

MONTGOMERY COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 205

MINUTES OF MEETING OF BOARD OF DIRECTORS

February 21, 2024

The Board of Directors (the "Board") of Montgomery County Water Control and Improvement District No. 205 (the "District") met in regular session, open to the public, on Wednesday, February 21, 2024, at 11:00 a.m., in accordance with the duly posted Notice of Public Meeting, and the roll was called of the duly constituted officers and members of the Board, as follows:

Erica Sinner, President
Alene Frey, Vice President
Chad P. Collins, Secretary
Dana Neuneker, Assistant Secretary
Elaine Balagia, Assistant Secretary

and all of said persons were present, except Director Neuneker, thus constituting a quorum.

Also present were Lorenzo Rivera on behalf of TPHTL HBL, LLC ("TPHTL"); Putri Tesalonika of Municipal Accounts & Consulting, L.P. ("MAC"); Robin Goin of BLICO Inc. ("BLICO"); Martin Murdock of Quiddity Engineering, LLC ("Quiddity"); Robert Garcia of Champions Hydro-Lawn, Inc. ("Champions"); Julie Peak of Masterson Advisors LLC ("Masterson"); and Howard Cohen and Julie Kime of Schwartz, Page & Harding, L.L.P. ("SPH").

The meeting was called to order and declared open for business as might properly come before it.

PUBLIC COMMENTS

The Board opened the meeting for public comments. No comments from the public were presented.

APPROVAL OF MINUTES

As the first order of business, the Board considered approval of the draft minutes of the meeting of the Board of Directors held on January 17, 2024. After review and discussion of the minutes presented, Director Sinner moved that such minutes be approved, as written. Director Balagia seconded said motion, which unanimously carried.

BOOKKEEPING REPORT

Ms. Tesalonika then presented to and reviewed with the Board the bookkeeping report, a copy of which is attached hereto as **Exhibit A**. Following review and discussion, Director Sinner moved that the bookkeeping report be approved and that payment be authorized on the

checks presented, except check no. 1182, which was voided. Director Frey seconded the motion, which unanimously carried.

In connection with the Bookkeeper's Report, the Board considered a Resolution Authorizing Participation in Texas Cooperative Liquid Assets Security System ("Texas CLASS") Investment Pool, a copy of which is attached hereto as **Exhibit B**. Following discussion, Director Sinner moved that the Resolution be approved and executed by the President and Secretary. Director Frey seconded said motion, which unanimously carried.

TAX ASSESSOR/COLLECTOR REPORT

Ms. Goin presented the Tax Assessor/Collector Report dated January 31, 2024, a copy of which is attached hereto as **Exhibit C**. Following review and discussion, Director Sinner moved that the Tax Assessor/Collector Report be approved and that payment be authorized on the checks presented. Director Frey seconded the motion, which unanimously carried.

ADOPTION OF RESOLUTION CONCERNING DEVELOPED DISTRICT STATUS FOR 2024 TAX YEAR

Mr. Cohen next reminded the Board that pursuant to the Texas Property Tax Reform and Transparency Act of 2019, the District is required to determine whether or not the District will be considered a Developed District under Texas Water Code Section 49.23602 for the current tax year. Mr. Cohen then reviewed with the Board a worksheet completed by Quiddity to assist the Board in making this determination, along with a Resolution Concerning Developed District Status for the 2024 Tax Year ("Resolution"), determining that the District shall not be considered a Developed District. Following discussion, upon motion made by Director Sinner, seconded by Director Frey, and unanimously carried, the Resolution attached hereto as **Exhibit D** was adopted by the Board.

FINANCIAL ADVISOR'S REPORT

Ms. Peak then discussed the issuance of the District's first series bonds in the proposed amount of \$6,150,000 (the "Bonds"), and reviewed with the Board a draft Summary of Costs prepared by Quiddity and a No Growth Cash Flow Analysis prepared by Masterson in connection therewith, copies of which are attached hereto as **Exhibit E**. After discussion of the matter, Director Sinner moved that the Board (i) approve the Summary of Costs as presented, and (ii) authorize Quiddity to prepare a bond application report for the Bonds. Director Balagia seconded said motion, which carried unanimously.

