

Governance Planning Process

Governance Strategy and Assessment Report

November 8, 2012



Agenda

- Review Governance Strategy and Assessment Report
- Review Public and Stakeholder Engagement Plan

Governance Process Review

- 18-month study of future governance
 - Gap analysis
 - Incorporation financial analysis
 - Public and stakeholder outreach
- August 22, 2012 Board decision to defer an incorporation vote indefinitely

Annual Governance Strategy

- Identify issues or items not currently in the direct control of the Township
- Utilize a four-level evaluation model to determine action
- Report to Board annually prior to the budget process

Level 1: Internal Procedures and Budgeting

- **Can the issue be addressed through making adjustments in the Township's procedures, protocols, or through allocation of additional resources?**
 - Examples: changes in staffing, levels of service, etc.
 - If no, proceed to Level 2 analysis

Level 2: Contractual/Intergovernmental Agreements

- **Can the issue be addressed through contract adjustments with the current service provider?**
- **Can the issue be addressed with a new service provider?**
- **Can the issue be addressed by providing a new service through an identified service provider?**
 - If no, proceed to Level 3 analysis

Level 3: Legislative Initiatives

- **Can the issue be addressed through the expansion of the Township's abilities through successful pursuit of legislative changes?**
 - Legislature meets in odd-numbered years
 - Would require a supportive legislator to carry, and passage by legislature and governor
 - Could result in adverse impacts to the existing Township enabling legislation

Level 3: Legislative Initiatives, cont.

- Successful passage may not occur in one session
- Would necessitate additional costs related to legal and lobbyist services
- If no, proceed to Level 4 analysis

Level 4: Governance Change

- **If all other avenues have been determined inadequate to address the issue, should a change in the Township's governance structure be pursued to provide more local control?**
 - Governance process reopened
 - Pursuit of incorporation or adopting an alternative form of local governance

Level 4: Governance Change

– Incorporation:

- Under current RPAs, could occur between November 2014 and May 2057
- Would become a general law city; would likely desire to become a home rule city via drafting of a charter
- MUDs would dissolve; assets and liabilities would transition to city
- City would assume responsibility for law enforcement, roads and traffic, planning and development, etc.

Level 4: Governance Change

- Incorporation, cont.:
 - City would need to establish a city secretary's office, municipal courts, police department, public health agency, public works department, etc.
 - Would permanently remove the threat of unilateral annexation
- Alternative form of local government
 - Unknown at this time

Annual Governance Strategy

Questions?

Proposed Public and Stakeholder Engagement Plan

- November 2012: Update Township website
- January 2013
 - Article in *The Woodlands Community Magazine*
 - Send letters to stakeholders who participated in process communicating governance decision

Proposed Public and Stakeholder Engagement Plan Questions?

0 extra shifts, 0 days off, 0 ride-up							2012
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	NOTES
1	2	3 24 hr shift	4	5	6 24 hr shift	7	40 hrs reg 8 hrs OT
8	9 24 hr shift	10	11	12 24 hr shift	13	14	40 hrs reg 8 hrs OT
15 24 hr shift	16	17	18 24 hr shift	19	20	21 24 hr shift	40 hrs reg 32 hrs OT
22	23	24 24 hr shift	25	26	27 24 hr shift	28	40 hrs reg 8 hrs OT

Hourly Rate = \$19.60
216
 OT Rate = \$29.40
 \$3,136.00

Total Hours =
 160 reg hrs =

0 extra shifts, 0 days off, 0 ride-up							2013
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	NOTES
1	2	3 24 hr shift	4	5	6 24 hr shift	7	48 hours
8	9 24 hr shift	10	11	12 24 hr shift	13	14	48 hours
15 24 hr shift	16	17	18 24 hr shift	19	20	21 24 hr shift	72 hours
22	23	24 24 hr shift	25	26	27 24 hr shift	28	48 hours

Hourly Rate = \$21.81
 OT Rate = \$32.72

Total Hours = 216
 212 reg hrs = \$4,623.72
 4 OT hrs = \$ 130.88
 Total \$4,754.60

1 extra shift, 1 day off **2012**

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	NOTES
1	2 24 hrs vacation (hours count toward over time)	3	4	5 24 hr shift	6	7	24 hrs vac 16 hrs reg 8 hours OT
8 24 hr shift	9	10	11 24 hr shift	12	13 24 hours Extra shift	14 24 hr shift	40 hrs reg 56 hrs OT
15	16	17 24 hr shift	18	19	20 24 hr shift	21	40 hrs reg 8 hrs OT
22	23 24 hr shift	24	25	26 24 hr shift	27	28	40 hrs reg 8 hrs OT

Hourly Rate = \$19.60
240
 OT Rate = \$29.40
 \$3,136.00

Total Hours =
 160 reg hrs =

1 extra shift, 1 day off **2013**

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	NOTES
1	2 24 hrs vacation (does not count toward overtime)	3	4	5 24 hr shift	6	7	24 hrs vacation 24 hours
8 24 hr shift	9	10	11 24 hr shift	12	13 24 hours Extra shift	14 24 hr shift	96 hours
15	16	17 24 hr shift	18	19	20 24 hr shift	21	48 hours
22	23 24 hr shift	24	25	26 24 hr shift	27	28	48 hours

Hourly Rate = \$21.81
 OT Rate = \$32.72

Total Hours = 240
 236 reg hrs = \$5,147.16
 4 OT hrs = \$ 130.88
 Total \$5,278.04

Difference between 2012 and 2013 = < \$209.96 >

2 extra shifts, 1 day off							2012
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	NOTES
1	2 24 hrs vacation (hours count toward over time)	3	4	5 24 hr shift	6	7	24 hrs vac 16 hrs reg 8 hours OT
8 24 hr shift	9	10	11 24 hr shift	12	13 24 hours Extra shift	14 24 hr shift	40 hrs reg 56 hrs OT
15	16	17 24 hr shift	18	19	20 24 hr shift	21	40 hrs reg 32 hrs OT
22	23 24 hr shift	24	25	26 24 hr shift	27	28	40 hrs reg 8 hrs OT

