

MINUTES
FORT BEND COUNTY LEVEE IMPROVEMENT DISTRICT NO. 10

August 25, 2022

The Board of Directors (the “Board”) of Fort Bend County Levee Improvement District No. 10 (the “District”), met in regular session, open to the public, on the 25th day of August, 2022, at Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, 24th Floor, Houston, Texas, outside the boundaries of the District, and the roll was called of the members of the Board:

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 meeting were Mary Ann Mihills of Municipal Accounts & Consulting, LP; Michael Murr of Murr Incorporated; Kelley Jurecek of Tax Tech, Inc.; Jacob Clark and Michael Rusk of LJA Engineering, Inc (“LJA”); Albert Ramirez of Lake Management Services, LP; Jeff Perry of Levee Management Services, LLC; Julie Peak of Masterson Advisors LLC; Nik Raha of the City of Sugar Land (“COSL”); and Angie Lutz and Shammara Polk of Allen Boone Humphries Robinson LLP (“ABHR”).

PUBLIC COMMENTS

Director Burns offered any members of the public attending the meeting 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 July 28, 2022, regular meeting, as presented. Following review and discussion, Director Cantu moved to approve the minutes, as presented. Director Vannerson seconded the motion, which passed unanimously.

PHASE II MS4 STORMWATER MANAGEMENT PLAN IMPLEMENTATION

There was no discussion regarding this matter.

CITY OF SUGAR LAND MATTERS

Mr. Raha updated the Board on the issue raised at the last Board meeting regarding the lack of the mowing at the Lift Station at the Park at the Levee and confirmed that the COSL has mowed the area. He also provided an update regarding the missing

plaque at a monument at the Park at the Levee and advised that if the District refurbishes the plaque the COSL will install on the monument.

Mr. Raha reported on the status of the COSL “hog taskforce.” He stated the COSL is still working on a strategy and will hopefully have a finalized plan in the near future.

LAKE MANAGEMENT SERVICES

Mr. Ramirez reviewed a lake maintenance report with the Board and discussed lake maintenance and repairs performed in the District. A copy of the lake maintenance report is attached.

FINANCIAL AND BOOKKEEPING MATTERS

Ms. Mihills reviewed the bookkeeper’s report, including the checks presented for payment as listed in the report, a copy of which is attached.

Ms. Mihills discussed check no. 2039 in the amount of \$3,200.00, payable to Access Service Team for the installation plans for the Lighting at Magnolia Park. She stated the check will be reflected in next month’s report.

Ms. Mihills reviewed a draft budget for the September 30, 2023 fiscal year end and requested comments before the next Board meeting.

Following review and discussion, Director Cantu moved to (1) approve the bookkeeper’s report, including the payment of the bills listed in the report and the additional check presented. Director Burns seconded the motion, which passed unanimously.

TAX ASSESSMENT AND COLLECTIONS MATTERS

Ms. Jurecek reviewed the monthly tax assessor/collector’s report, including the tax bills presented for payment. A copy of the tax assessor/collector’s report is attached. She reported that 98.85% of the District’s 2021 taxes have been collected to date.

Following review and discussion, Director Burns moved to approve the tax report and the checks presented for payment. Director Cantu seconded the motion, which passed unanimously.

ENGINEER’S REPORT

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

Mr. Rusk provided an update regarding Brazos River erosion matters. He stated the river continues to remain at a low level.

Mr. Rusk provided an update on the District's capital improvement plan. He stated he has added the sluice gates to the list of completed projects and added the irrigation system replacement to the list of future park projects.

Mr. Clark provided an update regarding the Frisbee Course. He stated LJA and Director Vannerson will be meeting on Monday, August 29, 2022 at 11:00 a.m. to flag trees. Discussion ensued and the Board directed ABHR to invite a representative of Shopcore Properties to attend and observe the progress of the project. The Board then discussed the commercial property owners review and acceptance of the parking and amenity easement at the trailhead/parking area. Mr. Clark stated the contractor would like to have this project officially completed and requested to remove the commercial improvements out of the contract. Mr. Clark reminded the Board of potentially moving the trailhead location along Riverpark Drive. Discussion ensued and the Board concurred to discuss further on Monday and authorized Director Vannerson to approve any changes. The Board further concurred to have Director Cantu put in a request with the COSL through 311 regarding plans to move the trailhead to Riverpark Drive.

Mr. Clark provided an update regarding the Park at the Levee (Enclave). He stated comments from the COSL should be received on Monday and if there are no extensive comments, the project will be advertised for bids next week. The Board discussed the Interlocal Agreement with the COSL and concerns regarding a ownership and location of a fence separating the residents from park and the intent for the use of the tennis courts. The Board directed ABHR to inform the COSL that LJA is working to determine ownership and location of the fence as well as informing them that Jim Galloway has been the point of contact regarding the public use of the tennis courts and was willing to discuss a perpetual easement with caveats that could be worked through with the District.

