

MONTGOMERY COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 205

MINUTES OF MEETING OF BOARD OF DIRECTORS

November 20, 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, November 20, 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, with exception of Directors Frey and Balagia, thus constituting a quorum.

Also present were Ravi Patel of Municipal Accounts & Consulting, L.P. ("MAC"); Robin Goin of BLICO Inc. ("BLICO"); Martin Murdock of Quiddity Engineering, LLC ("Quiddity"); Bill Zollman of Pape-Dawson Engineers, LLC ("Pape-Dawson"); Robert Garcia of Champions Hydro-Lawn, Inc. ("Champions"); Greg McGrath of McGrath & Company, PLLC ("McGrath"); Joe Forester and Chris Neville of TexaClean Services, LLC ("TexaClean"); and John Eichelberger and Jennifer Spears 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 September 18, 2024. After review and discussion of the minutes presented, Director Sinner moved that such minutes be approved, as written. Director Neuneker seconded said motion, which unanimously carried.

BOOKKEEPING REPORT AND QUARTERLY INVESTMENT REPORT

Mr. Patel then presented to and reviewed with the Board the bookkeeping report, a copy of which is attached hereto as **Exhibit A**, including the disbursements presented for payment from the District's various accounts and the Quarterly Investment Inventory Report for the period

ending August 31, 2024. Following review and discussion, Director Sinner moved that the bookkeeping report be approved and that payment be authorized on the checks presented, being check nos. 1256 through 1268, with the exception of check nos. 1256 and 1259 which were voided, and that the Quarterly Investment Inventory Report be approved and that the Investment Officer be authorized to execute same on behalf of the Board and the District. Director Neuneker seconded the motion which unanimously carried.

#### ANNUAL REVIEW OF ORDER ESTABLISHING POLICY FOR INVESTMENT OF DISTRICT FUNDS AND APPOINTING INVESTMENT OFFICER

The Board considered the annual review of an Order Establishing Policy for Investment of District Funds and Appointing Investment Officer ("Order"), and the adoption of the Resolution (defined below) in connection therewith, a copy of which is attached hereto as **Exhibit B**. Mr. Eichelberger reviewed with the Board the Resolution Regarding Review of Order Establishing Policy for Investment of District Funds and Appointing Investment Officer ("Resolution"), noting that there are no recommended changes to the Investment Policy at this time. After discussion on the matter, Director Sinner moved that the Resolution reflecting no change be adopted, and that the President and Secretary be authorized to execute same. Director Neuneker seconded said motion, which unanimously carried.

#### AUDIT REPORT FOR FISCAL YEAR ENDED AUGUST 31, 2024

Mr. McGrath presented and reviewed with the Board a draft audit report and Management Letter prepared by McGrath, concerning the Board's internal controls over financial reporting (the "Management Letter"), copies of which are attached hereto as **Exhibit C**. Mr. McGrath advised the Board that the Management Letter is being submitted in connection with the requirements of Statement on Auditing Standards No. 115. Mr. Eichelberger further discussed the Management Letter with the Board and distributed a proposed response to same on behalf of the Board and the District, a copy of which is included with **Exhibit C** (the "Management Response"). Mr. Eichelberger reviewed the Management Response with the Board and noted that same would be included in the final Management Letter. After discussion, it was moved by Director Sinner, seconded by Director Neuneker and unanimously carried, that (i) the audit report for the fiscal year ended August 31, 2024, be approved, subject to final review and comment by the District's consultants and Directors, (ii) the President be authorized to execute the Annual Filing Affidavit on behalf of the Board and the District, (iii) such audit report and Annual Filing Affidavit be filed with the Texas Commission on Environmental Quality, and (iv) the draft Management Response be approved as presented and forwarded to McGrath for inclusion in the final Management Letter.

#### TAX ASSESSOR/COLLECTOR REPORT

Ms. Goin presented the Tax Assessor/Collector Report dated September 30, 2024, a copy of which is attached hereto as **Exhibit D**. Following review and discussion, Director Sinner moved that the Tax Assessor/Collector Report be approved and that payment be authorized on the check presented. Director Neuneker seconded the motion, which unanimously carried.

## FINANCIAL ADVISOR REPORT

Mr. Eigelberger presented to the Board a letter provided by Masterson Advisors LLC, regarding the disclosure requirements of MSRB Rule G-10, a copy of which is attached hereto as **Exhibit E**, following which the Board acknowledged receipt of the same.

## DEVELOPER'S REPORT

Mr. Eichelberger noted that no representative of Toll Brothers, Developer for the District, was present and there were no development matters to report at this time.

