

MINUTES OF REGULAR MEETING  
OF THE  
BOARD OF DIRECTORS

June 20, 2018

THE STATE OF TEXAS §

COUNTY OF FORT BEND §

FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 185 §

The Board of Directors (the "Board") of Fort Bend County Municipal Utility District No. 185 (the "District") met in regular session, open to the public, at 12:00 p.m., Wednesday, June 20 2018, at 9 Greenway Plaza, Suite 1100, Houston, Texas 77046, a designated meeting place outside the boundaries of the District; whereupon, the roll was called of the members of the Board of Directors, to-wit:

Allen Thomas	President
Scott Donahue	Vice President
Wesley Noonan	Secretary
Al Menconi	Assistant Secretary
Terrell W. Berger	Assistant Secretary

All members of the Board of Directors were present except Director Thomas thus constituting a quorum.

Also present at the meeting were Mark Eyring of Roth & Eyring, PLLC; Whitney Wilberger-Laird North Fort Bend Water Authority- Water Conservation Manager; Amy Symmank with Myrtle Cruz, Inc., the District's Bookkeeper; Nick Bailey of Brown & Gay Engineers, Inc., the District's Engineer ("BGE"); Travis Benes with Environmental Allies ("Environmental"); Breah Campbell and Bart Downum with Environmental Development Partners, L.L.C., ("EDP"), Operator for the District; Kristen Scott with Bob Leared Interests ("BLI"), the District's Tax Assessor/Collector ("TAC"); John Cannon, Attorney, and Tiffany Marquez, Paralegal with Coats|Rose, P.C. ("Coats|Rose"), the District's legal counsel.

Whereupon, the meeting was called to order. A copy of the notice of the meeting is attached hereto as Exhibit "A".

**RECEIVE REPORT REGARDING LARRY'S TOOLBOX FROM NFBWA**

The Board recognized Mrs. Wilberger-Laird who presented an overview of the District's efforts with Larry's Toolbox Program. She added that she does not see any issues with the District acquiring their points to fulfill the Larry's Toolbox Program for 2018. Director Noonan

recommended Mrs. Wilberger-Laird provide information related to the Wise Guys program to the homeowner's association.

**COMMENTS FROM THE PUBLIC**

No comments were provided by the public.

**CONSIDER APPROVING REIMBURSEMENT AUDIT IN CONNECTION WITH USE OF SURPLUS FUNDS**

Mr. Eyring presented and outlined a letter from the District's Auditor regarding amounts to be reimbursed to NewQuest from surplus funds. He added that the amount of the District's surplus funds available for such purpose was short by \$495.33. The Bookkeeper stated she could pay the \$495.33 out of the operating account and reimburse the operating account at a later date. A copy of said letter is attached hereto as Exhibit "B". Mr. Cannon recommended the District hold the reimbursement check to NewQuest until all facilities from NewQuest have been conveyed to the District.

Upon a motion brought by Director Noonan, seconded by Director Donahue, the Board voted unanimously to approve the Reimbursement Report and authorize release of surplus funds to NewQuest, subject to facilities being conveyed to the District.

**APPROVE MINUTES OF MEETING OF MAY 16, 2018**

The proposed minutes of the meeting held on May 16, 2018 previously distributed to the Board, were presented for consideration and approval.

Upon a motion duly made by Director Menconi and seconded by Director Berger, the Board voted unanimously to approve the minutes of the meeting of May 16, 2018.

**TAX ASSESSOR/ COLLECTOR REPORT**

The Board recognized Ms. Scott who delivered the tax collection report, a copy of which is attached hereto as Exhibit "C".

After review and upon a motion by Director Noonan, second by Director Berger and the question being put to the Board, the Board voted unanimously to approve the tax collector's report.

**BOOKKEEPER'S REPORT**

The Board recognized Ms. Symmank who reviewed the bookkeeper's report, a copy of which is attached hereto as Exhibit "D". She noted the District received two SPA checks. The Board requested Ms. Symmank add a line item on the District's budget for homeowner's association projects. Ms. Symmank outlined the District's proposed budget for fiscal year end July 31, 2019.

Upon a motion brought by Director Noonan, seconded by Director Donahue the Board unanimously voted to approve the Bookkeeper's report.

## **OPERATOR'S REPORT**

The Board next recognized Ms. Campbell, who reviewed the Operator's report which includes the utility billing summary, accountability report, subsidence district report, North Fort Bend Water Authority ("NFBWA") report and the 30-day delinquent list for June 2018, a copy of which is attached hereto as Exhibit "E". Ms. Campbell reported that there are thirty (30) delinquent accounts to consider for disconnection.

### **Substantial System Repairs and Maintenance**

- The Operator installed residential taps and meters at two locations in the amount of \$1,160.00.
- The Operator repaired the lead pump (authorized in February) in the amount of \$5,590.25.
- The Operator conducted a semi-annual PM on equipment in the amount of \$1,017.09.

### **Wastewater Treatment Plant Blower #2 Replacement**

- Ms. Campbell reminded the Board that she was authorized at the District's May meeting to replace Blower No. 2 at the wastewater treatment plant. This is in process.

