

## **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 144**

Minutes of Meeting of Board of Directors

October 4, 2022

The Board of Directors ("Board") of Fort Bend County Municipal Utility District No. 144 (the "District") met in regular session, open to the public, on October 4, 2022, in accordance with the duly posted notice of public meeting, and the roll was called of the duly constituted officers and members of said Board of Directors, as follows:

Ted Teinert, President  
Ron G. Thomas, Vice President  
Jimmy T. Juhl, Secretary  
James McConn, III, Assistant Secretary  
Scott Maham, Director

and all of said persons were present, except Directors Teinert and Thomas, thus constituting a quorum.

Also present were: Autumn Clark of Wheeler & Associates, Inc. ("Wheeler"); Rahi Patel of Municipal Accounts & Consulting, L.P. ("MA&C"); Benjamin Mellado of Edminster, Hinshaw, Russ and Associates, Inc. ("EHRA"); Ashely Simper of Triton Consulting Group Inc. ("Triton"); and John Eichelberger of Schwartz, Page & Harding, L.L.P. ("SPH").

### **COMMENTS FROM THE PUBLIC**

The Board opened the meeting for public comments. Ms. Simper introduced herself and described the services offered by Triton.

### **APPROVAL OF MINUTES**

The Board considered the draft minutes of the meeting held on August 2, 2022. After review and discussion of the draft minutes presented, Director Maham moved that the aforesaid minutes be approved, as written. Director McConn seconded said motion, which carried unanimously.

### **QUALIFICATION STATEMENT, OFFICIAL BOND, OATH OF OFFICE, AFFIDAVIT OF CURRENT DIRECTOR, AND ELECTION NOT TO DISCLOSE CERTAIN INFORMATION**

The Board deferred consideration of the Oath of Office, Affidavit of Current Director, Statement of Elected Officer and Election Not to Disclose Certain Information for Director Thomas.

### **PUBLIC HEARING REGARDING ADOPTION OF THE DISTRICT'S 2022 DEBT SERVICE AND MAINTENANCE TAX RATES**

The Board then discussed the District's 2022 debt service and maintenance tax rates. Ms. Clark confirmed that notice of the Board's intention to conduct a public hearing and adopt said

tax rate had been published in the *Fort Bend Herald*, a copy of which notice is attached hereto as **Exhibit A**, in accordance with all legal requirements and as directed at the previous meeting. The President then convened a public hearing regarding the imposition of a proposed debt service tax rate and a maintenance tax rate for 2022. After noting that no members of the public were present at the meeting to offer comments regarding the proposed tax rate and upon motion by Director Maham, seconded by Director McConn and unanimously carried, the hearing was closed.

### **LEVY OF THE DISTRICT'S 2022 DEBT SERVICE AND MAINTENANCE TAX RATES**

Mr. Eichelberger then presented to and reviewed with the Board an Order levying the District's 2022 debt service and maintenance tax rates. After discussion on the matter, Director Maham moved that: (i) the Board adopt a 2022 debt service tax rate of \$0.43 per \$100 of assessed valuation and a 2022 maintenance tax rate of \$0.26 per \$100 of assessed valuation, resulting in a total 2022 tax rate of \$0.69 per \$100 of assessed valuation; and (ii) the Order Levying Taxes attached hereto as **Exhibit B** be adopted in connection therewith and that the President be authorized to execute and the Secretary to attest same on behalf of the Board and the District. Director McConn seconded said motion, which carried unanimously.

### **AMENDMENT TO FIFTH AMENDED AND RESTATED DISTRICT INFORMATION FORM**

Mr. Eichelberger presented to and reviewed with the Board an Amendment to the Fifth Amended and Restated District Information Form relative to the District's 2022 tax rate. After discussion, Director Maham moved that said Form be approved, that the Board members present be authorized to execute same on behalf of the Board and the District, and that SPH be authorized and directed to file the executed Form in the real property records on behalf of the District. Director McConn seconded said motion which carried unanimously.

### **REVIEW OF ORDER ESTABLISHING POLICY FOR INVESTMENT OF DISTRICT FUNDS**

The Board considered the annual review of its Order Establishing Policy for Investment of District Funds and Appointing Investment Officer (the "Investment Policy") and the adoption of a Resolution in connection therewith. Mr. Eichelberger discussed with the Board the proposed changes to the Investment Policy. Mr. Eichelberger then presented for the Board's review an amended Investment Policy and a Resolution Regarding Review of Order Establishing Policy for Investment of District Funds and Appointing Investment Officer (the "Resolution"), copies of which are attached hereto as **Exhibit C**. After discussion on the matter, it was moved by Director Maham, seconded by Director Juhl, and unanimously carried that the amended Investment Policy be approved to reflect the proposed changes as discussed, that the Board adopt the Resolution, and that the President and Secretary be authorized to execute the Investment Policy and the Resolution on behalf of the Board and the District.

### **TAX ASSESSOR-COLLECTOR REPORT**

Ms. Clark next presented to and reviewed with the Board the Tax Assessor-Collector Monthly Reports for August 2022 and September 2022, copies of which are attached hereto as

**Exhibit D**, including the checks listed therein for payment. After discussion, Director Maham moved that the Tax Assessor-Collector Report be approved and that the checks and other disbursements identified therein be approved for payment. Director Juhl seconded said motion, which carried unanimously.

### **DELINQUENT TAX COLLECTIONS ATTORNEY REPORT**

The Board deferred consideration of a Delinquent Tax Report as it was noted that such report was not due at this time from Perdue, Brandon, Fielder, Collins & Mott, L.L.P., delinquent tax attorneys for the District. Mr. Eichelberger advised the Board that the next Delinquent Tax Report will be provided in December of this year.

