

BROOKSHIRE MUNICIPAL WATER DISTRICT
MINUTES OF BOARD OF DIRECTORS REGULAR MEETING

July 20, 2020

The Board of Directors (the "Board" or "Directors") of Brookshire Municipal Water District (the "District") met in regular session on the 20th day July, 2020, at 6:00 p.m., in the meeting room of the District, 4004 6th Street, Brookshire, Texas, and via telephone conference call pursuant to Texas Government Code, Section 551.125, as amended, and as modified by the temporary suspension of various provisions thereof effective March 16, 2020, by the Governor of Texas (the "Governor") in accordance with the Texas Disaster Act of 1975, all as related to the Governor's proclamation on March 13, 2020, certifying that the COVID-19 pandemic ("COVID-19") poses an imminent threat of disaster and declaring a state of disaster for all counties in Texas; whereupon the roll was called of the members of the Board, to-wit:

Edith Penrice-Kelley	President
Albert Wilkins	Vice President
Stephanie Green	Investment Officer
Havanaugh Glover	Secretary
Victor Alardin	Assistant Secretary

All members of the Board were present, with Directors Kelley, Green and Glover attending via telephone conference call, thus constituting a quorum. Also attending were Tonya Pierre ("General Manager"); Linda Guevara, employee of the District; and all the persons identified on the attached Attendance Roster including Messrs. Sharma, Mohammed and Paul. Also attending via telephone conference call were: James Weishuhn of Weishuhn Engineering, Inc. ("Weishuhn"); and Elliot M. Barner, attorney, of Radcliffe Bobbitt Adams Polley PLLC ("Attorney" or "RBAP").

The meeting was audio recorded by RBAP in compliance with requirements of the Texas Open Meetings Act.

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 6:03 p.m. and declared it open for such business as may regularly come before it.

1. Public Comment.

Mr. Barner first opened the meeting to public comment. There being no public comments, the President directed the Board to proceed with the agenda.

2. Update Regarding Backflow Prevention Requirements, Including Status of Letters to Customers.

Mrs. Pierre then updated the Board regarding the status of letters sent to commercial customers informing them of the District's backflow prevention policies and the requirement that they inform the District they are compliant with such policies. Mrs. Pierre reported that several

such customers have had backflow inspections performed and provided such reports to the District. Mrs. Pierre reminded the Board that the District is mailing second (2nd) notices to those customers from whom the District has not received a response to its initial letter regarding backflow prevention requirements and explained that such notices include language regarding termination of service for customers' failure to comply with the District's backflow prevention requirements within 45 days of receipt of the initial letter. Mrs. Pierre further reminded the Board that such customers are being provided notice of disconnection for failure to comply with such requirements, via a door tag, five (5) days prior to disconnection. Mrs. Pierre reported that the District's office has started moving forward with disconnections of service to commercial customers who are in violation of the District's backflow prevention policies and procedures. Mrs. Pierre further reported that some customers have requested extensions of time by which to provide the District with evidence of their compliance with such policies.

3. Approve Minutes of Prior Meetings.

The Board then considered approval of the minutes from the regular meeting of June 15, 2020. Upon a **motion** by Director Alardin, seconded by Director Kelley, after full discussion and with four (4) Directors present voting aye, and Director Green abstaining, the Board approved the minutes from regular meeting of June 15, 2020, as presented.

4. Review Matters Related to Development of Alexander Plaza.

Mrs. Pierre next discussed the plans submitted to the District by Mr. Anil Sharma, the developer of Alexander Plaza. Mrs. Pierre explained that such plans indicate trees to be planted along Texas Farm-to-Market ("FM") 359, but do not include any irrigation piping or water connection for such trees. Mrs. Pierre added that an irrigation system was not included in the application submitted to the District by Mr. Sharma's for such development. Mrs. Pierre further explained that an irrigation system will increase the amount of water usage for such development. Mrs. Pierre reported that Dr. Herman Clay, the District's Engineer, requested updated plans from Mr. Sharma so that Dr. Clay can calculate an impact fee for such irrigation system. In response to a question by Director Green regarding fees owed to the District when a customer requests to install an irrigation system, Mrs. Pierre explained that commercial customers pay a fee to cover the cost of work performed by Dr. Clay in reviewing the plans for such irrigation system.

Mr. Mohammad stated that no plans have been prepared for the Board to review that show a second meter on such property; however, if the District requires installation of a second meter, plans could be updated to show such additional meter. Mr. Mohammad stated his opinion that Alexander Plaza should be allowed to connect a second meter to the existing tap following payment of a deposit to the District for the same. Mr. Barner then explained typical procedures and processes for the review of irrigation systems by water districts.

Next, a discussion ensued regarding the Capacity Report prepared for Alexander Plaza and the credit for impact fees that resulted from the property's previous use. Dr. Clay clarified that such credit has previously been applied.

Discussion then ensued regarding Mr. Sharma's request for installation of a temporary connection to the existing meter. Mrs. Pierre explained that such connection will not be permitted by the District until Dr. Clay has reviewed the plans for such connection.

