

MINUTES
FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 123

February 21, 2024

The Board of Directors (“Board”) of Fort Bend County Municipal Utility District No. 123 (“District”) met in regular session, open to the public, on the 21st day of February 2024, at Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, Houston, Texas, outside the boundaries of the District, and the roll was called of the members of the Board:

Larry Perkins	President
Joseph Caballero	Vice President
Jeffrey Joseph	Secretary
Dustin Nelson	Assistant Vice President
Mirna Bonilla-Odums	Assistant Secretary

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

Also present at the meeting were Christy Wells and Dylan Wells of NJ Services, LLC (“NJ Services”); Esther Flores of Tax Tech, Inc. (“Tax Tech”); Mark Swanson and Cole Caraway of LJA Engineering, Inc. (“LJA”); Jackie Noyola of Myrtle Cruz, Inc. (“Myrtle Cruz”); Calvin Browne of Municipal District Services, LLC (“MDS”); and Katie Sherborne and Kia Fields of Allen Boone Humphries Robinson LLP (“ABHR”).

PUBLIC COMMENTS

There were no comments from the public.

APPROVE MINUTES

The Board considered approving the regular and special meeting minutes of January 17, 2024. After review and discussion, Director Caballero moved to approve the regular and special meeting minutes, as presented. Director Nelson seconded the motion, which passed unanimously.

RECEIVE REPORTS FROM DIRECTORS

There was no discussion on this item.

2024 DIRECTORS ELECTION

Ms. Fields discussed procedures related to the 2024 Directors Election.

DISCUSS OUTREACH TO UNDERPRIVILEGED BUSINESSES

There was no discussion on this item.

REVIEW CONSULTANT CONTRACTS

There was no discussion on this item.

TCEQ PHASE II SMALL MS4 GENERAL PERMIT AND STORM WATER MANAGEMENT PLAN

There was no discussion on this item.

BOOKKEEPING MATTERS

Ms. Noyola reviewed the bookkeeper's report, including the investment report and the bills submitted for payment. A copy of the bookkeeper's report is attached.

The Board discussed expenses related to the park project, including the status of the tracking sheet regarding same. Following discussion, the Board concurred to have the District's bookkeeper include the information in the bookkeeper's report going forward. Further discussion ensued regarding procedures related to the park project.

The Board discussed the recent Association of Water Board Directors ("AWBD") winter conference and considered authorizing attendance at the upcoming summer conference.

After review and discussion, Director Caballero moved to: (1) approve the bookkeeper's report, investment report, and payment of the bills; and (2) approve the reimbursement of eligible expenses for directors who attended the winter conference, which the bookkeeper confirmed were submitted in accordance with the District's Travel Reimbursement Guidelines, and authorize attendance of any interested directors at the summer conference. Director Nelson seconded the motion, which passed by unanimous vote.

APPROVE ANNUAL REPORT IN ACCORDANCE WITH CONTINUING DISCLOSURE OF INFORMATION AGREEMENT

Ms. Sherborne reviewed an Annual Report containing updated financial and operating data to be filed in accordance with the continuing disclosure provisions contained in the bond resolutions. She stated that the District is required to file certain financial and operating data with the Municipal Securities Rulemaking Board through the Electronic Municipal Market Access ("EMMA") system in compliance with SEC Rule 15c12-12. Following review and discussion, Director Joseph moved to approve the Annual Report, authorize the attorney to submit the District's updated financial and

operating data to EMMA in compliance with the continuing disclosure provisions contained in the bond resolutions and direct that the Report be filed appropriately and retained in the District's official records. Director Nelson seconded the motion, which carried unanimously.

TAX ASSESSMENT AND COLLECTIONS MATTERS

Ms. Flores reviewed the District's monthly tax report, a copy of which is attached, including the delinquent tax roll. She stated that 81.38% of the District's 2023 taxes had been collected as of January 2024.

After review and discussion, Director Bonilla-Odums moved to approve the tax assessor/collector's report and payment of the tax bills. Director Nelson seconded the motion, which passed by unanimous vote.

ADOPT RESOLUTION CONCERNING EXEMPTIONS FROM TAXATION

The Board considered adopting a Resolution Concerning Exemptions from Taxation ("Resolution.") After discussion, Director Bonilla-Odums moved to adopt the Resolution exempting from ad valorem taxation by the District \$10,000 of the appraised value of residence homesteads of individuals who are disabled or 65 years of age or older and rejecting the general homestead exemption. Director Joseph seconded the motion, which passed by unanimous vote.

