

MINUTES  
WEST KEEGANS BAYOU IMPROVEMENT DISTRICT

October 14, 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 14th day of October, 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, except Director IGwilo thus constituting a quorum.

Also attending the teleconference were Mike Emerson, Wayne Thompson; and Moni Mansour residents of the District; Jennifer Hanna of BKD, LLP; David Miller of Miller & Associates Engineering ("M&A"); Monty Campbell of Prepared Publications, Inc. ("PPI"); Kathy Farris and Russel Cook 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 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.

Mr. Thompson addressed the Board regarding the 2020 Directors Election and campaigns by certain candidates.

There being no further members of the public requesting to make public comment, Mr. Austin moved to the next agenda item.

## APPROVE MINUTES

The Board considered approving the minutes of the September 9, 2020, regular meeting. Director Verma presented his proposed revisions to the minutes. Following review and discussion, Director Beck moved to approve the minutes of the September 9, 2020, regular meeting, as written. Director Kallina seconded the motion, the motion passed with a vote of 3-1 with Director Verma opposed.

## NEW DIRECTOR MATTER, INCLUDING:

### APPROVE SWORN STATEMENT AND OFFICIAL BOND

Mr. Austin reviewed the Sworn Statement, and Official Bond for Director Bagley. After review and discussion, Director Kallina moved that the Board approve the Sworn Statement, Bond, and Oath 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 with a vote of 3-1 with Director Verma opposed.

### RE-ORGANIZE THE BOARD OF DIRECTORS AND AUTHORIZE EXECUTION OF DISTRICT REGISTRATION FORM

The Board concurred to defer reorganizing the Board of Directors.

The Board considered authorizing the filing of an updated District Registration Form with the Texas Commission on Environmental Quality, updated to reflect the newly appointed director. Following review and discussion, Director Kallina 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 Beck seconded the motion, which passed with a vote of 3-0 with Director Verma abstaining from the vote.

### OPEN MEETINGS ACT AND PUBLIC INFORMATION ACT TRAINING REQUIREMENTS

Mr. Austin reviewed a memorandum 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. He further discussed the requirements that items to be approved appear on the applicable meeting agenda.

### 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. 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 Kallina 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 Beck 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, beginning in 2020. He said the Board members must select a training program that is certified by the Texas Department of Information Resources.

#### RENEWAL OF DISTRICT'S INSURANCE POLICIES

Ms. Huston stated the District's insurance policies will expire December 14, 2020, and inquired if the Board would like to solicit additional proposals for insurance or remain with its current provider, HARCO. After discussion, the Board concurred to remain with its current provider.

#### AUDIT FOR FISCAL YEAR END JUNE 30, 2020

Ms. Hanna distributed and reviewed with the Board the District's draft audit for the fiscal year ended June 30, 2020. After review and discussion, Director Beck moved to approve the audit for the fiscal year ended June 30, 2020, subject to final review, authorize filing of the audit with Texas Commission on Environmental Quality and all appropriate parties, and direct that the audit be filed appropriately and retained in the District's official records. Director Kallina seconded the motion, which passed by unanimous vote.

#### 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 98.7% collected as of September 30, 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.

## CONDUCT PUBLIC HEARING REGARDING DISTRICT'S TAX RATE, ADOPT ORDER LEVYING TAXES, AND AUTHORIZE EXECUTION OF AMENDMENT TO INFORMATION FORM

Mr. Austin stated that notice was published of the public hearing to be held at today's meeting regarding adoption of the District's proposed 2020 total tax rate of \$0.091. The Board opened the public hearing. Ms. Farris requested the Board consider decreasing the Tax Rate and focus on rehabilitating the bayou. Messrs. Emerson and Mansour reiterated Ms. Farris's request. There being no further comments from the public, the Board closed the public hearing.

Mr. Austin presented an Order Levying Taxes reflecting the proposed 2020 tax rate. He then presented an Amendment to Information Form reflecting the tax rate and stated that the Amendment will be filed with the Texas Commission on Environmental Quality and recorded in the Official Public Records of Fort Bend and Harris County. After review and discussion, Director Verma moved to (1) adopt the Order Levying Taxes reflecting a total 2020 tax rate of \$0.091 per \$100 of assessed valuation, with 100% of the tax rate allocated to operations and maintenance; (2) authorize execution of the Amendment to Information Form; and (3) direct that the Order and Amendment be filed appropriately and retained in the District's official records. Director Beck seconded the motion, which passed by unanimous vote.

## 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, and defer approval of check nos. 4499 and 4506 until after the Engineer's report. Director Beck seconded the motion, which passed with a 3-1 vote with Director Verma opposed.

## 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

Mr. Miller reported that M&A completed a request for a construction plan review for Fort Bend County Municipal Utility District No. 206 for construction of a Wastewater Treatment Plant and stated that M&A will issue a no objection

letter, subject to Board approval. Following review and discussion, Director Kallina moved to authorize M&A to submit the no objection letter as discussed. Director Beck seconded the motion, which passed by a unanimous vote.

#### 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. He then requested approval of Job Assignment Form No. 20-006 for engineering work done for the removal and replacement of backslope drain no. 695 West of Highbank adjacent to Kingsbridge Place section 3. Following discussion, Director Kallina moved to approve the form as presented. Director Beck seconded the motion. The motion passed by a 3-1 vote with Director Verma opposed.

Mr. Miller then presented and requested approval of a proposal from MMP-Services, Inc., for removal and replacement of Backslope Drain No. 695 West of Highbank adjacent to Kingsbridge Place section 3 in the amount of \$24,950. Following discussion, Director Kallina moved to approve the proposal and Job Assignment Form 20-005, as presented. Director Beck seconded the motion. The motion passed with a vote from 3-1, with Director Verma opposed

#### OTHER ENGINEERING MATTERS

There was no discussion on this agenda item.

#### 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. 2 in the amount of \$113,985.58, payable to D.L. Meacham LP, for the construction of Phase 1; and (2) an invoice from Alliance Laboratories ("Alliance") in the amount of \$2,806.00 for Phase 2 trail, construction and material testing. Following discussion, Director Beck moved to approve Pay Estimate No. 1 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 November 11, 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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