

**BROOKSHIRE MUNICIPAL WATER DISTRICT**

**MINUTES OF BOARD OF DIRECTORS REGULAR MEETING**

**November 15, 2021**

The Board of Directors (the "Board" or "Directors") of Brookshire Municipal Water District (the "District") met in regular session on the 15<sup>th</sup> day of November, 2021, at 6:00 p.m., in the meeting room of the District, 4004 6<sup>th</sup> Street, Brookshire, Texas, pursuant to notice of said meeting posted in accordance with Chapter 551 of the Texas Government Code, whereupon the roll was called of the members of the Board, to-wit:

Stephanie Green	President
LaKethia Connor	Vice President
Shirley Williams	Secretary
Havanaugh Glover	Assistant Secretary
Michael Whitaker, Jr.	Investment Officer

All members of the Board were present, except Director Glover, thus constituting a quorum. Also attending were Tonya Pierre ("General Manager"); Elliot M. Barner, attorney, of Radcliffe Bobbitt Adams Polley PLLC ("Attorney" or "RBAP"); Michael Foley of Riverway Properties; and all persons on the attached attendance roster.

The President, after finding that the notice of the meeting was posted as required by law and determining that a quorum of the Board was present, called the meeting to order at 6:00 p.m. and declared it open for such business as may regularly come before it.

**1. Public Comment.**

The President then opened the meeting to public comment. Mr. Jay Guan re-introduced himself to the Board as a representative of Grundfos and invited the Board and Staff to a tour and dinner hosted by Grundfos on November 29, 2021, to celebrate the opening of Grundfos' new headquarters in Brookshire.

There being no further public comments, the President directed the Board to proceed with the agenda.

**2. Approve Minutes of Prior Meeting.**

The Board then considered approval of the minutes from the regular meeting of October 18, 2021. Upon a **motion** by Director Connor, seconded by Director Williams, after full discussion and with all Directors present voting aye, the Board approved the minutes from the regular meeting of October 18, 2021.

3. **Update on Status of Report on Conversion of the District into a Municipal Utility District, Including Adopt Resolution Designating Public Hearing Regarding Conversion.**

Mr. Barner then discussed the status of the conversion of the District from a water control and improvement district to a municipal utility district ("Conversion"). Mr. Barner next re-reviewed with the Board the Conversion process and reminded them that in order to move forward with the Conversion, the Board must adopt a resolution designating a date on which to hold a public hearing regarding such Conversion. Mr. Barner went on to re-review that following submittal of an application for Conversion and all necessary information and documents to the Texas Commission on Environmental Quality (the "TCEQ"), the TCEQ will then issue an order granting the District's application for Conversion.

Upon a **motion** by Director Connor, seconded by Director Williams, after full discussion and with all Directors present voting aye, the Board: 1) adopted the Resolution Designating Public Hearing Regarding Conversion; and 2) scheduled the public hearing on January 3, 2022, at 6:00 p.m.

4. **Review Rate Order, Amend as Necessary.**

Mrs. Pierre suggested that the Board consider charging certain fees to customers who request certain work performed outside of regular business hours, including performance of customer service inspections and reconnections. Extensive discussion then ensued regarding customer service calls received by the District requesting work to be performed outside regular business hours and the costs that the District incurs from MOC for such services. Mrs. Pierre stated that she will coordinate with MOC regarding the rates charged by MOC for inspections, connections and terminations performed after-hours. Discussion next ensued regarding potential safety hazards that arise when the District's field technicians are performing work after dark.

Director Whitaker entered the meeting at 6:16 p.m.

Mrs. Pierre then recommended that the Board consider amending the District's Rate Order to clarify that private water wells and septic systems are prohibited within the District, except unless otherwise approved by the Board. Mrs. Pierre further recommended amending the Rate Order to require inspections of water and sewer taps where new construction is occurring on a property that had existing water and sewer connections. Mr. Barner reported that RBAP is coordinating with Mrs. Pierre regarding preparing proposed language regarding same and will provide such language prior to the District's first Board meeting in December.

