

MINUTES
FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 123

January 17, 2024

The Board of Directors (“Board”) of Fort Bend County Municipal Utility District No. 123 (“District”) met in regular session, open to the public, on the 17th day of January 2024, at Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, Houston, Texas, outside the boundaries of the District, and the roll was called of the members of the Board:

Larry Perkins	President
Joseph Caballero	Vice President
Jeffrey Joseph	Secretary
Dustin Nelson	Assistant Vice President
Mirna Bonilla-Odums	Assistant Secretary

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

Also present at the meeting were Christy Wells of NJ Services, LLC (“NJ Services”); Sherri Greenwood of Forvis, LLP; Justin Klump of Storm Water Solutions, LLC (“Storm Water”); Kristy Hebert of Tax Tech, Inc. (“Tax Tech”); Mark Swanson and Cole Caraway of LJA Engineering, Inc. (“LJA”); Erin Garcia of Myrtle Cruz, Inc. (“Myrtle Cruz”); Calvin Browne of Municipal District Services, LLC (“MDS”); and Katie Sherborne and Kia Fields of Allen Boone Humphries Robinson LLP (“ABHR”).

PUBLIC COMMENTS

There were no comments from the public.

APPROVE MINUTES

The Board considered approving the regular and special meeting minutes of December 20, 2023. After review and discussion, Director Caballero moved to approve the regular and special meeting minutes, as presented. Director Nelson seconded the motion, which passed unanimously.

RECEIVE REPORTS FROM DIRECTORS

The Board discussed issues with vandalism to mail boxes in the District, and following discussion, concurred to report the vandalism to the post office.

DISCUSS OUTREACH TO UNDERPRIVILEGED BUSINESSES

There was no discussion on this item.

REVIEW CONSULTANT CONTRACTS

There was no discussion on this item.

TCEQ PHASE II SMALL MS4 GENERAL PERMIT AND STORM WATER MANAGEMENT PLAN

Mr. Klump updated the Board on the District's Stormwater Management Plan ("SWMP"). He distributed and reviewed the Year 5 Annual Report for the SWMP and a summary of the Year 5 Extension Training and Goals under the SWMP, copies of which are attached. He presented a utility bill insert regarding stormwater runoff and prevention of stormwater pollution, a copy of which is also attached.

Mr. Klump began his training session with the Board and other consultants. The topic of the Year 5 training was stormwater pollution prevention, the minimum control measures, and bacteria-specific elements. Mr. Klump explained the importance of keeping household hazardous waste, pet waste, and yard waste out of the storm sewers, to prevent adding to bacterial impairment. He then continued with the training, thoroughly explaining the sources of bacteria and outlining the program elements of the SWMP that deal with these sources.

Following review and discussion, Director Nelson moved to approve the Year 5 annual SWMP report and related public education materials. Director Caballero seconded the motion, which passed by unanimous vote.

APPROVE AUDIT FOR FISCAL YEAR END SEPTEMBER 30, 2023

Ms. Greenwood presented the draft audit for the fiscal year ended September 30, 2023.

Director Joseph joined the meeting.

After review and discussion, Director Bonilla-Odums moved to approve the audit for fiscal year ended September 30, 2023, subject to final review. Director Joseph seconded the motion, which passed by unanimous vote.

2024 DIRECTORS ELECTION

Ms. Sherborne discussed procedures related to the 2024 Directors Election. She reviewed a Resolution Designating an Agent of the Secretary of the Board of Directors During the 2024 Directors Election Period.

Ms. Sherborne reported on requirements to file a Notice of Deadline to File Applications for Place on the Ballot (the "Notice of Deadline") for the 2024 Directors Election.

Ms. Sherborne stated that the District may contract with Fort Bend County (the “County”) to conduct the District’s 2024 Directors Election.

Ms. Sherborne then reviewed an Order Calling Directors Election establishing the procedures for conducting the election.

Ms. Sherborne 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 Caballero moved to: (1) adopt a Resolution Designating an Agent of the Secretary of the Board During the 2024 Directors Election Period appointing Kia Fields as the agent of the Secretary of the Board of Directors to perform the duties of the District’s Directors Election, authorize the agent to post the related notice as required, and direct that the Resolution be filed appropriately and retained in the District’s official records; (2) authorize the Secretary’s agent to post the Notice of Deadline as required; (3) contract with the County to administer the District’s election; (4) adopt the Order Calling Directors Election and direct that it be filed appropriately and retained in the District’s records; and (5) authorize the Secretary’s agent to post or publish and provide to the County Clerk and Voter Registrar Notice of Election, if required. Director Joseph seconded the motion, which was approved by unanimous vote.

ANNUAL REPORT REGARDING POST-ISSUANCE COMPLIANCE POLICY

Ms. Sherborne reported on the District’s post-issuance compliance activities during the prior calendar year related to bond financings. She stated that no action is required at this time.

BOOKKEEPING MATTERS

Ms. Garcia reviewed the bookkeeper’s report, including the investment report and the bills submitted for payment. A copy of the bookkeeper’s report is attached.

Ms. Garcia stated she plans to start tracking expenses related to the park project, noting she is awaiting information from TBG Partners to begin tracking the expenses. Discussed ensued regarding budgeted items versus actual expenses related to the park project. Following discussion, the Board concurred to have Ms. Sherborne review and verify the expenses related to the park are reasonable, once received, and have the District engineer and landscape architect work with the bookkeeper to verify the expenses.

Ms. Sherborne explained that the annual disclosure statements required by the Public Funds Investment Act disclose relationships between the District’s Investment Officer and bookkeeper with entities or individuals who are offering, have offered, or may offer to engage in an investment transaction with the District.

