

**Minutes of Meeting of Board of Directors**

**May 9, 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 May 9, 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 Huseman, thus constituting a quorum. Director Huseman entered later in the meeting as noted herein.

Also attending the meeting were: Bradley Jenkins, Nolan Lambert and Tyler Mai of Quiddity Engineering, LLC ("Quiddity"); Wendy Duncan of Inframark, LLC ("Inframark"); Yvonne Luevano of Wheeler & Associates, L.P. ("Wheeler"); Angie Hartwell of Touchstone District Services ("Touchstone"); Mark Burton of Municipal Accounts & Consulting, L.P. ("MA&C"); Jerry Schroeder of Champions Hydro-Lawn, Inc. ("CHL"); 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. There being no comments from the public, the Board proceeded to the next item of business.

**APPROVAL OF MINUTES**

The Board considered approval of the minutes of the Board meeting held on April 11, 2024. Upon discussion, Director Madia moved that the minutes of the April 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 May 9, 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 Cokinos seconded said motion, which unanimously carried.

Director Huseman entered the meeting at this time.

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

Ms. Luevano reviewed with the Board the Tax Assessor-Collector Report dated as of April 30, 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 Cokinos seconded said motion, which carried unanimously.

### **ACCEPTANCE OF QUALIFICATION STATEMENTS, BONDS, OATHS OF OFFICE, AND AFFIDAVITS OF CURRENT DIRECTOR FOR JOHN R. MORGAN AND PHILIP HUSEMAN**

The Board considered the acceptance of Qualification Statements of Elected Officer, Bonds, Oaths of Office, and Affidavits of Current Director for John R. Morgan and Philip Huseman. In that regard, Directors Morgan and Huseman presented their Statements of Elected Officer, Oaths of Office, Affidavits of Current Director and official Bonds. After discussion on the matter, it was moved by Director Madia, seconded by Director Cokinos and unanimously carried that the Board approve said Bond, and accept said Oaths, Statements, and Affidavits.

### **ELECTION NOT TO DISCLOSE CERTAIN INFORMATION**

Mr. Eichelberger presented to the Board an Election Not to Disclose Certain Information ("Disclosure Form") for each of the elected directors. He stated that pursuant to Section 552.024 of the Texas Government Code, as amended, the elected directors may elect to withhold public access to information in the custody of the District, including any additional information in the District's custody that is not specifically listed on the Disclosure Form. Upon review, Director Madia moved that the Disclosure Forms be accepted. Director Cokinos seconded said motion, which unanimously carried.

### **ELECTION OF OFFICERS OF THE BOARD OF DIRECTORS**

The Board considered reorganization of officers of the Board of Directors. Director Madia moved that the Board members retain their current officer positions. Director Cokinos seconded said motion, which unanimously carried.

### **DISTRICT REGISTRATION FORM**

Mr. Eichelberger presented and reviewed with the Board a District Registration Form to be filed with the Texas Commission on Environmental Quality in connection with the election of Directors Morgan and Huseman to the Board of Directors of the District. After discussion on the matter, Director Madia moved that the District Registration Form be approved as presented.

Director Cokinos seconded said motion, which unanimously carried.

### **DELINQUENT TAX COLLECTIONS REPORT**

Mr. Eichelberger reported to the Board regarding the Delinquent Tax Report from Perdue, Brandon, Fielder, Collins & Mott, L.L.P. ("Perdue"), received last month. He stated that Perdue indicated that Mr. Yiyang Cai was unresponsive to Perdue's attempts to resolve his delinquent taxes. Upon discussion, Director Madia moved that Perdue be authorized to proceed with the Order of Sale for Mr. Cai's delinquent account listed in Perdue's Delinquent Tax Report from last month. Director Cokinos seconded said motion, which unanimously carried.

### **UNCLAIMED PROPERTY REPORT**

The Board considered approval of an Unclaimed Property Report as of March 1, 2024, and the filing of same with the State Comptroller prior to July 1, 2024. In connection therewith, Mr. Burton presented to and reviewed with the Board an Unclaimed Property Report prepared by MA&C and stated that the District has \$8,096.47 in unclaimed funds to escheat to the State Comptroller, a copy of which is attached hereto as **Exhibit C**. After discussion, Director Madia moved that MA&C be authorized to file said Report with the State Comptroller prior to July 1, 2024. Director Cokinos Huseman seconded said motion, which unanimously carried.

### **ENGINEERING REPORT**

Mr. Jenkins presented to and reviewed with the Board a written Engineering Report dated May 7, 2024, a copy of which report is attached hereto as **Exhibit D**. Upon review and discussion of the Engineering Report, Director Madia then moved that (i) all action items in the Engineering Report be approved, and (ii) the Board ratify prior approval of the Special Warranty Deed for the wastewater treatment plant site being conveyed to Fort Bend County Municipal Utility District No. 229 (No. 229") and a Quitclaim Conveyance of Utility Facilities to No. 229 of all facilities located on such site, be approved and ratified in all respects. Director Cokinos seconded said motion, which unanimously carried.

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

Mr. Jenkins noted that the status of the annexation feasibility study for the tract proposed for annexation by KB was addressed in the Engineering Report.

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

Mr. Eichelberger advised that the procedures applicable to the adoption of the District's tax rate will depend, in part, upon whether the District is determined to be a "Developed District" under Texas Water Code Section 49.23602. Mr. Eichelberger then reviewed with the Board a worksheet completed by Quiddity to assist the Board in making this determination, along with a Resolution Concerning Developed District Status for the 2024 Tax Year. Following discussion, upon motion made by Director Madia, seconded by Director Cokinos, and unanimously carried,

the Board voted to pass and adopt the Resolution Concerning Developed District Status for 2024 Tax Year, attached hereto as part of **Exhibit E**, reflecting that the District will be considered a Developed District for all purposes.

