

AGENDA  
FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 46

Notice is hereby given pursuant to V.T.C.A., Government Code, Chapter 551, that the Board of Directors of Fort Bend County Municipal Utility District No. 46 will meet in **regular session, open to the public, at 10:30 a.m., on Tuesday, October 24, 2023,** at 1 Fluor Daniel Dr., Building D, Suite D1-0, Sugar Land, Texas 77478. At the meeting the following items will be considered and acted on:

1. Public comment

CONSENT AGENDA

2. Minutes of the September 26, 2023 regular meeting and October 6, 2023 special meeting
3. Tax Assessor-Collectors Report, including payment of related bills

ACTION AGENDA

4. Election of Board Officers
5. Order Designating Meeting Place Outside District
6. Director-Consultant interactions
7. Future meeting time and dates
8. Touchstone contract and invoice review
9. Bookkeeper's Report, including payment of bills and review of investments
10. Review and approve Audit for fiscal year ending June 30, 2023
11. Lake Management Report, including authorize necessary repairs, purchases and/or maintenance
12. Operator's Report
  - a. billings, sidewalk repairs, repairs, and maintenance
  - b. hearing on termination of water and sewer service to delinquent customers and authorize termination of service
  - c. Belmont Shore Park
13. Levee Management Report, including authorize necessary repairs, purchases and/or maintenance
14. Engineer's Report, including:
  - a. update on District facilities;
  - b. requests for water and sewer service and consider approving issuance of any utility commitment letters;
  - c. update on pump station construction project; and
  - d. pay estimates and change orders for construction projects in progress in the District
  - e. proposals for dock repairs
15. Schedule levee and facilities tour
16. Website Report, including postings and email/texts alerts

17. Attorney Report, including:
- a. Agreement for Delinquent Tax Attorney Services between the District and Perdue, Brandon, Fielder, Collins & Mott, L.L.P. pursuant to Exhibit A attached hereto
  - b. Agreement for Bookkeeping Services

Pursuant to V.T.C.A., Government Code, Chapter 551, the Board of Directors may convene in closed session to receive advice of legal counsel, discuss matters relating to pending or contemplated litigation, personnel matters, real estate transactions, gifts and donations, security devices and/or economic development negotiations.

Persons with disabilities who plan to attend this meeting and would like to request auxiliary aids or services are requested to contact the District's attorney at 346-440-1147 at least three business days prior to the meeting so that appropriate arrangements may be made.

EXECUTED this 20<sup>th</sup> day of October, 2023.

FORT BEND COUNTY MUNICIPAL  
UTILITY DISTRICT NO. 46



By: \_\_\_\_\_

A handwritten signature in blue ink, appearing to read "Jonathan D. Polley".

Jonathan D. Polley  
Polley Garza PLLC  
Attorneys for the District

## Exhibit A

### NOTICE PURSUANT TO GOVERNMENT CODE SEC. 2254.1036

WHEREAS, the Fort Bend Municipal Utility District No. 46 (“District”), will consider entering into a contingent fee contract with the law firm of Perdue, Brandon, Fielder, Collins & Mott, L.L.P. (“Firm”) and hereby posts this notice pursuant to Sec. 2254.1036 of the Government Code.

WHEREAS, this notice shall be posted before or at the time of giving the written notice required by Government Code Sec. 551.041 for a meeting described by Sec. 2254.1036(2) of the Government Code and shall announce the following:

A. The District is pursuing a contract with the Firm for the collection of delinquent property taxes owed to the District and through this contract the District seeks to increase recovery of these delinquent debts as expeditiously as possible. GOVT. CODE § 2254.1036(1)(A).

B. The District believes the Firm has the competency, qualifications, and experience necessary to fulfill this contract. GOVT. CODE § 2254.1036(1)(B). The Firm has collected delinquent government receivables for 50 years, including the collection of delinquent taxes. The Firm currently has 12 primary offices and multiple satellite offices throughout Texas. It employs nearly 400 individuals, including over 60 attorneys. It uses a multi-office, fully integrated team approach allowing the District access to all its offices and resources. Its collection team consists of long-term Firm employees, including attorneys, call center associates, paralegals, law clerks, legal secretaries, collection support personnel and information technology experts. The Firm utilizes proprietary collection software that can be tailored to meet any special need the District may have. This proprietary software also automates many aspects of the collection process, such as: account/debtor research, mailings and phone calls, return mail and address updates, payment notification and processing and workflow.

C. The nature of any relationship between the District and the Firm is as follows. GOVT. CODE § 2254.1036(1)(C).

The Firm has no previous relationship with the District.

D. The District is not set up to collect its delinquent taxes. GOVT. CODE § 2254.1036(1)(D). The District currently does not have adequate support staff, computer software/programming, or experience to internally conduct these collection services and acquiring these will result in substantial expense to the District.

E. These collection services cannot efficiently be provided for an hourly fee. GOVT. CODE § 2254.1036(1)(E). The Tax Code allows the assessment of a percentage-based fee to recover the costs of collecting delinquent taxes. This percentage-based fee is assessed only against parties delinquent in the payment of taxes to the District and not the District or taxpayers of the District. The collection of delinquent taxes is a high-volume practice, requiring a significant amount of research, mailing, and handling of outbound/inbound calls. An hourly fee for such work will likely exceed amount of delinquent taxes due. Moreover, the District will bear the cost of these hourly

fees and not the debtor, because the Tax Code does not expressly authorize the District to pay for collection services based on an hourly fee.

F. The District believes this contingent fee contract is in its best interest. GOVT. CODE § 2254.1036(1)(F). Under the contingent fee contract, the Firm will be paid the amount of the percentage-based collection fee, regardless the number of hours the Firm spends researching, contacting and mailing to collect the delinquent debt. Additionally, the percentage-based collection penalty is a pass-through expense to the debtor and not an expense to the District or taxpayers in the District who are not delinquent in the payment of their taxes.