

**MINUTES OF MEETING OF BOARD OF DIRECTORS OF
TANGLEWOOD FOREST LIMITED DISTRICT**

September 20, 2023

THE STATE OF TEXAS §
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COUNTY OF TRAVIS §

The Board of Directors of Tanglewood Forest Limited District met in regular session, open to the public, on September 20, 2023, at the Tanglewood Pool House, located at 9809 Curlew Drive, Austin, Texas, pursuant to notice duly given in accordance with law. A copy of the Certificate of Posting of the Notice is attached hereto as **Exhibit “A”**.

The following Board Members were present, thus constituting a quorum:

Ron Peterson	President	Present
Nikki Krueger	Vice President	Present
Brian Whelan	Treasurer / Secretary	Present
Robbie Castille	Director	Present
Vacant	Director	-

Also present for the meeting were: John Carlton of The Carlton Law Firm, P.L.L.C.; Brody McKinley of SafeGuard Aquatics; Charlie Mowen of TexaScapes; Vangie Bocanegra of Pioneer Real Estate Services; and residents of the District.

Director Peterson convened the meeting at 6:00 p.m. and took the agenda items in the order described below.

PUBLIC COMMENT

Item 1 – Receive communications from the public on items not listed on the posted agenda. Noel Gonsalvez, a District resident, said he believes that Director Castille does not bring anyone to the meeting because he lacks ethical qualities. Mr. Gonsalvez also said that he used to be unqualified to be on the Board, but he has gained the experience needed by serving on Board Committees and lives in the community unlike Director Castille and Kimberly Minjarez. Mr. Gonsalvez asked Director Castille why Director Castille spent close to \$100,000 to run for the Board.

Carolyn Pilgreen, a District resident, thanked Directors Whelan and Krueger for their work at the gazebo.

Item 2 – Public Comment on Agenda Items. Addressed in items below.

CONSENT ITEMS

Item 3 – Consider approval of the August 2, 2023 special meeting minutes and August 23, 2023 regular meeting minutes. Tim Cunningham, a District resident, asked about the July meeting minutes and why they were not posted to the District website. Director Krueger said she

will check on the July meeting minutes. Directors Castille, Krueger and Whelan discussed changes to the August 23 meeting minutes. Director Krueger moved to approve the August 2, 2023 meeting minutes as presented in the packet and the August 23, 2023 meeting minutes as amended. Director Castille seconded the motion, and the motion passed 4-0.

REPORTS AND COMMITTEE MATTERS

Item 4 – Receive report from the Finance Committee and Treasurer and consider taking related action regarding the following: Mr. Cunningham asked about any amendments to the proposed budget, if there is an estimate of the taxable revenue, and mentioned he would speak with the Finance Committee regarding his questions.

- (a) **monthly financial report, payment of monthly bills and invoices and transfers of District funds:** Director Whelan presented the financial report and mentioned four late invoices to be paid as well. Director Whelan discussed the Onit, The Carlton Law Firm, Armbrust and Brown, and Bickerstaff invoices. Director Whelan said that the total for the invoices to be paid is \$104,301.67 and requested a transfer of \$104,000 from the savings account to the checking account. Director Krueger moved to approve the financial report and pay all invoices, including the late invoices, and transfer \$104,000 to the checking account. Director Peterson seconded the motion. The motion passed 3-1 with Director Castille opposed. Director Castille opposed the motion because of the payment of the Bickerstaff and Carlton Law Firm invoices.
- (b) **discuss and consider possible action regarding the FY2022 and FY2023 audit report.** Director Whelan asked about the status of the FY22 and FY23 audits. Mr. Rommel said he will have proposals for FY22 and FY23 once they finish the FY20 and FY21 audits.
- (c) **Presentation of FY2020 audit.** Mr. Rommel presented the draft FY2020 audit. Mr. Rommel explained page eight is the balance sheet, page nine is the revenues and expenditures, page ten is the positive budget variances, page 11 discusses auditor notes regarding basic financial statements and says there is nothing of significance. Mr. Rommel further explains that note three on page 15 reflects the District has no significant PFIA noncompliance, page 16 is about capital assets and notes \$826,000 in net capital assets, page 20 lists the required TCEQ schedules, page 25 shows the 99% property tax collection, and page 26 covers five years of financial information. Director Whelan asked about the depreciation expense calculation and Mr. Rommel said that information is contained in the management letter. Mr. Rommel said that because of the bookkeeper transition in the 2020 Fiscal Year, the depreciation expense calculation was not completed and noted that the auditor will assist the bookkeeper with the FY21 depreciation expense calculation. Mr. Rommel said that the FY20 audit was delayed due to completing the FY19 audit. Director Peterson moved to accept the FY20 audit. Director Whelan seconded the motion and the motion passed 4-0.

