

ARF-614

**REGULAR SESSION AGENDA**

**Date: 06/22/2010**

**Fort Bend County Levee Improvement District No. 17**

**Item #: 21. A.  
Commissioner Pct. 4**

**Submitted For:** James Patterson, **Submitted By:** Commissioner Precinct  
Commissioner, Pct. 4

**Department:** Commissioner Precinct 4

**Type of Item:** Discussion Item

**Renewal Agreement/** Yes

**Appointment:**

**Reviewed by County** Yes

**Attorney's Office:**

**Multiple Originals**

**Y/N?:**

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**Information**

**SUMMARY OF ITEM**

Take all appropriate action to appoint David Gornet to fill the unexpired term of Pamela Vollmar as Director of Fort Bend County Levee Improvement District No. 17, for a term effective June 22, 2010 to June 22, 2014.

**SPECIAL HANDLING**

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**Attachments**

Link: LID Appts

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6-23-10 orig. ret. to Danielle at Comm. Pct. 4

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Lynne B. Humphries  
Partner

May 21, 2010

AGENDA ITEM 21A

Via Messenger

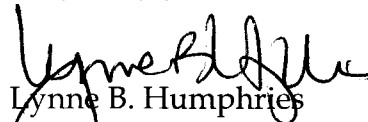
Ms. Donna Ospina  
Agenda Coordinator  
Office of Fort Bend County  
Judge Robert E. Hebert  
301 South 4th Street, Suite 719  
Richmond, Texas 77469

Re: Fort Bend County Levee Improvement District No. 17 (the "District")

Dear Ms. Ospina:

Please accept this letter as a formal request for the Fort Bend County Commissioners Court to adopt an Order Appointing Directors for Fort Bend County Levee Improvement District No. 17 at the July 6, 2010 meeting. The terms of office for the District's current Directors expire on July 9, 2010. Enclosed is a package with regards to this request that will also be sent to Dianne Wilson, the Fort Bend County Clerk. Please call me at (713) 860-6406 if you have any questions. Thank you for your attention in this matter.

Very truly yours,

  
Lynne B. Humphries  
Attorney for the District

Enclosures

cc: Commissioner James Patterson

CERTIFICATE FOR RESOLUTION

THE STATE OF TEXAS                   §  
   §  
COUNTY OF FORT BEND               §

I, the undersigned officer of the Board of Directors of Fort Bend County Levee Improvement District No. 17, do hereby certify as follows:

1.       The Board of Directors of Fort Bend County Levee Improvement District No. 17 convened in regular session on the 13th day of May, 2010, inside the boundaries of the District, and the roll was called of the members of the Board:

Pamela Vollmar	President
Jeff Scarborough	Vice President/ Assistant Secretary
David Lawrence	Secretary/ Assistant Vice President

and all of said persons were present except Director(s) \_\_\_\_\_, thus constituting a quorum. Whereupon, among other business, the following was transacted at the meeting: a written

RESOLUTION REQUESTING COMMISSIONERS COURT OF FORT BEND COUNTY  
TO APPOINT DIRECTORS TO FORT BEND COUNTY LEVEE IMPROVEMENT  
DISTRICT NO. 17 BOARD OF DIRECTORS

was introduced for the consideration of the Board. It was then duly moved and seconded that the resolution be adopted; and, after due discussion, the motion, carrying with it the adoption of the resolution, prevailed and carried unanimously.

2.       A true, full, and correct copy of the aforesaid resolution adopted at the meeting described in the above and foregoing paragraph is attached to and follows this certificate; the action approving the resolution has been duly recorded in the Board's minutes of the meeting; the persons named in the above and foregoing paragraph are the duly chosen, qualified, and acting officers and members of the Board as indicated therein; each of the officers and members of the Board was duly and sufficiently notified officially and personally, in advance, of the time, place, and purpose of the aforesaid meeting, and that the resolution would be introduced and considered for adoption at the meeting, and each of the officers and members consented, in advance, to the holding of the meeting for such purpose; the meeting was open to the public as required by law; and public notice of the time, place, and subject of the meeting was given as required by Chapter 551, Texas Government Code, and Section 49.063, Texas Water Code.

SIGNED AND SEALED the 13th day of May, 2010.



