

**FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 142**

**Minutes of Meeting of Board of Directors**

**February 8, 2024**

The Board of Directors (the "Board") of Fort Bend County Municipal Utility District No. 142 (the "District") met in regular session, open to the public on February 8, 2024, in accordance with the duly posted Notice of Public Meeting, and the roll was called of the duly constituted officers and members of the Board, as follows:

Randal L. Carter, President  
John R. Morgan, Vice President  
Ross Madia, Secretary  
Philip Huseman, Assistant Secretary  
James Cokinos, Assistant Secretary

all of whom were present, except Director Cokinos and Director Huseman, thus constituting a quorum. Director Huseman entered later in the meeting as noted herein.

Also attending the meeting were: Bradley Jenkins and Tyler Mai of Quiddity Engineering, LLC ("Quiddity"); Wendy Duncan of Environmental Development Partners, LLC ("EDP"); Miranda Burks of Wheeler & Associates, L.P. ("Wheeler"); Angie Hartwell of Touchstone District Services ("Touchstone"); Robert Garcia of Champions Hydro-Lawn, Inc. ("CHL"); Mark Burton of Municipal Accounts & Consulting, L.P. ("MA&C"); Elvira Garcia, District resident; and John Eichelberger III of Schwartz, Page & Harding, L.L.P. ("SPH").

The President called the meeting to order and declared it open for such business as might regularly come before the Board.

**PUBLIC COMMENTS**

The Board began by opening the meeting for public comments. Ms. Garcia addressed the Board and expressed her interest in serving on the Board in the future. She then provided her qualifications to the Board and responded to questions. Ms. Garcia then asked whether the Directors who have filed to run in the May 4, 2024, Directors Election would be willing to withdraw their applications for said election in order to allow her to serve on the Board without need for an election.

**APPROVAL OF MINUTES**

The Board considered approval of the minutes of the Board meeting held on January 11, 2024. Upon discussion, Director Madia moved that the minutes of the January 11, 2024, meeting be approved as written. Director Morgan seconded said motion, which unanimously carried.

## **BOOKKEEPER'S REPORT**

Mr. Burton reviewed with the Board the Bookkeeper's Report dated February 8, 2024, a copy of which report is attached hereto as **Exhibit A**, and the disbursements presented for payment. After discussion, Director Madia moved that the Board approve the Bookkeeper's Report, and the disbursements presented for payment, as reflected in the Bookkeeper's Report. Director Morgan seconded said motion, which unanimously carried.

Director Huseman entered the meeting during the Bookkeeper's Report.

## **RETURN TO PUBLIC COMMENTS**

Directors Morgan and Huseman both stated that they would not withdraw their applications for the May 4, 2024, Directors Election. Ms. Garcia noted that she would not file to run in said election but would like to serve on the Board in the future.

## **TAX ASSESSOR-COLLECTOR REPORT**

Ms. Burks reviewed with the Board the Tax Assessor-Collector Report dated as of January 31, 2024, and Delinquent Collections Listings, copies of which are attached hereto as **Exhibit B**. After discussion on the report, Director Madia moved that the report be approved and that the disbursements identified in the report be approved for payment. Director Morgan seconded said motion, which carried unanimously.

Ms. Burks exited the meeting at this time.

## **DELINQUENT TAX COLLECTIONS REPORT**

The Board deferred consideration of the Delinquent Tax Report from Perdue, Brandon, Fielder, Collins & Mott, L.L.P. ("Perdue"), after noting that a quarterly report was received last month

## **ENGINEERING REPORT**

Mr. Jenkins presented to and reviewed with the Board a written Engineering Report dated February 5, 2024, a copy of which report is attached hereto as **Exhibit C**. Upon review and discussion of the Engineering Report, Director Madia then moved that all action items in the Engineering Report be approved. Director Morgan seconded said motion, which unanimously carried.

Mr. Jenkins presented to and reviewed with the Board (i) a Westheimer Lakes North outfall erosion repair cost estimate, a copy of which is included in Exhibit C, and (ii) a Wastewater Lift Station and Stormwater Pump Station Facilities Inspection Report, a copy of which is attached hereto as **Exhibit D**.

Mr. Burton exited the meeting at this time.

**UTILITY COMMITMENTS, OUT-OF-DISTRICT SERVICE, AND ANNEXATION; DEVELOPMENT, FINANCING AND ANNEXATION AGREEMENT WITH KB HOME LONE STAR, INC. ("KB")**

Mr. Jenkins reported that Quiddity plans to present an annexation feasibility study for the 23-acre KB tract to the Board at its next meeting.

