

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

Minutes of Meeting of Board of Directors
December 4, 2024

The Board of Directors ("Board") of Fort Bend County Municipal Utility District No. 35, of Fort Bend County, Texas ("District"), met on December 4, 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 Directors Battistini and Haleem, thus constituting a quorum.

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"), who entered later in the meeting, as noted herein; Dawn Mouton of Inframark ("Inframark"); and Kate Henderson and Melanie Walsh of Schwartz, Page & Harding, L.L.P. ("SPH").

In the absence of the President, the Vice 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 November 6, 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 December 4, 2024, including an Investment Report for the period November 1, 2024, through November 30, 2024, a copy of which is attached hereto as **Exhibit A**. Following discussion, it was moved by Director Eynon that (i) the Bookkeeper's Report be approved and the

disbursements identified therein be approved for payment, except for check nos. 9544, 10739 and 10741, which were voided, and including additional check no. 10761 payable to Director Haleem in the amount of 167.28, which Mr. Gonzalez noted is a reissue of check no. 9544, and (ii) the Investment Report for November 2024 be approved, and the District's Investment Officer be authorized to execute same on behalf of the Board and District. Director Gupta seconded said motion, which unanimously carried.

Mr. Cosco entered the meeting during the above discussion.

TAX ASSESSOR-COLLECTOR REPORT

Ms. Flores presented to and reviewed with the Board the Tax Assessor-Collector Report for the month ending November 30, 2024, a copy of which is attached hereto as **Exhibit B**. Following discussion, it was moved by Director Gupta, seconded by Director Eynon 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

Ms. Henderson presented Monthly Contract Deputy Activity Report for the month of October 2024, regarding FBCCO, a copy of which is attached hereto as **Exhibit C**. It was noted that no action was required by the Board in connection with the FBCCO Report at this time.

ENGINEER'S REPORT

Mr. Safe presented to and reviewed with the Board a written Engineer's Report dated December 4, 2024, a copy of which is attached hereto as **Exhibit D**, relative to the status of various engineering and construction projects within the District, and discussed the matters contained therein. With regard to the portion of the ShoreSOX system recently repaired by Double Oak Erosion ("Double Oak"), Mr. Safe reported that Double Oak has finished re-sodding certain areas where sod was lost.

Mr. Safe next confirmed that the Fort Bend County (the "County") Commissioner's Court adopted new Flood Damage Prevention Regulations ("Regulations") at its meeting held on October 8, 2024. In connection therewith, Ms. Henderson advised the Board that, pursuant to the Interlocal Agreement between the District and the County memorializing the transfer from the District to the County of floodplain administration and permitting duties, the District must adopt the County's new Regulations. She further advised the Board that said Interlocal Agreement will need to be amended and requested that the Board authorize SPH to prepare same for approval at the District's next Board meeting.

Mr. Safe next presented for the Board's review a draft of the District's updated Capital

Improvement Plan, a copy of which is included with **Exhibit D**.

After discussion, it was moved by Director Eynon that the Engineer's Report and all action items listed therein be approved, including authorization for SPH to prepare an amendment to the Interlocal Agreement discussed above and a Resolution Adopting Flood Damage Prevention Regulations in connection therewith. Director Handal seconded said motion, which unanimously carried.

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 December 4, 2024, prepared by Champions, for Little Prong Creek and corresponding photographs, a copy of which is attached hereto as **Exhibit E**. Mr. Cosco reported that the drainage hole believed to belong to Meadowbrook Farms Golf Course (the "Golf Course") appears to have expanded. He advised the Board that Champions will notify the Golf Course regarding the condition of the drainage hole and recommend that the Golf Course take action to address same. It was then noted that no action was required by the Board in connection with the D&D Report at this time.

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 AND MAINTENANCE REPORT

Ms. Mouton presented to and reviewed with the Board the Operations and Maintenance Report ("O&M Report") for the month of October 2024, a copy of which is attached hereto as **Exhibit F**. Ms. Mouton reported that the District had approximately 99% water accountability for the reporting period, discussed repairs made throughout the District, and reviewed with the Board an inspection report from Landscape Images of Texas ("LIT") relative to the District's park facilities. Ms. Mouton reported that repair and painting of certain fire hydrants identified in the District's annual fire hydrant survey is complete. She then presented six (6) accounts to be referred to collections in the total amount of \$942.25. Ms. Mouton next discussed a disconnection list prepared by Inframark. After making note of the approaching holidays, Ms. Mouton inquired whether the Board wishes to defer the termination date for delinquent accounts in December until after the holidays. After discussion, the Board concurred to delay the termination of service date for non-payment of water bills until January 2025 and directed Inframark to include a message in customers' January water bills that service terminations were deferred due to the holidays.

