

MINUTES OF MEETING OF THE
BOARD OF DIRECTORS

August 23, 2016

THE STATE OF TEXAS

COUNTY OF HARRIS

NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY
DISTRICT NO. 28

§
§
§
§
§

The Board of Directors (the "Board") of Northwest Harris County Municipal Utility District No. 28 (the "District") met in regular session, open to the public, at 3327 La Mer Lane, Spring, Texas, the August 23, 2016, whereupon, the roll was called of the members of the Board of Directors, to-wit:

Anne Headley	-	President
Troy Zuckero	-	Vice President/Treasurer
Denean Bennett	-	Secretary
Patrick Donais	-	Assistant Secretary
Richard Doll	-	Director

All members of the Board of Directors were present except Director Zuckero, thus constituting a quorum.

Also present at the meeting were Vicki Busboom, the District's Bookkeeper; Vickey Sullivan with Equi-Tax, Inc., the District's Tax Assessor/Collector ("TAC"); Robb Clark with Hays Utility South Corporation, the District's Operator ("Operator"); Mark Adam with Bleyl & Associates, the engineers for the District; Officer McCutchin, Sgt. Cohen and Lt. Hoover of Harris County Precinct 4 Constables Office; Michael Murr of Murr Inc., landscape architect ("Murr"); Shannon Waugh of Off Cinco, the District's website designer; and Timothy G. Green, attorney, and Beth Van Doren, paralegal, of Coats|Rose P.C., legal counsel for the District and members of the public, a list of which

is attached hereto as Exhibit "A". Also in attendance, Sasha Aguilar of WCA Waste Corporation, Matthew May of Best Trash, LLC and Andrew Kaluza of Residential Recycling & Refuse of Texas, Inc.

WHEREUPON, the meeting was called to order at 4:30 p.m. The posted notice of the meeting is attached hereto as Exhibit "B".

Director Headley opened the meeting with the following statement, a copy of which is attached hereto as Exhibit "C":

"We have been advised by the attorney general's office and our legal counsel that a board member should not engage in social media pertaining to MUD business. Rich Doll has chosen to ignore this advice and adopted resolution and continues to participate in social media (a copy of which is attached hereto as Exhibit "D").

Any information outside of the District's official website is not a reflection of this board or accurate.

As for the wall, we have been accused of changing the plan. There was no plan to begin with, only an idea, i.e. "The Sanctuary". Which is a precast, painted concrete wall. We have not changed from this concept.

Thank you for attending today's meeting. I hope that you walk away with the feeling of an informed citizen."

HEAR FROM THE PUBLIC

Director Headley opened the floor to receive comments from the public, a copy of the sign-in sheet, along with the speaker subjects, is attached hereto as Exhibit "A".

CONSTABLE'S REPORT

The Board recognized Sgt. Cohen noted that Deputy McCutchin was now working within the District.

Consider HOA's request to access surveillance cameras

The HOA previously requested to view the District's surveillance due to some vandalism at the park. Sgt. Cohen stated he had spent several hours reviewing the tapes and had not found anything. He further warned against multiple people having access to viewing the tapes including issues with chain of custody; liability of multiple users; and potential inappropriate viewing of videos. He stated that there was no reason for anyone other than a law enforcement officer to have access. Mr. Green noted that it was the policy of the Board that nobody other than the Constable have access.

Director Headley stated she had talked with John Nemic, the HOA President, regarding the HOA's request to view the tapes. She explained the District's policy regarding viewing the tapes. Although Mr. Nemic was unaware of the HOA's request, he stated that he understood her position and would advise his board.

Consider Sponsorship of 2016 National Night Out

Next, the Board considered contributing \$1500.00 to help sponsor the 2016 National Night Out. It was noted that the Board had donated the same in 2015. After further discussion and based on a motion made by Director Doll, seconded by Director Donais, the Board voted unanimously to donate \$1500.00 to the HOA to help sponsor the 2016 National Night Out.

APPROVAL OF MINUTES

The Board considered approving the minutes from the meeting held July 26, 2016, which were previously distributed to the Board. Director Doll stated that at the last regular Board meeting he had requested to be put on the wall committee. He noted that

the minutes did not reflect this request. After further discussion and based on a motion made by Director Doll, seconded by Director Donais, the Board voted three (3) to zero (0) to amend and approve the minutes from the meeting held on July 26, 2016, with Director Bennett abstaining.

TAX ASSESSOR'S REPORT

Ms. Sullivan reviewed and discussed the TAC report, a copy of which is attached hereto as Exhibit "E". She reported that 99.1% of 2015 taxes have been collected.

