

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

Minutes of Meeting of Board of Directors
November 6, 2024

The Board of Directors ("Board") of Fort Bend County Municipal Utility District No. 35, of Fort Bend County, Texas ("District"), met on November 6, 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.

Also present were: Eric Gonzalez of Clarity Consulting Corporation ("Clarity"); Esther Flores of Tax Tech, Inc. ("Tax Tech"); Jeff Safe of Brown & Gay Engineers, Inc. ("BGE"); Kim Cosco of Champions Hydro-Lawn, Inc. ("Champions"); Justin Klump of Storm Water Solutions, LLC ("SWS"); Dawn Mouton and Roy Garcia of Inframark ("Inframark"); Jeremy Roach of Apollo IT Consulting ("Apollo"); Barry Hards of Texas Groundworks Management, Inc. ("TGM"); and Kate Henderson and Melanie Walsh 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. In that regard, Mr. Hards introduced himself to the Board and explained TGM's services and programs. The Board thanked Mr. Hards for his time.

Mr. Hards left the meeting at this time.

APPROVAL OF MINUTES

As the next order of business, the Board considered approval of the minutes of its meeting held on October 2, 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. Gonzalez presented to and reviewed with the Board the Bookkeeper's Report prepared

by Clarity dated November 6, 2024, including an Investment Report for the period October 1, 2024, through October 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 and (ii) the Investment Report for October 2024 be approved, and the District's Investment Officer be authorized to execute same on behalf of the Board and District. Director Haleem 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 October 31, 2024, a copy of which is attached hereto as **Exhibit B**. Upon Ms. Flores' recommendation, the Board concurred that notices reminding property owners of the pending tax payment deadline and advising them to contact Tax Tech if they have not yet received a 2024 tax statement be included in upcoming water bills and posted on the District's website. Following discussion, it was moved by Director Eynon, seconded by Director Gupta and unanimously carried, that the Tax Assessor-Collector Report be approved as presented and that the disbursements identified therein be approved for payment.

DELINQUENT TAX REPORT

Ms. Henderson reported that a Delinquent Tax Report was not received this month from Perdue, Brandon, Fielder, Collins & Mott, L.L.P., the District's delinquent tax collections attorneys. She stated that the next quarterly report will be provided in January.

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

The Board deferred consideration of a Monthly Contract Deputy Report from FBCCO after Ms. Henderson noted that no report had been received.

ENGINEER'S REPORT

Mr. Safe presented to and reviewed with the Board a written Engineer's Report dated November 6, 2024, a copy of which is attached hereto as **Exhibit C**, relative to the status of various engineering and construction projects within the District, and discussed the matters contained therein. After discussion, it was moved by Director Handal that the Engineer's Report and all action items listed therein be approved, including concurrence in Fort Bend County Municipal Utility District No. 34's approval of Pay Estimate No. 8 and Final from McDonald Municipal and Industrial in the amount of \$56,776.90 in connection with the installation of the permanent emergency generator at the remote well site. Director Eynon seconded said motion, which unanimously carried.

Mr. Safe next presented to and reviewed with the Board the Condition Assessment Report prepared by BGE relative to the Joint 1.0 MGD Wastewater Treatment Plant (the "WTP"), a copy of which is included with **Exhibit C**.

In connection with BGE's pending update of the District's Capital Improvement Plan, Mr. Safe presented to and reviewed with the Board a report summarizing the Water Plant No. 1 tank

coatings inspection and evaluation, a copy of which is included with **Exhibit C**.

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

Mr. Cosco next presented to and reviewed with the Board a Detention and Drainage Facilities Report ("D&D Report") dated November 6, 2024, prepared by Champions, for Little Prong Creek and corresponding photographs, a copy of which is attached hereto as **Exhibit D**. With regard to the sinkhole noted at last month's Board meeting, Mr. Cosco reported that the subject area turned out to be a drain installed by Meadowbrook Farms Golf Course at some point in the past. Mr. Cosco next noted a damaged drainage pipe depicted on page 11 of the D&D Report. After discussion, the Board requested that Champions provide a proposal for repair of said pipe for consideration at its next meeting.

STORMWATER MANAGEMENT PROGRAM ("SWMP")

The Board next considered the status of the District's SWMP. In connection therewith, Mr. Klump presented to and reviewed with the Board a draft SWMP prepared by SWS for the District in accordance with the requirements set forth in the Texas Pollutant Discharge Elimination System ("TPDES") Phase II Small Municipal Separate Storm Sewer Systems ("MS4") General Permit and a summary of the new permit term goals and training (the "Summary"). He then discussed with the Board the goals and responsibilities identified in the SWMP for implementation during the new five-year permit term. Mr. Klump next provided a copy of instructions for electronic execution of the required Notice of Intent ("NOI Instructions") in accordance with the requirements set forth in the TPDES General Permit. Copies of the SWMP, Summary and NOI Instructions are attached hereto as **Exhibit E**. After discussion, Director Battistini moved that the Board (i) approve the SWMP, (ii) authorize the President to execute the SWMP and approve and execute the NOI, and (iii) authorize SWS to submit the SWMP and NOI to the appropriate governmental entities as required by law. Director Haleem seconded the motion, which was approved by unanimous vote.

