

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

Minutes of Meeting of Board of Directors  
March 5, 2025

The Board of Directors ("Board") of Fort Bend County Municipal Utility District No. 35, of Fort Bend County, Texas ("District"), met in regular session on March 5, 2025, 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 Gupta, thus constituting a quorum. Director Gupta entered the meeting after it was called to order, as noted herein.

Also present were: Christie Leighton of Best Trash, LLC ("Best Trash"); Eric Gonzalez of Clarity Consulting Corporation ("Clarity"); Esther Flores of Tax Tech, Inc. ("Tax Tech"); Avik Bonnerjee of B&A Municipal Tax Service, LLC ("B&A"); Jeff Safe of Brown & Gay Engineers, Inc. ("BGE"); Kim Cosco of Champions Hydro-Lawn, Inc. ("Champions"); Dawn Mouton of Inframark ("Inframark"); Jeremy Roach of Apollo IT Consulting ("Apollo"), who entered later in the meeting, as noted herein; and Kate Henderson, Cole Trolinger, Melanie Walsh 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 February 5, 2025. After discussion, Director Battistini moved that the minutes for said meetings be approved, as written. Director Eynon seconded said motion, which unanimously carried.

**BEST TRASH**

Ms. Leighton next addressed the Board regarding certain District customers' concerns with respect to Best Trash's collection services. After apologizing for any recent dissatisfaction or

frustration that may have inadvertently been caused by Best Trash's customer service department, Ms. Leighton assured the Board that the matter has been directly addressed within said department. She then advised the Board that Best Trash's limit for trash pickup is approximately ten (10) bags per home, noting, however, that Best Trash's personnel will make every effort to remove all trash on each service day. She stated that, going forward, any trash that is left behind by Best Trash will be tagged noting the reason for same. After discussion on the matter, the Board thanked Ms. Leighton for her time and noted that no action was required by the Board at this time.

Ms. Leighton exited the meeting at this time.

### **BOOKKEEPER'S REPORT**

Mr. Gonzalez presented to and reviewed with the Board the Bookkeeper's Report prepared by Clarity dated March 5, 2025, including an Investment Report for the period February 1, 2025, through February 28, 2025, 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 no. 10768, which was voided, and (ii) the Investment Report for February 2025 be approved, and the District's Investment Officer be authorized to execute same on behalf of the Board and District. Director Handal seconded said motion, which unanimously carried.

### **STATUS OF CONTINUING DISCLOSURE REPORT**

Ms. Henderson advised the Board that the annual continuing disclosure report will be filed by McCall, Parkhurst & Horton L.L.P., the District's Continuing Disclosure Counsel, prior to the March 30, 2025 deadline.

Director Gupta entered the meeting at this time.

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

Ms. Flores presented to and reviewed with the Board the Tax Assessor-Collector Report for the month ending February 28, 2025, a copy of which is attached hereto as **Exhibit B**. Following discussion, it was moved by Director Battistini, 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.

### **SALES AND USE TAX AUDIT REPORT FROM B&A**

Mr. Bonnerjee presented to and reviewed with the Board the Sales and Use Tax Audit Report prepared by B&A, a copy of which is attached hereto as **Exhibit C**. After discussion, it was noted that no action was required by the Board in connection with the Sales and Use Tax Audit Report at this time.

### **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 April.

Mr. Bonnerjee exited the meeting during the above discussion.

### **UNCLAIMED PROPERTY**

The Board considered authorizing District consultants to research the District's accounts for unclaimed property and to authorize Clarity and/or Tax Tech to prepare an Unclaimed Property Report as of March 1, 2025. Ms. Henderson advised the Board that the District's consultants will review their records and provide Clarity and/or Tax Tech with a current listing of any unclaimed property in the District's accounts for preparation of the Unclaimed Property Report. She further advised the Board that Clarity and/or Tax Tech will file the report with the Comptroller of Public Accounts of the State of Texas (the "Comptroller") and discharge any unclaimed funds to the Comptroller by July 1, 2025. After discussion, Director Haleem moved that the consultants be authorized to provide current listings of any and all unclaimed property to Clarity and/or Tax Tech and that, should any unclaimed property exist, Clarity and/or Tax Tech be authorized to prepare an Unclaimed Property Report for the Board's review. Director Battistini seconded said motion, which unanimously carried.

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

Ms. Henderson presented Monthly Contract Deputy Activity Report for the month of February 2025, prepared by the FBCCO, a copy of which are attached hereto as **Exhibit D**. 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 March 5, 2025, 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. He next presented to and reviewed with the Board the final version of the District's ten-year Capital Improvement Plan ("CIP"), a copy of which is included with **Exhibit E**, for the water and wastewater facilities the District shares with Fort Bend County Municipal Utility District No. 34, of Fort Bend County, Texas ("No. 34"), including plans for maintenance and routine repairs through 2034. He noted that BGE would review the plan annually and update same as needed. After discussion on the matter, Director Haleem moved that the Board approve the CIP. Director Battistini seconded said motion, which unanimously carried.

