# MINUTES OF MEETING OF THE BOARD OF DIRECTORS

#### NOVEMBER 27, 2018

STATE OF TEXAS	§
COUNTY OF HARRIS	8
	§
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"), noticed a regular session, open to the public, to be held at 6:30 p.m., on Tuesday, November 27, 2018, at 20811 Normandy Forest Drive, Spring, Texas 77388, a designated meeting place located inside the boundaries of the District. Whereupon, at 6:30 p.m., the roll was called of the members of the Board, to-wit:

E. Dwight Osteen, II - President
Thomas Pratt - Vice President
Richard C. Doll - Secretary

Denean A. Bennett - Assistant Secretary
Harry B. "Hal" Walker - Assistant Secretary

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

Copies of the notices are attached hereto.

Also present at the meeting were Vicki Busboom, Bookkeeper for the District; Austen Beck of Bleyl & Associates ("Bleyl"), Engineers for the District; David Ferrier of Equi-Tax,Inc, ("Equi-Tax"), Tax Assessor for the District; Robb Clark of Hays Utility ("Hays"), Operators for the District; Deputy McCutcheon, Sgt. Colley, and Sgt. N. Jamil with Harris County Constable Precinct 4; Ryan E. LaRue of Sanford Kuhl Hagan Kugle Parker Kahn LLP ("SK Law"), Attorneys for the District; and Members of the Public shown on the attached Attendance List.

### **HEAR FROM PUBLIC**

The Board recognized several residents, all of whom addressed the Board regarding various issues and concerns with the District's perimeter wall.

#### WEBSITE REPORT

The Board recognized Director Bennett, who presented the Website Report for the period October 15 – November 14, 2018.

The Board noted that no action was necessary in connection with the Website Report. A copy of the Report is on file in the official records of the District.

### CONSTABLE'S REPORT

The Board recognized Deputy McCutcheon, who updated the Board on calls/complaints originating in the District.

The Board noted that no action was necessary in connection with the Constable's Report.

# **ENGINEER'S REPORT**

The Board recognized Mr. Beck, who presented to and reviewed with the Board the Engineer's Report, a copy of which is on file in the official records of the District.

Mr. Beck also presented Pay Estimate No. 4 in the amount of \$218,309.90, Change Order No. 5 in the amount of \$4,446.00 (replace chain link fence across pipeline easement), and Change Order No. 6 in the amount of \$58,500 (78 additional hydroexcavations). Discussion occurred between and among the Directors and the District's Engineer regarding the necessity of the additional hydroexcavations and failure to correctly identify which holes were to be hydroexcavated and which holes were to be auger drilled. The Board also discussed residents' concerns regarding the appearance and design of the wall and the potential safety issues at the intersection of Normandy Forrest Drive and Falvel Road, and considered and discussed alternative wall designs in response to the residents' concerns.

Upon motion by Director Pratt, seconded by Director Walker, and after full discussion, the Board voted unanimously to approve (1) Change Order No. 5 in the amount of \$4,446.00; and

(2) the Engineer's Report. The Board took no action on Pay Estimate No. 4 and Change Order No. 6. It was the consensus of the Board that the Wall Committee will oversee the ground penetrating radar system work and report all findings to the Board at the next Board meeting.

The Board then instructed the District's Engineer to meet with Aber Fence on Wednesday, November 28, 2018, to discuss the wall project issues and, thereafter, work with the Wall Committee to develop alternative designs which address the residents' concerns.

#### TAX ASSESSOR-COLLECTOR'S REPORT

The Board recognized Mr. Ferrier, who presented to and reviewed with the Board the Tax Assessor-Collector's Report for October 2018, a copy of which is on file in the official records of the District.

Upon motion by Director Bennett, seconded by Director Pratt, and after full discussion, the Board voted unanimously to approve the Tax Assessor-Collector's Report.

### **BOOKKEEPER'S REPORT**

The Board recognized Ms. Busboom, who submitted to and reviewed with the Board the Bookkeeper's Report, invoices submitted for payment, and the Investment Report, copies of which are on file in the official records of the District. The bookkeeper also presented a draft budget for fiscal year ending December 31, 2019, which the Board reviewed.

Upon motion by Director Pratt, seconded by Director Bennett, and after full discussion, the Board voted unanimously to (1) approve the Bookkeeper's Report; (2) approve payment of invoices; and (3) approve the Investment Report. The Board deferred action on the draft budget for fiscal year ending December 31, 2019.

## **OPERATOR'S REPORT**

The Board recognized Mr. Clark, who submitted to and reviewed with the Board the Operator's Report, a copy of which is on file in the official records of the District.

Upon motion by Director Bennett, seconded by Director Pratt, and after full discussion, the Board voted unanimously to approve the Operator's Report.

## CAPITAL IMPROVEMENT COMMITTEE'S REPORT

Director Osteen recognize Mr. LaRue, who updated the Board on the status of the amendment to the Utility Development Agreement with Klein ISD.

## **APPROVAL OF MINUTES**

The proposed Minutes of the meeting of the Board held October 23, 2018, previously distributed to the Board, were presented for consideration and approval.

Upon motion by Director Pratt, seconded by Director Walker, and after full discussion, the Board voted unanimously to approve the Minutes of the meeting held October 23, 2018, as presented.

## ATTORNEY'S REPORT

### **Amendment to Utility Development Agreement**

The Board deferred action on this item.

#### **December Board Meeting**

Mr. LaRue noted that the Board's regular meeting for December fell on Christmas Day.

After discussion, it was the consensus of the Board to hold the December Board meeting at 3 p.m., Friday December 14, 2018.

#### <u>ADJOURNMENT</u>

There being no further business to come before the Board, upon motion made, seconded, and approved unanimously, the meeting was adjourned.

PASSED, APPROVED, AND ADOPTED, this 14th day of December, 2018.



Secretary, Board of Director