

MINUTES
WEST KEEGANS BAYOU IMPROVEMENT DISTRICT

November 17, 2020

The Board of Directors (the "Board") of West Keegans Bayou Improvement District (the "District") met in regular session by teleconference, with access by telephone available to the public, pursuant to Texas Government Code Section 551.125 and Governor Greg Abbott's emergency disaster declaration dated March 13, 2020, on the 17th day of November, 2020, and the roll was called of the members of the Board being present by telephone:

Carole Bagley	Director
Miriam Beck	Vice President
Chris IGwilo	Secretary
Gerald F. Kallina	Treasurer
Amarjit Verma	Director

and all of the above were present, thus constituting a quorum.

Also attending the teleconference were Mike Emerson, Wayne Thompson; and John Buehler residents of the District; Constable Wayne Thompson; David Miller of Miller & Associates Engineering ("M&A"); Monty Campbell of Prepared Publications, Inc. ("PPI"); Candy Fair of Renn Road Municipal Utility District; Richard Haddock of 7Gen Planning ("7Gen"); Michelle Guerrero of Bob Leared Interests ("BLI"); Pamela Redden of McLennan & Associates, LP ("McLennan"); and Tim Austin and Holly Huston of Allen Boone Humphries Robinson LLP ("ABHR").

Mr. Austin reviewed certain recommended protocols for conducting the District's meeting via teleconference. He announced that the meeting was being not being recorded and that consultant reports presented at the meeting were posted online and available to the public in the form of an "agenda packet" prior to the start of the meeting at <https://www.districtdirectory.org/agendapackets/wkbid/>.

COMMENTS FROM THE PUBLIC

Mr. Austin offered any members of the public attending the meeting by telephone the opportunity to make public comment. There being no further members of the public requesting to make public comment, Mr. Austin moved to the next agenda item.

2020 DIRECTORS ELECTION

ORDER CANVASSING RETURNS AND DECLARING RESULTS OF DIRECTORS ELECTION

The Board reviewed the certified returns from Fort Bend County for the District's November 3, 2020, Directors Election. Mr. Austin presented an Order Canvassing Returns and Declaring Results of Directors Election, reflecting that the election resulted favorably for the following, as indicated in the certified returns:

<u>Candidate Name</u>	<u>Votes</u>
Mike Emerson	2,634
Chris IGwilo	1,569
Wayne Keith Thompson	2,496
Amarjit Verma	2,215
Moni Mansour	1,134

Director Beck, Vice President of the Board, noted the completion of the canvass of the returns of the election pursuant to Section 67.004(g), Texas Election Code. After review and discussion, Director Kallina moved to adopt the Order Canvassing Returns and Declaring Results of Directors Election, reflecting that Mike Emerson and Wayne Keith Thompson, have been elected to the Board of Directors each to serve a four-year term, and direct that the Order be filed appropriately and retained in the District's official records. Director Beck seconded the motion, which passed by unanimous vote.

APPROVE AND DISTRIBUTE CERTIFICATES OF ELECTION

The Board considered approving a Certificate of Election, reflecting the election Mike Emerson, and Wayne Keith Thompson, to the Board of Directors of the District each for a four-year term. After review and discussion, Director Kallina moved to approve the Certificate of Election and the distribution of same to Directors Emerson and Thompson and direct that the Certificate of Election be filed appropriately and retained in the District's official records. Director Beck seconded the motion, which passed by unanimous vote.

APPROVE DIRECTORS SWORN STATEMENTS, BONDS, AND OATHS OF OFFICE

Mr. Austin reviewed the Sworn Statements, Bonds, and Oaths of Office for Directors Emerson and Thompson. After review and discussion, Director Kallina moved that the Board approve the Sworn Statements, Bonds, and Oaths of Office and direct that the documents be filed in the official records of the District, and that the Oaths of Office be filed with the Secretary of State, as required by law. Director Beck seconded the motion, which passed by unanimous vote.

