

MINUTES  
FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 5

January 30, 2025

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 30<sup>th</sup> day of January, 2025, 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 Brian Krueger of Forvis Mazar; 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.; Angel Ruvalcaba of KGA/DeForest LLC; Brian Rabenalt 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 December 5, 2024, regular meeting. After review and discussion, Director Metzger moved to approve the minutes, as corrected. Director Walker seconded the motion, which passed unanimously.

2025 BOND ELECTIONS

Mr. Pagan discussed procedures related to the 2025 Bond Elections. The Board reviewed a Resolution Designating an Agent of the Secretary of the Board of Directors During the 2025 Bond Elections Period.

Mr. Pagan discussed procedures related to the 2025 Bond Elections. He reviewed an Order Calling Bond Elections.

Mr. Pagan stated that the District may contract with Fort Bend County (the "County") to conduct the District's 2025 Bond Elections.

Mr. Pagan requested authorization to prepare and post the Voter Information Document for the 2025 Bond Elections.

Mr. Pagan discussed that Notice of Election may be required to be posted or published and provided to the County Clerk and Voter Registrar of Fort Bend County, if necessary.

Mr. Pagan discussed that early voting rosters must be posted during the early voting period for the 2025 Bond Elections.

Following review and discussion, Director Smith moved to (1) adopt a Resolution Designating an Agent of the Secretary of the Board During the 2025 Bond Elections Period appointing Holly Huston as the agent of the Secretary of the Board of Directors to perform the duties of the District's Directors Election, 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 Bond Elections and direct that the Order be filed appropriately and retained in the District's official records; (3) approve the contract with the County to administer the District's election; (4) authorize preparation of posting of the Voter Information Document; (5) authorize the Secretary's agent to post or publish and provide to the Fort Bend County Clerk and Voter Registrar Notice of Election, if required, and to direct that the Notice 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 2025 Bond Elections. Director Metzger seconded the motion, which passed unanimously.

#### ADOPTION OF COVERED APPLICATIONS POLICY

Mr. Pagan discussed legislation enacted by the Texas Legislature that requires all governmental entities to adopt a policy prohibiting the use of certain social media applications and services on government-owned or -leased devices. He stated that a model policy was developed by the Texas Departments of Public Safety and Information Resources for use by governmental entities. Mr. Pagan reviewed the proposed Covered Applications Policy with the Board. After review and discussion, Director Metzger moved to adopt a Resolution Adopting Covered Applications Policy and direct that the Resolution be filed appropriately and retained in the District's official records. Director Walker seconded the motion, which passed unanimously.

## APPROVE DEVELOPER REIMBURSEMENT REPORT

Mr. Krueger reviewed a copy of the developer reimbursement report for the District's Surplus Funds Application. After review and discussion, Director Metzger moved to (1) approve the developer reimbursement report for the Surplus Funds Reimbursement, and direct that the report be filed appropriately and retained in the District's official records; and (2) authorize disbursement of bond proceeds. Director Smith seconded the motion, which carried 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.

Mr. Pagan reported that in accordance with the District's Investment Policy, the District's bookkeeper and Investment Officer, are required to execute disclosure statements that disclose any relationships with banks and brokers who seek to sell investments to the District. He stated that the disclosure statements are filed annually with the Texas Ethics Commission.

Following review and discussion, Director Metzger moved to (1) approve the bookkeeper's report, and payment of the invoices; and (2) accept the disclosure statements and direct that the statements be filed appropriately and retained in the District's official records. Director Hedrick seconded the motion, which was approved by unanimous vote.

## ANNUAL REPORT REGARDING POST ISSUANCE COMPLIANCE POLICY

Mr. Pagan reported on the District's compliance activities during the prior calendar year related to bond financings. He stated that no corrective action is required at this time.

## SECURITY MATTERS

The Board reviewed a copy of the security report. A copy of which is attached.

## TAX ASSESSMENT AND COLLECTIONS MATTERS

Ms. Hernandez 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 3.41% of the 2024 taxes had been collected as of December 31, 2024. After review and discussion, Director Metzger moved to approve the tax assessor/collector's reports and payment of the invoices. Director Walker seconded the motion, which passed unanimously.

