

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

August 19, 2024

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

The Board of Directors of Tanglewood Forest Limited District met in regular session, open to the public, on August 19, 2024, at Westoak Woods Baptist Church, 2900 W. Slaughter Ln., 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 |
| Mike Canty | Director | Present |

Also present for the meeting were: John Carlton of The Carlton Law Firm, P.L.L.C. (present until discussion of item 1); Jennifer Schein of The Carlton Law Firm, P.L.L.C.; Brody McKinley of SafeGuard Aquatics; Charlie Mowen of TexaScapes; and residents of the District.

Director Peterson convened the meeting at 6:07 p.m. and took the agenda items in the order described below. The Directors each introduced themselves to the attendees of the meeting.

Item 14 - Take action to adopt budget for fiscal year October 1, 2024 to September 30, 2025. The Board discussed the proposed budget and the increase of \$1,598.00 from last year's budget. Director Krueger discussed some corrections to certain proposed budget line items and removing funding included for park capital funds. Director Krueger suggested that parks capital expenditures be requested from the sitting Board as needed, as done in previous years. Directors Whelan and Krueger discussed special project fees and costs for election items. Director Krueger moved to adopt the budget with changes as discussed. Director Canty seconded the motion, and the motion passed 3-1-1 with Director Whelan abstaining and Director Castille opposed.

District residents asked about whether the adopted budget was based on the tax rate that is proposed or the minimum rate and how much money is in the reserve account. District residents also asked about whether the budget would contain line items that show where the funds from the increased tax rate income would apply to. Districts discussed whether there would be a breakdown on the pros, cons, and expenses attached to funding the repair of the pool. A District resident requested that the Board obtain a feasibility report so that they can obtain a better idea on what the costs for the amenities like the Parks and pool would be. District residents also asked how often the Budget is amended and noted that the budget is more or less a working document as unanticipated expenses arise. A District resident also asked about when the Notice of Public Hearing was published in the

newspaper and Ms. Schein replied it was published Monday, August 12th in the Austin American Statesman.

15 - Take a record vote on the District's 2024 tax rate, adopt an Order Levying Taxes, authorize filing the Order with the Travis County Tax Assessor/Collector. The Board conducted a public hearing and received comments from District residents regarding the proposed tax rate. District residents asked the Board if the tax rate increase would be solely to fund the pool and asked about whether a breakdown of funds would be provided prior to the election showing where the Board intends to disburse the additional revenue obtained by the tax rate increase. Several residents asked the Board to clarify what the increased tax rate would apply to, such as which amenities would be improved and where in the budget it would go to. District residents also asked that the Board provide the tax rate that would be imposed if the tax rate being voted on does not pass, which is \$0.1557. Another District resident asked if the Board would consider educating the residents about the tax rate up for election in the District newsletter to help the tax rate pass. The Board also discussed when the last feasibility study was completed for the District. Director Castille asked if there was a legal requirement to complete a feasibility study and Mr. Carlton said there is no legal requirement, and the Board can complete a study anytime they wish. A District resident asked Director Castille what his thoughts were on the pool and tax rate proposed. Director Castille said he would not be in favor of the proposed tax rate as he is not able to explain to the residents what would be delivered of value for the increased rate. Director Canty explained that the increased tax rate revenue would be used to enhance the neighborhood. Director Canty also noted that the pool would not be the only item addressed and mentioned the tennis court also needing to be addressed.

Director Krueger discussed how the Board of Directors has never adopted a tax rate above the voter approval rate. The Board discussed the tax rate and that the tax rate would fund additional projects other than just the District's pool. Mr. Carlton discussed the process to adopt the tax rate. Director Krueger moved to approve the proposed tax rate of \$0.28 per \$100 of valuation. Director Canty seconded the motion, and the motion passed. Directors Peterson, Krueger, Canty, and Whelan voted in favor of the tax rate. Director Castille voted against the tax rate.

Item 17 - See Supplemental Agenda for election items. The Board discussed the following items and took action as noted below.

- 1. Discuss and consider approval of the Order Calling Election to Approve Tax Rate for November 5, 2024.** Director Krueger moved to approve the Order Calling Election. Director Peterson seconded the motion, and the motion passed 3-0-2 with Directors Castille and Whelan abstaining from the vote.
- 2. Discuss and consider Authorizing Secretary's Appointment of Agent to Perform Duties During Election Period and Designating Location for Agents Office Hours.** Director Krueger moved to adopt the resolution Authorizing Secretary's Appointment of Agent. Director Whelan seconded the motion, and the motion passed 4-0-1 with Director Castille abstaining from the vote.
- 3. Discuss and consider Authorizing District's attorney to give Notice of Election to Approve Tax Rate for November 5, 2024 election.** Director Krueger moved to authorize the District's attorney to give Notice of Election to Approve Tax Rate. Director Whelan seconded the motion, and the motion passed 4-0-1 with Director

Castille abstaining from the vote.

