

MINUTES  
FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 5

May 23, 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 23<sup>rd</sup> day of May, 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:

Margaret F. Greenwood	President
Gary P. Smith	Vice President
Bobby J. Adams	Secretary
Nancy E. Hedrick	Assistant Vice President
John Metzger	Assistant Secretary

and all of the above were present, except Director Smith and Adams, thus constituting a quorum.

Also attending the meeting were David Smalling of Robert W. Baird; Bear Oakley of Acclaim Energy; Carol Walker, Tiffany Phillips, LaToya Phillips, residents of the District; Albert Ramirez of Lake Management Systems, LP; Brandon West, Michael Willett, and Justin Wagner of Touchstone District Services; 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 of R. G. Miller Engineers, Inc. ("RGM"); Andrew Rue and 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.

2024 DIRECTORS ELECTION

APPROVE AND DISTRIBUTE CERTIFICATES OF ELECTION

The Board considered approving a Certificate of Election, reflecting the election of LaToya Phillips and Carol Walker to the Board of Directors of the District, each for a four-year term. After review and discussion, Director Metzger moved to approve the Certificate of Election and the distribution of same to Directors Phillips and Walker, and direct that the Certificate of Election be filed appropriately and retained in the District's official records. Director Hedrick seconded the motion, which passed by unanimous vote.

DIRECTORS' SWORN STATEMENTS AND OATHS OF OFFICE

Mr. Pagan reviewed the Sworn Statements and Oaths of Office for Directors Phillips and Walker. After review and discussion, Director Metzger moved to approve the Sworn Statements and Oaths of Office and direct that the documents be filed in the official records of the District, and that the Oaths of Office be filed with the Secretary of State, as required by law. Director Hedrick seconded the motion, which passed by unanimous vote.

REORGANIZE THE BOARD AND ELECT OFFICERS

The Board considered reorganizing. Following discussion, Director Metzger moved to reorganize the Board as follows:

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

Director Hedrick seconded the motion, which passed by unanimous vote.

DISTRICT REGISTRATION FORM

The Board then considered authorizing filing of an updated District Registration Form with the Texas Commission on Environmental Quality ("TCEQ"), reflecting the terms of the newly elected directors. Following review and discussion, Director Metzger made a motion to authorize filing of the updated District Registration Form with the TCEQ and direct that the District Registration Form be filed appropriately and retained in the District's official records. Director Hedrick seconded the motion, which passed by unanimous vote.

TEXAS OPEN MEETINGS ACT TRAINING AND PUBLIC INFORMATION ACT TRAINING

Mr. Pagan next distributed and reviewed a memorandum regarding Texas Open Meetings Act and Public Information Act training requirements for Directors and encouraged Directors Phillips and Walker to take the training as soon as possible and forward certificate of completion to ABHR for inclusion in the District's permanent records.

CONFLICT OF INTEREST DISCLOSURES

Mr. Pagan next reviewed with the Board legislation enacting Chapter 176 of the Texas Local Government Code, which requires directors and consultants to disclose certain conflicts of interest. He 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.

MINUTES

The Board considered approving the minutes of April 25, 2024, regular meeting. After review and discussion, Director Metzger moved to approve the minutes, as corrected. Director Phillips seconded the motion, which passed unanimously.

PROPOSAL FROM ACCLAIM ENERGY

Mr. Oakley presented and reviewed a proposal from Acclaim Energy. A copy of which is attached. Following review and discussion, the Board concurred to defer discussion on this matter until the Fall of 2024.

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 approval of an additional check no 1878 payable to LMS for pond maintenance. Following review and discussion, Director Metzger moved to approve the bookkeeper’s report, and payment of the invoices, including the additional check as presented. Director Hedrick seconded the motion, which was approved by 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. Ms. Hebert requested Board approval of an additional check no. 1631 for exemption refunds. She reported that 98.06% of the 2023 taxes had been collected as of April 30, 2024. After review and discussion, Director Metzger moved to approve the tax assessor/collector’s reports and payment of the invoices, including the additional check as presented. Director Hedrick seconded the motion, which passed unanimously.

