

**MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 84**

**Minutes of Special Meeting of Board of Directors  
October 13, 2009**

The Board of Directors of Montgomery County Municipal Utility District No. 84 met in special session, open to the public on October 13, 2009, and held at 1300 Post Oak Boulevard, Suite 1400, Houston, Harris County, Texas, in accordance with the duly posted notice of meeting, and the roll was called of the duly constituted members of said Board of Directors, as follows:

David Jezierski, President  
Scott Finger, Vice President  
John Becker, Secretary  
Candice H. Creekmore, Assistant Secretary  
Edward J. Boado, Director

and all of said persons were present, except Director Jezierski, thus constituting a quorum.

Also present were Lisa Hernandez of Municipal Accounts & Consulting, L.P. ("MAC"); Stacey Wagner of Wheeler & Associates, Inc. ("Wheeler"); Rick Marriott of SWWC Services, Inc. ("SWWC"); Keith Billé of Costello, Inc. ("Costello"); Tommy Weaver of Friendswood Development Company ("Friendswood"); Craig Rathmann of Rathmann & Associates, L.P.; Sherri Greenwood of BKD, LLP; Joseph M. Schwartz and Linda Knox of Schwartz, Page & Harding, L.L.P. ("SPH"); and those residents of Porter Municipal Utility District reflected on the list attached hereto as **Exhibit A**.

In the absence of the President, the Vice President called the meeting to order and declared it open for such business as might regularly come before it.

**APPROVAL OF MINUTES**

As the first order of business, the Board reviewed the minutes of its meeting held on September 17, 2009. After review and discussion of the minutes presented, Director Becker moved that the aforesaid minutes be approved, as written. Director Finger seconded said motion, which unanimously carried.

**COMMENTS FROM RESIDENTS OF PORTER MUNICIPAL UTILITY DISTRICT**

The Board recognized the residents of Porter Municipal Utility District ("Porter MUD") who addressed the Board concerning their dissatisfaction with the water rates and storm sewer maintenance fee imposed by the District in July 2009 for certain lots located within the boundaries of Porter MUD that were developed or will be

developed by Friendswood within Oakhurst Fairways, Sections Two and Three and Greens at Oakhurst, Sections Two, Three, Five and Six. Doug Presser inquired as to whether it would be possible to investigate other options for the provision of water service to these lots. Mr. Schwartz advised that Friendswood, along with representatives of the District, spent approximately six months investigating various options for providing service to the lots, and that Friendswood had initially approached the Board of Directors of Porter MUD to request that it provide water service to the lots. Mr. Schwartz reported that, although the lots are located within the boundaries of Porter MUD, Porter MUD does not provide water or drainage services. Mr. Schwartz stated that, when the Porter MUD board determined that it would not consider serving the lots, the District agreed to serve the lots, negotiated and entered into an agreement with Porter MUD in connection therewith. Mr. Schwartz further advised that, during the time that the District was negotiating the agreement with Porter MUD, the Board became concerned with the significant increase in water usage by customers and began discussing the possibility of increasing water and sewer rates in an effort to encourage water conservation. He advised the Board that the District's water and sewer rates were increased in June 2009 in order to encourage water conservation, but that the rates were increased such that only those customers using in excess of 15,000 gallons of water per month would be impacted by the increased water and sewer rates. Mr. Schwartz reported that, pursuant to the agreement between the District and Porter MUD, the District charges the Porter MUD customers a rate for water services equal to two (2) times the in-District residential water rates in order to cover the capital costs of providing water services, as well as the water production and supply, operation, maintenance, administrative costs, and other costs related to the provision of water service to the Porter MUD lots. Mr. Schwartz reported that the District also maintains the underground storm drainage system serving the lots and that the Porter MUD customers are being charged \$6.00 per month in connection therewith. Mr. Schwartz then distributed to and reviewed with the Porter MUD residents a Water Rate and 2008 Tax Rate Analysis, a copy of which is attached hereto as **Exhibit B**, comparing the water and tax rates paid by the residents within the District with the water and tax rates paid by the Porter MUD customers.

