

# HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 99

## MINUTES OF MEETING OF BOARD OF DIRECTORS

NOVEMBER 19, 2019

The Board of Directors (the "Board" or "Directors") of Harris County Water Control and Improvement District No. 99 (the "District") met in regular session, at 7:00 p.m., at 19423 Lockridge Drive, Spring, Texas 77373, on Tuesday, November 19, 2019, pursuant to notice of said meeting posted in accordance with Chapter 551 of the Texas Government Code; whereupon the roll was called of the members of the Board, to-wit:

Monte Lee Cooper	President
Billy Ray Fritsche	Vice President
Tim Evans	Assistant Secretary
Ed Jensen	Secretary/Treasurer/Investment Officer
Charles Leroy Richardson	Director/Operations Maintenance Officer

All members of the Board were present, thus constituting a quorum. Also attending all or portions of the meeting were: Mike Plunkett of Eagle Water Management, Inc., operator for the District ("Operator" and/or "Eagle Water"); Karen Long of Equi-Tax, Inc., tax assessor-collector and bookkeeper for the District ("Equi-Tax"); Sergio Van Dusen, P.E. and Caitlin Bobb, EIT of Vogt Engineering, L.P., engineer for the District ("Engineer"); Deputy Z. Ryan of the Harris County Constable's Office ("HCCO"); David Aitken of Triton Consulting Group, LLC ("Triton"); Andrew P. Johnson III, attorney and Marisa L. Roberts, Legal Assistant of Johnson Petrov LLP, attorney for the District ("Attorney"); and several residents of the District and members of the public (see Sign-In Sheet).

The President, after finding that notice of the meeting was posted as required by law and determining that a quorum of the Board was present, called the meeting to order and declared it open for such business as may regularly come before it.

1. Minutes. The Board reviewed the minutes of the special Open House meetings held on October 8, 2019 and October 16, 2019 and the regular meeting held on October 15, 2019, copies of which were previously distributed to the Board. Upon motion by Director Fritsche, seconded by Director Evans, after full discussion and with all Directors present voting aye, the Board approved the special Open House meeting minutes held on October 8, 2019 and October 16, 2019 and the regular meeting held on October 15, 2019 as presented.
2. Constable's Report. Deputy Z. Ryan presented an oral written report and updated the Board regarding the recent activities in the District. He also responded to questions from the Board.
3. Bookkeeper's Report/Investment Report/Tax Assessor-Collector's Report/Energy Usage Report. Ms. Long presented to and reviewed with the Board, the Bookkeeper's Report, Investment Report, Tax Assessor-Collector's Report, and Energy Usage Report for the previous month, copies of which are attached hereto collectively as Exhibit "A."

Director Jensen asked why the District was being charged a late fee on an invoice that was just received. Mr. Johnson explained that since the District is a local governmental entity, Districts are allowed 45 days instead of the customary 30 days. Director Fritsche asked to hold

payment on the Triton invoices. Upon motion by Director Evans, seconded by Director Richardson, after full discussion and with all Directors present voting aye, the Board appointed Directors Fritsche and Jensen to review the Triton invoices.

Ms. Long next reported that TexPool is paying 1.9115% interest and the net asset value is 1.00010%.

Upon motion by Director Jensen, seconded by Director Evans, after full discussion and with all Directors present voting aye, the Board 1) approved the Bookkeeper's Report, Investment Report, Tax Assessor-Collector's Report, and Energy Usage Report, as presented, 2) authorized the payment of checks numbered 12130 through 12167 from the Operating Account, with the exception of the Triton Consulting Group, check numbers 12158, 12162, and 12163; and 3) authorized the payment of one (1) check numbered 2395 to Equi-Tax, Inc.

4. Operator's Report. Mr. Plunkett presented the Operations Report, a copy of which is attached hereto as Exhibit "B," and responded to questions from the Board.

Mr. Plunkett reported the average daily flow at the sewer plant during the previous month was 78,000 G.P.D. He also reported the pumped to billed ratio was 89.88% at the water plant. There were no excursions reported.

Mr. Plunkett next reported that thirty-two (32) delinquency notices were sent out to customers and seventeen (17) remain unpaid to date.

Mr. Plunkett reported that he had spoken with CZ Construction, LLC regarding a revised price for increasing the sanitary sewer lines at Whitewood Drive and the intersection of Lockridge from an 8" line to a 10" line. CZ Construction, LLC stated revised amount is \$15,485.00, a copy is attached to the Operator's Report.

