

MINUTES  
FORT BEND COUNTY LEVEE IMPROVEMENT DISTRICT NO. 10

January 28, 2021

The Board of Directors (the "Board") of Fort Bend County Levee Improvement District No. 10 (the "District"), met in regular session by teleconference, with access by telephone available to the public, pursuant to Texas Government Code Section 551.125 and Governor Greg Abbott's emergency disaster declaration dated March 13, 2020, on the 28<sup>th</sup> day of January, 2021, and the roll was called of the members of the Board being present by telephone:

Don Burns	President
Johnny J. Cantu	Vice President/ Assistant Secretary
Rodney Vannerson	Secretary

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

Also attending the teleconference were Mark McGrath of McGrath & Co., PLLC; David Beyer of Storm Water Solutions; Guillermo Salcedo of the City of Sugar Land ("COSL"); Kelley Jurecek of Tax Tech, Inc. ("Tax Tech"); Mary Ann Mihills of Municipal Accounts & Consulting, L.P. ("MAC"); Michael Murr of Park Rangers; Michael Rusk and Jacob Clarke of LJA Engineering, Inc. ("LJA"); Jeff Perry of Levee Management Services, LLC ("LMS"); and Angie Lutz and Anne-Marie Bradford of Allen Boone Humphries Robinson LLP ("ABHR").

OPERATIONS AND SERVICE REQUIREMENTS RELATING TO COVID-19 EPIDEMIC

There were no items to report regarding this matter.

PUBLIC COMMENTS

Director Burns offered any members of the public attending the meeting by telephone the opportunity to make public comment. There being no members of the public wishing to address the Board, Director Burns moved to the next agenda item.

MINUTES

The Board considered approving the minutes of the December 17, 2020, regular meeting and the January 15, 2021, special meeting, which were provided in advance. Following review and discussion, Director Cantu moved to approve the minutes, as provided. Director Vannerson seconded the motion, which passed unanimously with all directors voting in favor of the motion.

## AUDIT FOR FISCAL YEAR END SEPTEMBER 30, 2020

Mr. McGrath reviewed the District's audit for the fiscal year ending September 30, 2020. After review and discussion, Director Vannerson moved to approve the District's audit, and authorize filing as appropriate. Director Cantu seconded the motion, which passed unanimously.

## PHASE II MS4 STORM WATER MANAGEMENT PLAN IMPLEMENTATION

Mr. Beyer updated the Board on the District's Storm Water Management Plan ("SWMP"). He reviewed the year 2 annual report for the SWMP, and a summary of the year 3 training and goals under the SWMP, copies of which are attached.

Mr. Beyer began his training session with the Board and other consultants. He stated the topic of the year 3 training was stormwater pollution prevention, the minimum control measures, and bacteria-specific elements. Mr. Beyer 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 Vannerson moved to approve the year 2 annual SWMP report and the utility insert. Director Burns seconded the motion, which carried unanimously.

## CITY OF SUGAR LAND ("COSL") MATTERS

Mr. Salcedo stated there is no update for the Board regarding COSL matters.

## LAKE MANAGEMENT SERVICES

There was no discussion regarding this matter.

## FINANCIAL AND BOOKKEEPING MATTERS

Ms. Mihills reviewed the bookkeeper's report, a copy of which is attached, including the checks presented for payment, as listed in the report. Following review and discussion, Director Vannerson moved to approve the bookkeeper's report, including payment of the bills listed in the report. Director Cantu seconded the motion, which passed unanimously with all directors voting in favor of the motion.

Ms. Mihills then stated that in accordance with the District's Investment Policy, the District's bookkeeper and the District's Investment Officers, are required to execute disclosure statements that disclose any relationships with banks and brokers who seek to sell investments to the District. She added that the disclosure statements will be filed with the Texas Ethics Commission. Following review and discussion, Director Burns moved to accept the disclosure statements and authorize filing of same in the District's records and with the Texas Ethics Commission. Director Vannerson seconded the motion, which passed unanimously.

## TAX ASSESSMENT AND COLLECTIONS MATTERS

Ms. Jurecek reviewed the tax assessor/collector's report, a copy of which is attached, and reported that 72.29% of the District's 2020 taxes have been collected to date. Following review and discussion, Director Vannerson moved to approve the tax assessor/collector's report and payment of the tax bills. Director Cantu seconded the motion, which passed unanimously with all directors voting in favor of the motion.

## ENGINEER'S REPORT

Mr. Rusk reviewed the engineer's report, a copy of which is attached.

