

MINUTES OF MEETING OF BOARD OF DIRECTORS
April 28, 2009

THE STATE OF TEXAS
COUNTY OF FORT BEND
FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 81

The Board of Directors (the "Board") of Fort Bend County Municipal Utility District No. 81 (the "District") met in regular session, open to the public, at the Fort Bend County Commissioner Precinct 3 Office Building, 8100 Highway 359 South, Fulshear, Texas 77441, on April 28, 2009, at 9:00 a.m.; whereupon roll was called of the directors, to-wit:

President	-	J.B. DuBois, Jr.
Vice President	-	John A. Brinsko
Secretary	-	Victor J. Zdunkewicz
Assistant Secretary	-	Joseph Ray LeBlanc
Treasurer	-	Robert Machen

All members of the Board were present. Also attending all or part of the meeting were Mr. Harlen Wunsch of Severn Trent Environmental Services, Inc. ("ST"), operators for the District; Mr. Kenneth Byrd of Equi-Tax, Inc. ("Equi-Tax"), tax assessor and collector for the District; Mr. Terry Holland of Myrtle Cruz Inc. ("MCI"), bookkeeper for the District; Mr. Kenneth Martinec of Jones & Carter, Inc., ("J&C"), engineers for the District; and Mr. Vern Flowers, Ms. Carolyn Flowers, Ms. Rhea Ragle, Ms. Camille Stewart, Mr. Pete Wardenburg and Mr. Sonny Fisher, residents of the District.

The meeting was called to order and, in accordance with notice posted pursuant to law, copies of certificates of posting which are attached hereto as *Exhibit A*, the following business was transacted:

1. **Minutes.** Consideration was given to the minutes of the regular meeting of March 24, 2009, previously distributed to the Board. Upon motion by Director Brinsko, seconded by Director LeBlanc, after full discussion and the question being put to the Board, the Board voted unanimously to approve the minutes of the regular meeting March 24, 2009, as presented.

2. **Adopt Order Adopting Identity Theft Prevention Program and Providing Implementation and Enforcement Thereof.** The Board reviewed the Order Adopting Identity Theft Prevention Program and Providing Implementation and Enforcement Thereof, a copy of which is attached hereto as *Exhibit B*. Discussion ensued. Upon motion by Director Machen, seconded by Director Brinsko, after full discussion and the question being put to the Board, the Board voted unanimously to adopt the Order Adopting Identity Theft Prevention Program and Providing Implementation and Enforcement Thereof.

3. **Tax Assessor and Collector's Report.** Mr. Byrd presented to and reviewed with the Board the Tax Assessor and Collector's Report for March, a copy of which is attached hereto as *Exhibit C*. Mr. Byrd reported that the District has collected 94.1% of its 2008 taxes and 65.5% of its 2009 standby fees. Mr. Byrd advised the Board that delinquent tax notices will be mailed along with a 10% collection fee. In response to a question, Mr. Byrd advised the Board that the property valuations were not available yet. Upon motion by Director LeBlanc, seconded by Director Brinsko, after full discussion and the question being put to the Board, the Board voted unanimously to approve the Tax Assessor and Collector's Report and to authorize payment of check nos. 2692 through 2696 from the Tax Account in the amounts, to the persons, and for the purposes described in the Tax Assessor and Collector's Report.

4. **Bookkeeper's and Investment Report.** Mr. Holland presented to and reviewed with the Board the Bookkeeper's Report and Investment Report, copies of which are attached hereto as *Exhibit D*. In response to a question, Mr. Holland reported that funds were available to pay for the Section 19 Project. Upon motion by Director Machen, seconded by Director Brinsko, after full discussion and the question being put to the Board, the Board voted unanimously to approve the Investment Report, the Bookkeeper's Report, and the payment of the District's bills noted therein.

5. **Operations Report.** Mr. Wunsch reported that after the search was conducted by Mr. Rodriguez, five small leaks were found and three were already being repaired. Mr. Wunsch reported that two fire hydrant leaks have not been repaired and three or four meters that were not working have been repaired. Discussion ensued regarding the plumbing of the Lift Stations and the subsequent emergency pumping of the stations. Mr. Wunsch advised the Board that ST owns the proper pump which would be available to use in lieu of the District purchasing pumping equipment.

Mr. Wunsch reported on the invoice meeting and noted that several credits would be paid to the District. Mr. Wunsch clarified several questionable charges and offered explanations for the discrepancies.

Mr. Wunsch presented to and reviewed with the Board the Operations Report, a copy of which is attached hereto as *Exhibit E*. Mr. Wunsch reported that there are nine months and 205,706,000 gallons remaining on the District's Fort Bend County Subsidence District ("FBCSD") water permit. Mr. Wunsch stated that the District pumped 20,221,000 gallons of water in the month of March and that the water accountability for the month was 86.04%.