The Board next considered matters related to maintenance of the District's park facilities. In connection therewith, Ms. Mouton reported that Inframark repaired the leaking water fountain at the Dog Park. She noted, however, that the fountain remains in poor condition and recommended that it be replaced. Ms. Mouton next reported that the District received correspondence dated November 26, 2024, regarding a hole in the chain link fence surrounding the Dog Park. She advised the Board that Inframark inspected the fence and determined that the referenced area is simply a section of chain link fencing which became unanchored and separated from the ground. She advised the Board that Inframark will attend to the appropriate repair of the

fence. Ms. Mouton reminded the Board that it previously authorized Inframark to trim certain low hanging limbs and branches at the District's Dog Park for an amount not to exceed \$500. She then reported that the low hanging limbs and branches deemed to be particularly hazardous have been trimmed but noted that there are still a number of significantly low hanging areas to be addressed. It was then recommended that Inframark be authorized to trim and mulch all trees at the Dog Park for an amount not to exceed \$10,000, with Director Handal designated to approve a proposal for same in between Board meetings. The Board noted that it will consider proposals for trimming and mulching all trees located at the District's Family Park early next year.

With regard to the possible repair and/or rehabilitation of the sidewalk panels on either side of the manhole located at 5519 Maverick, Ms. Mouton advised the Board that Inframark contacted Uretek Home to obtain a proposal for review, pursuant to the Board's previous request. She then reported that Uretek declined to provide such proposal citing the size of the proposed project. After a lengthy discussion, the Board requested that Inframark contact additional contractors to request quotes for repair and/or rehabilitation of the sidewalk panels on either side of the subject manhole.

After discussion, it was duly moved by Director Eynon, seconded by Director Gupta and unanimously carried, that Inframark be authorized to: (i) refer six (6) delinquent account to collections; and (ii) trim and mulch certain trees at the District's Dog Park for an amount not to exceed \$10,000, with Director Handal designated to approve a proposal for same in between Board meetings, all as discussed above and recommended by Inframark.

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 reported that the District has accumulated all points required to qualify for the 2024 Program.

DISTRICT WEBSITE AND MASS NOTIFICATION MESSAGING MATTERS

The Board deferred consideration of the continued operation of the District's website and its mass notification system.

ATTORNEY'S REPORT

The Board considered the attorney's report. In that regard, Ms. Henderson reviewed with the Board a Memorandum prepared by SPH concerning the United States Environmental Protection Agency's ("EPA") final National Primary Drinking Water Regulation ("NPDWR") for per and polyfluoroalkyl substances ("PFAS"), a copy of which is attached hereto as **Exhibit G**. In addition, she also provided the Board with a Q&A handout prepared by the EPA relative to same, a copy of which is included with **Exhibit G**. Ms. Henderson advised that the NPDWR establishes maximum contaminant levels ("MCLs") for six categories of the twenty-nine PFAS chemicals that may be found in public water systems, as well as an initial testing schedule for those categories that must be followed by certain districts. Ms. Henderson further advised that the applicability of the NPDWR to the District will depend, in part, on a review of the sources and disinfection treatments for the District's water supply. For example, districts which receive treated water from

another water system through an interconnect for distribution without further treatment, except any treatment necessary to maintain water quality within the receiving district's distribution system, are not required to monitor that water under the NPDWR. Ms. Henderson noted that, for applicable districts, initial water supply monitoring is required to be completed by April 26, 2027. She stated that, depending on initial monitoring results, further monitoring will be established and a solution must be implemented to reduce PFAS levels for these six categories below the MCLs by April 26, 2029. Following discussion, Director Eynon moved that Inframark and BGE be authorized to (i) determine whether the District is subject to the testing requirements of the NPDWR and, if so, (ii) develop an initial monitoring schedule which complies with the deadlines set forth in the attached memorandum. Director Gupta seconded the motion, which unanimously carried.

Ms. Henderson next presented to and reviewed with the Board an Annual Disclosure provided by Masterson Advisors, LLC regarding its annual disclosure requirements pursuant to the Municipal Securities Rulemaking Board Rule G-10, a copy of which is attached hereto as **Exhibit H**. The Board concurred to formally accept the Annual Disclosure.

A discussion ensued regarding the District's January Board meeting, currently scheduled for January 1, 2025. Due to the New Year's holiday, the Board requested that SPH reschedule the next Board meeting to Friday, January 3, 2025.

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 Handal 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: FBCCO Monthly Activity Report
- Exhibit D: Engineer's Report
- Exhibit E: Detention and Drainage Facilities Report
- Exhibit F: Operations and Maintenance Report
- Exhibit G: Memorandum concerning the Environmental Protection Agency's final National Primary Drinking Water Regulation for per and polyfluoroalkyl substances; EPA Q&A Handout
- Exhibit H: MSRB Rule G-10 Letter presented by Masterson Advisors LLC