

Westwood Shores M.U.D.

NOTICE OF BOARD MEETING

Notice is hereby given to all interested members of the public that the Board of Directors ("Board") of the above captioned District will hold a meeting, open to the public at **Westwood Shores Clubhouse, 100 Westwood Drive East, Trinity, Texas 75862**. The meeting will be held on **Monday, February 20, 2023, at 9:30 a.m.**, to consider and authorize any action related to the following:

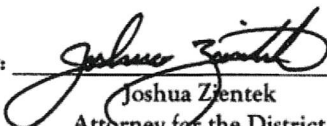
- 1) **Call the Meeting to Order and Pledge of Allegiance;**
- 2) **Consider comments from members of the public, including appeals of District customers (the Board imposes a three-minute speaking limit for each member of the public wishing to address the Board; public comments will be closed after this item);**
- 3) **Approve Minutes of prior board meeting(s);**
- 4) **Appraisal District's Tax Assessor's Report, including:**
 - a. Delinquent Tax Collections Update, including status of delinquent taxes, collection/uncollectible accounts, termination of water service, foreclosure proceedings, installment agreements, and proofs of claim(s);
 - b. Update from Delinquent Tax Attorney, including take action to approve a contingent fee contract with Perdue Brandon Fielder Collins and Mott, LLP pursuant to Section 6.30 of the Texas Property Tax Code, said contract being for the collection of delinquent government receivables owed to Westwood Shores MUD and notice of said contract is posted with the agenda in accordance with Section 2254 of the Government Code;
 - c. Review proposal(s) for Tax Assessor Collector and approve, as applicable;
- 5) **Bookkeeper's Report, including:**
 - a. Payment of Invoices, including:
 - i. Update on invoice(s) from EFS, and authorize related action;
 - b. Update on District Investment Accounts, including:
 - i. Update on Bank of New York Mellon Statements; Sunflower/Pioneer Bank, including District CDs and potential transfer to different bank(s); Depository Pledge Agreements for all, and signatories on accounts;
 - ii. Amend Budget, if necessary, update on possible grant options; and savings to date;
 - iii. Review of vender contracts;
 - iv. Consider amendments for Investment Policy and Qualified Brokers List;
 - v. Update on status of District vehicles;

- 6) Update land purchase related to Well No. 3 and consider request from POA for maintenance, including the District's related authority;
- 7) Office Report, including:
 - a. Delinquent accounts, including termination, collections, and/or uncollectible roll;
 - b. Appeals of District charges, including adjustments related to reported leaks;
 - c. Service Orders, Tap Fees Paid and completed;
 - d. Update on IT matters including District email updates and emergency communications;
 - e. Service Request Policy amendments;
 - f. Personnel matters, including pay practices and W2 mailing(s);
 - g. Update on Texas Utility Help Program and authorize related action;
- 8) Engineer's Report, including:
 - a. Authorize design, advertisement, or award of bids/contracts for construction of facilities;
 - b. Consider authorizing engineer to begin performing records research and compiling inventory of service lines and related tasks necessary to comply with the EPA Lead & Copper Rule Revisions;
 - c. Status of construction and approval of pay estimates/change orders;
 - i. Lift Station No.2 Rehabilitation;
 - ii. Update Lift Station No.3
 - iii. Wastewater Treatment Plant ("WWTP") Bar Screen Replacement;
 - iv. Update on Water Well No.1 Aeration System;
 - v. Update on Water Well No. 2 Construction;
 - vi. Fencing around Water Well Nos.1 &2;
 - vii. Approve dedication of Sanitary Control Easement around Water Well No. 2;
 - d. Update regarding Capital Improvements Plan;
 - e. Update on District Insurance, including discussion related to Marina Village Lift Stations, asset values, and authorize requests for proposals;
 - f. Effluent Agreement with POA;
- 9) Operator's Report including:
 - a. Consider and Proceed with Authorization to Build Requests, and related policies/Rate Order Amendment(s);
 - b. Inspection, Repair, and Maintenance of District facilities, improvements, and vehicles, including Emergency Preparedness Plan, Preventative Maintenance Schedule, and Drought Contingency Plan, and authorize related expenditures;
 - c. Update on monthly reports, TCEQ Violations, and Proposed Agreed Order;

