

MONTGOMERY COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 205

MINUTES OF MEETING OF BOARD OF DIRECTORS

December 18, 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, December 18, 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, thus constituting a quorum.

Also present were Lorenzo Rivera and Katrina Bogany, on behalf of TPHTL HBL, LLC ("TPHTL"); 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 Lentz of Masterson Advisors LLC ("Masterson"); and Howard Cohen 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 November 20, 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. 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. 1269 through 1278. Director Neuneker seconded the motion which unanimously carried.

TAX ASSESSOR/COLLECTOR REPORT

Ms. Goin presented the Tax Assessor/Collector Report dated November 30, 2024, a copy of which is attached hereto as **Exhibit B**. 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 Neuneker seconded the motion, which unanimously carried.

Ms. Goin next recommended to the Board that it authorize an aerial flyover of the District for submission to the Montgomery County Appraisal District ("MCAD"), at an estimated cost of \$1,025. Following review and discussion, Director Sinner moved to authorize the TAC to perform an aerial flyover of the District for submission to MCAD. Director Neuneker seconded the motion, which unanimously carried.

ENGAGEMENT OF PROPERTY COUNSEL

The Board considered the engagement of Webb Strahan, PLLC ("Webb Strahan") as special property tax counsel for the District. Mr. Cohen explained to the Board that the Tax Assessor/Collector is being contracted by District residents in connection with their receipt of erroneous District tax bills from MCAD. In response, SPH is recommending the engagement of Webb-Strahan to work with MCAD to resolve the issue and to additionally authorize SPH to prepare a letter that can be provided to impacted tax payers in the District. Following discussion, Director Sinner moved to (i) authorize SPH to prepare a letter to impacted tax payers in the District explaining the issues with MCAD, and (ii) approve the Legal Representation Agreement with Webb Strahan, authorize the President to execute same, and authorize SPH to acknowledge receipt of the Texas Ethics Commission ("TEC") Forms 1295 provided with same. Director Cox seconded the motion, which carried unanimously. Mr. Cohen presented to and reviewed with the Board the Legal Representation Agreement for Montgomery County Municipal Utility District No. 152A prepared by Webb Strahan attached hereto as **Exhibit C**. Director Nueneker seconded the motion, which carried unanimously.

FINANCIAL ADVISOR REPORT

Mr. Lentz next recommended that the Board adopt a Resolution Requesting Appraisal of Property as of January 1, 2025, from the Montgomery Central Appraisal District. Following discussion, Director Sinner moved that the Resolution Requesting Appraisal of District Property, which is attached hereto as **Exhibit D**, be approved. Director Nueneker seconded said motion, which unanimously carried.

DEVELOPER'S REPORT

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

SUBSTITUTION OF LAND WITHIN THE DISTRICT

Mr. Cohen next discussed a proposal to add 29.236 acres into the District in exchange for excluding 12.48 acres from the District and explained the rationale for the same. In connection therewith, Mr. Cohen presented a (i) Land Substitution Agreement with TPHTL and TLM-GP Townsend RD LLC ("TLM"), including a map illustrating the location of the tracts proposed to be annexed and excluded into the District, attached hereto as **Exhibit E**, (ii) a Petition to the Board, requesting the addition of a 29.236 acres from TLM to the District (the "Petition"), attached hereto as **Exhibit F**, (iii) a Petition from TLM and the District to the City of Conroe for its consent to annexation of 29.236 acres to the District (the "City Consent Petition"), attached hereto as **Exhibit G**, and (iv) a Petition for exclusion of 12.48 acre tract from TPHTL (the "Exclusion Petition"), attached hereto as **Exhibit H**. After discussion, Director Sinner moved that the City Consent Petition be approved, and SPH be authorized to prepare and file an annexation consent application with the City of Conroe. Director Nueneker seconded said motion, which unanimously carried.

ENGINEER'S REPORT

Mr. Zollman next presented an Engineer's Report prepared by Pape-Dawson dated December 18, 2024 ("Pape-Dawson Report"), a copy of which is attached hereto as **Exhibit I**. 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 December 18, 2024 ("Quiddity Report"), a copy of which is attached hereto as **Exhibit J**. 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 (PHASE ONE OF THE DIVERSION CHANNEL)

Mr. Garcia presented a Detention and Drainage Facilities Report dated December 2024, a copy of which is attached hereto as **Exhibit K**. Mr. Garcia next presented a proposal for Top Choice/Fertilizer Broadcast Application for Feral Hog Encroachment, at a cost of \$8,301.48. Following review and discussion, Director Sinner moved to approve the proposal 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. A copy of the proposal thus approved is attached hereto as **Exhibit L**. Director Neuneker seconded the motion, which unanimously carried.

Mr. Garcia also discussed with the Board that along with Top Choice/Fertilizer Broadcast Application for Feral Hog Encroachment that he recommends hiring a feral hog trapper in addition to the Broadcast. Following discussion, Director Sinner moved to authorize the engagement of a feral hog trapper, subject to review of the Developer and the District attorney. Director Nueneker seconded the motion, which unanimously carried.

TEXACLEAN REPORT (PHASES TWO AND THREE OF THE DIVERSION CHANNEL)

Mr. Cohen noted that there was no report this month from TexaClean.

BERG OLIVER MAINTENANCE REPORT

Mr. Cohen noted that there was no report this month from Berg Oliver.

ATTORNEY'S REPORT

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

ADJOURNMENT

There being no further business to come before the Board, on motion made by Director Sinner, seconded by Director Nuenecker, 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 December 18, 2024

- Exhibit A Bookkeeping Report dated December 18, 2024
- Exhibit D Tax Assessor/Collector's Report
- Exhibit C Webb Strahan Engagement Letter – Property Tax Counsel
- Exhibit D Resolution Requesting the Appraisal District for an Estimate of Value
- Exhibit E Land Substitution Agreement with TPHTL HBL LLC and TLM-GP Townsend RD LLC
- Exhibit F Petition for Annexation of 29.236 acres form TLM-GP Townsen RD LLC
- Exhibit G Petition to the City of Conroe for Consent to Annexation of 29.236 acres into the Boundaries of the District
- Exhibit H Petition for Exclusion of 12.48 Acre tract from TPHTL HBL, LLC
- Exhibit I Pape-Dawson Engineers Report
- Exhibit J Quiddity Engineering Report
- Exhibit K Champions Hydro-Lawn Detention and Drainage Facilities Report
- Exhibit L Proposal for Top Choice/Fertilizer Broadcast Application for Feral Hog Encroachment