

**HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 99**

**MINUTES OF MEETING OF BOARD OF DIRECTORS**

**SEPTEMBER 21, 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. at 19423 Lockridge Drive, Spring, Texas 77373, on Tuesday, September 21, 2021, 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
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. and Tyler Reeves of Vogt Engineering, L.P., engineers for the District ("Engineer" and/or "Vogt"); Deputies Z. Ryan and B. Lindley of the Harris County Constable's Office ("HCCO"); and residents of the District (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 regular meeting held on August 17, 2021, a copy of which was previously distributed to the Board.

Upon motion by Director Fritsche, seconded by Director Galindo, after full discussion and with all Directors present voting aye, the Board approved the minutes of the regular meeting held on August 17, 2021.

2. Constable's Report. Deputy Ryan reviewed the August 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 0.0222% interest and the net asset value is 1.00010%. Ms. Long also stated that the Central Bank account has been established and that she will begin transitioning the BBVA accounts over to Central Bank.

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; and 2) authorized the payment of checks numbered 12747 through 12773 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."

Director Fritsche stated he would like to have include a notice to the property owners to expect the tax bill along with a copy of the projected tax rate. Mr. Plunkett stated that Eagle Water can include the notice in the upcoming customer water bills over the next two (2) months.

Upon motion by Director Cooper seconded by Director Richardson, after full discussion and with all Directors present voting aye, the Board approved the notice to the property owners regarding the tax bill.

a. Public Hearing on Tax Rate. The Director Fritsche made a motion to open the public hearing on the proposed 2021 District Tax Rate, stating that the notice was published in the newspaper as required by law, which was seconded by Director Galindo and with all directors present voting aye. At 7:19 p.m., the public hearing was opened for public comment. A copy of the Notice of Publication is attached hereto as Exhibit "B-1." Mr. Petrov stated that the Board had proposed a 2021 tax rate of \$0.16 per \$100 of assessed valuation. Director Cooper called on each member of the public present and allowed comment on the proposed tax rate. Following public comment on the proposed 20221 tax rate, upon motion by Director Fritsche, seconded by Director Cooper, the Board closed the public hearing.

b. Order Setting Rate and Levying Tax for 2021. The Board next considered an Order Setting Rate and Levying Tax for 2021, a copy of which is attached as Exhibit "B-2."

Upon motion by Director Riddle, seconded by Director Galindo, after full discussion and with all Directors present voting aye, the Board approved the Order Setting Rate and Levying Tax for 2021 authorizing a tax rate of \$0.16 per \$100 assessed valuation for debt service purposes.

c. Order Appointing Tax Assessor/Collector. The Board next considered an Order Appointing Tax Assessor-Collector, a copy of which is attached hereto as Exhibit "B-3."

Upon motion by Director Riddle, seconded by Director Galindo, after full discussion and with all Directors present voting aye, the Board approved the Order Appointing Tax Assessor-Collector, as presented, appointing Equi-Tax, Inc. as the District's Tax Assessor-Collector.

d. Amended District Information Form. Mr. Petrov presented an Amended and Restated District Information Form, a copy of which is attached hereto as Exhibit "B-4." Mr. Petrov explained to the Board that the form is amended annually to show the current tax rate, the outstanding debt, the Notice to Purchasers form, and the total amount of bonds that have been

approved by the voters and which may be issued by the District. The amended form is required to be filed with Harris County Real Property Records (the "HCRPR") and the Texas Commission on Environmental Quality (the "TCEQ").

Upon motion by Director Riddle, seconded by Director Galindo, after full discussion and with all Directors present voting aye, the Board approved the Amended District Information Form and authorized the Johnson Petrov to file the Order with the HCRPR and the TCEQ as required by law.

e. Resolution Concerning Tax Collection Procedures. The Board then considered a Resolution Concerning Tax Collection Procedures, a copy of which is attached as Exhibit "B-5."

Mr. Petrov explains to the Board the tax payment options or procedures. Discussion ensued.

Upon motion by Director Riddle, seconded by Director Galindo, after full discussion and with all Directors present voting aye, the Board adopted the resolution, as presented.

Upon motion by Director Galindo seconded by Director Richardson, after full discussion and with all Directors present 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 August was 7,192,000 gallons; and the average daily flow at the sewer plant during the previous month was 93,000 GPD, which is 41.0% of current capacity. There were no excursions for the month of August. He also reported the pumped to billed ratio was 90.23% at the water plant.