REORGANIZE BOARD AND ELECT OFFICERS AND AUTHORIZE FILING OF DISTRICT REGISTRATION FORM

Following discussion of director positions, Director Kallina moved to approve the following slate of officers:

Mike Emerson	President
Miriam Beck	Vice President
Gerald Kallina	Secretary
Carole Bagley	Asst. Vice Pres./Asst. Secretary
Wayne Thompson	Assist Vice President

Director Emerson seconded the motion, which passed unanimously.

The Board considered authorizing the filing of an updated District Registration Form with the Texas Commission on Environmental Quality, updated to reflect the newly elected directors. Following review and discussion, Director Emerson moved to authorize the filing of the updated District Registration Form and direct that the Registration Form be filed appropriately and retained in the District's official records. Director Kallina seconded the motion, which passed unanimously.

OPEN MEETINGS ACT AND PUBLIC INFORMATION ACT TRAINING REQUIREMENTS

Mr. Austin reviewed a memorandumError! Bookmark not defined. regarding the Texas Open Meetings Act prepared by ABHR. He noted the Directors, as elected public officials are required to complete a course on training responsibilities of the governmental body and its members under the Texas Government Code, Chapter 551, within 90 days of taking the Oath of Office.

DISCUSS CONFLICT OF INTEREST DISCLOSURE

Mr. Austin reviewed a memorandum prepared by ABHR regarding Chapter 176 of the Texas Local Government Code, which requires directors and consultants to disclose certain conflicts of interest. A copy of the memorandum is attached. He reviewed the forms adopted by the Texas Ethics Commission for making disclosures under Chapter 176 and noted that the forms are required to be filed with the records administrator for the District and will need to be filed thereafter within seven days of a disclosable conflict arising.

The Board considered authorizing execution of an updated List of Local Government Officers. Following review and discussion, Director Emerson moved to approve and authorize execution of the List of Local Government Officers and direct that the List be filed appropriately and retained in the District's official records. Director Kallina seconded the motion, which passed by unanimous vote.

CYBERSECURITY TRAINING REQUIREMENTS

Mr. Austin presented a memorandum regarding legislation enacted by the Texas Legislature regarding annual cybersecurity training requirements for certain local government employees and elected officials. He said the Board members must select a training program that is certified by the Texas Department of Information Resources.

APPROVE MINUTES

The Board considered approving the minutes of the October 14, 2020, regular meeting. Director Thompson asked that the proposed revisions to the minutes previously presented by former Director Verma be incorporated. Following review and discussion, Director Emerson moved to approve the minutes of the October 14, 2020, regular meeting, as written. Director Beck seconded the motion, which passed by a vote of 4-1 with Director Thompson opposed.

RENEWAL OF DISTRICT'S INSURANCE POLICIES

Ms. Huston stated the District's insurance policies are set to expire December 14, 2020. He then presented and reviewed a renewal proposal for insurance from the District's current provider, HARCO Insurance Services ("HARCO"), and noted that the renewal premium is \$6,853.00. After review and discussion, Director Kallina moved to approve the renewal insurance proposal from HARCO, and direct that the proposal be filed appropriately and retained in the District's official records. Director Beck seconded the motion, which carried unanimously.

TAX ASSESSMENT AND COLLECTIONS MATTERS

Ms. Guerrero presented and reviewed the tax assessor/collector's report, a copy of which is attached, including a list of bills for payment from the District's tax account. She stated that the District's 2019 taxes were 98.875% collected as of October 31, 2020. After review and discussion, Director Beck moved to approve the tax assessor/collector's report and authorize payment of the bills presented for payment from the tax account. Director Kallina seconded the motion, which carried unanimously.

FINANCIAL AND BOOKKEEPING MATTERS

Ms. Redden presented and reviewed the bookkeeper's report, the investment report, and presented the bills for payment from the District's account. Copies of the bookkeeper's report and investment report are attached. Following review and discussion, Director Kallina moved to approve the bookkeeper's report, the investment report, authorize payment of bills as presented. Director Beck seconded the motion, which passed by a vote of 4-1 with Director Thompson opposed.

The Board conducted an annual review of the District's Investment Policy. Mr. Austin reviewed a Resolution Regarding Annual Review of Investment Policy with the Board, and the Board concurred that no changes were necessary to the current policy.

