

RESOLUTION ESTABLISHING RULES AND REGULATIONS  
GOVERNING THE USE OF THE DISTRICT'S ONLINE PORTAL SYSTEM

WHEREAS, Harris County Municipal Utility District No. 500 (the "District"), is a conservation and reclamation district, a governmental agency and body politic of the State of Texas created pursuant to Article XVI, Section 59 of the Texas Constitution, and Chapters 49 and 54 of the Texas Water Code, as amended; and

WHEREAS, the District was created and organized for the purpose, among others, of providing water, wastewater, and drainage facilities to serve the areas within its boundaries; and

WHEREAS, in furtherance of this purpose and to provide District customers with convenient and readily available information regarding their water usage, the District maintains an online portal system and related phone application (collectively, the "Online Portal System") that District customers may access and utilize to view their individual water usage data; and

WHEREAS, in order to protect the integrity of the District's water system the Board of Directors of the District finds it necessary to adopt rules and regulations relating to the use of the Online Portal System and to establish penalties for the violation thereof; and

WHEREAS, the Board of Directors of the District, under the authority of Section 54.205 of the Texas Water Code, may adopt and enforce reasonable rules to provide and regulate a safe and adequate freshwater distribution system; and

WHEREAS, Section 49.004 of the Texas Water Code provides that the Board of Directors may set reasonable civil penalties for the breach of any rule of the District in an amount not to exceed \$10,000; NOW, THEREFORE,

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 500 THAT:

Section 1: The facts recited above are hereby declared to be true and correct.

Section 2: Pursuant to its authority under Section 54.205 of the Texas Water Code, the District hereby adopts, and considers appropriate and reasonable, the Rules and Regulations Governing the Use of the District's Online Portal System attached hereto as **Exhibit A** (the "Rules and Regulations").

Section 3: Any person, corporation, or other entity violating the Rules and Regulations adopted pursuant to this Resolution may be subject to a fine of up to \$10,000 per violation, as provided for in Section 49.004 of the Texas Water Code.

Section 4: The District is hereby authorized to publish a substantive statement of these rules, regulations, and penalties as required by Section 54.207 of the Texas Water Code, and such penalties described herein shall be effective and enforceable five days after publication.

[EXECUTION PAGE FOLLOWS]

PASSED AND APPROVED this 9<sup>th</sup> day of April, 2024.

  
Vice President, Board of Directors

  
Secretary, Board of Directors

(SEAL)



## EXHIBIT A

### RULES AND REGULATIONS GOVERNING THE USE OF THE DISTRICT'S ONLINE PORTAL SYSTEM

Unless specifically authorized by the Harris County Municipal Utility District No. 500 (the "District") Board of Directors, the following rules and regulations (the "Rules and Regulations") apply to all use of the District's online portal system and related mobile application (collectively, the "Online Portal System") by any person, corporation, or other entity ("User"). In order to provide Users with the Online Portal System, the District has entered into a Badger Meter Beacon AMA Managed Solution Master Agreement with Badger Meter, Inc. ("Badger").

#### **I. Online Portal System Access and Ownership.**

- a. In order to access the Online Portal System, User must be a District customer with an active District water account.
- b. User shall be required to select and use certain user names, passwords or codes to access and use the Online Portal System.
- c. By accessing the Online Portal System, User will not obtain any rights, title, or interest in the Online Portal System or any associated intellectual property rights, other than the right to access and use the Online Portal System, subject to the terms and conditions set forth in these Rules and Regulations.
- d. The District's Board of Directors, in its sole and absolute discretion, may suspend or terminate access to the Online Portal System at any time for any User for violation of these Rules and Regulations or other cause.

#### **II. Restrictions on Right to Use.** Customer may not:

- a. Sell, license, resell, sublicense, or otherwise permit any third party to access or use the Online Portal System;
- b. Remove, patent, copyright, trademark, or otherwise copy intellectual markings from the Online Portal System;
- c. Modify, alter, tamper with, repair, or otherwise create derivatives from the Online Portal System;
- d. Copy, reverse engineer, disassemble, or decompile the Online Portal System or apply any other process or procedures to derive the source code from any software included in the Online Portal System;
- e. Provide User content that infringes on or is in violation of the intellectual property rights of any person or entity including but not limited to the District, Badger, or any of either party's suppliers;
- f. Use the Online Portal System in a manner that violates any applicable international, federal, state, or local law, rule, or regulation;

- g. Assert, authorize, or encourage any third party to assert any intellectual property infringement claim against the District or Badger regarding the Online Portal System;
- h. Transmit content or messages that are illegal, fraudulent, threatening, abusive, defamatory, or obscene;
- i. Make any unauthorized connection to the District's billing system or any third party's network via the Online Portal System;
- j. Communicate any unsolicited commercial, voice, SMS, or other message;
- k. Upload or transmit any "virus," "worm," or malicious code or access, alter, or interfere with the communications of and/or information about another User, District customer, or other person; and
- l. Take actions related to the Online Portal System that could cause damage to or adversely affect the District, Badger, the Online Portal System, or any of the District's or Badger's third-party consultants or suppliers.

