

MINUTES  
FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 5

September 26, 2024

The Board of Directors (the "Board") of Fort Bend County Municipal Utility District No. 5 (the "District") met in regular session, open to the public, on the 26<sup>th</sup> day of September, 2024, at the offices of Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, Suite 2400, Houston, Texas, outside the boundaries of the District, and the roll was called of the members of the Board:

Nancy E. Hedrick	President
John Metzger	Vice President
Bobby J. Adams	Secretary
LaToya Phillips	Assistant Vice President
Carol Walker	Assistant Secretary

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

Also attending the meeting were Trevor Konopka of Robert W. Baird & Co. Incorporated ("Baird"); Sarah Valladeres of Stormwater Solutions, LLC ("SWS"); Brandon West of Touchstone District Services ("Touchstone"); Greg Dubiel of Municipal Operations & Consulting, Inc. ("MOC"); Veronica Hernandez of McLennan & Associates, L.P.; Kristy Hebert of Tax Tech, Inc.; Angel Ruvalcaba of KGA/DeForest LLC; Enrique Sanchez and Brian Rabenal of R. G. Miller Engineers, Inc. ("RGM"); Justin Wagner of Woodmere Development Co., Ltd. ("Woodmere"); and Greer Pagan and Holly Huston of Allen Boone Humphries Robinson LLP.

PUBLIC COMMENT

There being no members of the public requesting to make public comment, the Board then moved to the next agenda item.

MINUTES

The Board considered approving the minutes of August 22, 2024, regular meeting. After review and discussion, Director Metzger moved to approve the minutes, as corrected. Director Phillips seconded the motion, which passed unanimously.

FINANCIAL AND BOOKKEEPING MATTERS

Ms. Hernandez presented the bookkeeper's report and invoices for the Board's review. A copy of the bookkeeper's report, including a list of checks presented for approval, is attached. She requested Board approval of the following additional checks: (1) check no. 2008 to Director Walker for National Night Out expense reimbursement; (2) check no. 2009 to Director Phillips for National Night Out expense reimbursement;

and (3) check no 2010 payable to Director Walker in the amount of \$1,016.65 for the reimbursement of the purchase of a laptop, printer, and office supplies. Following review and discussion, Director Metzger moved to approve the bookkeeper's report, and payment of the invoices, and defer approval of the additional checks until discussed under the appropriate agenda items. Director Hedrick seconded the motion, which was approved by unanimous vote.

#### DISCUSS DIRECTOR EXPENSE POLICIES AND AUTHORIZE APPROPRIATE ACTION

Mr. Pagan addressed the Board regarding Director expense and reimbursement policies. He stated that Director Walker submitted a reimbursement request for the purchase of a laptop, printer, and office supplies (the "Devices"), noting that should the Board approve the reimbursement, the items will be considered District property. Mr. Pagan then presented and reviewed a Technology User Agreement which provides terms and conditions for the use of the Devices. Following Discussion, Director Adams moved to (1) approve check no 2010 payable to Director Walker in the amount of \$1,016.65 for the reimbursement of the purchase of a laptop, printer, and office supplies; and (2) approve the Technology User Agreement for Director Walker. Director Metzger seconded the motion, which passed by unanimous vote.

#### SECURITY MATTERS

The Board reviewed an Interlocal Agreement for Additional Law Enforcement Services from Fort Bend County for the contract period beginning October 1, 2024, through September 30, 2025. Following review and discussion, Director Hedrick moved to approve the Interlocal Agreement, subject to final review and approval by ABHR. Director Phillips seconded the motion, which passed unanimously.

The Board next discussed National Night Out which will occur on October 1, 2024. Following discussion, Director Metzger moved to (1) approve check no. 2008 to Director Walker for National Night Out expense reimbursement; (2) approve check no. 2009 to Director Phillips for National Night Out expense reimbursement; and (3) set an annual budget of \$2000 for Briarwood Crossing and Fairpark Village respectively for National Night Out expenses. Director Hedrick seconded the motion, which passed by a unanimous vote.

#### TAX ASSESSMENT AND COLLECTIONS MATTERS

Ms. Hebert presented the tax assessor/collector's reports and invoices for the Board's review. A copy of the tax assessor/collector's reports, including a list of checks presented for approval, is attached. She reported that 99.23% of the 2023 taxes had been collected as of August 31, 2024. After review and discussion, Director Metzger moved to approve the tax assessor/collector's reports and payment of the invoices. Director Phillips seconded the motion, which passed unanimously.