5. **General Manager's Report.**

Mrs. Pierre next reviewed with the Board the General Manager's Report, a copy of which is available upon request.

In response to a question from the Board, Mrs. Pierre reported that the District currently employs five (5) full-time employees and one (1) contract employee.

Mrs. Pierre then recommended that the Board authorize a holiday incentive for current District employees. Discussion ensued regarding the amount of such holiday incentive. Upon a **motion** by Director Connor, seconded by Director Whitaker, after full discussion and all Directors present voting aye, the Board approved additional compensation to the District's employees in the amount of \$40.00 for Thanksgiving and \$150.00 for Christmas.

**6. Review Administration/Personnel Matters.**

Mrs. Pierre then discussed dates on which to close the District's office in observance of the Thanksgiving, Christmas and New Year holidays. Upon a **motion** by Director Connor, seconded by Director Whitaker, after full discussion and all Directors present voting aye, the Board approved the closure of the District's office on November 24<sup>th</sup> through 26<sup>th</sup>, December 23<sup>rd</sup> through 27<sup>th</sup>, and January 31<sup>st</sup>.

**7. Discussion Regarding Texas Pride Utilities, LLC ("Texas Pride").**

Next, the Board discussed damages to the District's water lines caused by Texas Pride during the water line replacement project that is replacing asbestos clay water lines along Texas Farm-to-Market ("FM") 1489 and in a residential area north of U.S. Highway 90 and east of FM 362. Mrs. Pierre reported that she provided Texas Pride with an invoice for the cost incurred by the District to repair such damage. In response to a question from Director Green, Mrs. Pierre reported that she coordinated with Weishuhn Engineering, Inc. to confirm the location of such damaged lines and coordinated with MOC to confirm the cost to repair such damage.

**8. Election Agenda.**

Mr. Barner then reported that a directors election is scheduled to be held on Saturday, May 7, 2022 (the "Election"), and that such election will be for positions held by Directors Green and Glover, since such positions' terms of office are due to expire.

Mr. Barner next discussed appointment of the District's designated agent for the Election and presented the Board with a Notice of Appointment of Designated Agent. Mr. Barner then reviewed various administrative election services that RBAP provides to the District as its designated agent for elections.

Mr. Barner then presented a Notice of Deadline to File an Application for a Place on the Ballot for the Election (the "Notice of Deadline"). Mr. Barner explained that such notice is required to be posted in English and Spanish at the District's normal posting places for notices within the District and on the District's website by no later than December 20, 2021. Mr. Barner added that the first day on which applications can be accepted is January 19, 2022, and that the application filing deadline is 5:00 p.m. on Friday, February 18, 2022.

Upon a **motion** by Director Connor, seconded by Director Williams, after full discussion and with all Directors present voting aye, the Board voted to: 1) appoint RBAP as the District's designated agent for the Election; and 2) post the Notice of Deadline according to applicable law governing such notices.

9. **Executive Session.**


Pursuant to Chapter 551 of the Texas Government Code, Subchapter D, of the Open Meetings Act, specifically Sections 551.071 and 551.074 relating to matters of attorney-client privilege and personnel matters, the President called the Executive Session to order at 7:16 p.m. to discuss expansion of the District's Wastewater Treatment Plant and personnel matters. Present for the executive session were all Directors present, Mrs. Pierre and Mr. Barner.

The President reconvened the meeting in open session at 8:00 p.m.

Upon a **motion** by Director Conner, seconded by Director Whitaker, after full discussion and with all Directors present voting aye, the Board authorized RBAP to send a letter to the City of Brookshire pursuant to the terms discussed in executive session.

There being no further business to come before the Board, the Board meeting was adjourned at 8:01 p.m.

PASSED, APPROVED and ADOPTED this the 20<sup>th</sup> day of December 2021.

  
Secretary, Board of Directors

(DISTRICT SEAL)

