

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

**MINUTES OF MEETING OF BOARD OF DIRECTORS**

**DECEMBER 21, 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, December 21, 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:

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

All members of the Board were present, with the exception of Director Comeaux, thus constituting a quorum. Also attending were Kim Shelnutt of Myrtle Cruz, Inc. (the "Bookkeeper" or "MCI"), bookkeeper for the District; Lucian Landreville of Equi-Tax, Inc. (the "Tax Assessor/Collector" or "Equi-Tax"), tax assessor/collector for the District; Clay Brandenburg of Inframark (the "Operator" or "Inframark"), operator for the District; Jon Strange P.E. of JNS Engineers, engineer for the District ("Engineer"); Joseph "Will" Petrov of Johnson Petrov LLP (the "Attorney" or "JP"), attorneys for the District; Allen Perez with the Westheimer Parkway Project ("Developer"); Kevin Mathers of Mather's Construction Specialties, LLC; Jamie Lancaster, HOA President, and Sanjay Ahuja.

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 President directed the Board to proceed with the agenda.

2. Approval of Minutes. The Board next considered approval of the regular meeting minutes of November 16, 2022 and the special meeting minutes of November 30, 2022, which were previously distributed to the Board.

Upon motion by Director Murray, seconded by Director Gilliland, after full discussion and with all Directors present voting aye, the Board approved regular meeting minutes of November 16, 2022 and the special meeting minutes of November 30, 2022, 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 "B". Ms. Shelnutt reviewed the written report and responded to questions. Discussion ensued.

Upon motion by Director Berckenhoff, seconded by Director Gilliland, 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. Landreville, a copy of which is attached hereto as Exhibit "C".

a. Mr. Landreville reviewed with the Board the Tax Assessor/Collector's Report. He also responded to questions from the Board. Mr. Landreville next reported that 9.6% of the 2022 taxes and 99.5% of the 2021 taxes had been collected as of November 30, 2022.

b. Delinquent Tax Collection Report. None.

Upon motion by Director Berckenhoff, seconded by Director Murray, after full discussion and with all Directors present voting aye, the Board 1) approved the Tax Assessor/Collector's Report, as presented; and 2) authorized payment of check numbers 2391 thru 2393 from the Tax Account.

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

a. Mr. Brandenburg reviewed the current operations in the District with the Board and answered questions. Mr. Brandenburg informed the Board that Robert Lugo resigned from Inframark.

Mr. Brandenburg also reported twenty-five (25) delinquent accounts scheduled for termination due to non-payment of water and sewer bills and three (3) collection accounts totaling \$433.94. No members of the public wished to comment on termination of water for non-payment of the water and sewer bills. Discussion ensued.

Mr. Brandenburg reviewed and presented a Resolution Approving Central Bank's Electronic Lockbox Payment Services for District Customers, a copy of which is attached hereto as Exhibit "D-1".

Upon motion by Director Berckenhoff, seconded by Director Gilliland, after full discussion and with all Directors present voting aye, the Board approved the Resolution Approving Central Bank's Electronic Lockbox Payment Services for District Customers.

Upon motion by Director Berckenhoff, seconded by Director Gilliland, after full discussion and with all Directors present voting aye, the Board 1) approved the Operations Report; and 2) authorized termination of service to twenty-five (25) delinquent accounts pursuant to the District's Rate Order and three (3) collection accounts totaling \$433.94.



6. Engineer's Report.

a. Mr. Strange reviewed the Engineer's Report, a copy of which is attached hereto as Exhibit "E" with the Board and responded to questions.

Mr. Sanjay Ahuja spoke to the Board regarding potential development. The District informed Mr. Ahuja that a deposit of \$10,000 would be needed for the District's Engineer to conduct a feasibility study.

Kevin Mathers then updated the Board on the KMK Development.

e. Mr. Strange reviewed Pay Application No. 4 for the WWTP Rehabilitation Project Monitoring to SiteCon Services, Inc. in the amount of \$298,678.50 and Change Order No. 2 to SiteCon Services, Inc. in the amount of \$32,083.50 for new concrete paving and sidewalk.

f. Next, the Board discussed an amendment to the SiteCon Services, Inc. contract as well as an Interlocal Agreement with the County for District-Managed Public Infrastructure Project, a copy of which is attached hereto as Exhibit "E-1."

Upon motion by Director Berckenhoff, seconded by Director Gilliland, after full discussion and with all Directors present voting aye, the Board 1) an amendment to the SiteCon contract and 2) an Interlocal Agreement with the County for District-Managed Public Infrastructure Project.

The Board next discussed annual mowing/maintenance of the drainage ditch and reviewed a proposal from Storm Water Solutions for annual mowing in the amount of \$7,150.00, a copy of which is attached to the Engineer's Report.

Upon motion by Director Murray, seconded by Director Berckenhoff, after full discussion and with all Directors present voting aye, the Board approved 1) the Engineer's Report, 2) Pay Application No. 4 for the WWTP Rehabilitation Project Monitoring to SiteCon Services, Inc. in the amount of \$298,678.50 and Change Order No. 2 to SiteCon Services, Inc. in the amount of \$32,083.50 for new concrete paving and sidewalk and 3) The proposal from Storm Water Solutions for annual mowing in the amount of \$7,150.00.

7. New Business/Annual Agenda.

a. Annual Review of Rate Order. The Board determined that no action was deemed necessary at this time.

b. 2023 Annual Agenda. Mr. Petrov distributed the 2023 Annual Agenda for the Board's reference and information only. No action was taken.

c. PUC Rules regarding Extreme Weather Events. Mr. Petrov updated the Board regarding the Notice to Customers Regarding Extreme Weather Events. No action was deemed necessary at this time.

8. City of Katy Emergency Services Monthly Stat Report. The Board reviewed the Stat Report, a copy of which is attached hereto as Exhibit "F".

Upon motion by Director Berckenhoff, seconded by Director Gilliland, after full discussion and with all Directors present voting aye, the Board accepted the Emergency Services Monthly Stat Report.

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

**SIGNED, PASSED and APPROVED** this 18th day of January, 2023.



  
Secretary, Board of Directors

**EXHIBITS:**

- A - Audit Report
- B - Bookkeeper's Report
- C - Tax Assessor/Collector's Report
- D - Operations Report
- D-1- Resolution Approving Central Bank's Electronic Lockbox Payment Services for District Customers
- E - Engineer's Report
- E-1- Interlocal Agreement with the County for District-Managed Public Infrastructure Project
- F - City of Katy Stat Report