

MINUTES  
FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 116

October 3, 2023

The Board of Directors (the “Board”) of Fort Bend County Municipal Utility District No. 116 (the “District”) met in regular session, open to the public, at the offices of Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, Suite 2600, Houston, Texas, outside the boundaries of the District, on the 3<sup>rd</sup> day of October, 2023, and the roll was called of the members of the Board:

|                 |                          |
|-----------------|--------------------------|
| Chad Millis     | President                |
| Dallas Duffy    | Vice President           |
| Angela W. Riley | Secretary                |
| Kafi Dalcour    | Assistant Secretary      |
| Jesse Matthews  | Assistant Vice President |

and all of the above were present except Directors Riley and Dalcour, thus constituting a quorum.

Also attending the meeting in person or by teleconference were Lynn Franklin, Dr. John Knight, Shabbir Hussain and Saima Hussain, residents of the District; Angie Hartwell of Touchstone District Services (“Touchstone”); Ryan Fortner of Revenue Management Services (“RMS”); Isabel Mata of Wheeler & Associates, Inc.; Mary Ann Mihills of Municipal Accounts & Consulting LP; Rick Marriott of Si Environmental LLC (“Si”); Asim Tufail of Blackline Engineering, LLC (“Blackline”); Omoniyi Akindogu of Dhanani Group Inc.; Chris Herrin with Infrastructure Construction Services and Adisa Harrington and Carli Trojcek of Allen Boone Humphries Robinson LLP (“ABHR”).

Ms. Harrington noted that while this is an in-person meeting of the Board, certain consultants and/or members of the public are attending by teleconference.

PUBLIC COMMENT

Public comments were received at the end of the meeting.

CONSENT AGENDA

The minutes of the September 12, 2023, regular meeting and consultant reports were provided in advance of the meeting. Following discussion, Director Matthews moved to approve the following consent items: (1) the minutes of the September 12, 2023, regular meeting, as submitted; (2) District development matters; (3) garbage and recycling matters; (4) financial and bookkeeping matters; (5) tax assessment and collection matters; (6) the City of Richmond (the “City”) operations report; and (7) direct that, where appropriate, items are filed appropriately and retained in the District’s official records. Director Duffy seconded the motion, which passed unanimously. Copies of all reports approved as part of the consent agenda are attached.

ITEMS REMOVED FROM CONSENT AGENDA

No items were removed from the consent agenda.

ADDITIONAL FINANCIAL AND BOOKKEEPING MATTERS

Ms. Mihills noted that check no. 8557 in the amount of \$300.00 payable to Revenue Management Services was issued in error and has been voided. She stated check no. 8564 in the amount of \$900.00 payable to Revenue Management Services is for sales tax tracking for October services.

ADDITIONAL TAX ASSESSMENT AND COLLECTION MATTERS

Ms. Mata noted check no. 5175 in the amount of \$11,878.17 payable to the Fort Bend Central Appraisal District was the 1<sup>st</sup> quarter assessment payment. She also noted check no. 5176 in the amount of \$428.40 payable to Fort Bend Herald was for the 2023 tax publication.

OPERATOR'S REPORT

Mr. Marriott reviewed the operator's report with the Board, including monthly repair and maintenance items, as outlined in the report. A copy of the operator's report is attached. He stated the water accountability for the last billing period was 92.56%.

Mr. Marriott discussed significant repairs, as reflected in the operator's report. He noted Si is going to retest certain commercial meters to ensure they are reporting accurately.

Mr. Marriott requested authorization to include a notice regarding pool inspections in the next water bill.

Mr. Marriott updated the Board on the Groundwater Reduction Plan ("GRP") Participation Agreement. He then requested authorization to contact the City regarding the annual GRP fee increase.

Mr. Marriott requested authorization to submit the projections of total water demands for next year to the Ground Water Reduction Plan administrator for the City.

Mr. Marriott 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.

Following review and discussion, Director Duffy moved to: (1) approve the operator's report; (2) authorize the operator to include a notice regarding pool inspections in the next water bill; (3) authorize the operator to contact the City regarding the annual fee increase; (4) authorize the operator to submit the projections of total water demands for next year to the Ground Water Reduction Plan administrator for the City; (5) authorize

termination of delinquent accounts, in accordance with the District's Rate Order; and (6) direct that the delinquent customer list be filed appropriately and retained in the District's official records. Director Millis seconded the motion, which passed unanimously.