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

Ms. Hebert stated that the notice was published of the public hearing to be held at today's meeting regarding adoption of the District's proposed 2024 total tax rate of \$1.25. The Board opened the public hearing. There being no comments from the public, the Board then closed the public hearing. The Board then reviewed an Order Levying Taxes reflecting the proposed 2024 tax rate. He 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. After review and discussion, Director Adams moved to: (1) adopt the Order Levying Taxes reflecting a total 2023 tax rate of \$1.25 per \$100 of assessed valuation, comprised of \$0.815 to pay debt service on water, sewer, and drainage bonds, and \$0.435 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 Metzger seconded the motion, which passed by unanimous vote.

ENGINEERING MATTERS

Mr. Sanchez presented the engineer's report, a copy of which is attached.

Mr. Sanchez stated design is underway for the following projects: (1) Briarwood Crossing, Section 19; (2) Briarwood Crossing, Section 20; (3) Briarwood Crossing, Section 21; and (4) Regional Permanent Wastewater Treatment Plant, Phase 1.

Mr. Sanchez updated the Board regarding the status of Briarwood Crossing, Section 18.

Mr. Sanchez updated the Board regarding the status of Courageous Trail Street Extension, Phase 1.

Mr. Sanchez updated the Board regarding the status of Interim Wastewater Treatment Plant Phase 3.

Mr. Sanchez updated the Board regarding the status of construction of Briarwood Crossing Detention 5 (A-C). He reviewed and recommended approval of Pay Estimate No. 3 in the amount of \$627,397.23 payable to Northtex Construction, LLC ("Northtex").

Mr. Sanchez updated the Board on the status of construction of water, sewer, and drainage facilities to serve Briarwood Crossing, Section 13.

Mr. Sanchez updated the Board on the status of construction of water, sewer, and drainage facilities to serve Briarwood Crossing, Section 17. He reviewed and

recommended approval of Pay Estimate No. 3 in the amount of \$25,337.45 payable to Principal Services, Ltd. ("Principal").

Following review and discussion, Director Adams moved to (1) approve the Engineer's Report as presented; (2) approve Pay Estimate No. 3 in the amount of \$627,397.23 payable to Northtex for the construction of the Briarwood Crossing Detention 5 (A-C); and (3) approve Pay Estimate No. 2 in the amount of \$25,337.45 payable to Principal for the construction of water, sewer, and drainage facilities to serve Briarwood Crossing, Section 17. Director Metzger seconded the motion, which passed by unanimous vote.

#### DISCUSS REMAINING BOND AUTHORIZATION

No action was taken on this agenda item.

#### \$6,635,000 UNLIMITED TAX BONDS, SERIES 2024 (THE "SERIES 2024 BONDS")

##### REVIEW BIDS AND AWARD SALE OF THE DISTRICT'S SERIES 2024 BONDS

Mr. Konopka distributed and reviewed a bid summary reflecting the six bids received for the District's Series 2024 Bonds, a copy of which is attached. He recommended the Board accept the bid with the lowest net effective interest rate of 4.049395% submitted by Raymond James & Associates, Inc. ("RJ"). Mr. Smalling stated a good faith check was submitted by RJ as required, and he verified the accuracy of the bid. After review and discussion, Director Adams moved to award the sale of the Series 2024 Bonds to RJ, with a net effective interest rate of 4.049395%. Director Walker seconded the motion, which passed by unanimous vote.

##### RESOLUTION AUTHORIZING THE ISSUANCE OF THE SERIES 2024 BONDS

Mr. Pagan reviewed a Resolution Authorizing the Issuance of the Series 2024 Bonds (the "Resolution") with the Board and explained that the document sets forth, among other items, the terms and provisions of issuance and delivery of the Series 2024 Bonds, the payment of principal and interest over the life of the Series 2024 Bonds, and certain District covenants regarding the tax-exempt status of the Series 2024 Bonds. After review and discussion, Director Adams moved to adopt the Resolution and direct that the Resolution be filed appropriately and retained in the District's official records. Director Walker seconded the motion, which passed by unanimous vote.