Hourly Rate = \$19.60
264
 OT Rate = \$29.40
 \$3,136.00

Total Hours =
 160 reg hrs =

2 extra shifts, 1 day off							2013
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	NOTES
1	2 24 hrs vacation (does not count toward overtime)	3	4	5 24 hr shift	6	7	24 hrs vacation 24 hours
8 24 hr shift	9	10	11 24 hr shift	12	13 24 hours Extra shift	14 24 hr shift	96 hours
15	16	17 24 hr shift	18	19	20 24 hr shift	21	72 hours
22	23 24 hr shift	24	25	26 24 hr shift	27	28	48 hours

Hourly Rate = \$21.81
 OT Rate = \$32.72

Total Hours = 264
 236 reg hrs = \$5,147.16
 28 OT hrs = \$916.16
 Total \$6,063.32

Difference between 2012 and 2013 = < \$130.28 >

OPERATING PROCEDURES
OF
THE DEVELOPMENT STANDARDS COMMITTEE

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**OPERATING PROCEDURES
OF
THE DEVELOPMENT STANDARDS COMMITTEE**

PREAMBLE:

This document establishes the operating procedures (“Operating Procedures”) of the Development Standards Committee (“DSC”), an entity established by The Covenants, Easements Restrictions, Charges and Liens of the Woodlands (“The Woodlands Covenants”), and comprised of a group of seven (7) appointed individuals responsible for its governance. While these Operating Procedures are adopted primarily for the benefit of the members of the DSC, they may also be useful to any party interested in how the DSC conducts business, to those subject to the jurisdiction of the DSC, and to residents of The Woodlands considering applying for a position on the DSC. In the event of a conflict between these Operating Procedures and The Woodlands Covenants, The Woodlands Covenants shall control.

The Development Standards Committee recognizes that it is primarily an architectural design and review entity that considers and acts upon requests for variances to The Woodlands Covenants and The Residential Development Standards (“Standards”) as received from property owners and residents of The Woodlands as well as considers appeals of the decisions made by a Residential Design Review Committee (“RDRC”). To this end, at least five (5) of the individuals appointed to the DSC will be required to have experience in architecture, engineering, contracting, building code enforcement or a related field. Additionally, the DSC recognizes that is responsible for adopting rules and regulations regarding the administration, interpretation and enforcement of The Woodlands Covenants and Standards.

PURPOSE

The purpose of the DSC is to protect the character and integrity of The Woodlands through the enforcement of The Woodlands Covenants and the establishment and enforcement of rules and regulations in conformity with the same, including the Standards. To this end, among other things, the DSC recognizes the following responsibilities:

- (i) Deliberate and act upon variance requests to The Woodlands Covenants and Standards based on evidence, impact and judgment while maintaining the essence of the look and feel of The Woodlands;
- (ii) Deliberate and act upon commercial and residential applications and those related to “Land Use”;
- (iii) Develop and otherwise revise, modify and amend The Residential Development Standards and The Commercial Planning and Design Standards; and
- (iv) Enforce The Woodlands Covenants and Standards, including taking necessary action to extinguish violations of the same and approving the pursuit of legal action where necessary.

THE COMMITTEE

The DSC shall consist of seven (7) members appointed by the Board of Directors of The Woodlands Township. At least five (5) of the seven (7) members shall have experience in architecture, engineering, contracting, building code enforcement, or a related field ("Professional Credentials"). In accordance with The Woodlands Covenants, The Woodlands Township shall appoint four (4) members to the DSC intended to provide focus on residential items and impact (the "Township Appointees"), and The Woodlands Land Development Company (TWLDC) shall designate the additional three (3) members for appointment by The Woodlands Township intended to provide focus on some of the commercial items (the "Developer Recommended Appointees"). The DSC shall elect a Chairperson and a Vice-Chairperson by majority vote at the next regular meeting following the appointment of new members to the DSC.

MEETINGS

SECTION 3.01 REGULAR MEETINGS

The DSC will hold regular meetings at least once per month, said meetings normally lasting between three (3) to six (6) hours. The act of a majority of the DSC members present at any meeting shall be required for action of the DSC on any matter before it.

The DSC will also meet with the Residential Design Review Committees the Development Review Committee ("DRC") and Commercial Standards Committee ("CSC") on an as needed basis.

SECTION 3.02 SPECIAL MEETINGS

The Chairman of the DSC may call a special meeting of the DSC at any time. The Chairman of the DSC shall call a special meeting upon the written request of at least four (4) DSC members or a majority of the DSC members then in office.

SECTION 3.03 EXECUTIVE SESSION

The Development Standards Committee is bound by The Open Meetings Act. The open meetings act provides certain narrowly drawn exceptions to the requirement that meetings of a governmental body be open to the public. These exceptions are found in sections 551.071 through 551.088 of The Public Information Act.

An executive session is a closed to the public. Executive Sessions may be called for consultation with an attorney, Deliberations about real property, among other provisions as defined in The Open Meeting Act. Discussions in Executive Sessions are confidential and shall not be discussed with any non-participants.

SECTION 3.04 NOTICE OF MEETINGS

Notice of any regular or special meeting shall be delivered to each DSC member at least three (3) days in advance of the meeting, except that no notice shall be required for meetings held at the date, time and location specified in a resolution of the DSC. Any member can waive notice of a meeting by a written consent signed before or after the meeting.

SECTION 3.05 VOTING

A. Quorum Requirement. The presence of a majority of the DSC members then in office, including at least one (1) member of the Township Appointees, shall be necessary to constitute a quorum for the transaction of business and to take any action.

B. Deference Considerations. In accordance with the Mutual Benefits Agreement, the DSC may invoke deference on any item the DSC is acting on. Deference is a term used when a certain parcel of land is governed by either the four (4) member Township Appointees or the three (3) member Developer Recommended Appointees instead of by a simple majority vote of the seven members. As a result, the vote could be based on the majority of the Township Appointees or the Developer Recommended Appointees as opposed to the majority vote of DSC as a whole. The areas are specified by geographic location as noted in the Mutual Benefits Agreement as amended.

