

BROOKSHIRE MUNICIPAL WATER DISTRICT
MINUTES OF BOARD OF DIRECTORS REGULAR MEETING

March 4, 2024

The Board of Directors (the "Board" or "Directors") of Brookshire Municipal Water District (the "District") met in regular session on the 4th day of March, 2024, at 6:00 p.m., in the meeting room of the District, 4004 6th 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
Erin Jackson	Secretary
Shirley Williams	Investment Officer
<i>Vacant</i>	Director

All members of the Board were present, thus constituting a quorum. Attending were Linda Vela and Willis Holmes, employees of the District; John Taylor of Municipal Operations and Consulting, Inc. ("Operator" or "MOC"); Steve Haskins of Protocol Bookkeeping, Inc. ("Bookkeeper"); Dr. Herman Clay, PhD of Clay & Leyendecker, Inc. ("Engineer"), via telephone; James Weishuhn of Weishuhn Engineering, Inc. ("Weishuhn"); Meredith C. King, attorney, of Radcliffe Adams Barner PLLC ("Attorney" or "RAB"); and Seth Samuelson of Odyssey Engineering Group, on behalf of RQ Homes South Street Apartments ("RQ Homes").

The President, after finding that 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 first 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 February 5, 2024. Upon a **motion** by Director Jackson, seconded by Director Connor, after full discussion and with all Directors present voting aye, the Board approved the minutes of the regular meeting of February 5, 2024, as presented.

3. Bookkeeper's Report

Mr. Haskins then presented the Bookkeeper's Report, a copy of which is available upon request. Mr. Haskins reviewed the District's budget for the Fiscal Year Ending August 31, 2024, and the year to-date expenses incurred by the District.

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

4. Texas Water Development Board (the "TWDB") Project

Regarding the water line replacement project that will replace 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 (Project Information Form No. 62829) (the "Water Line Project"), Mr. Weishuhn reported that the Water Line Project is approximately 99% complete.

Mr. Weishuhn next reported that Texas Pride Utilities, LLC ("Texas Pride") did not perform any work on the Water Line Project during the past month. Mr. Weishuhn further reported that Texas Pride will be performing an excavation process called potholing to evaluate the old asbestos clay water line along Second Street from FM 362 to Waller Street and determine the location of connections that need to be capped. Mr. Weishuhn stated that in order to abandon such line, it may require disruption of service to the entire District; however, Texas Pride will first attempt to abandon such line without disrupting service to the entire District. Mr. Weishuhn went on to report that once all of the old water lines are abandoned and the new water line connections are completed, Texas Pride will replace the soil in certain ditches that were excavated during the Water Line Project.

Mr. Weishuhn then reported that \$9,559.00 remains in the budget for the Water Line Project, which will cover the cost of the remaining potholing work. Mr. Weishuhn further reported that the District is holding \$95,581.05 in retainage, which will not be released until the project is complete. Mr. Weishuhn stated that such project should be completed by March 31, 2024.

Mr. Weishuhn next reported that Weishuhn submitted a project information form ("PIF") to the TWDB prior to the March 1, 2024 deadline for the funding of a project to complete replacement of asbestos clay pipe sanitary sewer lines, repair damaged manholes, repair the clarifier at the wastewater treatment plant ("WWTP"), and construct improvements to increase capacity in such plant. Mr. Weishuhn explained that the TWDB will review the District's PIF and if approved, the TWDB will establish an intended use plan, which outlines the intended method by which funds will be allocated. Mr. Weishuhn noted that the District does not currently meet the low-to-moderate income ("LMI") threshold, according to the TWDB's eligibility requirements, due to certain changes in the census data for the Greater Brookshire Area which resulted in the average income for such area being above the LMI threshold. Mr. Weishuhn recommended that the District proceed with having a survey performed within the District to show that the average income within the District is below the necessary threshold. Mr. Weishuhn stated that he provided Mrs. Tonya Pierre, the District's General Manager, with the contact information for Steven Walden Consulting, who is capable of performing such survey. The Board requested that Mrs. Pierre request that a representative from Steven Walden Consulting present information to the Board at the April 1, 2024 Board meeting regarding such survey.

Upon a **motion** by Director Connor, seconded by Director Jackson, after full discussion and with all Directors present voting aye, the Board accepted the TWDB Project Report, as presented.

5. **Engineer's Report**

Dr. Clay then presented the Engineer's Report.

Dr. Clay reminded the Board that on October 5, 2023, the Texas Commission on Environmental Quality ("TCEQ") conducted an inspection of the District's Water Plant and noted that such plant was operating at over 85% of its capacity; therefore, the District is required to submit a report to the TCEQ. Dr. Clay then presented to the Board the report that he prepared regarding the capacity of the District's Water Plant. Dr. Clay explained the TCEQ-approved methods for calculating the required capacity for a water distribution system and noted that such calculations indicate that the demand on the District's water distribution system is less than 85% of such system's pumping capacity. Dr. Clay further explained that it is only the required water well capacity that exceeds 85% of such system's capacity. Dr. Clay next stated that the District has sufficient funds to construct a new 500 gallon per minute water well and that following the construction of such well, anticipated in late 2025, the District's water distribution system will only be operating at 61% of the available capacity.