### **BOOKKEEPER'S REPORT**

Mr. Patel presented to and reviewed with the Board the Bookkeeper's Report dated October 4, 2022, a copy of which report is attached hereto as **Exhibit E**, including a Quarterly Investment Inventory Report for the period ended August 31, 2022, as well as the checks presented therein for payment from the District's various accounts. After discussion, Director Maham moved that: (i) the Bookkeeper's Report be approved, as presented, and the checks and other disbursements presented be approved for payment, with the exception of check nos. 4094 and 4096, which were voided; and (ii) the Quarterly Investment Report be approved, and that the District's Investment Officer be authorized to execute same on behalf of the Board and the District. Director Juhl seconded said motion, which carried unanimously.

The Board deferred consideration of direct deposit services.

### **COMPLIANCE BY DISTRICT WITH TEXAS GOVERNMENT CODE RELATIVE TO ENERGY REPORTING REQUIREMENTS**

The Board next considered the status of compliance by the District with Texas Government Code, Chapter 2265, as codified, relative to energy reporting requirements. In connection therewith, Mr. Eichelberger reported that the District has no facilities or electricity usage, and, therefore, no further action is required by the District.

### **ENGINEERING REPORT**

Mr. Mellado presented to and reviewed with the Board a Monthly Engineering Report from EHRA, a copy of which is attached hereto as **Exhibit F**. The Board noted that no action was required on its part in connection with the Engineering Report at this time.

### **LETTER AGREEMENT RELATIVE TO SERVICE TO TRACT WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF RICHMOND; UPDATED UTILITY COMMITMENT**

Mr. Eichelberger next updated the Board regarding the status of the Letter Agreement by and among the District, Fort Bend County Municipal Utility District No. 207 and others relative to the arrangement for service to an approximately 35.46 acre tract within the portion of the District located within the extraterritorial jurisdiction of the City of Richmond (the "City"), and summarized recent discussions with the City and certain other entities regarding same. Mr.

Eichelberger then presented to and reviewed with the Board a revised Letter Agreement and discussed the revisions in detail with the Board, noting in particular that Allen Harrison Company, LLC ("AHC") has been replaced by Ryon Owner, LLC ("Ryon"), the entity created by AHC for development of a multi-family project on a portion of the subject tract. After discussion, Director Maham moved that (i) the revised Letter Agreement be approved and that the President be authorized to execute same on behalf of the Board and the District, (ii) the required Texas Ethics Commission ("TEC") Forms 1295 from all applicable parties be approved, and (iii) SPH be authorized to acknowledge the District's receipt of same with the TEC. Director Juhl seconded the motion, which unanimously carried.

Mr. Eichelberger next reminded the Board that, at its meeting held on June 7, 2022, it approved an updated to Utility Commitment to The George Foundation for 180 equivalent single family connections which expires on December 31, 2023. Mr. Eichelberger then presented to and reviewed with the Board an updated Utility Commitment prepared by SPH, which is expressly assignable to Ryon. After discussion on the matter, Director Maham moved that (i) said Utility Commitment be approved and that the President be authorized to execute same on behalf of the Board and the District, (ii) the associated TEC Form 1295 be approved, and (iii) SPH be authorized to acknowledge the District's receipt of same with the TEC. Director Juhl seconded the motion, which unanimously carried.

#### **STATUS OF FIRST AMENDMENT TO OPERATION, MAINTENANCE AND USE AGREEMENT WITH SUMMER LAKES HOMEOWNERS ASSOCIATION, INC.**

With regard to the status of the First Amendment to Operation, Maintenance and Use Agreement with Summer Lakes Homeowners Association, Inc. ("HOA"), which was approved by the Board at its meeting held on April 5, 2022, Mr. Eichelberger advised the Board that the HOA has returned the fully executed Amendment for the District's records and provided an update regarding communications with the HOA regarding certain detention sites and facilities.

#### **MATTERS PERTAINING TO THE CITY OF ROSENBERG ("ROSENBERG")**

The Board next considered matters pertaining to Rosenberg. In connection therewith, Mr. Eichelberger advised he had nothing further to report to the Board regarding matters pertaining to Rosenberg other than the items previously discussed.

#### **ATTORNEY'S REPORT**

The Board next considered the Attorney's Report. In connection therewith, Mr. Eichelberger presented and reviewed with the Board an Annual Maintenance for Arbitrage Analysis Report of the District's bond issues, prepared by Municipal Risk Management Group, L.L.C. (the "Arbitrage Report"), a copy of which is attached hereto as **Exhibit G**. It was noted that no action was required by the Board in connection with the Arbitrage Report at this time.

#### **FUTURE AGENDA ITEMS AND SCHEDULE FOR UPCOMING MEETINGS**

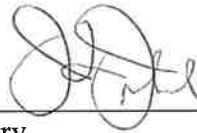
The Board next considered matters for possible placement on future agendas and scheduling of future meetings. Except as may be reflected above, there were no additional agenda items requested other than routine, and ongoing matters. The Board concurred to cancel

its meeting scheduled for November 1, 2022. It was noted, therefore, that the next meeting of the Board of Directors will be held on December 6, 2022, as scheduled.

**ADJOURN**

There being no further business to come before the Board, it was moved by Director Juhl, seconded by Director Maham and unanimously carried, that the meeting be adjourned.



  
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Secretary

**LIST OF ATTACHMENTS TO MINUTES**

October 4, 2022

- Exhibit A: Water District Notice – 2022 Tax Rate
- Exhibit B: Order Levying Taxes
- Exhibit C: Resolution and Order Regarding Investment Policy
- Exhibit D: Tax Assessor-Collector Report
- Exhibit E: Bookkeeper's Report
- Exhibit F: Engineering Report
- Exhibit G: Annual Maintenance for Arbitrage Analysis Report