C. Committee Action. With respect to items submitted to the DSC, including appeals from decisions of an RDRC, the DSC will vote to take action generally in accordance with one of the following six (6) categories as presented by a motion duly made and properly seconded:

1. APPROVED: Meaning that the application submitted has been approved, allowed and permitted.
2. CONDITIONALLY APPROVED: Meaning that the application submitted has been approved, allowed and permitted with conditions which have been specified by the DSC.
3. DISAPPROVED: Meaning that the application submitted has been denied, is not allowed and does not have a permit. For existing improvements requiring correction as a result of disapproval, the DSC will typically allow the owner of the property thirty (30) days to comply with the DSC's action, unless specified otherwise.
4. MEMORANDUM OF AGREEMENT- (MOA): An MOA is issued when an existing violation is disapproved or conditionally approved, but the DSC consents to delay the enforcement of correcting the violation, based upon the execution of a document recorded in the real property records. This document identifies when the violation requires correction. The document is recorded and binding on the land. In order to release the MOA from the land, the owner must correct the violation in accordance with the MOA and coordinate with the Covenant Administration Department of The Woodlands Township ("CAD") to verify appropriate remedial measures have been take to correct

the violation and file a release of the MOA. An MOA may be used in the discretion of the DSC when, among other things:

- (i) The violation has been in place for an extended amount of time, and there is minimal impact or no immediate impact outside the property;
 - (ii) Correction of the violation would cause undue hardship and there is minimal impact or no impact outside the property.
 - (iii) When factors specific to the owner of the property at said time, requires extenuating circumstances that require the allowance of an improvement for the purposes of accessibility, ADA compliance or to mitigate undue hardship.
5. TABLE / DEFER: Meaning that the action item can be tabled or deferred at the discretion of the DSC, including but not limited to the following reasons:
- (i) Resident and/or property owner wanted to, and planned to be at the meeting but was unable to attend;
 - (ii) The situation warrants a site visit to the property to better assess impact and extent of the violation;
 - (iii) The DSC desires that more research be performed and more information gathered on the issue;
 - (iv) The DSC desires to consult with legal counsel on the matter; or
 - (v) The DSC desires to consult with other entities or organizations.
6. NO ACTION: Meaning that the DSC has determined that no action is required either because the matter is not within the scope of the DSC's jurisdiction pursuant to The Woodlands Covenants, or the issue is immaterial in the context of The Woodlands Covenants and Standards. If the DSC determines no action is to be taken, they will no longer review the item as an application, nor will they view the item as a violation.

The DSC will send the applicant written notice of the committee's action. Where appropriate, construction of approved improvements may proceed immediately following receipt of written approval from the DSC.

RECORDS AND MINUTES

The Development Standards Committee is bound by the Texas Public Information Act as located in chapter 552 of the Texas Government Code. All information collected, assembled, or maintained by the DSC is subject to the Texas Public Information Act, unless a valid exception applies.

The DSC will maintain both minutes and a record of votes for each of its meetings and shall make such records and minutes available for inspection by The Woodlands Township and

DSC members at the office of The Woodlands Township, and where an exception does not apply, to all citizens in accordance with the Texas Public Information Act.

VARIANCES

The DSC will act on variances, which are requests for authorization to make an improvement or alteration to a property that is contrary to the Standards. A variance is a request for a deviation from the Standards that would or could have significant impact on the community at large or neighboring property owners. Some variances may have a greater impact than others and may result in a larger number of residents and/or affected neighbors in attendance at a meeting and the DSC will consider each variance application individually in light of the circumstances.

The DSC may grant variances to the Standards when it can be demonstrated that because of disability or other factors, strict compliance would create an undue hardship by depriving the owner of the reasonable utilization of the property, or where unusual circumstances or characteristics that affect the property make strict compliance impractical. Any variance granted will only be applicable to the specific property for which the variance was granted and under the conditions for which the variance was granted, and will not modify or change any Standards as they apply to other properties or conditions.

The Committee will consider many factors when reviewing variances, including but not limited to, precedent, impact, architectural compatibility, aesthetics and neighborhood character. No variance will be granted unless the general purpose and intent of The Woodlands Covenants and Standards is maintained.

SECTION 5.01 VARIANCE PROCEDURES PRIOR TO MEETING

Prior to the meeting in which a variance will be considered for action by the DSC, the DSC, in conjunction with CAD, will do the following:

1. Collect necessary data relative to the variance request and notify the property owner(s) and adjacent property owners;
2. Create, review, and finalize an agenda and publish the same on the internet, at the office building where the DSC meets, and at the various courthouses;
3. Create a PowerPoint or other presentation based upon data collected and coordinated site visits;

SECTION 5.02 VARIANCE PROCESS DURING MEETINGS

The DSC will follow a standard operating procedure for hearing routine variance requests at a meeting, which will be presented with the agenda, any recommendations from CAD staff, and the necessary data, and the same will be systematically worked through the agenda in a reasonable amount of time and in the following order by variance type and other considerations:

1. Rehearing requests;

2. Proposed Improvements;
3. Existing Improvements;
4. Numerical order based on residents present; then by
5. Numerical order based on items with no representation;
6. On occasions, exceptions can be made to hear an item out of order for extenuating circumstances or evidence of hardship.

Once a variance item has been presented, the DSC will review and deliberate regarding said item and take whatever action it deems appropriate in accordance with Section 3.05. As part of its review and deliberation, members of the DSC may ask clarifying questions of CAD staff, home owners and their representatives, affected neighbors or other interested parties. The DSC may work with CAD staff, the applicant and affected neighbors to develop alternative solutions. Additionally, the DSC may choose to consult with legal counsel, request special meetings, solicit public input and perform additional research prior to taking action. The DSC will provide any interested party an opportunity to speak for three (3) minutes each per individual.

| REHEARINGS

Request for a rehearing will be considered provided the owner/or an interested party submits new information to the committee that is substantial enough to cause the committee to rehear the item. Requests for a rehearing must be submitted in accordance with The Residential Development Standards.