OPERATIONS AND MAINTENANCE REPORT

Ms. Mouton presented to and reviewed with the Board the Operations and Maintenance Report ("O&M Report") for the month of September 2024, a copy of which is attached hereto as **Exhibit F**. Ms. Mouton reported to the Board that the District had approximately 93% water accountability for the reporting period. She next recommended that the District's water bill payment due date be moved from the first (1st) day of the month to the fifth (5th) day of the month. The Board concurred with Ms. Mouton's recommendation. Ms. Mouton then presented three (3) delinquent accounts to be referred to collections in the total amount of \$183.90.

A discussion next ensued regarding the status of reimbursement by Ezee Fiber Texas, LLC ("Ezee Fiber") for damages to the District's water lines. Ms. Mouton stated that Inframark has been submitting applicable invoices to Ezee Fiber, but has not yet received any payment. Upon discussion, it was recommended that Inframark be authorized to coordinate with (i) BGE and SPH to prepare correspondence directed to Fort Bend County (the "County") regarding the unpaid back charges to Ezee Fiber for repairs to District facilities damaged by subcontractors working on its behalf and (ii) Apollo to post a notice on the District's website regarding recent damage to the District's water lines caused by contractors working in the area.

Ms. Mouton next reported that the District is in receipt of correspondence from a District customer requesting that the trees located within the District's Dog Park be pruned. After it was noted that the Board recently concurred to defer trimming trees in the District's parks until February of next year, Ms. Mouton stated that some of the limbs and branches in the Dog Park are particularly low hanging and could be a hazard. She then recommended that Inframark be authorized to trim low hanging limbs or branches at the Dog Park deemed to be potentially hazardous for an amount not to exceed \$500.

Ms. Mouton next presented correspondence from a District customer dated November 3, 2024, a copy of which is included with **Exhibit F**, requesting that the Board consider repairing a sidewalk safety hazard which he believes was caused by the District's sanitary sewer manhole in front of his home. She reported that Inframark investigated the matter and determined that the issue was not caused by the District's facilities. After a lengthy discussion, the Board requested that Inframark obtain quotes for repair and/or rehabilitation of the sidewalk panels on either side of the subject manhole.

Director Handal next requested that Inframark obtain a proposal for power washing the playground equipment located at the District's Family Park for consideration at the next Board meeting.

After discussion, it was duly moved by Director Eynon, seconded by Director Haleem and unanimously carried, that Inframark be authorized to: (i) refer three (3) delinquent account to collections; (ii) coordinate with BGE and SPH to prepare correspondence directed to the County regarding the Ezee Fiber matter; (iii) coordinate with Apollo to post a notice on the District's website regarding recent damage to the District's water lines; and (iv) trim certain trees at the District's Dog Park for an amount not to exceed \$500, all as discussed above and recommended by Inframark.

Ms. Mouton then advised the Board that the Water Wise Fest was moved from November 3rd to November 10th due to weather and encouraged the Board to attend.

NORTH FORT BEND WATER AUTHORITY ("NFBWA") WATER PROVIDER CONSERVATION PROGRAM

Board next considered the status of the District's participation in the 2024 NFBWA Water Provider Conservation Program (the "Program"). In connection therewith, Ms. Mouton presented a summary of various 2024 Program initiatives required to receive points, a copy of which is attached to the O&M Report, and reported that the District is on track to accumulate all points needed to qualify for the 2024 Program. Upon Ms. Mouton's recommendation, the Board concurred that Inframark be authorized to coordinate with Apollo to post a notice on the District's website encouraging District customers to sign up for an irrigation evaluation. The Board next considered the District's participation in the 2025 Program. After discussion, it was moved by Director Battistini that Inframark be authorized to enroll the District in the 2025 Program, and to complete and submit the NFBWA enrollment form for the 2025 Program when available on behalf of the Board and the District. Director Eynon seconded the motion, which unanimously carried.

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 that regard, Mr. Roach presented to and reviewed with the Board a Quarterly Analytics Report, a copy of which is attached hereto as **Exhibit G**, detailing trends in traffic to the District's website and the enrollment and usage of the notification system. After discussion, the Board noted that no action was required on its part in connection with the Quarterly Analytics Report at this time.

EMINENT DOMAIN REPORT

Ms. Henderson reported that, pursuant to Section 2206.154, Texas Government Code, 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 Texas Comptroller of Public Accounts (the "Comptroller"). She explained that the report will contain the District's contact information as well as information related to the District's ability to exercise the power of eminent domain. After discussion, it was moved by Director Haleem, seconded by Director Battistini 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, 2025.

ATTORNEY'S REPORT

The Board deferred consideration of the Attorney's Report after Ms. Henderson noted that she had nothing further to report to the Board at this time other than the items previously discussed.

CLOSED SESSION

Ms. Henderson advised the Board that it would not be necessary for the Board to convene in closed session.

FUTURE AGENDA ITEMS

The Board considered items for placement on future agendas. No other specific agenda items other than routine and ongoing matters, or those discussed above, were requested.

ADJOURNMENT OF MEETING

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





Secretary, Board of Directors

Table of Exhibits

- Exhibit A: Bookkeeper's Report
- Exhibit B: Tax Assessor-Collector's Report
- Exhibit C: Engineer's Report
- Exhibit D: Detention and Drainage Facilities Report
- Exhibit E: SWMP, Summary and NOI Instructions
- Exhibit F: Operations and Maintenance Report; District customer correspondence regarding sidewalk
- Exhibit G: District Website and Messaging Analytics Report