

MINUTES
FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 123

July 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 July 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 and Dylan Wells of NJ Services, LLC ("NJ Services"); Esther Flores of Tax Tech, Inc. ("Tax Tech"); Mark Swanson and Cole Caraway of LJA Engineering, Inc. ("LJA"); Erin Garcia of Myrtle Cruz, Inc. ("Myrtle Cruz"); and Katie Sherborne and Kia Fields of Allen Boone Humphries Robinson LLP ("ABHR"). Calvin Browne of Municipal District Services, LLC ("MDS") attended the meeting by teleconference.

PUBLIC COMMENTS

There were no comments from the public.

APPROVE MINUTES

The Board considered approving the regular and special meeting minutes of June 19, 2024. 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 Hurricane Beryl, including impacts on the District.

DISCUSS OUTREACH TO UNDERPRIVILEGED BUSINESSES

There was no discussion on this item.

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

There was no discussion on this item.

ASSOCIATION OF WATER BOARD DIRECTORS SUMMER CONFERENCE, REIMBURSEMENT OF ELIGIBLE EXPENSES AND ATTENDANCE AT WINTER CONFERENCE

The Board discussed the Association of Water Board Directors ("AWBD") summer conference and upcoming winter conference. Ms. Garcia noted the submitted Directors' expenses from the summer conference were in accordance with the District's travel reimbursement guidelines. Ms. Sherborne stated that the AWBD winter conference will be held January 24, 2025 through January 25, 2025, in Austin, Texas. After review and discussion, Director Joseph moved to approve reimbursement of eligible expenses for the summer conference, which were submitted in accordance with the District's travel reimbursement guidelines, and authorize all interested Directors to attend the AWBD winter conference. Director Nelson seconded the motion, which passed by unanimous vote.

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.

The Board discussed bond funds remaining, which such funds the Board concurred to utilize for future projects and prioritize same in the capital improvement plan.

After review and discussion, Director Bonilla-Odums moved to approve the bookkeeper's report, investment report, and payment of the bills. Director Nelson 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 98.98% of the District's 2023 taxes had been collected as of June 2024. Discussion ensued regarding procedures related to tax valuations.

After review and discussion, Director Joseph 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.

REVIEW CONSULTANT CONTRACTS

The Board discussed requests from consultants for contract amendments, including plans to organize the requests. Following discussion, the Board concurred to consider contract amendments annually in January going forward.

ADOPT RESOLUTION REGARDING DEVELOPMENT STATUS FOR 2024 TAX YEAR

Ms. Sherborne discussed the “truth-in-taxation” property tax calculations and tax levy process for water districts and stated that Chapter 49 of the Texas Water Code establishes three main categories for water districts, based on a district’s development status and/or tax rate. She reviewed the definitions for each of the three categories and said the Board must annually determine the District’s category for that tax year and follow the associated notice and levy provisions in the Texas Water Code.

Discussion ensued regarding the District’s development status. After fully considering relevant data, information, and statutory definitions, the Board determined that the District is a Developed District for the 2024 tax year.

Following review and discussion, Director Joseph moved to adopt a Resolution Regarding Development Status for 2024 Tax Year establishing the District as a Developed district for the 2024 tax year, pursuant to Section 49.23603, Texas Water Code, and direct that the Resolution be filed appropriately and retained in the District’s official records. Director Nelson seconded the motion, which passed unanimously.

DISCUSSION OF EMERGENCY PROCEDURES

The Board discussed plans to prepare for hurricane season annually and the District’s standard emergency procedures.

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.

Mr. Caraway updated the Board regarding construction of the Water Plant Expansion and reviewed and recommended approval of Pay Estimate No. 4 in the amount of \$26,285.62. He stated that the District’s portion is \$13,668.52.

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. 4 in amount of \$26,285.62 for construction of the Water Plant Expansion. Director Nelson seconded the motion, which passed unanimously.

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.

PROPOSALS FOR GENERAL LIABILITY AND DIRECTORS AND OFFICERS
LIABILITY INSURANCE

Ms. Sherborne reviewed and discussed the information received from Arthur J. Gallagher & Co. for general liability and directors and officers liability insurance and plans to obtain a proposal for general liability insurance for the park. Following review and discussion, the Board concurred to consider the proposal when the District's insurance renews later this year.

REVIEW MAINTENANCE AND CAPITAL IMPROVEMENT PLAN ("CIP") AND
DISCUSS BIENNIAL INSPECTION OF DISTRICT FACILITIES

Mr. Caraway presented and reviewed a revised draft CIP and discussed proposed projects included therein.

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 stated MDS had no list of delinquent customers to present this month. He then reported no major incidents from Hurricane Beryl, noting MDS is closely monitoring the generators at the District's facilities.

After review and discussion, Director Joseph moved to: (1) approve the operator's report; and (2) defer termination of delinquent accounts for one month. Director Nelson seconded the motion, which passed by unanimous vote.

WEBSITE COMMUNICATION MATTERS

There was no discussion on this item.

MAINTENANCE OF LAKES AND CHANNELS

Ms. Wells reviewed the mowing report, a copy of which is attached. She then presented a proposal to remove debris near Channel C in the total amount of \$2,700.00. Discussion ensued regarding applying herbicide at the channels. Following review and discussion, Director Joseph moved to authorize NJ Services to remove debris near Channel C in an amount not to exceed \$2,700.00. Director Nelson seconded the motion, which passed by unanimous vote. The Board concurred to consider a proposal to apply herbicide at the next Board meeting.

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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