The rehearing process begins with the submission of a rehearing form, which will generate the review of the item at a meeting. The committee will determine whether or not to grant a rehearing. If the rehearing is granted then the item will be scheduled for full review at a subsequent meeting.

| AUTHORITY TO PROMULGATE RULES

The DSC, during the course of the year, collects information through discussion with the RDRC's, CAD staff and other entities for the purpose of drafting and revising changes to the Standards. The Woodlands Covenants are the primary governing documents that run with title to the land. The Woodlands Covenants authorize the promulgation of more specific rules and regulations by the DSC, including but not limited to the Standards. The Woodlands Covenants and Standards provide additional details regarding improvements and maintenance to the home.

| POWERS AND DUTIES

SECTION 8.01 POWERS AND DUTIES DESCRIBED

The DSC recognizes that it has been granted certain powers and duties pursuant to The Woodlands Covenants, to including but not limited to the following:

1. Protecting and enforcing The Woodlands Covenants, Standards and property values;

2. Maintaining rules and regulations which are consistent with The Woodlands Covenants and the growing trends and needs of The Woodlands community and the environment;
3. Evaluating impact to neighbor(s) or enforcement of The Woodlands Covenants;
4. Finalizing dispositions of variance requests, commercial applications and residential construction as soon as is reasonably practical under the circumstances;
5. Modifying, amending and adding to The Woodlands Residential and Commercial Development Standards and Initial Land Use Designation where appropriate;
6. Finalizing actions for properties in violation of The Woodlands Covenants or other restrictions within its jurisdiction, taking necessary subsequent enforcement action (including legal action where necessary), and inspecting lots and improvements on lots to determine compliance;
7. Promulgating rules and regulations governing the improvements of lots;
8. Adopting building codes governing construction on properties;
9. Designating the charge and collection of fees for the examination of plans and specifications;
10. Providing Certificates of Compliance upon completion of a structure or improvement as requested;
11. Authorizing the imposition of liens on a property for the enforcement of The Woodlands Covenants.

SECTION 8.02 GOVERNING DOCUMENTS

In order to fulfill the duties and obligations outlined above, members of the DSC shall become familiar with the documents creating or impacting their ability to exercise the same, including but not limited to The Woodlands Covenants, the Standards, The Commercial Development Standards, Initial Land Use Designations, Neighborhood Criteria, Development Criteria, the Mutual Benefits Agreement (as amended), Delegation Agreement with The Development Review Committee, Roberts Rules of Order, the Texas Open Meetings Act, and the Texas Public Information Act.

SECTION 8.03 OPERATING PHILOSOPHY

In their exercise of the powers and duties described herein, the members of the DSC shall strive safeguard the following operating philosophies whenever reasonably practical:

1. Finding a reasonable outcome for applicants and affected parties, without compromising the development philosophy or purpose and intent of The Woodlands Covenants;
2. Helping the applicants achieve their goals in as a fair a manner as possible;
3. Understanding the applicants requirements from a technical and personal perspective;
4. Developing alternatives or compromise that aid the applicants in achieving their objectives while maintaining the integrity of The Woodlands Covenants and Standards;

5. Providing an environment that is both neutral and respectful for all parties involved, and treating all applicants and attendees with respect and empathy.

AMENDMENTS

These Operating Procedures may be amended by a majority vote of the all the members of the DSC then in office. The DSC shall meet at least annually, within ninety (90) days of the appointment of new DSC members to review and discuss these Operating Procedures as they may deem appropriate. The DSC will allow The Woodlands Township Board of Directors an opportunity to comment on any subsequent amendments hereto, however, these Operating Procedures do not require prior review or approval by The Woodlands Township Board of Directors.

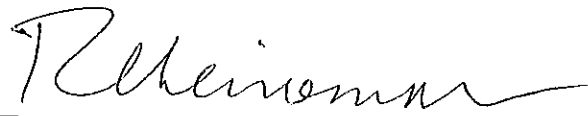
LIABILITIES

No member of the DSC shall be entitled to any compensation as a result of their service on the DSC and no member of the DSC shall be liable for damage, loss or injury arising out of any act or omission undertaken within the scope of their duties pursuant to The Woodlands Covenants, the Standards, or these Operating Procedures, including without limitation the approval or disapproval of plans, specifications, improvements, and variances.

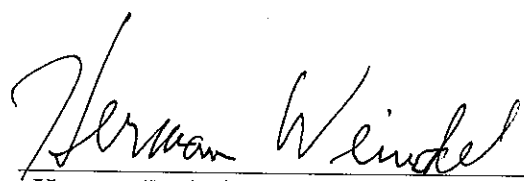
The undersigned hereby certifies that the above Operating Procedures were duly adopted by the Development Standards Committee on the 30th day of OCTOBER, 2012, and recognize that these Operating Procedures supersede any other documents related to the operating procedures of the DSC, including but not limited to any Bylaws purporting to govern the operations of the DSC.



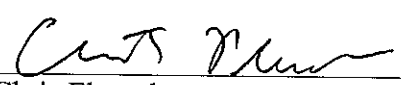
Deborah Sargeant, Chairperson



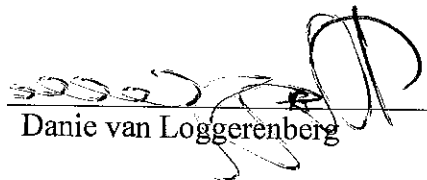
Robert Heineman, Vice-Chairperson



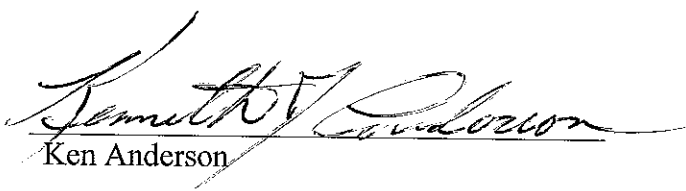
Herman Weindel



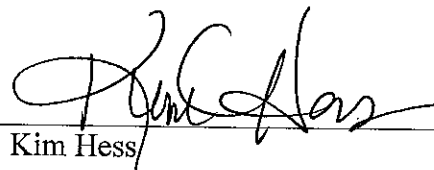
Chris Florack



Danie van Loggerenberg



Ken Anderson



Kim Hess

THE TRIMBLE FIRM, P.L.L.C.

