

# HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 99

## MINUTES OF MEETING OF BOARD OF DIRECTORS

MAY 21, 2024

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, May 21, 2024, 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, 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 and Leslie Mendez of Equi-Tax, Inc. ("Tax Assessor/Collector"); Zachary A. Petrov, Attorney and Marisa Roberts, Paralegal ("Johnson Petrov" and/or "Attorney"); Mike Plunkett and Doug Jacobson 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, Deputy K. Walker, Deputy Trevino and Lieutenants Flores and Lindley of the Harris County Constable's Office ("HCCO"); John Howell with The GMS Group, L.L.C., Financial Advisor for the District ("Financial Advisor"); Jamal Singleton of Direct Waste Solutions; Christie Leighton of Best Trash LLC; Tom Emanis and Lawrence Eddings, 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. Public Comment. There were no members of the public that wished to speak at this time.
2. Minutes. The Board reviewed the minutes of the regular meeting of April 16, 2024 and the special meeting minutes of April 29, 2024, copies of which were previously distributed to the Board.

Upon motion by Director Riddle, seconded by Director Wright, after full discussion and with all Directors present voting aye, the Board approved minutes of the regular meeting of April 16, 2024, subject to a revision, and the special meeting minutes of April 29, 2024, as presented.

3. Constable's Report. Deputy Richardson reviewed the April Constable's Report with the Board. Deputy Richardson responded to questions from the Board.

Lt. Flores introduced Deputy Trevino as the new day shift officer.

Upon motion by Director Ghinelli, seconded by Director Galindo, 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 5.3142% interest and the net asset value is 0.99988%.

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 13812 through 13843 from the Operating Account.

5. Tax Assessor-Collector Report. Ms. Bessire reviewed the Tax Assessor-Collector Report with the Board, a copy of which is attached hereto as Exhibits "B".

Ms. Bessire reported that 92.1% of the 2023 taxes have been collected as of April 30, 2024.

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. 2509 thru 2513.

6. Delinquent Tax Attorney Report, which was prepared by Perdue, Brandon, Fielder, Collins & Mott, L.L.P., a copy of which is attached hereto as Exhibit "C." The Board reviewed the report.

Upon motion by Director Galindo, seconded by Director Riddle, after full discussion and with all Directors present voting aye, the Board accepted the Delinquent Tax Attorney Report.

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

Mr. Plunkett then reported the total monthly pumpage for December was 5,518,000 gallons and the average daily flow at the sewer plant during the previous month was 141,000 GPD, which is 49% of current capacity. Mr. Plunkett also reported the pumped to billed ratio was 77.96% 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 fourteen (14) accounts.

Mr. Plunkett reported a leak at Cypresswood, just past the apartments, possibly due to a contractor hitting a water line. Mr. Plunkett also stated that he received the check from CenterPoint. Mr. Plunkett reported that the meter was changed at the apartments, so he hoped to see the accountability increase next month.

Mr. Plunkett obtained one quote for the water line repair at Lemm Ct. in the amount of \$60,900, he stated that Eagle Water would also present a quote and that he would obtain one additional quote.

Upon motion by Director Riddle, seconded by Director Galindo, after full discussion and with all Directors present voting aye, the Board approved the water line repair at Lemm Ct. in an amount not to exceed \$60,900 and authorized the District's Engineer to work with Eagle Water, and authorized Eagle Water to decide the qualified bidder.

Upon motion by Director Galindo, seconded by Director Riddle, after full discussion and with all Directors present voting aye, 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, the Board approved the termination list and authorized the Operator to terminate service as required by the Rate Order to all customers who remain unpaid.

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

At this time Jamal Singleton with Direct Waste Solutions and Christie Leighton with Best Trash LLC entered the meeting.

Director Fritsche requested the Board move to agenda item 9a. regarding the Direct Waste Solutions, Inc. contract.

Mr. Singleton thanked the Board for allowing him and his brother to service the District, but he was selling his business to Best Trash. Mr. Singleton then introduced Ms. Leighton with Best Trash and he explained that Best Trash would honor the Direct Waste Solution Inc. (the "Contract") contract terms, which expires on December 31, 2026. Next, he requested the Board sign a Consent to the Assignment of the Contract to Best Trash and that service from Best Trash would start as soon as Friday, May 24, 2024.