##### PAYING AGENT/REGISTRAR AGREEMENT

Mr. Pagan reviewed a Paying Agent/Registrar Agreement between the District and BOKF NA. After review and discussion, Director Adams moved to approve the Paying Agent/Registrar Agreement with BOKF NA, and direct that the

agreement be filed appropriately and retained in the District's official records. Director Walker seconded the motion, which passed by unanimous vote.

OFFICIAL STATEMENT

Mr. Pagan explained that the Official Statement for the Series 2024 Bonds will be updated to reflect the terms of the sale, including the purchaser, interest rates, and debt service requirements. After discussion, Director Adams moved to approve the Official Statement for the Series 2024 Bonds and direct that the Official Statement be filed appropriately and retained in the District's official records. Director Walker seconded the motion, which passed by unanimous vote.

CERTIFICATE REGARDING PROVISION OF FINANCIAL ADVICE

Mr. Pagan presented and reviewed with the Board a Certificate Regarding Provision of Financial Advice (the "Certificate") reflecting that ABHR has not provided the Board with financial advice in relation to the Series 2024 Bonds and the Board has relied solely upon financial advice provided by Baird. After review and discussion, Director Adams moved to approve the Certificate and direct that the Certificate be filed appropriately and retained in the District's official records. Director Walker seconded the motion, which passed by unanimous vote.

AUTHORIZE THE BOARD TO SIGN ALL DOCUMENTS RELATING TO BOND SALE AND AUTHORIZE ATTORNEY AND FINANCIAL ADVISOR TO TAKE ALL NECESSARY ACTION TO DELIVER BONDS TO PURCHASER

Mr. Pagan discussed signatures required for documents relating to the sale of the District's Series 2024 Bonds and actions needed to deliver the bonds to the purchasers. Following review and discussion, Director Adams moved to authorize the Board to sign all documents relating to the sale of the Series 2024 Bonds and authorize ABHR and Baird to take all necessary steps to deliver the bonds to the purchaser. Director Walker seconded the motion, which was approved by unanimous vote.

APPROVE CHECK TO ATTORNEY GENERAL RELATING TO BOND ISSUE TRANSCRIPT REVIEW

Mr. Pagan stated that payment is required by the Texas Attorney General for review of the transcript for the Series 2024 Bonds. The Board then considered authorizing ABHR to submit a wire on the District's behalf to the Attorney General of Texas for review of the bond transcript. After discussion, Director Adams moved to authorize ABHR to submit a wire on the District's behalf to the

Attorney General of Texas in the amount of \$6,635.00 for bond transcript review. Director Walker seconded the motion, which passed by unanimous vote.

#### AMENDMENT TO INFORMATION FORM

Mr. Pagan stated that the Texas Water Code requires the District to file an Amendment to Information Form with Fort Bend County and the Texas Commission on Environmental Quality reflecting the amount of bonds issued by the District. He reviewed an Amendment to Information Form with the Board. After review and discussion, Director Adams moved to authorize execution of the Amendment to Information Form and direct that the document be filed appropriately and retained in the District's official records. Director Walker seconded the motion, which passed by unanimous vote.

Director Adams left the meeting.

#### LANDSCAPE ARCHITECT'S REPORT

Mr. Ruvalcaba reviewed the landscape architect's report, a copy of which is attached.

Mr. Ruvalcaba requested Board authorization to conduct an Amended Parks and Open Space Master Plan Study.

Mr. Ruvalcaba stated that stated that bids were received for construction of Briarwood Crossing Section 13 Fencing Improvements. He recommended that the Board award the contract to American Wall System ("AWS") in the amount of \$50,757.00. The Board concurred that, in its judgment, AWS was a responsible bidder who would be most advantageous to the District and would result in the best and most economical completion of the project.

Mr. Ruvalcaba stated that stated that bids were received for construction of Briarwood Crossing Section 17 Fencing Improvements. He recommended that the Board award the contract to AWS in the amount of \$98,708.00. The Board concurred that, in its judgment, AWS was a responsible bidder who would be most advantageous to the District and would result in the best and most economical completion of the project.

Mr. Ruvalcaba updated the Board regarding the status of Briarwood Crossing Phase 2 Section 18.

Mr. Ruvalcaba updated the Board regarding the status of Briarwood Crossing Courageous Trail Landscape Improvements.