**III. Customer Content and Responsibilities.** By accessing and/or utilizing the Online Portal System:

- a. User consents to the District and Badger Meter's right to host, access, store, copy, and use necessary customer information, including but not limited to the User's address, meter reading information, water usage history, and account information, as reasonably necessary to provide, maintain, repair, and enhance the Online Portal System;
- b. User is solely responsible for any actions User may take with regards to the Online Portal System;
- c. User agrees to comply with the Badger Terms of Use Policy (<https://beaconama.net/termsfuse>) and the Badger Meter BEACON AMA and EYEONWATER Privacy Policy (<https://beaconama.net/privacy>), as either may be amended from time to time;
- d. User agrees that User shall not access or use the Online Portal System in any manner that violates any applicable international, federal, state, and/or local laws and/or regulations, including but not limited to, all applicable data protection, intellectual property, and privacy laws;
- e. USER AGREES TO INDEMNIFY, DEFEND, AND HOLD HARMLESS THE DISTRICT, AND AS APPLICABLE ITS OFFICERS, DIRECTORS, CONSULTANTS, AND OTHER REPRESENTATIVES (COLLECTIVELY, THE "DISTRICT PARTIES") FROM AND AGAINST ANY LEGAL PROCEEDINGS FILED AGAINST THE DISTRICT PARTIES BY A THIRD PARTY ARISING OUT OF USER'S NEGLIGENT OR WRONGFUL USE OF THE ONLINE PORTAL SYSTEM; and
- f. User acknowledges security of transmissions over the internet cannot be guaranteed, and as such, the District is not responsible for: (i) Customer's access to the internet; (ii) interception, unauthorized use or interruptions

of communications through the Internet; or (iii) changes or losses of data through the Internet.

#### **IV. Miscellaneous.**

- a. These Rules and Regulations are in addition to, and not in lieu of, all federal, state, and local laws, rules, and regulations applicable to the Online Portal System, its use, or its contents.
- b. The provisions of these Rules and Regulations are severable. If any word, phrase, clause, sentence, section, provision, or part of these Rules and Regulations should be held invalid or unconstitutional, it shall not affect the validity of the remaining provisions, and it is hereby declared to be the intent of the Board of Directors that these Rules and Regulations would have been adopted as to the remaining portions, regardless of the invalidity of any part.
- c. These Rules and Regulations may be amended at any time at the sole discretion of the Board of Directors.
- d. A copy of the Rules and Regulations are on file in the principal office of the District, Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, Suite 2600, Houston, Texas 77027, where they may be read by any interested person.
- e. Any violation of these rules shall subject the violator to a penalty not to exceed ten thousand dollars (\$10,000) for each violation. Each separate occurrence and day that a violation of any of these rules hereof continues shall be considered a separate violation.
- f. Use of the Online Portal System shall be at the sole risk of each User. The District accepts no responsibility or liability for any losses or injuries sustained by a User as a result of such use.

CERTIFICATE FOR RESOLUTION

THE STATE OF TEXAS           §  
  §  
COUNTY OF HARRIS           §

I, the undersigned officer of the Board of Directors of Harris County Municipal Utility District No. 500 hereby certify as follows:

1. The Board of Directors of Harris County Municipal Utility District No. 500 convened in regular session on April 9, 2024, outside the boundaries of the District, and the roll was called of the members of the Board:

Jeffrey D. Ottmann	President
Joanne E. Quintero	Vice President
Jeff P. Collins	Secretary
James Spackman	Assistant Secretary
Alan Steinberg	Asst. Vice President/Asst. Secretary

and all of said persons were present except Director(s) Ottmann & Spackman, thus constituting a quorum. Whereupon, among other business, the following was transacted at the meeting: a written

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was introduced for the consideration of the Board. It was then duly moved and seconded that the resolution be adopted, and, after due discussion, the motion, carrying with it the adoption of the resolution, prevailed and carried unanimously.

2. A true, full, and correct copy of the aforesaid resolution adopted at the meeting described in the above and foregoing paragraph is attached to and follows this certificate; the action approving the resolution has been duly recorded in the Board's minutes of the meeting; the persons named in the above and foregoing paragraph are the duly chosen, qualified, and acting officers and members of the Board as indicated therein; each of the officers and members of the Board was duly and sufficiently notified officially and personally, in advance, of the time, place, and purpose of the aforesaid meeting, and that the resolution would be introduced and considered for adoption at the meeting, and each of the officers and members consented, in advance, to the holding of the meeting for such purpose; the meeting was open to the public as required by law; and public notice of the time, place, and subject of the meeting was given as required by Chapter 551, Texas Government Code, and Section 49.063, Texas Water Code, as suspended by the Governor of the State of Texas.

SIGNED AND SEALED on April 9, 2024.

  
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Secretary, Board of Directors

(SEAL)

