

**FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 35,**  
**OF FORT BEND COUNTY, TEXAS**

Minutes of Meeting of Board of Directors  
July 3, 2024

The Board of Directors ("Board") of Fort Bend County Municipal Utility District No. 35, of Fort Bend County, Texas ("District"), met on July 3, 2024, at 1300 Post Oak Boulevard, Suite 2500, Houston, Harris County, Texas 77056, in accordance with the duly posted notice of public meeting, and the roll was called of the duly constituted officers and members of said Board, as follows:

Piero Battistini	President
Sergio Handal	Vice President
Trevor Eynon	Secretary
Shah Haleem	Assistant Secretary
Garima D Gupta	Assistant Secretary

and all of said persons were present, except Director D Gupta, thus constituting a quorum. Director D Gupta entered the meeting after it was called to order, as noted herein.

Also present were: Brian Desilets of Clarity Consulting Corporation ("Clarity"); Esther Flores of Tax Tech, Inc. ("Tax Tech"); Ryan Lesikar of Brown & Gay Engineers, Inc. ("BGE"); Dawn Mouton of Inframark ("Inframark"); and Kate Henderson and Kate Gribble of Schwartz, Page & Harding, L.L.P. ("SPH").

The President called the meeting to order and declared it open for such business as might regularly come before it.

**COMMENTS FROM THE PUBLIC**

The Board began by opening the meeting for public comments. No comments from the public were presented.

**APPROVAL OF MINUTES**

As the next order of business, the Board considered approval of the minutes of its meeting held on June 5, 2024. After discussion, Director Eynon moved that the minutes for said meetings be approved, as written. Director Handal seconded said motion, which unanimously carried.

**BOOKKEEPER'S REPORT**

Mr. Desilets presented to and reviewed with the Board the Bookkeeper's Report prepared by Clarity Consulting Corporation ("Clarity") dated July 3, 2024, including an Investment Report for the period May 1, 2024, through May 31, 2024, a copy of which is attached hereto as **Exhibit A**. Following discussion, it was moved by Director Battistini that (i) the Bookkeeper's Report be approved and the disbursements identified therein be approved for payment, except for check

nos. 10493 and 10547, which were voided, and (ii) the Investment Report for May 2024 be approved, and the District's Investment Officer be authorized to execute same on behalf of the Board and the District. Director Eynon seconded said motion, which unanimously carried.

### **TAX ASSESSOR-COLLECTOR REPORT**

Ms. Flores presented to and reviewed with the Board the Tax Assessor-Collector Report for the month ending June 30, 2024, a copy of which is attached hereto as **Exhibit B**. Following discussion, it was moved by Director Handal, seconded by Director Haleem and unanimously carried, that the Tax Assessor-Collector Report be approved as presented and that the disbursements identified therein be approved for payment.

### **SECOND AMENDMENT TO AMENDED AND RESTATED CONTRACT FOR THE ASSESSMENT AND COLLECTION OF TAXES**

Ms. Flores next presented to and reviewed with the Board the proposed Second Amendment to the Amended and Restated Contract for the Assessment and Collection of Taxes between the District and Tax Tech (the "Amendment"), a copy of which is attached hereto as **Exhibit C**, and requested the Board's approval of same. Ms. Henderson advised the Board that SPH has reviewed the Amendment. After discussion on the matter, Director Handal moved that the Board approve the Amendment, authorize the President to execute same on behalf of the Board and the District, and authorize SPH to acknowledge the associated Texas Ethics Commission ("TEC") Form 1295 provided by Tax Tech in connection with same. Director Battistini seconded said motion, which unanimously carried.

### **DELINQUENT TAX REPORT**

Ms. Henderson presented to and reviewed with the Board a Delinquent Tax Report dated July 3, 2024, from Perdue, Brandon, Fielder, Collins & Mott, L.L.P. ("Perdue"), the District's delinquent tax collections attorneys. A copy of said report is attached hereto as **Exhibit D**. Ms. Henderson advised that Perdue is requesting Board authorization to move eight (8) personal property accounts totaling \$2,683.28 to the uncollectible roll. Following discussion, Director Battistini moved that Perdue be authorized to move the eight (8) accounts reflected in the Delinquent Tax Report to the uncollectible roll, as requested. Director Haleem seconded the motion, which unanimously carried.

