

MINUTES  
FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 2

February 27, 2024

The Board of Directors (the "Board") of Fort Bend County Municipal Utility District No. 2 (the "District") met in regular session, open to the public, on the 24<sup>th</sup> day of February, 2024, at Townewest Club House, 10322 Old Towne Lane, Sugar Land, Texas, inside the boundaries of the District, and the roll was called of the members of the Board:

Pam Kelley	President
Betty J. Stewart	Vice President
Lisa Dudley	Secretary
Jessica Fateh	Assistant Vice President
Jose Luis Fuentes Mendoza	Assistant Secretary

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

Also attending the meeting were Elly Vecchio of Phelps & Dunbar, LLP; Alyssa Saccomen of McCall Gibson Swedlund Barfoot PLLC; Brittany Keeswood of Assessments of the Southwest, Inc.; Officer Calvin Johnson and Officer Scott Gill; Luis Cebrian of Champions Hydro-Lawn, Inc. ("Champions"); Erin Garcia of Myrtle Cruz, Inc.; Austin Muse of Municipal District Services LLC ("MDS"); Chad Abram and Roy Ward of IDS Engineering Group ("IDS"); Tara Klein of Four and One, LLC; and Whitney Higgins and Holly Huston of Allen Boone Humphries Robinson LLP.

PUBLIC COMMENTS

Director Kelley opened the meeting for public comments. There being no public comments, Director Kelley closed the meeting to public comments.

CONSENT AGENDA

The minutes from the January 23, 2024, regular Board meeting and consultant reports were previously distributed. After discussion, Director Kelley moved to remove agenda item no. 2(b) from the consent agenda, and approve all remaining items on the consent agenda, and to direct that, where appropriate, items are filed and retained in the District's official records, including the following: (1) the minutes from the January 23, 2024, as submitted; (2) the engineer's report; (3) the operator's report; and (4) approve reimbursement of eligible Association of Water Board Directors ("AWBD") winter conference expenses and authorize attendance at the AWBD summer conference. Director Stewart seconded the motion, which passed unanimously.



## ITEMS REMOVED FROM CONSENT AGENDA

### TAX ASSESSMENT AND COLLECTION MATTERS

Ms. Keeswood presented and reviewed the tax assessor/collector's report, a copy of which is attached. The Board reviewed the delinquent tax accounts. After review and discussion, Director Dudley moved to approve the tax assessor/collector's report, including payment of the bills. Director Fateh seconded the motion, which passed unanimously.

### AUDIT FOR FISCAL YEAR ENDED OCTOBER 31, 2023

Ms. Saccomen presented and reviewed the District's audit for the fiscal year ended October 31, 2023, and the related management and representation letters. After review and discussion, Director Dudley moved to approve the audit, subject to finalization, and direct that the audit be filed appropriately and retained in the District's official records. Director Kelley seconded the motion, which passed unanimously.

### GARBAGE AND RECYCLING MATTERS

There was no discussion on this agenda item.

### SECURITY PATROL MATTERS

Officer Johnson reported on security patrol matters in the District. A copy of the security patrol report is attached. The Board reviewed and discussed the Community Crime Maps for the District and surrounding areas. Officer Johnson updated the Board on the delivery of the new patrol vehicle and installation of internet services for same. He requested Board approval of the following items: (1) invoice no. 11402 payable to OnSiteDecals, LLC in the amount of \$700.00 for decals on the new patrol vehicle; (2) invoice no. 24075 payable to Today's Integration, Inc. in the amount of \$199.65 for repairs to the west tank hatch at Water Plant No. 1; and (3) authorization to install internet services in the new patrol vehicle in the amount of \$1,993.58. Following review and discussion, Director Fuentes Mendoza moved to approve all requested items. Director Stewart seconded the motion, which passed unanimously.

### RESOLUTION CONCERNING EXEMPTIONS FROM TAXATION

The Board considered adopting a Resolution Concerning Exemptions from Taxation. After review and discussion, Director Dudley moved to adopt a Resolution Concerning Exemptions from Taxation, granting a \$30,000 exemption for persons 65 years of age or older or disabled and rejecting a general residential homestead exemption, and direct that the Resolution be filed appropriately and retained in the District's official records. Director Kelley seconded the motion, which passed unanimously.



## ENGAGE CONDEMNATION ATTORNEY

The Board reviewed an engagement letter from Phelps Dunbar, LLP (“Phelps Dunbar”) to the Board. Ms. Vecchio stated that, if retained by the District, Phelps Dunbar would represent the District in connection with the acquisition of real property interests located in Fort Bend County, Texas necessary for storm water detention related to the District’s Water Plant No. 1 Improvement Project. Following review and discussion, Director Kelley moved to engage Phelps Dunbar, authorize the President to execute the engagement letter, and direct that the engagement letter be filed appropriately and retained in the District’s official records. Director Dudley seconded the motion, which passed unanimously.

## FINANCIAL AND BOOKKEEPING MATTERS

Ms. Garcia reviewed the bookkeeper’s report, including the District’s bills, budget comparison, and investment report. A copy of the bookkeeper’s report is attached. Following review and discussion, Director Stewart moved to approve the bookkeeper’s report and the bills presented for payment. Director Dudley seconded the motion, which passed unanimously.