ENGINEERING MATTERS

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

Mr. Sanchez reported on the status of design of District facilities for the following projects: (1) Briarwood Crossing, Section 18; (2) Courageous Trail Street Extension, Phase 1; (3) Regional Permanent Wastewater Treatment Plant, Phase 1; and (4) Transmission Water Line Rosenberg Interconnect.

Mr. Sanchez stated that bids were received for construction of water, sewer, and drainage facilities to serve Briarwood Crossing, Section 13. He recommended that the Board award the contract to Fellers and Clark LP ("FCLP") in the amount of \$582,500.00. The Board concurred that, in its judgment, FCLP 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. Sanchez updated the Board on the status of Regional Permanent Wastewater Treatment Plant, Phase 1.

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

Mr. Sanchez updated the Board on 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).

Following review and discussion, Director Metzger moved to (1) approve the Engineer's Report as presented; (2) award the contract for construction of water, sewer, and drainage facilities to serve Briarwood Crossing, Section 13 to FCLP in the amount of \$582,500.00, based upon the engineer'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 Hedrick seconded the motion, which passed by unanimous vote.

#### BOND APPLICATION NO. 13

The Board then reviewed a Resolution Authorizing Application to the Texas Commission on Environmental Quality for Approval of Project and Bonds. Following review and discussion, Director Hedrick moved to adopt the Resolution Authorizing Application to the TCEQ for Approval of Project and Bonds and direct that the Resolution be filed appropriately and retained in the District's official records. Director Metzger 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 design of Briarwood Crossing Phase 2 Section 13 landscaping improvements.

Mr. Ruvalcaba updated the Board regarding design of construction Briarwood Crossing Phase 2 Section 17 landscaping improvements.

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

Following review and discussion, and based upon the landscape architect's recommendation, Director Metzger moved to approve the landscape architects' report as presented. Director Hedrick seconded the motion, which passed by a unanimous vote.

#### MAINTENANCE OF DETENTION AND AMENITY PONDS

Mr. Ramirez presented and reviewed the following proposals for the Lake B South fountain repairs: (1) a proposal in the amount of \$3,759.84 to repair the motion; and (2) a proposal in the amount of \$21,760.38 to replace the entire fountain. Following review and discussion, Director Metzger moved to approve the proposal to replace the entire Lake B South fountain in the amount of \$21,760.38. Director Hedrick seconded the motion, which passed by a 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 13 new residential taps installed during the month of April. He requested approval of submit 1 account in the amount of \$72.01 to collections.

Following review and discussion, Director Metzger moved to (1) approve the operator's report; and (2) authorize submittal of 1 accounts in the amount of \$72.01 to collections. Director Hedrick 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 Hedrick seconded the motion, which was approved by unanimous vote.

APPROVE CONSUMER CONFIDENCE REPORT

Mr. Dubiel presented and reviewed a draft Consumer Confidence Report, a copy of which is attached. Following review and discussion, Director Metzger moved to authorize posting of the finalized Consumer Confidence Report on MOC's website and filing of the certificate of mailing with the Texas Commission on Environmental Quality. Director Hedrick seconded the motion, which was approved by unanimous vote.

REPORT FROM STORM WATER SOLUTIONS

The Board reviewed a report from Storm Water Solutions. A copy of which is attached.

TOUCHSTONE DISTRICT SERVICES

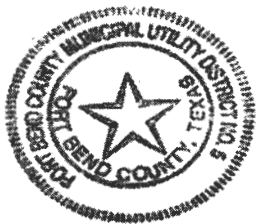
Mr. West presented and reviewed a report on the District's website. A copy of which is attached.

DEVELOPER'S REPORT

Mr. Rue updated the Board on development in the District.

MEETING SCHEDULE

The Board concurred to conduct the next regular meeting on June 27, 2024, at 11:00 a.m.



  
Secretary, Board of Directors

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