

**BROOKSHIRE MUNICIPAL WATER DISTRICT**  
**MINUTES OF BOARD OF DIRECTORS REGULAR MEETING**

**December 20, 2021**

The Board of Directors (the "Board" or "Directors") of Brookshire Municipal Water District (the "District") met in regular session on the 20<sup>th</sup> day of December, 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"); 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. There being no 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 November 15, 2021. Upon a **motion** by Director Williams, seconded by Director Connor, after full discussion and with all Directors present voting aye, the Board approved the minutes from the regular meeting of November 15, 2021.

**3. 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 Mrs. Pierre regarding the commercial development at 35002 Cooper Road, Director Green requested that Mrs. Pierre contact Mr. Andy Grieve of G-Tech Innovation Centre.

In response to a question from Director Whitaker regarding the status of Mr. Bartolo Romo's proposed duplex development at 4824 Hubbard Drive, Mrs. Pierre explained that construction of such development is complete; however, certain fees still need to be confirmed by the District and paid by Mr. Romo.

In response to a question from Director Connor regarding the residential development at 34204 13<sup>th</sup> Street, Mrs. Pierre stated that such project is complete but the District has not yet received a copy of the close-out paperwork from the City of Brookshire (the "City"); therefore, such project has not been closed-out.

In response to a question from Director Connor regarding the status of the residential developments at 4318 and 4322 7<sup>th</sup> Street, Mrs. Pierre reported that such projects are complete.

In response to a question from Director Connor regarding the residential development at 34109 13<sup>th</sup> Street, Mrs. Pierre explained that the District inspected and approved the tap for such development. Mrs. Pierre then reported that she is not aware that the City issued the close-out paperwork. Director Green then recommended that Mrs. Pierre update the General Manager's Report to reflect the current status of the active and completed commercial and residential developments within the District.

Upon a **motion** by Director Connor, seconded by Director Williams, after full discussion and all Directors present voting aye, the Board approved the General Manager's Report, as presented.

Mrs. Pierre then reminded the Board that the annual evaluation of the District's General Manager was conducted in July 2021, at which time the Board requested to re-evaluate such General Manager after six (6) months. Discussion next ensued regarding scheduling a special meeting on which to conduct the six (6)-month re-evaluation of the General Manager. It was the consensus of the Board to conduct such special meeting on January 10, 2022, at 5:00 p.m.

#### **4. Annual Review of Identity Theft Prevention Program.**

Next, Mr. Barner and the Board discussed the District's Identity Theft Prevention Policy. Mr. Barner explained that RBAP and the District's Operator review such policy to determine any potential risk for identify theft and added that there were no significant red flag events within the District. Mr. Barner then stated that the Board's review of the District's Identity Theft Prevention Program is an annual agenda item. Mr. Barner further stated that such review does not mean that such policy is required to be amended by the Board, and added that no changes are recommended to same.

#### **5. Review Administration/Personnel Matters.**

Mrs. Pierre then notified the Board that one (1) of the employees working in the District's office submitted notice of her resignation. A discussion ensued regarding the hourly compensation rates paid to District employees and the hours worked by such employees when performing additional duties on behalf of the District. It was the consensus of the Board to discuss such matter further at the special Board meeting to be held on January 10<sup>th</sup>.

**6. Review Reports by Arbitrage Compliance Specialists ("ACS").**

Mr. Barner then reviewed the ACS Rebate and Yield Restriction Compliance Report and explained that based on the findings of such report, the District has not earned above the yield on any of its investments of unspent bond funds or debt service funds than is allowable by law; therefore, the District does not owe any arbitrage rebate to the Internal Revenue Service.

In response to a question from Director Green regarding the reason why the District failed ACS' bona fied reserve balance test, Mr. Barner stated that he will reach out to ACS to determine the cause of such failure.

**7. Attorney Report, Including Update on Status of Conversion of the District into a Municipal Utility District ("Conversion").**

Mr. Barner then discussed the status of the Conversion and the process for the same. Mr. Barner reminded the Board that in order to proceed with the Conversion, the Board must adopt a resolution designating a date on which to hold a public hearing regarding such Conversion. Mr. Barner explained that while the Board previously voted to hold such hearing on January 3<sup>rd</sup>, the notice of such hearing was not provided to Mrs. Pierre in time for her to have such notice published in the *Waller Times* for two (2) consecutive weeks prior to such hearing date. Mr. Barner requested that the Board establish a new date on which to hold such hearing. Mr. Barner explained that following such hearing, the District will submit an application for Conversion to the Texas Commission on Environmental Quality (the "TCEQ"), after which the TCEQ will 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 18, 2022, at 6:00 p.m.

**8. Directors Reports.**

A discussion ensued regarding how the Association of Water Board Directors' mid-winter conference will be conducted. It was noted that members will have the option to attend such conference in person or virtually.

**9. Authorize Eminent Domain Reporting Compliance Pursuant to the Texas Government Code, Section 2206.151-157, as Amended.**

Mr. Barner then reported that RBAP will file the required annual eminent domain report on behalf of the District pursuant to Texas Government Code, Section 2206.151-157, as amended. Mr. Barner explained that the report includes information related to the District's authority to exercise its power of eminent domain and must be filed by no later than February 1<sup>st</sup> of each year. Upon a motion by Director Connor, seconded by Director Whitaker, after full discussion and with all Directors present voting aye, the Board voted unanimously to authorize RBAP to file the required annual eminent domain report pursuant to Texas Government Code, Section 2206.151-157, as amended.

10. **Review 2022 Annual Agenda.**

Mr. Barner next presented to the Board the draft 2022 Annual Agenda.

11. **Election Agenda.**

Mr. Barner then reminded the Board 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 stated that while RBAP has not yet heard from Waller County (the "County") regarding the Election, it is expected that the District will be able to hold such election jointly with the County. Mr. Barner further stated that if the Board desires to conduct the Election jointly with the County, RBAP will coordinate with the County regarding a Joint Election Agreement.

There being no further business to come before the Board, the Board meeting was adjourned at 6:55 p.m.

PASSED, APPROVED and ADOPTED this the 18<sup>th</sup> day of January, 2022.

*Shirley Williams*  
Secretary, Board of Directors

(DISTRICT SEAL)

