

HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 109

Minutes of Meeting of Board of Directors

August 14, 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 August 14, 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 and Conner Murphy of Quiddity Engineering, LLC ("Quiddity"); Tommy Merck of Environmental Development Partners, L.L.C. ("EDP"); Karen Sears of Storm Water Solutions, LP ("SWS"); LaDonna Wells, James Kimble, and Maureen Langford, District residents; 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. As a follow up to last month's discussion, Ms. Wells reported to the Board that her replacement meter readings was working properly.

Ms. Langford noted that she had no service issues to report but requested that EDP publish the contact information and email addresses of the Board of Directors so that residents could direct complaints directly to the Board, instead of EDP. Director Carroll stated that the Board meets twice a month within the District's boundaries and has done so for several decades. Ms. Langford stated that she did not have any issues with water at this time but feels that EDP is not responsive when issues do arise. In the event a resident desires to speak to the Board, they may attend a meeting. Furthermore, Director Carroll explained that there is a process in place to address water issues: residents may notify EDP of any issues and, in turn, EDP will raise those issues with the Board at the next meeting. He also notes that at any point in this process, the resident may attend a meeting to further discuss it with the Board in person.

Ms. Lankford exited the meeting at this time.

APPROVAL OF MINUTES

The Board considered approval of the minutes of its meeting held on July 10, 2023. Upon discussion, Director Lakin moved that said minutes be approved, as written. Director Schreiber seconded said motion, which unanimously carried.

DETENTION AND DRAINAGE REPORT

Ms. Sears presented to and reviewed with the Board a Storm Water Management Report, a copy of which is attached hereto as Exhibit A. She reported to the Board that the two lights located at Hurst Park are working.

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, 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 C, and discussed the information contained therein.

Mr. Merck address Ms. Wells' appeal of high water usage for the months of June, August, September and October 2022, and June 2023, as previously discussed. He recommended that the Board authorize EDP to credit her account in the amount of \$543.65 due to the faulty water meter, which was subsequently replaced. Upon discussion, Director Schreiber moved that EDP be authorized to credit Ms. Wells' account in the amount of \$543.65 due to the faulty water meter. Director Robson seconded said motion, which unanimously carried.

Ms. Wells and Mr. Kimble exited the meeting at this time.

Mr. Merck presented to and reviewed with the Board a Fire Hydrant Inspection Report, a copy of which is attached to the Operator's Report. He requested authorization for EDP to perform those certain repairs listed in the report in the total amount of \$24,276.50. Director Lakin inquired if a school initiative could take on the project of painting the fire hydrants. Mr. Merck stated that EDP is amenable to a school initiative performing the painting of the fire hydrants, subject to EDP's oversight and final inspection of the work performed. Upon discussion, Director Lakin moved that EDP be authorized to coordinate the recommended repairs listed in the Inspection Report, but defer action regarding the painting of the fire hydrants. Director Schreiber seconded said motion, which unanimously carried.

Mr. Merck requested approval for EDP to submit an updated Network Discharge Monthly Report ("NetDMR") to the Texas Commission on Environmental Quality ("TCEQ") to include an additional authorized submittal person for future water quality discharge-monitoring reports relative to the District's Wastewater Treatment Plant. Upon discussion, Director Schreiber moved

that EDP be authorized to amend its Subscriber Agreement with the TCEQ include an additional submittal person for the District's NetDMR submissions. Director Culbreth seconded said motion, which unanimously carried.

Mr. Merck next reported that there is an inoperable right-angle drive that used to connect to a water interconnect but that the motor is missing and it cannot turn. Mr. Merck stated that EDP is requesting authorization to remove the inoperable right-angle drive for \$5,150. Upon discussion, Director Schreiber moved that EDP be authorized to remove the right-angle drive for an amount not to exceed \$5,150. Director Robson seconded said motion, which unanimously carried.

ENGINEERING REPORT

Mr. Jenkins presented to and reviewed with the Board a written Engineering Report dated August 11, 2023, a copy of which is attached hereto as Exhibit D, detailing the status of various projects within the District. Upon review and discussion, Director Lakin then moved that the action items in the Engineering Report be approved, including award of a contract to McDonald Municipal and Industrial in connection with the 2023 off-site lift station improvements project. Director Culbreth seconded said motion, which unanimously carried.

Ms. Sears exited the meeting at this time.

UTILITY COMMITMENTS

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

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

Mr. Lai reported that SPH is communicating with outside counsel concerning the acquisition of easements required by TxDOT for the F.M. 1960 sidewalk and/or road expansion project.

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

The Board deferred action concerning the amendment to the Sanitary Sewer Treatment Contract by and between the District and No. 202.

F.M. 1960 GREEN MEDIANS PROJECT

Director Carroll reported to the Board regarding activities of the F.M. 1960 Green Medians Joint Powers Board and noted that no action was required.

ATTORNEY'S REPORT

The Board next considered the Attorney's Report. Mr. Lai presented to and reviewed with the Board an Annual Arbitrage Analysis Report, a copy of which is attached hereto as Exhibit E. Upon review, the Board concurred that no action was required.

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.

Allen Schreiber, Secretary
Board of Directors

HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 109

List of Exhibits

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| Exhibit A | Storm Water Management Report |
| Exhibit B | Delinquent Tax Report |
| Exhibit C | Operator's Report |
| Exhibit D | Engineering Report |
| Exhibit E | Annual Arbitrage Analysis Report |