

MINUTES OF BOARD OF DIRECTORS MEETING  
NOVEMBER 3, 2021

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*”) met in special session, open to the public, at the office of Norton Rose Fulbright US LLP, 1301 McKinney, Suite 5100, Houston, Texas 77010, and via teleconference, on November 3, 2021 at 2:30 p.m.; whereupon the roll was called of the Board, to-wit:

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. Jonathan Cowen, director of Harris County Appraisal District (“HCAD”); Mr. Tim Spencer of Ad Valorem Appraisals, tax assessor and collector for the District; and Mr. Dimitri Millas and Ms. Jane Maher of Norton Rose Fulbright US LLP (“NRF”), attorneys for the District.

**Call to Order.** President Parker called the meeting to order in accordance with notice posted pursuant to law, copies of certificates of posting of which are attached hereto as *Exhibit “A”*, and the following business was transacted:

1. **Board finding of existence of emergency or public necessity making the convening at one location of a quorum of the governmental body difficult or impossible and permitting a meeting by telephone pursuant to Section 551.125 of the Texas Open Meetings Act.** Upon motion by Director Frank, seconded by Director Green, after full discussion and the question being put to the Board, the Board voted unanimously to find the existence of an emergency or public necessity making the convening at one location of a quorum of the governmental body difficult or impossible and permitting a meeting by telephone pursuant to Section 551.125 of the Texas Open Meetings Act due to COVID-19.

2. **Public Comments.** Mr. Cowen introduced himself to the Board and stated that he is up for reelection. He stated that a resolution for the Board’s vote would be presented at the next meeting.

3. **Public Hearing on 2021 Tax Rate.** President Parker opened the hearing on the proposed tax rate. There were no comments. The President closed the hearing.

4. **Adopt Order Setting Tax Rate and Levying Tax for 2021.** The Board reviewed an Order Setting Tax Rate and Levying Tax for 2021 (the “Order”), a copy of which is attached hereto as *Exhibit B*. Upon motion by Director Green, seconded by Director Frank, after full discussion and the question being put to the Board, the Board voted unanimously to adopt the Order, thereby levying a tax rate of \$0.48 per \$100 assessed valuation (\$0.29 for debt service and \$0.19 for operations and maintenance).

5. **Approve Amended District Information Form.** Mr. Millas stated that since the approved total tax rate is the same as the previous year's rate, the Board does not need to approve the Amended District Information Form.

6. **Discuss meeting format and meeting locations, and such other matters as may properly come before it.** It was the consensus of the Board to hold the regular November meeting via teleconference.


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

\* \* \*

The above and foregoing minutes were passed and approved by the Board of Directors on November 16, 2021.

  
\_\_\_\_\_  
President, Board of Directors

ATTEST:

  
\_\_\_\_\_  
Secretary, Board of Directors



HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 109

**NOTICE**

In accordance with Chapter 551, Texas Government Code, take notice that the Board of Directors of Harris County Municipal Utility District No. 109 will meet in special session, open to the public, at Norton Rose Fulbright US LLP, 1301 McKinney, Suite 5100, Houston, Texas 77010, and by teleconference at 2:30 p.m. on Wednesday, November 3, 2021. Directors, consultants, and the general public may participate in the meeting by attending the meeting at the location listed or dialing the following number: 1-346-248-7799, Meeting Id: 917 6729 3625.

**videoconference meeting.** You can join by computer or any smart device with the Zoom app. Join Zoom Meeting:

<https://nortonrosefulbright.zoom.us/j/91767293625>

At such meeting, the Board will consider and act on the following matters:

1. Board finding of existence of emergency or public necessity making the convening at one location of a quorum of the governmental body difficult or impossible and permitting a meeting by telephone pursuant to Section 551.125 of the Texas Open Meetings Act;
2. Public comments;
3. Public Hearing on 2021 Tax Rate;
4. Adopt Order Setting Tax Rate and Levying Tax for 2021;
5. Approve Amended District Information Form;
6. Discuss meeting format and meeting locations, and such other matters as may properly come before it.

