

MINUTES OF MEETING OF BOARD OF DIRECTORS  
May 26, 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 May 26, 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; Mr. Steve Reichardt of Sierra Golf Corporation ("Sierra"), a developer in the District; Mr. Dennis DeLuca, alderman for the City of Weston Lakes; Mr. Sonny Fisher, resident of the District; and Ms. Nancy Green of Fulbright & Jaworski L.L.P. ("F&J"), attorneys for 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 special meeting of April 23, 2009, previously distributed to the Board. Upon motion by Director Brinsko, seconded by Director Machen, after full discussion and the question being put to the Board, the Board voted unanimously to approve the minutes of the special meeting of April 23, 2009, as presented. Consideration was given to the minutes of the regular meeting of April 28, 2009, previously distributed to the Board. 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 minutes of the regular meeting of April 28, 2009, as presented.

2. **Tax Assessor and Collector's Report.** Mr. Byrd presented to and reviewed with the Board the Tax Assessor and Collector's Report for April, a copy of which is attached hereto as *Exhibit B*. Mr. Byrd reported that the District has collected 95.1% of its 2008 taxes and 69.7% of its 2009 standby fees. Mr. Byrd advised the Board that the preliminary taxable property valuation for the District is \$276,487,314. Upon motion by Director

Zdunkewicz, seconded by Director LeBlanc, 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. 2697 through 2700 from the Tax Account in the amounts, to the persons, and for the purposes described in the Tax Assessor and Collector's Report.

3. **Attorney's Report.** There was nothing to report.

4. **Ratify approval of delinquent tax attorney contract.** 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 ratify the approval of the delinquent tax attorney contract with Purdue Brandon Fielder Collins & Mott, LLP.

5. **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 C*. Mr. Holland reported that the District is paying the developer with two separate checks for the Section 19 reimbursement. 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 Investment Report, the Bookkeeper's Report, and the payment of the District's bills noted therein.

6. **Operations Report.** 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 D*. Mr. Wunsch reported that there are eight months and 187,019,000 gallons remaining on the District's Fort Bend County Subsidence District ("FBCSD") water permit. Mr. Wunsch stated that the District pumped 18,687,000 gallons of water in the month of April and that the water accountability for the month was 95.8%.

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

Mr. Wunsch reported on the Builder Damage Receivables.

Mr. Wunsch requested the Board's approval to submit two accounts (totaling \$420.44) to NCO for collections. Mr. Wunsch reported that 14 accounts are on the delinquent list and requested the Board's approval to disconnect the accounts on May 28, 2009, if payment is not received by 5:00 p.m. on May 27, 2009. Mr. Wunsch stated that he would verify if a new owner occupies the service address at 5627 Westerdale Dr. (which is currently listed under David Powers Homes).

Mr. Wunsch reviewed with the Board the 2008 Drinking Water Quality Report for the District, a copy of which is attached to the Operator's Report. Mr. Wunsch requested the Board's authorization to mail the report to the residents before the July 1, 2009 deadline.

Upon motion by Director Brinsko, seconded by Director Machen, after full discussion and the question being put to the Board, the Board voted unanimously to approve the Operator's Report, to submit the two accounts totaling \$420.44 to NCO for collection, to

disconnect the accounts on the delinquent list and to approve and authorize ST to mail the 2008 Drinking Water Quality Report to the District's residents.

7. **Developer's Report.** Mr. Reichardt reported that 99 lots were sold, 78 homes were completed and 2 homes are under construction in Oxbow. Mr. Reichardt reported on the development in Fairway Villas and Waterford. Discussion ensued. Upon motion by Director LeBlanc, seconded by Director Zdunkewicz, after full discussion and the question being put to the Board, the Board voted unanimously to approve the Developer's Report.

8. **Engineer's Report.** Mr. Martinec reviewed with the Board the Engineer's Report, a copy of which is attached hereto as *Exhibit E*.

Mr. Martinec reported that the Wastewater Treatment Plant Permit was approved and sent to the Texas Commission on Environmental Quality ("TCEQ") executive director for signature on May 8, 2009 and that the District should receive the finalized permit next week.

Mr. Martinec reported that J&C received a proposal from Sean Kennedy with Property Acquisition Services, Inc. for the forty-foot by fifty-foot AT&T easement. Mr. Martinec noted that the proposal is attached to the Engineer's Report. Mr. Martinec reported that AT&T proposed to purchase the easement for \$3,500. Director DuBois recognized Mr. Kennedy who reviewed with the Board the building placement site requirements. Director DuBois requested that AT&T purchase the easement for \$4,000. Discussion ensued regarding the specific building site location, the easement placement and the title and survey for the site. Director Brinsko requested that Mr. Kennedy send the complete drawings to the Board upon completion and prior to construction. Upon motion by Director Zdunkewicz, seconded by Director LeBlanc, after full discussion and the question being put to the Board, the Board voted unanimously to authorize selling the easement to AT&T at \$4,000 and approve the agreed-upon AT&T site at a fee of \$2 per square foot.

The Board reported that J&C received a letter from the TCEQ authorizing the purchase of the facilities in Weston Lakes, Section 19. Mr. Martinec noted that J&C recommends that the District reimburse the developer for the facilities.

Mr. Martinec stated that it was reported that during rain events, water bubbles up out of Pecan Lake at the location of the Section 19, Phase 1 outfall. Mr. Martinec reported that J&C investigated the issue and noted similar occurrences of this phenomenon with other submerged outfalls. Mr. Martinec noted that J&C believes that the effect is created when air trapped in runoff during large storm events is released vertically once it enters Pecan Lake. Mr. Martinec stated that J&C does not recommend any action be taken regarding the matter.

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

9. **Public Comments.** Director DuBois stated that Mr. Jack Marshall requested that a Director attend the Weston Lakes POA meeting.

10. **Other business matters.** Director DuBois reported that he would be attending the City of Weston Lakes meeting at 6:00 p.m. tonight and noted that the Non-Abolishment Agreement between the District and the City of Weston Lakes is on the agenda.

Director DuBois reported that the AWBD Conference is being held June 18, 2009 through June 20, 2009 in Corpus Christi.

The Board discussed attending the 2009 Fresh Water Conference in Austin August 11, 2009 and August 12, 2009.

Director DuBois reported that he attended the Water Smart Committee Meeting.

Director DuBois reported that the Emergency Manual is being reviewed and updated by Director Machen. Director DuBois requested that the Weston Lakes website link be added to the Emergency Manual.

Director DuBois reported that he and Director LeBlanc reviewed the website updates with the website facilitator, Mack Alexander.

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 \_\_\_\_\_.

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President, Board of Directors

ATTEST:

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Secretary, Board of Directors