After review and discussion, Director Caballero moved to: (1) approve the bookkeeper's report, investment report, and payment of the bills; and (2) accept the disclosure statements from the District's bookkeeper and Investment Officer. Director Nelson seconded the motion, which passed by unanimous vote.

TAX ASSESSMENT AND COLLECTIONS MATTERS

Ms. Hebert reviewed the District's monthly tax report, a copy of which is attached, including the delinquent tax roll. She stated that 8.22% of the District's 2023 taxes had been collected as of December 2023.

After review and discussion, Director Bonilla-Odums moved to approve the tax assessor/collector's report and payment of the tax bills. Director Caballero seconded the motion, which passed by unanimous vote.

ENGINEERING MATTERS

Mr. Caraway distributed an engineer's report, a copy of which is attached.

Mr. Caraway updated the Board regarding the Wastewater Treatment Plant ("WWTP"). He recommended approval of Pay Estimate No. 15 in the total amount of \$93,635.96, payable to R&B Group, Inc ("R&B Group"), split between the District and Fort Bend County Municipal Utility District No. 122. He stated the District's portion is \$48,690.70.

Mr. Caraway updated the Board regarding the Widening and Reconstruction of Beechnut Street.

Mr. Caraway updated the Board regarding the Water Plant Expansion, noting LJA will coordinate with Ms. Fields to have an update regarding the project posted on the District's website.

Mr. Caraway updated the Board regarding the Lakemont Stormwater Reuse Pump Station Rehabilitation.

Discussion ensued regarding discussions with LJA to verify that the Board approved the pump station expansion project. Following discussion, the Board concurred to further discuss with Mr. Swanson later in the meeting.

Following review and discussion, Director Joseph moved, based on the engineer's recommendation, to: (1) approve the engineer's report; and (2) approve Pay Estimate No. 15 in the amount of \$93,635.96, payable to R&B Group for construction of the WWTP. Director Caballero seconded the motion, which passed by unanimous vote.

AUTHORIZE ACCEPTANCE AND CONVEYANCE OF EASEMENTS/DEEDS/
UTILITY DEEDS, APPROVAL OF ABANDONMENT OF EASEMENT OR FACILITIES,
AND REVIEW OF PLANS

There was no discussion on this item.

PARK PROJECT AND RECREATIONAL FACILITY MATTERS

There was no discussion on this item.

REVIEW MAINTENANCE AND CAPITAL IMPROVEMENT PLAN

There was no discussion on this item.

OPERATOR'S REPORT

Mr. Browne presented and reviewed the operator's report, a copy of which is attached, and reported on routine maintenance and repair items in the District.

The Board discussed the payment status of the elder care facilities in the District. Following discussion, the Board confirmed the direction given to the operator at a previous Board meeting to write off the penalties and fees incurred by the facilities.

The Board discussed manhole repairs completed in the District. Following discussion, the Board concurred to have Mr. Browne report the number of repairs completed since the prior meeting at the Board meetings going forward.

Mr. Browne presented 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 of Directors to explain, contest, or correct their bills and to show why utility services should not be terminated for reason of non-payment. Mr. Browne concurred MDS terminated delinquent customers, as previously discussed.

Mr. Browne requested Board authorization to write off two delinquent accounts totaling \$642.22 and send them to a collection agency.

After review and discussion, Director Joseph moved to: (1) approve the operator's report; (2) 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 records; and (3) authorize MDS to write off two delinquent accounts totaling \$642.22 and send them to a collection agency. Director Caballero seconded the motion, which passed by unanimous vote.

NORTH FORT BEND WATER AUTHORITY MATTERS

The Board considered adopting a Resolution Nominating a Candidate to Serve as a Director on the Board of Directors of the North Fort Bend Water Authority (the "NFBWA") Director Precinct No. 5.

Ms. Sherborne stated the NFBWA has requested that the District submit its annual Water Usage Reporting Form.

After discussion, Director Bonilla-Odums moved to: (1) adopt a Resolution Nominating Candidate to Serve as a Director on the Board of Directors of the NFBWA for Precinct No. 5, reflecting the District's nomination of Robert Patton, and direct that the Resolution be filed appropriately and retained in the District's official records; and (2) authorize preparation and submittal of the Water Usage Reporting Form to the NFBWA. Director Caballero seconded the motion, which carried unanimously.

WEBSITE COMMUNICATION MATTERS

The Board discussed website communication matters.

ANNUAL CYBERSECURITY TRAINING

Ms. Sherborne reviewed a memorandum regarding annual cybersecurity training requirements for certain local government employees and elected and appointed officials who have access to a government computer system or database and use a computer to perform at least 25% of their required duties. She stated that the required training should be completed and reported to ABHR prior to the August 31st deadline for reporting compliance to the Texas Department of Information Resources ("DIR"). After review and discussion, the Board directed the required persons to complete a DIR-certified training program and report their completion to ABHR for reporting to DIR by August 31st.


MAINTENANCE OF LAKES AND CHANNELS

Ms. Wells reviewed the mowing report, a copy of which is attached. Discussion ensued regarding the mowing report. Following review and discussion, the Board requested that future reports reflect the dates that mowing is completed with pictures identifying the area that was mowed. Further discussion ensued regarding additional maintenance in the District.

ENGINEERING MATTERS (CONTINUED)

Further discussion ensued regarding approval of the pump station expansion project. The Board requested Mr. Swanson verify the Board approved the project. Following discussion, Ms. Sherborne verified that such funding was including in the bond applications.

There being no further business to come before the Board, the Board concurred to adjourn the meeting.



Secretary, Board of Directors



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