

**FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 37**

**MINUTES OF MEETING OF BOARD OF DIRECTORS**

**OCTOBER 21, 2020**

The Board of Directors (the "Board" or the "Directors") of Fort Bend County Municipal Utility District No. 37 (the "District") met in regular session at 7:00 p.m., via Teleconference on Wednesday, October 21, 2020, pursuant to notice of said meeting posted in accordance with Chapter 551 of the Texas Government Code. The roll was called of the members of the Board, to-wit:

Stephen Berckenhoff	President
Rudy Ammer	Vice President/Investment Officer/Co-Tax Compliance Officer
Larry W. Davis	Secretary
Kenneth L. Comeaux	Assistant Secretary
Greg Murray	Treasurer

All members of the Board were present, with the exception of Director Berckenhoff, thus constituting a quorum. Also attending either in person or by Teleconference were Kim Shelnett of Myrtle Cruz, Inc. (the "Bookkeeper" or "MCI"), bookkeeper for the District; David Ferrier of Equi-Tax, Inc. (the "Tax Assessor/Collector" or "Equi-Tax"), tax assessor/collector for the District; Daniel Chavez, of the Thornhill Law Firm (the "Delinquent Tax Attorney"); Bob Ring of Inframark (the "Operator" or "Inframark"), operator for the District; and Alan P. Petrov of Johnson Petrov LLP (the "Attorney" or "JP"), attorneys for the District; David Leyendecker, of Clay & Leyendecker, Inc., engineer; Trevor Royal, Regional Manager of WCA Waste Corporation ("WCA"); and Allen Perez with the Westheimer Parkway Project ("Developer").

The Vice President, after finding that the notice of the meeting was posted as required by law and determining that a quorum of the Board was present, called the meeting to order and declared it open for such business as may regularly come before it.

1. Public Comment.

Mr. Royal stated that WCA was hit hard by COVID, but everything is back up to normal now.

2. Approval of Minutes. The Board next considered approval of the regular meeting minutes of September 16, 2020, which was previously distributed to the Board. Upon motion by Director Davis, seconded by Director Comeaux, after full discussion and with all Directors present voting aye, the Board approved the minutes subject to a correction.

3. Bookkeeper's Report and Investment Report. Ms. Shelnett distributed the Bookkeeper's Report and Investment Report, copies of which are attached hereto as Exhibit "A". She reviewed the written report and responded to questions. Discussion ensued.

a. Ms. Shelnett first reviewed the written report and responded to questions from the Board.

b. Ms. Shelnutt next reviewed current and year-to-date revenue and expenditures against the District's budget for the fiscal year ended August 31, 2021.

Upon motion by Director Davis, seconded by Director Comeaux, after full discussion and with all Directors present voting aye, the Board approved the Bookkeeper's Report and Investment Report, as presented, authorized payment of checks numbered 1974 through 1998 from the Operating Account.

4. Tax Assessor/Collector Report. The Tax Assessor/Collector's Report was presented by Mr. Ferrier, a copy of which is attached hereto as Exhibit "C".

a. Mr. Ferrier reviewed with the Board the Tax Assessor/Collector's Report. He also responded to questions from the Board.

b. Mr. Ferrier next reported that 98.8% of the 2019 taxes had been collected as of September 30, 2020.

c. Mr. Chavez reviewed the Delinquent Tax Collection Report prepared by Thornhill Law Firm with the Board and stated that out of the four (4) accounts, only one (1) account was paid in full. He then asked if the Board wished to allow owners until November 2<sup>nd</sup> to cure the defaulted account, at which time the remaining unpaid accounts will be given to the Operator for water service termination.

Upon motion by Director Comeaux, seconded by Director Davis, after full discussion and with all Directors present voting aye, the Board 1) approved the Tax Assessor/Collector's Report, as presented 2) authorized payment of check numbers 2283 thru 2284 from the Tax Account and 3) approved the Delinquent Tax Attorney Report, including water service termination for the remaining unpaid accounts if such accounts have not been cured by November 2<sup>nd</sup>.

5. Operations Report. Next, Mr. Ring presented the Operations Report, a copy of which is attached hereto as Exhibit "D".

a. Mr. Ring reviewed the current operations in the District with the Board and answered questions. Mr. Ring stated that the meter and isolation valve at Westside Water have been replaced and that he will continue to monitor the water usage by Westside Water.

b. Next, Mr. Ring also reported there were seven (7) delinquent accounts scheduled for termination due to non-payment of water and sewer bills. No members of the public wished to comment on termination of water for non-payment of the water and sewer bills.

Upon motion by Director Comeaux, seconded by Director Murray, after full discussion and with all Directors present voting aye, the Board approved the Operations Report and 2) authorized termination of service to seven (7) delinquent accounts pursuant to the District's Rate Order.

6. Engineering Report. Mr. Leyendecker presented the Engineering Report. Mr. Leyendecker stated that the City of Katy is bidding the lower trail system, and that the spillway work should help protect District residents from heavy rain overflowing the detention pond. He also discussed the opportunity to participate with Allen Perez on his water line. He recommended

that the Board authorize increasing the water line size for Allen Perez' project at a cost of approximately \$9,000.

Upon motion by Director Davis, seconded by Director Comeaux, after full discussion and with all Directors present voting aye, the Board approved the Engineer's Report.

7. Old Business.

a. Update on Fire Protection Services with the City of Katy (the "City") and/or ESD No. 2.

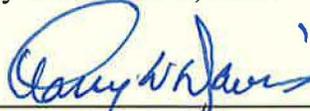
The Board reviewed the options for fire protection services from the City of Katy and/or ESD No. 2. Discussion ensued concerning the draft agreement provided by the City of Katy.

Upon motion by Director Davis, seconded by Director Murray, after full discussion and with all Directors present voting aye, the Board authorized Johnson Petrov to finalize an agreement with the City of Katy for fire protection and EMS services.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, the meeting was adjourned.

SIGNED, PASSED and APPROVED this 18<sup>th</sup> day of November, 2020.

[DISTRICT SEAL]



Secretary, Board of Directors

EXHIBITS:

- A - Bookkeeper's Report
- B - Tax Assessor/Collector's Report
- C - Delinquent Tax Attorney Report
- D - Operations Report

