

FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 140

Minutes of Special Meeting of Board of Directors

November 2, 2017

The Board of Directors (the “Board”) of Fort Bend County Municipal Utility District No. 140 (the “District”) met in special session, open to the public on November 2, 2017, at 6:00 p.m., at the River’s Edge Party Barn, 402 River Trace Drive, Richmond, Texas 77469 inside the boundaries of the District and in accordance with the duly posted notice of meeting, and the roll was called of the duly constituted members of said Board, as follows:

Harry Murray	President
Janice Suchyta	Vice President
Gene Tomas	Assistant Vice President
Jack Morgan Brady	Secretary
John Braswell	Assistant Secretary

and all of said persons were present, thus constituting a quorum.

Also present during all or part of the meeting were Ron Dechert of Costello, Inc. (“Costello”); Joel Cleveland and Olivia Galvan of Jeanne H. McDonald, P.C.; and those persons listed on the sign-in sheet attached hereto.

WELCOME

Director Murray called the meeting to order and thanked everyone for attending. He then outlined the meeting agenda.

LEGAL UPDATE – EMBANKMENT

Mr. Cleveland asked the Board to convene in Executive Session to discuss this matter.

EXECUTIVE SESSION TO DISCUSS: (A) PENDING OR CONTEMPLATED LITIGATION IN ACCORDANCE WITH SECTION 551.071 OF THE TEXAS GOVERNMENT CODE; (B) ACQUISITION OF REAL PROPERTY IN ACCORDANCE WITH SECTION 551.072 OF THE TEXAS GOVERNMENT CODE; (C) PERSONNEL MATTERS IN ACCORDANCE WITH SECTION 551.074 OF THE TEXAS GOVERNMENT CODE; (D) TO RECEIVE INFORMATION FROM EMPLOYEES OR QUESTION EMPLOYEES IN ACCORDANCE WITH SECTION 551.075 OF THE TEXAS GOVERNMENT CODE; OR (E) ECONOMIC DEVELOPMENT NEGOTIATIONS OR OFFERS OF FINANCIAL INCENTIVES FOR

ECONOMIC DEVELOPMENT IN ACCORDANCE WITH SECTION 551.087 OF THE TEXAS GOVERNMENT CODE.

The Board convened into Executive Session at 6:05 p.m. pursuant to Section 551.071 of the Texas Government Code to discuss pending litigation.

RECONVENE IN OPEN SESSION: RECONVENE IN PUBLIC SESSION TO CONSIDER AUTHORIZING DISTRICT STAFF AND CONSULTANTS TO TAKE ANY ACTION NECESSARY WITH RESPECT TO (A) PENDING OR CONTEMPLATED LITIGATION; (B) ACQUISITION OF REAL PROPERTY; (C) PERSONNEL MATTERS; AND (D) RECEIVING INFORMATION FROM OR QUESTIONING EMPLOYEES; (E) ECONOMIC DEVELOPMENT NEGOTIATIONS OR OFFERS OF FINANCIAL INCENTIVES; AND (F) ANY OTHER MATTERS RELATIVE TO ANY OF THESE MATTERS WHICH WAS DISCUSSED IN EXECUTIVE SESSION.

The Board then reconvened into open session at 6:48 p.m. Director Murray then moved to approve the Agreement for Construction of Flood Mitigation Facilities and Settlement and Release of Claims (the "Settlement Agreement"); accept the Flood Mitigation Easement and Access Easement from Fort Bend County Municipal Utility District No. 145 (the "Easements"); and authorize the District's attorney to take all appropriate action to finalize the Settlement Agreement and record the Easements. Director Suchyta seconded the motion, which passed unanimously.

ENGINEER

Mr. Dechert reviewed with the Board his letter of recommendation to award a contract for construction of the District's berm adjacent to Rio Vista, attached hereto. He reported that four bids were received and that the low bidder was Solid Bridge Construction, LLC with a bid of \$100,940.00. He also reported that the references for the low bidder were vetted, that the engineer for Fort Bend County Municipal Utility District No. 145 reviewed the bids and has no objection to the low bidder, and that his recommendation is to award the contract to Solid Bridge Construction, LLC in the amount of \$100,940.00. After discussion, Director Murray moved to award the contract for construction of the District's berm adjacent to Rio Vista to Solid Bridge Construction, LLC in the amount of \$100,940.00. Director Tomas seconded the motion, which passed unanimously.

PUBLIC COMMENTS

The Board then opened the floor to public comments.

A resident inquired about the completion date for construction of the District's berm adjacent to Rio Vista. In response, Mr. Dechert stated that the project is estimated to be complete sometime in January 2018.

A number of residents then inquired about the efficacy of the berm adjacent to Rio Vista considering other sections of berm need repair and that flood waters can enter the District from other points. In response, Mr. Cleveland reported that the berm adjacent to Rio Vista will provide the District with some level of protection against high river events. He then reiterated that the berm

is not a complete solution to the District's susceptibility to high river events and that no solution can guarantee that flooding will not occur in the District. Director Murray emphasized the District's efforts on prioritizing the rehabilitation of the District's current flood mitigation protections and investigating and, when appropriate, implementing new measures. Mr. Dechert then addressed the status of the rehabilitation of sections of berm north of the District. In response to questions from residents, Mr. Cleveland and Mr. Dechert explained that these projects are being pursued as expediently as possible and that the City of Richmond, Fort Bend County, and Fort Bend County Drainage District will have to approve the plans and additional easements will need to be obtained.

Residents then inquired about obtaining copies of the approved Settlement Agreement and Easements. In response, Mr. Cleveland stated that upon finalization, the Settlement Agreement and Easements will be open records and available to the public upon request. Discussion then ensued regarding the distribution of the Settlement Agreement.

In response to a question from the public, Mr. Cleveland confirmed that the Settlement Agreement provides that the District can install temporary measures (i.e., tiger tubes, etc.) along the approved alignment of the berm were another high river event to be predicted prior to the completion of the berm.

ADJOURNMENT

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

(District Seal)



Secretary

LIST OF ATTACHMENTS TO MINUTES

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