

## MINUTES

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

January 12, 2021

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, on the 12<sup>th</sup> day of January, 2021, and the roll was called of the members of the Board being present by telephone:

|                       |                          |
|-----------------------|--------------------------|
| Craig Lewis           | President                |
| Leon Bridges          | Vice President           |
| Peter Lajoie          | Secretary                |
| Reginald Stubblefield | Assistant Secretary      |
| Ken Mathews           | Assistant Vice President |

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

Also attending the teleconference were Esther Flores of Tax Tech, Inc.; 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"); 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 made 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).

### PUBLIC COMMENTS

Ms. Miller reported that the District received the following written correspondence from the public: (1) correspondence from a resident of Fort Bend County Municipal Utility District No. 133 regarding maintenance of District trees; and (2) correspondence from the owner of Katy Dojo LLC property located to the south of the permanent wastewater treatment plant ("WWTP") site regarding drainage concerns related to the WWTP project. She noted that copies of the written correspondence were distributed to the Board prior to the meeting.

Ms. Miller reported the District also received a request for public information from State Representative Gary Gates and that ABHR will be sending a response later this week.

#### OPERATIONS AND SERVICE REQUIREMENTS RELATING TO COVID-19 EPIDEMIC AND RATIFICATION OF ANY EMERGENCY ACTIONS, IF NECESSARY

Mr. Browne confirmed that there were no adverse District service impacts resulting from the COVID-19 epidemic.

#### MINUTES

The Board reviewed the minutes of the regular meeting held on December 8, 2020. After review and discussion, Director Lewis moved to approve the minutes of the regular meeting held on December 8, 2020, as submitted. Director Bridges seconded the motion, which passed by unanimous vote, 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 7.88% of the 2020 tax levy had been collected as of December 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 Mathews seconded the motion, which passed by unanimous vote, with all directors voting "yea."

#### AUDIT FOR FISCAL YEAR ENDED SEPTEMBER 30, 2020

The Board concurred to defer this item to next month.

#### 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 that the Board approve check no. 9283 in the amount of \$100.00 to Eduardo Baca and stated that check no. 9283 will replace another check to Eduardo Baca in the same amount that was lost in the mail. After review and discussion, Director Lajoie moved to (1) approve the bookkeeper's report, investment report, and payment of the bills listed in the report, and (2) approve replacement check no. 9283 to Eduardo Baca in the amount of \$100.00. Director Bridges seconded the motion, which passed by unanimous vote, with all directors voting "yea."

## ANNUAL DISCLOSURE STATEMENTS

Ms. Miller stated that in accordance with the District's Investment Policy, Ms. Austin, as the bookkeeper and an Investment Officer, and Stephanie Viator, as an Investment Officer, are required to execute disclosure statements that disclose any relationships with banks and brokers who seek to sell investments to the District. She added that the disclosure statements will be filed with the Texas Ethics Commission. After review and discussion, Director Mathews moved to accept the disclosure statements pursuant to the District's Investment Policy and the Public Funds Investment Act and direct that the statements be filed appropriately and retained in the District's official records. Director Bridges seconded the motion, which passed by unanimous vote, with all directors voting "yea."

## ANNUAL REPORT REGARDING POST-ISSUANCE COMPLIANCE POLICY

Ms. Miller reported on the District's compliance activities during the prior calendar year related to bond financings. She stated that no corrective action is required at this time.

## ANNUAL CYBERSECURITY TRAINING

Ms. Miller presented a memorandum to the Board regarding annual cybersecurity training requirements for certain local government employees and elected officials pursuant to Chapter 2054, Texas Government Code, a copy of which is attached. She stated that Board members must select a training program that is certified by the Texas Department of Information Resources. Ms. Miller added that according to the Texas Department of Information Resources the training must be completed by June 14<sup>th</sup> of each year.

## 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 92.5% and reported on maintenance performed at the District's facilities.

Ms. Browne reviewed a notice to the Texas Commission on Environmental Quality regarding an unauthorized discharge of wastewater, a copy of which is attached to the operator's report.

After review and discussion, Director Lewis moved to approve the operator's report. Director Lajoie seconded the motion, which passed by unanimous vote, with all directors voting "yea."