Ms. Wagner, Ms. Greenwood and Mr. Rathmann entered the meeting during the discussion above.

Mr. Presser then inquired as to what plans were made to serve the Porter MUD lots when Oakhurst was initially developed. Mr. Schwartz stated that Porter Special Utility District ("Porter SUD") provides water service to the property located within the boundaries of Porter MUD, but that Porter SUD was unable to provide

water service to the Porter MUD lots due to the location of the lots in relation to their existing system. Mr. Presser then inquired as to whether Friendswood will be paid for the water distribution facilities constructed to serve the Porter MUD lots. Mr. Schwartz advised that Friendswood will not be paid for such facilities. Mr. Presser then asked whether Porter MUD could provide water service to the Porter MUD lots and impose a tax in exchange for such water service. Mr. Schwartz advised that, as discussed earlier in the meeting, Friendswood along with the District's representatives, attempted to persuade Porter MUD to serve the lots, but it refused to do so.

Martin Elam next inquired as to whether the District would be willing to assist the Porter MUD customers should they determine to approach Porter MUD to request that Porter MUD, rather than the District, provide water service to the Porter MUD lots. Mr. Schwartz stated that the District would be willing to assist in any way possible.

In response to an inquiry from Mr. Presser, Mr. Schwartz discussed the various issues prohibiting the exclusion of the Porter MUD lots from Porter MUD and the annexation of the Porter MUD lots into the boundaries of the District.

Mr. Weaver next discussed the various actions taken by Friendswood in order to ensure that the Porter MUD lots are provided with adequate water service and that the storm sewers serving the lots are properly maintained. Mr. Weaver reiterated that Friendswood will not be paid for the water line or storm sewer line serving the lots. The Porter MUD residents thanked the Board for its consideration of their concerns and then exited the meeting.

**ACCEPTANCE OF BID FOR PURCHASE OF DISTRICT'S \$5,500,000 UNLIMITED TAX BONDS, SERIES 2009**

As the next order of business, it was announced that, pursuant to a notice published as required by law, public bids for the sale of the District's proposed \$5,500,000 Unlimited Tax Bonds, Series 2009 ("Series 2009 Bonds") were to be received at this time and place. Mr. Rathmann reported that three (3) bids had been received for the District's Series 2009 Bonds and that the low bid was submitted by The GMS Group, L.L.C. ("GMS") at a net effective interest rate of 5.739734%. Mr. Rathmann advised the Board that he had verified the accuracy of the bid submitted by GMS for the purchase of all of the Series 2009 Bonds, at a net effective interest rate of 5.739734%. After a discussion of the bids received, it was moved by Director Becker, seconded by Director Finger and unanimously carried, that the Board accept the bid of

GMS for the purchase of all of the Series 2009 Bonds at a net effective interest rate of 5.739734%.

**ADOPTION OF ORDER AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF THE DISTRICT'S SERIES 2009 BONDS**

There was presented to the Board the Bond Order attached hereto as **Exhibit C** for the issuance of the Series 2009 Bonds. Mr. Schwartz reviewed said Bond Order in detail with the Board. Said Bond Order was considered by the Board and, thereupon, it was duly moved by Director Becker, seconded by Director Finger and unanimously carried, that said Bond Order be passed and adopted.

**APPROVAL AND DISTRIBUTION OF FINAL OFFICIAL STATEMENT RELATIVE TO THE DISTRICT'S SERIES 2009 BONDS**

As the next order of business, there was a discussion regarding the completion of the Final Official Statement to be prepared by Rathmann & Associates, L.P. in connection with the Series 2009 Bonds. After discussion on the matter, Director Becker moved that Rathmann & Associates, L.P. be authorized to complete the Final Official Statement and that same be adopted by the Board and District as final. Director Finger seconded said motion, which unanimously carried.

