

MINUTES OF REGULAR MEETING
OF
WINDFERN FOREST UTILITY DISTRICT

January 16, 2024

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 January 16, 2024, and the roll was called of the duly constituted officers and members of the Board, to wit:

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

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

Also present were Captain Curry of Harris County Constable’s Office, Precinct 4; Mark Eyring of Mark C. Eyring CPA, PLLC, auditor for the District (“Auditor”); Carole Lueb, Building Manager for the District; Demitra Berry of McLennan & Associates, LP (the “Bookkeeper”); Rebecca Olvera of B & A Municipal Tax Service, LLC (“B&A”); Deano Wright of SiEnvironmental, LLC (the “Operator”); 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”.

PUBLIC COMMENTS

No comments were given.

SECURITY REPORT

The Board previously received a report on security matters within the District for the month of December 2023, a copy of which is attached hereto as Exhibit “B”.

APPROVE MINUTES

The Board reviewed the minutes of December 19, 2023 meeting. After review, upon a motion made by Director Mendel and seconded by Director North, the Board voted unanimously to approve the minutes of December 19, 2023 meeting.

APPROVE AUDIT FOR FISCAL YEAR ENDING SEPTEMBER 30, 2023

Mr. Eyring presented the District’s draft annual audit for the fiscal year ending September 30, 2023, to the Board for review and approval, a copy is attached as Exhibit “C”. He answered the Board’s

questions. After review of the audit, upon a motion made by Director Mendel and seconded by Director North, the Board voted unanimously to approve the audit for fiscal year ending September 30, 2023.

AUTHORIZE CONSULTANTS TO PREPARE ANNUAL REPORT IN ACCORDANCE WITH DISTRICT’ S CONTINUING DISCLOSURE OF INFORMATION AGREEMENT AND AS REQUIRED BY SEC RULE 15(C)2-12 FOR THE DISTRICT’S OUTSTANDING BONDS

Mr. Lord stated that the District is required to file an annual report in accordance with the District’ s Continuing Disclosure of Information Agreement and as required by SEC Rule 15c2-12 for the District’s outstanding bonds. After consideration, upon a motion was made by Director Mendel and seconded by Director Schoelman authorizing the consultants to prepare an annual report in accordance with the District’ s Continuing Disclosure of Information Agreement and as required by SEC Rule 15c2-12 for the District’s outstanding bonds. The motion passed unanimously.

TAX ASSESSOR/COLLECTOR’S REPORT AND APPROVE PAYMENT OF BILLS

Ms. Olvera presented the tax assessor/collector’s report for the month ending December 31, 2024, a copy of which is attached hereto as Exhibit “D”.

Following discussion on the tax assessor/collector’s report, upon a motion made by Director Mendel and seconded by Director Murphree, the Board voted unanimously to approve the tax assessor report.

DELINQUENT TAX ATTORNEY’S REPORT

Ms. Olvera reported that there were six (6) accounts for notification of water termination.

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 “E”. 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 January 16, 2024. Ms. Berry presented the monthly investment report for the period ending December 31, 2023.

Following discussion on the Bookkeeper’s report, upon a motion made by Director North and seconded by Director Murphree, the Board voted unanimously to approve the Bookkeeper’s report.

OPERATOR’S REPORT

Mr. Wright presented the Operator’s report, 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 96.31% and the current connection count is 1,324.

Mr. Wright reported that the two (2) meter repairs were completed and is hopeful those repairs will reconcile accountability for water.

Revised Lead and Copper Rule

Mr. Wright reported that the initial review of the District's pipes are being assessed by a third-party. He will contact the third-party vendor and report back to the Board.

Discuss Rate Order and Irrigation Rates

Mr. Wright reported that he is reviewing irrigation rates and will report back to the Board at the February meeting.

Security Measures for District Facilities

Mr. Wright reported that the District facilities had not been experiencing any security breaches. However, he added that security and theft in the industry has increased dramatically. He added that he will bring more information regarding security matters to the District's next meeting,

After consideration, upon a motion made by Director North and seconded by Director Murphree, 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. 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 termination for reason of nonpayment, as required by the District's Rate Order and stated there were no appeals from residents.

Following discussion, upon a motion made by Director North, seconded by Director Murphree, the Board voted unanimously to terminate utility service to customers with delinquent accounts, including those reported for delinquent taxes in accordance with the provisions of the District's Rate Order.

ENGINEER'S REPORT

The Engineer's Report was deferred.

ATTORNEY'S REPORT

Settlement Agreement with PowerSecure

This matter was discussed during Executive Session.

Engineering Services Agreement

This matter was discussed during Executive Session.

BUILDING OFFICE MANAGER'S REPORT

Ms. Lueb gave a general report on the District's office building.

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

Director Schoelman reported that the December meeting was cancelled.

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

The Board meet in executive session at 5:00 p.m.

The Board public District meeting resumed at 5:15 p.m.

Settlement Agreement with PowerSecure

After consideration, upon a motion brought by Director North, seconded by Director Schoelman, the Board unanimously approved the substantially complete Settlement Agreement with PowerSecure and authorized Director Hlavenka to execute.

Engineering Services Agreement

After discussion, upon a motion brought by Director Mendel, seconded by Director Schoelman, the Board unanimously (i) approve the Professional Services Agreement (“Agreement”) with Langford Engineering Inc. (“Langford”) and associated costs for the former Engineer to transfer District files to Langford; (ii) authorize Director Hlavenka to execute the Agreement.

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

Shari B. Noth

Secretary, Board of Directors

