

MINUTES OF MEETING  
OF THE  
BOARD OF DIRECTORS

DECEMBER 14, 2018

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”), noticed a special session, open to the public, to be held at 3:00 p.m., on Friday, December 14, 2018, at 20811 Normandy Forest Drive, Spring, Texas 77388, a designated meeting place located inside the boundaries of the District. Whereupon, at 3:08 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 Osteen, 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; and Ryan E. LaRue of Sanford Kuhl Hagan Kugle Parker Kahn LLP (“SK Law”), Attorneys for the District.

**HEAR FROM PUBLIC**

The Board noted that no public was present.

## **WEBSITE REPORT**

No Report was offered.

The Board then discussed posting election information on the District's website.

Upon motion by Director Walker, seconded by Director Doll, and after full discussion, the Board voted unanimously to post all election-related materials and information on the District's website.

## **CONSTABLE'S REPORT**

No Report was offered.

## **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 next presented Pay Estimate No. 5 in the amount of \$93,696.94, payable to Aber Fence.

Upon motion by Director Doll, seconded by Director Walker, and after full discussion, the Board voted unanimously to approve Pay Estimate No. 5, in the amount of \$93,696.94, payable to Aber Fence.

Mr. Beck next presented Change Order No. 7 from Aber Fence in the amount of \$17,700.00 to remove the above grade improvements at the Normandy Forest Entrance, restore the disturbed work area via sodding, and restock unused building materials.

After discussion, the Board took no action on Change Order No. 7.

Mr. Beck next presented Change Order No. 8 from Aber Fence, which Change Order requests a thirty-nine (39) day extension to the contract time due to weather delays. Mr. Beck noted that he believes that 27 days would be the appropriate contract extension. Director Doll advised that, in his opinion, Aber Fence has been diligently working on the project.

Upon motion by Director Doll, seconded by Director Bennett, and after full discussion, the Board voted unanimously to extend the contract term 27 days due to weather delays.

Mr. Beck next discussed a construction issue behind the Goddard School and the Strip Center located at the intersection of FM 2920 and Meadowhill Blvd, noting that a utility pole was in the property line. The Board discussed various options for construction of the wall around the utility pole.

Upon motion by Director Doll, seconded by Director Bennett, and after full discussion, the Board voted unanimously to authorize the wall committee to resolve the utility pole / wall construction issue in an amount not to exceed \$10,000.

The Board next discussed painting (with possible accents) the wall CMU at the intersection of Normandy Forest and Falvel Road. Director Doll advised that he had spoken with Aber Fence and the cost of painting the CMU would be approximately \$250.

Upon motion by Director Doll, seconded by Director Walker, and after full discussion, the Board voted unanimously to approve painting (with possible accents) the wall CMU at the intersection of LaFleur and Falvel Road.

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

#### **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 November 2018, a copy of which is on file in the official records of the District.

Upon motion by Director Doll, seconded by Director Bennett, 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 an amended

budget for fiscal year ending December 31, 2018, and a proposed budget for fiscal year ending December 31, 2019, which the Board reviewed.

Upon motion by Director Bennett, seconded by Director Walker, and after full discussion, the Board voted unanimously to approve (1) the Bookkeeper's Report; (2) payment of invoices; (3) Investment Report; (4) the amended budget for fiscal year ending December 31, 2018; and (5) the budget for fiscal year ending December 31, 2019.

### **OPERATOR'S REPORT**

No Report was offered.

### **CAPITAL IMPROVEMENT COMMITTEE'S REPORT**

Director Pratt recognized 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 meetings of the Board held November 26, November 27, and December 5, 2018, previously distributed to the Board, were presented for consideration and approval.

Upon motion by Director Walker, seconded by Director Bennett, and after full discussion, the Board voted unanimously to approve the Minutes of the meetings of the Board held November 26, November 27, and December 5, 2018, as presented.

### **ATTORNEY'S REPORT**

#### **Resolution Regarding Eminent Domain Authority**

The Board recognized Mr. LaRue who reviewed with the Board legislation enacted by the Texas Legislature which requires governmental entities with eminent domain authority to report annually to the Texas State Comptroller certain District information relating to its eminent domain authority, noting that this year's report is required to be filed on or before February 1, 2019. Mr. LaRue also reviewed with the Board a Resolution Evidencing Annual Review and Authorizing

Filing with Comptroller of Public Accounts of State of Texas Documentation of Eminent Domain Authority and recommended approval of said Resolution.

Upon motion by Director Bennett, seconded by Director Doll, and after full discussion, the Board voted unanimously to adopt the Resolution Evidencing Annual Review and Authorizing Filing with Comptroller of Public Accounts of State of Texas Documentation of Eminent Domain Authority. A copy of said Resolution is on file in the official records of the District.

**ADJOURNMENT**

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 22nd day of January, 2019.



  
Secretary, Board of Directors