Upon motion by Director Fritsche, seconded by Director Jensen, after full discussion and with all Directors present voting aye, the Board approved an amount not to exceed \$15,485 to CZ Construction, LLC, for increasing the sanitary sewer lines at Whitewood Drive and the intersection of Lockridge from an 8" line to a 10" line.

Next, Mr. Plunkett stated that additional repairs were needed to the sanitary sewer line at 214 Bickett, he reminded the Board, this was sewer back-up issue as a result of a sink hole during Tropical Storm Imelda and that the Board had previously authorized the work in October.

Upon motion by Director Jensen, seconded by Director Richardson, after full discussion and with all Directors present voting aye, the Board approved the Operator's Report and approved termination of the accounts on the delinquent list.

5. Engineer's Report. The Engineer's Report was presented and reviewed by Mr. Van Dusen, a copy of which is attached as Exhibit "C".

Mr. Van Dusen reviewed the engineer's report with the Board.

He stated that Eagle Water is coordinating with the Spring ISD contractor regarding the connection and installation of the new irrigation meter at Spring High School.

Mr. Van Dusen next stated that Vogt Engineering received a request for review of the DreamLab sanitary sewer, to which he stated Vogt Engineering recommended televising the line.

Mr. Van Dusen then reviewed with the Board the District's Values with Depreciation and stated that Spring ISD had previously made some contributions (approximately \$35,655). Mr. Johnson explained the TCEQ rules for depreciation of facilities. Director Fritsche then asked would WCID 99 ask Spring ISD to pay a portion (33%) of the value of the District's facilities, which would be approximately \$873,044.33.

The Board delayed authorization of the Bond Application Report. The item was tabled until the December meeting. No action was taken.

Upon motion by Director Fritsche, seconded by Director Jensen, after full discussion and with all Directors present voting aye, the Board approved the Engineer's Report.

6. a. Deterioration of Carbon Steel and Concrete Sewer Lines

Discussed under Engineer's Report.

b. Communication with Residents and Consultants.

Director Fritsche requested this item be placed on the agenda. He would like to establish a better way to communicate with residents. Director Evans stated that although the website is one way, so many of the residents are older and do not have nor use computers, he suggested a newsletter.

Director Fritsche asked if Eagle Water could contact one of the Directors when there is an emergency repair or for a scheduled repair so that the Director could inform property owners affected by the repair. Mr. Plunkett stated that Eagle Water leaves a door hanger. Discussion ensued. The Board appointed each Director to be on a rotating schedule to be contacted by Eagle Water when an emergency repair or for a scheduled repair item to alert property owners affected by the repair.

c. Documentation of work to water and wastewater systems.

The Board discussed with Eagle Water the need for documenting work before and after the repairs by taking before/after photos.

d. Authorize action relating to Elections.

Mr. Johnson discussed the issue with the Bond and Maintenance Tax Election (the "Election") as a result of a new law that came into effect September 1<sup>st</sup>, which requires a political subdivision to designate a voting place at one of the county's early voting locations. Mr. Johnson stated that the District had one of the largest turn outs in the history of the District. He went on to discuss a few remedies available to the District, the first involves filing a lawsuit, with a remedy in 30-days; the second would be to submit a letter to the Texas Attorney General requesting their review and approval. Mr. Johnson requested the Board authorize Johnson Petrov to proceed.

Upon motion by Director Fritsche, seconded by Director Richardson, after full discussion and with all Directors present voting aye, the Board authorized Johnson Petrov to proceed with procuring a remedy related to the Election.

7. Old Business.

- a. Update regarding annexation request by Spring ISD.

Mr. Johnson stated this was reviewed under the Engineer's Report and that he will forward the depreciation schedule to Spring ISD. Director Evans asked about scheduling a follow-up meeting with Spring ISD and that he would like to attend. Director Fritsche stated he would also like to attend.

8. Public Comment.

Mr. Tietjens asked if Johnson Petrov sent a letter to the Attorney General, what would the turn around time be. Mr. Johnson responded that the Attorney General has a staff meeting every Friday afternoon and expected a quick response.

Mrs. Mohr inquired about the timeframe for reimbursement for repairs at 19214 Whitewood Drive. Ms. Karen Long stated that she has the reimbursement check.