**APPROVAL AND EXECUTION OF PAYING AGENT/REGISTRAR AGREEMENT IN CONNECTION WITH THE DISTRICT'S SERIES 2009 BONDS**

The Board considered and reviewed a Paying Agent/Registrar Agreement by and between the District and Wells Fargo Bank, N.A. relative to the Series 2009 Bonds. Mr. Schwartz reviewed the various provisions of the Agreement with the Board. After discussion of the Agreement presented, Director Becker moved that said Agreement be approved and that the Vice President be authorized to execute the Agreement on behalf of the Board and the District. Director Fried seconded said motion, which unanimously carried.

**APPROVAL AND EXECUTION OF ESCROW AGREEMENT IN CONNECTION WITH THE DISTRICT'S SERIES 2009 BONDS**

The Board considered and reviewed an Escrow Agreement by and between the District and Amegy Bank National Association in connection with the escrow of a total of \$546,791.00 in proceeds from the District's Series 2009 Bonds. In that regard, Mr. Schwartz advised the Board that applications requesting the release of \$148,000.00 and \$398,791.00, respectively, had been submitted to the Texas Commission on Environmental Quality ("TCEQ"), but that approval to release said escrowed bond proceeds may not be received prior to the funding of the Series 2009 Bonds. Mr. Schwartz then

reviewed the various provisions of the Escrow Agreement with the Board. After discussion of the agreement presented, Director Becker moved that said agreement be approved and that the Vice President be authorized to execute the agreement on behalf of the Board and the District. Director Finger seconded said motion, which unanimously carried.

**ACT UPON ANY OTHER MATTERS CONCERNING THE DISTRICT'S SERIES 2009 BONDS**

The Board considered any other matters relating to the Series 2009 Bonds. In that regard, Mr. Schwartz presented for the Board's approval and execution a General Certificate and a Signature and No-Litigation Certificate. After discussion on said matters, it was moved by Director Becker, seconded by Director Finger and unanimously carried, that said Certificates be approved by the Board, that the Vice President be authorized to execute the Certificates and the Secretary to attest same on behalf of the Board and the District.

**ADOPTION OF RESOLUTION AUTHORIZING ISSUANCE OF NOTICE OF REDEMPTION OF THE DISTRICT'S \$1,500,000 BOND ANTICIPATION NOTE, SERIES 2008A, \$1,000,000 BOND ANTICIPATION NOTE, SERIES 2008B, AND \$335,000 BOND ANTICIPATION NOTE, SERIES 2008C**

The Board considered providing notices to (i) Third Coast Bank, SSB, as the owner and holder of the \$1,500,000 Bond Anticipation Notice, Series 2008A, (ii) the Stunja Family Trust, as the owner and holder of the \$1,000,000 Bond Anticipation Note, Series 2008B, and (iii) Atlas Service Link, LLC, as the owner and holder of the \$335,000 Bond Anticipation Notice, Series 2008C, that the District will exercise its option to redeem said bond anticipation notes on November 9, 2009. After discussion on the matter, it was moved by Director Becker, seconded by Director Finger and unanimously carried, that Third Coast Bank, SSB, the Stunja Family Trust and Atlas Service Link, LLC be provided with such notices and that the Resolution Authorizing Issuance of Notice of Redemption of Bond Anticipation Notes attached hereto as **Exhibit D** in connection therewith be adopted by the Board.

**ENGAGEMENT OF AUDITOR FOR PREPARATION OF AUDIT RELATIVE TO DISBURSEMENT OF PROCEEDS FROM THE DISTRICT'S SERIES 2009 BONDS**

The Board next considered the engagement of an auditor to conduct an audit relative to the Series 2009 Bonds. After discussion on the matter, Director Becker moved that the firm of BKD, LLP be employed to conduct such audit. Director Finger seconded said motion, which carried unanimously.

**FINANCIAL ADVISOR'S RECOMMENDATION CONCERNING THE DISTRICT'S  
PROPOSED 2009 TAX RATE**

There next followed a discussion concerning the requirements for notice of the District's intention to adopt a 2009 tax rate. Mr. Schwartz advised that, pursuant to the Texas Water Code, the District is required to provide a notice containing certain tax-related information in connection with each meeting at which the adoption of a tax rate will be considered. Mr. Schwartz further advised that the information to be included in the notice is set forth in the Water Code and includes the proposed tax rate to be adopted. He explained that the District must provide the notice by either (1) publishing it at least once in a newspaper having general circulation in the District at least seven days before the date of the meeting at which the tax rate will be adopted, or (2) mailing it to each owner of taxable property in the District, at the address shown on the most recently certified tax roll of the District, at least 10 days before the date of the meeting.

