

MINUTES  
BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 28

September 18, 2019

The Board of Directors (the "Board") of Brazoria County Municipal Utility District No. 28 (the "District") met in regular session, open to the public, on the 18<sup>th</sup> day of September, 2019, at Heritage Bank, 1850 Pearland Parkway, Pearland, Texas inside the boundaries of the District, and the roll was called of the members of the Board:

Richard Escamilla	President
Nigel Brooks	Vice President
Linda Clem	Secretary
Ernest Hubert	Assistant Secretary
John Gordon	Assistant Vice President

and all of the above were present, thus constituting a quorum.

Also present at the meeting were Tracey Scott of Myrtle Cruz, Inc.; Brittini Silva of Assessments of the Southwest, Inc.; Chance Vinklerek of LJA Engineering, Inc.; Kaz Jones of Storm Water Solutions, LLC ("SWS"); Chad Thumann of R West Development; Doug Howard of KB Home Lone Star, Inc.; Don Powell, a resident of the District; and Hannah Brook, Sharon Covan, and Aidé Meza of Allen Boone Humphries Robinson LLP ("ABHR").

MINUTES

The Board considered approving the minutes of the August 21, 2019, meeting. Following review and discussion, Director Gordon moved to approve the minutes of the meeting. Director Hubert seconded the motion, which passed by unanimous vote.

CONDUCT PUBLIC HEARING REGARDING DISTRICT'S TAX RATE, ADOPT ORDER LEVYING TAXES, AND AUTHORIZE EXECUTION OF AMENDMENT TO INFORMATION FORM

The Board considered setting a tax rate for 2019. Ms. Silva said the District published notice in The Pearland Reporter News to levy a total tax rate of \$0.82 per \$100 of assessed valuation for 2019. Director Escamilla opened the public hearing regarding the District's tax rate and upon receiving no comments from the public, the Board concurred to close the public hearing.

The Board confirmed its intention that the 2019 tax levy include a debt service component of \$0.50 per \$100 of assessed valuation for the calendar year ending December 31, 2020, and a maintenance and operations tax component of \$0.32 per \$100 of assessed valuation for the fiscal year ending July 31, 2020. After discussion, Director

Escamilla moved to adopt the Order Levying Taxes for 2019 containing a total tax rate of \$0.82 per \$100 of assessed valuation consisting of \$0.50 for debt service and \$0.32 for maintenance and operations and direct that the Order be filed appropriately and retained in the District's official records. The motion was seconded by Director Clem and carried unanimously.

The Board considered authorizing execution of the Amendment to Information Form reflecting the 2019 tax rate. Director Escamilla moved to authorize execution of the Amendment to Information Form and authorize filing the Information Form with the Texas Commission on Environmental Quality (the "TCEQ"), Brazoria County, and Harris County and direct that the Information Form be filed appropriately and retained in the District's official records. Director Clem seconded the motion, which passed by unanimous vote.

#### FINANCIAL AND BOOKKEEPING

Ms. Scott presented and reviewed the bookkeeper's report, a copy of which is attached. After review and discussion, Director Gordon moved to approve the bookkeeper's report and the checks presented for payment. Director Hubert seconded the motion, which passed by unanimous vote.

#### REVIEW OF INVESTMENT POLICY AND ADOPT RESOLUTION REGARDING ANNUAL REVIEW OF INVESTMENT POLICY

Ms. Brook explained that the Texas Public Funds Investment Act requires the Board to annually review its Investment Policy and authorize any amendments. After discussion, Director Gordon moved to make no changes to the Investment Policy, adopt a Resolution Regarding Annual Review of Investment Policy, and direct that the Resolution be filed appropriately and retained in the District's official records. Director Clem seconded the motion, which passed by unanimous vote.

#### RESOLUTION ESTABLISHING THE AUTHORIZED DEPOSITORY INSTITUTIONS AND ADOPTING LIST OF QUALIFIED BROKER/DEALERS

The Board considered adopting a Resolution Establishing the Authorized Depository Institutions and Adopting a List of Qualified Broker/Dealers with Whom the District May Engage in Investment Transactions incorporating an updated list of broker/dealers provided by the District's bookkeeper. After review and discussion, Director Escamilla moved to adopt the Resolution and direct that the Resolution be filed appropriately and retained in the District's official records. Director Gordon seconded the motion, which passed by unanimous vote.

TAX ASSESSMENT AND COLLECTIONS

Ms. Silva presented and reviewed the tax assessor/collector's report, a copy of which is attached. After review and discussion, Director Gordon moved to approve the tax assessor/collector's report. Director Brooks seconded the motion, which passed by unanimous vote.