  
Secretary, Board of Directors

RESOLUTION REQUESTING COMMISSIONERS COURT OF FORT BEND COUNTY  
TO APPOINT DIRECTORS TO FORT BEND COUNTY LEVEE IMPROVEMENT  
DISTRICT NO. 17 BOARD OF DIRECTORS

WHEREAS, the Commissioners Court of Fort Bend County, Texas, has heretofore appointed Pamela Vollmar, Jeff Scarborough and David Lawrence as directors of Fort Bend County Levee Improvement District No. 17 (the "District"), for terms that expire on July 9, 2010; and

WHEREAS, Title 4, Chapter 57 of the Texas Water Code, as amended, confers jurisdiction on the County Judge and Commissioners Court of Fort Bend County, Texas, to appoint the directors of the District and to approve the sworn statements and bonds and oaths of office for such directors; and

WHEREAS, the Board of Directors of the District hereby requests that the Commissioners Court of Fort Bend County, Texas appoint Jeff Scarborough, David Lawrence and David Gornet for new terms to expire on July 9, 2014, and approve their sworn statements and bonds and oaths of office, which are in proper form and have been properly executed; and

WHEREAS, Jeff Scarborough, David Lawrence and David Gornet are over twenty-one years of age, are resident citizen of Fort Bend County, and are otherwise qualified by law to serve as a director of the District by reason of any law; and

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF FORT BEND COUNTY LEVEE IMPROVEMENT DISTRICT NO. 17 THAT:


Section 1: The Board of Directors hereby requests that the Commissioners Court of Fort Bend County, Texas, appoint Jeff Scarborough, David Lawrence and David Gornet as directors of the District for the lawful term of office, which expires on July 9, 2014.

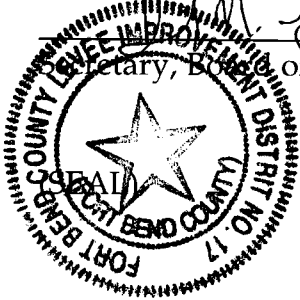
[EXECUTION PAGE FOLLOWS]

PASSED AND APPROVED this 13th day of May, 2010.

  
\_\_\_\_\_  
President, Board of Directors

ATTEST:

  
\_\_\_\_\_  
Secretary, Board of Directors



THE STATE OF TEXAS           §  
  §  
COUNTY OF FORT BEND       §

CERTIFICATE FOR ORDER

We, the undersigned officers of the Commissioners Court (the "Court") of Fort Bend County, Texas, (the "County") do hereby certify as follows that:

1. We are the duly chosen, qualified and acting officers of the Court for the offices shown below our signatures and that as such we are familiar with the facts herein certified.

2. There is attached to and follows this certificate an excerpt of proceedings from the minutes of a meeting of the Court which is a true, full and complete excerpt of all proceedings from the minutes of the Court pertaining to the adoption of the order described therein; and that the persons named in such excerpt as the officers and members of the Court or as officers of the County are the duly chosen, qualified and acting officers and members as indicated therein.

3. A true and complete copy of the order (the "Order"), as adopted at the meeting described in such excerpt from the minutes, is attached to and follows such excerpt.

4. The Order has been duly and lawfully adopted by the Court and that the County Judge of the County has approved, and hereby approves, the Order; that the County Judge and the County Clerk of the County have duly signed and attested the Order and each, respectively, hereby declares that the signing of this certificate shall also constitute the signing of the Order for all purposes; and that the Order, as signed, has been duly recorded in the minutes of the Court for such meeting.

5. Each of the officers and members of the Court was duly and sufficiently notified officially and personally, in advance, of the date, hour, place and subject of such meeting of the Court, and that the Order would be introduced and considered for passage at such meeting, and each of such officers and members consented, in advance, to the holding of such meeting to consider and act upon such subject.

6. Written notice of the date, hour, place and subject of the meeting of the Court described in the excerpt from the minutes was posted on a bulletin board located at a place convenient to the public in the County Courthouse of the County; and that such meeting was open to the public as required by law at all times during which the Order and the subject matter thereof were discussed, considered and formally acted

upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

SIGNED AND SEALED THE 22 day of June, 2010.



Dianne Wilson  
County Clerk



Robert E. Hebert  
County Judge

(SEAL)



THE STATE OF TEXAS           §  
  §  
COUNTY OF FORT BEND       §

I, the undersigned, County Clerk and Ex-Officio Clerk of the Commissioners Court of Fort Bend County, Texas, do hereby certify that the above and foregoing is a true and correct copy of an Order of the Commissioners Court which was passed and adopted on the 22 day of June, 2010, together with a copy of so much of the minutes as show the canvassing of the Court, the names of the members present and absent and the passage and adoption of such Order, all as same appears of record in the minutes of said Court and on file in my office.