Mr. Plunkett stated that he received a customer letter (Acct# 00941) requesting the District adjust the excessively high water bill. He explained that the customer leases the property and there is a pool/spa, which had a leak. The Landlord had been notified of the issue, but because the account is between Eagle Water and Customer, the Landlord is not liable for the bill. Mr. Plunkett recommended the Board consider the normal monthly or average usage be billed plus \$1.00 per 1,000, which covers the costs to produce, eliminate 10% surcharge for the RWA rate and waive past due and late fees, including setting up a payment plan, which is consistent with previous District actions for such customers. Discussion ensued.

Upon motion by Director Fritsche seconded by Director Galindo, after full discussion and with all Directors present voting aye, the Board the accepted Mr. Plunkett's recommendation to the billing adjustment for the cost of water for Acct# 00941. and to set up a payment plan.

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

Mr. Plunkett reported approximately twelve (12) accounts remained unpaid to date. Mr. Plunkett requested that the Board authorize termination of any remaining accounts for non-payment.

Upon motion by Director Galindo, seconded by Director Richardson, 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, i) approved the termination list and authorized the Operator to terminate service as permitted by the Rate Order to all customers who remain unpaid; and ii) accepted the Operator's Report.

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 and he responded to questions from the Board.

Mr. Petrov presented and reviewed the Order Adopting Rules and Regulations Regarding Activities Within 150-Feet of Water Wells Owned and Operated by The District (the "Order"). Mr. Petrov explained that the Board had previously adopted an Order similar to that presented, but the TCEQ requested the Order be amended to include a "removal" provision. The presented Order is the same with the additional language requested by the TCEQ with the purpose of the Order to protect the District's water wells from contamination. A copy the Order is attached hereto as Exhibit "F".

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

7. Old Business.

a. Spring ISD Annexation. Mr. Petrov reported to the Board that payment has been received from Spring ISD for the first two (2) year's worth of Spring ISD's share of bond payments. The annexation request is pending at the City of Houston.

b. Use of District Building. Mr. Plunkett stated that he is working with Directors Richardson and Galindo on the safety chains and bollards at the south entrance of the driveway at the Water Plant and as well as the sound wall.

c. Audit Committee. No updates at this time.

d. Update of Easement Acquisition for Services to SISD Transportation Facility. Director Galindo stated he received a signed Right of Entry, allowing temporary access for surveying purposes for one property and still needed to reach out to the other two (2) property owners.

8. New Business.

a. Director Resignation/Vacancy.

Director Cooper tendered his written resignation from the Board of Directors effective immediately. He thanked the Board and consultants for their time and assistance and turned the

gavel over to Director Fritsche. The Board thanked Director Cooper for his public service and leadership over the last few years.

Director Fritsche then reviewed with the Board a policy for filling the vacancy by requesting candidates complete a qualification affidavit along with a resume. The candidates will be invited to a future meeting and given three (3) minutes to speak to the Board.


Upon motion by Director Riddle, seconded by Director Richardson, after full discussion and with all Directors present voting aye, the Board adopted the policy for filling a Board vacancy.

9. Executive Session. No Executive Session at this time.

10. Public Comment. Members of the public were allowed to speak. Everyone thanked Director Cooper for his service on the Board.

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD,**  
the meeting was adjourned.

**PASSED AND APPROVED** on the 19th day of October, 2021.

  
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Secretary  
Board of Directors

**EXHIBITS:**

- A - Bookkeeper's Report, Investment Report, Energy Report
- B - Tax Assessor Collector Report
- B-1 - Notice of Publication
- B-2 - Order Setting Rate and Levying Tax for 2021
- B-3 - Order Appointing Tax Assessor-Collector
- B-4 - Amended and Restated District Information Form
- B-5 - Resolution Concerning Tax Collection Procedures
- C - Operations Report,
- D - Engineer's Report
- F - Certificate of the Amended Order Adopting Rules and Regulations Regarding Activities Within 150-Feet of Water Wells Owned and Operated by The District.

**Minutes recorded by Marisa L. Roberts**  
**Johnson Petrov LLP**  
**Regular Session September 21, 2021**

**[DISTRICT SEAL]**

