

BROOKSHIRE MUNICIPAL WATER DISTRICT
MINUTES OF BOARD OF DIRECTORS REGULAR MEETING

March 18, 2024

The Board of Directors (the "Board" or "Directors") of Brookshire Municipal Water District (the "District") met in regular session on the 18th 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. Also attending were Tonya Pierre, General Manager for the District and Willis Holmes, field staff person of the District; Meredith C. King, attorney, of Radcliffe Adams Barner PLLC ("Attorney" or "RAB"); and Nakeshia Barley, member of the public.

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 Meetings

The Board then considered approval of the minutes from the regular meeting of February 20, 2024. Discussion ensued regarding such minutes. 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 February 20, 2024, subject to certain revisions.

3. Conduct Public Hearing on Amended Land Use Assumptions, Capital Improvements Plan ("CIP") and Impact Fees

The President next declared the public hearing open at 6:11 p.m. to discuss the proposed Order Updating the Land Use Assumptions, CIP and Impact Fee and allow for public comment on same. Ms. King reminded the Board that the Capital Improvements Advisory Committee (the "Committee") met with the District's Engineer on January 25, 2024, to discuss the District's CIP and Impact fees. Ms. King further reminded the Board that on February 5, 2024, the Board

reviewed the Committee's written comments regarding amendments to the Land Use Assumptions, CIP and Impact Fees, and scheduled a public hearing for today, March 18, 2024, to discuss the proposed Order Amending the Land Use Assumptions, CIP and Impact Fee and allow for public comment on same. Ms. King went on to remind the Board that notice of the public hearing was published in *The Waller Times* more than 30 days prior to such hearing.

As there were no members of the public present, the public hearing was declared closed at 6:15 p.m.

Director Green noted stated she wants to schedule a special meeting so that the Board may discuss the District's policies and procedures for development within the District, including the related fees charged to developers.

4. Order Adopting Updated Land Use Assumptions, CIP and Impact Fees

Ms. King presented to the Board an Order Adopting Updated Land Use Assumptions, CIP and Impact Fees authorizing a per service unit maximum impact fee of: 1) \$2,905.00 for the water system on ad valorem and non-ad valorem taxpayers; 2) \$3,045.00 for the wastewater system on ad valorem taxpayers, and 3) \$3,589.00 for the wastewater system on non-ad valorem taxpayers. Upon a **motion** by Director Connor, seconded by Director Jackson, after full discussion and with all Directors present voting aye, the Board approved the amendments to the Land Use Assumptions, CIP and modification of the Impact fee and adopted the Order Adopting Updated Land Use Assumptions, CIP, and Impact Fees, a copy of which is available upon request.

5. Compliance with the Sanitary Sewer Overflow ("SSO") Initiative Program

Mrs. Pierre then reminded the Board that as part of the District's participation in the Texas Commission on Environmental Quality's SSO Program, the District is required to address certain deficiencies in its wastewater collection systems. Mrs. Pierre reported that the District's Operator is working to address such deficiencies in order to comply with the SSO Initiative Program.

6. General Manager's Report

Mrs. Pierre then presented to the Board the General Manager's Report, a copy of which is available upon request.

The Board requested that Mrs. Pierre discuss with the Board a customer who publicly complained about her high water bill. Mrs. Pierre reported that such customer's water meter was recently replaced, and the meter reading was manually entered incorrectly by the District's staff. Director Green stated that the District's office should apologize to customers if the District issues an incorrect bill to such customers. Mrs. Pierre stated that the customer's account was adjusted to reflect the correct water usage amount.

Mr. Holmes entered the meeting at this time.

The Board instructed Mrs. Pierre to review customers' water bills before they are sent to customers, even when another member of the District's office staff is preparing such bills.

Mrs. Pierre then reminded the Board that the District previously conducted smoke testing on its wastewater lines in order to address certain deficiencies in its wastewater collection systems, and it was determined that damaged cleanout caps are the primary source of infiltration into such system. Mrs. Pierre reported that the smoke testing contractor, Magna Flow Environmental ("Magna Flow") previously provided incorrect addresses for customers with damaged cleanout caps. Mrs. Pierre stated that she will provide RAB with the information regarding such incorrect addresses. The Board requested that RAB send a letter to Magna Flow demanding that Magna Flow comply with the service agreement for smoke testing services by providing the correct addresses for customers found to have damaged cleanout caps. Mrs. Pierre then stated that the District's office has not sent letters to customers with damaged cleanout caps since the addresses provided were determined to be incorrect.

