

**BROOKSHIRE MUNICIPAL WATER DISTRICT**

**MINUTES OF BOARD OF DIRECTORS REGULAR MEETING**

**January 18, 2022**

The Board of Directors (the "Board" or "Directors") of Brookshire Municipal Water District (the "District") met in regular session on the 18<sup>th</sup> day of January, 2022, 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"); Dr. Herman Clay, PhD ("Engineer"); Michael Foley of Riverway Properties ("Riverway"); Monica A. Garza, attorney, of Radcliffe Bobbitt Adams Polley PLLC ("Attorney" or "RBAP"); Ruth Rodriguez, a member of the public; 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 6:02 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. In response to a question from Ms. Rodriguez, Ms. Garza explained the structure of the District's billing rates for wastewater usage pursuant to the District's Rate Order.

There being no further 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 December 20, 2021. Upon a **motion** by Director Williams, seconded by Director Whitaker, after full discussion and with all Directors present voting aye, the Board approved the minutes from the regular meeting of December 20, 2021.

3. **Conduct Public Hearing on Conversion From a Water Control and Improvement District to a Municipal Utility District ("Conversion").**

The President then declared the public hearing open at 6:09 p.m. to discuss the District's Conversion and requested comments from the public regarding such Conversion. No such comments were offered at this time.

Next, Ms. Garza reminded the Board that notice of the hearing on the Conversion was published for two (2) consecutive weeks in the *Waller Times* pursuant to Texas Water Code, Section 54.032.

Dr. Clay then reviewed with the Board the Engineer's Report that he prepared regarding the Conversion, which will be submitted to the Texas Commission on Environmental Quality (the "TCEQ") along with the District's application for Conversion. Dr. Clay stated that in his opinion as the District's Engineer, such Conversion serves the best interests of the District as such Conversion allows the District to encourage development opportunities that are unavailable to the District as a water control and improvement district. Ms. Garza then stated that in her opinion as the District's general counsel, she concurs that such Conversion serves the best interests of the District. Ms. Garza then reminded the Board that such Conversion will provide the District with the ability to designate defined areas, such as the tract owned by Riverway, which will allow for reimbursement to developers solely based on the value created in such defined area.

The public hearing was then adjourned at 6:19 p.m.

4. **Adopt Resolution Declaring Intent to Convert to a Municipal Utility District and Authorizing an Application for Conversion to the TCEQ.**

Ms. Garza then explained that pursuant to Texas Water Code, Section 54.030, the District is required to adopt a resolution determining that the Conversion would serve the best interests of the District and be a benefit to the land and property included in the District and authorizing the District to submit an Application for Conversion to the TCEQ. Ms. Garza further explained that a notice regarding the adoption of such resolution will be published pursuant to Texas Water Code, Section 54.032, as amended.

Director Connor entered the meeting at this time.

For Director Connor's benefit, Director Green then summarized the prior discussion regarding Conversion.

Upon a **motion** by Director Whitaker, seconded by Director Connor, after full discussion and with all Directors present voting aye, the Board adopted the Resolution Declaring Intent to Convert to a Municipal Utility District and Authorizing an Application for Conversion to the TCEQ.

5. **Update on Status of Riverwood Farms.**

Dr. Clay then reported that he addressed comments provided by RBAP regarding the Capacity Report for the proposed 173-acre residential development of Riverwood Farms. Dr. Clay then presented to the Board such updated Capacity Report. In response to a question from Mrs. Pierre, Mr. Foley stated that Waller County (the "County") has not yet approved the plat on which Riverwood Farms will be developed. Upon a **motion** by Director Connor, seconded by Director Williams, after full discussion and all Directors present voting aye, the Board approved the Capacity Report for Riverwood Farms, subject to final review by RBAP.

Discussion then ensued regarding inspection of the water and wastewater lines to be installed within such development. Ms. Garza stated that ownership and maintenance of such lines will be addressed in the District's financing agreement with Riverway. Upon a **motion** by Director Connor, seconded by Director Whitaker, after full discussion and all Directors present voting aye, the Board authorized RBAP to prepare the financing agreement between the District and Riverway regarding the Riverwood Farms development.

6. **General Manager's Report.**

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

Mrs. Pierre then discussed the status of various active residential and commercial developments within the District. Mrs. Pierre reported that she continues to reach out to certain developers in order to determine the status of developments for which no activity has occurred recently.

Ms. Rodriguez then stated that she was informed that there is not enough communication between the District and the City of Brookshire regarding development projects and added that she would like to see improved communication between such entities.

Next, Mrs. Pierre presented an inventory of District property that has no value and requested authorization from the Board to dispose of the same. Ms. Garza then explained the difference between surplus District property and salvage District property. Upon a **motion** by Director Connor, seconded by Director Whitaker, after full discussion and all Directors present voting aye, the Board: 1) authorized that District property presented by Mrs. Pierre be declared as salvage property; and 2) authorized Mrs. Pierre to dispose of such property.

7. **Election Agenda.**

Ms. Garza 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.

Ms. Garza next presented an Order Calling Directors Election, which orders the District's Directors Election for May 7, 2022.

Ms. Garza stated the County confirmed that the District will be able to hold the Election jointly with the County. Ms. Garza further stated that the County will provide an Election Services Agreement and Joint Election Agreement for RBAP's review. Ms. Garza then stated that the County has not yet provided RBAP with the estimated cost for the County's conducting of the joint election.

Upon a **motion** by Director Whitaker, seconded by Director Connor, after full discussion and all Directors present voting aye, the Board adopted the Order Calling Directors Election.


**8. Executive Session.**

Pursuant to Chapter 551 of the Texas Government Code, specifically Section 551.074 relating to personnel matters, the President called the Executive Session to order at 6:52 p.m. to discuss personnel matters. Present for the executive session were all the Board present, Mrs. Pierre and Ms. Garza.

The President then reconvened the meeting in open session at 7:17 p.m.

There being no further business to come before the Board, the Board meeting was adjourned at 7:21 p.m.

PASSED, APPROVED and ADOPTED this the 22 day of February, 2022.

  
Secretary, Board of Directors

(DISTRICT SEAL)