Mrs. Debbie Wells asked if the Secretary of State mentioned the number of complaints received. Mr. Johnson responded; they did not state specifically the number of complaints.

Mrs. Pam Kimbrough asked who would the District sue if a lawsuit were filed? Mr. Johnson stated that the parties would include the Attorney General's office.

Mr. Lance Rumfield asked whether the Election is contested. Mr. Johnson stated, no, to date, there has only been a telephone call from the Texas Secretary of State's office.

Mrs. Susie Paddock asked what did the Texas Secretary of State's office say when they called. Mr. Johnson responded saying that the complaint was that the public was not well informed on the issues of the Election, which is clearly not true, based on the public outreach efforts of the Board and the Civic Association.

Mrs. Pam Kimbrough stated that the public was well informed.

Mr. Tom Emanis stated that a representative from the Texas Secretary of State had visited the polling place on Election Day. He stated that she asked questions and observed the election process for approximately 30-minutes.

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD,**  
the meeting was adjourned at 8:17 p.m.

**Pay the Bills:** As previously approved by the Board, the following bills were paid:

**Checks Written on Operations Account #0751-690363**


**Harris County WCID #99 GOF**

**Checks Presented**

**November 19, 2019**

Num	Name	Description	Amount
12130	Billy R Fritsche	Director Fee	-138.53
12131	Charles L Richardson	Director Fee	-300.23
12132	Monte L Cooper	Director Fee	-138.53
12133	Timothy P. Evans	Director Fee	-138.52
12134	Billy R Fritsche	Director Fee	-138.52
12135	Charles L Richardson	Director Fee	-118.52
12136	Monte L Cooper	Director Fee	-138.52
12137	Timothy P. Evans	Director Fee	-138.53
12138	C & C Water Services LLC	WP Maintenance	-20,697.00
12139	Center Point Energy 4610016-0	Utilities	-28.56
12140	CFI Services Inc	WP Maintenance	-1,017.64
12141	Charles Mohr	Resident Reimbursement	-756.98
12142	Direct Waste Solutions	Garbage Collection	-9,120.50
12143	DXI Industries, Inc.	Chemicals	-411.97
12144	Eagle Water Management, Inc.	Operator Fee	-13,816.62
12145	Elite Pumps & Mechanical Services	STP Maintenance	-978.00
12146	ETI Bookkeeping Services	Bookkeeping Fee	-700.00
12147	G-M Inspection Services, Inc.	WP Maintenance	-1,075.00
12148	Harris County Treasurer	Security	-5,764.00
12149	Lawns & More	Mowing	-540.00
12150	Neil Technical Services Corp	STP Maintenance	-14,420.00
12151	North Harris County Regional Water Author	NHCRWA Fee	-17,244.15
12152	Reliant Energy 1 499 574-0	Utilities	-11.03
12153	Reliant Energy 1 500 965-7	Utilities	-1,562.93
12154	Reliant Energy 1 505 184-0	Utilities	-1,672.07
12155	Source Point Solutions, Inc.	STP Maintenance	-2,892.00
12156	Texas Commission on Environmental Quality	Permits	-1,307.26
12157	The GMS Group	Financial Consultant	-3,600.00
12158	Triton Consulting Group	Bond Consulting Fee	-1,760.37
12159	Vogt Engineering	Engineer Fee	-4,484.22
12160	Waste Connections of Texas	STP Dumpster	-251.66
12161	WaterEngineers Inc	WP Maintenance	-3,763.75
12162	Triton Consulting Group	Bond Consulting Fee	-10,714.43
12163	Triton Consulting Group	Bond Consulting Fee	-21,432.80
12164	Dora & Lyndell Raup	Customer Deposit Refund	-48.78
12165	Fernando Garza	Customer Deposit Refund	-150.00
12166	Omni Key Realty	Customer Deposit Refund	-250.00
12167	Verizon	Telephone	
<b>Total</b>			<b>-141,721.62</b>

**PASSED AND APPROVED** on the 17th day of December 2019.

  
Secretary  
Board of Directors

**EXHIBITS:**

- A - Bookkeeper's Report, Investment Report,  
Tax Assessor-Collector's Report, Energy Report
- B - Operations Report
- C - Engineer's Report



**Minutes recorded by Marisa L. Roberts**  
**Johnson Petrov LLP**  
**Regular Session November 19, 2019**