Upon motion by Director Galindo, seconded by Director Ghinelli, after full discussion and with all Directors present voting aye, the Board approved the Consent of Assignment.

8. 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 with the Board the proposed land swap and presented an exhibit, a copy of which is attached to the Engineer's Report.

Upon motion by Director Galindo, seconded by Director Riddle, after full discussion and with all Directors present voting aye, the Board approved Vogt Engineering to talk with the County regarding a possible land swap.

Mr. Van Dusen presented and reviewed Payment Application No. 3 from SiteCon Services, Inc. in the amount of \$337,700, a copy of which is attached to the Engineer's Report. Mr. Van Dusen recommends approval of the Payment Application No. 3.

Upon motion by Director Galindo, seconded by Director Wright, after full discussion and with all Directors present voting aye, the Board approved Payment Application No. 3 from SiteCon Services, Inc. in the amount of \$337,700.

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

9. New Business.

a. Direct Waste Solution Inc. (the "Contract"). Discussed above, after the Operations Report.

b. Bond Application Report, Bond Series 2024. Mr. Howell presented and reviewed with the Board a debt service schedule and a combined debt service requirements along with a debt service cash flow chart assuming no growth. Discussion ensued.

10. Old Business.

a. Shrubbery for Fence and repair of service driveway at Water Plant. Director Riddle gave an update. He stated there is a pending bid. He also inquired if the Board still desired to have fence stained, and that he would obtain a bid. Mr. Van Dusen will report on the repair of the driveway at the next meeting.

Upon motion by Director Galindo, seconded by Director Wright, after full discussion and with all Directors present voting aye, the Board approved reimbursement to Director Riddle for the backflow preventor.

b. Discussion regarding District's Property located near I-45. No updates at this time.

c. Request from Apartments regarding PILOT Agreement.

Mr. Petrov reported that he has not heard from the apartments regarding the PILOT since the last Board meeting.

d. Conversion of the District to powers of a MUD.

This item was tabled.

e. Dunn and Miller Properties.

f. Audit Committee. No updates at this time.

Upon motion by Director Galindo, seconded by Director Fritsche, after full discussion and with all Directors present voting aye, the Board entered Executive Session at 8:10 p.m.

Executive Session. The Board called an Executive Session, closed to the public, pursuant to Section 551 of the Texas Government Code concerning Deliberation Regarding Acquisition of Real Property and Attorney-Client privilege matters regarding ongoing litigation with the Dunns. There were no members of the public present at this time. All Board Members present along

with Zachary Petrov, Marisa Roberts, Sergio Van Dusen, Tyler Reeves, Mike Plunkett, and Doug Jacobson were present for Executive Session.

As of 8:15 p.m., the President declared the Executive Session was closed and open session resumed. There were no members of the public present.

No action was taken in Executive Session.

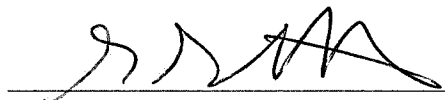
11. Election Agenda. Mr. Petrov presented the Certificates of Election, which were signed by the Board President.

Next, Mr. Petrov presented the Director Qualification Affidavits thereby verifying Mr. Galindo and Mr. Riddle's qualifications to serve as Directors of the District, sworn Statements of Elected/Appointed Officer, as required by the Texas Constitution, and the Oaths of Office for Directors Galindo and Riddle, copies of which are attached as Exhibit "F."

Next, Mr. Petrov then inquired if the Board would like to change the slate of officers. The Board stated no change in the slate of officers was deemed necessary at this time.

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD,**  
the meeting was adjourned at 8:37 p.m.

**PASSED AND APPROVED** on the 18th day of June, 2024.

  
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Secretary  
Board of Directors

**EXHIBITS:**

- A - Bookkeeper's Report, Investment Report, Energy Report
- B - Tax Assessor Collector Report
- C - Delinquent Tax Attorney Report
- D - Operations Report
- E - Engineer's Report
- F - Affidavits/Statement/Oaths

**Minutes recorded by Marisa Roberts  
Johnson Petrov LLP  
Regular Session May 21, 2024**



**[DISTRICT SEAL]**