Tim Cunningham, a District resident, told the Board he is happy to see the FY20 audit completed and noted that the FY19 audit draft is posted to the website. Mr. Cunningham requested that the final FY19 audit be posted to the website.

- (d) **amendments to the budget for FY2023:** The matter was not addressed.
- (e) **security issues including report from Travis County Sheriff's Office and renewal of contract with Travis County Sheriff's Office for 2023:** The matter was not addressed.

Item 5 - Receive report from the District's pool operations contractor and Pool Committee and consider taking related action, including matters related to: pool operator and pool maintenance/lifeguard contract; leak repairs; pool maintenance, general repairs and upkeep; operating schedule; pool programs; pool funding; lifeguards; and rates and fees for pool use. Mr. Cunningham says it appears that the expenses are five times the revenue that the pool brings in. Mr. Cunningham mentioned that it seems a small number of residents use the pool, and the remaining residents subsidize the pool expenses. Mr. Cunningham would like clarification regarding the pool's cost of use per person.

Mr. McKinley presented the August pool report. Mr. McKinley said there were no major incidents or injuries. Mr. McKinley mentioned the underwater light has been repaired, routine maintenance has been completed, and the pump motor is running again.

Item 6 – Receive report from the District's landscape maintenance contractor and Park Committee and consider taking related action: Mr. Mowen presented the August report. Mr. Mowen discussed the two visits for removal of truckloads of limbs. Mr. Mowen also said the ant bait was applied to the movie area and it should be good for one year. Mr. Mowen said they will apply the bi-annual ant bait when the weather improves. Director Castille asked about tree trimming in an alleyway and Mr. Mowen responded that he will review the tree trimming with the Parks Committee.

- (a) **Landscape maintenance contract, proposals and estimates for additional landscaping work, maintenance, repair, replacement and improvements to landscaping and landscape related facilities, irrigation systems, and tree trimming:** The matter was not addressed.
- (b) **consider amendments to the Park Rules:** The matter was not addressed.

Item 7 – Receive report from District's General Manager and consider taking related action, including matters related to: Mr. Cunningham asked about the Architectural Control Committee and would like a report on the committee activities to be made public. Mr. Cunningham also mentioned the online architectural approval forms should be updated.

Ms. Bocanegra said that the movie night will be on Saturday at 8pm and the movie will be the Princess Bride.

- (a) **management services, and related issues:** The matter was not addressed.
- (b) **use, maintenance, repair, replacement and improvement of District property and facilities including, but not limited to, buildings, restrooms, electrical systems, lighting, and parking areas:** Ms. Bocanegra said the Treetop Products quote to replace the 32-gallon trashcans is \$7,632.43. Director Krueger moved to approve quote 28888 for \$7,632.43 to replace the trashcans. Director Castille seconded the motion, and the motion passed 4-0. Ms. Bocanegra also said the tennis court lights have been adjusted to turn on sooner, the bathroom door mag lock has been repaired, the two tables at Kempler Park have been installed, the Tanglewood

Park bench has been replaced, the newsletter went out, the Greenbriar port-a-potty locks will be repaired, and the Renaissance Park fence will be repaired. Ms. Bocanegra discussed three quotes for the Renaissance Park fence repair including a Patriot Fence invoice for \$5,200, a quote from Discount Fence for \$2,500, and the Onit repair invoice for \$1,400. Director Krueger moved to approve the \$1,400 Onit invoice. Director Peterson seconded the motion, and the motion passed 3-0-1 with Director Castille abstaining. Ms. Bocanegra told the Board she has been pressing the City of Austin for a refund due to the leak and mentioned the City of Austin adjusted the recent bill for the water leak.

- (c) **Large event requests:** The matter was not addressed.
- (d) **park and restroom cleaning and related services from cleaning contractor:** The matter was not addressed.
- (e) **pond cleaning and related services from Aquatic Features:** The matter was not addressed.
- (f) **report from General Manager and Deed Restriction Committee regarding enforcement of deed restrictions with the District:** The matter was not addressed.

