

BROOKSHIRE MUNICIPAL WATER DISTRICT
MINUTES OF BOARD OF DIRECTORS REGULAR MEETING

December 4, 2023

The Board of Directors (the "Board" or "Directors") of Brookshire Municipal Water District (the "District") met in regular session on the 4th day of December, 2023, 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 Tonya Pierre ("General Manager"); 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; Meredith King, attorney, of Radcliffe Adams Barner PLLC ("Attorney" or "RAB"); Chris Farrar of Roland 5, LLC ("Roland"); Willis Holmes, employee of the District; and all persons on the attached attendance roster.

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 6:04 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 November 6, 2023. 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 from the regular meeting of November 6, 2023, 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.

Mr. Haskins noted that the District's total expenses, capacity reservation fees, customer deposits and developer deposits for construction continue to exceed the revenue the District received in its general fund by \$649,893.13; however, the amount of such overage decreased since last month.

Director Williams stated that she will meet with Mr. Haskins to discuss the funds in which the District is currently invested and review the District's Investment Policy. Discussion ensued regarding how the District could best use the interest that was earned on the bonds previously purchased by the Texas Water Development Board ("TWDB").

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

4. TWDB Project

Director Green stated that James Weishuhn of Weishuhn Engineering, Inc. is not present, but he previously provided his report to the Board for review. Director Green then requested that Mrs. Pierre and MOC coordinate with Mr. Weishuhn to schedule a date on which to complete the abandonment of old water lines and connect the remaining new water lines to the District's water distribution system.

5. Consider Waiving Developer Fees for Brookshire-Katy Drainage District ("BKDD")

Mrs. Pierre then reminded the Board that the BKDD submitted an application for water and wastewater service to a tract of land that will be developed into the BKDD's new administrative building. Mrs. Pierre further reminded the Board that it previously denied the BKDD's request that the District waive the deposit due for such development since the BKDD is a governmental entity. Mrs. Pierre stated that the BKDD is requesting that the Board reconsider waiving the developer fees due from the BKDD and reminded the Board that when the District constructed its office building in 2010 and expanded the wastewater treatment plant ("WWTP") in 2014, the BKDD waived the developer permit fee and inspection fee due from the District. Mrs. Pierre then reported that when a leak recently occurred in a District water line located on Kenney Street, the BKDD assisted the District in excavating the site at no cost to the District.

Upon a **motion** by Director Connor, seconded by Director Williams, after full discussion and with all Directors present voting aye, the Board voted to waive the developer fees due from the BKDD associated with the development of the BKDD's new administrative building.

6. Engineer's Report

Dr. Clay then presented the Engineer's Report.

Dr. Clay reminded the Board that it approved the Capacity Report for Roland's development at 34505 Interstate 10 in October 2021. Dr. Clay then presented a plan review letter for a fire protection system to be installed by Roland on such property. Dr. Clay reported that he reviewed Roland's plans for the connection of such fire protection system to the District's water

distribution system and the proposed backflow prevention device. Dr. Clay noted that his review does not include any assumptions regarding the water flow rate or pressure in District's water distribution system near the property. Dr. Clay confirmed that Roland complied with the requirements contained in the previously approved Capacity Report. Mr. Farrar stated that the fire protection system was installed, and Roland is coordinating with the District regarding installation of the tap and pricing for the same. Upon a **motion** by Director Connor, seconded by Director Jackson, after full discussion and all Directors present voting aye, the Board approved the plan review letter for Roland.

Mrs. Pierre stated that she will coordinate with Dr. Clay and the Capital Improvements Advisory Committee to schedule a meeting to discuss the District's Capital Improvements Plan and Impact Fees.

Dr. Clay and Mr. Farrar exited the meeting at this time.

7. 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 22,978,000 gallons of water was pumped from the District's wells from September 15, 2023 through October 16, 2023.

Mr. Taylor then reported that the District's WWTP operated at 32% capacity during the month of October. Mr. Taylor further reported that 9,401,000 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 313,367 gallons per day ("gpd") and the peak daily flow was 510,200 gpd.

Mr. Taylor next reported that MOC is scheduled to repair eight (8) of the 12 water line leaks within the District overnight on December 15th. Mr. Taylor further reported that water service is anticipated to be disrupted from approximately 10:00 p.m. on December 15th and should be restored by 5:00 a.m. on December 16th. Discussion then ensued regarding which of the 12 water line leaks are of highest priority and should be repaired first.

In response to a question from Director Connor regarding whether the District has a map of all District water lines in which leaks occurred and were repaired, Mrs. Pierre confirmed that the District maintains such map. Mrs. Pierre reported that the District is also developing a map that identifies the location of water line cut-off valves.

Mrs. Pierre then reminded the Board that there are six (6) additional leaks in certain District service lines that the District's field staff will be repairing. Mrs. Pierre stated that the District may need to rent a track hoe and trailer in order to repair such leaks.

