

**MINUTES OF REGULAR MEETING  
OF  
WINDFERN FOREST UTILITY DISTRICT**

November 20, 2012

The Board of Directors of Windfern Forest Utility District of Harris County, Texas, met in regular session, open to the public, at a regular meeting place inside the boundaries of the District, at the Windfern Forest Utility District Administration Building (“DAB”), 14410 Mauna Loa Drive, Houston, Texas, on November 20, 2012, and the roll was called of the duly constituted officers and members of the Board, to wit:

Eddie Mendel	President
Don Farrell	Vice President
Kurt Schoelman	Secretary/Treasurer
Shari North	Assistant Secretary
Pat Going	Director

and all of said persons were present, thus constituting a quorum.

Also present were Karla Efigenio of McLennan & Associates; Teri Schoener of TOPS; David Dybala of Jacobs Engineering Group, Inc.; Cindy Englebert of Wheeler & Associates; Sergeant Blackledge and Deputy Comere of Harris County Constable’s Office, Precinct 4; and Clark Lord and Debbie Russell of Bracewell & Giuliani LLP.

**APPEARANCES BEFORE THE BOARD**

No one was present to address the Board.

**APPROVE MINUTES**

The Board reviewed the minutes of October 16, 2012. Following discussion, upon a motion made by Director Schoelman and seconded by Director Farrell, the Board voted unanimously to approve the minutes of October 16, 2012.

**BOOKKEEPER’S REPORT, APPROVE PAYMENT OF BILLS AND REVIEW INVESTMENT OF DISTRICT FUNDS**

Ms. Efigenio presented the bookkeeper’s report, a copy of which is attached to these minutes, for the period October 17, 2012 to November 20, 2012. She next reviewed the checks presented for payment, the District’s investments and a comparison of actual versus budgeted revenues and expenses for the period ending October 31, 2012.

The Board then discussed the checks to Southwest Water Company (“SSW”). Mr. Lord reported on the demand letter received from SWW. Ms. Schoener stated that there may be bills that the District will want to challenge. After further discussion, Directors Mendel and Farrell agreed to meet with Ms. Schoener to review the bills from SWW to determine what amount of

offset should be applied for audit and bookkeeping fees, the findings of the auditor's investigation, late fees and unauthorized charges made by SWW.

Following discussion on the bookkeeper's report, upon a motion made by Director North and seconded by Director Farrell, the Board voted unanimously to approve the bookkeeper's report, payment of the bills and investment of the District's funds.

### **TAX ASSESSOR/COLLECTOR'S REPORT AND APPROVE PAYMENT OF BILLS**

Ms. Engelbert next presented the tax assessor/collector's report for the month of October, a copy of which is attached. She reviewed the report, stating that as of October 2012, the District's 2012 taxes are 2.33% collected and the 2011 taxes are 99.67% collected. Ms. Engelbert also presented checks nos. 2300-2306 for payment.

Following discussion on the tax assessor/collector's report, upon a motion made by Director Farrell and seconded by Director Schoelman, the Board voted unanimously to approve the tax assessor/collector's report and payment of the tax bills.

### **DELINQUENT TAX ATTORNEY'S REPORT**

The Board reviewed the District's delinquent tax attorney's report, a copy of which is attached, regarding the status of collection of the District's delinquent taxes.

Ms. Englebert informed the Board that all accounts for which water service was terminated are paid in full.

Ms. Englebert also reported that Linda Williams-Willis had made the first payment on her three-month installment plan for her 2010 delinquent tax account.

Following discussion and upon a motion by Director Farrell and seconded by Director North, the Board voted unanimously to accept the tax assessor/collectors report for the month.

### **Depository Pledge Agreement**

Ms. Englebert presented a Depository Pledge Agreement between Comerica Bank and the District to comply with the terms of the District's Investment Policy. After discussion, Director Farrell moved that the Board approve the Agreement as presented. Director North seconded the motion and it carried by unanimous vote.

### **OPERATOR'S REPORT**

Ms. Schoener presented the operator's report for October 2012, a copy of which is attached to these minutes.

Ms. Schoener then reviewed a joint water production and accountability report with the Board and reported that water accountability for the prior month was 97%. She noted that the issues that were responsible for the water accountability problem have been addressed.

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After review and discussion, Director Farrell moved that the Board approve pay estimate nos. 5 and 4 as presented. Director North seconded the motion and it carried by unanimous vote.

Response from TCEQ for Exception to Well Capacity Requirement and Elevated Storage Tank Waiver Application

Mr. Dybala next reported that this project is on hold until completion of the proposed 12-inch water transmission line and Water Well No. 3 projects.

Water Well No. 3 at Water Plant No. 1

Mr. Dybala reported on the timing for the commencement of construction of Water Well No. 3. He informed the Board that because of the drilling required in connection with the contract, the contractor recommends the installation of a temporary sound wall around the site since it is located within a residential area. Mr. Dybala stated that the standard wall made of plywood is estimated to cost \$31,500. He noted that there is a wall that is supposed to be more sound retardant that is estimated to cost \$114,030. The Board questioned the extent and timing of the drilling. Mr. Dybala stated that he would have to obtain more information from the contractor. After lengthy discussion, Director Farrell moved that the Board authorize the installation of the sound barrier fencing adjacent to the homes in the area and the plywood fencing around the remaining area. Director North seconded the motion and it carried unanimously.

Following discussion of the engineer's report, upon a motion made by Director Going and seconded by Director Schoelman, the Board voted unanimously to approve the engineer's report.

**ATTORNEY'S REPORT**

Extension of Security Services Contract

Ms. Russell informed the Board that the Harris County Constables' Office plans to extend all of its current contracts so that they expire on February 28<sup>th</sup> to coincide with their fiscal year ends. She presented the extension documents for the Board's review. After discussion, Director Farrell moved that the Board approve the extension of the contract for security services to February 28, 2013. Director Going seconded the motion and it carried by unanimous vote.

Status of Application for Funds for a Hike and Bike Trail

Director Schoelman reported that the Texas Department of Transportation will make a decision regarding the funds during 2013. He reported that letters of support are being written by members of the public and that Ted Poe and Dan Patrick have been contacted to request same.

REPORT OF DAB OFFICE MANAGER

The Board discussed matter affecting the administration building. Director Schoelman reported on lights that need to be replaced and repairs that are needed for the water fountain.

REPORT ON MATTERS DISCUSSED AT THE MEETING OF THE WHITE OAK BAYOU JOINT POWERS BOARD

The minutes of the October 23, 2012 meeting were distributed to the Board.

There being no further business to come before the Board, the meeting was adjourned.

*K. E. Schreck*  
Secretary, Board of Directors

(SEAL)



**ATTACHMENTS**

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