

HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 109

Minutes of Meeting of Board of Directors

November 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 November 13, 2023, 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 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 and Johnson Ashcroft of Environmental Development Partners, L.L.C. ("EDP"); Anne Robison, spouse of Vic Robson; 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 October 9, 2023. Upon discussion, Director Lakin moved that said minutes be approved, as revised. Director Robson seconded said motion, which unanimously carried.

DETENTION AND DRAINAGE REPORT

The Board deferred consideration of the Storm Water Management Report. Director Carroll stated that Ms. Sears is unable to attend today's meeting, and noted that she indicated that there is nothing new to report to the Board.

TAX ASSESSOR-COLLECTOR'S REPORT

Mr. Lai stated that the Tax Assessor-Collector's Report will be moved back to the second Board meeting of the month.

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. Mr. Merck reported to the Board that the NHCRWA rescinded Stage 1 of its Drought Contingency Plan ("DCP"), and that, as a result, the District will also rescind Stage 1 of its DCP.

Mr. Merck presented to and reviewed with the Board a proposal for a Cla-Val Enclosure with heater for Water Plant No. 2 in the amount of \$11,431.00, a copy of which is attached to the Operator's Report. He then responded to questions from the Board. Upon discussion, Director Lakin moved that EDP be authorized to purchase and install a Cla-Val Enclosure with heater for Water Plant No. 2 at the estimated cost of \$11,431.00. Director Schreiber seconded said motion, which unanimously carried.

Mr. Merck reported to the Board regarding a notice of non-compliance received from the TCEQ and stated that same may be related to the UV light system at the District's Wastewater Treatment Plant but that EDP is investigating the cause and will report back to the Board at its next meeting.

Mr. Merck also reported to the Board that due to safety and hazard concerns, EDP recommends that a third-party vendor complete the District's fire hydrant repainting project.

ENGINEERING REPORT

Mr. Murphy presented to and reviewed with the Board a written Engineering Report dated November 10, 2023, a copy of which is attached hereto as Exhibit C, detailing the status of various projects within the District. Upon review and discussion, Director Lakin moved that the action items in the Engineering Report be approved, including (i) Pay Estimate No. 1 and Final in the amount of \$56,010.00 to Bull-G Construction for construction of the Northwest Petroleum Sanitary Sewer Extension; and (ii) approval of Pay Estimate No. 3 and Final in the amount of \$8,300.00, and Change Order No. 1 for a deduction of \$5,000 to W.W. Payton Corp. for replacement of the hydropneumatic tank at Water Plant No. 3. Director Schreiber seconded said motion, which unanimously carried.

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

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

Mr. Lai reported to the Board regarding the status of the F.M. 1960 sidewalk and/or road expansion project.

F.M. 1960 GREEN MEDIANS PROJECT

Director Carroll reported to the Board regarding the activities of the F.M. 1960 Green Medians Joint Powers Board that was held earlier this month.

ATTORNEY'S REPORT

The Board next considered the Attorney's Report. Mr. Lai presented to and reviewed with the Board written correspondence from Masterson Advisors LLC, regarding its annual disclosure requirements pursuant to the Municipal Securities Rulemaking Board Rule G-10, a copy of which is attached hereto as Exhibit D.

Mr. Lai next reminded the Board that, pursuant to Section 2206.154 of the Texas Government Code, political subdivisions with the power of eminent domain, including the District, are required to file an annual eminent domain report by February 1 of each year with the Texas Comptroller of Public Accounts (the "Comptroller"). Mr. Lai explained that the report will contain the District's contact information as well as information related to the District's ability to exercise the power of eminent domain. After discussion, it was moved by Director Lakin, seconded by Director Schreiber and unanimously carried that SPH be authorized to file the annual eminent domain report with the Comptroller on behalf of the District by February 1, 2024.

Mr. Lai next presented to and reviewed with the Board with a memorandum prepared by SPH regarding the DuPont and 3M Class Action Settlements (the "Settlements") relating to presence of PFAS (per and polyfluoroalkyl substances) in drinking water, copy of which memorandum is attached hereto as Exhibit E. Upon discussion, the Board concurred to opt in to both Settlements.

DECEMBER BOARD MEETING SCHEDULE

The Board concurred that the District will retain its December 11, 2023, Board meeting, and cancel its December 25, 2023, Board meeting.

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.

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 Correspondence from Masterson Advisors LLC regarding Rule G-10 Disclosures
- Exhibit E Memorandum Regarding the DuPont and 3M Class Action Settlements