Following review and discussion, Director Beck moved to adopt a Resolution Regarding Annual Review of Investment Policy reflecting that the current policy will remain in effect and direct that the resolution be filed appropriately and retained in the District's official records. Director Kallina seconded the motion, which passed by unanimous vote.

The Board next reviewed the District's Resolution Establishing the Authorized Depository Institutions and Adopting List of Qualified Broker/Dealers with Whom the District May Engage in Investment Transactions, and stated that an updated list was provided by the District's bookkeeper with whom the District may engage in investment transactions. After review and discussion, Director Beck moved to adopt a Resolution Establishing the Authorized Depository Institutions and Adopting List of Qualified Broker/Dealers with Whom the District May Engage in Investment Transactions and direct that the resolution be filed appropriately and retained in the District's official records. Director Kallina seconded the motion, which passed by unanimous vote.

MOWING AND MAINTENANCE OF DISTRICT FACILITIES

There was no discussion on this agenda item.

ENGINEERING MATTERS

Mr. Miller presented and reviewed an engineering report, a copy of which is attached.

DEVELOPMENT ISSUES

There was no action taken on this agenda item.

DEEDS AND EASEMENTS

There was no action taken on this agenda item.

DISTRICT MAINTENANCE AND CAPITAL IMPROVEMENT PLAN

There was no discussion on this agenda item.

MS4 STORM WATER PERMIT ("MS4"); IMPLEMENTATION OF THE STORM WATER MANAGEMENT PLAN; AND RECEIVE PUBLIC COMMENTS

Mr. Miller updated the Board regarding the status of the District's MS4 permit.

REMOVE SILT AND SHAPE CENTER CHANNEL OF BAYOU

Mr. Miller updated the Board regarding the status of the District's plans to desilt and rehabilitate the Bayou.

OUTFALL REPAIRS

Mr. Miller updated the Board regarding backslope drain and outfall repairs within the District.

OTHER ENGINEERING MATTERS

Mr. Miller presented and reviewed a proposal from TruGreen to fertilize the Bayou in the amount of \$10,830.00.

Mr. Miller then updated the Board regarding trash and debris removal within the rights-of-way. He then requested Board approval to compile a trash removal list and contact contractor for pricing on a monthly basis.

Following discussion, Director Emerson moved to approve the (1) engineer's report; (2) approve the proposal from TruGreen to fertilize the Bayou in the amount of \$10,830.00; and (3) authorize M&A to compile a trash removal list and contact contractor for pricing on a monthly basis. Director Beck seconded the motion, which passed by a unanimous vote.

LANDSCAPE ARCHITECT'S REPORT

Mr. Haddock reviewed a landscape architect's report, a copy of which is attached.

DESIGN OF FACILITIES, APPROVAL OF PLANS AND SPECIFICATIONS, AUTHORIZATION TO ADVERTISE FOR BIDS AND AWARD OF CONSTRUCTION CONTRACT, APPROVE PAY ESTIMATES AND CHANGE ORDERS, AND AUTHORIZE FINAL ACCEPTANCE AS APPROPRIATE

Mr. Haddock updated the Board regarding the status of construction of West Keegans Hike and Bike Trail, Phase 1 ("Phase 1"). He then requested board approval of (1) Pay Estimate No. 3 in the amount of \$78,675.03, payable to D.L. Meacham LP, for the construction of Phase 1; and (2) an invoice from Alliance Laboratories ("Alliance") in the amount of \$5,069.00 for Phase 2 trail, construction and material testing. Following discussion, Director Beck moved to approve Pay Estimate No. 3 and the Alliance invoiced as presented. Director Kallina seconded the motion, which passed by a unanimous vote.

RECREATIONAL FACILITIES AND AMENITIES

There was no discussion on this agenda item.

PROPERTY ACQUISITION

The Board did not receive an update on property acquisition.

DISTRICT WEBSITE

Mr. Campbell reviewed a District Website report, a copy of which is attached.

DISCUSS MEETING SCHEDULE

The Board noted that the next regular meeting will be on December 9, 2020, at 4:45 p.m.

There being no further matters to come before the Board, the meeting was adjourned.

/s/ Gerald Kallina
Secretary, Board of Directors



ATTACHMENTS TO THE MINUTES

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