**RESOLUTION ADOPTING PREVAILING WAGE RATE SCALE FOR CONSTRUCTION PROJECTS**

The Board considered the review of an annual survey of prevailing wage rates for construction projects and the adoption of a Resolution in connection therewith. In that regard, Mr. Eichelberger reported that SPH is suggesting that the District adopt the updated United States Department of Labor ("DOL") wage rate scales for Fort Bend County, as permitted under Section 2258.022 of the Government Code. After discussion on the matter, Director Madia moved that the DOL wage rate scales be adopted as the District's prevailing wage rate scale for construction projects, and that the Resolution Adopting Prevailing Wage Rate Scale for Construction Projects attached hereto as **Exhibit E**, be adopted by the Board. Director Morgan seconded said motion, which unanimously carried.

**SPECIAL WARRANTY DEED FROM LAND TEJAS 1093 & 723, LTD. FOR 5,148 SQUARE FOOT TRACT IN WESTHEIMER LAKES**

The Board considered approval of a Special Warranty Deed from Land Tejas 1093 & 723, Ltd. ("Land Tejas"). Mr. Eichelberger stated that there is a 5,148 square foot tract that Land Tejas is requesting to be conveyed to the District. Mr. Eichelberger stated that tract is part of the original director lots and that the District has previously been conveyed the adjacent director lot tracts. Upon discussion, Director Madia moved that the Special Warranty Deed from Land Tejas for the 5,148 square foot tract be accepted. Director Morgan seconded said motion, which unanimously carried.

Mr. Eichelberger reported that Land Tejas is requesting that the District consider accepting conveyance of a utility substation located within the District. Mr. Jenkins and Mr. Eichelberger responded to questions from the Board. Upon discussion, the Board concurred to decline acceptance of the utility substation tract.

**RESOLUTION CONCERNING DEVELOPED DISTRICT STATUS FOR 2024 TAX YEAR**

The Board deferred consideration of the Resolution Concerning Developed District Status for 2024 Tax Year.

**DETENTION AND DRAINAGE FACILITIES REPORT**

Mr. Garcia presented to and reviewed with the Board a report from CHL, a copy of which is attached hereto as **Exhibit F**. He presented a proposal from CHL for the removal of graffiti

from the south outfall of the on-site channel in the amount of \$1,300, a copy of which is included in Exhibit F. Upon review, Director Madia moved that the proposal in the amount of \$1,300 for the removal of graffiti from the south outfall of on-site channel be approved. Director Morgan seconded said motion, which unanimously carried.

### **OPERATOR'S REPORT**

Ms. Duncan presented to and reviewed with the Board the Operator's Report dated February 8, 2024, a copy of which report is attached hereto as **Exhibit G**. Upon discussion, Director Madia moved that (i) the action items in the Operator's Report be approved, and (ii) a customer leak adjustment request in the amount of \$342.00 be approved. Director Morgan seconded said motion, which unanimously carried.

The Board considered authorizing Inframark to review the District's water conservation plan and drought contingency plan for any updates. Upon discussion, Director Madia moved that Inframark to review the District's water conservation plan and drought contingency plan for any updates. Director Morgan seconded said motion, which unanimously carried.

### **NOTICE OF TERMINATION OF LEASE AGREEMENT WITH OPTION TO PURCHASE DATED AUGUST 28, 2014, BY AND BETWEEN AUC GROUP, L.P. ("AUC") AND THE DISTRICT (THE "2014 LEASE"), AND ASSIGNMENT OF LEASE AGREEMENT WITH OPTION TO PRUCHASE DATED JUNE 23, 2016 (THE "2016 LEASE"), TO FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 229 ("NO. 229")**

Mr. Eichelberger presented a notice of termination to AUC regarding the termination of the 2014 Lease and the Assignment of the 2016 Lease to No. 229, a copy of which is attached hereto as **Exhibit H**. Upon discussion, Director Madia moved that the President be authorized to execute an assignment of the 2016 Lease to No. 229, on behalf of the Board and District. Director Morgan seconded said motion, which unanimously carried.

### **COMMUNICATIONS REPORT**

Ms. Hartwell presented and reviewed with the Board a Communications Report prepared by Touchstone, a copy of which is attached hereto as **Exhibit I**. Upon review, the Board concurred that no action was required.

