

LAKE POINTE MUNICIPAL UTILITY DISTRICT

**MINUTES OF A SPECIAL MEETING OF
THE BOARD OF DIRECTORS**

February 28, 2022

The Board of Directors of Lake Pointe Municipal Utility District (the “District”) met in person in a special session on February 28, 2022, at 7:00 p.m., open to the public. The District posted a copy of the notice of meeting, attached as “Exhibit A.”

President Salgo called the meeting to order at 7:03 p.m.

Item No. 1

Item No. 1 was to call to order and establish quorum. The following members of the Board were present:

Director Robert Salgo
Director Jody Flaws
Director Jason Rew-Hunter
Director Terry Elam

Director Penny Handsel was absent due to a scheduling conflict. Also in attendance were William Swanks with TUMCO, Andrew Berkowitz from Johnson Services Company, Cathy Mitchell with Jones|Carter, Amy Emerson with Allensworth Law Firm, and Grayson McDaniel and John Carlton with The Carlton Law Firm.

Item No. 2

Item No. 2 was to receive public comment on items not on the Agenda. No public comments were made.

The Board took **NO ACTION** on this item.

Item No. 3

Item No. 3 was to receive an update from the Lake Pointe Homeowners’ Association. No representative of the Pointe HOA attended the meeting.

The Board took **NO ACTION** on this item.

Item No. 4

Item No. was to discuss, consider, and take action as necessary regarding the Boundary (Resaca) Fence project within the Lake Pointe Subdivisions. Cathy Mitchell provided an update to the Board regarding Johnson Services Company’s communications since Jones|Carter issued the Notice to

Proceed on February 14, 2022. The Notice to Proceed required Johnson Services Company to provide the pre-work written submittals in the contract documents within ten days. Ms. Mitchell reported that Johnson Services Company had not sent any submissions since the Notice to Proceed was issued.

President Salgo asked if anyone else wanted to speak before the Board entered Executive Session, noting that the attendees would be secluded from the Board until the Board left Executive Session. No one present requested an opportunity to speak.

The Board took **NO ACTION** on this item.

EXECUTIVE SESSION

The Texas Open Meetings Act, Chapter 551 of the Texas Government Code, authorizes the Board of Directors to convene in close or executive session for certain purposes, including receiving legal advice from the District's attorney (Sec. 551.071); discussing real property matters (Sec. 551.072); discussing gifts and donations (Sec. 551.073); discussing security personnel or devices (Sec. 551.076); and discussing information technology security practices (Sec. 551.089). If the Board of Directors goes into executive session to discuss any item on this agenda, the President Officer will announce that the Board will meet in Executive Session will be held, will note the time, and will identify the item to be discussed and the provision of the Open Meetings Act which authorizes the Executive Session. The District may meet in executive session on any agenda item or any item listed below:

- A. the District's Preserve;
- B. West Travis County PUA;
- C. Safety issues related to COVID-19; and
- D. ongoing or pending litigation involving the District.

At 7:05, the Board retired to executive session, pursuant to Section 551.071 of the Texas Government Code, to discuss ongoing or pending litigation involving the District with the District's attorney.

At 8:09, the Board returned from executive session. The Board took no action and made no motions while in Executive Session.

Item No. 4

President Salgo made a motion to reaffirm the District's engagement to Allensworth Law Firm to assist the District with the Johnson Services dispute. Director Flaws seconded the motion. President Salgo asked for further discussion and, hearing none, took a voice vote. The motion **PASSED** unanimously.

The Board took **NO FURTHER ACTION** on this item.

Item No. 5


Item No. 17 was adjournment. Director Flaws made a motion to adjourn. President Salgo

seconded the motion. President Salgo called for a voice vote and the motion **PASSED** unanimously.

The meeting was adjourned at 8:14 p.m.

PASSED, APPROVED, AND ADOPTED this 10th day of March 2022.





Jody Flaws, Secretary-Treasurer