

MINUTES  
BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 26

October 6, 2015

The Board of Directors (the "Board") of Brazoria County Municipal Utility District No. 26 (the "District") met in regular session, open to the public, on the 6th day of October, 2015, at the offices of Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, Suite 2600, Houston, Texas, outside the boundaries of the District, and the roll was called of the members of the Board:

Michael Parks	President
Herbert Fain	Vice President
Melissa Slade	Secretary
Caralynn Prade	Assistant Vice President
Fred E. Weary, Jr.	Assistant Secretary

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

Also present at the meeting were Christina Garcia of Myrtle Cruz, Inc. ("MCI"); David Patterson of Assessments of the Southwest, Inc. ("ASW"); James Ross of LJA Engineering, Inc. ("LJA"); Officer Natisha Lucas of the City of Pearland (the "City") Police Department; and Lynne Humphries, Hannah Brook, and Tracie Brownlee of Allen Boone Humphries Robinson LLP ("ABHR").

MINUTES

The Board considered approving the minutes of the September 1, 2015, regular meeting, which were provided in advance. After review and discussion, Director Prade moved to approve the minutes of the September 1, 2015, regular meeting, as presented. Director Weary seconded the motion, which passed unanimously.

DEVELOPMENT IN THE DISTRICT

There was nothing to report on this topic.

FINANCIAL AND BOOKKEEPING MATTERS

Ms. Garcia distributed and reviewed the bookkeeper's report, including the investment report, budget comparison, debt service payment schedule, and list of checks presented for approval, a copy of which is attached. After review and discussion, Director Prade moved to approve the bookkeeper's report and payment of the bills. Director Weary seconded the motion, which passed unanimously.

Ms. Humphries left the meeting.

## TAX ASSESSMENT AND COLLECTION MATTERS

Mr. Patterson reviewed the tax assessor/collector's report, including the unpaid accounts tax roll, a copy of which is attached. He noted 99.77% of the 2014 taxes had been collected as of September 30, 2015. Following review and discussion, Director Prade moved to approve the tax assessor/collector's report and payment of the tax bills. Director Fain seconded the motion, which carried by unanimous vote.

## ENGINEERING MATTERS

Mr. Ross distributed and reviewed the engineer's report, a copy of which is attached.

Mr. Ross provided an update on the City's expansion of the sewage treatment plant serving Shadow Creek Ranch ("SCR"), as reflected in his report.

Mr. Ross reported on the City's construction of the SCR Sports Park, as reflected in his report.

Mr. Ross updated the Board on the status of bond application no. 8, as reflected in his report.

After discussion, Director Prade moved to approve the engineer's report. Director Fain seconded the motion, which passed unanimously.

## RECREATIONAL FACILITIES IN AND NEAR THE DISTRICT

Ms. Brook reviewed the landscape architect's report provided by KGA/DeForest Design, L.L.C., ("KGA/DeForest") a copy of which is attached. The Board reviewed photos of the temporary ball fields (the "Fields") taken last week. The Board expressed concern for the deep ruts and uneven ground at the Fields. Ms. Brook reported that KGA/DeForest scheduled a punch list inspection with the contractor on October 2, 2015, with possible attendance of Brazoria-Fort Bend County Municipal Utility District No. 1 ("BFB1") Director Geoffrey Pope, to address these concerns, among other things required to be remedied by the contractor before finalization of the project. Mr. Ross discussed possible solutions.

Ms. Brook reviewed three proposals presented by KGA/DeForest last month for maintenance of the Fields through the term of the lease with the City. She reported that at BFB1's September meeting, the Board approved the proposal of the low bidder, Earthcare Management, for an annual cost of \$20,940.

Ms. Brook reviewed a Cost Sharing Agreement with BFB1 for sharing the cost of maintaining the Fields on a 50/50 basis. She reported that, at its October board meeting last week, the Board of BFB1 approved the Agreement to share costs not to exceed the

proposal cost of Earthcare Management for the term of the lease of the Fields, until December 31, 2018.