## PFAS SAMPLING REQUIREMENTS AND RELATED LEGAL MATTERS

Ms. Harrington reviewed information regarding per- and polyfluoroalkyl substances, known as PFAS.

Ms. Harrington stated the District received Notices of Class Action Settlements against DuPont and 3M regarding PFAS.

The Board concurred to discuss the matter further in Executive Session.

## ENGINEER'S REPORT

Mr. Tufail presented and reviewed the engineer's report, a copy of which is attached.

Mr. Tufail provided an update regarding the Water and Sanitary Sewer Extensions near Williams Way and the City Wastewater Treatment Plant. He stated that the one-year acceptance inspection was completed with the City and the contractor is addressing the punch list items.

Mr. Tufail provided an update regarding the City Wastewater Treatment Plant, noting that Blackline is monitoring sludge hauling costs. He then updated the Board on the City's recent re-rating of the Wastewater Treatment Plant permit. Ms. Harrington added that a meeting is scheduled for this afternoon with the City of Richmond to discuss amending the Regional Wastewater Treatment Plant Agreement to reflect the expanded capacity and related matters.

Ms. Harrington provided an update regarding the pending land conveyances for the trail system, stating that ABHR is coordinating with Land Tejas Development to resolve ownership issues associated with certain tracts to be conveyed to the District for the trail system. She stated that KGA Deforest is preparing exhibits regarding fence options and access points.

Mr. Tufail provided an update regarding the City's Utility Extension Project located at Williams Way Boulevard and Highway 59, stating that Blackline reviewed the plans for discharge into the Wastewater Treatment Plant, issued a letter of no objection, and is awaiting further requests.

Mr. Tufail stated that construction is nearing completion at the Territory at Williams Way.

Mr. Tufail discussed the potential annexation of a 17.5 acre tract for multi-family development. He reported that Blackline has contacted the City's engineer regarding the potential construction of an additional water plant and is awaiting a response.

Mr. Tufail reported on the GIS System, stating that the latest work orders have been submitted.

Following review and discussion, Director Millis moved to approve the engineer's report. Director Matthews seconded the motion, which passed unanimously.

COORDINATION WITH HOMEOWNERS ASSOCIATIONS ("HOA")

Ms. Harrington stated that ABHR has received one request from the Lakes of Williams Ranch Owners Association. She then stated that ABHR has sent follow up correspondence to Canyon Gate at the Brazos Owners Association and Brazos Gardens Homeowners Association requesting they submit their request by December 5, 2023.

Discussion ensued regarding costs associated with median maintenance and annual contribution amounts. Mr. Tufail reported that all subdivision entrances in the District have similar landscaped areas in the road right-of-way, and that the landscaped areas are owned but not maintained by Fort Bend County. Discussion ensued, and the Board deferred action pending receipt of additional information.

DISTRICT WEBSITE AND COMMUNICATION MATTERS

Ms. Hartwell reviewed Touchstone's monthly communications report, a copy of which is attached.

Ms. Hartwell requested payment to Touchstone in the amount of \$3,600.00 for text alert services from September 2021 - June 2023, noting that the services were provided but not previously billed to the District. She stated she would update the website to notify residents of the upcoming pool inspections.

After review and discussion, Director Duffy moved to: (1) accept the communications report; and (2) approve payment to Touchstone in the amount of \$3,600.00 for text alert services from September 2021 - June 2023. Director Matthews seconded the motion, which passed unanimously.

CONVENE IN EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE

The Board convened in executive session at 12:55 p.m. pursuant to Section 551.071, Texas Government Code, to conduct a private consultation with the District's attorney to discuss pending or contemplated litigation.

RECONVENE IN OPEN SESSION AND AUTHORIZE APPROPRIATE ACTION

The Board reconvened in open session at 1:01 p.m. No action was taken by the Board.

PUBLIC COMMENTS

Mr. and Mrs. Hussain introduced themselves to the Board and discussed their recent high water bills. Ms. Harrington stated ABHR will provide Mr. Marriott's contact information so that the Hussains can follow up with him regarding their high water bills.

Dr. Knight introduced himself and expressed his interest in serving on the Board.

The Board concurred to hold the next meeting on November 7, 2023, at 12:00 p.m.

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

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Secretary, Board of Directors

(SEAL)

LIST OF ATTACHMENTS TO MINUTES

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