

HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 99

MINUTES OF MEETING OF BOARD OF DIRECTORS

APRIL 20, 2021

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., by Teleconference, on Tuesday, April 20, 2021, pursuant to notice of said meeting posted in accordance with the Governor's Executive Orders regarding holding Open Meetings via Teleconference for the protection of public health and safety during the COVID-19 pandemic; whereupon the roll was called of the members of the Board, to-wit:

Monte Lee Cooper	President
Billy Ray Fritsche	Vice President
George Galindo	Secretary
Thomas Riddle	Assistant 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 by teleconference were: Karen Long of Equi-Tax, Inc., bookkeeper for the District ("Equi-Tax"); Debbie Bessire of Equi-Tax, Inc., tax assessor-collector for the District ("Equi-Tax"); Zachary A. Petrov, attorney, Marisa L. Roberts, legal assistant, for the District ("Johnson Petrov" and/or "Attorney"); Mike Plunkett of Eagle Water Management, Inc., operator for the District ("Operator" and/or "Eagle Water"); Sergio Van Dusen, P.E. of Vogt Engineering, L.P., engineers for the District ("Engineer" and/or "Vogt"); Lt. Flores and Deputy Z. Ryan of the Harris County Constable's Office ("HCCO"); and Mike Kiger, and Gary Lemm and Laurie Garza, residents of the District.

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 regular meeting minutes held on March 16, 2021; a copy of which was previously distributed to the Board.

Upon motion by Director Fritsche, seconded by Director Riddle, after full discussion and with all Directors present voting aye, the Board approved the minutes of the regular meeting held on March 16, 2021.

2. Constable's Report. Deputy Ryan reviewed the March Constable's Report with the Board and responded to questions from the Board.

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

3. Bookkeeper's Report/Investment Report/Energy Usage Report. Ms. Long presented to and reviewed with the Board the Bookkeeper's Report, Investment Report, and Energy Usage Report for the previous month, copies of which are attached hereto collectively as Exhibit "A."

a. Ms. Long reported that TexPool is paying 0.0187% interest and the net asset value is 1.00017%.

b. Ms. Long then stated that BBVA informed ETI that it will no longer accept public funds. Ms. Long will make a recommendation of a new depository bank to the Board at the May meeting.

Upon motion by Director Fritsche seconded by Director Richardson, after full discussion and with all Directors present voting aye, the Board: 1) approved the Bookkeeper's Report, Investment Report, and Energy Usage Report, as presented; and 2) authorized the payment of checks numbered 12611 through 12638 from the Operating Account.

4. Tax Assessor-Collector's Report. Ms. Bessire presented the Tax Assessor-Collector's Report, a copy of which is attached hereto as Exhibit "B."

Ms. Bessire stated that she anticipates she will have the 2021 preliminary values at the May meeting.

Upon motion by Director Fritsche, seconded by Director Riddle, after full discussion and with all Directors present unanimously voting aye, the Board approved the Tax Assessor-Collector Report.

5. Operator's Report. Mr. Plunkett presented the Operations Report, a copy of which is attached hereto as Exhibit "C."

Mr. Plunkett reported the total monthly pumpage for March was 3,703,000 gallons; and the average daily flow at the sewer plant during the previous month was 59,000 G.P.D, which is 26.0% of current capacity. There were no excursion for the month of March. He also reported the pumped to billed ratio was 91.85% at the water plant. Magna Flow hauled solids for the month of March.

Mr. Plunkett next presented the Monthly Light Fixture Review, a copy of which is attached to the Operator's Report.

Mr. Plunkett presented and reviewed the disconnection list reflecting twenty (20) accounts listed. Mr. Plunkett requested that the Board authorize termination of any remaining accounts for non-payment. Mr. Plunkett also requested the Board authorize five (5) uncollectable accounts be turned over to collections, and noted that one (1) of the five (5) accounts is over \$1,000.

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

Upon motion by Director Riddle, seconded by Director Fritsche, after full discussion and with all Directors present voting aye, the Board, after confirming with the Operator that notice had been delivered by the Operator to each person on the list notifying them that they could appear before the Board to discuss termination of services and that services could be terminated at any time after this meeting, and determining that no one appeared at the meeting for such purpose 1) approved the termination list and authorized the Operator to terminate service as required by the Rate Order to all customers who remain unpaid; and 2) authorized the Operator to turn over five (5) uncollectable accounts to collections.

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

Mr. Van Dusen reviewed the Engineer's Report with the Board. He responded to questions from the Board.

Waterline Extension Along Cypresswood. Mr. Van Dusen updated the Board on the progress by Macer Xpress LLC ("Macer"), and presented and reviewed the Macer pay application and recommended the Board approve the pay application in the amount of \$44,493.30, a copy of which is attached to the Engineer's Report.

Upon motion by Director Fritsche, seconded by Director Richardson, after full discussion and with all Directors present unanimously voting aye, the Board approved the Macer pay application in the amount of \$44,493.30.

New Wastewater Treatment Plant. Mr. Van Dusen stated that the contract plans, specifications and documents are ready for bidding pending Harris County approval. Harris County is having some issues understanding the limits of the District's property, so a meeting is scheduled with Harris County next week to resolve the issues Harris County has with the plans.

