

HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 109

Minutes of Meeting of Board of Directors

December 11, 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 December 11, 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 were present, 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"); Ashlie Whittemore of Wheeler & Associates, Inc. ("Wheeler"); Wendy Ramirez of FORVIS, LLP ("FORVIS"); Anne Robison, spouse of Vic Robson; Rick Barker of Schwartz, Page & Harding, L.L.P. ("SPH"); and Debra Loggins of L&S ("L&S"), who entered later in the meeting as noted herein.

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 meetings held on November 13, 2023, and November 27, 2023. Upon discussion, Director Lakin moved that said minutes be approved, as presented. Director Culbreth seconded said motion, which unanimously carried.

Ms. Loggins entered the meeting at this time.

BOOKKEEPER'S REPORT

Ms. Loggins presented to and reviewed with the Board the current Bookkeeper's report, a copy of which is attached hereto as Exhibit A, including the checks presented for payment. After discussion, it was moved by Director Lakin to approve said report and that the checks identified

therein be approved for payment. Director Schreiber seconded the motion, which unanimously carried.

OPERATING BUDGETS FOR FISCAL YEAR ENDING DECEMBER 31, 2024

Ms. Loggins then presented the operating budgets for the District and for the joint Wastewater Treatment Plant for the fiscal year ending December 31, 2024, a copy of which is attached to the Bookkeeper's Report. After review and discussion, Director Lakin moved to approve the budgets, subject to final review by the District's consultants. Director Schreiber seconded said motion, which unanimously carried.

TAX ASSESSOR/COLLECTOR'S REPORT

Ms. Whittemore presented to and reviewed with the Board the Tax Assessor/Collector's report for the month of November 2023, including the checks presented for payment, a copy of such report being attached hereto as Exhibit B. After discussion on the matter, Director Schreiber moved that the Tax Assessor/Collector's report be approved and that the checks identified in the report be approved for payment. 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 C. Mr. Barker reviewed said report with the Board. Upon review, the Board concurred that no action was required.

CONSIDER ENGAGEMENT OF FORVIS FOR PREPARATION OF AUDIT FOR FISCAL YEAR ENDING DECEMBER 31, 2023

Ms. Ramirez presented to the Board an engagement letter from FORVIS, a copy of which is attached hereto as Exhibit D, relative to preparing an annual audit report for the District and the joint wastewater treatment plant for the District's fiscal year ending December 31, 2023. She stated that FORVIS' fee for preparing said reports will be \$20,500 for the District and \$3,300 for the wastewater treatment plant, plus a \$1,000 administrative fee. After discussion, Director Schreiber moved that the District engage FORVIS to perform the audit for the fiscal year ending December 31, 2023, as presented in the engagement letter, and accept the related Texas Ethics Commission ("TEC") Form 1295. Director Robson seconded said motion, which unanimously carried.

DETENTION AND DRAINAGE REPORT

The Board deferred consideration of the Detention and Drainage Report until its next meeting.

OPERATOR'S REPORT

Mr. Ashcroft reviewed with the Board an Operator's Report, a copy of which is attached hereto as Exhibit E, and discussed the information contained therein. Mr. Ashcroft requested authorization for Neil Technical Services ("NTS") to (i) rework bearing housing, shaft, balance impellers, replace bearings and labyrinth seals for Blower Motor #3 at the Wastewater Treatment Plant ("WWTP") in the amount of \$22,213.00 and to repair the existing Blower Motor #3 in the amount of \$8,891.00, (ii) replace Sludge Pump No. 1 at the WWTP in the amount of \$36,958.00, (iii) repair Lift Pump No. 3 at the WWTP Onsite Lift Station in the amount of \$4,598.00, and (iv) replace Lift Pump No. 3 at Lift Station No. 5 in the amount of \$14,523.00. Upon discussion, Director Schreiber moved that NTS be authorized to perform the repair of Lift Pump No. 3 at the WWTP Onsite Lift Station in the amount of \$4,598.00, and replace Lift Pump No. 3 at Lift Station No. 5 in the amount of \$14,523.00. Director Culbreth seconded said motion, which unanimously carried. Mr. Ashcroft stated that EDP will obtain three (3) bids for the repairs to Blower Motor No. 3, and three (3) bids for the replacement of the Sludge Pump No. 1 for the Board's consideration at its next meeting.

Mr. Ashcroft reported to the Board that EDP received a leak adjustment request from a District resident due to a water leak that was subsequently repaired. He stated that EDP is recommending that the Board reduce the water bill to the lowest tiered rate for all usage. Upon discussion, Director Schreiber moved that EDP be authorized to reduce said water bill to the lowest tiered rate for all usage. Director Culbreth seconded said motion, which unanimously carried.

Ms. Ramirez exited the meeting at this time.

ENGINEERING REPORT

Mr. Murphy presented to and reviewed with the Board a written Engineering Report dated December 6, 2023, a copy of which is attached hereto as Exhibit F, detailing the status of various projects within the District. Upon review, the Board concurred that no action was required.

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

Mr. Murphy 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 stated that the next meeting of the F.M. 1960 Green Medians Joint Powers Board will be held in January 2024.

MATTERS RELATED TO 2024 DIRECTORS ELECTION

Mr. Barker advised the Board that, pursuant to Section 141.040, Texas Election Code, the District is required to post a notice regarding the period during which a candidate may file an

application to appear on the ballot for the District's directors election to be held on May 4, 2024. Mr. Barker noted that such notice must be posted by December 18, 2023 (1) at the in-District posting location for notices of meetings, and (2) at the District's administrative office. After discussion on the matter, upon motion made by Director Culbreth, seconded by Director Robson and unanimously carried, the Board authorized SPH to prepare and post such notice on behalf of the Board and the District.

ATTORNEY'S REPORT

The Board next considered the Attorney's Report. Mr. Barker presented to and reviewed with the Board a Sales and Use Tax Administration Report for November 2023, a copy of which is attached hereto as Exhibit G. 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 Culbreth, and unanimously carried, the meeting was adjourned.

Allen Schreiber, Secretary
Board of Directors

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HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 109

List of Exhibits

- Exhibit A Bookkeeper's Report
- Exhibit B Tax Assessor-Collector's Report
- Exhibit C Delinquent Tax Report
- Exhibit D FORVIS, LLP Engagement Letter
- Exhibit E Operator's Report
- Exhibit F Engineering Report
- Exhibit G Sales and Use Tax Administration Report (November 2022)

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