Mr. Rathmann next presented the Board with a recommendation regarding the District's proposed 2009 debt service and maintenance tax rates, a copy of which is attached hereto as **Exhibit E**. Mr. Rathmann recommended a proposed 2009 debt service tax rate of \$0.80 per \$100 of assessed valuation and a proposed 2009 maintenance tax rate of \$0.45 per \$100 of assessed valuation. After discussion on the matter, Director Becker moved that: (1) the Board accept the financial advisor's recommendation of a proposed 2009 debt service tax rate of \$0.80 per \$100 of assessed valuation and a proposed 2009 maintenance tax rate of \$0.45 per \$100 of assessed valuation, for a total tax rate of \$1.25 per \$100 of assessed valuation; and (2) the District's tax assessor-collector be authorized to publish notice of the District's intention to adopt such 2009 tax rate at its next meeting in the form and at the time required by law. Director Young seconded said motion, which unanimously carried. The Board concurred that the notice should be published by the tax assessor-collector in the appropriate *This Week* section of *The Houston Chronicle*.

Mr. Rathmann exited the meeting at this time.

**RATIFICATION OF ADOPTION OF RESOLUTION REQUESTING RELEASE OF  
\$398,791 IN ESCROWED BOND PROCEEDS IN CONNECTION WITH THE  
DISTRICT'S SERIES 2009 BONDS**

The Board next considered ratifying its prior action relative to the adoption of a Resolution Requesting Release of Escrowed Bonds Proceeds in the amount of \$398,791.00. After discussion on the matter, it was moved by Director Becker, seconded by Director Finger and unanimously carried, that such prior action be ratified and authorized in all respects.

## BOOKKEEPING REPORT

The Board next reviewed the bookkeeping report dated October 13, 2009, a copy of which is attached as **Exhibit F**, including the checks presented for payment from the District's various accounts. In response to an inquiry last month regarding the \$7.50 Compass Bank charge reflected on the bookkeeping report, Ms. Hernandez advised the Board that the fee is a flat fee charged monthly by American Express in connection with the District's electronic payment program for water bills. Mr. Marriott stated that he would investigate the fee and report to the Board regarding same. After discussion, it was moved by Director Becker that the bookkeeping report be approved and that the checks identified in the bookkeeping report be approved for payment, with the exception of check no. 1885, which was voided. Director Finger seconded said motion, which carried unanimously.

## COMPLIANCE WITH TEXAS GOVERNMENT CODE CHAPTER 2264 RELATIVE TO ENERGY REPORTING

Ms. Hernandez presented a monthly electricity utility usage and expense report (the "Electricity Report") prepared by MCI, a copy of which is attached to the bookkeeping report. Mr. Schwartz reminded the Board that, pursuant to the energy efficiency and reporting requirements set forth in Texas Government Code Chapter 2264, the District must (i) report its annual electricity usage and costs in an electronic format and (ii) make that report publicly accessible. Mr. Schwartz stated that MCI has satisfied both requirements by preparing the Electricity Report in the necessary format and presenting the Electricity Report at today's public meeting.