Mr. Taylor next presented to the Board a letter from the Texas Commission on Environmental Quality ("TCEQ") regarding their inspection of the District's Water Plant. Mr. Taylor reported that such water plant is operating at over 85% of its capacity; therefore, the District is required to submit a report to the TCEQ within 90 days. Mr. Taylor stated that he will coordinate with Dr. Clay regarding the preparation of such report.

Mr. Taylor next 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 clarified that water lines constructed after 1989 do not need to be included in such inventory.

Mr. Taylor then reminded the Board that he is coordinating with Dr. Clay to complete the District's Asset Management Plan as required by the TWDB when applying for grant funds.

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

Next, Mr. Taylor reported that a pump valve on the lift station located on Seventh Street is failing. Mr. Taylor further reported that he requested an estimate from S.T.P. Services to relocate the pump and will present such cost to the Board next month. Mr. Taylor explained that such lift station is currently operating with only one (1) pump. Mr. Taylor stated that he will coordinate with Mr. Weishuhn regarding whether funds from previously issued bonds can be applied to the rehabilitation of the District's lift stations. Mr. Taylor noted that the District has 13 lift stations and recommended that the District rehabilitate one (1) lift station every year.

Mr. Taylor then updated the Board regarding the inspection of water meters utilized by the District's top commercial users and reported that he is coordinating with Accurate Meter & Supply regarding such inspections.

Mr. Holmes next reported that two (2) sinkholes are developing within the District. Mr. Taylor stated that MOC will add such sinkholes to the list of those to be televised by MOC. Director Connor reported that she informed the District's office staff about two (2) water leaks that she observed within the District. Mr. Holmes stated that service orders were not created for the leaks reported by Director Connor.

Mr. Taylor then reported that G-M Inspections Services, Inc. will perform testing on Water Well No. 3 this week. Mr. Taylor reminded the Board that such well was recently repaired and stated that he expects the cost for such repairs to be approximately \$120,000.00.

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

8. Rate Order, Including Review Rates for Non-Taxable Entities

Ms. King explained the provisions in the District's Rate Order which relate to water and wastewater usage for Non-Taxable entities and Public Space Users. Mrs. Pierre confirmed that the District is billing the City of Brookshire (the "City"), as a Public Space User, at the District's commercial water rate pursuant to the District's Rate Order.

Mrs. Pierre then stated that she will coordinate with RAB regarding the lift station utilized by the BKDD and billing for the BKDD's wastewater service.

Mrs. Pierre next reported that the District's office staff is manually removing charges from customers' water bills relating to solid waste collection following the Board's decision to discontinue billing customers and collecting payment on behalf of the City for solid waste collection services as of November 17, 2023. The Board requested that Mrs. Pierre request a proposal from Incode Technologies, the company that processes customers' electronic payments to the District, to remove charges from customers' water bills relating to solid waste collection.

9. Staff Development Dates

Mrs. Pierre next reviewed with the Board the District holidays as identified in the District's Personnel Manual. Director Green stated that she would like Mrs. Pierre to schedule staff development days throughout the year for the District's office staff, including on-site customer service training sessions. Director Green suggested that the District's office be closed on such dates so that the office staff can focus on staff development. Director Green further suggested that two (2) Directors be present during such dates. Mrs. Pierre stated that the District could hire a temporary employee to staff the District's office during staff development days to prevent closure of such office.

10. Administration/Personnel

Mrs. Pierre reported that she will be hiring one (1) full time District employee. Mr. Holmes stated that more personnel need to be hired to serve as the District's field staff and added that he was contacted by an individual requesting to be hired by the District for such position. The Board reminded Mrs. Pierre and Mr. Holmes that the people hired as members of the District's field staff need to have obtained the appropriate operational licensure.

11. Directors' Reports

Director Green reported that she and Mrs. Pierre are coordinating with Assessments of the Southwest regarding the collection of the District's ad valorem taxes.

Director Connor requested that Mr. Holmes coordinate with MOC regarding repair of the two (2) water line leaks that she observed in the District.

12. Attorney's Report

Ms. King reviewed with the Board correspondence received from the City regarding scheduling a meeting between the City Administrator, City Attorney, RAB, and Mrs. Pierre to discuss outstanding amounts owed for tax collection and solid waste collection. It was the consensus of the Board to authorize RAB to correspond with the City regarding scheduling a meeting between the City Administrator, City Attorney and RAB to address the City's concerns and to request that, prior to the meeting, the City provide additional information regarding what will be discussed at the meeting.

13. Adjournment

There being no further business to come before the Board, the Board meeting was adjourned at 8:04 p.m.

PASSED, APPROVED and ADOPTED this the 3rd day of January, 2024.



(DISTRICT SEAL)


Secretary, Board of Directors