DEVELOPER'S REPORT

Mr. Rivera discussed the status of the development in the District.

ENGINEER'S REPORT

Mr. Murdock presented to and reviewed with the Board the Engineer's Report, a copy of which is attached hereto as **Exhibit F**. Following review and discussion, Director Sinner moved to (i) concur in the payment of the pay estimates identified in the Engineer's Report, and (ii) accept a Special Warranty Deed from TPHTL HBL, LLC, conveying a 1.850-acre drainage channel site. Director Frey seconded the motion, which unanimously carried.

PREVAILING WAGE RATE RESOLUTION

The Board next considered adoption of a Resolution Adopting Wage Rate Scale for Construction Projects. In that regard, Mr. Cohen reported that Quiddity is recommending that the District adopt the revised United States Department of Labor ("DOL") wage rate scales for construction projects for Montgomery County, Texas, as permitted under Section 2258.022 of the Government Code. Following discussion, Director Sinner moved that the new DOL wage rate scales for Montgomery County, Texas, be adopted as the prevailing wage rate scale for construction projects of the District, and that the Resolution Adopting Prevailing Wage Rate Scale for Construction Projects attached hereto as **Exhibit G** be adopted by the Board. Director Balagia seconded said motion, which unanimously carried.

CHAMPIONS HYDRO-LAWN REPORT

Mr. Garcia presented a Detention and Drainage Facilities Report dated February 2024, a copy of which is attached hereto as **Exhibit H**, and advised that no action is requested in connection with the same.

ATTORNEY'S REPORT

Mr. Cohen advised that he had nothing of a legal nature to report that was not covered under another agenda item.

SUPPLEMENTAL AGENDA

The Board considered cancellation of the Directors Election called for May 4, 2024. Mr. Cohen advised that, in accordance with Subchapter C, Chapter 2 of the Texas Election Code, the District may cancel the Directors Election if each candidate whose name is to appear on the ballot and/or has registered as a write-in candidate is unopposed as of 5:00 p.m. on February 20, 2024. In such case, the Board may declare the unopposed candidates to be elected. In that regard, there was presented to the Board a certificate of the Secretary declaring all candidates unopposed, a copy of which is attached hereto as **Exhibit I**. Mr. Cohen then presented and reviewed the Order Declaring Candidates Elected, attached hereto as **Exhibit J**. After discussion, Director Sinner moved that the Order be adopted by the Board declaring Erica Sinner, Alene Frey and Dana Neuneker elected Directors of the District, each to serve a term of four years or until a successor is duly elected or appointed, that the President be authorized to execute and the Secretary to attest same on behalf of the Board and the District, and that the Directors Election called for May 4, 2024, be cancelled. Director Balagia seconded said motion, which unanimously carried.

ADJOURNMENT

There being no further business to come before the Board, on motion made by Director Sinner, seconded by Director Neuneker, and unanimously carried, the meeting was adjourned.



Secretary, Board of Directors



List of Attachments to
Montgomery County Water Control and Improvement District No. 205
Minutes of Meeting of February 21, 2024

- Exhibit A Bookkeeping Report dated February 21, 2024
- Exhibit B Resolution Authorizing Participation in Texas Cooperative Liquid Asset Securities System
- Exhibit C Tax Assessor/Collector's Report
- Exhibit D Resolution Concerning Developed District Status for the 2024 Tax Year
- Exhibit E Summary of Costs and No Growth Cash Flow Analysis
- Exhibit F Engineer's Report
- Exhibit G Resolution Adopting Prevailing Wage Rate Scale for Construction Projects
- Exhibit H Detention and Drainage Facilities Report
- Exhibit I Certificate of No Contest
- Exhibit J Order Declaring Candidates Elected