### **DETENTION AND DRAINAGE FACILITIES REPORT**

Mr. Schroeder presented to and reviewed with the Board a report from CHL, a copy of which is attached hereto as **Exhibit F**. Mr. Schroeder presented an amended budget for the Board's consideration, a copy of which is attached to the CHL report. He then responded to questions from the Board. Upon review, Director Madia moved that the amended budget be approved as presented. Director Cokinos seconded said motion, which unanimously carried.

### **OPERATOR'S REPORT**

Ms. Duncan presented to and reviewed with the Board the Operator's Report dated May 9, 2024, a copy of which report is attached hereto as **Exhibit G**. Upon discussion, Director Madia moved that the action items in the Operator's Report be approved. Director Cokinos seconded said motion, which unanimously carried.

### **CONSUMER CONFIDENCE REPORT**

The Board considered approval of the 2023 Consumer Confidence Report ("CCR"). Mr. Eichelberger reminded the Board that pursuant to CCR requirements promulgated by the United States Environmental Protection Agency and the Texas Commission on Environmental Quality, the District is required to provide a report containing various information regarding the District's water supply to all customers of the District by July 1, 2024. After discussion on the matter, Director Madia moved that the 2023 CCR be approved, subject to SPH's final review of same, and that the operator be authorized to distribute same to the District's customers prior to July 1, 2024. Director Cokinos seconded the motion, which unanimously carried.

### **FIVE-YEAR REVIEW OF WATER CONSERVATION PLAN AND DROUGHT CONTINGENCY PLAN**

The Board considered its five-year review of its Water Conservation Plan ("WCP") and Drought Contingency Plan ("DCP"). Ms. Duncan and Mr. Jenkins stated that Inframark and Quiddity reviewed the District's WCP and DCP for required updates, and do not have any recommended changes. Upon discussion, Director Madia moved that the Resolution Regarding Review of WCP and the Resolution Regarding Review of DCP be approved, indicating no recommended changes, copies of which are attached hereto as **Exhibit H**. Director Cokinos 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**. No action was required by the Board at this time.

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

A discussion ensued regarding the District's assumption of the Westheimer Lakes, Briscoe Falls, and Creekside Ranch property owners associations (collectively, "POAs") electricity and maintenance costs for street lighting. Upon discussion, the Board concurred to authorize SPH to prepare a letter to the POAs for review and approval by Director Carter indicating the Board's decision to decline assumption of electricity and maintenance costs for street lighting at this time. Mr. Eichelberger stated that this item will be removed from the agenda going forward.

## **PARKS MASTER PLANNING REPORT**

Director Carter and Director Morgan reported to the Board regarding parks master planning.

## **INFORMATION TECHNOLOGY COMMITTEE REPORT**

Director Cokinos and Director Huseman noted that they had nothing to report concerning information on technology matters at this time.

## **WATER CONSERVATION COMMITTEE REPORT**

The Board concurred that the decision as to whether to participate in the North Fort Bend Water Authority ("NFBWA") Water Provider Conservation Program be delegated to the Water Conservation Committee.

## **OPERATIONS COMMITTEE REPORT**

Director Madia and Director Huseman noted that they had nothing to report regarding the Operations Committee at this time.

## **NFBWA REPORT**

Director Carter stated that he did not have anything additional to report to the Board regarding the activities of the NFBWA.

## **CYBERSECURITY TRAINING AS REQUIRED BY CHAPTER 2054, TEXAS GOVERNMENT CODE**

Mr. Eichelberger reminded the Board to complete its cybersecurity training prior to the August 31, 2024, deadline. He requested that the directors send SPH a copy of the cybersecurity training certificate upon completion.

**ATTORNEY'S REPORT**

The Board considered the Attorney's Report. Mr. Eichelberger next presented to and discussed with the Board a memorandum prepared by SPH, a copy of which is attached hereto as **Exhibit J**, regarding the use of social media by public officials. In connection therewith, Mr. Eichelberger advised the Board that directors should exercise caution when posting about District-related matters on their personal social media pages in light of recent U.S. Supreme Court cases, as further discussed in the memorandum.

**FUTURE AGENDA ITEMS**

Mr. Eichelberger reminded the Board that the June meeting will need to be rescheduled due to the AWBD Summer Conference. Upon discussion, the Board concurred to reschedule its June meeting to Monday, June 17, 2024, at 4:00 p.m.

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

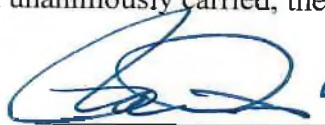
**CLOSED SESSION**

The President announced at 5:12 p.m. that the Board would convene in Closed Session pursuant to Texas Government Code Section 551.071.

The Board reconvened in Open Session at 5:55 p.m., and concurred that Directors Carter and Huseman be authorized to work with Mr. Eichelberger and representatives of Sprint, Sand & Clay ("Sprint") to address matters of Sprint's detention pond adjacent to the District.

**ADJOURNMENT OF MEETING**

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



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Ross Madia  
Secretary, Board of Directors

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

May 9, 2024

- Exhibit A      Bookkeeper's Report**
- Exhibit B      Tax Assessor-Collector's Report**
- Exhibit C      Unclaimed Property Report**
- Exhibit D      Engineering Report**
- Exhibit E      Resolution Concerning Developed District Status for 2024 Tax Year**
- Exhibit F      Detention and Drainage Facilities Report; Proposal**
- Exhibit G      Operator's Report**
- Exhibit H      Resolution Regarding Review of Water Conservation Plan;  
Resolution Regarding Review of Drought Contingency Plan**
- Exhibit I      Communications Report**
- Exhibit J      Social Media Memorandum**