

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

September 17, 2019

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 September 17, 2019, and the roll was called of the duly constituted officers and members of the Board, to wit:

Eddie Mendel	President
Pat Going	Vice President
Shari North	Secretary
Karen Hlavenka	Assistant Vice President
Ann Murphree	Assistant Secretary

All members of the Board of Directors were present, except Director Going thus constituting a quorum.

Also present were Demitra Berry of McLennan & Associates, LP (the "Bookkeeper"); Rebecca Olvera of B & A Municipal Tax Service, LLC ("TAC"); Nathan White and Deano Wright of TOPS (the "Operator"); Sergeant Curry and Deputy Marquez of the Harris County Constable's Office, Precinct 4; Shawn Sharkey of Jacobs Engineering Group, Inc. ("Jacobs") the District's Engineer ("Engineer") and Clark Lord and Tiffany Ehmke of Bracewell LLP, the District's legal counsel.

Whereupon, the meeting was called to order. A copy of the notice of the meeting is attached hereto as Exhibit "A".

**APPEARANCES BEFORE THE BOARD**

There were no appearances before the Board.

**ACCEPT DIRECTOR RESIGNATION**

Director Mendel reported that Director Going has submitted his resignation. Director Mendel requested the Board approve Director Going's resignation. Upon a motion brought by Director Hlavenka, seconded by Director North, the Board unanimously approved Pat Going's resignation.

**CONSIDER APPOINTING NEW DIRECTOR TO THE BOARD OF DIRECTORS**

This matter was deferred.

**AUTHORIZE PREPARATION OF AN UPDATED DISTRICT REGISTRATION FORM  
AND FILING WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

This matter was deferred.

**SECURITY REPORT**

The Board recognized Sergeant Curry who reported on security matters within the District for the month of August 2019, a copy of which is attached hereto as Exhibit "B".

**CONDUCT HEARING REGARDING 2019 TAX RATE**

The Board convened a public hearing to receive comments regarding a proposed tax rate for 2019. There were no residents in attendance.

**APPROVE ORDER SETTING TAX RATE**

The Board discussed adopting a tax rate for 2019. Following discussion, a motion was made by Director North and seconded by Director Murphree to adopt an Order Levying Taxes establishing a tax rate for 2019 of \$0.48 per \$100 assessed valuation, consisting of a \$0.23 component for debt service and a \$0.25 component for operation and maintenance. The motion carried by unanimous vote. A copy of the Order, thus adopted, is attached hereto as Exhibit "C".

**CONSIDER APPROVING AMENDED NOTICE TO SELLERS AND PURCHASERS**

Mr. Lord stated that it is necessary for the District to file an Amended Information Form with the Texas Commission on Environmental Quality (the "TCEQ") and Harris County reflecting the newly adopted tax rate for 2019. Following discussion, a motion was made by Director Hlavenka to approve an Amended Information Form and authorize its filing with the TCEQ and Harris County. The motion was seconded by Director Murphree and carried unanimously.

**APPROVE MINUTES**

The Board reviewed the minutes of August 20, 2019. Following discussion, upon a motion made by Director Murphree and seconded by Director Hlavenka the Board voted unanimously to approve the minutes of August 20, 2019, as submitted.

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

Ms. Berry presented the bookkeeper's report, a copy of which is attached hereto as Exhibit "D", for the period of August 2019. 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 August 31, 2019. Ms. Berry then presented the monthly investment report for the period ending August 31, 2019.

Following discussion on the bookkeeper's report, upon a motion made by Director Murphree 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.

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

Ms. Olvera presented the tax assessor/collector's report for the month of August 2019, a copy of which is attached hereto as Exhibit "E". She reviewed the report, stating that as of August 31, 2019, the District's 2018 taxes are 98.68% collected. Ms. Olvera also presented the checks for payment.

Following discussion on the tax assessor/collector's report, upon a motion made by Director North and seconded by Director Hlavenka, 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 then reviewed the delinquent tax attorney report for the month, but took no action on the matter.

### **OPERATOR'S REPORT**

Mr. White presented the operator's report for August 2019, a copy of which is attached hereto as Exhibit "F". He then reviewed a joint water production and accountability report with the Board and reported that water accountability for the prior month was 98%. Mr. White reported on maintenance and repairs conducted during the month.

Next, Mr. White reported that the on-line payment option has created some issues related e-checks for payment, therefore the operator has opted to longer include e-checks as payment option. Central Bank has requested the Board execute a letter authorizing the removal of the e-checking option.

Consider approving Third Amendment to Professional Services Agreement between the District and Texas Operations & Professional Services ("Third Amendment")

Mr. White then presented and reviewed the Third Amendment to Professional Services Agreement, a copy of which is attached hereto as Exhibit "G". He answered the Board questions and requested the Board consider approving the Third Amendment as presented.

Upon a motion made by Director Hlavenka and seconded by Director North, the Board voted unanimously to (i) authorize the e-check option for water payments; (ii) approve the Third Amendment as presented; and (iii) 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. White 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 North 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 hereto as Exhibit "H", including the following:

Mr. Sharkey reported that the First Metropolitan Church is considering an expansion to the church and will therefore will be requesting additional wastewater and water capacity from the District in the near future. Upon a motion brought by Director Hlavenka moved that the Board accept the engineer's report, Director North seconded the motion and carried by unanimous vote.

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

None.

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

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

### **ATTORNEY'S REPORT**

#### **Resolution Regarding the Annual Review of the Authority's Investment Policy and Broker/Dealer List**

Mr. Lord presented the Board with a Resolution Regarding the Annual Review of the Authority's Investment Policy and Broker/Dealer List, a copy of which is attached hereto as Exhibit "I". He stated that the Authority, pursuant to the Public Funds Investment Act, is required to review its investment policy and broker/dealer list at least annually. Mr. Lord indicated that there were no changes to the policy, but that the broker/dealer list had been updated. After discussion, Director North moved that the Board adopt the Resolution as presented. Director Murphree seconded the motion and it carried unanimously.

#### **Annual Disclosure Statement of the Bookkeeper and Investment Officer**

Mr. Lord next explained that, pursuant to the Public Funds Investment Act, the Authority's bookkeeper and investment officer are required to execute and submit an annual disclosure statement to the Texas Ethics Commission disclosing any relationships that they may have with institutions that are offering, have offered, or may offer to engage in an investment transaction with the Authority. A copy of the annual disclosure form is attached hereto as Exhibit "J". After discussion, Director North moved that the Board accept and authorize

the filing of the disclosure statements of the bookkeeper and investment officer. Director Murphree seconded the motion and it carried unanimously.

**CONVENE IN EXECUTIVE SESSION PURSUANT TO SECTION 551.074, CHAPTER 551, TEXAS GOVERNMENT CODE**

The Board did not meet in executive session.

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

Shari B. Nott  
Secretary, Board of Directors

(SEAL)

