

MINUTES
WEST KEEGANS BAYOU IMPROVEMENT DISTRICT

September 9, 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 9th day of September, 2020, and the roll was called of the members of the Board being present by telephone:

Vacant	President
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, Carole Bagley, and Moni Mansour residents of the District; David Miller of Miller & Associates Engineering ("M&A"); Robert Shindler of Kingsbridge Municipal Utility District; Monty Campbell of Prepared Publications, Inc. ("PPI"); Kathy Farris, Russel Cook, and Candy Fair of Renn Road Municipal Utility District; Richard Haddock of 7Gen Planning ("7Gen"); Michelle Guerrero of Bob Leared Interests ("BLI"); Diane Bailey 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. There being no 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 August 12, 2020, regular meeting. Director Verma presented his proposed revisions to the minutes. Following review and discussion, Director Reed moved to approve the minutes of the August 12,

2020, regular meeting, as written. Director IGwilo seconded the motion, the motion passed with a vote of 3-1 with Director Verma opposed.

APPOINTMENT OF NEW DIRECTOR, INCLUDING:

The Board considered appointing a new director to the Board. Mr. Austin provided an overview of the legal requirements of a resident to be appointed to the Board. After discussion, Director Kallina moved to appoint Carole Bagley a person both willing and qualified to serve, to the Board. The motion was seconded by Director IGwilo which passed with a 3-1 vote with Director Verma opposed.

APPROVE SWORN STATEMENT, OFFICIAL BOND, AND OATH OF OFFICE

Mr. Austin reviewed the Oath of Office for Carole Bagley. After review and discussion, Director Kallina moved that the Board approve the Oath of Office and direct that the document be filed in the official records of the District, and that the Oath of Office be filed with the Secretary of State, as required by law. Director IGwilo seconded the motion, which passed with a 3-1 vote with Director Verma opposed.

Ms. Huston verbally gave the Oath of Office to Director Bagley. Following the verbal oath of office, Director Bagley was officially authorized to perform the duties a Director on the Board.

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

The Board concurred to defer action on this agenda item.

OPEN MEETINGS ACT AND PUBLIC INFORMATION ACT TRAINING REQUIREMENTS

The Board concurred to defer discussion on this agenda item.

DISCUSS CONFLICT OF INTEREST DISCLOSURE

The Board concurred to defer discussion on this agenda item

CYBERSECURITY TRAINING REQUIREMENTS

The Board concurred to defer discussion on this agenda item.

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 98.5% collected as of August 31, 2020. After review and discussion, Director IGwilo 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.

DISCUSS WATER CODE TAX PROVISIONS AND 2020 TAX RATE, ADOPT RESOLUTION REGARDING DEVELOPMENT STATUS FOR 2020 TAX YEAR, SET PUBLIC HEARING DATE, AND AUTHORIZE NOTICE OF PUBLIC HEARING REGARDING ADOPTION OF TAX RATE

The Board considered the District's 2020 tax rate. Mr. Austin discussed recent legislative changes to the "truth-in-taxation" property tax calculations and tax levy process for water districts in Chapter 49, Texas Water Code. He stated that such legislation established three main categories for water districts, based on a district's development status and/or tax rate. Mr. Austin reviewed the definitions for each of the three categories and said the Board must annually determine the District's category for that tax year and follow the associated notice and levy provisions in the Texas Water Code. Discussion ensued regarding the District's development status. After fully considering relevant data, information, and statutory definitions, the Board determined that the District is a Developed District for the 2020 tax year. Following review and discussion, Director Verma moved to (1) adopt a Resolution Regarding Development Status for 2020 Tax Year establishing the District as a Developed district for the 2020 tax year, pursuant to Section 49.23602, Texas Water Code, and direct that the Resolution be filed appropriately and retained in the District's official record. Director Kallina seconded the motion, which passed unanimously.

The Board then discussed the District's operation and maintenance tax rate. Mr Austin discussed the two-step process for setting the District's tax rate. Following review and discussion, Director Verma moved to (1) set the public hearing date for October 14, 2020 and (2) authorize the tax assessor/collector to publish notice in the Sugar Land Sun of the District's meeting on October 14, 2020 to set the proposed 2020 total tax rate of \$0.091 per \$100 of assessed valuation, with 100% of the tax rate allocated to operations and maintenance. Director Kallina seconded the motion, which passed unanimously.

FINANCIAL AND BOOKKEEPING MATTERS

Ms. Bailey presented and reviewed the bookkeeper's report, the investment report, and presented the bills for payment from the District's account. She reported that check no. 4487 payable to 7Gen in the amount of \$42,863.90 will be voided due to an error in the report as the amount is actually included in check no. 4488 payable to D.L. Meacham L.P. 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 IGwilo seconded the motion, which passed with a 4-1 vote with Director Verma opposed.

MOWING AND MAINTENANCE OF DISTRICT FACILITIES

Director Kallina reported that until a new mowing and maintenance liaison can be selected by the Board, he will continue to inspect the bayou and notify the Board of necessary maintenance items.

ENGINEERING MATTERS

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

DEVELOPMENT ISSUES

Mr. Miller updated the Board regarding a request for a plan review from Fort Bend County Municipal Utility District No. 206 for construction of a Wastewater Treatment Plant.

DEEDS AND EASEMENTS

There was no discussion 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 updated the Board regarding the removal of buried pipes on the Ditch "A" slope under maintenance, noting that the pipes turned out to be buried building rubble but still needed to be removed to maintain the side slopes.

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 Pay Estimate No. 1 in the amount of \$54,727.20, payable to D.L. Meacham LP, for the construction of Phase 1. Following discussion, Director Kallina moved to approve Pay Estimate No. 1 as presented. Director Verma seconded the motion, which passed by a unanimous vote.

Director Verma notified the Board that he intends to attend the weekly construction meeting. In response to questions from Mr. Austin, he confirmed that he will not be asking for a per diem for his attendance.

RECREATIONAL FACILITIES AND AMENITIES

There was no discussion on this agenda item.

PROPERTY ACQUISITION

The Board did not receive an update on property acquisition.

DESIGNATE LIAISON FOR PHASE 2 PLANNING PURPOSES

Discussion ensued regarding the construction of West Keegans Hike and Bike Trail, Phase 2 ("Phase 2"). Director Beck then motioned that the District take no further action on the hike and bike trail after the completion of Phase 1 or for the consideration of that until after the flood control programs are completed in other words funded and finished. Director Kallina seconded the motion. Director Verma addressed the Board regarding his objections to the motion. Director Kallina addressed the Board regarding the motion, nothing that the District should focus on flood control before constructing Phase 2. Following further discussion, the motion passed 4-1 with Director Verma opposed.

DISTRICT WEBSITE

Mr. Campbell reviewed a District Website report, a copy of which is attached. Following discussion, Director Kallina moved to (1) update the District website to reflect the appointment of Director Bagley; and (2) authorize PPI to include the

Resolution of Censure on the District website. Director IGwilo seconded the motion. The motion passed with a 4-1 vote with Director Verma opposed.

DISCUSS MEETING SCHEDULE

The Board noted that the next regular meeting will be on October 14, 2020, at 4:45 p.m.

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

/s/ Gerald Kallina
Treasurer, Board of Directors



ATTACHMENTS TO THE MINUTES

	Minutes
	<u>Page</u>
Tax assessor/collector's report	2
Bookkeeper's report.....	3
Investment report	3
Engineering report	4
Landscape Architect's Report.....	5