

MINUTES OF MEETING OF BOARD OF DIRECTORS
December 22, 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 December 22, 2009, at 9:00 a.m.; whereupon roll was called of the directors, to-wit:

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

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. Curtis Lacy of WCA Waste Corporation ("WCA"), garbage collectors for the District; 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 regular meeting of November 24, 2009, previously distributed to the Board. Upon motion made by Director LeBlanc, seconded by Director Pfaffenberger, after full discussion and the question being put to the Board, the Board voted unanimously to approve the minutes of the regular meeting of November 24, 2009, as presented.

2. **Tax Assessor Collector's Report and Standby Fee Report.** Mr. Byrd presented to and reviewed with the Board the Tax Assessor and Collector's Report for November, copies of which are attached hereto as *Exhibit B*. Mr. Byrd reported that the District has collected 98.6% of its 2008 taxes and 76.5% of its 2009 standby fees.

Upon motion by Director Pfaffenberger, seconded by Director Machen, 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. 2727 through 2733

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.** The Board reviewed the draft Calendar of Events for 2010. Discussion ensued regarding the election timeline. Ms. Green stated that at this time, the Texas Secretary of State website did not have the May 8, 2010 Election Law Calendar posted. Ms. Green stated that she would notify the Board when the timeline was available.

4. **Bookkeeper's and Investment Report.** Mr. Holland presented to and reviewed with the Board the Bookkeeper's Report and Investment Report, a copy of which is attached hereto as *Exhibit C*. 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 Investment Report, the Bookkeeper's Report, and the payment of the District's bills noted therein.

5. **Operations Report.** Mr. Wunsch reported ST is obtaining a depositor list for builder deposit refunds.

Mr. Wunsch reported on the ponding in Weston Lakes Section 19, Phase 2 and noted that he did not find any debris or issues that would cause a blockage and subsequent ponding. Mr. Martinec stated that it is possible that the ponding is similar to the fountain phenomenon at the outfall in Pecan Lake (witnessed by Mr. Fisher during rain events). Mr. Wunsch reported that ST investigated the manhole for problems and found none. Mr. Martinec reported that J&C would investigate the ponding. Mr. Martinec stated that something could be in front of the pipe causing water to shoot up or there could be a blockage at the outfall that can't be seen (between a low and high spot). It was the consensus of the Board to observe the situation and take no action at this time.

Mr. Wunsch reviewed with the Board the invoice items.

Mr. Wunsch presented to and reviewed with the Board the Operations Report and Well Run Report, copies of which are attached hereto as *Exhibit D*. Mr. Wunsch reported that one month and 62,871,000 gallons remain on the District's Fort Bend County Subsidence District ("FBCSD") water permit. Mr. Wunsch stated that the District pumped 14,258,000 gallons of water in the month of November and that the water accountability for the month was 92.58%.

Mr. Wunsch reported on the builder damages and noted that one Westwood home remains unoccupied.

Mr. Wunsch reported that a customer, Maria Smith is requesting a \$60 credit for an after hour water turn-on and noted that a copy of the email request is attached to the Operations Report.

Mr. Wunsch requested the Board's approval to send one account to NCO for collection. Mr. Wunsch reported that 40 accounts are on the delinquent list and requested the Board's approval to disconnect the accounts on December 29, 2009, if payment is not received by 5:00 p.m. on December 28, 2009. Upon motion by Director Machen, seconded by Director

Pfaffenberger, after full discussion and the question being put to the Board, the Board voted unanimously to approve the Operator's Report, to send one accounts to NCO for collection, to credit \$60 to Maria Smith's account, and to disconnect the accounts on the delinquent list on December 29, 2009, if payment is not received by 5:00 p.m. on December 28, 2009.

Director DuBois reported that the POA recycle survey results are on the POA website. Director LeBlanc reported that the survey is not conclusive to relate the results. Mr. Lacy reported that since fuel costs have decreased, WCA could reduce the District's recycling cost and garbage collection cost (if the District would like to renegotiate their contract with WCA). Mr. Lacy reported that WCA uses single stream recycling. Discussion ensued. It was the consensus of the Board to meet in special session at F&J on January 13, 2010 with WCA to discuss recycling and garbage cost savings.

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

7. **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 copies of the specifications and contract documents were distributed to the Board for the water well rework. Mr. Martinec requested the Board's authorization to begin advertising the project next week. Mr. Martinec reported that invitations for bids would be advertised December 24, 2009 and that the pre-bid conference would be held January 7, 2010 at the offices of J&C. Mr. Martinec reported that the bid opening would be held January 14, 2010. Discussion ensued regarding the contract. Mr. Martinec requested that the Board send comments to himself or Director Machen.

Mr. Martinec reported on the Emergency Preparedness Plan ("EPP") and noted that the TCEQ adopted its new rules and associated template for preparation of the EPP. Mr. Martinec stated that districts in Harris County are required to prepare and submit an EPP by March 1, 2010 but noted that districts in Fort Bend County are not required to prepare an EPP (but will likely in the future). Mr. Martinec recommended that the Board take no action at this time.

Mr. Martinec reported that he would coordinate transferring Flood Plain Management with the City's engineer and stated that he emailed a copy of the maps to Director Machen.

Mr. Martinec reported that the lift station driveway has been constructed.

Upon motion by Director Machen, 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. **Public Comments.** In response to a question from Mr. Fisher regarding the Non-Abolishment Agreement, Director DuBois reported that no action has been taken on executing the agreement.

9. **Other business matters.** Director LeBlanc requested that the Board approve the election judge pay rate. Upon motion by Director Zdunkewicz, seconded by Director Machen, after full discussion and the question being put to the Board, the Board voted unanimously to pay the election judges \$15 per hour.

The Board discussed the fee for use of the early voting location. Upon motion by Director Pfaffenberger, seconded by Directors Zdunkewicz, after full discussion and the question being put to the Board, the Board voted unanimously to pay \$200 for use of the early voting location.

Director LeBlanc reported that he would contact the Weston Lakes Club to verify use of the building for the Directors Election on May 8, 2010.

Director DuBois reviewed with the Board the Weston Lakes POA Street Repair request letter, a copy of which is attached hereto as *Exhibit F*. Director DuBois reported that the POA historically makes street repairs and noted that he forwarded the letter to Jack Marshall to handle.

Director DuBois stated that the District has not received a copy of the mowing insurance from Robin.

Upon motion by Director Machen, seconded by Director Pfaffenberger, 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 January 26, 2010.

President, Board of Directors

ATTEST:

Secretary, Board of Directors