## ANNUAL REVIEW OF ORDER ESTABLISHING POLICY FOR INVESTMENT OF DISTRICT FUNDS AND APPOINTING INVESTMENT OFFICER AND ADOPTION OF A RESOLUTION IN CONNECTION THEREWITH

The Board considered the annual review of an Order Establishing Policy for Investment of District Funds and Appointing Investment Officer ("Order"). In that regard, Mr. Schwartz discussed the proposed changes to the Order to substitute Ms. Ghia Lewis of Municipal Accounts & Consulting, L.P. for Ms. Teresa Rosenbaum as one of the District's Investment Officers and to the form of Certificate of Compliance From Sellers of Investments prescribed by the District's Investment Policy, which revisions are to satisfy federal regulations relative to disclosures that must be made to ensure that separate Federal Depository Insurance Corporation insurance coverage is in place covering the District's debt service account. After discussion on the matter, Director Becker moved that the Order be adopted to reflect the proposed

changes as noted therein, that the Board adopt the Resolution Regarding Review of Order Establishing Policy for Investment of District Funds and Appointing Investment Officer attached hereto as **Exhibit G**, and that the Vice President and Secretary be authorized to execute same on behalf of the Board and the District. Director Finger seconded said motion, which unanimously carried.

#### **TAX ASSESSOR-COLLECTOR REPORT**

Ms. Wagner presented the tax assessor-collector report for the month of September 2009, a copy of which is attached hereto as **Exhibit H**, including the checks presented for payment. After discussion concerning the tax assessor-collector report, Director Becker moved that said report be approved, that the checks identified in the report be approved for payment. Director Finger seconded said motion, which carried unanimously. Ms. Wagner additionally presented for the Board's review a Delinquent Collections Listing as of September 30, 2009, a copy of which is attached hereto as **Exhibit I**.

#### **DISCUSSION REGARDING HOUSE BILL 3646 REQUIREMENTS FOR ACCEPTANCE OF TAX PAYMENTS**

Mr. Schwartz discussed the requirements of House Bill No. 3646 ("H.B. 3646"), recently passed by the 81st Texas Legislature and effective September 1, 2009, which amends §31.06(a) of the Texas Tax Code related to acceptance of credit card and electronic funds transfers for payment of taxes. Mr. Schwartz noted that H.B. 3646 is unclear as to whether it requires the District to accept both forms of payment. Ms. Wagner stated that Wheeler currently accepts tax payments by credit card but not by electronic funds transfers. Ms. Wagner noted, however, that Wheeler is currently reviewing programs for the acceptance of electronic funds transfers and that she will advise the Board on Wheeler's progress.

#### **DELINQUENT TAX COLLECTIONS ATTORNEY REPORT**

Mr. Schwartz presented a Delinquent Tax Report from Perdue, Brandon, Fielder, Collins & Mott, L.L.P. ("Perdue") dated October 13, 2009, a copy of which is attached hereto as **Exhibit J**. Mr. Schwartz advised that no specific action was required of the Board at this time.

#### **OPERATION AND MAINTENANCE REPORT**

Mr. Marriott presented to and reviewed with the Board the operation and maintenance report for the month of September 2009, a copy of which is attached hereto as **Exhibit K**. Mr. Marriott then discussed with the Board a request received last month from Christina Camerilli for an adjustment to her account due to

abnormally high water usage. Mr. Marriott advised the Board that Ms. Camerilli's meter was calibrated and found to be working properly. He further reported that SWWC also checked for water line leaks in the District's lines and that no leaks were discovered. After discussion on the matter, the Board requested that SWWC advise Ms. Camerilli that she should have a plumber check her private water lines and that if a leak is found, the Board may consider adjusting her account.

#### **DEVELOPER'S REPORT**

The Board considered the developer's report. Mr. Weaver reported to the Board regarding the status of development and home sales within the District and within Montgomery County Municipal Utility District No. 83 ("No. 83"). Mr. Weaver advised the Board that development continues to progress well and that home sales continue to be strong.

#### **ENGINEERING REPORT**

The Board considered the engineering report. Mr. Billé presented to and reviewed with the Board a written report dated October 13, 2009, a copy of which is attached hereto as **Exhibit L**. No action items were considered by the Board.

#### **STATUS OF ACCEPTANCE BY MONTGOMERY COUNTY OF STREETS FOR MAINTENANCE**

Mr. Billé presented to and reviewed with the Board a chart reflecting the status of the acceptance by Montgomery County of the streets located within the District for maintenance. A copy of the chart is attached to the engineering report.

#### **ACCEPTANCE OF SITE AND/OR EASEMENT CONVEYANCES**

The Board deferred action relative to acceptance of site and/or easement conveyances.