## ENGINEER'S REPORT

Mr. Zollman next presented an Engineer's Report prepared by Pape-Dawson dated November 20, 2024 ("Pape-Dawson Report"), a copy of which is attached hereto as **Exhibit F**. He noted that there was no action needed in connection with the Pape-Dawson Engineer's Report.

Mr. Murdock presented an Engineer's Report prepared by Quiddity dated November 20, 2024 ("Quiddity Report"), a copy of which is attached hereto as **Exhibit G**. Following review and discussion, Director Sinner moved to authorize payment of the pay estimates and change order, listed in the Quiddity report. Director Neuneker seconded the motion, which unanimously carried.

## CHAMPIONS HYDRO-LAWN REPORT

Mr. Garcia presented a Detention and Drainage Facilities Report dated November 2024, a copy of which is attached hereto as **Exhibit H**. Mr. Garcia next presented three (3) proposals for (i) repairs to fill slope due to erosion on Pleasant Ridge Drive within the District, at a cost of \$17,940.63, (ii) repairs to fill slope due to erosion on Eastbrook Lane within the District, at a cost of \$13,940.63, and (iii) repairs of erosion between 4928 Stela Pond Drive and Woodson's Gully within the District, at a cost of \$3,474.38. Following review and discussion, Director Sinner moved to approve the three (3) proposals in all respects, authorize the President to execute same, and authorize SPH to acknowledge receipt of the Texas Ethics Commission ("TEC") Forms 1295 provided with same. Copies of the proposals thus approved are attached hereto as **Exhibit I**. Director Neuneker seconded the motion, which unanimously carried.

## SERVICE AGREEMENT WITH TEXACLEAN FOR MAINTENANCE OF PHASES TWO AND THREE OF THE DIVERSION CHANNEL

Mr. Eichelberger introduced Messrs. Forester and Neville to the Board. Mr. Forester addressed the Board and reviewed the services that TexaClean can provide to the District, and offered to address any inquiries that the Board may have. Mr. Eichelberger then presented to and reviewed with the Board the Service Agreement with TexaClean for maintenance of Phases Two and Three of the Diversion Channel, a copy of which is attached hereto as **Exhibit J**. Following discussion, Director Sinner moved to approve Service Agreement with TexaClean, authorize the President to execute same, and authorize SPH to acknowledge receipt of the Texas Ethics

Commission ("TEC") Forms 1295 provided with same. Director Neuneker seconded the motion, which carried unanimously.

BERG OLIVER MAINTENANCE REPORT

Mr. Eichelberger presented and reviewed with the Board a proposal received from Berg Oliver Associates ("Berg Oliver") for services related to the maintenance of Woodson's Gully, south of Grand Parkway and Townsend Boulevard, a copy of which is attached hereto as **Exhibit K**. Following discussion, Director Sinner moved to approve the execution of the proposal received from Berg Oliver for the maintenance of Woodson's Gully, located south of Grand Parkway and Townsend Boulevard. Director Neuneker seconded the motion, which carried unanimously.

ATTORNEY'S REPORT

Mr. Eichelberger next addressed with the Board the District's eminent domain authority. He reminded the Board that 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 Records ("Comptroller"). He explained that the report contains the District's contract information as well as information related to the District's ability to exercise the power of eminent domain. Following discussion, Director Sinner moved that the Board authorize SPH to prepare and file the 2024 eminent domain report with the Comptroller prior to February 1, 2025. Director Neuneker seconded the motion, which passed unanimously.

ADJOURNMENT

There being no further business to come before the Board, on motion made by Director Sinner, seconded by Director Nueneker, 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 November 20, 2024

- Exhibit A Bookkeeping Report dated November 20, 2024
- Exhibit B Resolution Regarding Review of Investment Policy
- Exhibit C Draft Audit Report and Management Letter
- Exhibit D Tax Assessor/Collector's Report
- Exhibit E MSRB Rule G-10 Disclosure Letter
- Exhibit F Pape-Dawson Engineers Report
- Exhibit G Quiddity Engineering Report
- Exhibit H Champions Hydro-Lawn Detention and Drainage Facilities Report
- Exhibit I Proposals for Fill Slope Repairs due to Erosion within the District
- Exhibit J Service Agreement with TexaClean for Maintenance of Phases Two and Three of Diversion Channel
- Exhibit K Berg Oliver Proposal for Land Management Services for the maintenance of Woodson's Gully, south of Grand Parkway and Townsend Boulevard