Following a discussion regarding the TAC's report, and based on a motion made by Director Donais, seconded by Director Doll, the Board voted unanimously to accept the tax assessor/collector's report, as presented and approve payment of the checks listed in the report.

FINANCIAL ADVISOR'S REPORT

The Board deferred action on this agenda item.

BOOKKEEPER'S REPORT/AUTHORIZE PAYMENT OF DISTRICT'S BILLS

The Board recognized Ms. Busboom who presented the Bookkeeper's report for the period ending August 23, 2016 and checks were presented for approval. A copy of the Bookkeeper's report is attached hereto as Exhibit "F".

Status of Alarm System

Ms. Busboom noted that since the phone lines were repaired, there have been no issues with the house alarm.

Following discussion of the Bookkeeper's report, upon a motion by Director Bennett, second by Director Doll, the Board voted unanimously to approve the Bookkeeper's report and approve payment of the remainder of the checks listed therein.

RECEIVE OPERATOR'S REPORT

The Board recognized Mr. Clark who presented the Operator's report for August. Mr. Clark updated the Board on operation matters in the District, including delinquent accounts. A copy of the Operator's report is attached hereto as Exhibit "G".

Hear report on repairs to meeting facility

Mr. Clark stated that the air conditioner overflow was clogged which was causing the water retention on the side of the house. The overflow has been repaired. He also noted that the sprinkler heads and timing have been adjusted in the sprinkler system. He stated that the drive chain on the garage door needed replacing. After further discussion and based upon a motion by Director Doll, seconded by Director Donais, the Board voted unanimously to authorize Mr. Clark to replace the drive chain on the garage door.

After further discussion and based upon a motion by Director Bennett, seconded by Director Doll, the Board voted unanimously to approve the Operator's Report.

Finally, Mr. Clark presented a request for the waiver of fees, a copy of which is attached hereto as Exhibit "G-1 ". Mr. Clark stated that Ms. Ternes was requesting a waiver of \$80.00 in fees charged for her water termination. He stated that during her approximately eleven year history with the District, she had paid penalties 79 times for late payments and had been disconnected 15 times. The Board was not aware of her requesting any waivers in the past. Director Donais requested the fee to be waived with a note stating that this was a one-time waiver. Mr. Clark stated he did not know how to tell her that this was a one-time action. Director Donais stated that he would take a check to her and talk to her in person about her bill. After further discussion and based on a motion by Director Donais, seconded by Director Bennett, the Board voted

unanimously to authorize Mr. Clark to refund the fees and have Director Donais deliver the check to her home.

HEAR PRESENTATION FROM WCA WASTE CORPORATION

The Board recognized Ms. Aguilar who presented a review of services and pricing for garbage services within the District, a copy of which is attached hereto as Exhibit "H".

HEAR PRESENTATION FROM BEST TRASH LLC

The Board recognized Mr. May who presented a review of services and pricing for garbage services within the District.

HEAR PRESENTATION FROM RESIDENTIAL RECYCLING & REFUSE OF TEXAS, INC.

The Board recognized Mr. Kaluza who presented a review of services and pricing for garbage services within the District.

CONSIDER AWARDED BID FOR DISTRICT TRASH SERVICES

The Board reviewed the Garbage Comparison Chart, a copy of which is attached hereto as Exhibit "I". After further discussion and based on a motion by Director Donais, seconded by Director Doll, the Board voted unanimously to renew the expiring contract with Republic Services while they continue to research alternative options.

RECEIVE ENGINEER'S REPORT

The Board recognized Mr. Adam who presented the Engineer's report, a copy of which is attached hereto as Exhibit "J".

5 Year Capital and Maintenance Plan

Mr. Adam stated that MUD 36 has advised the District that they are proceeding with soliciting bids for the WSP #1 hydropneumatic tank repairs. He will update the plan once the new information is received.

District Perimeter Fence

Mr. Adam has been working with Director Headley and Director Bennett and Murr Inc. on finalizing the product selection. The surveyor is ready to proceed once all access documents have been obtained by the District. Design will commence upon receipt of the final survey and decision on final fence selection.

After further discussion and based upon a motion by Director Doll, seconded by Director Donais, the Board voted unanimously to approve the Engineer's report.

ATTORNEY'S REPORT

Approve annual review of Investment Policy

The Board deferred action on this agenda item.

HEAR REPORT ON WEBSITE DEVELOPMENT

The Board recognized Ms. Waugh who walked the Board through a demonstration of the District's update website. No action was taken on this agenda item.

There being no further business to come before the Board, and based on a motion duly made and seconded, the meeting was adjourned.

PASSED, APPROVED and ADOPTED this 25th day of October, 2016.

(DISTRICT SEAL)

Secretary, Board of Directors