

MINUTES
FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 165

February 8, 2024

The Board of Directors (the "Board") of Fort Bend County Municipal Utility District No. 165 (the "District") met in regular session, open to the public, on the 8th day of February, 2024, at the offices of Municipal District Services, LLC, 406 W. Grand Parkway S., Suite 260, Katy, Texas, outside the boundaries of the District, and the roll was called of the members of the Board:

Avery Bidmead	President
Christine Oliver	Vice President
Ed Escobar	Secretary
William "Mac" McKinnie	Assistant Vice President
Gregory Henry	Assistant Secretary

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

Also attending the meeting were Sergeant Abraham Garcia of Fort Bend County Precinct 4 ("Precinct 4"); Brenda Garcia of Municipal Accounts & Consulting, L.P.; Shammarie Leon of Bob Leared Interests, Inc.; Joseph Hopper of Storm Water Solutions, LLC; Austin Muse of Municipal District Services ("MDS"); Justin Waggoner of Touchstone District Services, LLC ("Touchstone"); Lyndsay Evans of Quiddity Engineering, LLC ("Quiddity"); Stephanie Lee of KGA/DeForest Design, LLC ("KGA"); Josh Wailes of Mike Stone Associates, Inc. ("MSA"); and Whitney Higgins and Caroline Jones of Allen Boone Humphries Robinson LLP ("ABHR").

PUBLIC COMMENT

Director Bidmead offered any members of the public attending the meeting the opportunity to make public comment. There being no members of the public requesting to make public comment, Director Bidmead moved to the next agenda item.

MINUTES

The Board considered approving the minutes of the January 11, 2024, regular meeting. Following review and discussion, Director Oliver made a motion to approve the minutes of the January 11, 2024, regular meeting, as written. Director McKinnie seconded the motion, which passed unanimously.

GARBAGE AND RECYCLING COLLECTION

There was no discussion regarding this agenda item.

SECURITY MATTERS AND FIRE PROTECTION SERVICES

Sergeant Garcia presented and reviewed a security report from Precinct 4 and two security statistics reports, copies of which are attached.

Director Bidmead requested that Precinct 4 focus on traffic violations in the District.

Sergeant Garcia presented and reviewed the Amendment to Interlocal Agreement for Additional Law Enforcement Services Between Fort Bend County and the District ("Interlocal Agreement") for a third deputy, estimated at \$29,490.00 monthly, with Fort Bend County Precinct 4 through September 30, 2024. Following review and discussion, Director Oliver moved to ratify the Amendment to Interlocal Agreement between the District and Fort Bend County for security services with three deputies through September 30, 2024. Director McKinnie seconded the motion, which passed unanimously.

FINANCIAL AND BOOKKEEPING MATTERS

Ms. Garcia distributed and reviewed the bookkeeper's report, budget comparisons, bills presented for payment, and the investment report from the reporting period for approval. A copy of the bookkeeper's report and the investment report are attached to the minutes.

ASSOCIATION OF WATER BOARD DIRECTORS

The Board discussed the Association of Water Board Directors winter conference. The Board then considered authorizing attendance at the summer conference in Fort Worth from June 13 - 15, 2024.

Following review and discussion, Director McKinnie made a motion to (1) approve the bookkeeper's report and investment report; (2) pay the District's bills as submitted; and (3) authorize attendance of any interested Directors at the summer conference. Director Oliver seconded the motion, which passed unanimously.

TAX ASSESSMENT AND COLLECTIONS MATTERS

Ms. Leon distributed and reviewed the tax report, including a list of delinquent accounts, a copy of which is attached. She stated 95.219% of the District's 2023 taxes were collected as of the meeting date. Following review and discussion, Director Oliver made a motion to (1) approve the tax assessor/collector's report; and (2) pay the bills presented for payment from the tax account. Director McKinnie seconded the motion, which passed unanimously.

