

MINUTES OF REGULAR MEETING  
OF THE  
BOARD OF DIRECTORS

September 20, 2017

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, September 20, 2017, 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 Directors Thomas and Donahue, thus constituting a quorum.

Also present at the meeting were Amy Symmank with Myrtle Cruz, Inc., the District's Bookkeeper; Nick Bailey of Brown & Gay Engineers, Inc., the District's Engineer ("BGE"); Richard Martin 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".

**COMMENTS FROM THE PUBLIC**

No comments were given.

**CONDUCT PUBLIC HEARING REGARDING 2017 TAX RATE AND APPROVE ORDER SETTING TAX RATE FOR 2017**

At this time the meeting opened to a public hearing on the proposed 2017 tax rate for the District. Mr. Cannon reminded the Board that at the District's meeting on August 16, 2017, the Board discussed the District's tax rate for 2017. At such meeting the Board established its intent to levy a tax in the amount of \$1.02 consisting of \$0.71 for debt service and \$0.31 for maintenance and operations per \$100 valuation. Ms. Scott noted that she published Notice of the Public Hearing on the Tax Rate. The Board, noting that there were no members of the public present who wished to comment on the 2017 tax rate, closed the public hearing and resumed the regular meeting.

Consideration was then given to the adoption of an Order Setting Tax Rate for 2017. Upon a motion made by Director Noonan, seconded by Director Berger, after full discussion and the question being put to the Board, the Board voted unanimously to set and levy a 2017 tax rate of \$1.02 consisting of \$0.71 for debt service and \$0.31 for maintenance and operations and to adopt the Order Setting Tax Rate evidencing the same.

**APPROVE AMENDED NOTICE TO SELLERS AND PURCHASERS**

The Board next considered filing an amended Notice to Sellers and Purchasers of Property in the District ("Notice") to reflect the 2017 tax rate of \$1.02 per \$100 of valuation. Following discussion regarding the Notice, and based on a motion by Director Noonan, which was seconded by Director Berger, the Board voted unanimously to approve the Amended Notice, and authorize Coats|Rose to have the Notice (i) recorded in the Fort Bend County property records, and (ii) filed with the Texas Commission on Environmental Quality ("TCEQ").

**APPROVE MINUTES OF MEETING OF AUGUST 16, 2017**

The proposed minutes of the meeting held on August 16, 2017 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 regular meeting of August 16, 2017.

**TAX ASSESSOR/ COLLECTOR REPORT**

The Board recognized Ms. Scott who delivered the tax collection report, a copy of which is attached hereto as Exhibit "B". She noted that the District is 99.420% collected on its 2016 taxes. Ms. Scott reported that the Ramos/Castillo delinquent tax account is under a payment plan and has recently submitted two months of payments. Upon a motion brought by Director Menconi, seconded by Director Berger, the Board unanimously voted to approve the tax collector's report.

## **BOOKKEEPER'S REPORT**

The Board recognized Ms. Symmank who reviewed the bookkeeper's report, and payment of the bills listed therein. Ms. Symmank reported that she had reached out to WaterLogic regarding the invoice in the amount of \$9,408.00 and has received no response. Director Noonan recommended the Board hold said invoice until Ms. Symmank has more information.

After review, upon a motion duly made by Director Noonan, and seconded by Director Menconi, the Board voted unanimously approved the bookkeeper's report, payment of the bills. A copy of the bookkeeper's report is attached hereto as Exhibit "C".

## **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 September 2017, a copy of which is attached hereto as Exhibit "D". Ms. Campbell reported that there are forty-one (41) delinquent accounts to consider for disconnection.

### **Force Main and Slope Repair at Lift Station No. 3**

Ms. Campbell requested authorization to proceed with the replacement of the 4" force main and slope erosion that serves Lift Station No. 3 for an estimated cost of \$101,525.00. This includes a 40% contingency for unknowns. The scope of work includes the replacement of the 4" force main by means of directional bore with solid fused HDPE pipe and repairing the slope erosion directly above the force main.

### **Lift Station No. 3 Lift Pump No. 2 Replacement**

Ms. Campbell requested authorization to replace the Lift Pump No. 2 at Lift Station No. 3 for an estimated cost of \$7,044.00, plus an estimated cost of \$1,200.00 for EDP's time and materials.

After review upon a motion brought by Director Noonan, seconded by Director Menconi, the Board unanimously voted to authorize (i) the replacement of the 4" force main and slope erosion that serves Lift Station No. 3 for approximately \$101,525.00; and (ii) the replacement of the Lift Pump No. 2 at Lift Station No. 3 for an estimated cost of \$7,044.00, including \$1,200.00 for EDP's time and materials.

Next, Ms. Campbell recommended the Board not terminate water for delinquent accounts for the month of September due to Hurricane Harvey, and waive the 10% penalty as well.

After review, upon a motion brought by Director Noonan, seconded by Director Berger, the Board unanimously voted to approve (i) the Operator's report; and (ii) authorize the operator to not terminate water for the month of September, including the waiver of 10% penalty.

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

The Board recognized Mr. Martin who presented and reported on maintenance of the detention pond in the District, a copy of his report is attached hereto as Exhibit "E". Director Noonan stated many landscape plants were dying on Falcon Landing requested Mr. Martin investigate the matter and report back to the Board.

Mr. Martin also presented and outlined a proposal for the repairs of five (5) sinkholes caused by Hurricane Harvey, a copy of which is attached hereto as Exhibit "F". He noted if the Board approved said proposal it would take Environmental two (2) months to complete the project, due to equipment being utilized for other projects at this time. Ms. Campbell stated EDP could complete or provide a proposal for the sinkhole repairs.

Upon a motion brought by Director Noonan, seconded by Director Menconi, the Board voted to unanimously approve (i) the Environmental Allies' report; and (ii) authorize EDP to repair the five (5) sinkholes not to exceed \$50,000.

### **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 "G".

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

- No action.

#### Approve plans and specifications of District facilities

- No action.

#### Authorize engineer to advertise for bids for District projects

- No action

#### Approval of report, pay estimates, and change orders for construction projects in progress in the District

- The Emergency Water Interconnect with Harris-Fort Bend County Municipal Utility District No. 5. ("HFBCMUD5") :  
Contractor: Canyon Construction Company  
Contract Amount: \$127,303.92  
Pay Estimate No. 2 & Final in the amount of \$9,889.82.

Authorize construction contracts and related items

- No action

After review, upon a motion brought by Director Noonan, seconded by Director Menconi, the Board unanimously voted to (i) approve Pay Estimate No. 2 & Final in the amount of \$9,889.82; and (ii) approve the Engineer's report as presented.

**DEVELOPER'S REPORT**

No report was provided.

**ATTORNEY'S REPORT**

Consider approving constable contract

The Board recognized Ms. Marquez who presented and outlined the Constable's Contract for the upcoming year, a copy of which is attached hereto as Exhibit "H", along with an option for a second deputy. After consideration, upon a motion brought by Director Noonan, seconded by Director Berger, the Board unanimously approved said Constable Contract with only one deputy.

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

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PASSED, APPROVED AND ADOPTED this 18<sup>th</sup> day of October, 2017.

(DISTRICT SEAL)



  
Secretary, Board of Directors