ATTORNEYS AT LAW
209 SIMONTON
CONROE, TEXAS 77301

TELEPHONE (936) 441-3456; (936) 539-3457 TELECOPIER (936) 539-3464

E-MAIL dlt@trimblefirm.com

DALE L. TRIMBLE

Board Certified In Personal Injury and Civil Trial Law
Texas Board of Legal Specialization
Member – College of the State Bar of Texas

November 5, 2012

Re: Parati Competitive Rowing, Inc./The Rowing Club of The Woodlands, Inc.

Mr. Don Norrell, President
c/o John Powers
The Woodlands Township

VIA EMAIL
jpowers@thewoodlandstowship-tx.gov

Dear President Norrell and Township Board Members:

My name is Dale L. Trimble, and I am an attorney with The Trimble Firm, P.L.L.C., Conroe, Texas. I represent Simon Eastwick, Jan Rosman, Michael Rosman, Anthony Montano and Christine Montano, the plaintiffs who brought suit against The Rowing Club of The Woodlands, Inc., (“RCTW”) on April 12, 2012. My clients are members of Parati Competitive Rowing, Inc., which has submitted proposals to the Township board regarding use of the existing boat site or construction of a new one on Lake Woodlands. The purpose of my correspondence to you is to address the letter/narrative that was presented to the Township board by Charles Dixon, who is currently president of RCTW. To put it quite mildly, Dixon’s narrative is disingenuous and contains numerous false statements, which I bring to your attention.

Dixon stated RCTW did not expel members of the Juniors program. He claims these members chose to leave the RCTW on their own accord. This is absolutely untrue, as demonstrated by the attached memorandum dated March 28, 2012, submitted by Rosanne Shaul, acting on behalf of the RCTW board, in which it was resolved by said board (which included Mr. Dixon) that effective immediately, the Juniors team and all Junior associated entities were immediately terminated. The Juniors Boosters Committee and Juniors Board also were immediately disbanded and no longer permitted to any of the privileges associated with membership or oversight by the RWTC board. Therefore, Mr. Dixon’s statement the RCTW did not expel Junior members from the program is false.

Mr. Dixon goes on to state the RCTW board decided to name Michael Rosman as head coach of the Juniors rowing program until the end of the racing season. Again, this is an untrue statement, as illustrated by an email sent by Rosanne Shaul, again on behalf of the RCTW board, to Mr. Rosman on March 28, 2012, in which he was advised that his membership in the RCTW had been terminated immediately. Again, Mr. Dixon has withheld from the Township board this significant fact.

The parties I represent, including Michael Rosman, then filed an original petition and application for temporary restraining order to prevent RCTW and its directors, including

Charles Dixon, from “unilaterally disbanding the Juniors team, the Juniors Boosters committee and the Junior board: denying the plaintiffs and other RCTW members associated with the Juniors team access to the RCTW boathouse or training facilities; contacting any schools or stakeholders of the Juniors program to inform them the program had been disbanded or the Junior members no longer participated in rowing activities; and denying the plaintiffs and other RCTW members associated with the Juniors team the opportunity to train for upcoming rowing events, including the privilege of being coached by Michael J. Rosman, transporting appropriate RCTW equipment to such events and using appropriate RCTW equipment at such events.” The Hon. K. Michael Mayes, presiding judge of the 410th Judicial District Court of Montgomery County, Texas, signed the requested restraining order on April 12, 2012. Mr. Dixon’s contention the decision to name Michael Rosman as head coach to the end of the racing season was then followed by this lawsuit is absolutely false. Suit was brought against the RCTW and its board members, including Charles Dixon, in order to keep them from denying the Junior rowers the opportunity to train for events under Mr. Rosman.

Mr. Dixon also contends Judge Mayes effectively ruled in favor of the RCTW at a later point in time. This is also false. What Mr. Dixon failed to tell the Township is that the RCTW Natalia Dixon, Randy McKelvey and *Charles Dixon himself* agreed with my clients per Rule 11 of the Texas Rules of Civil Procedure to the following agreement:

1. Junior rowers associated with RCTW shall have access to the RCTW’s boat house, training facilities and equipment;
2. Junior rowers associated with RCTW shall have access to Lake Woodlands for training via RCTW’s facilities;
3. Michael Rosman shall be allowed to train and coach the Junior rowers who are associated with RCTW through August 1, 2012, at which time Michael Rosman’s privilege shall be terminated, and RCTW shall be allowed to replace him as coach of its Juniors’ program. Until then, Michael Rosman shall have access to RCTW’s boathouse, facilities and equipment through those Junior rowers who are members of RCTW and participate in the summer training program;
4. The parties agree the above-referenced litigation shall be non-suited with prejudice, including all claims that could have been presented in this litigation but for whatever reason were not; and
5. The parties agree that all parties shall be responsible for attorney’s fees and costs each has incurred.


Because the parties reached a mutual agreement, Judge Mayes made no ruling on the underlying litigation, allowing this agreement to stand. As a matter of fact, at this hearing Judge Mayes suggested the Juniors rowers and Junior Booster committee organize a separate entity.

