

# **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 109**

## **Minutes of Meeting of Board of Directors**

February 12, 2024

The Board of Directors (the "Board") of Harris County Water Control and Improvement District No. 109 (the "District") met at 5302 Old Lodge Drive, Houston, Harris County, Texas, on February 12, 2024, in accordance with the duly posted notice for such public meeting, and the roll was called of the duly constituted officers and members of said Board as follows:

Warren Carroll, President  
Vic Robson, Vice President  
Allen Schreiber, Secretary  
William Lakin, Assistant Secretary  
W. Kemp Culbreth III, Assistant Secretary

all of whom were present, thus constituting a quorum.

Also attending the meeting were: Bradley Jenkins and Conner Murphy of Quiddity Engineering, LLC ("Quiddity"); Johnson Ashcroft of Environmental Development Partners, L.L.C. ("EDP"); Karen Sears of Storm Water Solutions, LP ("SWS"); and Eric Lai of Schwartz, Page & Harding, L.L.P. ("SPH").

The President called the meeting to order and declared it open for such business as might regularly come before the Board.

### **PUBLIC COMMENTS**

The Board began by opening the meeting for public comments. There being no comments offered, the Board continued to the next item of business.

### **APPROVAL OF MINUTES**

The Board considered approval of the minutes of its meeting held on January 8, 2024. Upon discussion, Director Lakin moved that said minutes be approved, as presented. Director Schreiber seconded said motion, which unanimously carried.

### **DETENTION AND DRAINAGE REPORT**

Ms. Sears presented to and reviewed with the Board a Detention and Drainage Report, a copy of which is attached hereto as Exhibit A. She requested authorization for SWS to perform sinkhole repairs at the Greenwood Springs and Pinewood Springs Detention Pond. She further noted that such repairs would not be costly. Upon review, Director Schreiber moved that SWS be authorized to perform sinkhole repairs at the Greenwood Springs and Pinewood Springs Detention Pond. Director Lakin seconded said motion, which unanimously carried.

## **DELINQUENT TAX REPORT**

The Board considered a Delinquent Tax Report prepared by Ted A. Cox, P.C., ("Cox") a copy of which is attached hereto as Exhibit B. Mr. Lai reviewed said report with the Board. Upon review, Director Culbreth moved that Cox be authorized to terminate water to those accounts listed in the report. Director Lakin seconded said motion, which unanimously carried.

## **OPERATOR'S REPORT**

Mr. Ashcroft reviewed with the Board an Operator's Report, a copy of which is attached hereto as Exhibit C, and discussed the information contained therein. Mr. Ashcroft reported that EDP received a reimbursement request from Champions Community Church ("CCC") for costs incurred in the amount of \$6,506 for the removal of debris blocking the District's main sanitary sewer line. Upon discussion, Director Schreiber moved that CCC's request be approved, including the invoice from G. O. Plumbing in the amount of \$6,506, subject to an executed Receipt and Indemnity. Director Lakin seconded said motion, which unanimously carried.

Mr. Ashcroft presented to and reviewed with the Board three (3) proposals for the blower and motor replacement of Blower No. 3 at the Wastewater Treatment Plant No. 1. He also presented three (3) proposals for the replacement of the Sludge Pump No. 2 at Wastewater Treatment Plant No. 1. Mr. Ashcroft next presented an alternative solution from NTS for the replacement of the sludge pump. Upon discussion, Director Schreiber moved that (i) the proposal from NTS to repair the blower and motor of Blower No. 3 at Wastewater Treatment Plant No. 1 be approved, and (ii) the proposal from NTS in the amount of \$28,210 for the installation of a new Ebara T4 self-priming pump skid at Wastewater Treatment Plant No. 1 be approved. Director Lakin seconded said motion, which unanimously carried.

Mr. Ashcroft reported that EDP is recommending that the Board authorize Asset Reliability Services ("ARS") to begin cleaning the lift stations in lieu of Source Point Solutions, LLC, to reduce the District's costs. A copy of the ARS proposal is included in the Operator's Report. Upon discussion, Director Schreiber moved that ARS be authorized to clean the District's lift stations in the total amount of \$2,291. Director Schreiber seconded said motion, which unanimously carried.