#### **ACCEPTANCE OF CONVEYANCES OF UTILITY FACILITIES**

Mr. Schwartz presented for the Board's approval a Conveyance of Utility Facilities in connection with the water, sanitary sewer and drainage facilities constructed to serve Ridge at Oakhurst, Section Two. After discussion, it was moved by Director Becker, seconded by Director Finger and unanimously carried, that such Conveyance of Utility Facilities be approved by the Board and that the Vice President be authorized to execute same on behalf of the Board and the District.

**DISCUSSION REGARDING COMPLIANCE WITH LONE STAR GROUNDWATER CONSERVATION DISTRICT'S DISTRICT REGULATORY PLAN**

Mr. Schwartz updated the Board regarding surface water conversion requirements in order to comply with the Lone Star Groundwater Conservation District's District Regulatory Plan, as reflected in the attached engineering report.

**APPROVAL OF BOND APPLICATION REPORT IN CONNECTION WITH DISTRICT'S THIRD BOND ISSUE**

The Board next considered the approval of a Bond Application Report in connection with the District's third bond issue. In that regard, Mr. Billé presented to and reviewed with the Board a Summary of Costs providing for the issuance of bonds in the amount of \$2,000,000, a copy of which is attached hereto as **Exhibit M**. After discussion on the matter, it was moved by Director Becker, seconded by Director Finger and unanimously carried, that the Bond Application Report in connection with the District's third bond issue providing for the issuance of bonds in an amount not to exceed \$2,000,000 be approved by the Board, subject to SPH's final review and approval of same.

**ADOPTION OF ORDER AUTHORIZING APPLICATION TO TCEQ FOR APPROVAL OF PROJECT AND BONDS IN CONNECTION WITH DISTRICT'S THIRD BOND ISSUE**

The Board next considered the approval and execution of an Order Authorizing Application to the TCEQ for Approval of Project and Bonds relative to the District's third bond issue. After discussion on the matter, Director Becker moved that the Order attached hereto as **Exhibit N** be adopted by the Board and that the Vice President be authorized to execute the Order and the Secretary to attest same on behalf of the Board and the District. Director Finger seconded said motion, which unanimously carried.

**AUTHORIZE CONSULTANTS TO PROCEED WITH PREPARATION OF DOCUMENTATION IN CONNECTION WITH THE ISSUANCE OF THE DISTRICT'S SERIES 2009 BOND ANTICIPATION NOTE**

Mr. Billé next presented to and reviewed with the Board a Summary of Costs providing for the issuance of the District's Series 2009 Bond Anticipation Note in the amount of \$740,000, a copy of which is attached hereto as **Exhibit O**. After discussion, it was moved by Director Becker, seconded by Director Finger and unanimously carried, that the District's consultants be authorized to proceed with the preparation of documentation in connection with the issuance of the District's Series 2009 Bond Anticipation Note in an amount not to exceed \$740,000.

**APPROVAL AND EXECUTION OF FIRST AMENDMENT TO AGREEMENT FOR JOINT FINANCING, CONSTRUCTION AND MAINTENANCE OF SANITARY SEWER COLLECTION, LIFT STATION AND DRAINAGE FACILITIES BY AND BETWEEN THE DISTRICT AND NO. 83**

Mr. Schwartz presented to and reviewed with the Board a proposed First Amendment to Agreement for Joint Financing, Construction and Maintenance of Sanitary Sewer Collection, Lift Station and Drainage Facilities by and between the District and No. 83, together with a summary of the proposed First Amendment, a copy of which summary is attached hereto as **Exhibit P**. After discussion on the matter, it was moved by Director Becker, seconded by Director Finger and unanimously carried, that said First Amendment to Agreement for Joint Financing, Construction and Maintenance of Sanitary Sewer Collection, Lift Station and Drainage Facilities be approved by the Board and that the Vice President be authorized to execute same on behalf of the Board and the District.

