

MINUTES OF MEETING OF BOARD OF DIRECTORS  
October 5, 2022

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 October 5, 2022, at 11:30 a.m. at 3455 Fellows Rd, Houston, TX 77047. 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, except for Directors Smith and Babers, thus constituting a quorum. Ms. Isabel Mata of Wheeler & Associates (“Wheeler”), tax assessor and collector 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. Reginal Wilson, Ms. Kaity Malek and Mr. Charles Graham of Norton Rose Fulbright US LLP (“NRF”), Attorneys for the District; Ms. Kandy Pfeffer of Elite Bookkeeping LLC, bookkeeper for the District; Ms. Juanita Williams, Building Manager for the District; Mr. Byron Thurmond, of BGT; Mr. Mike Smith, Ms. Saundra Brown, Ms. D. Destin, Mr. Gerald Green, Mr. Tahir Charles, Mr. James Anderson, Ms. Pamela Anderson, Ms. Victoria Lastee, Ms. Shelita Edwards, residents within the District.

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.** President Smalls called the meeting to order.

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

**2. Public Comments (3 minutes).** Ms. Brown inquired if the scheduled regular meeting times could change due to the time of the meetings being hard for some residents to attend. President Smalls stated that the meeting time cannot be changed at this time due to conflicts with the District consultants schedules. She stated that the District is looking at reinstating the town halls meetings every quarter to allow residents to received updates if they are unable to attend the regular meetings. Discussion ensued.

Ms. Destin inquired about the proposed drainage project that was supposed to take place last year. Mr. Kelley stated that there have been delays with HCFC regarding the ownership. He further stated that construction should start at the beginning of the year. Discussion ensued.

Mr. M Smith stated his opinion that the lawn services have not been completely mowing each subdivision. He stated that the company has been mowing the gras but not weed-eating the area. President Smalls stated that Seaback, the detention contractor, stepped up to gain control of the overgrowth left by the previous company. She stated that they will be circling back to weed eat as they did not want to leave any area totally uncut.

Mr. M. Smith then alleged that his campaign signs were being stolen throughout the District.

Mr. Charles reported that be believed that the name of one of the rides at National Night Out could be considered offensive to someone dealing with mental health issues.

Ms. Lastee inquired about the District's Women's Business Forum that will be held on October 22<sup>nd</sup> from 10:00 AM thru 2:00 PM. Discussion ensued regarding the events taking place during the forum.

**3. Public Hearing on Proposed 2022 Tax Rate.** The President opened the public hearing on the 2022 proposed tax rate. Mr. Wilson reported that at the September Board meeting the Board decided to publish a proposed tax rate of \$0.79 per \$100 assessed valuation which is a reduction of the current \$0.87 tax rate. The President asked for public comments; there were none. The President closed the public hearing on the 2022 tax rate.

**4. Adopt Order Setting Tax Rate and Levying Tax for 2022.** The Board reviewed the Order Setting Tax Rate and Levying Tax for 2022, a copy of which is attached hereto as Exhibit B. 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 Setting Tax Rate and Levying Tax Rate for 2022, therefore setting a tax rate of \$0.79 per \$100 assessed valuation.

**5. Approve Amended District Information Form.** The Board reviewed the Amended District Information Form, a copy of which is attached hereto as Exhibit C. Mr. Wilson reported that the Amended District Information Form will be filed in the Harris County Real Property Records to reflect the change to the tax rate for 2022. 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 Amended District Information Form Record.

**6. Security at District Facilities.** Mr. Thurmond reported on the District's security camera maintenance. Discussion ensued.

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

Ms. Mata presented 12 checks and one wire transfer for Board approval.

Ms. Mata reported that 99.61% of the District's taxes have been collected as of September 30, 2022. Discussion ensued regarding the delinquent tax attorney fees.

Upon motion by Director Watson, seconded by Director Washington, after full discussion and the question being put to the Board, the Board voted to accept the Tax Assessor and Collector's Report and to authorize payment of checks from the Tax Account in the amounts, to the persons, and for the purposes described in the Tax Assessor and Collector's Report.

