

MINUTES  
WEST KEEGANS BAYOU IMPROVEMENT DISTRICT

August 12, 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 12th day of August, 2020, and the roll was called of the members of the Board being present by telephone:

Bobby Reed	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, Wayne Thompson, Kathy Wedge, Moni Mansour, and Johnny McFarland 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 and 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 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. McFarland addressed the board regarding (1) the District's proposed resolution to censure a Director; and (2) encouraging the Board to contact the Fort Bend County Commissioners office to discuss inclusion of underpasses and footbridges along the Bayou in the November 2020 Fort Bend County Bond Election

Mr. Thompson addressed the Board regarding (1) the District's plans for Phase 1 and Phase 2 of the Hike and Bike Trail (respectively "Phase 1" and "Phase 2"); and (2) discussed the District's proposed resolution to censure a Director.

Ms. Wedge addressed the Board regarding (1) the District's plans for Phase 1 and Phase 2; and (2) discussed the District's proposed resolution to censure a Director.

### CONSIDER RESOLUTION CENSURING DIRECTOR

Mr. Austin presented and reviewed a Resolution Censuring a Director (the "Resolution"). Following discussion, Director Reed moved to approve the Resolution as presented. Director Kallina seconded the motion. Following the motion and before the vote, the Board addressed the public and each other regarding their opinions for and against the Resolution. Director Verma stated his opposition to the Resolution, noting his disagreement with the facts recited. In response to comments from the Directors, Mr. Austin reported that the Resolution will not impeach or remove Director Verma, the Resolution is intended as an expression of censure from a majority of the Board, and the Resolution will not impair or restrict Director Verma's individual rights. Following additional discussion, the Board voted to approve the Resolution by a vote of 4-1 with Director Verma opposed.

### 2020 DIRECTORS ELECTION

Mr. Austin discussed procedures related to the 2020 Directors Election. He reviewed a Resolution Designating an Agent of the Secretary of the Board of Directors During the 2020 Directors Election Period.

Mr. Austin discussed procedures related to the 2020 Directors Election. He reviewed an Amended and Restated Order Calling Directors Election.

Mr. Austin stated that the District may contract with Fort Bend County and Harris County (the "Counties") to conduct the District's 2020 Directors Election. The Board concurred it was not necessary to set pay for election officials because the County will be appointing the election officials to administer the election.

Mr. Austin discussed that Notice of Election may be required to be posted or published and provided to the County Clerk and Voter Registrar's of Fort Bend and Harris County.

Following review and discussion, Director Kallina moved to (1) adopt a Resolution Designating an Agent of the Secretary of the Board During the 2020 Directors Election Period appointing Holly Huston as the agent of the Secretary of the Board of Directors to perform the duties of the District's Directors Election, authorize the agent to post the related notice as required, and direct that the Resolution be filed appropriately and retained in the District's official records; (2) adopt the Amended and Restated Order Calling Directors Election; (3) contract with the Counties to administer the District's election; and (4) authorize the notice of election to be posted at the County Clerk and Voter Registrars for the County. Director Reed seconded the motion, which was approved by unanimous vote.

## APPROVE MINUTES

The Board considered approving the minutes of the July 8, 2020, regular meeting. Following review and discussion, Director Reed moved to approve the minutes of the July 8, 2020, regular meeting, as written. Director Kallina seconded the motion, the motion passed with a vote of 4-1 with Director Verma opposed.

## 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 98.3% collected as of July 31, 2020. After review and discussion, Director Kallina moved to approve the tax assessor/collector's report and authorize payment of the bills presented for payment from the tax account. Director IGwilo 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

There was no discussion on this agenda item.

## 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 Reed moved to approve the bookkeeper's report, the investment report, authorize payment of bills as presented. Director IGwilo 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

Mr. Miller reported that M&A completed a request for a construction plan review for the revised Hodges Bend Middle School Athletic Field Improvements and stated that M&A will issue an updated no objection letter, subject to Board

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

#### 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 District's plans to desilt and rehabilitate the Bayou. He requested Board consideration of approval the 5-year Program for Maintenance, which includes sediment removal and slope restoration, backslope drain removal and replacement; and backslope drains clean and repair. Discussion ensued. Mr. Miller then requested Board approval to submit a fact sheet to the District's website providing information to residents on the District's historical role in operating and maintaining the Bayou to provide stormwater outfall drainage and conveyance. Following review and discussion, Director Reed moved to (1) approve the 5-year Program for Maintenance, which includes sediment removal and slope restoration, backslope drain removal and replacement, and backslope drains clean and repair; and (2) authorize M&A to submit a fact sheet to the District's website providing information to residents on the District's historical role in operating and maintaining the Bayou to provide stormwater outfall drainage and conveyance. Director Kallina seconded the motion, which passed by a unanimous vote.

#### OUTFALL REPAIRS

Mr. Miller updated the Board regarding backslope drain and outfall repairs within the District. He then presented and requested approval of (1) a proposal from MMP-Services, Inc., for removal and replacement of Backslope Drain No. 690 – East of Highbank adjacent to Walgreens ("No. 690") in the amount of \$24,950; and (2) Job Assignment Form 20-005 to perform engineering services in connection with repairs for No. 690. Following discussion, Director Kallina moved to approval the proposal and Job Assignment Form 20-005, as presented. Director Beck seconded the motion. The motion passed with a vote from 4-1, 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 Phase 1.

## 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

There was no action taken on this agenda item.

## 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 September 9, 2020, at 4:45 p.m.

Director Verma addressed the Board regarding his comments made during the Board's discussion on the Resolution Censuring a Director, specifically his accusations that the rest of the Board is breaking the Texas Open Meetings Act. Directors Kallina, Reed, and IGwilo responded to Director Verma's comments by stating that their review of District facilities never involved more than two directors at a time, and no deliberation in numbers equal to a quorum or as a walking quorum. They requested him to provide proof of his accusations otherwise. There was no further discussion on this matter.

Director Reed addressed the Board regarding his resignation from the Board of Directors effective as the end of this meeting. Following discussion, the Board concurred to accept Director Reed's resignation with appreciation for his service to the District.

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

/s/ Chris IGwilo  
Secretary, Board of Directors



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