HCFCDC Casper Drive Road Repair. Mr. Van Dusen stated that he, along with Director's Richardson and Fritsche, meet with representatives of Timer Lane UD to discuss the maintenance of the road. There is a question of whether the road has been platted. Director Richardson will follow-up on this matter. Director Fritsche did comment that the costs of getting the road up to County standards is increasing, and he just wanted the Board to know the costs could increase.

Sanitary Sewer Crossing Lemm Gully. Mr. Van Dusen reported that Vogt Engineering is ready to bid the job, but pending a response from Harris County Flood Control District. Director Richardson then reported that he received a price quote to cut and remove five (5) trees at \$900.00 per tree at the Sanitary Sewer Crossing Lemm Gully. Discussion ensued.

Upon motion by Director Riddle, seconded by Director Richardson, after full discussion and with all Directors present voting aye, the Board approved the quote for (5) trees at the Sanitary Sewer Crossing Lemm Gully to be cut and removed at a cost of \$900.00 per tree.

Lynwood Estates Subdivision Drainage Assessment and Michael Baker Report on Cypress Creek: No update at this time.

Spring ISD ("SISD") Annexation. Vogt has provided the requested information and prepared the exhibits detailing six (6) different options for routing the utilities to service SISD.

Review of Cypresswood Detention Pond (Dresher Pond) Design: Mr. Van Dusen reported that the work has resumed. No additional updates.

Sewer Line from Dresher to Lockridge: Mr. Van Dusen reported that Vogt is reviewing the televised inspections performed by Source Point Solution, LLC and he will get with Eagle Water Management to discuss.

Fill-in Property within Casper Lane Estates: Mr. Van Dusen stated Vogt Engineering visited the site. Mr. Van Dusen stated that he contacted the stakeholder and there has not been a response to date.

Sanitary Control Easement. Mr. Van Dusen stated that the certified letters have been sent to the property owners via certified mail.

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

7. New Business.

a. Capital Contribution and Service Agreement (the "Agreement") with Spring Independent School District ("SISD"). Mr. Petrov reminded the Board that both the Board and SISD approved the Agreement with the amendment for annual payments instead of monthly. That amendment has been made to the Agreement and sent to SISD. Mr. Petrov relayed that Mr. Hutton of SISD reviewed the Agreement, as amended, found it to be in order, and is in the process of delivering execution ages. Mr. Petrov then requested the Board to approve the Petition for City of Houston consent to annex, which will be submitted to the City of Houston, as part of the annexation process.

Upon motion by Director Riddle, seconded by Director Richardson, after full discussion and with all Directors present unanimously voting aye, the Board approved the Petition for City of Houston consent to annex, including submission to the City of Houston subject to receiving the signed Capital Contribution and Service Agreement from SISD.

b. Rate Order Amendment, as deemed necessary. Directors Fritsche and Galindo reviewed neighboring district rate orders and made recommendations to the District's Rate Order pertaining to apartments and out of district customers. Mr. Petrov explained that the out-of-district revisions proposed are customary changes for districts with a tax rate. The audit committee with work with Johnson Petrov and report back to the Board their final recommendations.

c. Fidelis Realty Partners Development Update. Mr. Petrov stated that the fence construction has started, and that Fidelis will make any repairs deemed necessary.

8. New Business.

a. Neighborhood Concerns About Traffic Speeds. Director Galindo discussed with the Board the possibility of purchasing solar speed limit signs. The cost ranges from \$2,500 to \$3,000 each, depending on the type of sign. Discussion ensued. The Board determined that it would be more appropriate for the Community Association to handle this issue rather than the District. No action was taken at this time.

b. Post Issuance Tax Compliance Policy. Mr. Petrov explained that the District's bonds will close on Thursday, and that Johnson Petrov will file an IRS form 8038-G as required by the IRS. One of the items states that the District has adopted a Post Issuance Tax Compliance Policy, a copy of which is attached hereto as Exhibit "E." He explained that the bonds are reviewed annually to assert that the bonds maintain tax exempt status and the Board will need to appoint a Post Issuance Tax Compliance Officer.

Upon motion by Director Riddle, seconded by Director Richardson, after full discussion and with all Directors present voting aye, the Board approved the Post Issuance Tax Compliance Policy and the appointment of Director Riddle as the Post Issuance Tax Compliance Officer.

9. Executive Session. Executive Session was not deemed necessary at this time.

10. Public Comment.

Mike Kiger approached the Board regarding the Board possibly allowing the public use the water board building. The Board requested that an item be added to the next Board meeting to discuss the matter.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD,
the meeting was adjourned at 8:13 P.M.

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

Checks Written on Operations Account #0751-690363

PASSED AND APPROVED on the 18 day of May, 2021.



Secretary
Board of Directors

EXHIBITS:

- A - Bookkeeper's Report, Investment Report, Energy Report
- B - Tax Assessor Collector Report
- C - Operations Report
- D - Engineer's Report
- E - Post Issuance Compliance Policy

**Minutes recorded by Marisa L. Roberts
Johnson Petrov LLP
Regular Session April 20, 2021**

[DISTRICT SEAL]