**8. Review Bookkeeper's Report and Investment Report and authorize payment of bills.** Ms. Pfeffer 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 E.

Ms. Pfeffer provided a summary of all accounts.

Ms. Pfeffer presented checks for Board approval. Discussion ensued regarding additional check for mediation.

Ms. Pfeffer reviewed the debt service fund.

Ms. Pfeffer reviewed the investment report.

Ms. Pfeffer reviewed the District's five month budget.

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.

**9. Review Operator's Report and authorize necessary repairs.** Mr. Smith presented to and reviewed with the Board the Operations Report, a copy of which is attached hereto as Exhibit F.

Mr. C. Smith reported that the District's accountability for the month is 96.88%.

Mr. C. Smith reported on the District's reoccurring maintenance items.

Mr. C. Smith discussed two options for the fire hydrant painting and power washing. He stated that there is a \$2,500 difference. Upon motion by Director Washington, seconded by Director Watson, after full discussion and the question being put to the Board, the Board voted to approve Si to move forward with Option two.

Mr. C. Smith discussed the pond pump motor repair, stating that the aerators are aging and that the old pump will be restored and stored as a back-up. He stated that this will cost \$1,475 to repair. Upon motion by Director Washington, seconded by Director Watson, after full discussion and the question being put to the Board, the Board voted to move forward with the repair in the amount of \$1,475.00.

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.

**10. Review Engineer's Report and take any necessary actions.** Mr. Kelley presented to and reviewed with the Board the Engineer's Report, a copy of which is attached hereto as Exhibit G.

Mr. Kelley reported that the Morningside project, stating that advertising and construction will begin at end of year.

Mr. Kelley reported on the lift station rehab, stating that the City approved the plans and should be releasing it in a few weeks. He stated that if approved by the Board, MK will move forward with advertising.

Mr. Kelley reported that he has been in contact with the District's financial advisor to update the bond application.

Mr. Kelley stated that Frost Construction and Grey Mechanical is continuing to work on the condensation issues within the District's building.

Mr. Kelley reported that Iron Access is 70% complete and is continuing to work on the fencing at the District's building.

Mr. Kelley reported on the ground water reduction plan, stating that no contract has been sent yet and that MK is waiting on the City of Houston to send one over.

Mr. Kelley reported on Well #1, stating that Alsay has been awarded the project and they are waiting on delivery of the equipment.

Mr. Kelley stated that as discussed previously, once Well No. 1 is placed back in service, the District should pull the Water Well No. 2 pump and televise the well to determine if repairs need to be made to the screens or casing.

Mr. Kelley reported that potential site layouts are being reviewed for the Chlortainer.

Mr. Wilson reported that he has reached out to the COH regarding the Ground Reduction Program but has not heard back yet. He further stated that he has been in contract with the HGSD and are looking to see how the District can move forward. Discussion ensued.

Upon motion by Director Washington, seconded by Director Watson, after full discussion and the question being put to the Board, the Board voted to approve the engineer's report.

**11. Approve minutes of September 7, 2022 and September 21, 2022.** The proposed minutes of the September 7, 2022 meeting, previously distributed to the Board, were submitted for consideration and approval. Upon motion by Director Watson, seconded by Director Washington, after full discussion and the question being put to the Board, the Board voted, to approve the minutes of the September 7, 2022 regular meeting, as presented.

The proposed minutes of the September 21, 2022 meeting, previously distributed to the Board, were submitted for consideration and approval. Upon motion by Director Watson, seconded by Director Washington, after full discussion and the question being put to the Board, the Board voted, to approve the minutes of the September 21, 2022 regular meeting, as revised.

**12. Adjournment/Future Agenda Items.** There was nothing further to discuss.

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 November 2, 2022

  
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President, Board of Directors

ATTEST:

  
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Secretary, Board of Directors