4. **Any other matter in connection with the District's November 5, 2024 election to approve tax rate.** The matter was not addressed.

Item 16 - Acknowledge and approve posting of statement regarding adopted tax rate to home page of District website. Director Krueger moved to acknowledge and approve the posting of the statement regarding the adopted tax rate to the District website homepage. Director Canty seconded the motion, and the motion passed 4-0-1 with Director Castille abstaining from the vote.

PUBLIC COMMENT

Item 1 – Receive communications from the public on items not listed on the posted agenda. Noel Gonsalvez, a District resident, asked the Board if it is public knowledge who has applied to run for the Director Election. Mr. Gonsalvez also discussed upcoming court dates for Kimberly Minjarez on felony theft charges on August 21, 2024, Laruen DeWilde having an upcoming court date set for September 11, 2024, and Director Castille having a hearing date set for August 28, 2024 for having a tracking device added to Mr. Gonsalvez's vehicle. Mr. Gonsalvez also mentioned the type of person Director Castille is and how Director Castille's bond shows an address of 1700 Brown Bear Lane as he does not live within the District.

Tim Cunningham, a District resident, discussed June 19, 2024 meeting minutes needing to be posted to the District website and asked that a note be added that the minutes are either in progress or are awaiting being addressed at the next Board meeting. Mr. Cunningham also noted that the feasibility study could be posted on the District's website including some frequently asked questions regarding the study.

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

CONSENT ITEMS

Item 3 – Consider approval of the July 17, 2024, regular meeting minutes and August 6, 2024, special meeting minutes. Director Whelan noted a correction to the July 17, 2024 meeting minutes correcting the vote on item 4a to reflect 3-1. Director Krueger moved to approve the July 17, 2024 meeting minutes as corrected. Director Whelan seconded the motion, and the motion passed 5-0. Director Krueger moved to approve the August 6, 2024 minutes as presented. Director Peterson seconded the motion, and the motion passed 4-0-1 with Director Castille abstaining from the vote.

REPORTS AND COMMITTEE MATTERS

Item 4 – Receive report from the Finance Committee and Treasurer and consider taking related action regarding the following:

- (a) **monthly financial report, payment of monthly bills and invoices and transfers of District funds:** Director Whelan presented the check register and discussed the profit and loss report and the check register for July. Director Krueger discussed the questions she had about the profit and loss report regarding the community event and rearranging of line item amounts. Director Whelan discussed the invoices

and bills. Director Whelan discussed the need for a transfer of \$93,652.72 from the savings to the operating account. Director Krueger moved to approve the bills, invoices, and check register and a transfer of \$124,000 to the checking account. Director Canty seconded the motion, and the motion passed 4-0-1 with Director Castille opposed.

- (b) **amendments to the budget for FY2024:** There are no amendments to the budget this month.
- (c) **security issues including report from Travis County Sheriff's Office and renewal of contract with Travis County Sheriff's Office for 2024:** There is no report from the Sheriff's Office this month.
- (d) **discuss and consider budget meetings/workshops:** 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. Director Peterson also discussed a break-in that occurred to a vehicle but noted the security cameras did not record the incident and the cameras have been rearranged to cover the area. Director Peterson also noted that the pool was open to accommodate the extended pool hours that were previously approved.

Item 6 – Receive report from the District's landscape maintenance contractor and Park Committee and consider taking related action: Mr. Mowen presented the July parks report to the Board and said routine park maintenance had been completed. Mr. Mowen also told the Board that ant bait had been laid out and that trash pickup had been completed.

- (b) **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.
- (c) **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:

- (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:** Vangie Bocanegra with Pioneer was not present.
- (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) **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:.

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

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

- (a) **pending contract issues, open records requests, and election matters:** The matter was not addressed.
- (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.
- (e) **demand letters regarding District property damage that occurred June of 2023:** The matter was not addressed.

Item 10 – 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 11 – Receive report from Special Counsel and consider taking action regarding Cause No. D-1-GN-23-001675; 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. The matter was not addressed.

OTHER MATTERS

Item 12 – Discuss and consider Board member duties, responsibilities, ethics, and actions. Director Krueger discussed how disheartening it is that a Board member had paid for and was monitoring a District resident. Director Krueger asked anyone running for the Board to be running for the right reasons.

Item 13 - Discuss and review Resolution adopting fees of office. The Board discussed the resolution, but no action was taken.

Item 18 – Discuss and consider time, date, and agenda items for the next Board meeting. The next Board meeting will be held on September 18th, 2024 at 6:00 p.m. at the Westoak Woods Baptist Church.

The meeting adjourned at 7:18 p.m.

(Seal)

A handwritten signature in black ink, appearing to read "Brian Whelan", written over a horizontal line.

Brian Whelan, Secretary
Board of Directors

Date: September 18, 2024