Mr. Rusk provided an update regarding the status of the construction of the pump station site access improvements and sluice gates installation, including CenterPoint's schedule for relocating the necessary utilities for Phase I of the project. Mr. Rusk next provided an update regarding the Phase II construction.

Mr. Rusk provided an update regarding channel erosion matters, noting there are no changes to report.

Mr. Rusk then provided an update regarding the pending park bond application filed with the Texas Commission on Environmental Quality.

Discussion then ensued regarding staining a parking lot in the District, and the Board concurred to defer action until the next special parks meeting.

Following review and discussion, Director Vannerson moved to approve the engineering report. Director Burns seconded the motion, which passed unanimously.

## CAPITAL IMPROVEMENT PLAN ("CIP")

Mr. Rusk stated there are no updates to the CIP, a copy of which is attached to the engineer's report.

## ATTORNEY'S REPORT

Ms. Lutz reported on the District's compliance activities pursuant to the District's policy during the prior calendar year related to bond financings. She stated that no corrective action is required at this time.

Ms. Lutz stated that the Texas Local Government Records Act provides that all local governments must establish an active and continuing records management program that contains policies and procedures that promote cost-effective and efficient recordkeeping. She stated that the District's current records management program requires that all District records be retained permanently. Ms. Lutz then reviewed with the Board an Amended Order Establishing a Records Management Program and Designating a Records Management Officer that amends the District's records

management program to adopt the recommended retention schedules published by the Texas State Library and Archive Commission (“TSLAC”), which will allow the District to periodically dispose of records once the applicable retention period for that specific information has expired. After review and discussion, Director Burns moved to adopt an Amended Order Establishing a Records Management Program and Designating a Records Management Officer, authorize submission of the Amended Order to TSLAC, and direct that the Amended Order be filed appropriately and retained in the District’s official records. Director Cantu seconded the motion, which passed by unanimous vote.

Ms. Lutz then stated that because the directors are appointed to serve on the Board, they are not required to complete the cybersecurity training.

#### OPERATION OF DISTRICT FACILITIES

Mr. Perry reviewed the operations report, a copy of which is attached, and discussed maintenance of the levee, channels, ditches, and pump station.

Mr. Perry reported that the telephone line at the District’s pump station was damaged, and is being replaced.

Mr. Perry next reviewed an exhibit reflecting the proposed path for the installation of hog fencing, a copy of which is attached to the operations report. He stated that after further review, he recommends a different path for the hog fencing than previously presented, noting the new path is approximately 8,500 linear feet. He further discussed a test being performed by LMS where insecticide is applied to certain sections of land in order to eliminate grubs and other insects that hogs feed on. He stated that in the areas in which the insecticide was applied, less hog damage was found. He further discussed additional fencing options, including electrical fencing and underground razor wire. He stated he will obtain cost estimates for these fencing options. Discussion then ensued regarding replacement of the hog fencing previously removed by CenterPoint and Mr. Perry stated he will invoice CenterPoint directly.

Following review and discussion, Director Cantu moved to approve the operator’s report. Director Vannerson seconded the motion, which passed unanimously.

#### PARK AND RECREATIONAL FACILITIES

Mr. Murr reviewed a park maintenance report, a copy of which is attached, and updated the Board regarding maintenance of park and recreational facilities in the District.

#### PERIMETER LEVEE MATTERS

The Board discussed the Fort Bend Flood Management Association meeting, the Association of Water Board Directors winter conference, and the United States Army Corps of Engineers seminar.

REPORTS FROM DIRECTOR AND/OR DISTRICT CONSULTANTS

The Board discussed the pending park bonds application and the proposed projects included in same. Following discussion, the Board directed Messrs. Rusk and Murr to begin designing the plans and specifications for each of the projects included in the application, so that upon receipt of TCEQ approval the District may begin construction.

ENGINEERING (CONTINUED)

Mr. Rusk reviewed and recommended approval of a change order from Ninyo & Moore in the amount of \$6,400 for additional materials testing time related to the construction of the pump station site access improvements and sluice gates installation. Following review and discussion, Director Vannerson moved to approve the change order as presented. Director Burns seconded the motion, which passed unanimously.

The Board concurred to hold its next special parks meeting on February 12, 2021, at 8:00 a.m. and its next regular meeting on February 24, 2021, at 11:30 a.m.

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



(SEAL)

/s/ Rodney Vannerson  
Secretary, Board of Directors