

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

## **MINUTES OF MEETING OF BOARD OF DIRECTORS**

**DECEMBER 15, 2021**

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., at 1301 Misty Bend, Katy, Texas 77494 on Wednesday, December 15, 2021, 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:

Rudy Ammer	President
Larry W. Davis	Vice President
Kenneth L. Comeaux	Secretary
Greg Murray	Assistant Secretary
Stephen Berckenhoff	Treasurer

All members of the Board were present, thus constituting a quorum. Also attending were Kim Shelnutt of Myrtle Cruz, Inc. (the "Bookkeeper" or "MCI"), bookkeeper for the District; Russ Davis of Equi-Tax, Inc. (the "Tax Assessor/Collector" or "Equi-Tax"), tax assessor/collector for the District; Clay Brandenburg and Robert Lugo of Inframark (the "Operator" or "Inframark"), operator for the District; Jon Strange P.E. of JNS Engineers, engineer for the District ("Engineer"); Ray Young of Water Engineers, Inc. ("Project Engineer"); Joseph William Petrov of Johnson Petrov LLP (the "Attorney" or "JP"), attorneys for the District; Allen Perez with the Westheimer Parkway Project ("Developer").

The 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.

There being no public comment the Board President proceeded with the regular agenda.

2. Approval of Minutes. The Board next considered approval of the meeting minutes of November 17, 2021, which were 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 as presented.

3. Bookkeeper's Report and Investment Report. Ms. Shelnutt previously 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.

Upon motion by Director Comeaux, seconded by Director Davis, after full discussion and with all Directors present voting aye, the Board approved 1) the Bookkeeper's Report and

Investment Report, as presented, and 2) authorized payment of checks from the Operating Account and Central Bank.

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

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

b. Mr. Davis next reported that 5.9% of the 2021 taxes had been collected as of November 30, 2021.

c. Mr. Davis then presented and reviewed the Delinquent Tax Collection Report prepared by the Thornhill Law Firm. Mr. Davis noted that three (3) account remained unpaid and one (1) collection account.

Upon motion by Director Murray, seconded by Director Berckenhoff, 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 2345 thru 2349 from the Tax Account; 3) approved the Delinquent Tax Attorney Report, including water service termination for the remaining unpaid accounts and one (1) collection account.

5. Operations Report. Mr. Lugo presented the Operations Report, a copy of which is attached hereto as Exhibit "C".

The operators reviewed the current operations in the District with the Board and answered questions. The operators also reported seventeen (17) delinquent accounts scheduled for termination due to non-payment of water and sewer bills and one (1) collection account. No members of the public wished to comment on termination of water for non-payment of the water and sewer bills. Discussion ensued.

Upon motion by Director Berckenhoff, seconded by Director Comeaux, after full discussion and with all Directors present voting aye, the Board 1) approved the Operations Report; and 2) authorized the termination of service to seventeen (17) delinquent accounts pursuant to the District's Rate Order; and to forward the one (1) collection account to collections.

6. Engineer's Report. Mr. Strange presented the Engineer's Report, a copy of which is attached hereto as Exhibit "D".

a. Mr. Strange updated the Board on the current engineering activities in the District and responded to questions from the Board.

Next, Mr. Young presented and discussed the proposal for the Consulting Engineering Services to the Wastewater Treatment Plant Expansion (the "Expansion") for 175,000 to 350,000 GPD. A copy of the proposal is attached to the Engineer's Report.

b. Mr. Will Petrov reported that the City of Houston approved Ordinance No. 2021-1067 consenting to the addition of 10.73 acres of land. Mr. Will Petrov then presented an Order Adding Land and Redefining the Boundaries of the District. He then explained that



any time the District changes its boundaries, an Amended District Information Form needs to be filed with Fort Bend County Clerk and also filed with the Texas Commission on Environmental Quality (the "TCEQ"). A copy of the City of Houston Ordinance is attached hereto as Exhibit "D-1".

Upon motion by Director Berckenhoff, seconded by Director Comeaux, after full discussion and with all Directors present voting aye, the Board approved 1) the Order Adding Land and Redefining the Boundaries of the District of the 10.73 acres; and 2) the Amended District Information Form, including filing both with Fort Bend County Clerk and the TCEQ.

c. Engineering/Construction Projects. The Board next discussed the Wellsville agreement/annexation. No action was taken. Next, the Board discussed the drainage Ditch operations and maintenance. A representative from Storm Water Solutions presented a proposal for clearing of one of the drainage channels. Discussion ensued.

Upon motion by Director Davis, seconded by Director Murray, after full discussion and with all Directors present voting aye, the Board approved hiring Storm Water Solutions subject to Johnson Petrov's review of the Master Service Agreement.

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. City of Katy Emergency Services Monthly Stat Report. The Board reviewed the Stat Report and reported 4 EMS calls. No action was taken.

8. New Business/Annual Agenda.

a. Annual Agenda 2022. Mr. Petrov presented the Annual Agenda for 2022 and stated this is for information purposes only. No action by the Board is required.

b. Election matters.

Mr. Petrov updated the Board concerning the May 7, 2022 Directors Election. He stated that three (3) Directors are up for reelection and that the first date to submit an application for place on the ballot is January 19, 2022 and the deadline to submit an application for place on ballot is February 18, 2022.

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

**SIGNED, PASSED and APPROVED** this 19th day of January, 2022.

[DISTRICT SEAL]

  
Secretary, Board of Directors

EXHIBITS:

- A - Bookkeeper's Report
- B - Tax Assessor/Collector's Report
- C - Operations Report
- D - Engineer's Report
- D-1- City of Houston Ordinance

