

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

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

**JANUARY 19, 2022**

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, January 19, 2022, 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; 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"); Alan P. 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 workshop minutes of November 29, 2021 and the regular meeting minutes of December 15, 2021, which were previously distributed to the Board.

Upon motion by Director Murray, 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 Berckenhoff, seconded by Director Murray, 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 99.5% of the 2020 taxes had been collected and 20.2% of the 2021 taxes had been collected as of December 31, 2021.

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

Upon motion by Director Berckenhoff, seconded by Director Comeaux, 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 2350 thru 2352 from the Tax Account; 3) approved the Delinquent Tax Attorney Report, including water service termination for any 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 Board also discussed the repair of the Walton meter.

Next, the operators also reported twelve (12) 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. 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 twelve (12) delinquent accounts pursuant to the District's Rate Order.

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.



b. Mr. Perez reported on the status of his development and stated that the water line is approximately 75% complete.

c. Engineering/Construction Projects. The Board next discussed the Wastewater Treatment Plant Rehabilitation Project (the "Rehab Project"). Discussion ensued.

Upon motion by Director Berckenhoff, seconded by Director Comeaux, after full discussion and with all Directors present voting aye, the Board requested the Rehab Project be rebid.

Upon motion by Director Davis, seconded by Director Murray, 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 five (5) EMS calls. No action was taken.

8. New Business/Annual Agenda.

a. Eminent Domain Filing on Texas Comptroller Website. Mr. Petrov informed the Board that recently enacted SB 1812 requires public and private entities with eminent domain authority to report specific information to the Texas Comptroller by February 1, 2022. Mr. Petrov informed the Board that Johnson Petrov has completed such filing and a copy of the filing confirmation receipt is attached hereto as Exhibit "F".

b. Election Agenda.

i. Appointment of Designated Agent. Next, Mr. Petrov then discussed appointment of Johnson Petrov as the District's designated agent for the May 7, 2022 Directors Election and that such notice appointing Johnson Petrov will be properly posted.

ii. Order Calling Directors Election. Mr. Petrov presented the Order Calling Directors Election for the upcoming May 7, 2022.

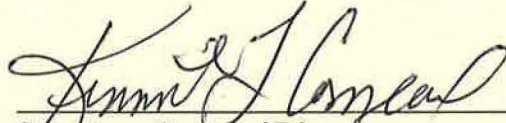
Upon motion by Director Davis, seconded by Director Berckenhoff, after full discussion and with all Directors present voting aye, the Board approved 1) Appointing Johnson Petrov as the District's designated agent; and 2) the Order Calling Directors Election as presented, a copy of which is attached hereto as Exhibit "G".

c. Canvassing Date. The Board then discussed the possible canvassing date for the Election. This item was tabled until the next Board meeting.

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

**SIGNED, PASSED and APPROVED** this 16th day of February, 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
- F - Eminent Domain Filing
- G - Order Calling Director's Election – May 7, 2022