5. General Manager's Report.

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

Mrs. Pierre reported no complaints from District customers within the past month regarding high water usage.

Regarding the District's contract for internet services as proposed by Consolidated Communications ("Consolidated"), Mr. Barner requested that such matter be discussed in closed session.

Mrs. Pierre next discussed resuming the assessment of late fees, penalties, and termination of service to delinquent accounts pursuant to the Board's authorization of the same at its May 4, 2020 Board meeting.

Next, Mrs. Pierre requested authorization from the Board to have the District's Office professionally sanitized and explained such cleaning procedures. Upon a **motion** by Director Green, seconded by Director Kelley, with all Directors present voting aye, the Board authorized Mrs. Pierre to coordinate a professional deep cleaning of the District office.

Mr. Barner then reminded the Board that it is required to review each of the District's consultants' contracts at least once each year and that the Board has several options for performing such review, including reviewing one (1) consultant each month, having a special meeting to review all the District's consultants, or, if everything is satisfactory, then the Board could state such a finding in the minutes and thereby satisfy the requirement.

6. Approval of Training, Conferences, or Committee Meetings.

Mrs. Pierre reported that the Association of Water Board Directors' (the "AWBD") 2020 Annual Conference will be held virtually on August 7 and 8, 2020. Mrs. Pierre further reported that the Texas Alliance of Groundwater Districts' 2020 Texas Groundwater Summit will be held virtually on September 1-3, 2020. Mrs. Pierre next reported that the Center for Public Management will host an online Public Funds Investment Act Workshop on August 5 and 6, 2020

Upon a **motion** by Director Green, seconded by Director Kelley, after full discussion and with all Directors present voting aye, the Board authorized Director attendance at such trainings and conferences.

7. Discuss AWBD-Texas Trustee Election.

Mr. Barner then reported that because the AWBD will be holding the 2020 Annual Conference virtually, it will conduct the upcoming Trustee Election online. Mr. Barner recommended that the Board designate one (1) Director to cast a ballot on behalf of the District in

such election. Upon a **motion** by Director Green, seconded by Director Alardin, after full discussion and with all Directors present voting aye, the Board authorized Director Kelley to serve as the District's representative for purposes of casting a ballot in the AWBD Trustee Election.

8. Attorney's Report.

Messrs. Weishuhn and Barner next discussed the water line replacement project that will replace asbestos clay water lines along FM 1489 and in a residential area north of U.S. Highway 90 and east of FM 362 (the "Water Line Project"). Mr. Barner then reminded the Board that Weishuhn Engineering, Inc. ("Weishuhn") applied to obtain permits from the Union Pacific Railroad Company ("Union Pacific") for the replacement of such water lines that are located under certain portions of Union Pacific's railroad tracks. Mr. Barner discussed the two (2) Pipeline Crossing Agreements provided to Weishuhn by Union Pacific. Upon a **motion** by Director Alardin, seconded by Director Glover, after full discussion and with four (4) Directors present voting aye, and Director Green abstaining, the Board: 1) approved the Pipeline Crossing Agreements with Union Pacific; and 2) authorized Mrs. Pierre to execute such agreements on behalf of the Board.

9. Election Agenda.

Next, Mr. Barner reminded the Board that the directors election scheduled to be held on Saturday, May 2, 2020 was postponed to Tuesday, November 3, 2020 (the "Election"). Mr. Barner further reminded the Board that such election will be for Directors Kelley, Wilkins, and Alardin's positions, since such positions' terms of office were due to expire in May 2020.

Mr. Barner then 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 an Amended Order Calling Directors Election, which calls the Election for November 3, 2020.

Mr. Barner next discussed potential dates to canvass the Election. Mr. Barner recommended that the Board canvass such Election at its regular meeting scheduled for November 16, 2020. It was the consensus of the Board to canvass such Election on November 16, 2020, at 6:00 p.m.

Upon a **motion** by Director Alardin, seconded by Director Glover, 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; 2) approve the Amended Order Calling Directors Election; and 3) authorize the canvassing of the Election on November 16, 2020 at 6:00 p.m.

10. Discuss Nominations to the Board of Trustees of the Texas Municipal League Intergovernmental Risk Pool (the "TMLIRP").

Discussion next ensued regarding whether to cast an official ballot in the TMLIRP Board of Trustees Election. Mr. Barner noted that any nominations for such election must be submitted to the TMLIRP by August 12, 2020.

11. Approve Capacity Report for Orlando Fernandez.

Dr. Clay entered the meeting at this time.

Dr. Clay then discussed the Capacity Report prepared for Mr. Orlando Fernandez, the developer of a proposed 4,000 square-foot office building/warehouse on Fifth Street. Discussion next ensued regarding calculation of the amount of capacity required by Mr. Fernandez's development as reflected in the Capacity Report. Upon a **motion** by Director Alardin, seconded by Director Glover, after full discussion and with all Directors present voting aye, the Board approved the Capacity Report for Mr. Fernandez's development.

12. Adjournment.

There being no further business to come before the Board, the meeting was adjourned at 7:13 p.m.

PASSED AND APPROVED this 17 day of AUGUST, 2020.


Secretary, Board of Directors