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

Mr. Cosco next presented to and reviewed with the Board drone footage of Little Prong Creek ("LPC") prepared by Champions noting, in particular, specific areas of concern. Mr. Safe proposed performing a professional drone review to better survey conditions along LPC for an estimated total cost of \$5,000. Following the discussion, Director Handal moved that the Board authorize BGE to proceed with obtaining a professional drone footage survey of LPC, subject to approval by No. 34. Director Haleem seconded said motion, which unanimously carried.

Mr. Roach entered the meeting during the above discussion.

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

The Board deferred consideration of the status of the District's Stormwater Management Plan ("SWMP") at this time.

## **SUBMISSION OF CRITICAL LOAD STATUS INFORMATION TO RETAIL ELECTRIC PROVIDER**

Ms. Henderson reported that Section 13.1396 of the Texas Water Code requires public water suppliers, such as the District, to annually submit to each electric distribution utility and each retail electric utility provider a list of its facilities which may qualify for critical load status and various emergency contact information for a determination that the facilities qualify for critical load status. After discussion on the matter, Director Battistini moved that Inframark be authorized to make such annual filings on behalf of the District. Director Gupta seconded the motion, which carried unanimously.

## **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 January 2025, a copy of which is attached hereto as **Exhibit F**. In that regard, Ms. Mouton presented two (2) accounts to be referred to collections in the total amount of \$224.81. Ms. Mouton then reported that the District had approximately 142% water accountability for the reporting period due to a billing error by Inframark. Ms. Mouton advised the Board that the matter is being addressed.

The Board next considered matters related to maintenance of the District's Dog and Family Parks. In connection therewith, Ms. Mouton presented to and reviewed with the Board a proposal provided by Environments & Co. ("E&C"), a copy of which is included with **Exhibit F**, in the total lump sum amount of \$500 for preparation of a report by a Certified Playground Safety Inspector evaluating the Family Park and its facilities. Ms. Mouton next reported that mulching of the trees located at the Dog and Family Parks has been completed, as previously authorized by the Board. Upon inquiry from Ms. Mouton, the Board concurred that the item to consider a proposal for replacement of the water fountain located at the Dog Park be removed from the agenda going forward. Director Handal next proposed that the Board consider engaging Champions' Park Division for ongoing maintenance of the District's parks. The Board concurred with Director Handal's recommendation and requested that Champions provide more information regarding its park related services at next month's meeting.

Ms. Mouton then updated the Board regarding the complaint discussed at last month's meeting regarding a missing refund check. Ms. Mouton reported that the customer in question has confirmed receipt of the subject check and reissuance of said check will not be necessary.

After discussion, it was duly moved by Director Haleem, seconded by Director Gupta and unanimously carried, that (i) Inframark be authorized to refer two (2) delinquent accounts to collections, and (ii) the Board approve the proposal from E&C relative to evaluation of the District's Family Park, all as discussed above and as recommended by Inframark.

**ENVIRONMENTAL PROTECTION AGENCY'S ("EPA") FINAL NATIONAL PRIMARY DRINKING WATER REGULATION FOR PFAS**

The Board deferred consideration of the status of the District's compliance with the EPA's final National Primary Drinking Water Regulation for PFAS.

**WATER CONSERVATION PLAN ANNUAL IMPLEMENTATION REPORT**

The Board next considered authorizing Inframark to prepare and file the Annual Implementation Report regarding the District's Water Conservation Plan with the Texas Water Development Board and the North Fort Bend Water Authority ("NFBWA"). After discussion, Director Battistini moved that Inframark be authorized to prepare the Annual Implementation Report and file same with the Texas Water Development Board and NFBWA prior to the May 1, 2025, deadline. Director Haleem seconded said motion, which carried unanimously.

**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 Annual and Quarterly Analytics Reports, copies of which are 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 Analytics Reports at this time.

Mr. Gonzalez exited the meeting at this time.

**ATTORNEY'S REPORT**

The Board considered the attorney's report. In connection therewith, Ms. Henderson advised that the Board would enter into closed session to discuss PFAS-related class action litigation and settlements.

**CLOSED SESSION**

The Board entered into Closed Session at 2:12 p.m. pursuant to Texas Government Code Section 551.071, for consultation with the District's attorney regarding matters protected by attorney-client privilege. With the exception of the Board, Ms. Mouton, Ms. Henderson, Mr. Trolinger, Ms. Walsh and Ms. Gribble, all remaining attendees exited the meeting at this time.

**RECONVENE IN REGULAR SESSION**

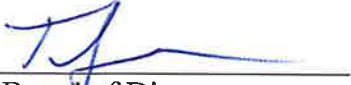
The Board reconvened in Regular Session at 2:20 p.m. Following discussion, Director Battistini moved that the Board (i) authorize Inframark to complete new baseline testing prior to April 8, 2025, and (ii) authorize SPH to submit claims on behalf of the District under the Tyco and BASF class action settlements in any event, as previously approved. Director Haleem seconded the motion, which unanimously carried.

**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 Haleem 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: Sales and Use Tax Audit Report
- Exhibit D: FBCCO Monthly Activity Report
- Exhibit E: Engineer's Report
- Exhibit F: Operations and Maintenance Report; Environments & Co. Proposal
- Exhibit G: District Website and Messaging Analytics Reports