Director D Gupta entered the meeting during the above discussion.

### **FORT BEND COUNTY CONSTABLE'S OFFICE ("FBCCO") ACTIVITY REPORT**

The Board deferred consideration of a Monthly Contract Deputy Activity Report for the month of June 2024, noting that no written report had been received from the FBCCO this month.

### **ENGINEER'S REPORT**

Mr. Lesikar presented to and reviewed with the Board a written Engineer's Report dated July 3, 2024, a copy of which is attached hereto as **Exhibit E**, relative to the status of various

engineering and construction projects within the District, and discussed the matters contained therein. In connection therewith, Mr. Lesikar discussed the correspondence previously received from Double Oak Erosion ("Double Oak") dated May 28, 2024, a copy of which is attached to the Engineer's Report, regarding the proposed installation of rip rap on the bottom of Little Prong Creek at Fry Road to fill a void on the upstream side of the slope paving in order to address the suspected underlying reason for the repeated failure of the SOX erosion repair system at the site. Mr. Lesikar reminded the Board that Double Oak has offered to install the rip rap at no additional cost to the District and in return requested that it be removed from future maintenance claims upon repair of the deteriorated portion of the bank utilizing the SOX system. After noting that there are still approximately two and a half years remaining on the Maintenance Bond attached to the original contract with Double Oak, Mr. Lesikar advised the Board that the Board of Directors of Fort Bend County Municipal Utility District No. 34, of Fort Bend County, Texas ("No. 34") authorized BGE to advise Double Oak that it agrees to pay the cost to repair the void with rip rap for the total estimated cost of approximately \$10,000, and wishes to keep the original Maintenance Bond in place. After discussion, it was moved by Director Eynon that the Engineer's Report and all action items listed therein be approved, including concurrence with No. 34's prior: (i) approval of Pay Request No. 1 and Final from C&C Water Services, LLC in the amount of \$492,930 in connection with the contract for Rehabilitation of Water Well No. 1 at the Joint Water Plant; and (ii) authorization for BGE to advise Double Oak that the District and No. 34 will share the cost to fill the void on the bottom of Little Prong Creek at Fry Road, as discussed above, and that neither district agrees to release Double Oak from any maintenance claims that may occur before the remaining approximately two and a half years of the Maintenance Bond term expires. Director Battistini seconded the motion, which unanimously carried.

### **DETENTION AND DRAINAGE FACILITIES REPORT ("D&D REPORT")**

The Board deferred consideration of a D&D Report after noting that no report was received from Champions Hydro-Lawn, Inc. for consideration at today's meeting.

### **STORMWATER MANAGEMENT PROGRAM ("SWMP")**

The Board next considered the status of the District's SWMP. Ms. Henderson noted that there were no updates at this time.

### **OPERATIONS REPORT**

Ms. Mouton presented to and reviewed with the Board the Operations and Maintenance Report ("O&M Report") for the month of May 2024, a copy of which is attached hereto as **Exhibit F**. Ms. Mouton reported to the Board that the District had approximately 91% water accountability for the reporting period and discussed repairs made throughout the District. She then reviewed with the Board an inspection report from Landscape Images of Texas ("LIT"), relative to the District's park facilities. Ms. Mouton next presented two (2) delinquent accounts to be referred to collections in the total amount of \$164.55.

In connection with the recently completed inspection of the District's fire hydrants, Ms. Mouton presented to and reviewed with the Board a Fire Hydrant Inspection Report (the "Inspection Report") prepared by Inframark, a copy of which is included with **Exhibit F**, and

requested that the Board authorize Inframark to proceed with the various recommended repairs for the estimated total cost of \$7,200. Ms. Mouton then presented a proposal provided by Texas Hydrant Services in the approximate total amount of \$12,220.00 for the painting of 188 fire hydrants within the District, a copy of which is also included with **Exhibit F**, and requested that the Board consider approving same.

Ms. Mouton next requested authorization for Inframark to proceed with year 3 of 5 of the District's annual Sanitary Sewer Televising and Cleaning Project. In connection therewith, she presented a proposal to televise Seven Meadows Sections 10, 11, and 17 through 21 for an estimated total cost of \$62,734.20. A copy of said proposal is included with **Exhibit F**. Upon discussion, the Board concurred to defer action on the matter pending confirmation from Inframark regarding which sections of the District's sanitary sewer facilities were most recently cleaned and televised.