### **Lift Station No. 1 Automatic Transfer Switch ("ATS") Repair**

- Ms. Campbell requested authorization to repair the ATS at Lift Station No. 1 for a cost of \$6,125.00. She reported that the transfer switch is not transferring power to the backup generator when needed.

### **Consumer Confidence Report ("CCR")**

- The annual CCR was approved at the May meeting will be mailed to the residents around June 20<sup>th</sup>. The Operator requested authorization to post the CCR to the District's website.

### **Customer Portal**

- The Operator's customer portal will be going live within the next 60 days. Each customer will receive a notification in the water bill encouraging account registration. Once registered, a customer will be able to make a payment, view transaction, view the water bill or contact EDP.

### Emergency Generator Rental Agreement

- A party of the District's facility emergency preparedness, EDP recommended the District enter into an agreement with NTS to secure a rental generator for the District's Lift Station No. 3 for a cost of \$500.00 per month for the months of July through November.

### Delinquent Accounts and Service Terminations

- Please see attached the list of customers that received a delinquent letter by mail, and are subject to disconnection of service.

After review, upon a motion brought by Director Noonan, seconded by Director Menconi, the Board unanimously voted to approve (i) the Operator's report; (ii) the repair of the ATS at Lift Station No. 1 at an estimated cost of \$6,125.00; (iii) the water termination list; (iv) the Generator Rental Agreement with NTS for Lift Station No. 3; and (v) the CCR posting on the District's website.

### **HEAR ENVIRONMENTAL ALLIES REPORT AND CONSIDER ACTING THEREON**

The Board recognized Mr. Benes who presented and reported on maintenance of the detention pond in the District, a copy of his report is attached hereto as Exhibit "F". He presented a proposal for the pilot channel dip-out and re-grading in the amount of \$23,825.00, a copy of said proposal is attached hereto as Exhibit "G".

Next, Mr. Benes reminded the Board that on page 11 of the Environmental Allies report that the Buffalo Bayou slope paving was cracked and has increasingly gotten larger. Mr. Bailey noted that he was optimistic that the Fort Bend County Drainage District ("FBCDD") would assist the District with the cost for the slope paving repair and correcting the exposed pipe in that area. Mr. Bailey stated that he would contact the FBCDD and request an on-site meeting to discuss the matter. Mr. Bailey and Mr. Cannon will coordinate to transmit a letter to Commissioner Meyers regarding the slope paving repair as well.

After consideration, upon a motion brought by Director Noonan, seconded by Director Donahue, the Board unanimously approved the pilot channel dip-out and regrading proposal in the amount of \$23,825.00.

### **ENGINEER'S REPORT**

The Board then recognized Mr. Bailey who reviewed the monthly Engineer's Report, a copy of which is attached hereto as Exhibit "H".

### Authorize Engineer to proceed with the design of District facilities

Mr. Bailey requested the Board authorize him to design the Gaston Road 12" Water Line Relocation.

Approve plans and specifications of District facilities

Mr. Bailey requested the Board approve the plans and specifications of District facilities for the Gaston Road 12" Water Line Relocation.

Authorize Engineer to advertise for bids for District project

Mr. Bailey requested the Board authorize him to advertise for bids for the Gaston Road 12" Water Line Relocation.

Upon a motion brought by Director Noonan, seconded by Director Donahue, the Board unanimously voted to (i) authorize Engineer to design Gaston Road 12" Water Line Relocation; (ii) approve the Engineer's plans and specifications for the Gaston Road 12" Water Line Relocation; (iii) authorize the Engineer to advertise for bids for the Gaston Road 12" Water Line Relocation; and (iv) approve the Engineer's report, as presented.

**ATTORNEY'S REPORT**

Consider accepting conveyance of detention ponds from NewQuest to the District

This matter was deferred.

Consider accepting conveyance of lift station in Pin Oak Enclave from Pulte Homes of Texas, L.P.

Mr. Cannon requested the Board accept the conveyance of the lift station in Pin Oak Enclave from Pulte Homes of Texas, L.P. Upon a motion brought by Director Noonan, seconded by Director Menconi, the Board unanimously voted to accept the conveyance of the lift station in Pin Oak Enclave from Pulte Homes of Texas, L.P.

Consider approving agreement for Fort Bend County regarding relocation of water line

The Board recognized Mr. Cannon who stated that Fort Bend County (the "County") has agreed to pay for 50% of the costs associated with the Gaston Road 12" Water Line Relocation. The Board requested Mr. Cannon contact NewQuest and request if they were willing to assist with the cost for the water line relocation. No action was taken.

Director Noonan requested Ms. Marquez contact the Constable's office to attend a future District meeting soon so that the Board can meet the new Deputy.

Mr. Cannon drew the Board's attention to the District's constable report and WCA call log attached as Exhibit "I".

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

PASSED, APPROVED AND ADOPTED this 18<sup>th</sup> day of July, 2018.

(DISTRICT SEAL)

  
Secretary, Board of Directors

