There was no discussion on this matter.

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

(SEAL)



/s/ Peter Lajoie  
Secretary, Board of Directors

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