The Board deferred consideration of Inframark's request to destroy certain District records until later in the meeting.

After discussion, it was duly moved by Director Battistini, seconded by Director Haleem and unanimously carried, that: (i) Inframark be authorized to (a) refer two (2) delinquent accounts to collections, as discussed above, and (b) proceed with the recommended fire hydrant repairs, as detailed in the Inspection Report, for a total estimated cost of \$7,200; and (ii) the proposal for the painting of fire hydrants within the District be approved, as discussed above.

#### **DISTRICT WEBSITE AND MASS NOTIFICATION MESSAGING MATTERS**

The Board next considered the continued operation of the District's website and its mass notification system. In connection therewith, Ms. Henderson inquired whether the Board wishes to consider creating a Communications Committee to work with Apollo IT Consulting, LLC and other District consultants in between Board meetings. Upon discussion, Director Haleem moved that Directors Handal and D Gupta be appointed to the Board's Communications Committee. Director Battistini seconded the motion, which unanimously carried.

#### **ELECTRONIC STORAGE OF DISTRICT RECORDS**

Ms. Henderson presented to and reviewed with the Board a memorandum from SPH, which is attached hereto as **Exhibit G**, regarding the legal requirements to electronically store District records and destroy the paper copies of such records. In this regard, she recommended that the Board approve the Resolution Adopting Records Retention Schedules and Policies and Procedures for Electronic Storage of District Records included with **Exhibit G** (the "Records Retention Resolution"). After discussion, Director Battistini moved to approve the Records Retention Resolution, and authorize the Records Management Officer to execute the related certifications, and that same be submitted to the Texas State Library and Archives Commission for review and approval. Director Haleem seconded the motion, which unanimously carried.

#### **RECORDS DESTRUCTION REQUEST**

Ms. Henderson next reported that the District's Records Retention Schedules adopted in connection with its Records Management Program require that records of the District be retained only for specific periods of time based on the type of record. As an example, she explained that

notes taken during meetings and which are used to prepare the official minutes of Board meetings are to be retained for ninety days after approval of such minutes by the Board. She next presented a request from the Records Management Officer for approval to destroy certain records (which will not be scanned in and stored electronically) in accordance with the District's Records Retention Schedules, a copy of which request is attached hereto as **Exhibit H** (the "Request"). After discussion, Director Handal moved that SPH be authorized to destroy the records described in the Request. Director Battistini seconded said motion, which carried unanimously.

### **ATTORNEY'S REPORTS**

The Board considered the Attorney's Report. In connection therewith, Ms. Henderson reported that the District is in receipt of an invitation from the Board of Directors of Seven Meadows Community Association, Inc. ("Seven Meadows") for the Board to attend a future Seven Meadows Board meeting to address its residents and provide an overview of the District's role and responsibilities. After discussion, the Board requested that SPH contact Seven Meadows' Board to request additional information regarding the requested presentation and that the Board of Directors of Seven Meadows attend one of the District's future Board meetings to discuss the proposed presentation.

### **CLOSED SESSION**

The Board determined that it would not be necessary to meet in Closed Session at this time.

### **FUTURE AGENDA ITEMS**

The Board considered items for placement on future agendas. With regard thereto, the Board requested that items to consider (i) a proposal for trimming the trees at the District's Family Park, and (ii) a proposed Joint Fall Community Event to be conducted in cooperation with No. 34 be included on the next agenda.

### **ADJOURNMENT OF MEETING**

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



  
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Secretary, Board of Directors

**TABLE OF EXHIBITS**

**July 3, 2024**

Exhibit A: Bookkeeper's Report

Exhibit B: Tax Assessor-Collector's Report

Exhibit C: Second Amendment to Amended and Restated Contract for the Assessment and Collection of Taxes

Exhibit D: Delinquent Tax Report

Exhibit E: Engineer's Report

Exhibit F: Operations and Maintenance Report; Fire Hydrant Inspection Report, Texas Hydrant Services proposal; Inframark proposal for Sanitary Sewer Cleaning and Televising

Exhibit G: Memorandum; Resolution Adopting Records Retention Schedules and Policies and Procedures for Electronic Storage of District Records

Exhibit H: Records Destruction Request