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

The Board conducted a hearing on the termination of utility service. Mr. Browne presented a list of delinquent customers and reported that the residents on the termination list were mailed written notice prior to this meeting in accordance with the District's Rate Order, notifying them of the opportunity to appear before the Board of Directors to explain, contest, or correct the utility service bill and to show reason why utility service should not be terminated for reason of nonpayment. Following review and discussion, Director Lewis moved that, because the customers on the termination list were neither present at the meeting nor had presented any statement on the matter, utility service should be terminated in accordance with the procedures set forth in the District's Rate Order, and the delinquent customer list should be filed appropriately and retained in the District's official records, and to authorize MDS to continue to set up payment plans with District customers on an as-needed basis until further notice. Director Lajoie seconded the motion, which passed by unanimous vote, with all directors voting "yea."

## DISCUSS AMERICA'S WATER INFRASTRUCTURE ACT OF 2018 RISK AND RESILIENCE ASSESSMENT

Discussion ensued regarding certain certification obligations that the District must meet under the America's Water Infrastructure Act of 2018 (the "Act"). Ms. Miller stated that, pursuant to the Act, the District must certify to the Environmental Protection Agency that its community water system has completed a Risk and Resilience Assessment (the "Assessment"). Following discussion, Director Bridges made a motion to authorize MDS and R. G. Miller to collaborate to prepare the District's Assessment and the District's Emergency Response Plan. Director Lajoie seconded the motion, which passed unanimously.

## ADOPT AMENDED RATE ORDER

Following discussion, the Board concurred to conduct a rate order workshop by ZOOM videoconference to consider proposed amendments to the District's Rate Order later this month.

## GARBAGE AND RECYCLING SERVICE MATTERS

There was no discussion on garbage and recycling matters.

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

Ms. Miller updated the Board on NFBWA matters and reviewed a memorandum from the NFBWA, a copy of which is attached, regarding the pumpage fee and surface water fee increase that went into effect on January 1, 2021.

Ms. Miller discussed the District's participation in the Larry's Toolbox Water Conservation Program (the "Program") and stated the District fulfilled the Program requirements for the year 2020. She also stated that the District has been enrolled in the Program for the year 2021.

#### DEVELOPMENT IN THE DISTRICT

There was no discussion on this matter.

#### 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 complete.

##### PERMANENT WWTP AND LIFT STATION

Ms. Williams gave an update on construction of the permanent WWTP and lift station and stated construction is 90% complete. She recommended approval of Pay Estimate No. 14 in the amount of \$19,727.63 to C4 Partners, LLC ("C4 Partners").

##### WATER PLANT NO. 2

Ms. Williams gave an update on construction of Water Plant No. 2 and stated construction is 90% complete. She recommended the Board approve Pay Estimate No. 18 in the amount of \$193,884.75 to Nunn Constructors, Ltd. ("Nunn").

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

Ms. Williams gave an update on construction of the water, sewer, and drainage facilities to serve Grand Trails, Section 1 and stated construction is 85% complete. She recommended the Board approve Pay Estimate No. 2 in the amount of \$1,106,424.86 to Fellers & Clark, LP.

Director Bridges discussed damage at the entrance of Grand Meadows subdivision, including landscaping, decorative rock, and sidewalk damage,

caused by the contractor for the project. Ms. Williams stated that repair of the damage is the responsibility of the contractor and requested that Director Bridges send her pictures of the damage.

#### PAVING TO SERVE GRAND TRAILS, SECTION 1

Ms. Williams gave an update on construction of the paving to serve Grand Trails, Section 1.

#### SUB-REGIONAL DETENTION PHASE II

Ms. Williams gave an update on construction of the sub-regional detention phase II project and stated construction is 95% complete. She recommended the Board approve Pay Estimate No. 5 in the amount of \$30,905.36 to C.E. Barker, Ltd.

#### DISTRICT EAST DETENTION FACILITIES PHASE II

Ms. Williams gave an update on design of District East Detention Facilities Phase II.

#### DEEDS, EASEMENTS, APPRAISALS, CONSENTS TO ENCROACHMENT, ENCROACHMENT AGREEMENTS, ASSIGNMENT OF CAPACITY, REQUESTS FOR SERVICE, UTILITY CONVEYANCES, OUT-OF-DISTRICT SERVICE AGREEMENTS, UTILITY COMMITMENT LETTERS, AND CONVEYANCES OF DISTRICT PROPERTY

Ms. Williams reported that the District received a request for sanitary sewer and water capacity for the proposed Bellaire Boulevard school site located east of Peek Road on Bellaire Boulevard.