Mrs. Pierre then updated the Board regarding the status of compliance with the District's backflow prevention requirements, including the status of Customer Service Evaluations. Mrs. Pierre reminded the Board that the District previously performed such evaluations to determine what, if any, backflow prevention assembly devices ("BFPA") are needed by customers. Mrs. Pierre stated that the District's Rate Order requires certain types of buildings to install a particular kind of BFPA known as a reduced pressure device, also known as a reduced pressure zone assembly device. Mrs. Pierre stated that the District's office is sending letters to customers who are required to have BFPAs installed on their property notifying such customers that they need to provide the District with proof of annual testing of their BFPA.

Upon a **motion** by Director Jackson, 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 stated that the District's Bookkeeper and RAB reviewed the transmittal letters that will enclose the District's invoices to developers. The Board instructed Mrs. Pierre to promptly mail such letters to the appropriate developers.

Mrs. Pierre next reported that Mr. Holmes is in the process of repairing damaged water lines within the District.

7. Administrative/Personnel Matters

Mrs. Pierre then reminded the Board that the annual evaluation of the District's General Manager was last conducted in January 2022. Discussion next ensued regarding scheduling a special meeting on which to conduct the annual evaluation of the General Manager. It was the consensus of the Board to conduct such special meeting on April 17, 2024, at 6:00 p.m. The Board stated that at such meeting, it will review with Mrs. Pierre the corrective action plan to address Mrs. Pierre's performance as the District's General Manager.

Next, discussion ensued regarding scheduling a special meeting at which to discuss the District's policies and procedures for development within the District, including the related fees charged to developers. It was the consensus of the Board to schedule such meeting for March 27, 2024, at 5:00 p.m.

Mrs. Pierre then stated that she will schedule her annual evaluation of the District's employees.

8. Directors' Reports

Director Green stated that she attended a meeting hosted by Waller County (the "County") regarding the availability of hazard mitigation assistance grants. Director Green recommended that the District apply to receive such grant funds for the purchase of a generator for the District. Director Green requested an item be included on the agenda for the April 1, 2024 Board meeting for the District's Engineer and Operator to provide the Board with recommendations regarding items that can be purchased to mitigate potential hazards related to the District's facilities.

9. Election Report

Ms. King next reminded the Board that a directors election is scheduled to be held on Saturday, May 4, 2024 ("Directors Election"), and that such election will be for Position Nos. 4 and 5, held by Directors Connor and Williams, respectively, and for Position No. 3, which is vacant. Ms. King further reminded the Board the District received two (2) applications for Position 3, one (1) application for Position 4, and one (1) application for Position 5. Ms. King explained that Director Connor, who holds Position 4, and Director Williams, who holds Position 5, submitted applications for their respective positions and are running unopposed.

Ms. King then reminded the Board that a proposed special election is also scheduled to be held on Saturday, May 4, 2024 (the "Defined Area Election"). Ms. King stated that RAB is coordinating with the County, and Riverway Properties, the developer of the land to be designated as the Defined Area, regarding the Defined Area Election.

Ms. King next discussed potential dates to canvass the Directors Election and Defined Area Election. Ms. King explained that canvassing must occur between the third (3rd) and eleventh (11th) day after the election and stated that the Board will need to schedule a special meeting to canvass such elections. Upon a **motion** by Director Jackson, seconded by Director Connor, after full discussion and with all Directors present voting aye, the Board voted to authorize the canvassing of the Directors Election and Defined Area Election on May 15, 2024, at 6:00 p.m.

10. Attorney's Report, Including Update on the City of Brookshire's (the "City") Breach of Agreements with the District

Executive Session

Pursuant to Chapter 551 of the Texas Government Code, specifically Section 551.071 relating to matters of attorney-client privilege, the President called the Executive Session to order at 7:21 p.m. Present for the executive session were all members of the Board present, Mrs. Pierre, and Ms. King.

The President then reconvened the meeting in open session at 7:28 p.m.

11. **Adjournment**

There being no further business to come before the Board, the Board meeting was adjourned at 7:28 p.m.

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



(DISTRICT SEAL)


Secretary, Board of Directors