### **HOMEOWNERS ASSOCIATION STREET LIGHT SERVICE REQUEST**

A discussion ensued regarding the request from the Westheimer Lakes Property Owners Association (the "WLPOA") for the District to assume responsibility for payment of electricity and other costs related to the street lights located within Westheimer Lakes. Upon discussion, the Board concurred that the Operations Committee be authorized to contact the property owners associations for Westheimer Lakes, Briscoe Falls, and Creekside Ranch and obtain their individual electricity and maintenance costs for street lighting, as well as any other relevant information.

## **PARKS MASTER PLANNING REPORT**

Director Carter stated that he did not have anything to report to the Board regarding parks master planning at this time.

## **SPECIAL WARRANTY DEED FROM WLPOA ("POA") FOR 7.05 ACRE PARK SITE**

The Board considered approval of a Special Warranty Deed from the POA for a 7.05 acre park site. Mr. Eichelberger reported that the District will also require a Right-of-Entry Agreement from the POA. Upon discussion, Director Madia moved that the Special Warranty Deed and Right-of-Entry Agreement from the POA be approved. Director Morgan seconded said motion, which unanimously carried.

## **INFORMATION TECHNOLOGY COMMITTEE REPORT**

Director Huseman stated that he did not have anything to report to the Board.

## **WATER CONSERVATION COMMITTEE REPORT**

The Board deferred discussion of the North Fort Bend Water Authority's (the "NFBWA") Water Provider Conservation Program after noting that all necessary items were discussed under the Operator's Report.

## **OPERATIONS COMMITTEE REPORT**

Director Huseman and Director Madia stated that they did not have anything to report to the Board.

## **NFBWA REPORT**

Mr. Eichelberger stated that he did not have anything to report to the Board regarding the activities of the NFBWA.

## **KATY AREA ECONOMIC DEVELOPMENT COUNCIL REPORT ("KAEDC")**

Director Carter stated that he did not have anything to report to the Board regarding recent meetings of the KAEDC. The Board concurred to remove this item from future agendas.

## **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 229 ("NO. 229") REQUEST FOR PARTICIPATION IN SHARED SECURITY PATROL SERVICES**

Mr. Eichelberger stated that there is no update at this time regarding the formulation of a desired security patrol plan with No. 229.

## **RENEWAL OF DISTRICT INSURANCE POLICIES**

The Board deferred consideration of a renewal proposal for the District's insurance coverages scheduled to expire March 31, 2025, until its next meeting.

## **ATTORNEY'S REPORT**

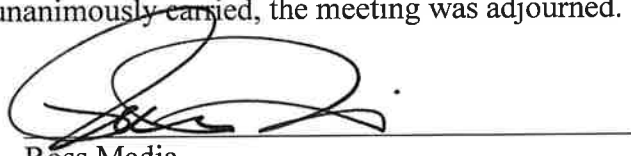
The Board considered the Attorney's Report. Mr. Eichelberger next presented to and reviewed with the Board an Annual Maintenance Arbitrage Rebate Report prepared by Municipal Risk Management Group, LLC, a copy of which is attached hereto as **Exhibit J**. He then presented engagement letters from Arbitrage Compliance Specialists, for preparation of a Yield Restriction/Yield Reduction Report for the Series 2017A Bonds, and a Yield Restriction/Yield Reduction Report for the Series 2018 Bonds. Upon discussion, Director Madia moved that the President be authorized to execute the engagement letters for the preparation of Yield Restriction/Yield Reduction Report for the Series 2017A Bonds and a Yield Restriction/Yield Reduction Report for the Series 2018 Bonds.

## **FUTURE AGENDA ITEMS**

Other than as discussed earlier in the meeting and reflected above, there were no additional agenda items requested other than routine, ongoing matters.

## **ADJOURNMENT OF MEETING**

There being no further business to come before the Board, upon motion made by Director Madia, seconded by Director Morgan and unanimously carried, the meeting was adjourned.



Ross Madia  
Secretary, Board of Directors

FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 142  
LIST OF EXHIBITS TO MINUTES

February 8, 2024

- Exhibit A      Bookkeeper's Report**
- Exhibit B      Tax Assessor-Collector's Report**
- Exhibit C      Engineering Report**
- Exhibit D      Wastewater Lift Station and Stormwater Pump Station Facilities  
Inspection Report**
- Exhibit E      Resolution Adopting Prevailing Wage Rate Scale**
- Exhibit F      Detention and Drainage Facilities Report; Proposal**
- Exhibit G      Operator's Report**
- Exhibit H      Termination Notice to AUC Group, L.P.**
- Exhibit I      Communications Report**
- Exhibit J      Annual Maintenance Arbitrage Rebate Report**