**APPROVAL AND EXECUTION OF AGREEMENT FOR JOINT FINANCING, CONSTRUCTION AND MAINTENANCE OF EMERGENCY GENERATORS BY AND BETWEEN THE DISTRICT AND NO. 83**

Mr. Schwartz presented to and reviewed with the Board a proposed Agreement for Joint Financing, Construction and Maintenance of Emergency Generators by and between the District and No. 83. After discussion on the matter, it was moved by Director Becker, seconded by Director Finger and unanimously carried, that said Agreement for Joint Financing, Construction and Maintenance of Emergency Generators be approved by the Board and that the Vice President be authorized to execute same on behalf of the Board and the District.

**ADOPTION OF RESOLUTION AUTHORIZING USE OF SURPLUS FUNDS AND INTEREST EARNED ON CONSTRUCTION FUNDS IN CONNECTION WITH INSTALLATION OF AN EMERGENCY GENERATOR AT THE WASTEWATER TREATMENT PLANT**

The Board considered the adoption of a Resolution Authorizing Use of Surplus Funds and Interest Earned on Construction Funds in connection with the use of \$19,067.51 in surplus funds to pay for a portion of District's share of the cost of the installation of an emergency generator at the wastewater treatment plant. After discussion, it was moved by Director Becker, seconded by Director Finger and unanimously carried that the Resolution Authorizing Use of Surplus Funds and Interest Earned on Construction Funds attached hereto as **Exhibit Q** be adopted by the Board.

**APPROVAL AND EXECUTION OF SECOND AMENDMENT TO WASTE DISPOSAL AGREEMENT BY AND BETWEEN THE DISTRICT AND NO. 83**

The Board deferred action relative to the approval and execution of a Second Amendment to Waste Disposal Agreement by and between the District and No. 83.

**ATTORNEY'S REPORT**

The Board next considered the attorney's report. Mr. Schwartz advised the Board that he had nothing further to discuss with the Board of a legal nature which was not covered under specific agenda items.

**ADJOURNMENT**

There being no further business to come before the Board, it was moved Director Becker, seconded by Director Finger and unanimously carried, that the meeting be adjourned.

/s/ John Becker  
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John Becker  
Secretary, Board of Directors

## LIST OF ATTACHMENTS

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| <u>Exhibit A</u> | List of Residents of Porter Municipal Utility District in attendance at the meeting  |
| <u>Exhibit B</u> | Water Rate and 2008 Tax Rate Analysis  |
| <u>Exhibit C</u> | Bond Order   |
| <u>Exhibit D</u> | Resolution Authorizing Issuance of Notice of Redemption of Bond Anticipation Notes   |
| <u>Exhibit E</u> | Rathmann & Associates, L.P.'s 2009 Debt Service and Maintenance Tax Rate Recommendation  |
| <u>Exhibit F</u> | Bookkeeping Report   |
| <u>Exhibit G</u> | Resolution Regarding Review of Order Establishing Policy for Investment of District Funds and Appointing Investment Officer                                  |
| <u>Exhibit H</u> | Tax Assessor-Collector Report  |
| <u>Exhibit I</u> | Delinquent Collections Listing as of September 30, 2009  |
| <u>Exhibit J</u> | Delinquent Tax Report from Perdue, Brandon, Fielder, Collins & Mott, L.L.P. dated October 13, 2009,  |
| <u>Exhibit K</u> | Operation and Maintenance Report   |
| <u>Exhibit L</u> | Engineering Report   |
| <u>Exhibit M</u> | Summary of Cost in connection with the District's Third Bond Issue   |
| <u>Exhibit N</u> | Order Authorizing Application to the TCEQ for Approval of Project and Bonds relative to the District's Third Bond Issue                                      |
| <u>Exhibit O</u> | Summary of Cost in connection with the District's Series 2009 Bond Anticipation Note   |
| <u>Exhibit P</u> | Summary of First Amendment to Agreement for Joint Financing, Construction and Maintenance of Sanitary Sewer Collection, Lift Station and Drainage Facilities |
| <u>Exhibit Q</u> | Authorizing Use of Surplus Funds and Interest Earned on Construction Funds   |