- d. Review and take action related to Inframark contract amendments and prior billing concerns;
 - e. Authorize Operator to prepare Consumer Confidence Report;
- 10) **Communications and website updates;**
 - a. Discussion regarding Director email accounts and Website/IT Venders;
- 11) **Directors' Reports, including;**
 - a. Director-Consultant committee and liaison updates and consider authorization limits for District committee(s);
 - b. Update on TWDB Funding Event;
 - c. 2023 District timeline, goals, and assignment of tasks;
- 12) **Attorney's Report, including:**
 - a. Update on the records retention policy, District records, and related storage;
 - b. Update on Directors Bonds;
- 13) **Discuss pending business and matters for future agendas, including scheduling of next meeting date(s).**
- 14) ***Executive Session pursuant to Texas Government Code, Section 551.071, (et. seq.);**
- 15) **Reconvene in open session and authorize any action resulting from executive session;**

WESTWOOD SHROES MUNICIPAL UTILITY
DISTRICT

[SEAL]

By: 
Joshua Zientek
Attorney for the District

Persons with disabilities who require auxiliary aids or services at the meeting are asked to contact the District at 281-719-1990, at least three (3) business days prior to the meetings so that appropriate arrangements can be made.

**The District reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code, Section 551.071 (Consultation with attorney), Section 551.072 (Deliberations about Real Property), Section 551.073 (Deliberations about Gifts and Donations), Section 551.074 (Personnel Matters), Section 551.076 (Deliberations about Security Devices), Section 551.087 (Economic Development), and other matters as allowed by law.*

NOTICE PURSUANT TO GOVERNMENT CODE SEC. 2254.1036

WHEREAS, Westwood Shores Municipal Utility District ("MUD"), will consider entering into a contingent fee contract with the law firm of Perdue Brandon Fielder Collins & Mott, L.L.P. ("Firm") and hereby posts this notice pursuant to Sec. 2254.1036 of the Government Code.

WHEREAS, this notice shall be posted before or at the time of giving the written notice required by Government Code Sec. 551.041 for a meeting described by Sec. 2254.1036(a)(2) of the Government Code and shall announce the following:

A. The MUD pursuing a contract with the Firm for the collection of delinquent ad valorem taxes owed to the MUD and through this contract the MUD seeks to increase recovery of its delinquent debts in as expeditious a manner as possible. GOVT. CODE § 2254.1036(a)(1)(A).

B. The MUD believes the Firm has the competency, qualifications, and experience necessary to fulfill this contract. GOVT. CODE § 2254.1036(a)(1)(B). The Firm has collected delinquent government receivables for 52 years, including the collection of delinquent ad valorem taxes. The Firm currently has 14 primary offices and multiple satellite offices throughout Texas, Oklahoma and Florida. It employs more than 400 individuals, including over 60 attorneys. It uses a multi-office, fully integrated team approach allowing the MUD access to all its offices and resources. Its collection team consists of long-term Firm employees, including attorneys, call center associates, paralegals, law clerks, legal secretaries, collection support personnel and information technology experts. The Firm utilizes proprietary collection software that can be tailored to meet any special need the MUD may have. This proprietary software also automates many aspects of the collection process, such as: account/debtor research, mailings and phone calls, return mail and address updates, payment notification and processing and workflow.

C. The nature of any relationship between the MUD and the Firm is as follows. GOVT. CODE § 2254.1036(a)(1)(C).

The Firm currently represents Westwood Shores MUD for collection of delinquent ad valorem taxes.

D. The MUD is unable to collect its delinquent ad valorem taxes. GOVT. CODE § 2254.1036(a)(1)(D). The MUD currently does not have adequate support staff, computer software/programming, or experience to internally conduct these collection services and acquiring these will result in substantial expense to the MUD.

E. These collection services cannot be provided for an hourly fee. GOVT. CODE § 2254.1036(a)(1)(E). The Tax Code allows the assessment of a percentage-based fee to recover the costs of collecting delinquent ad valorem taxes. This percentage-based fee is assessed only against the debtor and not the MUD or taxpayers of the MUD. The collection of delinquent ad valorem taxes is a high-volume practice, requiring a significant amount of research, mailing, and handling of outbound/inbound calls. An hourly fee for such work will likely exceed amount of delinquent ad valorem taxes due. Moreover, the MUD will bear the cost of these hourly fees and not the

debtor, because the Tax Code does not expressly authorize the MUD to pay for collection services based on an hourly fee.

F. The MUD believes this contingent fee contract is in its best interest. GOVT. CODE § 2254.1036(a)(1)(F). Under the contingent fee contract, the Firm will be paid the amount of the percentage-based collection fee, regardless the number of hours the Firm spends researching, contacting and mailing to collect the delinquent debt. Additionally, the percentage-based collection penalty is a pass-through expense to the debtor and not an expense to the MUD or taxpayers in the MUD.