

RESOLUTION ADOPTING LATE PENALTIES WAIVER POLICY

WHEREAS, the West Harris County Regional Water Authority (the "Authority") is a regional water authority created pursuant to House Bill 1842 of the 77th Legislature, as amended, (the "Act") and Article XVI, Section 59 of the Texas Constitution; and

WHEREAS, the Act authorizes the Authority to establish fees, user fees, rates and charges and classifications of fee and ratepayers, as necessary to enable the Authority to fulfill its purposes and regulatory functions provided in the Act; and

WHEREAS, the Authority has adopted in accordance with the Act an Amended Rate Order, which may be amended from time to time, (the "Amended Rate Order"); and

WHEREAS, the Board of Directors of the Authority (the "Board") has determined it is beneficial and appropriate to establish a written policy regarding the Authority's consideration of requests for the waiver of late penalties imposed by the Authority in accordance with the Amended Rate Order for the late payment of fees, rates, changes, or other amounts due to the Authority (each, a "Penalty Waiver Request") to fulfill the Authority's purposes and regulatory functions provided in the Act; NOW, THEREFORE,

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF WEST HARRIS COUNTY REGIONAL WATER AUTHORITY THAT:

Section 1: The recitals and facts set forth above are hereby found to be true and correct. Capitalized terms used but not defined herein shall have the same meanings given them in the Amended Rate Order.

Section 2: The Authority hereby adopts a policy that the Board may, at its option and in its sole discretion, consider granting a Penalty Waiver Request in the following circumstances:

- i. where the Penalty Waiver Request is in writing and is to waive the late penalties for a Person that: (a) has paid all amounts currently due to the Authority (including without limitation GRP Fees, Surface Water Fees, Imported Water Fees, and all other fees, rates, charges, and penalties); (b) is not known by the Authority to be in violation of any Authority rule or order; and (c) has not been granted a Penalty Waiver Request by the Authority in the last 5 years; or
- ii. where the Board has determined that considering the Penalty Waiver Request is appropriate considering the facts and circumstances related to the Penalty Waiver Request.

Section 3: A determination by the Board regarding whether to grant a Penalty Waiver Request and the amount of any such waiver, if granted, shall be final.

Section 4: Notwithstanding any provision of this Resolution, the Authority reserves the right to and may at its sole discretion: (i) refrain from granting a Penalty Waiver Request to any Person for any reason whatsoever; (ii) include any terms or conditions for granting a Penalty Waiver Request, even if such terms or conditions are inconsistent with this Resolution; and (iii) modify or rescind this Resolution at any time. This Resolution is not intended to and does not confer any rights on any Person, including without limitation any Person who owes late penalties to the Authority pursuant to the Authority's Amended Rate Order.

Section 5: This Resolution shall be effective as of the date of adoption.

[EXECUTION PAGE FOLLOWS]

PASSED AND APPROVED this 8th of November, 2023.

Eric W. Hansen

President, Board of Directors

ATTEST:

Dylan

Secretary, Board of Directors

(SEAL)

