

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

September 7, 2022

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

The Board of Directors of Tanglewood Forest Limited District met in special session, open to the public, on September 7, 2022, 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
Kat Dowling	Vice President	Present
Nikki Krueger	Treasurer / Secretary	Present
Robbie Castille	Director	Present
Josh Schauer	Director	Present

Also present for the meeting were: John Carlton of The Carlton Law Firm, P.L.L.C.; Robert Heath of Bickerstaff, Heath, Delgado, and Acosta, LLP; 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.
No public comments.

Item 2 – Public Comment on Agenda Items. Brian Whelan, Noel Gonsalvez, and Carolyn Pilgreen signed up to comment on item 3.

OTHER MATTERS

Item 3 – Discuss and consider retaining special counsel to evaluate eligibility of elected District directors and candidates for election to the District board of directors, and appointing a subcommittee to work with the special counsel. Mr. Whelan told the Board that two years ago there were three candidates for the Director election. One candidate spent approximately \$20,000 to get elected. The second candidate did not qualify to be on the ballot, and the third initially qualified but was then determined to be ineligible. Mr. Whelan stated that the Director election two years ago resulted in two home-owning, taxpaying District residents being unable to get onto the Board. Mr. Whelan mentioned that there appears to be two mystery candidates on the current ballot, and he doesn’t know who they are or if they actually live in the District. Mr. Whelan said that one of the addresses a current candidate listed is under construction, so no one is able to live at that address. The other candidate for the 2022 Director election is using

what appears to be a District email address (@TFLD, or Tanglewood Forest Limited District). Mr. Whelan asked the Board members to use due diligence when evaluating the candidates to avoid a repeat situation of outside people who want to be on the Board for whatever reason, at the expense of District homeowners who pay taxes.

Ms. Pilgreen addressed the Board and said she has lived in the District for four years. She reiterated the need for the Board to thoroughly vet applicants before they are placed on the ballot.

Mr. Gonsalvez expressed that he is a recently retired, longtime District resident. Mr. Gonsalvez mentioned he would like to serve on the District board and has lived near the retention pond for the past 19 years.

Director Peterson moved to hire special counsel to evaluate the eligibility of the Directors on the Board and the current candidates. Director Castille asked why The Carlton Law Firm could not handle it. Mr. Carlton explained that he is not an election law expert. Director Peterson introduced Robert Heath. Mr. Heath stated that he is a local attorney, whose firm does a lot of election law work and represents many other public and private entities. Mr. Heath has worked on a variety of election matters. Mr. Heath mentioned that Gunnar Seaquist, who is also with Bickerstaff, Heath, Delgado, and Acosta, LLP, would be working with Mr. Heath on the District's issues.

Director Castille stated that he is in favor of the evaluations but is against using taxpayer money to do so. Director Castille believes that the District would be crossing a line by using public funds to hire special counsel, and that the District would basically be influencing the election. Director Peterson clarified that the evaluation would not be to influence the election, only to ensure all candidates are eligible to run. Director Castille stated that he checked with the Secretary of State, the Comptroller, and the Ethics Commission, and all gave opinions that the District spending taxpayer money to evaluate elected Directors and Board candidates is illegal and a horrible idea. Director Castille expressed that if the rest of the Board wanted to spend their personal money, he is prepared to write a check for 1/5 of Mr. Heath's retainer. Director Schauer asked if any of the agencies Director Castille contacted gave him a written opinion stating the District's plans were illegal. Director Castille responded that none of the agencies did since he contacted them over the phone. Director Krueger seconded the motion to hire special counsel. Director Dowling said that in her four years of experience serving on the Board, it is highly necessary to evaluate candidates for the sake of the community and to make sure that the people serving on the Board are there for authentic reasons. Director Castille distributed Government Code Chapter 556 and Election Code Chapter 255 to the Directors and asked that they be placed in the minutes for this meeting. The Board approved the motion to hire special counsel by a vote of 4-1, with Director Castille opposed.

Director Krueger moved to establish a subcommittee to work with Mr. Heath and for the subcommittee to consist of Director Peterson and Director Krueger. Director Dowling seconded the motion and expressed support for the Finance Committee to have oversight of Mr. Heath's work. Director Castille voiced opposition to Director Krueger's motion and stated that Mr. Heath can do the work on his own, without bias or influence of Board members. The motion passed by a vote of 4-1, with Director Castille opposed.

Item 4 – Discuss and consider time, date, and agenda items for the next Board meeting. The next regular meeting will be held on September 21, 2022, at 6:00 p.m.

Meeting adjourned at 6:10 p.m.

(Seal)



Nikki Krueger, Secretary
Board of Directors

Date: September 21, 2022