

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

January 15, 2013

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 January 15, 2013, 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 Jennifer McCants 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 December 18, 2012. Following discussion, upon a motion made by Director Schoelman and seconded by Director Going, the Board voted unanimously to approve the minutes of December 18, 2012, as revised.

**SECURITY REPORT**

Deputy McCants reported on security matters within the District for the month of December 2012. Sergeant Blackledge reported that he is still working on the schedule for the deputies patrolling the District.

**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 December 19, 2012 to January 15, 2013. 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 December 31, 2012.

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 December, a copy of which is attached. She reviewed the report, stating that as of December 2012, the District's 2012 taxes are 54.18% collected and the 2011 taxes are 99.67% collected. Ms. Engelbert also presented checks nos. 2317-2320 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. Engelbert informed the Board that Linda Williams-Willis made only one payment pursuant to her installment agreement with the District. After discussion, Director Farrell moved that the Board terminate water service to Ms. Willis if she has not paid her delinquent account by January 16, 2013. Director Schoelman seconded the motion and it carried unanimously.

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

Ms. Schoener presented the operator's report for December 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 93%.

Ms. Schoener next reviewed the list of delinquent utility customers and stated there were no appeals from residents.

Ms. Schoener reported on repairs and maintenance at District facilities. She stated that the Texas Commission on Environmental Quality had inspected the water plant during the month and found no deficiencies.

Following discussion on the operator's report, upon a motion made by Director Going and seconded by Director North, 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. Ms. Schoener 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. Following discussion, a motion was made by Director North to terminate utility service to customers with delinquent accounts. Director Farrell 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:

#### **Status of Water Transmission Line to Water Plant No. 2**

Mr. Dybala reported that the project is currently under construction and estimated that it would be complete by the end of February 2013. In response to a question posed by Director Farrell, Mr. Dybala confirmed that the Laurel Creek HOA will be invited to the final walkthrough of the construction zone.

#### **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 that the contractor is mobilizing in connection with the construction of Water Well No. 3. He stated that construction is expected to commence in February. Mr. Dybala stated that in his opinion the District needs only a one way meter between the District and Harris County Municipal Utility District No. 261 ("District 261"). He recommended the purchase of a mag meter. The Board requested that Mr. Dybala get an estimate for the cost of same.

#### **Out of District Service Request**

Mr. Dybala then reported on a request for out of district service from Five Star Metals ("FSM"). He recommended that the Board delay action on the request until completion of water well no. 3. Mr. Dybala stated once the well is complete, he would conduct a feasibility study to determine whether the District's facilities could supply the requested capacity. The Board discussed the possibility of requiring FSM to be annexed into the District, but took no action pending completion of the water well construction.

## **ATTORNEY'S REPORT**

### **Amended Rate Order**

Mr. Lord reported that the District's current rate order does not address out of district users. After discussion, Director Farrell moved that the Board adopt an Amended Rate Order that reflects a rate for a non-profit out-of-District customer equal to two times the in-District rate and a rate for all other out-of-District customers equal to three times the in-District rate. Director Going seconded the motion and it carried unanimously.

### **Status of Application for Funds for a Hike and Bike Trail**

Director Schoelman reported on the letters of support received from members of the public and several public officials.

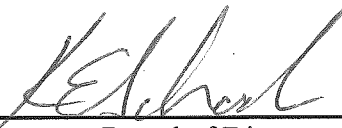
## **BUILDING OFFICE MANAGER'S REPORT**

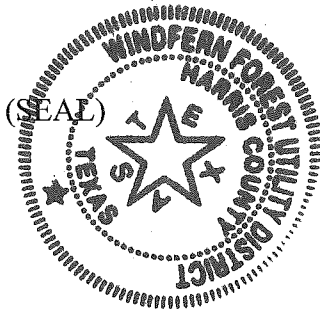
Director Going reported that Ms. Lueb is getting pricing for additional lighting, repair of the fountains and replacement of flooring.

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

The minutes of the December 18, 2012 meeting were distributed to the Board. Director Mendel reported on issues related to biomonitoring.

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

  
Secretary, Board of Directors



**ATTACHMENTS**

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