

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

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

March 13, 2023

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 March 13, 2023, in accordance with the duly posted notice for such special 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 participated in the meeting, thus constituting a quorum.

Also attending the meeting were: Bradley Jenkins of Quiddity Engineering, LLC ("Quiddity"); Tommy Merck of Environmental Development Partners, L.L.C. ("EDP"); 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. Director Carroll reported that he received a couple of trash complaints from residents during the prior month. He stated that one resident reported that Best Trash, LLC, the District's solid waste collection provider, did not return his trash receptacle to the back of his garage. Upon discussion, the Board concurred that no action was necessary at this time.

### **APPROVAL OF MINUTES**

The Board considered approval of the minutes of its meeting held on February 13, 2023. After discussion, Director Robson moved that said minutes be approved, as written. Director Lakin seconded said motion, which unanimously carried.

### **DETENTION AND DRAINAGE REPORT**

The Board deferred consideration of a Storm Water Management Report prepared by Storm Water Solutions, LP, after noting that a representative was not present. Mr. Lai stated that a proposal for the regrading of the Duncan Road drainage swales will be considered by the Board at its April 10, 2023, Board of Directors meeting.

## **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 A. Mr. Lai reviewed said report with the Board. Upon review, the Board concurred that no action was required.

## **OPERATOR'S REPORT**

Mr. Merck reviewed with the Board an Operator's Report, a copy of which is attached hereto as Exhibit B, and discussed the information contained therein. He stated that there is low water accountability and that EDP will monitor same. Mr. Merck reported that EDP received an appeal of a high water bill appeal due to a residential leak located on N. Cashel Circle. He noted that the customer subsequently repaired the water leak and provided an invoice to EDP indicating same. Mr. Merck stated that adjusting the sanitary sewer rate would save the customer approximately \$26.00. Upon discussion, Director Culbreth moved that EDP be authorized to bill said customer's account at the lowest tiered rate. Director Lakin seconded said motion, which unanimously carried.

Mr. Merck then presented to and reviewed with the Board a delinquent report and the annual report on the District's Identity Theft Prevention Program, copies of which are attached to the Operator's Report. Upon discussion, Director Culbreth moved that (i) EDP be authorized to prepare a 2022 Consumer Confidence Report for the Board's review, and (ii) the District make no changes to its Identity Theft Prevention Program as recommended by EDP. Director Lakin seconded said motion, which unanimously carried.

## **ANNUAL SUBMISSION OF DISTRICT FACILITIES THAT QUALIFY FOR CRITICAL LOAD STATUS**

Mr. Lai reported that Section 13.1396, Water Code, requires that the District annually submit a list of its potential critical load status facilities to each electric distribution utility and each retail electric utility provider for a determination that the facilities qualify for critical load status. After discussion on the matter, Director Culbreth moved that EDP be authorized to make such annual submission on behalf of the District. Director Robson seconded the motion, which carried unanimously.

## **ENGINEERING REPORT**

Mr. Jenkins presented to and reviewed with the Board a written Engineering Report dated March 9, 2023, a copy of which is attached hereto as Exhibit C, detailing the status of various projects within the District. Upon review, Director Lakin moved that Quiddity (i) be authorized to communicate with Northwest Petroleum, LP, regarding the funds to be deposited for preparation of the design of the sanitary sewer extension project, and (ii) be authorized to prepare a cost estimate for additional improvements at Water Plant No. 1. Director Schreiber seconded said motion, which unanimously carried.

## **UTILITY COMMITMENTS**

The Board deferred consideration of requests for utility commitments after noting that no new requests were received.

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

The Board considered approval of a Resolution Declaring the Existence of a Public Necessity for the Construction and Operation of Water Meters and Related Facilities for the F.M. 1960 Expansion Project, including Reasonable and Necessary Appurtenances Thereto, and Authorizing the Acquisition, by Donation, Purchase, or Exercise of the Power of Eminent Domain, of Property and Property Interests Necessary for Such Facilities and a Resolution Designating Chief Administrative Official (collectively, the "Resolutions") for property acquisition in connection with the District's construction of water meters along F.M. 1960, copies of said Resolutions are attached hereto as Exhibit D. Following discussion, Director Culbreth moved that the Board (i) adopt the Resolutions and authorize the acquisition of properties more particularly described and depicted in the Resolutions and delegate authority to Director Carroll to negotiate such acquisition as the Chief Administrative Official of the Board; and (ii) authorize the engagement of Integra Realty for appraisal of property in connection therewith. Director Lakin seconded said motion, which unanimously carried.

## **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 Culbreth 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 Schreiber seconded said motion, which unanimously carried.

## **AMENDMENT TO SANITARY SEWER TREATMENT CONTRACT BY AND BETWEEN THE DISTRICT AND HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 202 ("NO. 202")**

Mr. Lai noted that discussion concerning the amendment to the Sanitary Sewer Treatment Contract by and between the District and No. 202 was previously discussed under the Engineer's Report.

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

The Board deferred discussion regarding the activities of the F.M. 1960 Green Medians Joint Powers Board.

## **GARBAGE COLLECTION REPORT**

Director Carroll reported that the mailing notice concerning the recycling date needs to be corrected to indicate that recycling pickup is on Tuesday, not Wednesday.

## **UNCLAIMED PROPERTY REPORT AS OF MARCH 1, 2023**

The Board then considered authorizing the preparation of an Unclaimed Property Report as of March 1, 2023, and the filing of same with the Texas State Comptroller prior to July 1, 2023. After discussion on the matter, Director Lakin moved that the District's consultants be authorized to prepare an Unclaimed Property Report, if necessary, and that the District's bookkeeper file said report with the Texas State Comptroller prior to July 1, 2023. Director Culbreth seconded said motion, which unanimously carried.

## **ATTORNEY'S REPORT**

The Board next considered the Attorney's Report. Mr. Lai stated that he did not have anything to report to the Board of a legal nature that was not already addressed under an agenda item.

## **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 Lakin, 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 Delinquent Tax Report
- Exhibit B Operator's Report
- Exhibit C Engineering Report
- Exhibit D Resolution Declaring the Existence of a Public Necessity for the Construction and Operation of Water Meters and Related Facilities for the F.M. 1960 Expansion Project, including Reasonable and Necessary Appurtenances Thereto, and Authorizing the Acquisition, by Donation, Purchase, or Exercise of the Power of Eminent Domain, of Property and Property Interests Necessary for Such Facilities and a Resolution Designating Chief Administrative Official
- Exhibit E Resolution Adopting Prevailing Wage Rate Scale for Construction Projects