Mr. Don Norrell
November 5, 2012
Page 3

Finally, the last falsehood told by Mr. Dixon, who has been a RCTW board member from the outset of this dispute and was instrumental in giving it birth, is that my clients converted (or stole) \$30,000.00 in RCTW funds and took RCTW equipment valued at approximately \$5,000.00 to start Parati Competitive Rowing. This is a very serious allegation that cannot be taken lightly, since Mr. Dixon is accusing my clients in a public forum of committing a crime. The RCTW initially raised this issue with Judge Mayes in its Motion for New Trial after it had agreed to a settlement with my clients. Judge Mayes denied that motion. Then Mr. Dixon resorted to involving the Montgomery County Sheriff's office, asserting criminal allegations against my clients, even having a Montgomery County Sheriff's investigator attempt to question them. The truth of the matter is that the money in issue was raised the Juniors Boosters Program for the benefit of the Junior rowers, not the RCTW. The funds were raised and managed by the Junior Boosters Program for the Junior rowers and have been used this year for regatta entry fees and expenses and attorney's fees necessary to allow the Junior rowers the opportunity to train and compete. This is the primary purpose of the Junior Boosters Committee's charter, a portion of which is attached for your review. This is further evidence Mr. Dixon, who is not even a resident of The Woodlands, has not been very forthcoming with the Township board.

At any time, I will be willing to share additional information with your board members regarding Parati Competitive Rowing or the litigation that was brought against the RCTW after it sought to disband the Junior Rowing Program.

Very truly yours,



Dale L. Trimble

DLT:sm
Enclosures

Subject: RCTW: Closed Until Further Notice
From: Rosanne Shaul (rejs1986@gmail.com)
To: rejs1986@gmail.com;
Bcc: jrosman4@yahoo.com;
Date: Wednesday, March 28, 2012 2:11 PM

To All RCTW Members,

It is with great disdain that this letter is being sent out to you today.

It has been brought to the attention of The Board of Directors that a number of members of the Junior Booster Board as well as the Interim Head Coach for the Junior Team, Mike Rosman, have been engaging in a subversive campaign that has dissolved the good will and credibility of the RCTW name and relationship with The Woodlands Township as well as The Woodlands Parks and Recreation Department. This group has acted in a manner that will not be tolerated. We are currently trying to resolve the issue with The Woodlands and maintain our access to the lake which expires on the March 30, 2012.

As such it has been resolved by The RCTW Board of Directors:

Effective immediately, The RCTW Juniors Team and all other Junior associated entities are immediately terminated due to individuals' grave misconduct, lying, and poor and false representation of RCTW.

The Junior Booster Committee and Junior Board is immediately disbanded and no longer permitted any of the privileges associated with membership or oversight by the RCTW Board; this includes but is not limited to dissemination of information through the contact information provided by RCTW and all RCTW entities.

Schools and other stakeholders of the Juniors Program have been notified.

The boat house has been locked for the short term to assess the damage, and all use of club assets has been suspended.

Please be advised that actions taken by individuals to circumvent this decision will result in legal action. Trespassers and violators of this decree will be charged.

This is a dark day on a club and a program that should be about fun, teamwork and sportsmanship. Please note that this action has been taken by the Board of Directors as a result of the **actions of adults, not the kids**. Additional notices will be sent, and we hope to have this resolved in a manner to not disrupt the activities of the club for longer than necessary.

Sincerely,

The RCTW Board of Directors

Subject: RCTW: Notice
From: Rosanne Shaul (rejs1986@gmail.com)
To: jrosman4@yahoo.com;
Cc: rejs1986@gmail.com; crdixon4@comcast.net; rctwtreasurer@gmail.com; Pamela.Sanders@hp.com;
r_b_mckelvey@yahoo.com; BPernice@tycovalves.com;
Date: Wednesday, March 28, 2012 1:50 PM

Mr. Mike Rosman,

Please be advised that your membership to the Rowing Club of The Woodlands is terminated immediately. Due to past misconduct, unsafe behavior, and misrepresentation of RCTW, you are no longer afforded the benefits of RCTW Membership. This includes but is not limited to acting as a representative of RCTW, contacting RCTW and its associates, disseminating information to RCTW membership or to other parties with details of RCTW, utilizing contact information provided by RCTW, storing any personal items on or in RCTW property, and utilizing RCTW equipment for any purposes

All RCTW property (whether purchased by the Juniors or General Membership funds) must be returned immediately.

Any property owned by you will be returned at a mutually agreed upon time.

Sincerely,

The Board of Directors

NO. 12-04-03579-1

RECEIVED FILED FOR REC'D
BARBARA GL...
CLERK

2012 APR -2 PM 4:27

SIMON EASTWICK, ANTHONY M. §
MONTANO III, CHRISTINE MONTANO §
MICHAEL J. ROSMAN, AND JAN §
ROSMAN, §
Plaintiffs, §

IN THE DISTRICT COURT OF
BY Patsy Galt
DEPUTY

VS. §

MONTGOMERY COUNTY, TEXAS

ROWING CLUB OF THE WOODLANDS, §
INC., A NON-PROFIT CORPORATION, §
ROSANNE SHAUL, RANDY McKELVEY, §
NATHALIA DIXON, GUGLIELMO §
PERNICE, and CHARLES DIXON. §
Defendants. §

410th JUDICIAL DISTRICT

TEMPORARY RESTRAINING ORDER

On this day, the Court heard Simon Eastwick, Anthony M. Montano III, Christine Montano, Michael J. Rosman, and Jan Rosman's application for temporary restraining order. After examining the pleadings and affidavits, the Court finds there is evidence:

1. Simon Eastwick, Anthony M. Montano III, Christine Montano, Michael J. Rosman, and Jan Rosman will prevail and recover from Rowing Club of The Woodlands, Inc., Rosanne Shaul, Randy McKelvey, Nathalia Dixon, Guglielmo Pernice, and Charles Dixon.
2. Harm is eminent, and if the Court does not issue the temporary restraining order, and will be irreparably injured because the damages they would incur are continuing and to a large degree incalculable, and the conduct that Rowing Club of The Woodlands, Inc., Rosanne Shaul, Randy McKelvey, Nathalia Dixon, Guglielmo Pernice, and Charles Dixon intend to pursue may require a multiplicity of lawsuits; and
3. An *ex parte* order is necessary without notice to Rowing Club of The Woodlands, Inc., Rosanne Shaul, Randy McKelvey, Nathalia Dixon, Guglielmo Pernice, and Charles Dixon because there is insufficient time to give notice to said defendants, hold a hearing and issue a restraining order before the irreparable harm occurs.

