

MINUTES
FORT BEND COUNTY LEVEE IMPROVEMENT DISTRICT NO. 10

February 15, 2024

The Board of Directors (the "Board") of Fort Bend County Levee Improvement District No. 10 (the "District"), met in special session, open to the public, on the 15th day of February, 2024, at the RiverPark Subdivision Recreation Center, 5875 Summit Creek Dr., Sugar Land, Texas, inside the boundaries of the District, and the roll was called of the members of the Board:

Ike Akinwande	President
Sibu Varghese	Vice President
Polee Love	Secretary
Johnny J. Cantu	Assistant Vice President
Nico Calgulada	Assistant Secretary

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

Also attending the meeting were Mia Pommier, Robert Cottingham, Traci Lockwood, Bille Dee Jelin, Flavia Valle, Darren Etlinger, Alton Pinto, and Rodney Vannerson, as members of the public; and David Oliver and Angie Lutz of Allen Boone Humphries Robinson LLP ("ABHR").

PUBLIC COMMENTS

Mr. Cottingham addressed the Board regarding the Petition to go from an appointed Board to an elected Board and concerns of accuracy and acceptance of said Petition.

Ms. Lockwood addressed the Board regarding the status of the Park at the Levee.

Ms. Jelin addressed the Board regarding the condition of parks in the District.

Ms. Valle introduced herself to the Board.

Mr. Etlinger addressed the Board regarding the Petition and the election process.

Mr. Pinto addressed the Board regarding the Petition and the election process.

DIRECTOR MATTERS

APPOINT NEW DIRECTOR

Ms. Lutz reported that on January 9, 2024, the Commissioners Court of Fort Bend County moved to appoint Nico Calgulada to the term of January 25, 2023 through January 25, 2027 to fill one of two current terms.

Mr. Calgulada informed the Board that he was already a registered voter in the State of Texas but had to change his voter registration to reflect his current address in RiverPark.

APPROVE SWORN STATEMENT, OFFICIAL BOND, AND OATH OF OFFICE OF NEW DIRECTOR

Ms. Lutz reviewed and discussed the Sworn Statement, Official Bond, Candidate Affidavit, and Oath of Office as required by the Texas Constitution and Texas Water Code to be executed by Mr. Calgulada.

OPEN MEETINGS ACT AND PUBLIC INFORMATION ACT TRAINING REQUIREMENTS

Ms. Lutz reviewed a memorandum from ABHR regarding the Texas Open Meetings Act requirements. She noted the Directors, as public officials, are required to complete a course on training responsibilities on the governmental body and its members under the Texas Government Code, Chapter 551, within 90 days of taking the Oath of Office. She requested Director Calgulada forward his certificates of completion to ABHR for filing in the District's official records.

CONFLICT OF INTEREST DISCLOSURE REQUIRED BY CHAPTER 1776 OF THE TEXAS LOCAL GOVERNMENT CODE, INCLUDING REVIEW OF DISCLOSURE FORMS ADOPTED BY THE TEXAS ETHICS COMMISSION AND LIST OF LOCAL GOVERNMENT OFFICIALS

Ms. Lutz next reviewed Chapter 176 of the Texas Local Government Code, which requires directors and consultants to disclose certain conflicts of interest. Ms. Lutz reviewed with the Board the forms adopted by the Texas Ethics Commission for making disclosures under Chapter 176 and noted that the forms are required to be filed with the records administrator for the District. Ms. Lutz encouraged Director Calgulada to contact ABHR if assistance is needed in determining whether a conflict requires disclosure or in making a required disclosure.

Ms. Lutz then discussed the potential violation of the Texas Open Meetings Act if three members of the Board discussed District business outside of a posted meeting.

Following review and discussion, Director Akinwande moved to (1) appoint Nico Calgulada to the Board of Directors; (2) approve the Sworn Statement, Official Bond, Candidate Affidavit, and Oath of Office for Director Calgulada and direct that the documents be filed appropriately and retained in the District's official records, and that the Oaths of Office be filed with the Secretary of State, as required by law; (3) accept the Open Meetings Act and Public Information Act training requirements; and (4) accept the

conflict of interest disclosure. Director Cantu seconded the motion, which passed unanimously.

EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE

The Board convened into executive session at 7:22 p.m. pursuant to section 551.071, Texas Government Code. The Board, Mr. Oliver, and Ms. Lutz were present.

RECONVENE IN OPEN SESSION AND AUTHORIZE APPROPRIATE ACTION

The Board reconvened in open session at 7:54 p.m.

ACCEPT PETITION TO CHANGE TO ELECTION OF BOARD OF DIRECTORS PURSUANT TO TEXAS WATER CODE, CHAPTER 57

Ms. Lutz presented and reviewed a Petition to Change to Election of Board of Directors Pursuant to Texas Water Code, Chapter 57, as discussed at the January 25, 2024, and February 12, 2024, Board meetings. The Board then considered accepting the Petition to Change to Election of Board of Directors (the "Petition") pursuant to Texas Water Code, Chapter 57. Following review and discussion, Director Cantu moved to accept the Petition, as presented. Director Varghese seconded the motion, which passed by a vote of 4-1 with Director Love voting against.

DISTRICT ELECTION MATTERS

Ms. Lutz discussed procedures related to the 2024 Election of Directors, as discussed at the January 25, 2024, and February 12, 2024, Board meetings. She reviewed a Resolution Designating an Agent of the Secretary of the Board of Directors during the 2024 Election of Directors for the District.

She then reviewed an Order Calling Election of Directors.

Ms. Lutz stated that the District may contract with Fort Bend County (the "County") to conduct the District's 2024 Election of Directors.

Ms. Lutz discussed that Notice of Election may be required to be posted or published and provided to the County Clerk and Voter Registrar of the County.

The Board reviewed a Resolution Adopting Voting System.

Ms. Lutz stated that early voting rosters must be posted during the early voting period for the May 4, 2024, Election of Directors.

Following review and discussion, Director Varghese moved to (1) adopt the Resolution Designating an Agent of the Secretary of the Board During the 2024 Election of Directors Period appointing Shammara Polk as the agent of the Secretary of the Board of Directors to perform the duties of the District’s Election of Directors, authorize the agent to post the related notice as required, and direct that the Resolution be filed appropriately and retained in the District’s official records; (2) adopt the Order Calling Election of Directors for the District and direct that the Order be filed appropriately and retained in the District’s official records; (3) contract with the County to administer the District’s election; (4) authorize the Secretary’s agent to post or publish and provide to the County Clerk and Voter Registrar the Notice of Election, as required, and to direct that the Notice be filed appropriately and retained in the District’s official records; (5) adopt the Resolution Adopting Voting System and direct that the Resolution be filed appropriately and retained in the District’s official records; and (6) authorize posting of the early voting rosters during the early voting period for the May 4, 2024, Election of Directors, as required, and to direct that the rosters be filed appropriately and retained in the District’s official records. Director Cantu seconded the motion, which passed by a vote of 4-1 with Director Love voting against.

NEXT MEETING DATE, LOCATION, AND TIME

The Board concurred to hold the next regular meeting on Friday, March 1, 2024, at 11:30 a.m. at ABHR.

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





Secretary, Board of Directors