AUTHORIZE DELINQUENT TAX ATTORNEY TO PROCEED WITH COLLECTION OF DELINQUENT TAXES

The Board considered authorizing Perdue, Brandon, Fielder, Collins & Mott, LLP (“Perdue”) to proceed with the collection of 2023 personal property taxes. Upon a motion made by Director McKinnie and seconded by Director Oliver, the Board unanimously authorized Perdue to proceed with the delinquent tax collection when appropriate.

RESOLUTION CONCERNING EXEMPTIONS FROM TAXATION

Ms. Higgins then discussed the Resolution Concerning Exemptions from Taxation with the Board. She explained that the Board can grant various exemptions including a general homestead exemption and a homestead exemption for residents over the age of 65 or disabled. She reminded the Board that it currently offers a \$20,000 homestead exemption for residents over the age of 65 or disabled. After discussion, Director Oliver moved that the Board adopt the Resolution Concerning Exemptions from Taxation, granting a homestead exemption in the amount of \$20,000 of the appraised value of the homestead property for residents over the age of 65 or disabled. Director McKinnie seconded the motion, which passed unanimously.

DRAINAGE FACILITIES REPORT

Mr. Hopper presented and reviewed a drainage facilities report, a copy of which is attached.

Mr. Hopper updated the Board regarding the replacement of cross bars on the culverts at the drainage channel and stated that he should have a proposal for the Board’s review in March, 2024.

After review and discussion, Director McKinnie moved to approve the drainage facilities report. Director Oliver seconded the motion, which passed unanimously.

OPERATION OF DISTRICT FACILITIES

Mr. Muse presented and reviewed the operator’s report and the storm water management report, a copy of which is attached, and updated the Board on repairs and maintenance in the District for the month of January.

Mr. Muse presented and reviewed a sidewalk survey. Discussion ensued. No action was taken by the Board.

Mr. Muse requested the Board’s authorization to send one account to collections in the amount of \$175.38.

HEARING ON TERMINATION OF WATER SERVICE

Mr. Muse presented to the Board a list of delinquent customers and reported the residents on the termination list were delinquent in payment of their water and sewer bills and were given written notification, in accordance with the District's Rate Order, prior to the meeting of the opportunity to appear before the Board to explain, contest, or correct their bills and to show why utility services should not be terminated for reason of non-payment.

After review and discussion, Director Oliver moved to (1) approve the operator's report; (2) authorize MDS to send one account to collections in the amount of \$175.38; and (3) authorize termination of delinquent accounts in accordance with the District's Rate Order and direct that the delinquent customer list be filed appropriately and retained in the District's official records. Director McKinnie seconded the motion, which passed unanimously.

WEBSITE MATTERS

Mr. Waggoner presented and reviewed a website Mock-Up ("Mock-Up"). Discussion ensued. The Website Committee members concurred to follow up with Touchstone regarding the Mock-Up before the March meeting.

NORTH FORT BEND REGIONAL WATER AUTHORITY ("NFBWA") MATTERS

Mr. Muse stated that Grand Mission Municipal Utility District No. 1 had not finalized its Order Adopting Amended and Restated Drought Contingency Plan

ENGINEERING MATTERS

Ms. Evans distributed and reviewed the District's engineering report and discussed engineering matters in the District as more fully described in the report, a copy of which is attached.

Ms. Evans updated the Board regarding the Texas Commission on Environmental Quality's ("TCEQ") and NFBWA's alleged violations at the regional water plant for failure to provide adequate production capacity to meet GMM1's contractual obligations. She stated that Fort Bend Municipal Utility District No. 118 is preparing a feasibility study to investigate whether that District's water plant can provide capacity to the District.

Ms. Evans stated that Quiddity is continuing to prepare Bond Application Report No. 10.

DEEDS, EASEMENTS, AND PLATS

There was no discussion regarding this agenda matter.