ENGINEERING MATTERS

Mr. Caraway distributed an engineer's report, a copy of which is attached.

Mr. Caraway updated the Board regarding the Wastewater Treatment Plant.

Mr. Caraway updated the Board regarding the Widening and Reconstruction of Beechnut Street.

Mr. Caraway updated the Board regarding the Water Plant Expansion and recommended approval of a proposal from Ninyo and Moore for construction material testing services in the amount of \$11,7000.00. He stated the District's share is \$6,084.00.

Mr. Caraway updated the Board regarding the Lakemont Stormwater Reuse Pump Station Rehabilitation.

Mr. Caraway updated the Board regarding discussions with Fort Bend County (the "County") related to a project discussed at the special meeting with County officials. Discussion ensued regarding the special meeting, including a corridor study requested from the County.

Following review and discussion, Director Bonilla-Odums moved, based on the engineer's recommendation, to: (1) approve the engineer's report; and (2) approve a proposal from Ninyo and Moore in the amount of \$11,700.00 for construction material testing services for the Water Plant Expansion. Director Nelson seconded the motion, which passed by unanimous vote.

AUTHORIZE ACCEPTANCE AND CONVEYANCE OF EASEMENTS/DEEDS/
UTILITY DEEDS, APPROVAL OF ABANDONMENT OF EASEMENT OR FACILITIES,
AND REVIEW OF PLANS

There was no discussion on this item.

PARK PROJECT AND RECREATIONAL FACILITY MATTERS

There was no discussion on this item.

REVIEW MAINTENANCE AND CAPITAL IMPROVEMENT PLAN ("CIP")

Mr. Browne updated the Board regarding the District's engineer and MDS' plan to update the CIP to include additional projects, noting they are gathering information regarding the projects.

OPERATOR'S REPORT

Mr. Browne presented and reviewed the operator's report, a copy of which is attached, and reported on routine maintenance and repair items in the District.

Mr. Browne updated the Board regarding taps installed in the District, and discussion ensued regarding expenses related to installing the taps.

Mr. Browne presented a list of delinquent customers and reported the residents 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 the meeting of the opportunity to appear before the Board of Directors to explain, contest, or correct their bills and to show why utility services should not be terminated for reason of non-payment.

Mr. Browne requested Board authorization to write off seven delinquent accounts totaling \$1,609.31 and send them to a collection agency.

The Board next considered a Resolution Approving Submittal of the Water Smart Application for Inclusion in the AWBD Water Smart Partners Program ("Water Smart Resolution").

After review and discussion, Director Joseph moved to: (1) approve the operator's report; (2) authorize termination of delinquent accounts in accordance with the District's Rate Order and direct that the delinquent customer list be filed appropriately and retained in the District's records; (3) authorize MDS to write off seven delinquent accounts totaling \$1,609.31 and send them to a collection agency; and (4) approve the Water Smart Resolution and authorize submittal to the AWBD. Director Bonilla-Odums seconded the motion, which passed by unanimous vote.

WEBSITE COMMUNICATION MATTERS

The Board concurred to discuss website communication matters at the special Board meeting.

MAINTENANCE OF LAKES AND CHANNELS

Ms. Wells reviewed the mowing report, a copy of which is attached. She updated the Board regarding debris dumped in the District and presented and reviewed proposals to remove debris along Beechnut Road in the total amount of \$475.00 and to remove debris in Channel D in the total amount of \$150.00, copies of which are included in the mowing report. Discussion ensued, including discussion regarding maintaining additional areas in the District, and following discussion, the Board concurred to have NJ Services maintain the additional areas, as discussed.

Following review and discussion, Director Bonilla-Odums moved to approval the proposal to remove debris in Channel D in the amount of \$150.00. Director Nelson seconded the motion, which passed by unanimous vote. The Board concurred to work with the County to remove debris along Beechnut Road.

There being no further business to come before the Board, the Board concurred to adjourn the meeting.


Secretary, Board of Directors



LIST OF ATTACHMENTS TO MINUTES

	Minutes
	<u>Page</u>
Bookkeeper's report.....	2
Tax Assessor-Collector's report	3
Engineer's report.....	3
Operator's report.....	4
Mowing report.....	5