Item 8 – Receive report from the Communications Committee and consider action regarding the following: Mr. Cunningham said he was happy to see the newsletter posted to the District website but wants more information in the newsletter instead of wasting postage on blank pages. Mr. Cunningham suggested the website expense be separate from the newsletter expense for clarification. Director Krueger said Mr. Cunningham is invited to the committee meetings. Mr. Cunningham said he would like to understand when and where the committees meet. Director Krueger mentioned the committee is working on an English and Spanish translation for the newsletter and noted that postage is the most expensive item.

- (a) **website content:** The matter was not addressed.
- (b) **newsletter:** The matter was addressed above.

Item 9 – Receive General Counsel report and consider taking related action regarding the following:

- (a) **pending contract issues, open records requests, and election matters:** Mr. Cunningham said he would like to know how many and what types of open records requests the attorney receives. Mr. Carlton said he can discuss the records requests at the Board meetings once they are received.
- (b) **other litigation matters:** The matter was not addressed.
- (c) **legal investigations and other legal issues, if any:** The matter was not addressed.
- (d) **the Attorney Generals response to The Carlton Law Firm’s request for exception to R. Castille’s February 4, 2022, Open Records Request and Cause No. D-1-GN-22-002141:** The matter was not addressed.

Item 10 – Receive report from Special Counsel regarding One Barton Place v. Horizon HOA Management, Lauren DeWilde et al., Cause No. D-1-GN-20-001451 in the District Court of Travis County, Texas. The matter was not addressed.

Item 11 – Discuss, consider, and take any action necessary regarding the State of Texas v. DeWilde, Lauren (Cause No. D-1-DC-22-900009) in the 299th District Court of Travis County, Texas. The matter was not addressed.

Item 12 – Discuss and consider Plaintiff’s Verified Original Petition and Application for Temporary Restraining Order, Temporary Injunction, and Permanent Injunction in the matter of Kimberly Minjarez vs. Tanglewood Forest Limited District; Ron Peterson, Nikki Krueger, Brian Whelan, each in his or her Official Capacity as Directors of Tanglewood Forest Limited District. Mr. Gonsalvez said that since Kimberly Minjarez is not a Board member she should not be sitting on the dais and asked if she could be replaced. Director Krueger said Ms. Minjarez is not an active member and is not recognized when voting.

OTHER MATTERS

Item 13 – Review and consider Resolution Adopting Fees of Office. Mr. Carlton explained the increase in fees that can be paid to Directors and Director Castille suggested leaving the fees the same as they currently are. Director Krueger moved to increase the daily per diem, there was no second to the motion. Director Peterson mentioned that he does not want to increase the daily per diem. Mr. Carlton confirmed that there was no action to increase the fees of office and the fees will remain the same.

Director Peterson said the bookkeeper has asked for per diems to be submitted timely. Director Peterson moved to have per diems submitted within two months to be timely paid or they will be denied payment. Director Castille seconded the motion, and the motion passed 4-0.

Item 14 – Adopt updated notice to purchasers (aka District Information Form) and approve recording in the official public records. Mr. Carlton explained the notice to purchasers. Director Krueger moved to approve the notice to purchasers. Director Castille seconded the motion, and the motion passed 4-0.


Item 15 – Discuss and consider modification to restrictive covenant on Westoak Woods Baptist Church property. Director Krueger explained the request from Westoak Woods Church that asked for signage adjustments in the restrictive covenant. Director Krueger said that changes to any signs between the Church and Greenbriar will follow all City of Austin guidelines. Director Whelan said he would like information on the size of the sign and Director Peterson agreed that more information is needed. Director Castille asked about the section regarding signs in the restrictive covenant. Mr. Carlton said the Board can amend the restrictive covenant to address the size and location but not the language and also noted that the City of Austin zoning applies. Director Krueger said she will obtain more information to present to the Board. Director Peterson suggested tabling the item to the next Board meeting.

Item 16 – Discuss and consider Board member duties, responsibilities, and actions. Mr. Gonsalvez said the definition of ethics is the moral principles that govern a person’s behavior and commented on Director Castille’s ethics. Mr. Gonsalvez addressed comments Director Castille made and said he refinanced his home to take advantage of interest rates, his credit rating is over 800, and he has plenty of equity in his house. Mr. Gonsalvez also mentioned he has no bankruptcies, no tax liens, and will not bring in committed felons to the Board.

Item 17 – Discuss and consider time, date, and agenda items for the next Board meeting. The Board announced the next regular meeting will be held on October 18, 2023, at 6:00 p.m.

The meeting adjourned at 7:04 p.m.

(Seal)



Brian Whelan, Secretary
Board of Directors

Date: October 18, 2023