The Board next authorized EDP to review the District's water conservation plan and drought contingency plan for any updates.

## **ENGINEERING REPORT**

Mr. Murphy presented to and reviewed with the Board a written Engineering Report dated February 12, 2024, a copy of which is attached hereto as Exhibit D, detailing the status of various projects within the District. Upon discussion, the Board concurred that no action was required.

**F.M. 1960 SIDEWALK AND/OR EXPANSION PROJECT BY TEXAS DEPARTMENT OF TRANSPORTATION ("TXDOT")**

Mr. Murphy stated that no easements would be requested in connection with the F.M. 1960 sidewalk and/or road expansion project, as stated under the Engineering Report.

**RESOLUTION ADOPTING PREVAILING WAGE RATE SCALE FOR CONSTRUCTION PROJECTS**

The Board considered the review of an annual survey of prevailing wage rates for construction projects and the adoption of a Resolution in connection therewith. In that regard, Mr. Lai reported that SPH is suggesting that the District adopt the updated United States Department of Labor ("DOL") wage rate scales for Harris County, as permitted under Section 2258.022 of the Government Code. After discussion on the matter, Director Lakin moved that the DOL wage rate scales for Harris County be adopted as the District's prevailing wage rate scale for construction projects, and that the Resolution Adopting Prevailing Wage Rate Scale for Construction Projects attached hereto as Exhibit E, be adopted by the Board. Director Robson seconded said motion, which unanimously carried.

**RESOLUTION CONCERNING DEVELOPED DISTRICT STATUS FOR 2024 TAX YEAR**

Mr. Lai advised that the procedures applicable to the adoption of the District's tax rate will depend, in part, upon whether the District is determined to be a "Developed District" under Texas Water Code Section 49.23602. Mr. Lai then reviewed with the Board a worksheet completed by Quiddity to assist the Board in making this determination, along with a Resolution Concerning Developed District Status for the 2024 Tax Year, and noted that the District will be considered a "Developed District" for the 2024 tax year. Following discussion, upon motion made by Director Culbreth, seconded by Director Robson, and unanimously carried, the Board voted to pass and adopt the Resolution Concerning Developed District Status for 2024 Tax Year, attached hereto as part of Exhibit F.

**F.M. 1960 GREEN MEDIANS PROJECT**

Director Carroll reported to the Board regarding the recent activities of the F.M. 1960 Green Medians Joint Powers Board.

**RENEWAL OF DISTRICT INSURANCE COVERAGES**

The Board considered approval of insurance proposals for renewal of the District's insurance coverages expiring March 31, 2024. In connection with same, Mr. Lai presented a proposal from Arthur J. Gallagher ("Gallagher") to the Board, a copy of which is attached hereto as Exhibit G. Upon discussion, the Board deferred approval of the proposal received from Gallagher, and requested that a representative of Gallagher attend the March 11, 2024 meeting to address questions from the Board.

**CONSIDER RENEWAL OF LEASE AGREEMENT WITH GREENWOOD FOREST FUND, INC.**

The Board discussed the renewal of the lease agreement with Greenwood Forest Fund in connection with the lease of the building located at 5302 Old Lodge Drive. Upon motion made by Director Lakin, seconded by Director Robson, the Board voted unanimously to approve said renewal of the lease agreement.

**ATTORNEY'S REPORT**

The Board next considered the Attorney's Report. Mr. Lai reported that the District has not received any candidate applications for the 2024 Director Election, other than those submitted by the incumbent directors.

**FUTURE AGENDAS**

Other than as discussed earlier in the meeting and reflected above, there were no additional agenda items requested.

**ADJOURNMENT**

There being no further business to come before the Board, upon motion made by Director Schreiber, seconded by Director Robson, and unanimously carried, the meeting was adjourned.

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Allen Schreiber, Secretary  
Board of Directors

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**List of Exhibits**

- Exhibit A Detention and Drainage Report
- Exhibit B Delinquent Tax Report
- Exhibit C Operator's Report
- Exhibit D Engineering Report
- Exhibit E Resolution Adopting Prevailing Wage Rate Scale for Construction Projects
- Exhibit F Resolution Concerning Developed District Status for 2024 Tax Year
- Exhibit G Arthur J. Gallagher Insurance Proposal

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