

MINUTES OF BOARD OF DIRECTORS MEETING
DECEMBER 15, 2020

THE STATE OF TEXAS
COUNTY OF HARRIS
HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 109

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The Board of Directors (the “Board”) of Harris County Municipal Utility District No. 109 (the “District”) convened in regular session on Tuesday, DECEMBER 15, 2020 at 6:00 p.m. via videoconference pursuant to Section 551.125, Texas Gov’t Code as modified by the temporary suspension of certain provisions thereof pursuant to guidelines issued by the Texas Attorney General and approved by the Governor for use during the COVID-19 statewide disaster. A roll call was taken of the persons present:

Owen H. Parker, President
Chris Green, Vice President
Cheryl Moore, Secretary
Robin Sulpizio, Assistant Secretary
Nancy Frank, Assistant Secretary

All members of the Board were present. Also attending all or parts of the meeting were Mr. Cory Burton and Ms. Ashleigh Bass of Municipal Accounts & Consulting, LP, bookkeeper for the District; Mr. Tim Spencer of Ad Valorem Appraisals, tax assessor and collector for the District; Sergeant Alejo of Harris County Precinct 4 Constable’s Office; Mr. Bill Kotlan of BGE, Inc. (“BGE”), engineer for the District; Mr. Clint Gehrke of Water Waste Water Management Services, Inc. (“WWWMS”), operator for the District; Mr. Bob Thomas of ROW Management, Inc.; and Mr. Dimitri Millas and Ms. Jane Maher of Norton Rose Fulbright US LLP (“NRF”), attorneys for the District.

Pursuant to Section 551.054, Texas Gov’t Code, as modified by the temporary suspension of certain provisions thereof, notice of the meeting was posted on the District’s website within the time limits prescribed by law. The agenda packet was posted on the website as items became available. Certificates of such posting are attached hereto as *Exhibit A*.

Call to Order. President Parker called the meeting to order. He noted that the meeting was being held by teleconference in accordance with federal, state and county directives to slow the spread of COVID-19 by avoiding meetings that bring people together. He said the notice of the meeting included a toll-free dial-in number for members of the public to call so they could hear the meeting and address the Board. He noted that the meeting was being recorded and a recording would be available upon public request. President Parker then set out guidelines for the conduct of the meeting. He asked all participants to identify themselves before speaking. He then proceeded with the meeting business:

1. **Public Comments.** There were no public comments.
2. **Minutes.** The Board considered the proposed minutes of a meeting held on November 17, 2020, previously distributed to the Board. Upon motion by Director Green, seconded by Moore, after full discussion and the question being put to the Board, the Board voted unanimously to approve the minutes of the meeting held on November 17, 2020, as presented.
3. **Security Report.** President Parker recognized Sargent Alejo, who reviewed the Security Report for the month of November 2020, a copy of which is attached hereto as *Exhibit B*.

Upon motion by Director Green, seconded by Director Sulpizio, after full discussion and the question being put to the Board, the Board voted unanimously to approve the Security Report.

4. **Tax Collector's Report and authorize payment of certain bills.** President Parker recognized Mr. Spencer, who reviewed the Tax Assessor and Collector's Report for the month of November 2020, a copy of which is attached hereto as *Exhibit C*.

Upon motion by Director Moore, seconded by Director Frank, after full discussion and the question being put to the Board, the Board voted unanimously to approve the Tax Assessor and Collector's Report and to authorize payment of check numbers 2073 through 2076, from the Tax Account to the persons, in the amounts, and for the purposes listed therein.

5. **Review Bookkeeper's Report.** President Parker recognized Ms. Bass, who presented to and reviewed with the Board the Bookkeeper's Report, a copy of which is attached hereto as *Exhibit D*. Ms. Bass reviewed disbursements from the General Operating Fund.

Upon motion by Director Green, seconded by Director Sulpizio, after full discussion and the question being put to the Board, the Board voted unanimously to approve the Bookkeeper's Report, to authorize payment of the checks in the amounts, to the persons, and for the purposes listed therein and to adopt the Resolution as presented.

6. **Engineer's Report.** President Parker recognized Mr. Kotlan, who presented to and reviewed with the Board the Engineer's Report, a copy of which is attached hereto as *Exhibit E*.

Mr. Kotlan stated that for the Stormwater Quality Permit renewals, Harris County is reviewing the permit submittals.

Mr. Kotlan stated that BGE has revised and resubmitted the utility agreement with Texas Department of Transportation ("TxDOT") for the utility relocations related to the FM 1960 widening. He stated that TxDOT is under construction with the project, but that BGE is still waiting on final approval of the agreements.

Mr. Kotlan stated that BGE received approval from Harris County and are waiting on approval from the City of Houston for the Water Plant No. 2 Expansion.

Mr. Kotlan stated that BGE is working on the force main easement for the Barents Drive Lift Station.

Mr. Kotlan stated that BGE is working with Mr. Thomas to obtain the easements from Darrell Ashley (Dirt Cheap) for the Water Line Extension for the 11th annexation. Mr. Thomas reported that he met with Darrell Ashley, and that an initial offer letter needs to be offered to Mr. Ashley. He stated that the initial offer letter would likely go out tomorrow, with an offer of \$5.00 per square foot.

Mr. Kotlan stated that BGE is working on the sluice gate operations and security cameras at the Wastewater Treatment Plant and that the painting project is on hold until the gates are complete.

Mr. Kotlan reported on the America's Water Infrastructure Act ("AWIA") and the required Risk and Resilience Assessment and Emergency Response Plan for the District's water facilities. He proposed that BGE prepare the Resilience Assessment and Emergency Response Plan on a time and materials basis. He estimated that the total cost would be around \$10,000.

Upon motion by Director Moore, seconded by Director Green, after full discussion and the question being put to the Board, the Board voted unanimously to accept the Engineer's Report.

7. **Review Operations Report and authorize repairs.** President Parker recognized Mr. Gehrke, who presented the Operations Report dated December 15, 2020 and a list of delinquent accounts, copies of which are attached hereto as *Exhibit F*. Mr. Gehrke reported that 92.43% of the water pumped was billed for the period November 1, 2020 through November 30, 2020.

Mr. Gehrke reported on various maintenance items.

Mr. Gehrke reviewed a letter from a resident requesting a bill adjustment. Letter from resident requesting adjustment. It was the consensus of the Board to adjust the bill by \$33.38 with the remaining amount still owed by the resident.

The Board discussed the delinquent process. It was the consensus of the Board to have WWWS continue to deliver delinquent notices, but to not terminate services, and to further discuss the termination process at the January board meeting.

Upon motion by Director Green, seconded by Director Sulpizio, after full discussion and the question being put to the Board, the Board voted unanimously to approve the Operations Report.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, the meeting was adjourned.

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The above and foregoing minutes were passed and approved by the Board of Directors on January 19, 2021.

President, Board of Directors

ATTEST:

Secretary, Board of Directors

(DISTRICT SEAL)