Ms. Miller reported that the District received the Special Warranty Deed signed by the Fort Bend County (the "County") Judge for acquisition of land from the District needed for the County's future Beechnut Boulevard expansion project.

Discussion ensued regarding a drainage issue behind several homes located in the Meadows of Parkway Lakes due to overflow from a drainage inlet.

Ms. Miller reported that Robert Ferguson of Parkway Lakes Development, Inc., requested that Ms. Williams provide him with a proposal to pre-finance the development of the next phase of the regional detention pond.

After review and discussion, based on the engineer's recommendation, Director Lajoie moved to (1) approve the engineer's report; (2) approve Pay

Estimate No. 14 in the amount of \$19,727.63 to C4 Partners for construction of the permanent WWTP and lift station; (3) approve Pay Estimate No. 18 in the amount of \$193,884.75 to Nunn for construction of Water Plant No. 2; (4) approve Pay Estimate No. 2 in the amount of \$1,106,424.86 to Fellers & Clark, LP for construction of the water, sewer, and drainage facilities to serve Grand Trails, Section 1; (5) approve Pay Estimate No. 5 in the amount of \$30,905.36 to C.E. Barker, Ltd., for construction of the sub-regional detention phase II project; (6) authorize ABHR to prepare a Utility Commitment Letter regarding sanitary sewer and water capacity for the proposed Bellaire Boulevard school site; and (7) authorize execution of the Special Warranty Deed for conveyance of land to the County for the future Beechnut Boulevard expansion project. Director Bridges seconded the motion, which passed by unanimous vote, with all directors voting "yea."

#### 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.

Mr. Halbert stated that the District residents located at 21407 Lian Falls Lane and 21142 Sierra Bend Drive disposed of debris behind their fences onto the drainage channel.

Mr. Halbert then reported that several "no trespassing" signs in the District need to be repaired or replaced.

Following review and discussion, Director Lewis moved to (1) accept the report from Champions; (2) authorize ABHR to send letters to the residents at 21407 Lian Falls Lane and 21142 Sierra Bend Drive requesting that they remove the debris on the District's property; and (3) authorize Director Lewis to repair/replace the missing "no trespassing" signs in the District. Director Lajoie seconded the motion, which passed by unanimous vote, with all directors voting "yea."

#### TREE RELOCATION PROJECT

Ms. Miller provided an update on the relocation of trees in the District, including the Letter Agreement between the District and Parkway Lakes Master, Ltd., regarding the donation of trees to the District and the Service Agreement with B&G Trees, Inc., in order to provide tree relocation and planting services.

#### PARK AND RECREATIONAL FACILITY PLANNING MATTERS

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

AMENDED ORDER ESTABLISHING A RECORDS RETENTION PROGRAM AND DESIGNATING A RECORDS MANAGEMENT OFFICER

Ms. Miller stated that the Texas Local Government Records Act provides that all local governments must establish an active and continuing records management program that contains policies and procedures that promote cost-effective and efficient recordkeeping. She stated that the District's current records management program requires that all District records be retained permanently. Ms. Miller then reviewed an Amended Order Establishing a Records Management Program and Designating a Records Management Officer that amends the District's records management program to adopt the recommended retention schedules published by the Texas State Library and Archive Commission ("TSLAC"), which will allow the District to periodically dispose of records once the applicable retention period for that specific information has expired. After review and discussion, Director Bridges moved to adopt an Amended Order Establishing a Records Management Program and Designating a Records Management Officer, authorize submission of the Amended Order to TSLAC, and direct that the Amended Order be filed appropriately and retained in the District's official records. Director Mathews seconded the motion, which passed by unanimous vote, with all directors voting "yea."

DISTRICT WEBSITE MATTERS

The Board discussed District website matters.

CONVENE IN EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO CONDUCT A PRIVATE CONSULTATION WITH ATTORNEY TO DISCUSS PENDING OR CONTEMPLATED LITIGATION, OR A SETTLEMENT OFFER

The Board convened in Executive Session at 11:07 a.m., pursuant to Section 551.071 of the Texas Government Code, to conduct a private consultation with an attorney to discuss pending or contemplated litigation or a settlement offer.

RECONVENE IN OPEN SESSION AND AUTHORIZE APPROPRIATE ACTION REGARDING MATTERS DISCUSSED IN EXECUTIVE SESSION

The Board reconvened in regular session at 11:35 a.m. No action was taken by the Board.

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



/s/ Peter Lajoie  
Secretary, Board of Directors



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