

MINUTES  
FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 123

April 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 17<sup>th</sup> day of April 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"); Esther Flores of Tax Tech, Inc. ("Tax Tech"); 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 March 20, 2024. After review and discussion, Director Joseph moved to approve the regular and special meeting minutes, as presented. Director Nelson seconded the motion, which passed unanimously.

RECEIVE REPORTS FROM DIRECTORS

Director Joseph reported Fort Bend County (the "County") removed debris along Beechnut Road.

In response to an inquiry from Director Bonilla-Odums regarding if a pole that CenterPoint hit near the recreation center had been reported, Director Joseph stated he would report the incident to CenterPoint.

DISCUSS OUTREACH TO UNDERPRIVILEGED BUSINESSES

There was no discussion on this item.

REVIEW CONSULTANT CONTRACTS

Director Perkins updated the Board regarding a proposal for reservation systems for the park facilities received from Facilitron, and the Board discussed the related agreement for the services.

APPROVE AMENDED AND RESTATED AGREEMENT FOR SHARING COSTS OF SECURITY SERVICES

The Board discussed matters related to the District’s cost sharing agreement for security services. Ms. Sherborne presented and reviewed an Amended and Restated Agreement for Sharing Costs of Security Services (the “Agreement”). After review and discussion, Director Nelson moved to approve the Agreement. Director Joseph seconded the motion, which passed by unanimous vote.

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

There was no discussion on this item.

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.

After review and discussion, Director Joseph moved to approve the bookkeeper’s report, investment report, and payment of the bills. Director Bonilla-Odums seconded the motion, which passed by unanimous vote.

TAX ASSESSMENT AND COLLECTIONS MATTERS

Ms. Flores reviewed the District’s monthly tax report, a copy of which is attached, including the delinquent tax roll. She stated that 96.83% of the District’s 2023 taxes had been collected as of March 2024.

After review and discussion, Director Bonilla-Odums moved to approve the tax assessor/collector’s report and payment of the tax bills. Director Nelson 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 construction of the Wastewater Treatment Plant.

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

Mr. Caraway updated the Board regarding construction of the Water Plant Expansion and reviewed and recommended approval of Pay Estimate No. 1 in the total amount of \$16,191.00, payable to Tidal Construction, Inc. ("Tidal Construction"), split between the District and Fort Bend County Municipal Utility District No. 122. He stated the District's portion is \$8,419.32.

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

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. 1 in the amount of \$16,191.00, payable to Tidal Construction for the Water Plant Expansion. Director Nelson 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 ("CIP")

Mr. Caraway presented and reviewed a draft CIP, noting he is gathering information on the projects and plans to present a revised plan to the Board.

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.

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 requested Board authorization to write off four delinquent accounts totaling \$1,213.74 and send them to a collection agency.

Mr. Browne presented and reviewed alternative proposals for repairing and replacing lift pump no. 2 at lift station no. 2, copies of which are attached to the operator's report. He stated the estimated replacement cost is \$14,582.00 and the estimated repair cost is \$5,517.00. Mr. Browne next presented and reviewed proposals to replace the auto dialer and replace the roto floats and install a new controller, both at lift station no. 1 in the respective estimated costs of \$4,750.00 and \$10,200.00. Discussed ensued regarding the proposals.

Mr. Browne stated that the District's Identity Theft Prevention Program (the "Program") requires MDS to provide an annual written report evaluating the effectiveness of the Program, significant instances of identity theft detection, and any recommendations regarding changes to the Program. Mr. Browne stated that there were no recommended changes to the District's Identity Theft Prevention Plan, that no instances of identity theft were reported in the last year, and that a copy of the annual report is attached to the operator's report.

Mr. Browne presented and reviewed the Water Conservation Plan annual report and 5-year implementation report on the Water Conservation Plan.

After review and discussion, Director Caballero 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; (3) authorize MDS to write off four delinquent accounts totaling \$1,213.74 and send them to a collection agency; and (4) replace lift pump no. 2 at lift station no. 2 in the amount of \$14,582.00 and replace the auto dialer and replace the roto floats and install a new controller, both at lift station no. 1 in the respective amounts of \$4,750.00 and \$10,200.00. Director Nelson seconded the motion, which passed by unanimous vote.

#### WEBSITE COMMUNICATION MATTERS

The Board concurred to discuss this item during the special meeting.

#### MAINTENANCE OF LAKES AND CHANNELS

Ms. Wells reviewed the mowing report, a copy of which is attached. She updated the Board regarding debris near a homeowner's fence and reviewed a proposal to remove the debris in the total amount of \$225.00 (the "Proposal"), a copy of which is included in the mowing report. Following review and discussion, Director Joseph moved to approve the Proposal in the amount of \$225.00. Director Nelson seconded the motion, which passed by unanimous vote

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



---

Secretary, Board of Directors



LIST OF ATTACHMENTS TO MINUTES

	Minutes
	<u>Page</u>
Bookkeeper's report.....	2
Tax Assessor-Collector's report .....	2
Engineer's report.....	2
Operator's report.....	3
Mowing report.....	4