Mr. Ruvalcaba updated the Board regarding the construction of Briarwood Crossing Phase 2, Section 12.

Mr. Ruvalcaba updated the Board regarding the construction of Briarwood Crossing Phase 2, Section 13 landscaping improvements.

Mr. Ruvalcaba updated the Board regarding the construction of Briarwood Crossing Phase 2, Section 17.

Following review and discussion, and based upon the landscape architect's recommendation, Director Hedrick moved to (1) approve the landscape architect's report as presented; (2) authorize KGA to conduct an Amended Parks and Open Space Master Plan Study; (3) award the contract for construction of Briarwood Crossing Section 13 Fencing Improvements to AWS in the amount of \$50,575.00, based upon the landscape architect's recommendation and subject to approval of the payment and performance bonds and review of the certificate(s) of insurance and endorsements, if any, provided by the contractor; and (4) award the contract for construction of Briarwood Crossing Section 17 Fencing Improvements to AWS in the amount of \$98,708.00, based upon the landscape architect's recommendation and subject to approval of the payment and performance bonds and review of the certificate(s) of insurance and endorsements, if any, provided by the contractor. Director Phillips seconded the motion, which passed by a unanimous vote.

#### MAINTENANCE OF DETENTION AND AMENITY PONDS

The Board reviewed an annual budget for maintenance services for Fairpark Village and Briarwood Crossing amenity lakes in the amount of \$27,480. Following review and discussion, Director Metzger moved to approve the annual budget proposal for maintenance services for Fairpark Village and Briarwood Crossing amenity lakes. Director Walker seconded the motion, which was approved by unanimous vote.

#### OPERATION OF DISTRICT FACILITIES

Mr. Dubiel presented the monthly operator's report and reported on repairs and maintenance of the District's facilities. A copy of the operator's report is attached. Mr. Dubiel stated that there were 21 new residential taps installed during the month of August. He requested approval to submit two accounts in the amount of \$154.15 to collections.

Mr. Dubiel updated the Board on the lead and copper sampling of District pipes as required by the Environmental Protection Agency ("EPA"), noting the inventory had been submitted to the TCEQ and a copy has been provided to ABHR for the District records.

Following review and discussion, Director Metzger moved to (1) approve the operator's report; and (2) authorize submittal of two accounts in the amount of \$154.15 to collections. Director Walker seconded the motion, which was passed by a unanimous vote.

TERMINATION OF WATER AND SEWER SERVICE TO DELINQUENT CUSTOMERS

The Board conducted a hearing on termination of utility service. Mr. Dubiel informed the Board that the customers included on the termination list were delinquent in payment of their water and sewer bills and were given written notification, in accordance with the District’s Rate Order, prior to this meeting of the opportunity to appear before the Board to explain, contest, or correct their utility service bill and to show reason for nonpayment. After review and discussion, Director Metzger moved to terminate utility service to all customers included on the termination list in accordance with the District’s Rate Order if their utility bills are not paid because said customers were neither present at the meeting nor had presented any written statement on the matter and direct that the delinquent customer list be filed appropriately and retained in the District’s official records. Director Walker seconded the motion, which was approved by unanimous vote.

REPORT FROM STORM WATER SOLUTIONS

Ms. Valladares reviewed a report from Storm Water Solutions. A copy of which is attached.

TOUCHSTONE DISTRICT SERVICES

Mr. West presented and reviewed a report on the District’s website. A copy of which is attached. He presented and reviewed the following proposals: (1) a proposal for election education services with an engagement fee of \$3,450.00 and a monthly flat fee of \$2,850.00; (2) a proposal for an emergency alert system with a set up cost of \$750 and a monthly \$200 fee; and (3) a proposal for District Branded Shirts for a one time cost of \$60, either \$48 for standard wicking polos or \$55 for high-performance wicking polos, and consulting time to be billed separately according to the consultant agreement with Touchstone. Following review and discussion, Director Walker moved to approve the emergency alert system and District branded shirt proposals and defer approval of the election education proposal. Director Phillips seconded the motion, which passed by a unanimous vote.

DEVELOPER’S REPORT

Mr. Wagner updated the Board on home sales and development in the District.

MEETING SCHEDULE

The Board concurred to conduct the next regular meeting on October 24, 2024, at



  
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Asst. Secretary, Board of Directors



LIST OF ATTACHMENTS TO MINUTES

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