## DETENTION AND DRAINAGE FACILITIES AND LANDSCAPING REPORT FROM CHAMPIONS HYDRO-LAWN, INC., PROJECTS, AND RELATED AGREEMENTS

Mr. Cebrian reviewed a detention and drainage facilities report, a copy of which is attached.

## ACTION ITEMS FOR ENGINEERING AND OPERATIONS

Mr. Muse reviewed the operator’s report, a copy of which is attached. He reviewed the proposed bill message with the Board.

Mr. Muse stated the Resolution Approving Submittal of the Water Smart Application was approved by the Board at a prior meeting and no further action is needed.

After review and discussion, Director Dudley moved to approve the bill message, as presented. Director Fuentes Mendoza seconded the motion, which passed unanimously.

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

Mr. Muse reviewed customer correspondence and discussed updates to the extensions and adjustments approved by MDS since the last Board meeting and noted



there are no accounts recommended for write-off. A copy of the lists for extensions, adjustments, and write-offs is filed and retained in the District's official records.

The Board next conducted a hearing on the termination of utility service to delinquent accounts. Mr. Muse reported that the residents on the delinquent 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 to explain, contest, or correct the nonpayment of their utility service bill, and to show reason why utility service should not be terminated for reason of nonpayment.

After review and discussion, Director Dudley moved to (1) approve the extensions, adjustments and write-off accounts as recommended by MDS; and (2) authorize that service to the customers on the termination list with accounts remaining unpaid and who were not present at the meeting and had not presented any written statement on the matter be terminated in accordance with the District's Rate Order, except for accounts in amounts below \$30.00. Director Fuentes Mendoza seconded the motion, which passed unanimously.

#### ANNEXATION MATTERS

There was no discussion on this agenda item.

#### DISTRICT WEBSITE MATTERS

Director Dudley updated the Board on the District's website.

#### CORRESPONDENCE RECEIVED BY THE DISTRICT, DIRECTORS OR CONSULTANTS, AND REPORTS ON DISTRICT BUSINESS AND OPERATIONS

Discussion ensued regarding the 2024 Director's Election.

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

There was no discussion on this agenda item.

#### ATTORNEY'S REPORT

There was no discussion on this agenda item.

#### AGREEMENT WITH LANDSCAPE ARCHITECT

The Board considered engaging Four & One, LLC ("Four & One") to serve as the landscape architect for a conceptual design at the Townewest Park as it relates to the storm water detention necessary for the District's Water Plant No. 1 Improvement Project. After review and discussion, Director Dudley moved to engage Four & One, enter into the agreement reflecting such engagement, and direct that the agreement be filed



appropriately and retained in the District's official records. Director Fateh seconded the motion, which passed by a 4-0 vote with Director Fuentes Mendoza abstaining.

#### ACTION ITEMS FOR ENGINEERING AND OPERATIONS (continued)

Mr. Abram presented and reviewed the engineer's report, a copy of which is attached, and provided an update on the status of engineering projects in the District as noted in his report.

Mr. Abram addressed the Board regarding the Water Plant No. 1 Improvement project.

Director Fuentes Mendoza left the meeting.

#### CONVENE IN EXECUTIVE SESSION

The Board convened in Executive Session at 9:45 a.m. pursuant to Section 551.072, Texas Government Code, to deliberate the purchase, exchange, lease, or value of real property. Also present in executive session were Ms. Huston, Ms. Higgins, Ms. Vecchio, Mr. Abram, Mr. Ward, and Mr. Muse.

#### RECONVENE IN OPEN SESSION

The Board reconvened in open session at 10:43 a.m. Upon reconvening in open session, Director Fateh moved to (1) authorize Phelps Dunbar to engage an appraiser to conduct an appraisal of the tract necessary for storm water detention related to the District's Water Plant No. 1 Improvement Project; and (2) engage a title abstractor recommended by Phelps Dunbar. Director Kelley seconded the motion, which passed unanimously.

#### RESOLUTION AUTHORIZING THE EXERCISE OF THE POWER OF EMINENT DOMAIN TO CONDEMN PROPERTY INTERESTS NECESSARY FOR THE CONSTRUCTION AND OPERATION OF A STORM WATER DETENTION FACILITY NECESSARY FOR THE DISTRICT'S WATER PLANT NO. 1 IMPROVEMENT PROJECT TO SERVE RESIDENTS AND PROPERTY WITHIN THE DISTRICT

The Board concurred to defer discussion on this agenda item.

#### DISCUSS MEETING DATES

The Board concurred to hold the next regular meeting on March 26, 2024, at 8:30 a.m.



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

(SEAL)



  
Secretary, Board of Directors



LIST OF ATTACHMENTS TO MINUTES

	<u>Page</u>
Engineer's report.....	1
Operator's report.....	1
Tax assessor/collector's report .....	2
Security patrol report .....	2
Bookkeeper's report.....	3
Detention and drainage facilities report.....	3