## ENGINEERING MATTERS

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

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

Mr. Rabenaldt updated the Board regarding the construction of Brentwood Offsite FM & Water line.

Mr. Rabenaldt updated the Board regarding the status of construction of Briarwood Crossing Detention 5 (A-C). He reviewed and recommended approval of Pay Estimate No. 6 in the amount of \$621,572.58 payable to Northtex Construction, LLC ("Northtex").

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

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

Mr. Rabenaldt updated the Board regarding the status of water, sewer, and drainage facilities to serve Briarwood Crossing, Section 18 and Courageous Trail Street Extension, Phase 1.

Following review and discussion, Director Smith moved to (1) approve the Engineer's Report as presented; (2) approve Pay Estimate No. 6 in the amount of \$621,572.58 payable to Northtex for the construction of the Briarwood Crossing Detention 5 (A-C). Director Metzger seconded the motion, which passed by unanimous vote.

## AMENDED AND RESTATED TECHNICAL SERVICES AGREEMENT WITH KGA

Mr. Ruvalcaba presented and reviewed an Amended and Restated Technical Services Agreement with KGA. Following review and discussion, Director Metzger moved to approve the agreement as presented. Director Smith seconded the motion, which passed by a unanimous vote.

## LANDSCAPE ARCHITECT'S REPORT

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

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

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

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 landscaping improvements.

Mr. Ruvalcaba updated the Board regarding the construction of Briarwood Crossing Section 13 Fencing Improvements.

Mr. Ruvalcaba updated the Board regarding the construction of Briarwood Crossing Section 17 Fencing Improvements. He reviewed and recommended approval of Pay Application No. 1 in the amount of \$4,500.00 payable to American Wall Systems ("AWS").

Mr. Ruvalcaba presented and reviewed an Amended and Restated Park Plan for the District.

Following review and discussion, and based upon the landscape architect's recommendation, Director Metzger moved to (1) approve the landscape architects' report as presented; (2) approve Pay Application No. 1 in the amount of \$4,500.00 payable to AWS for the construction of Briarwood Crossing Section 17 Fencing Improvements; and (3) adopt the Amended and Restated Park Plan for the District. Director Smith seconded the motion, which passed by a unanimous vote.

#### MAINTENANCE OF DETENTION AND AMENITY PONDS

There was no discussion on this agenda item.

#### OPERATION OF DISTRICT FACILITIES

Mr. Dubiel presented the monthly operator's report and reported on repairs and maintenance of the District's facilities. He requested authorization to submit one account to collections in the amount of \$263.12. A copy of the operator's report is attached. Following review and discussion, Director Metzger moved to (1) approve the operator's report; and (2) authorize submittal of one account to collections in the amount of \$263.12. 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. She then presented and reviewed an updated maintenance budget in the amount of \$178,365.00 which adds the Basin's 5A, 5B, and 5C to the maintenance program. Following review and discussion, Director Smith moved to (1) approve the report; and (2) approve the amended budget as presented. Director Metzger seconded the motion, which passed by a unanimous vote.

## TOUCHSTONE DISTRICT SERVICES

Mr. West presented and reviewed a report on the District's website. A copy of which is attached. He reviewed and requested approval of a proposal for election education services with an engagement fee of \$3,450.00 and a monthly flat fee of \$2,850.00. Following review and discussion, Director Walker moved to (1) approve the Touchstone report; and (2) approve the proposal for election education services with an engagement fee of \$3,450.00 and a monthly flat fee of \$2,850.00. Director Phillips seconded the motion, which passed by a unanimous vote.

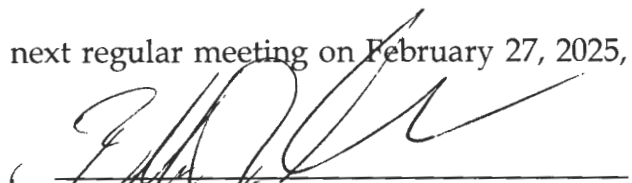
## DEVELOPER'S REPORT

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 February 27, 2025, at 11:00 a.m.



  
Secretary, Board of Directors

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