

MINUTES OF MEETING OF BOARD OF DIRECTORS

January 6, 2021

THE STATE OF TEXAS

COUNTY OF HARRIS

HARRIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 89

The Board of Directors (the "Board") of Harris County Water Control & Improvement District No. 89 (the "District") convened in regular session on January 6, 2021, at 11:30 a.m. via teleconference and video conference pursuant to Section 551.125, Texas Gov't Code as modified by the temporary suspension of certain provisions thereof pursuant to guidelines issued by the Texas Attorney General and approved by the Governor for use during the COVID-19 statewide disaster. A roll call was taken of the persons present:

Sharyn Smalls, President
Paige Smith, Vice President
Arthur Washington, Secretary
A.K. Babers, Assistant Secretary
Byron Keith Watson, Sr., Investment Officer

All members of the Board were present, thus constituting a quorum. Ms. Isabel Mata of Wheeler & Associates ("Wheeler"), tax assessor and collector for the District; Mr. Darrell Hawthorne of Municipal Accounts & Consulting, L.P. ("MAC"), bookkeeper for the District; Mr. Laney Brown of Si Environmental, LLC ("Si"), operator of the District's facilities; Mr. Matthew Kelley of MK Engineering ("MK"), engineer for the District; Mr. Ryan Haynes of Environmental Allies; Mr. Reginald Wilson and Ms. Meghan Koett of Norton Rose Fulbright US LLP ("NRF"), attorneys for the District; Ms. Julie Thornton with Ted A. Cox, Attorney at Law, delinquent tax attorney for the District; Mr. Byron Thurmond of BGT, and Ms. Christie Leighton of Best Trash.

Pursuant to Section 551.054, Texas Gov't Code, as modified by the temporary suspension of certain provisions thereof, notice of the meeting was posted on the District's website within the time limits prescribed by law. A certificate of such posting is attached hereto as Exhibit A. The agenda packet was posted on the website as items became available in compliance with the guidelines issued by the Texas Attorney General.

Call to Order. Mr. Wilson called the meeting to order. He noted that the meeting was being held by teleconference in accordance with federal, state and county directives to slow the spread of COVID-19 by avoiding meetings that bring people together. He said the notice of the meeting included a toll-free dial-in number for members of the public to call so they can hear the meeting and address the Board. He noted that the meeting was being recorded and a recording would be available upon public request. Mr. Wilson then set out guidelines for the conduct of the meeting. He asked each speaker to identify themselves before speaking. He then turned the meeting over to the President.

- 1. Opening Prayer.** President Smalls opened the meeting with a prayer.
- 2. Public Comments.** Mr. Brown stated that there was no customer water issues that needed to be brought to the Board's attention.

3. Review Bookkeeper's Report and authorize payment of bills. Mr. Hawthorne presented to and reviewed with the Board the Bookkeeper's Report, the Investment Report, and the Operating Budget, copies of which are attached hereto as *Exhibit B*.

President Smalls stated that items 16705 through 16721 on the actual versus budget comparison were for the District building. Discussion ensued.

Mr. Hawthorne stated that the draft budget will be presented at the February meeting.

Upon motion by Director Washington, seconded by Director Watson, after full discussion and the question being put to the Board, the Board voted unanimously to accept the Bookkeeper's Report, to authorize payment of the checks in the report and for the purposes listed therein, and to approve the Investment Report.

4. Detention Facilities Report. Mr. Haynes presented to and reviewed with the Board the Detention Facilities Report, a copy of which is attached hereto as *Exhibit C*. Mr. Haynes reported on the December maintenance at Brunswick Meadows, Brunswick Lakes, Morningside Place, Brunswick Lakes Channel, Morning View, and the STP pond. Mr. Haynes reviewed before and after photos regarding the tree removal at Brunswick Lakes.

Mr. Haynes reported that it will cost \$3,925.00 to repair the SWQ Feature Damage at Morningside Place.

Director Washington inquired about a playground in the community. Discussion ensued. President Smalls stated she will research further and work with the engineer.

Upon motion by Director Washington, seconded by Director Smith, after full discussion and the question being put to the Board, the Board voted unanimously to accept the Detention Facilities report.

5. Trash Services Report. Ms. Leighton reported that all recycling will be picked up by Friday, January 8th and normal services will resume. Director Watson thanked Ms. Leighton for the professionalism and her service.

6. Review report by Tax Assessor and Collector's Report and authorize payment of certain bills. Ms. Mata presented to and reviewed with the Board the Tax Assessor and Collector's Report, a copy of which is attached hereto as *Exhibit D*.

Upon motion by Director Washington seconded by Director Watson, after full discussion and the question being put to the Board, the Board voted unanimously to accept the Tax Assessor and Collector's Report, to authorize payment of check nos. 3921 through 3934 and two wire transfers from the Tax Account in the amounts, to the persons, and for the purposes described in the Tax Assessor and Collector's Report.