This Court, therefore, issues an order that restrains the Rowing Club of The Woodlands, Inc., Rosanne Shaul, Randy McKelvey, Nathalia Dixon, Guglielmo Pernice, and Charles Dixon from directly or indirectly:

(1) ~~Unilaterally disbanding the Juniors team, the Juniors Booster Committee, and the Junior Board;~~ *MM*

(2) Denying access by RCTW members associated with the Juniors team access to the RCTW boathouse, training facilities, or boathouse;

(3) ~~Contacting any schools or stakeholders in the Juniors program that said program has been disbanded or those Juniors members are no longer participating in rowing activities;~~

This is MM part of the order

(4) Denying the plaintiffs and other RCTW members associated with the Juniors team, including those team members, the opportunity to train for upcoming rowing events, including the privilege of being coached by Michael J. Rosman, transporting appropriate RCTW equipment to such events, and using appropriate RCTW equipment at such events. *as being as permission with the*

MM appropriate talk woodlands agency agrees.

(5) Orders the Clerk to issue notice to Rowing Club of The Woodlands, Inc., Rosanne Shaul, Randy McKelvey, Nathalia Dixon, Guglielmo Pernice, and Charles Dixon that the hearing on the plaintiffs' application for temporary injunction is set for on April 12, 2012, at 10:00 A.m. The purpose of the hearing shall be to determine whether this temporary restraining order shall be made a temporary injunction pending a full trial on the merits; and

(6) Sets bond at \$ 100

4. This order expires on April 3, 2012, at 1:30 a.m. (p.m.)

MM

ANCILLARY JUDGE

APPROVED AND ENTRY REQUESTED:

THE TRIMBLE FIRM, P.L.L.C.

By *Dale L. Trimble*

Dale L. Trimble
State Bar No. 20222650
209 Simonton Street
Conroe, Texas 77301
Telephone: 936/441-3456
936/539-3457
Telecopier: 936/539-3464
Attorneys for Plaintiffs, Simon Eastwick,
Anthony M. Montano III, Christine Montano,
Michael J. Rosman, and Jan Rosman

Jun. 21. 2012 1:47PM The Trimble Firm, P. L. L. C.

No. 3187 P. 2

THE TRIMBLE FIRM, P.L.L.C.ATTORNEYS AT LAW
209 SIMONTON
CONROE, TEXAS 77301TELEPHONE (838) 441-3468; (936) 859-3487 TELECOPIER (838) 638-3464
E-MAIL dl@trimblefirm.com**DALE L. TRIMBLE**Board Certified in Personal Injury and Civil Trial Law
Texas Board of Legal Specialization
Member - College of the State Bar of Texas

June 21, 2012

Re: No. 12-04-03579-CV; *Simon Eastwick, Anthony M. Montano III, Christine Montano, Michael J. Rosman and Jan Rosman vs. Rowing Club of The Woodlands, Inc., a Non-Profit Corporation, Rosanne Shaul, Randy McKelvey, Nathalia Dixon, Guglielmo Pernice and Charles Dixon*, in the 410th Judicial District Court of Montgomery County, Texas

Mr. Rob L. Wiley
Stewart & Wiley, P.L.L.C.
2203 Timberloch Place, Suite 126
The Woodlands, Texas 77380

VIA FACSIMILE NO. (281) 363-4987

Dear Mr. Wiley:

Per Rule 11 of the Texas Rules of Civil Procedure, as well as the announcement made this morning before the Hon. K. Michael Mayes, Presiding Judge of the 410th Judicial District Court of Montgomery County, Texas, Simon Eastwick, Anthony M. Montano III, Christine Montano, Michael J. Rosman and Jan Rosman, plaintiffs, and The Rowing Club of The Woodlands, Nathalia Dixon, Randy McKelvey and Charles Dixon, defendants, agree to the following:

1. Junior rowers associated with The Rowing Club of The Woodlands shall have access to the The Rowing Club's boat house, training facilities and equipment;
2. Junior rowers associated with The Rowing Club of The Woodlands shall have access to Lake Woodlands for training via The Rowing Club's facilities;
3. Michael Rosman shall be allowed to train and coach the Junior rowers who are associated with The Rowing Club of The Woodlands through August 1, 2012, at which time Michael Rosman's privilege shall be terminated, and The Rowing Club of The Woodlands shall be allowed to replace him as coach of its Juniors' program. Until then, Michael Rosman shall have access to The Rowing Club's boat house, facilities and equipment through those Junior members who are members of The Rowing Club of The Woodlands and participate in the summer training program;

Jun. 21. 2012 1:47PM The Trimble Firm, P. L. L. C.

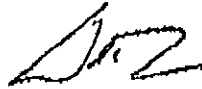
No. 3187 P. 3

Mr. Rob L. Wiley
June 21, 2012
Page 2

- 4. The parties agree the above-referenced litigation shall be non-suited with prejudice, including all claims that could have been presented in this litigation but for whatever reason were not; and
- 5. The parties agree that all parties shall be responsible for attorney's fees and costs each has incurred.

If this comports with your understanding of the agreement made before the Court the morning of June 21, 2012, please sign this document as indicated hereon and return same to me. I will take responsibility for filing this agreement with the Court.

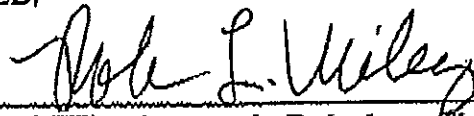
Very truly yours,



Dale L. Trimble

DLT:jr

AGREED:

By: 

Rob Wiley, Attorney for Defendants, The Rowing Club of The Woodlands, Randy McKelvey Nathalia Dixon and Charles Dixon

**CHARTER of the
ROWING CLUB OF THE WOODLANDS
JUNIORS BOOSTER CLUB**

ARTICLE I – NAME AND LOCATION

Section 1. Name. The name of this organization shall be: **ROWING CLUB OF THE WOODLANDS JUNIORS BOOSTER CLUB** hereinafter referred to as Booster Club or Organization.