(SEAL)



  
Norton Rose Fulbright US LLP  
Attorney for District

If, during the course of the meeting covered by this Notice, the Board should determine that a closed or executive session of the Board should be held or is required in relation to any agenda item included in this Notice, then such closed or executive meeting or session, as authorized by the Texas Open Meetings Act, will be held by the Board at the date, hour, and place given in this Notice concerning any and all subjects for any and all purposes permitted by Sections 551.071-551.084 of the Texas Government Code and the Texas Open Meetings Act, including, but not limited to, Section 551.071 - for the purpose of a private consultation with the Board's attorney on any or all subjects or matters authorized by law.

Persons with disabilities who plan to attend this meeting and would like to request auxiliary aids or services are requested to contact the District's paralegal at (713) 651-5589 at least three business days prior to the meeting so that appropriate arrangements can be made.

Exhibit A

CERTIFICATE OF POSTING NOTICE  
OF MEETING OF BOARD OF DIRECTORS

THE STATE OF TEXAS

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COUNTY OF HARRIS

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HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 109

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I hereby certify that on 10.29, 2021, I posted the Notice of Meeting of the Board of Directors of Harris County Municipal Utility District No. 109, a true copy of which is attached hereto, at a place convenient to the public in Plexiglas enclosed bulletin boards located on the grounds of the District's Water Plant No. 1 at 5722 Forest Timbers Drive, Water Plant No. 2 at 20322 Burle Oak, Lift Station No. 1 at 19419 Timber Forest Drive, and Lift Station No. 2 at 4630 Springlea, within said political subdivision, as required by law.

EXECUTED this 29 day of OCTOBER, 2021.

  
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## **Maher, Jane**

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**From:** Maher, Jane  
**Sent:** Thursday, October 28, 2021 1:37 PM  
**To:** Texas Network  
**Cc:** support@texasnetwork.com  
**Subject:** 109 Special Posting  
**Attachments:** 1. November 3, 2021 Agenda.pdf; 109 COP-.pdf

Hi Russ,

Please post the attached agenda to 109's website and return the COP at your earliest convenience.

Thanks,

**Jane Maher** | Senior Paralegal  
Norton Rose Fulbright US LLP  
1301 McKinney, Suite 5100, Houston, Texas 77010-3095, United States  
Tel +1 713 651 5589 | Fax +1 713 651 5246  
jane.maher@nortonrosefulbright.com

**NORTON ROSE FULBRIGHT**

*Law around the world*  
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CERTIFICATE FOR  
ORDER SETTING TAX RATE AND  
LEVYING TAX FOR 2021

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

We, the undersigned officers of the Board of Directors (the “Board”) of Harris County Municipal Utility District No. 109 (the “District”) hereby certify as follows:

1. The Board convened in special session, open to the public, on November 3 2021, via teleconference at 1-346-248-7799 Meeting ID: 917 6729 3625 and at Norton Rose Fulbright US LLP, 1301 McKinney, Suite 5100, Houston, Texas 77010, and the roll was called of the members of the Board, to-wit:

- 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, except Director(s) \_\_\_\_\_, thus constituting a quorum. Whereupon among other business, the following was transacted at such Meeting:

ORDER SETTING TAX RATE AND  
LEVYING TAX FOR 2021

was duly introduced for the consideration of the Board and read in full. It was then duly moved and seconded that such Order be adopted; and, after due discussion, such motion, carrying with it the adoption of such Order, prevailed and carried by the following votes:

