

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

October 15, 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 October 15, 2019, and the roll was called of the duly constituted officers and members of the Board, to wit:

Eddie Mendel	President
Shari North	Secretary
Karen Hlavenka	Assistant Vice President
Ann Murphree	Assistant Secretary
Phyllis Schoelman	Director

All members of the Board of Directors were present, 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 Hernandez 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.

**APPROVE BOND, OATH AND SWORN STATEMENT OF NEW DIRECTOR**

Director Schoelman took her oath of office and executed her bond and sworn statement as required by law. Director Murphree made a motion to accept and approve the oath, bond and sworn statement of Director Schoelman. Director North seconded the motion and it carried by unanimous vote.

**CONSIDER RECONSTITUTING THE BOARD OF DIRECTORS**

Mr. Lord stated that the officer of the Board consistent of the President, Vice-President, Secretary, Assistant Vice- President and Assistant Secretary. Whereupon a motion was made by Director Mendel, Seconded by Director North, the Board unanimously voted to establishing the office listed below and electing the following directors to such offices:

Eddie Mendel	President
Karen Hlavenka	Vice-President
Shari North	Secretary
Phyllis Schoelman	Assistant Vice President
Ann Murphree	Assistant Secretary

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

Mr. Lord explained that the District Registration Form will need to be updated to reflect the appointment of Director Schoelman to the Board. Upon a motion made by Director Hlavenka and seconded by Director North, the Board voted unanimously to authorize the District's attorney to prepare an updated District Registration Form.

### **SECURITY REPORT**

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

### **APPROVE MINUTES**

The Board reviewed the minutes of September 17, 2019. Following discussion, upon a motion made by Director North and seconded by Director Hlavenka the Board voted unanimously to approve the minutes of September 17, 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 "C", for the period of September 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 October 15, 2019. Ms. Berry then presented the monthly investment report for the period ending October 15, 2019.

Following discussion on the bookkeeper's report, upon a motion made by Director Hlavenka and seconded by Director Murphree, 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 September 2019, a copy of which is attached hereto as Exhibit "D". She reviewed the report, stating that as of September 30, 2019, the District's 2018 taxes are 98.93% 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 September 2019, a copy of which is attached hereto as Exhibit "E". He then reviewed a joint water production and accountability report with the Board and reported that water accountability for the prior month was 98.6%. Mr. White reported on maintenance and repairs conducted during the month.

Mr. White reported that the post offices have experienced difficulty in sending out mail and in many cases severe delays in mail due to recent flooding. He added that customers may not be receiving their bills timely to pay the invoice by the deadline. Mr. White requested direction from the Board regarding this matter. Director Hlavenka recommended the operator's office conduct business as usual, with exceptions from customers claiming a bill was never received would be allowed additional time to pay the outstanding invoice.

Upon a motion made by Director Hlavenka and seconded by Director North, the Board voted unanimously to (i) authorize the operator to waive late fees for outstanding water bills upon request; and (ii) approve the operator's report.

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

Additionally, Director Hlavenka recommended the operator's office conduct water terminations business as usual and allow exceptions from customers claiming a bill was never received would be allowed additional time to pay the outstanding invoice; therefore related late fees and terminations would be waived for one month.

Following discussion, a motion was made by Director North to terminate utility service to customers with delinquent accounts, with exceptions from customers claiming a bill was never received would be allowed additional time to pay the outstanding invoice; therefore related late fees and terminations would be waived for one month. 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 "F", including the following:

Utility Commitment requests from First Metropolitan Church (“First Metropolitan”)

Mr. Sharkey reported that First Metropolitan currently has an outdated Out of District Service Agreement and currently wishes to increase water and wastewater capacity. He recommended the Board approve a Utility Commitment Letter for the additional capacity and approve an updated Out of District Service Agreement with the District.

Upon a motion brought by Director Hlavenka moved that the Board approve the Utility commitment letter and Out of District Service Agreement as recommended by the Engineer; and (ii) approve 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**

No items were presented.

**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. North*

Secretary, Board of Directors