

HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 99

MINUTES OF MEETING OF BOARD OF DIRECTORS

DECEMBER 20, 2022

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 20, 2022, 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
George Galindo	Secretary
Thomas Riddle	Assistant Secretary/Treasurer/Investment Officer
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-collector for the District ("Equi-Tax"); Zachary Petrov, attorney, and 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"); Deputy D. Richardson of the Harris County Constable's Office ("HCCO"); and Kyler Correia.

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 15, 2022, 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 of November 15, 2022.

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."

a. Next, Ms. Wilbanks reported that TexPool interest rate has increased and is paying 3.6610% interest and the net asset value is 0.99946%.

Upon motion by Director Galindo, seconded by Director Riddle, 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 13395 through 13417, from the Operating Account.

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

a. Ms. Bessire reported that 8.7% of the 2022 taxes had been collected as of November 30, 2022.

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 check nos. 2450 thru 2453.

The Board requested a Delinquent Tax Attorney Report for the next Board meeting.

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

a. Mr. Plunkett reported the total monthly pumpage for November was 4,599,000 gallons and the average daily flow at the sewer plant during the previous month was 144,000 GPD, which is 64% of current capacity. Mr. Plunkett also reported the pumped to billed ratio was 97.60% at the water plant.

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 seven (7) accounts. Mr. Plunkett requested the Board postpone the terminations for the month of December for any non-payment accounts until January 2023.

b. Mr. Plunkett stated that the Public Utilities Commission requires a one-time Notice to Customers Regarding Extreme Weather Events to be delivered to customers by January 31, 2023, and the customer notices will be mailed in the next customer mail out.

Upon motion by Director Riddle, seconded by Director Galindo, after full discussion and with all Directors present voting aye, the Board approved: 1) the Operations Report; 2) postponement of the terminations for the month of December until January 2023; and 3) the mailing of the Notice to Customers Regarding Extreme Weather Events.

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

Mr. Van Dusen reviewed the final Pay Application No. 12 to SiteCon Services for the demolition work at the Sanitary Sewer Treatment Plant in the amount of \$13,500.

Next Mr. Van Dusen presented the Geotech PSI invoice for Casper Drive and informed the Board that Vogt Engineering will attempt to recover the cost. Mr. Van Dusen reported on his conference call with Harris County regarding recovery of engineering costs.

Upon motion by Director Galindo, seconded by Director Riddle, after full discussion and with all Directors present voting aye, the Board approved the Engineer's Report, including Payment Application No. 12 to SiteCon Services in the amount of \$13,500.00.

8. New Business.

a. 18648 Casper Drive (the "Property") Rate Order violations and take action deemed necessary.

Mr. Correia stated that he closed on the Property on November 28, 2022.

b. Dresher Gate/Detention Pond/Boundary Fence. Discussed under Engineer's Report.

c. Easements for Dunn and Miller Properties. Waiting to hear back from Spring ISD.

d. Audit Committee. Audit Committee is in the process of working on the FYE 2024 draft Budget.

9. Executive Session. The Board called an Executive Session, closed to the public, pursuant to Section 551.071 of the Texas Government Code concerning consultation with attorney on attorney-client privilege matters and potential litigation on enforcement of the District's Rate Order was called by the President as of 7:10 p.m. Everyone departed the meeting with the exception of the Board, Zachary Petrov, Sergio Van Dusen, Mike Plunkett and Marisa Roberts.

As of 7:30 p.m., the President declared the Executive Session was closed and open session resumed in which members of the public were given the opportunity to return to the meeting.


No action was taken in Executive Session.

Mr. Correia reentered the meeting at this time. Mr. Petrov then explained to Mr. Correia that the Property would not receive water and sewer services until such time that the Property complies with the District's Rate Order, with Harris County's rules and regulations, and payment of the penalties assessed for violations of the District's Rate Order. Mr. Correia reiterated that he is not affiliated with Choice Investment Properties Company LLC ("Choice Investment") and stated that he is not familiar with the person managing Choice Investment, only working with Ken Helper. Mr. Petrov stated that an Order of the Board's findings at the November meeting of the Property, Choice Investment and Mr. Correia in violation of the Rate Order will be recorded in the county property records.

The meeting was adjourned at 8:15 p.m.

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

PASSED AND APPROVED on the 17th day of January, 2023.



Secretary
Board of Directors

EXHIBITS:

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

**Minutes recorded by Marisa L. Roberts
Johnson Petrov LLP
Regular Session December 20, 2022**

[DISTRICT SEAL]