AYES: \_\_\_\_\_ NOES: \_\_\_\_\_

2. A true, full, and correct copy of the aforesaid Order adopted at the Meeting described in the above and foregoing paragraph is attached to and follows this Certificate; such Order has been duly recorded in the Board’s minutes of such Meeting; the above and foregoing paragraph is a true, full, and correct excerpt from the Board’s minutes of such Meeting pertaining to the adoption of such Resolution; the persons named in the above and foregoing paragraph are the duly chosen, qualified, and acting officers and members of the Board as indicated therein; each of the officers and members of the Board was duly and sufficiently notified officially and personally, in advance, of the time, place, and purpose of such Meeting, and that such Order would be introduced and considered for adoption at such Meeting and each of such officers and members consented, in advance, to the holding of such Meeting for such purpose; and such Meeting was open to the public, and public notice of the time, place, and purpose of such Meeting was given, all as required by Chapter 551, Texas Government Code, as amended, and Section 49.063, Texas Water Code, as amended.

SIGNED AND SEALED this 3rd day of November, 2021.

HARRIS COUNTY MUNICIPAL  
UTILITY DISTRICT NO. 109

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President, Board of Directors

ATTEST

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Secretary, Board of Directors

(DISTRICT SEAL)



ORDER SETTING TAX RATE AND  
LEVYING TAX FOR 2021

WHEREAS, the Appraisal Review Board of the Harris County Appraisal District (the "HCAD") has finally approved the appraisal records of Harris County Municipal Utility District No. 109 (the "*District*") and the chief appraiser of the HCAD has prepared and certified to the District's tax assessor and collector the District's tax roll for 2021;

WHEREAS, the Board of Directors (the "Board") of the District is required to levy and cause to be assessed and collected ad valorem taxes upon all taxable property within the District in sufficient amount to pay the interest on bonds issued by the District payable in whole or in part from taxes, to create a sinking fund for the payment of the principal of the bonds when due or the redemption price at any earlier required redemption date, to pay when due the other contractual obligations of the District payable in whole or in part from taxes, and to pay the expenses of assessing and collecting the taxes, full allowance being made for expected delinquencies;

WHEREAS, the Board is authorized to levy and collect a tax for operation and maintenance purposes; and

WHEREAS, all actions required to be taken prior to levying such tax have been taken;

IT IS, THEREFORE, ORDERED BY THE BOARD OF DIRECTORS OF HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 109 THAT:

I.

The Board hereby levies and causes to be assessed upon all taxable property within the District an ad valorem tax for the year 2021 at the rate of \$0.29 per \$100 assessed valuation to pay the debt service requirements on District bonds (TAX LEVY FOR BONDS); at the rate of \$0.19 per \$100 assessed valuation for operation and maintenance purposes (MAINTENANCE TAX). TOTAL TAX RATE = \$0.48 per \$100 assessed valuation. Such total tax rate shall consist of:

\$0.29 per \$100 assessed valuation, which shall, pursuant to the Texas Property Tax Code, comprise the District's Debt Tax and shall be the rate that will impose the amount of taxes needed to pay the District's debt service; and

\$0.19 per \$100 assessed valuation, which shall, pursuant to the Texas Property Tax Code, comprise the District's Operation and Maintenance Tax and shall be the rate that will impose the amount of taxes needed to fund maintenance and operation expenditures of the District for the next year.

II.

Taxes shall be due and payable on receipt of the tax bill and shall be paid on or before January 31, 2022 or as otherwise provided by section 31.02 of the Texas Property Tax Code.

III.

The Tax Assessor and Collector for the District is hereby authorized and instructed to proceed to collect the aforesaid tax upon the basis of this Order.

IV.

Pursuant to Section 49.455 of the Texas Water Code, the District has filed an Amended Information Form indicating the most recent rate of District taxes on property located in the District. If such rate is changed by this Order, the District shall file within seven days an amendment to such Information Form indicating that the most recent rate of District taxes on property located in the District is \$0.48 per \$100 assessed valuation.

V.

The President or the Vice President and Secretary or Assistant Secretary are authorized on behalf of the Board to evidence adoption of this Order and to do any and all things appropriate or necessary to give effect to the intent hereof.

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