

# HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 99

## MINUTES OF MEETING OF BOARD OF DIRECTORS

DECEMBER 19, 2023

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 6:30 p.m. at 19423 Lockridge Drive, Spring, Texas 77373, on Tuesday, December 19, 2023, 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:

Billy Ray Fritsche	President
Thomas Riddle	Vice President
George Galindo	Secretary
Rick Ghinelli	Director
Terry Wright	Director

All members of the Board were present, with the exception of Director Ghinelli, thus constituting a quorum. Also attending all or portions of the meeting were: Cathi Wilbanks of ETI Bookkeeping Services, bookkeeper for the District ("ETI"); Debbie Bessire of Equi-Tax, Inc. ("Tax Assessor"); Zachary A. Petrov, Attorney and Marisa Roberts, Paralegal ("Johnson Petrov" and/or "Attorney"); Mike Plunkett of Eagle Water Management, Inc., operator for the District ("Operator" and/or "Eagle Water"); Sergio Van Dusen, Engineer and Tyler Reeves, EIT of Vogt Engineering, L.P., engineer for the District ("Engineer" and/or "Vogt"); Deputy D. Richardson and Deputy K. Walker of the Harris County Constable's Office ("HCCO").

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. Public Comment. There being no public comment, the Board President proceeded with the agenda.
2. Minutes. The Board reviewed the minutes of the regular meeting of November 28, 2023, a copy of which was previously distributed to the Board.

Upon motion by Director Riddle, seconded by Director Galindo, after full discussion and with all Directors present voting aye, the Board approved minutes of the regular meeting of November 28, 2023 as presented.

3. Constable's Report. Deputy Richardson reviewed the November Constable's Report with the Board.

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

4. Bookkeeper's Report/Investment Report/Energy Usage Report. Ms. Wilbanks 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."

Ms. Wilbanks reported that TexPool interest rate has increased and is paying 5.3724% interest and the net asset value is 1.00009%.

Upon motion by Director Galindo, seconded by Director Wright, after full discussion and with all Directors present voting aye, the Board: 1) approved the Bookkeeper's Report, with certain revisions, Investment Report, and Energy Usage Report; and 2) authorized the payment of checks numbered 13692 through 13711, including a check to Johnson Petrov LLP from the Operating Account.

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

a. Ms. Bessire reported that 7.4% of the 2023 taxes and 97.6% of the 2022 taxes have been collected as of November 30, 2023. Ms. Bessire presented four (4) checks for approval.

Upon motion by Director Galindo, seconded by Director Wright, after full discussion and with all Directors present voting aye, the Board approved the Tax Assessor-Collector Report, including payment of four (4) checks.

6. Delinquent Tax Attorney Report. The Board reviewed the Delinquent Tax Attorney's Report. There was no report presented at this time.

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

a. Mr. Plunkett then reported the total monthly pumpage for November was 5,525,000 gallons and the average daily flow at the sewer plant during the previous month was 124,000 GPD, which is 55% of current capacity. Mr. Plunkett also reported the pumped to billed ratio was 81.28% at the water plant. There were no excursions.

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 of ten (10) accounts. Mr. Plunkett requested the Board postpone the terminations for the month of December for any non-payment accounts until January 2024.

Upon motion by Director Riddle, seconded by Director Galindo, after full discussion and with all Directors present voting aye, the Board approved the postponement of the terminations for the month of December.

b. Mr. Plunkett presented a copy of the First Billing Services Contract, a copy of which is attached hereto as Exhibit "C-1". Mr. Plunkett explained that First Billing Services has partnered with Heartland Payment Systems, the updated aids to prevent anti-money laundering and by appointing a Board Member, to identify a point of contact for who is authorized to conduct business on behalf of the business. Discussion ensued.

Upon motion by Director Galindo, seconded by Director Wright, after full discussion and with all Directors present voting aye, the Board approved the First Billing Services Contract subject to final legal review.

Next, Mr. Plunkett stated he would coordinate and have the Knox Box installed at the Drescher Gate.

Upon motion by Director Galindo, seconded by Director Wright, after full discussion and with all Directors present voting aye, the Board approved: the Operations Report.

8. 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 also reviewed with the Board the preliminary numbers for a second Bond Issue and requested the Board authorize Vogt to proceed with the application to the Texas Commission on Environmental Quality ("TCEQ").

Upon motion by Director Riddle, seconded by Director Wright, after full discussion and with all Directors present voting aye, the Board approved the Engineer's Report, including authorizing Vogt to prepare the bond application to the TCEQ.

9. New Business.

a. Resolution Requesting Estimate of Appraised Value from HCAD (the "Resolution"), a copy of which is attached hereto as Exhibit "E".

Mr. Petrov requested the Board authorize the Resolution in the event that John Howell needs the updated information for his report to the Board on the tax implications of a Bond issue.

Upon motion by Director Riddle, seconded by Director Wright, after full discussion and with all Directors present voting aye, the Board approved Resolution.

10. Old Business:

a. Drescher Gate/Detention Pond / West Bound Fence with Fidelis and Dreamlab. Discussed under the Operations Report.

b. Easements for Dunn and Miller properties. Mr. Petrov updated the Board on a meeting he and Mr. Van Dusen had with Mark Merrell. Mr. Merrell stated he is obtaining a Title Report on the Dunn Property.

c. Audit Committee.

Director Fritsche stated that the contract with Direct Waste Solutions, Inc., which term expires December 31, 2023. He asked if any members of the Board had any questions or comments.

Upon motion by Director Galindo, seconded by Director Wright, after full discussion and with all Directors present voting aye, the Board approved renewing the Direct Waste Solutions, Inc. contract, the new expiration term being December 31, 2026.

**Election Agenda:**

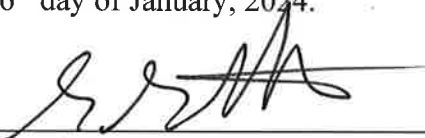
Mr. Petrov reminded the Board that the Directors Election is scheduled on Saturday, May 4, 2024. Mr. Petrov discussed appointment of a designated agent for the May 4, 2024 Directors Election to perform the duties set forth in Sections 31.122 and 31.123 of the Texas Election Code, as amended. Mr. Petrov reported that the District must post the Notice of Deadline to File Applications for Place ("Notice") on the Ballot was December 18, 2023 and the Notice was posted as required.

Next, Mr. Petrov reported that the first day to file an application for a place on the ballot is January 17, 2024 and the last day to file an application for a place on the ballot is 5:00 p.m. on February 16, 2024. Mr. Petrov requested the Board appoint Johnson Petrov LLP as the District's Designated Agent to handle the submission of all election notices as required by the Texas Election Code and, on behalf of the District accept all applications for a place on the ballot.

Upon motion by Director Riddle, seconded by Director Galindo, after full discussion and with all Directors present voting aye, the Board appointed JP as the District's designated agent for the May 4, 2024 election.

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD,**  
the meeting was adjourned at 7:48 p.m.

**PASSED AND APPROVED** on the 16<sup>th</sup> day of January, 2024.

  
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Secretary  
Board of Directors

**EXHIBITS:**

- A - Bookkeeper's Report, Investment Report, Energy Report
- B - Tax Assessor Collector Report
- C - Operations Report
- C-1 - First Service Billing Contract
- D - Engineer's Report
- E - Resolution Requesting Estimated Appraised Value from HCAD

**Minutes recorded by Marisa Roberts  
Johnson Petrov LLP  
Regular**

**Session**