RESOLUTION NOMINATING CANDIDATE FOR BOARD OF DIRECTOR ELECTION FOR HARRIS COUNTY APPRAISAL DISTRICT

The Board considered nominating a candidate for the Harris County Appraisal District's Board of Directors election. After discussion, the Board concurred to take no action on this matter.

STORM WATER PERMITTING MATTERS

There was no report on this matter.

ENGINEERING MATTERS

Mr. Vinklarek presented and reviewed the engineering report, a copy of which is attached.

EXCAVATION OF DETENTION POND TO SERVE MIRROR LAKE

Mr. Vinklarek reported on excavation of the detention pond to serve Mirror Lake. He said construction is complete and had no pay estimates to present to the Board.

MIRROR LAKE, WATER, SANITARY SEWER, DRAINAGE AND DETENTION FACILITIES

Mr. Vinklarek reported on Mirror Lake, water, sanitary sewer, drainage, and detention facilities. He presented and recommended for approval Pay Estimate No. 6 and Final in the amount of \$54,001.07, submitted by R Construction Company.

MIRROR LAKE STORM WATER PUMP STATION

Mr. Vinklarek reported on the storm water pump station to serve Mirror Lake. He had no pay estimates to present to the Board.

TRANQUILITY LAKES, SECTION 4, WATER, SANITARY SEWER AND DRAINAGE FACILITIES

Mr. Vinklarek reported on Tranquility Lakes, Section 4, water, sanitary sewer and drainage facilities. He had no pay estimates to present to the Board.

CYPRESS VILLAGE, SECTION 3, WATER, SANITARY SEWER AND DRAINAGE FACILITIES

Mr. Vinklarek reported on Cypress Village, Section 3, water, sanitary sewer and drainage facilities. He had no pay estimates to present to the Board.

RESOLUTION AUTHORIZING APPLICATION TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FOR USE OF SURPLUS FUNDS

The Board considered adopting a Resolution Authorizing Application to the TCEQ for Use of Surplus Funds.

HOUSE COUNT REPORT

Mr. Vinklarek reported on the number of homes in the District. He said there are currently 2,401 lots in the District with 2,255 homes started or built.

Following discussion, Director Brooks moved to: (1) approve Pay Estimate No. 6 and Final in the amount of \$54,001.07 for water, sanitary sewer, drainage, and detention facilities to serve Mirror Lake; (2) adopt a Resolution Authorizing Application to the TCEQ for Use of Surplus Funds; and (3) accept the engineer's report. Director Gordon seconded the motion, which passed by unanimous vote.

DEEDS, EASEMENTS AND CONVEYANCES; ENVIRONMENTAL SITE ASSESSMENT; WAIVERS OF SPECIAL APPRAISAL

There was no report on this matter.

MAINTENANCE OF DETENTION PONDS

Mr. Jones presented and reviewed a quarterly inspection report of the detention ponds in the District, a copy of which is attached. Mr. Jones said detention ponds in Highland Crossing, Twin Lakes I, and Province Village are not being mowed regularly. Ms. Brook said the District has been contacted by residents with complaints about mowing not being performed on certain detention ponds. She said she has informed the residents of the District's responsibility as well as the homeowner associations' responsibilities regarding maintenance of the detention ponds. The Board discussed assembling a committee to be Mr. Jones' contact for priority pond maintenance projects.

Director Gordon and Director Brooks said they were available to meet with Mr. Jones regarding maintenance of detention ponds in the District.

Mr. Jones presented and reviewed a proposal from SWS in the annual amount of \$10,566.00 for mowing and maintenance of the Pearland Lakes I and Pearland Lakes II ponds, a copy of which is attached. Mr. Jones recommended the maintenance service schedule as presented. After review and discussion, the Board deferred action on this matter.

WEBSITE

Discussion ensued regarding the District's website. After discussion, the Board authorized posting a notice for property owners and homeowners associations regarding detention ponds on the District's website.

HOMEOWNER ASSOCIATION MATTERS

There was no discussion on homeowner association matters.

DEVELOPER FINANCING AGREEMENTS; AMENDMENTS AND ASSIGNMENTS

There was no additional discussion on this matter.

DEVELOPMENT IN THE DISTRICT

Mr. Howard and Mr. Thumann generally discussed development in the District.

MEETING SCHEDULE AND IN-DISTRICT MEETINGS

The Board discussed the next Board meeting on October 16, 2019, and agreed to meet at the office of ABHR.

There being no further business to come before the Board, the Board concurred to adjourn the meeting.

(SEAL)



*Ernest Hubert*  
Asst. Secretary, Board of Directors

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