MS4 STORM WATER MANAGEMENT PLAN

Ms. Evans reported that the TCEQ recently approved the MS4 permit that was submitted in 2019. She stated that the 2024 Phase II MS4 General Permit is not expected to be renewed until August 2024 and that until August 2024 all Phase II MS4s will administratively continue their Storm Water Management Plan under the 2019 General Permit.

Following review and discussion, Director Oliver moved to approve the engineer's report. Director McKinnie seconded the motion, which passed unanimously.

RESOLUTION AUTHORIZING APPLICATION TO THE TCEQ FOR APPROVAL OF PROJECT AND BONDS

There was no action on this agenda item.

PARK AND RECREATIONAL MATTERS

Ms. Lee presented and reviewed a report regarding landscaping projects in the District, a copy of which is attached.

Ms. Lee updated the Board regarding construction of the Amenity Improvements project and reviewed and recommended approval of Pay Estimate No. 5 in the amount of \$145,348.31, payable to D.L. Meacham, LP ("Meacham").

Ms. Lee reviewed and recommended approval of Change Order No. 4 to the contract with Meacham for the Amenity Improvements project to extend the contract time by seven days due to weather and electrical room access delays, with no change in the contract amount. The Board determined that Change Order No. 4 is beneficial to the District.

After review and discussion, Director McKinnie moved to (1) approve the landscape architect's report; (2) based on the landscape architect's recommendation, to approve Pay Estimate No. 5 in the amount of \$145,348.31; and (3) approve Change Order No. 4 in the amount of \$0.00 to the contract with Meacham, based upon the Board's finding that the Change Order is beneficial to the District and the engineer's recommendation. Director Oliver seconded the motion, which passed unanimously.

PARK AND LANDSCAPE MATTERS, INCLUDING PROPOSALS FOR ADDITIONAL WORK AND COST SHARING AGREEMENTS REGARDING LANDSCAPE MAINTENANCE

Mr. Wailes presented and reviewed a Parks and Landscape Management Report, a copy of which is attached. He reviewed general maintenance, common area landscaping, inspections, and splash pad maintenance.

Mr. Wailes stated MSA is coordinating with KGA to develop options for a formal landscape plan.

ATTORNEY'S REPORT

There was no discussion regarding this agenda item.

2024 DIRECTORS ELECTION

Ms. Higgins discussed procedures related to the 2024 Directors Election. She reviewed an Order Calling Directors Election for May 4, 2024 (the "Order Calling").

Ms. Higgins discussed that Notice of Election may be required to be posted or published and provided to the County Clerk and Voter Registrar of Fort Bend County.

Following review and discussion, Director Oliver moved to (1) adopt the Order Calling; and (2) authorize the Secretary's agent to post or publish and provide to the County Clerk and Voter Registrar Notice of Election, if required, and to direct that the Notice be filed appropriately and retained in the District's official records. Director McKinnie seconded the motion, which passed unanimously.

REPORTS FROM DIRECTORS AND DISTRICT CONSULTANTS REGARDING CORRESPONDENCE AND/OR REPORTS RECEIVED AND EVENTS AND/OR ACTIVITIES ATTENDED DURING THE MONTH

There was no discussion regarding this agenda item.

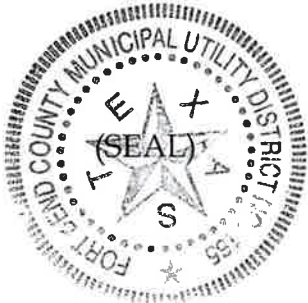
CONVENE IN EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO CONDUCT A PRIVATE CONSULTATION WITH ATTORNEY TO DISCUSS PENDING OR CONTEMPLATED LITIGATION, OR A SETTLEMENT OFFER

The Board did not convene in Executive Session.

MEETING SCHEDULE

The Board concurred to hold its next regular meeting on March 14, 2024, at 9:00 a.m. at the offices of MDS.

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



Asst. Sharon J. Perry
Secretary, Board of Directors

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