Section 2. Location. All meetings of the Booster Club and/or its Board may be held at such places within The Woodlands Township or surrounding communities as its Board may designate.

ARTICLE II – PURPOSE

Section 1. Purposes. The Booster Club is organized as a standing committee of the Rowing Club of The Woodlands (RCTW). The purposes of the Organization include:

1. Promoting and supporting the RCTW Juniors Program.
2. Assisting, as needed, in any RCTW Juniors Program function.
3. Developing and promoting good fellowship, encouraging sportsmanship and supporting activities and programs for the benefit of the RCTW Juniors Program Members.
4. Raising funds and purchasing property and services to be used for the benefit of the RCTW Juniors Program Members.
5. Engaging in other charitable, civic, or educational activities that will contribute to the public education on the sport of rowing in The Woodlands community;

As such, the Booster Club inherits the responsibilities and eligibilities of RCTW as defined in the RCTW Bylaws and under Section 501(c)(3) of the Internal Revenue Code and its regulations as they now exist or as they may hereafter be amended.

Upon dissolution of the Organization or the winding up of its affairs, the assets of the Organization, shall be distributed to the RCTW for the benefit of the RCTW Juniors Program in accordance donor restrictions as applicable.

ARTICLE III – MEMBERSHIP

Section 1. Membership. Membership in this Organization is open to any person who is a parent, guardian, or adult relative of a child or children who are members in good standing of the **ROWING CLUB OF THE WOODLANDS JUNIORS PROGRAM**, and who will uphold the policies of this Organization and agree to its Charter. A maximum of one membership shall be granted to each family unit.

Section 2. Qualification. Eligible persons shall become members by paying the prescribed membership dues per family per school year. Upon payment of such dues and satisfaction of other financial and support obligations as set out in the annual Parent Handbook, a member shall be considered in good standing and be entitled to any and all rights and privileges of membership. The Treasurer and Chairpersons of Committees requiring member participation shall keep an accurate record of all members' payments and participation and shall file a report of any amounts owed to the Board on April 15 of each year or as of a date designated by the Booster Club Board of Directors (hereinafter "the Board").

Section 3. Membership Drive. An annual membership drive shall be conducted as early in the school year as possible, with additional members accepted at any time.

Section 4. Dues. Membership dues shall be payable at the beginning of each membership year. The amount of dues and the contemplated use of the dues are set forth annually in the Parent Handbook. Changes or revisions to dues must be presented to the membership at a meeting of the Board, with a vote taken at the next meeting of the Board.

Section 5. Fundraisers. The Board may designate fundraising programs to cover equipment requirements, or any other needs of the Juniors Program.

CAUSE NO. 12-04-03579-

CV

IN THE DISTRICT COURT OF

SIMON EASTWICK, ANTHONY M. §
MONTANO III, CHRISTINE MONTANO
MICHAEL J. ROSMAN, AND JAN §
ROSMAN,
Plaintiffs, §

MONTGOMERY COUNTY, TEXAS

VS.

ROWING CLUB OF THE WOODLANDS, §
INC., A NON-PROFIT CORPORATION,
ROSANNE SHAUL, RANDY McKELVEY, §
NATHALIA DIXON, GUGLIELMO
PERNICE AND CHARLES DIXON §
Defendants.

410TH JUDICIAL DISTRICT

**ORDER DENYING DEFENDANTS'
MOTION FOR NEW TRIAL**

On August 27, 2012, plaintiffs' response to defendants' motion for new trial was presented to the Court. After examining the motion for new trial, as well as plaintiffs' response, the Court is of the opinion that the motion should be DENIED.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that defendants' Rowing Club of The Woodlands, Inc., Randy McKelvey, Charles Dixon and Nathalia Dixon, motion for new trial is in all things DENIED.

SIGNED this 27th day of August, 2012.



JUDGE PRESIDING

RESOLUTION NO. 019-12

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WOODLANDS TOWNSHIP SUPPORTING EXTENSION OF THE EXISTING SHARED USE FACILITY FOR PEDESTRIANS AND BICYCLES IN THE WOODLAND TOWN CENTER; AND, AUTHORIZING THE PRESIDENT/GENERAL MANAGER TO SUBMIT THIS RESOLUTION TO THE HOUSTON-GALVESTON AREA COUNCIL (H-GAC) REGIONAL THAT THIS MOBILITY PROJECT BE APPROVED AND FUNDED IN ACCORD WITH THE STATEWIDE TRANSPORTATION ENHANCEMENT PROGRAM – 2012 CALL FOR PROJECTS.

WHEREAS, mobility is very important to the residents and businesses in Montgomery County; and

WHEREAS, pedestrian and bicycle mobility is a growing mode of transportation in the Woodlands and current pathway facilities include 200 miles of pathways in The Woodlands; and

WHEREAS, a shared use path was constructed in partnership with the Texas Department of Transportation under the Transportation Enhancement (TE) program along the south side of The Waterway, a pedestrian/ transit corridor in the heart of Town Center; and

WHEREAS, development has expanded to the west of the existing shared use path in the areas of East Shore and Hughes Landing, a 2.5 million square foot mixed-use development on Lake Woodlands; and

WHEREAS, transit service exists along the Waterway corridor and is anticipated to be extended west along The Waterway and to other areas of Town Center; and

WHEREAS, the Woodlands Road Utility District No.1 will provide matching funds for the project;

NOW THEREFOR BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE WOODLANDS TOWNSHIP THAT THE PRESIDENT/GENERAL MANAGER IS AUTHORIZED TO TRANSMIT THIS RESOLUTION TO THE HOUSTON-GALVESTON AREA COUNCIL TRANSPORTATION POLICY COUNCIL REQUESTING THAT THE MOBILITY PROJECT BE APPROVED AND FUNDED IN ACCORD WITH THE STATEWIDE TRANSPORTATION ENHANCEMENT PROGRAM – 2012 CALL FOR PROJECTS.

PASSED AND ADOPTED this ____ day of _____, 2012.

THE WOODLANDS TOWNSHIP

Chairman, Board of Directors

ATTEST:

Secretary, Board of Directors