Mr. Clark provided an update regarding the Overlook Trail Extension. He stated comments have been received from the COSL and if there are no extensive comments, the project will be advertised for bids next week.

Mr. Clark stated that at the next parks meeting, he will have an updated spreadsheet to compare the budget and list of projects and determine which projects to continue to work and which ones to postpone.

Following review and discussion, Director Cantu moved to (1) approve the engineering report; and (2) authorize Director Vannerson to approve any changes regarding the trailhead in connection with the Frisbee Course. Director Burns seconded the motion, which passed unanimously.

2022 TAX RATE

The Board considered the District's 2022 tax rate. Ms. Lutz 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 2022 tax year.

Ms. Peak distributed and reviewed a debt service tax rate analysis reflecting the recommendation for the District to levy a 2022 debt service tax rate of \$0.255 per \$100 of assessed valuation, based on the District's initial 2022 certified value of \$533,513,372, plus \$7,069,380 representing 90% of the uncertified value under protest. A copy of the debt service tax rate analysis is attached. The Board then discussed the District's operation and maintenance tax rate. Ms. Lutz discussed the two-step process for setting the District's tax rate.

Following review and discussion, Director Burns moved to (1) adopt a Resolution Regarding Development Status for 2022 Tax Year establishing the District as a Developed district for the 2022 tax year, pursuant to Section 49.23602, Texas Water Code, and direct that the Resolution be filed appropriately and retained in the District's official records; (2) set the public hearing date for September 22, 2022; and (3) authorize the tax assessor/collector to publish notice in the Fort Bend Independent of the District's meeting on September 22, 2022, to set the proposed 2022 total tax rate of \$0.61 per \$100 of assessed valuation, with \$0.255 allocated for debt service, and \$0.385 allocated for operations and maintenance. Director Vannerson seconded the motion, which passed unanimously.

Director Vannerson left the meeting.

OPERATION OF DISTRICT FACILITIES

Mr. Perry reviewed the operations report, a copy of which is attached, and updated the Board regarding the repairs and maintenance performed since the last meeting.

Mr. Perry updated the Board on the installation of additional hog fencing in the District and stated this project is now complete.

Mr. Perry reviewed the amended fee rates for CDC Unlimited, LLC ("CDC") with the Board. A copy of the amended fee rates is attached to the operations report. He stated that CDC is requesting an increase of 18 percent for their mowing services, due to an influx in gas prices. He stated organic options and overseeding of levee and ditches with rye grass are being removed from the proposed increase as they are not needed. Discussion ensued and the Board concurred to approve the 18 percent increase for mowing services.

Following review and discussion, Director Cantu moved to (1) approve the operations report and (2) approve the amended rates for mowing services with CDC, as presented. Director Burns seconded the motion, which passed by a vote of 2-0, with Director Vannerson absent from voting.

PARK AND RECREATIONAL FACILITIES

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

Mr. Murr updated the Board regarding the Lighting at Magnolia Park. He stated Mr. Raha provided assistance regarding the permit process and he is currently in the process of submitting electrical plans to the COSL. Mr. Murr also discussed efforts to determine the addresses associated with two meters in Magnolia Park as it is unclear at this time.

Mr. Murr updated the Board on the replacement of additional trees along the Grand Parkway. He stated this project will be handled in a couple of months.

Mr. Murr reported on Director Vannerson's request for the removal of a tree at the recreation center and the planting of a tree at the Enclave pond. Discussion ensued and Mr. Murr suggested the tree being removed from the recreation center be planted at the Enclave pond. The Board deferred any action until the next parks meeting.

Mr. Murr updated the Board on the tube separation on a slide at the recreation center. He stated additional issues were found when removing the tube and the manufacturer was contacted to come out and take a look. He also informed the Board of tears in the turf and wood separation at the recreation center.

Mr. Murr informed the Board that the three additional benches have arrived and will be installed in the Fall.

PERIMETER LEVEE MATTERS

There was no discussion on this agenda item.

REPORTS FROM DIRECTOR AND/OR DISTRICT CONSULTANTS

There was no discussion on this agenda item.

DISTRICT WEBSITE MATTERS

There was no discussion on this agenda item.

EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE

The Board convened into executive session at 12:26 p.m. pursuant to section 551.071, Texas Government Code. ABHR was present.

RECONVENE IN OPEN SESSION AND AUTHORIZE APPROPRIATE ACTION

The Board reconvened in open session at 12:29 p.m.

The Board concurred to hold the next regular meeting on September 22, 2022, and the next parks meeting on September 9, 2022.

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

(SEAL)

Secretary, Board of Directors

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