Next, Dr. Clay stated that the Capacity Report for RQ Homes is not complete and will be presented at the April 1, 2024 Board meeting. Dr. Clay explained that RQ Homes funded the cost for MOC to excavate a portion of their property in order to determine whether an abandoned wastewater line was located on such property. Dr. Clay further explained that such abandoned line was located by MOC, and added that RQ Homes will fund the cost for MOC to pressure test such line and investigate how to connect such line to the District's wastewater collection system. Dr. Clay then stated that he will provide more information when he presents the Capacity Report at the April 1, 2024 Board meeting.

Dr. Clay then reminded the Board that it previously consented to DMZ Property, LLC's ("DMZ") replat of a 12.609-acre tract of land known as The Reserves at Brookshire. Dr. Clay reported that he is reviewing the plans submitted by DMZ and will provide comments to DMZ by the end of the week.

Dr. Clay next reported that no development inquiries were received within the past month.

Upon a **motion** by Director Connor, seconded by Director Jackson, after full discussion and with all Directors present voting aye, the Board approved the Engineer's Report, as presented, including submittal of the report to the TCEQ regarding the District's water capacity.

Dr. Clay exited the meeting at this time.

6. **Operator's Report**

Mr. Taylor presented the Operator's Report, a copy of which is available upon request. Mr. Taylor reported that a total of 19,645,000 gallons of water was pumped from the District's wells from December 16, 2023 through January 15, 2024.

Mr. Taylor then reported that the District's WWTP operated at 52% capacity during the month of January. Mr. Taylor further reported that 15,222,000 gallons of influent was treated at

the WWTP during the previous month. Mr. Taylor went on to report that last month, the District's average daily flow was 507,400 gallons per day ("gpd") and the peak daily flow was 1,980,800 gpd.

Mr. Taylor next updated the Board regarding the status of street repairs and fire hydrant repairs within the District. Mr. Taylor reported that MOC fixed two (2) leaks within the District during the past month.

Mr. Taylor next reminded the Board that he completed his portion of the District's Asset Management Plan, which is required by the TWDB when applying for grant funds, and added that he provided such plan to Dr. Clay and Mrs. Pierre for their review.

Mr. Taylor then reminded the Board that pursuant to the U.S. Environmental Protection Agency's updated Lead and Copper Rule, the District must prepare an inventory of all water lines within the District, both public and privately owned, by October 2024. Mr. Taylor stated that MOC is coordinating with Mrs. Pierre and the District's field staff to perform such inventory. Mr. Taylor then presented a handout regarding the process of inspecting the District's water lines and preparing an inventory of the same. Mr. Taylor explained that the District will need to verify the material composition of the service lines for any homes constructed prior to 1989 or that have an unknown date of construction. Mr. Taylor then discussed with the Board the status of work completed and what remains to be completed on such project. Mr. Taylor stated that once the District identifies all of the lead service lines, a program will need to be implemented to replace such lines.

Regarding the property located at 34505 Interstate 10, which is occupied by Horizon Distributors, Inc. ("Horizon"), Mr. Taylor reported that MOC determined that the tapping sleeve and valve ("TS&V") line installed was only a six-inch (6") line instead of an eight-inch (8") line. Mr. Taylor explained that Horizon was incorrectly charged for the installation of an eight-inch (8") TS&V line and is due a refund from the District in the amount of \$5,925.00 plus the 20% contingency, which was not used, in the amount of \$7,255.00.

Mr. Taylor next reported that a small clarifier is inoperable at the WWTP. Mr. Taylor stated that he is waiting on a proposal from S.T.P. Services for the repair of such clarifier.

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

7. Sanitary Sewer Overflow ("SSO") Initiative Program

Mr. Taylor then reminded the Board that as part of the District's participation in the TCEQ's SSO Program, the District is required to address certain deficiencies in its wastewater collection systems. Mr. Taylor further reminded the Board that by September 1, 2024, the District is required to televise and repair certain portions of the District's wastewater lines.

Mr. Samuelson exited the meeting at this time.

Mr. Taylor next reported that Ryder Truck Rental was illegally dumping sewage into a ditch on 11th Street within the District. Mr. Taylor stated that the sewage overflow was reported to the TCEQ.

8. Administration/Personnel

Mr. Weishuhn exited the meeting at this time.

Director Connor noted that the TCEQ's compliance letter, regarding the District's water capacity, includes incorrect information for the Board President. Mr. Taylor stated that the letter was from November of 2023 and that the TCEQ has since updated the contact information.

9. Directors' Reports

Director Green noted that the Association of Water Board Directors' Spring Seminar will be held on April 18, 2024, and requested that the Directors notify Ms. Vela if they wish to register for such event.

10. Adjournment

There being no further business to come before the Board, the Board meeting was adjourned at 6:51 p.m.

PASSED, APPROVED and ADOPTED this the 6th day of May, 2024.

(DISTRICT SEAL)



Erin J. [Signature]
Secretary, Board of Directors