Mr. Wunsch reported no problems at the Wastewater Treatment Facility.

Mr. Wunsch reported on the Builder Damage Receivables and stated that Westwood Homes (which is no longer in business) owes the District \$1,854.82. Mr. Wunsch noted that New Camden Homes has enough money on deposit to pay their builder damages. Mr. Wunsch reported that a Springland home was purchased by an individual and that the District could not charge the individual a builder deposit to cover the cost of the inspections, etc...The Board requested that ST advise the resident by mail of the required inspections and fees.

Mr. Wunsch reported that a delinquent account in the amount of \$53.40 would be submitted for collection. Mr. Wunsch reported that 21 accounts are on the delinquent list and requested the Board's approval to disconnect the accounts on April 30, 2009, if payment is not received by 5:00 p.m. on April 29, 2009.

Upon motion by Director LeBlanc, seconded by Director Brinsko, after full discussion and the question being put to the Board, the Board voted unanimously to approve the Operator's Report, to submit the \$53.40 account to collections and to disconnect the accounts on the delinquent list.

6. **Consider and approve Delinquent Tax Attorney Contract.** The Board reviewed the Delinquent Tax Attorney Contract. Upon motion by Director LeBlanc, seconded by Director Machen, after full discussion and the question being put to the Board, the Board voted unanimously to approve the Delinquent Tax Attorney Contract with Perdue Brandon Fielder Collins & Mott, LLP. The Board noted that approval of the contract would be ratified at the May meeting.

7. **Engineer's Report.** Mr. Martinec reviewed with the Board the Engineer's Report, a copy of which is attached hereto as *Exhibit F*. Mr. Martinec recommended payment of pay-estimate no. 2 in the amount of \$39,582.90 to Kenneth Lamb Construction Co., LTD for Weston Lakes Section 19, Phase 2 construction.

Mr. Martinec reported that the contractor repaired a minor punch item from the TCEQ pre-purchase inspection held April 7, 2009. Mr. Martinec noted that the TCEQ field office approved finalizing the purchase. Mr. Martinec stated that J&C sent copies of the plans, specifications, the Section 19 record plat, a letter from the bookkeeper verifying sufficient operating account funds, and the agreed-upon procedures audit to TCEQ's Austin District Review Team for approval to reimburse the developer.

Mr. Martinec reported that the District received the draft permit on March 25, 2009 and published the permit on April 2, 2009 for the Wastewater Treatment Plant. Mr. Martinec noted that there is a 30 day waiting period for public review and comment. Mr. Martinec reported that J&C expects the will be finalized and the permit to be issued two weeks after finalization.

Mr. Martinec reported that J&C determined that the waterline crossing Pecan Lake is an eight-inch (8") Ductile Iron Pipe pressure rated to 150 p.s.i.

Mr. Martinec reported on the AT&T easement impact and noted that AT&T is requesting a 40-foot by 50-foot easement adjacent to Water Plant No. 2 for Digital Subscriber Line ("DSL") facilities. Mr. Martinec reported that J&C researched the location and determined that the District does not have facilities in conflict with the easement site. Mr. Martinec reported that an exhibit of the proposed easement location is attached to the Engineer's Report. Mr. Martinec stated that a representative of AT&T was unable to attend the April meeting but plans to attend the May meeting. The Board discussed the site preferred by AT&T but decided it could interfere with future development of the area and suggested an alternative site at the corner of the area. The Board also suggested the POA Park across the road as a possible alternative site for

the facilities. Mr. Flowers, the POA Vice President, stated that he would ask the POA officers if the site could be a possible location for the facilities. Also mentioned was a possible rent/lease arrangement with AT&T.

The Board discussed the Weston Lakes Section 19 drainage into Pecan Lake. Mr. Martinec reported that J&C would investigate the drainage to determine if any problems might occur if left unattended.

Upon motion by Director Brinsko, seconded by Director LeBlanc, after full discussion and the question being put to the Board, the Board voted unanimously to approve the Engineer's Report.

8. **Developer's Report.** There was no report.

9. **Public Comments.** Mr. Wardenburg commented on the AT&T request and expressed a need for the DSL service.

10. **Other business matters.** Director DuBois reported that the City of Weston Lakes is meeting at 6:00 p.m. tonight and encouraged all Directors to attend the meeting since the Non-Abolishment Agreement between the District and the City of Weston Lakes is on the agenda.

Director LeBlanc reported that he would consider attending the Election Law Seminar in December.

The Board discussed attending the 2009 Fresh Water Conference in Austin and noted that it would be discussed in greater detail at the May meeting.

Upon motion by Director Machen, seconded by Director Brinsko, after full discussion and the question being put to the Board the Board voted unanimously to adjourn the meeting.

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

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The above and forgoing minutes were passed and approved by the Board of Directors on _____.

President, Board of Directors

ATTEST:

Secretary, Board of Directors