

MINUTES OF MEETING OF BOARD OF DIRECTORS  
December 1, 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 December 1, 2021, at 11:30 a.m. via teleconference. 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 and of Wheeler & Associates (“Wheeler”), tax assessor and collector for the District; Ms. Jessica Preston of Municipal Accounts & Consulting, L.P. (“MAC”), bookkeeper for the District; Mr. Carlous Smith and 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. Lashonda Finelle and Ms. Ola LaMelle, Residents of the Districts; and Sergeant Roe with Harris County Constable, Precinct No. 7; Ms. Linda Carter, Building Manager for the District; and Mr. Byron Thurmond, of BGT.

In accordance with notice posted pursuant to law, copies of certificates of posting of which are attached hereto as Exhibit “A,” the following business was transacted:

**Call to Order.** Mr. Wilson called the meeting to order.

**1. Opening Prayer.** Director Washington opened the meeting with a prayer.

**2. Authorize teleconference meeting: Board finding of existence of emergency or public necessity making the convening at one location of a quorum of the government body difficult or impossible and permitting a meeting by teleconference pursuant to Section 551.125 of the Texas Open Meetings Act.** Upon motion by Director Smith, seconded by Director Washington, after full discussion and the question being put to the Board, the Board voted unanimously to find the existence of an emergency or public necessity, i.e., Delta variant of COVID-19, making the convening at one location of a quorum of the government body difficult or impossible and permitting a meeting by teleconference pursuant to Section 551.125 of the Texas Open Meetings Act.

**3. Report By Harris County Constable, Precinct No. 7.** Sgt. Roe presented and reviewed the security report, a copy of which is attached hereto as *Exhibit B*, reported on various activity throughout the District.

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

**4. Public Comments.** Ms. Finelle reported she was continuing to have water quality issues. Mr. Smith stated that SI has completed flushing and will investigate further to determine the issue.

**5. Review Bookkeeper's Report and authorize payment of bills.** Ms. Preston 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 C*.

Ms. Preston reviewed cash flows and account balances for all funds.

Ms. Preston presented checks 17106-17156 for Board approval.

Ms. Preston reported that the next debt service payment is not due until April 1, 2022.

Ms. Preston reported that two Directors have registered at this time for the AWBD Winter Conference.

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 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.

**6. Detention Facilities Report.** Mr. Childress presented to and reviewed with the Board the Detention Facilities Report, a copy of which is attached hereto as *Exhibit D*. Mr. Childress reported on the March maintenance at Brunswick Meadows, Brunswick Lakes, Morningside Place, Brunswick Lakes Channel, Morningside View, and the STP pond.

Mr. Childress reported there is lock damaged at Morningside place. Director Washington stated the HOA is handling and replacing.

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 approve the detention facilities report.

**7. Trash Services Report.** There was no report to present for Ms. Leighton was not on the call.

**8. Security at District Facilities.** Mr. Thurmond reported on various activity over the last month stating overall there have not been any major security issues.

**9. 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 E*.

Ms. Mata reported that 99.72% of the District's taxes have been collected as of November 30, 2021. She also reported that .44% of 2021 taxes have been collected.

Ms. Mata discussed delinquent accounts and presented and reviewed the delinquent tax report provided by the Delinquent Tax Attorney, a copy of which is attached hereto as *Exhibit F*. Discussion ensued regarding setting a threshold for joining suit.

Upon motion by Director Babers, seconded by Director Washington, after full discussion and the question being put to the Board, the Board voted unanimously to (i) accept the Tax Assessor and Collector's Report, (ii) accept the Delinquent Tax Attorney report subject to District review of the check received from NPH, and (iii) to authorize payment of check nos. 4071 through 4079 from the Tax Account in the amounts, to the persons, and for the purposes described in the Tax Assessor and Collector's Report.

**10. Review and approve Operations Report and authorize repairs.** Mr. Smith presented to and reviewed with the Board the Operations Report, a copy of which is attached hereto as *Exhibit G*.

Mr. Smith reported that the District's accountability for the month is 101.64%. Mr. Smith reported that when flushing, the values are estimated which provides an average over 100%

Mr. Smith reviewed the outstanding delinquent customers. Discussion ensued regarding termination of delinquent accounts.

Mr. Smith reviewed a collection report stating he is request Board authorization to send the accounts to collections..

Mr. Smith reviewed a proposal for meter installation from Neptune Meters. He stated installation at both plants would cost \$31,623 and does not require straight piping. Discussion ensued.

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 approve the Operations Report and to proceed with termination of delinquent accounts, approve sending accounts to collections, and moving forward with installation of the meters.

**11. Review Interlocal Agreement with Subsidence District and take any necessary actions.** Mr. Wilson presented and reviewed the interlocal agreement, a copy of which is attached hereto as *Exhibit H*. He stated that for each sponsor the District will receive 84,000 gallons of credit.

Upon motion by Director Washington, seconded by Director Watson, after full discussion and the question being put to the Board, the Board voted unanimously approve the Interlocal Agreement with the Subsidence District and sponsor 1,191 students .

**12. 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. He stated he is waiting on the finalized interlocal agreement.

Mr. Kelley reported on the lift station rehab project stating he is working on the design package for advertising and will present once ready.

Mr. Kelley stated he is working on the preliminary information for the bond application report and is awaiting additional documentation.

Mr. Kelley reported on the Subsidence District and City of Houston usage. He stated he submitted a request to the City for an amendment to the water supply contract. Mr. Kelley stated he has not received a response at this time.

Mr. Kelley reported he is waiting to receive cost estimates for the SCADA systems at both water plants.

Mr. Kelley presented plan reviews for build outs stating letters of no objection have been issued. President Smalls requests that representatives of the business attend the meeting before letters of no objection are issued.

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 approve the Engineer's Report as amended.

**13. Consider Insurance Renewal Proposal, and take any necessary action.** Mr. Wilson presented and reviewed the Insurance Renewal proposal, a copy of which is attached hereto as *Exhibit J*.

President Smalls stated cyber liability is not needed at this time and to add two District employees to the policy for coverage.

Discussion ensued regarding property coverage.

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 renew the insurance proposal and to add employees to business travel and workers compensation.

**14. Approve Minutes of November 3, 2021, November 11, 2021, and November 17, 2021 Meetings.** Consideration was given to the approval of the minutes of the meetings November 3, 2021, November 11, 2021, and November 17, 2021.

Upon motion by Director Washington, seconded by Director Smith, after full discussion and the question being put to the Board, the Board voted 4-0 to approve the minutes of November 3, 2021 as presented. Director Babers abstained.

Upon motion by Director Washington, seconded by Director Smith, after full discussion and the question being put to the Board, the Board voted 4-0 to approve the minutes of November 11, 2021 as presented. Director Babers abstained.

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 approve the minutes of November 17, 2021 as presented.

**15. Discuss solar energy initiative and take any necessary action.** This item is tabled and will be discussed at the next meeting.

**16. Review Consultant Contracts and take any necessary action.** This agenda item was tabled for this meeting.

**17. Adjournment/Future Agenda Items.** Mr. Wilson reported RFP's have been sent to five bookkeeping companies with a deadline of next Wednesday. He stated at the next December meeting the Board can discuss how to proceed.

President Smalls stated she would like to host an in person gathering during the next December meeting.

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 January 5, 2022.



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President, Board of Directors

ATTEST:



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Secretary, Board of Directors