Ms. Brook reported that the Board of BFB1 at its meeting last week took action to delay installation of the sign until the District and BFB1, in consultation with Mr. DeForest, determine the Fields are complete and ready for use.

Following review and discussion, Director Prade moved to accept the landscape architect's report and (1) approve the proposal from Earthcare Management for maintenance of the Fields for an annual cost of \$20,940; (2) approve a Cost Sharing Agreement with BFB1 to equally share the costs of maintaining the Fields, of which the District's share of the cost is \$10,470; and (3) hold installation of the sign until the District and BFB1 confirm the Fields are ready for use. The motion was seconded by Director Weary and carried unanimously.

#### SECURITY SERVICES REPORT

Officer Lucas reviewed the written security report for SCR a copy of which is attached. She reported on inquiries from other SCR communities regarding installation of security cameras in their respective neighborhoods. Officer Lucas reported eleven SCR communities registered with the City Police Department for tonight's National Night Out and encouraged participation.

Officer Lucas proposed adding an additional forty hour weekly shift for patrol of the District and BFB1 from November 23, 2015, to January 11, 2016, as discussed at last month's meeting. She said the shift is from 9:00 a.m. to 6:00 p.m. or 8:00 a.m. to 5:00 p.m. and the total cost to the District and BFB1 is \$8,400. Following discussion, Director Prade moved to approve the additional cost of \$8,400 for security patrol of the District and BFB1 from November 23, 2015, to January 11, 2016, of which the District's share of the cost is \$4,200. Director Weary seconded the motion, which passed by unanimous vote. Officer Lucas left the meeting.

#### ARTICLES FOR NEWSLETTERS AND WEBSITE

The Board reviewed and commented on a draft of the notice for submission to the Shadow Creek Community Newsletter and *The Connection* and considered updates for the District's website. The Board reviewed an analytics report on activity on the website for the prior month, a copy of which is attached.

Ms. Brook reviewed a chart of in City municipal utility districts ("MUDs") and an informational document titled "The Impact of MUDs in the City of Pearland" for distribution to the City and its residents. She noted these documents were reviewed at BFB1's meeting last week and discussed comments thereof.

Following review and discussion, the Board concurred to (1) post the notice to the newsletter with noted revisions; (2) update the District's website as discussed; and (3) submit the chart and informational document with noted revisions to (i) the District's website and community newsletters; (ii) City Council; and (iii) Shadow Creek Ranch Maintenance Association ("SCRMA") for distribution via email blast.

ATTORNEY'S REPORT

Ms. Brook reviewed a Memorandum from ABHR regarding conflict of interest disclosure required under Chapter 176 of the Texas Local Government Code and disclosure forms adopted by the Texas Ethics Commission, a copy of which is attached. Ms. Brook stated that pursuant to Chapter 176 of the Texas Local Government Code, the District will maintain a List of Local Government Officers. Following review and discussion, Director Prade 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 Fain seconded the motion, which passed by unanimous vote.

STORM WATER PERMIT TXRQ40000

No updates were presented.

REPORTS FROM DIRECTORS AND DISTRICT CONSULTANTS

The Board discussed a training seminar on October 17, 2015, presented by McCall Gibson Swedlund Barfoot PLLC on the Public Investment Act and the annual fall seminar of the Association of Water Board Directors on October 29, 2015. After discussion, Director Prade moved to authorize attendance of interested Directors to both seminars. The motion was seconded by Director Weary and carried unanimously.

COMMENTS FROM THE PUBLIC

There were no members of the public who wished to address the Board.

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

(SEAL)



  
Secretary, Board of Directors

ACTION LIST

1. ABHR will submit the approved notice to the community newsletters and update the District's website accordingly.
2. ABHR will submit the chart and informational document approved at today's meeting for publication in the community newsletters and posting on the District's website and to SCRMA for distribution via email blast and City Council.

LIST OF ATTACHMENTS TO MINUTES

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