

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

August 16, 2016

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 Lane, Houston, Texas, on August 16, 2016, and the roll was called of the duly constituted officers and members of the Board, to wit:

|                |                          |
|----------------|--------------------------|
| Eddie Mendel   | President                |
| Pat Going      | Vice President           |
| Kurt Schoelman | Secretary/Treasurer      |
| Shari North    | Assistant Secretary      |
| Karen Hlavenka | Assistant Vice President |

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

Also present Diane Doyle of McLennan & Associates; Catherine Wheeler of Wheeler & Associates; Eric Martin and Dominic Negrini of TOPS; Shawn Sharkey of Jacobs Engineering Group, Inc.; Mark Yamaguchi of A.J. Warren; Corporal Lopez of the Harris County Constable’s Office, Precinct 4; Carol Lueb of the DAB; and Clark Lord and Debbie Russell of Bracewell LLP.

**APPEARANCES BEFORE THE BOARD**

There were no appearances before the Board.

**SECURITY REPORT**

Corporal Lopez reported on security matters within the District for the month of July 2016.

**APPROVE MINUTES**

The Board reviewed the minutes of July 19, 2016. Following discussion, upon a motion made by Director Schoelman and seconded by Director Going, the Board voted unanimously to approve the minutes of July 19, 2016, as revised.

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

Ms. Doyle presented the bookkeeper’s report, a copy of which is attached to these minutes, for the period July 19, 2016 to August 16, 2016. 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 July 31, 2016. Ms. Doyle then presented the monthly investment report for the period ending July 31, 2016.

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

#### Operating Budget for Fiscal Year Ending September 30, 2017

The Board next reviewed the draft operating budget for the fiscal year ending September 30, 2017. Director Mendel requested that Acclaim Energy be contacted to get an estimate of the income to be produced by the new generator. Director Schoelman presented a budget for the administration building. Director Mendel requested that the administration building budget be added to the draft operating budget. After review and discussion, the Board agreed to defer approval of same until the September meeting.

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

Ms. Wheeler next presented the tax assessor/collector's report for the month of July , a copy of which is attached. She reviewed the report, stating that as of July 2016, the District's 2015 taxes are 99.31% collected and the 2014 taxes are 99.67% collected. Ms. Wheeler also presented checks nos. 2599-2603 for payment.

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

#### Contract for Tax Assessor/Collector Services

Ms. Wheeler addressed the Board regarding the reason for her contract to be up for review. She reported on the history of the relationship between her business and the District. Director Schoelman stated that he wanted to review the qualifications of other companies. Director Mendel stated that the matter will be deferred until the end of the meeting.

#### **DELINQUENT TAX ATTORNEY REPORT**

Ms. Wheeler presented the delinquent tax attorney report from Perdue Brandon Fielder Collins & Mott. She noted that no Board action is required in connection with the report.

#### **OPERATOR'S REPORT**

Mr. Martin presented the operator's report for July 2016, a copy of which is attached to these minutes.

Mr. Martin then reviewed a joint water production and accountability report with the Board and reported that water accountability for the prior month was 93%. The Board discussed the amount of water provided by the City of Houston for the month. Mr. Lord stated that he would review the contract to determine the District's responsibility of the City does not provide

the amount that is provided in the contract. Mr. Martin stated that he would contact the City to determine the reason for same.

Mr. Martin reported on repairs and maintenance at District facilities.

Upon a motion made by Director Schoelman and seconded by Director Hlavenka, the Board voted unanimously to approve the operator's report.

### **CONDUCT HEARING ON TERMINATION OF WATER SERVICE TO DELINQUENT WATER AND SEWER ACCOUNTS AND AUTHORIZE APPROPRIATE ACTION**

The Board next considered termination of utility service to customers with delinquent accounts. Mr. Martin reported that the residents appearing on the termination list were given proper notice and the opportunity to be heard in order to explain, contest or correct the utility service bill and show reason why utility service should not be terminated for reason of nonpayment, all as required by the District's Rate Order and stated there were no appeals from residents. Following discussion, a motion was made by Director Schoelman to terminate utility service to customers with delinquent accounts. Director Hlavenka seconded the motion, which carried by unanimous vote.

### **ENGINEER'S REPORT**

The Board next reviewed the engineer's report, a copy of which is attached, including the following matters:

#### **Emergency Generator at Water Plant No. 1**

The Board next discussed installation of the generator at water plant no. 1. Mr. Sharkey reported that Power Secure has completed the connection to the water plant's electrical system and testing should be complete by the end of August. He reported that the Elevated Storage Tank Waiver Application (the "Application") is complete and ready to be submitted once the generator is placed into operation.

#### **Booster Pump**

Mr. Sharkey informed the Board that he had evaluated the booster pump capacity and found it to meet all TCEQ requirements. After discussion, Director Going moved that the Board accept the engineer's report and authorize hiring GM Services to test the booster pumps. Director North seconded the motion and it carried unanimously.

#### **Asset Management Plan**

Mr. Sharkey next presented a proposal for an Asset Management Plan (the "Plan") for the District. He stated that the total cost for the Plan is \$12,000. The Board discussed the different parts of the Plan. Director Schoelman expressed his support for the Plan and stated that the goal is to be proactive and not reactive. Director Hlavenka stated that because of the aging system, the Plan could be beneficial for the District. Director Mendel expressed his opposition for the Plan. After lengthy discussion, Director Mendel moved that the Board decline the proposal for

the Plan. Director North seconded the motion and it passed with a vote of three for the motion. Directors Schoelman and Hlavenka voted against the motion.

### **BUILDING OFFICE MANAGER'S REPORT**

Mr. Yamaguchi addressed the Board regarding the decision to repair or replace the air conditioning units in the building. He stated that he doesn't recommend replacement of any of the units at this time.

Ms. Lueb reported that the cost to repaint the discolored parts of the playground equipment is \$1,785. She then presented a proposal for re-striping the parking lot in the amount of \$1,750 and stated that she is going to solicit one additional bid. The Board authorized Ms. Lueb to proceed with the striping project using the lowest bid for the project. Ms. Lueb next reported that she had attempted to clean the building with the District's power washer, but it did not remove the discoloration. She stated that she is getting a proposal for a professional power washer to perform the job. Ms. Lueb then stated that a cooperative has requested to use the building twice a week for home schooling for free. The Board denied the request.

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

Director Mendel reported on matters discussed at the July meeting of the White Oak Bayou Joint Powers Board.

### **TAX ASSESSOR/COLLECTOR CONTRACT**

Director Mendel stated that consideration is being given to changing tax assessor/collectors for the District. Directors Mendel and Schoelman stated that they met with Avik Bonnerjee of B&A Municipal Tax Service and were impressed with his qualifications. After discussion, the Board concurred to call a special meeting on August 23, 2016, to hear a proposal from Mr. Bonnerjee and consider changing tax assessor/collectors.

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

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Secretary, Board of Directors

(SEAL)

## **ATTACHMENTS**

|   |   |
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