



Date: January 12, 2023

To: Mr. James Spigener, President and the Lone Star Groundwater Conservation District Board of Directors, 655 Conroe Park North Drive, Conroe, TX, 77303

From: Robert Lux, President, on behalf of The Woodlands Water Agency Board of Trustees

RE: Lone Star Groundwater Conservation District (LSGD) Director Election for Place 7

Dear Mr. Spigener,

The Woodlands Water Agency Board of Trustees met on January 11, 2023 and authorized me to contact you and the LSGCD board on behalf of the resident voters we serve and represent. The following is a short summary of the relevant events of the above referenced election as we know them.

- On November 8, 2022, an election for the above referenced LSGCD board position was conducted by the Montgomery County Elections Administrator's Office.
- This election included 26 Montgomery County precincts.
- The November 16, 2022, Official Canvass Results Report shows that 28,705 votes were cast: 14,801 for John Yoars and 13,904 for Larry A. Rodgers.
- On Friday, December 9, 2022, a letter was received via e-mail by John Yoars from Kristen O. Fancher, Fancher Legal, PLLC, Frisco, TX informing Mr. Yoars that she had been retained as election counsel by LSGCD.
- Ms. Fancher's letter informed Mr. Yoars that Chapter 36 of the Texas Water Code (which governs LSGCD) has a "very unique" provision stating that, "A member of a governing body of another political subdivision is ineligible for appointment or election as a director". This is important as at the time of filing for the election, Mr. Yoars was (and remains) a director on Montgomery County Municipal Utility District Number 36 (MUD 36). Ms. Fancher's letter states that this made Mr. Yoars ineligible for candidacy and "the effect is that the election is void, as if it never happened". Further, Ms. Fancher's letter indicates Mr. Yoars cannot be sworn in and take office on the LSGCD Board at its meeting on Tuesday, December 13, 2022. Additionally, the letter states, "that vacancies on GCD boards are filled by appointment of the board and that a special election for the position is held at the next regularly scheduled election date".

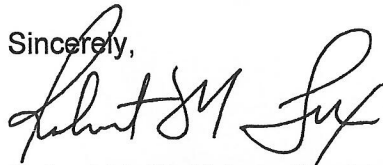
We do not dispute the legal opinion provided by Ms. Fancher on behalf of LSGCD is accurate. Despite this, the election was indeed held, and the canvas validated results clearly demonstrate that the voters desire Mr. Yoars to represent them as their LSGCD Director.

In 2017, a bill was passed by the Texas Legislature amending the LSGCD enabling legislation. The author of the bill stated that the bill "provides accountability and transparency, fights for the taxpayers and puts the LSGCD board under the control of the local voters". In order to fulfill the intent of this law, we respectfully request that the LSGCD board appoint Mr. Yoars to fill the current Board Position 7 vacancy. If the LSGCD Board communicates to Mr. Yoars that it is agreeable to appointing him to fill the vacancy, it is my understanding that Mr. Yoars will immediately submit to the LSGCD Board a copy of an unqualified letter of resignation from his MUD 36 board position. Upon receipt of this letter, the LSGCD Board could then immediately appoint Mr. Yoars to the open Place 7 director position.

We believe this approach will ensure that a full LSGCD Board of Directors will be allowed to continue working in the best interests of the residents of Montgomery County. This action will also ensure fidelity and alignment with the 2017 LSGD enabling legislation amendment, as well as the expressed will of the people as demonstrated by the votes by eligible, properly registered voters without their disenfranchisement.

Thank you for your consideration and action of our request. Please do not hesitate to contact me at any time regarding this or any matter of mutual interest.

Sincerely,



Robert M. (Bob) Lux, President  
The Woodlands Water Agency Board of Trustees  
2455 Lake Robbins Drive  
The Woodlands, TX 77380