

MINUTES
FORT BEND COUNTY LEVEE IMPROVEMENT DISTRICT NO. 10

September 22, 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 22nd day of September, 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”); Jeff Perry of Levee Management Services, LLC; Nik Raha of the City of Sugar Land (“COSL”); Hunter Soape of CDC Unlimited, LLC (“CDC”); David Beyer of Storm Water Solutions, LLC; Rome Alfaro of Houston Landscapes Unlimited, Inc.; 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 August 25, 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

Mr. Beyer updated the Board on the District’s Storm Water Management Plan (“SWMP”). He reviewed a summary of the year 4 training and goals under the SWMP, a copy of which is attached.

Mr. Beyer began his training session with the Board and other consultants. He stated the topic of the Year 4 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.

CITY OF SUGAR LAND MATTERS

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.

The Board discussed the issue of cars still parking at the levee and directed Mr. Perry to look into the matter further and take any necessary action.

LAKE MANAGEMENT SERVICES

Mr. Lutz 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.

Discussion ensued regarding the non-functioning main pipe that supplies irrigation to Lake #2 and the Board directed ABHR to Include Mr. Alfaro on any communication from Lake Management Services regarding this issue.

Mr. Lutz then presented and reviewed a proposal submitted by Lake Management Services for continued maintenance of the District’s lakes for the 2022-2023 fiscal year.

Following review and discussion, Director Cantu moved to (1) approve the lake maintenance report; and (2) approve the proposal, as presented. Director Burns seconded the motion, which passed unanimously.

AUTHORIZE AUDITOR TO CONDUCT AUDIT FOR FISCAL YEAR END
SEPTEMBER 30, 2022

The Board reviewed a letter from McGrath & Co., PLLC (“McGrath”) requesting authorization to conduct the District’s audit for the September 30, 2022, fiscal year end. Following review and discussion, Director Cantu moved to authorize McGrath to conduct the District’s audit for the September 30, 2022, fiscal year end. Director Vannerson seconded the motion, which passed unanimously.

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 informed the Board that she and Mr. Jacobs reviewed a list of District projects and compared to the budget to determine which projects to continue to work

and which ones to postpone. She stated several items were removed and approximately \$258,194 will be reallocated to fund other District projects.

The Board reviewed and discussed a draft budget for the fiscal year ending September 30, 2022.

The Board reviewed the District's Investment Policy and concurred no changes were necessary at this time. Ms. Lutz presented a Resolution Regarding Annual Review of Investment Policy for the Board's consideration.

Ms. Lutz then reviewed a list of authorized Broker/Dealers provided by the District's bookkeeper and a Resolution Establishing the Authorized Depository Institutions and Adopting List of Qualified Broker/Dealers with Whom the District May Engage in Investment Transactions.

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; (2) adopt the budget for the fiscal year ending September 30, 2022, as presented; (3) adopt the Resolution Regarding Annual Review of Investment Policy; and (4) adopt the Resolution Establishing the Authorized Depository Institutions and Adopting List of Qualified Broker/Dealers with Whom the District May Engage in Investment Transactions. Director Vannerson 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 98.90% 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.

PUBLIC HEARING REGARDING DISTRICT'S 2022 TAX RATE, ADOPT ORDER LEVYING TAXES AND EXECUTION OF AMENDMENT TO INFORMATION FORM

Ms. Jurecek stated that the notice was published of the public hearing to be held at today's meeting regarding adoption of the District's proposed 2022 total tax rate of \$0.61.

Director Burns opened the public hearing. There being no comments from the public, Director Burns closed the public hearing.

Ms. Lutz presented an Order Levying Taxes reflecting the proposed 2022 tax rate. She then presented an Amendment to Information Form reflecting the tax rate and stated

that the Amendment will be filed with the Texas Commission on Environmental Quality and recorded in the Official Public Records of Fort Bend County.

Following review and discussion, Director Vannerson moved to (1) adopt the Order Levying Taxes reflecting a total 2022 tax rate of \$0.61 per \$100 of assessed valuation, comprised of \$0.255 to pay debt service and \$0.385 for operations and maintenance; (2) authorize execution of the Amendment to Information Form; and (3) direct that the Order and Amendment be filed appropriately and retained in the District's official records. Director Cantu seconded the motion, which passed unanimously.

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. Soape reviewed a report from CDC, a copy of which is attached. Discussion ensued regarding mowing in the District, the current maintenance schedule, and recommendations to maintain mowing and to combat invasive grasses. Mr. Soape presented and recommended two options, which includes increased mowing per year and the application of a herbicide treatment to combat Johnson Grass. The Board concurred to increase the number of mowings per year and to move forward with the application of a herbicide treatment.

Following review and discussion, Director Burns moved to (1) approve the operations report; and (2) authorize CDC to increase the number of mowings per year and to apply a herbicide treatment to combat Johnson Grass. Director Cantu seconded the motion, which passed unanimously.

PARK AND RECREATIONAL FACILITIES

There was no discussion on this agenda item.

PERIMETER LEVEE MATTERS

The Board discussed the National Waterways Conference and training in Dallas that provides in-depth discussion on flood rates and concurred to authorize Director Burns attend the training in Dallas on behalf of the District.

The Board discussed rescheduling the Board meeting in October and concurred to hold the next regular Board meeting on October 20, 2022.

Following review and discussion, Director Cantu moved to authorize Director Burns attend the training in Dallas on behalf of the District. Director Vannerson seconded the motion, which passed unanimously.

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.

LEVEE IMPROVEMENT DISTRICT DIRECTOR CONTINUING EDUCATION REQUIREMENTS

The Board reviewed a list of each Director's completed continuing education hours during the 2022 calendar year, as required by Fort Bend County, and directed ABHR to finalize and file the list as appropriate.

EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE

The Board convened into executive session at 12:44 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 12:50 p.m.

Director Cantu moved to (1) approve a legal services engagement letter with Feldman & Feldman; (2) and direct that the legal services engagement letter be filed appropriately and retained in the District's official records. Director Vannerson 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 recommended the Board discuss discuss potential projects and the budget for said projects at the next parks meeting.

The Board discussed drainage concerns pertaining to an exposed blow off valve that runs to the well near the Frisbee Course. The Board directed Mr. Raha to coordinate with the COSL to get permission for the District to add a connecting pipe to the drain and cover with dirt for hazard prevention.

Mr. Clark provided an update regarding the Frisbee Course. He stated LJA is currently updating Change Order No. 2 to reflect the removal of the commercial

improvements and the inclusion of the installation of tee pads. Discussion ensued regarding the layout and changes to the Frisbee Course.

Mr. Clark provided an update regarding the Park at the Levee (Enclave). Discussion ensued regarding comments received from the COSL regarding the water fountain, issues with fencing and the tennis courts. The Board concurred to remove the water fountain from the plans, direct LJA to inform the COSL that the fence is on City property but that the District will maintain it and provide an agreement reflecting same, and authorize Director Vannerson to inform the COSL at a scheduled meeting on Wednesday that if approval is not given for the tennis courts the District will forego the project all together.

Mr. Clark provided an update regarding the Overlook Trail Extension. He stated comments have been received from the COSL and LJA is awaiting the drainage calculations that were requested. Discussion ensued regarding umbrella/shading options for the picnic tables at the Overlook.

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

(SEAL)

Secretary, Board of Directors

LIST OF ATTACHMENTS TO MINUTES

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