WITNESS MY HAND AND THE SEAL OF THE COMMISSIONERS COURT OF FORT BEND COUNTY, TEXAS, this 22 day of June, 2010.

DIANNE WILSON  
County Clerk and Ex-Officio Clerk of the  
Commissioners Court of Fort Bend County,  
Texas

By: *Dianne Wilson*

(SEAL)



THE STATE OF TEXAS           §  
  §  
COUNTY OF FORT BEND       §

The Commissioners Court of Fort Bend County, Texas, convened in REGULAR SESSION AT A REGULAR TERM OF SAID COURT, open to the public, on the 6th day of July, 2010, at the County Courthouse, and the roll was called of the duly constituted officers and members of the Commissioners Court and officer of the County, to-wit:

Robert E. Hebert	County Judge
Richard Morrison	Commissioner, Precinct No. 1
Grady Prestage	Commissioner, Precinct No. 2
W. A. "Andy" Meyers	Commissioner, Precinct No. 3
James Patterson	Commissioner, Precinct No. 4
Dianne Wilson	County Clerk

and all of said persons were present, except \_\_\_\_\_.  
Whereupon, among other business the following was transacted at said meeting: a written order entitled:

ORDER APPOINTING DIRECTORS FOR  
FORT BEND COUNTY LEVEE IMPROVEMENT DISTRICT NO. 17

(the "Order") was duly introduced for the consideration of the Commissioners Court and reviewed in full. It was then duly moved and seconded that the Order be passed; and, after due discussion, the motion, carrying with it the passage of the Order, prevailed and carried by the following vote:

AYES: 4

NOES: 0

~~Abstain~~ 1

The County Judge thereupon announced that the Order had been duly and lawfully adopted. The Order thus adopted follows:

ORDER APPOINTING DIRECTORS FOR  
FORT BEND COUNTY LEVEE IMPROVEMENT DISTRICT NO. 17

THE STATE OF TEXAS           §  
  §  
COUNTY OF FORT BEND       §

WHEREAS, the Commissioners Court of Fort Bend County, Texas, has heretofore appointed the Board of Directors of Fort Bend County Levee Improvement District No. 17 (the "District"), and approved the bonds and oaths of such Directors; and

WHEREAS, the terms of offices of the existing directors of the District expire on July 9, 2010; and

WHEREAS, the Commissioners Court of Fort Bend County, Texas, desires to reappoint Jeff Scarborough and David Lawrence and appoint David Gornet to serve as Directors for the District for the lawful four-year term of office effective July 9, 2010, through July 9, 2014, or until their successors shall be appointed and qualified; and

WHEREAS, the sworn statements and the bonds and oaths of office of Jeff Scarborough, David Lawrence and David Gornet are in proper form, have been properly executed, and are hereby approved by the County Judge and Commissioners Court of Fort Bend County, Texas; and

WHEREAS, Jeff Scarborough, David Lawrence and David Gornet are over twenty-one years of age, resident citizens of the State of Texas, otherwise qualified by law to serve as Directors of the District, and not disqualified from serving as Directors of the District by reason of any law; and

WHEREAS, Title 4, Chapter 57 of the Texas Water Code, as amended, confers jurisdiction on the County Judge and Commissioners Court of Fort Bend County, Texas to appoint the Directors of the District and approve their sworn statements and their bonds and oaths; now therefore,

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the County Judge and Commissioners Court of Fort Bend County, Texas that:

Section 1: The foregoing recitals be and the same are hereby found to be true and correct.

Section 2: Jeff Scarborough, David Lawrence and David Gornet be and hereby are appointed as Directors of Fort Bend County Levee Improvement District No. 17 to serve in that capacity for the lawful four year term of office effective July 9, 2010, through July 9, 2014, or until their successors shall be appointed and qualified.

Section 3: The sworn statements and the bonds and oaths of office for Jeff Scarborough, David Lawrence and David Gornet are in proper form, have been properly executed and the same are hereby affirmed.

Section 4: A copy of the Order shall be recorded in the minutes of this Court.

PASSED AND ADOPTED this 22 day of June, 2010.



Robert E. Hebert  
County Judge

ATTEST:



Dianne Wilson  
County Clerk and Ex-Officio Clerk of the  
Commissioners Court of Fort Bend County,  
Texas

(SEAL)