7. Adopt Resolution Authorizing Additional Penalty on Delinquent Taxes Under Section 33.07, 33.11, and 33.08 Tax Code. Mr. Wilson presented and reviewed the Resolution Authorizing Additional Penalty on Taxes, a copy of which is attached hereto as *Exhibit E*. He stated this additional 20% penalty is not a cost to the District and goes to the delinquent tax attorney.

Upon motion by Director Washington seconded by Director Babers, after full discussion and the question being put to the Board, the Board voted unanimously to adopt the resolution.

8. Adopt Order Authorizing Exemptions from Taxation. Mr. Wilson presented and reviewed the Order Authorizing Exemptions from Taxation, a copy of which is attached hereto as *Exhibit G*. He stated the orders were drafted to reflect what has been done in the past

Upon motion by Director Watson, seconded by Director Washington, after full discussion and the question being put to the Board, the Board voted unanimously to adopt the order.

9. Review filing of Eminent Domain Report with Comptroller. Mr. Wilson reported that the District is required to provide a report to the Secretary of State annually. He stated that the report states whether the District has exercised the right of eminent domain. Mr. Wilson stated that the District did not exercise the right and no action is needed.

10. Review and approve Operations Report and authorize repairs. Mr. Brown presented to and reviewed with the Board the Operations Report for the month of November and December 2020, a copy of which is attached hereto as *Exhibit H*.

Mr. Brown reported on the recurring maintenance at water plants nos. 1 and 2, the wastewater treatment facility no. 1, the lift stations, and the pump station no. 1.

Mr. Brown reviewed the delinquent accounts with the Board.

Director Washington inquired about a meter issues. Mr. Brown stated he will check back on it.

Upon motion by Director Washington, seconded by Director Watson, after full discussion and the question being put to the Board, the Board voted unanimously to approve the Operations Report and to approve execution on the delinquent list.

Director Washington inquired about the location and installation of the signs. Mr. Brown said the signs have not been installed due to waiting for the poles. Director Washington inquired about Mr. Brown presenting a map with location of the signs marked so the Board may review the location of each sign. Mr. Brown stated he will work on a map and present at the next meeting.

11. Review Engineer's Report. Mr. Kelley presented to and reviewed with the Board the Engineer's Report, a copy of which is attached hereto as *Exhibit I*.

Mr. Kelley reported on the Morningside Place storm sewer improvements with Harris County Flood Control District, the Morning side Place Section One pond rehabilitation options, and the emergency outfall to Cullen Boulevard.

Mr. Kelley reported on the service request in the District, see *Exhibit I*. He stated that letters were sent to the Asian massage center and he will distribute copies of the letter to all Board members..

Mr. Kelley reported on the District Meeting Building, see *Exhibit I*. Mr. Kelley presented Pay Estimate No. 12 in the amount of \$14,581.68 and recommended payment.

Mr. Kelley presented an update on the monument sign stating it has been powered and fixed.

Mr. Kelley reported that Kitchen Equipment and Generator Training is scheduled to take place on January 7th at 9:30 a.m. Discussed ensued regarding rescheduled the training due to late notice. Mr. Kelley stated he will ask the contractor to reschedule the training for January 15th.

Upon motion by Director Washington, seconded by Director Smith, after full discussion and the question being put to the Board, the Board voted unanimously to: (1) approve the Engineer's Report; (2) approve Pay Estimate No. 12 in the amount of \$14,581.68.

12. Security at District Facilities. Mr. Thurmond gave an update on security measures. He reported that the District building gate issue has been resolved and that it should no longer be opening.

13. Approve Minutes. Consideration was given to the approval of the minutes of the meetings of December 2, 2020 and December 16, 2020.

Upon motion by Director Smith, seconded by Director Washington, after full discussion and the question being put to the Board, the Board unanimously to approve the minutes of the December 2, 2020 meeting, as presented.

Discussion ensued regarding revisions to the December 16, 2020 minutes. Director Babers stated item 3 should state that he requested an itemized report and the monthly operating budget. He also stated that item 8 should state that he requested standard operating procedures on the equipment.

Upon motion by Director Washington, seconded by Director Babers, after full discussion and the question being put to the Board, the Board unanimously to approve the minutes of December 16, 2020 meeting, as amended.

Director Babers inquired about revised minutes showing the changes being distributed to Board directors. Discussion ensued.

14. Review Consultant Contracts and take any necessary action. Mr. Wilson made a request for the consultants to send their contracts to Ms. Koett so that she may distribute to the Directors.

15. Adjournment/Future Agenda Items. President Smalls stated she will present building regulations and job descriptions at the next meeting for the Board to review.

Director Babers inquired about receiving reports at least 48 hours prior to the meeting so that there is enough time to review. Discussion ensued.

Director Babers stated that the website is currently behind on posting minutes. He also inquired where the agenda is currently being posted. President Smalls stated that the agenda will be posted at the administration building once it is open.

Director Babers inquired about working on the website. He stated that he would like to meet with President Smalls and Director Smith to review any errors and needed updates. Discussion ensued.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD,
THE MEETING WAS ADJOURNED.


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The foregoing minutes were passed and approved by the Board of Directors on February 3, 2021.



President, Board of Directors

ATTEST:



Secretary, Board of Directors

