

**MINUTES OF MEETING OF CANVASSING AUTHORITY  
AND BOARD OF DIRECTORS**

**November 16, 2020**

**THE STATE OF TEXAS** §  
**COUNTY OF WALLER** §  
**BROOKSHIRE MUNICIPAL WATER DISTRICT** §

The Canvassing Authority (the "Canvassing Authority") of the Board of Directors (the "Board" or "Directors") of Brookshire Municipal Water District (the "District") and the Board met in special and regular session, open to the public, on Monday, November 16, 2020, at 6:00 p.m., via a video conference call and telephone conference call pursuant to Texas Government Code, Section 551.125, as amended (the "Open Meetings Act"), and as modified by the temporary suspension of various provisions thereof effective March 16, 2020, by the Governor of Texas 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, and the roll was called of the duly constituted officers and members of the Board, to-wit:

Edith Penrice-Kelley	Officer
Albert Wilkins	Officer
Stephanie Green	Presiding Officer
Havanaugh Glover	Officer
Victor Alardin	Officer

All members of the Canvassing Authority and the Board of the District were present, except Directors Penrice-Kelley and Wilkins, thus constituting a quorum. Also attending the meeting were: Tonya Pierre ("General Manager"); Linda Guevara, employee of the District; Elliot M. Barner, attorney, of Radcliffe Bobbitt Adams Polley PLLC, attorneys for the District; and all persons on the attached Attendance Roster.

WHEREUPON, the meeting was called to order by the Presiding Officer and evidence was presented that public notice of the meeting had been given in compliance with the law. The posted notices of the meeting are attached hereto.

**REVIEW OF RETURNS**

Mr. Barner stated that three (3) Canvassing Authority Officers were present, thus constituting a quorum, and that such meeting is for the purpose of canvassing the November 3, 2020 Election returns and declaring such returns to be official. Mr. Barner went on to explain that the biennial Election had been held by the District jointly with Waller County (the "County") on Tuesday, November 3, 2020 (the "Election"), for the purpose of electing three (3) Directors to the Board. Mr. Barner noted that there were seventy-five (75) ballots submitted by mail and zero (0) provisional ballots counted.

Mr. Barner next circulated the Election returns, a copy of which is attached hereto, and reported that the candidates for Director received the following votes for the following positions:

<u>Candidate for Position 3</u>	<u>Votes</u>
Michael Whitaker, Jr.	672
Albert Wilkins	396
<u>Candidate for Position 4</u>	<u>Votes</u>
LaKethia Connor	734
Gary Cruseturner	340
<u>Candidate for Position 5</u>	<u>Votes</u>
Shirley Williams	827
Victor H. Alardin	248

The Canvassing Authority reviewed the Election returns and Mr. Barner explained that, based on the Election returns and upon approval of the Order Canvassing Returns and Declaring Results of the 2020 Directors Election ("Order Canvassing Directors Election"), Mr. Whitaker and Mses. Connor and Williams shall be deemed elected to the Board to serve four (4) year terms of office to expire in May 2024.

#### ADOPT ORDER CANVASSING DIRECTORS ELECTION

Mr. Barner then reviewed the Order Canvassing Directors Election with the Canvassing Authority.

Upon a **motion** by Officer Green, seconded by Officer Alardin, after full discussion and the question being put to the Canvassing Authority, the Canvassing Authority voted unanimously to adopt the Order Canvassing Directors Election, a copy of which is attached hereto, thereby declaring Mr. Whitaker and Mses. Connor and Williams as duly elected members of the Board.

The Canvassing Authority then concluded the canvassing meeting and the Board convened the regular Board meeting, of which there was a quorum of the Board present.

Ms. Penrice-Kelley entered the meeting at this time.

Mr. Alardin exited the meeting at this time.

#### ELECT OFFICERS

The Board next considered electing officers for the Board.

Upon a **motion** by Director Connor seconded by Director Williams, after full discussion and the question being put to the Board, the Board voted unanimously to elect Director Green as President.

Upon a **motion** by Director Williams seconded by Director Green, after full discussion and the question being put to the Board, the Board voted unanimously to elect Director Connor as Vice President.

Upon a **motion** by Director Connor seconded by Director Whitaker, after full discussion and the question being put to the Board, the Board voted unanimously to elect Director Williams as Secretary.

Upon a **motion** by Director Connor seconded by Director Williams, after full discussion and the question being put to the Board, the Board voted unanimously to appoint Director Whitaker as Investment Officer, subject to Director's Whitaker's completion of the necessary training requirements.

Mr. Barner then confirmed the duly constituted officers and members of the Board, to-wit:

Stephanie Green	President
LaKethia Connor	Vice President
Shirley Williams	Secretary
Havanaugh Glover	Assistant Secretary
Michael Whitaker, Jr.	Director

#### PUBLIC COMMENT

Director Green then opened the meeting to public comment.

There being no public comments, the President directed the Board to proceed with the agenda.

#### APPROVE MINUTES OF PRIOR MEETINGS

The Board then considered approval of the minutes from the regular meeting of September 21, 2020. A discussion ensued and it was the consensus of the Board to take no action on such minutes, as a quorum of the Directors were not present at such meeting since they had not yet been elected. Mr. Barner reminded the Board that an audio recording of such meeting was available to the Directors and to the public, since the temporary suspension of various provisions of the Open Meetings Act, effective March 16, 2020, by the Governor of Texas in accordance with the Texas Disaster Act of 1975, required any meetings held by telephone or videoconference to be recorded.

#### GENERAL MANAGER'S REPORT

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

Director Williams inquired about what appeared to be an exposed water line located along Avenue B. Mrs. Pierre explained that the portion of such line that is exposed is what is known as an "a-valve" that is scheduled to be covered soon.

Director Whitaker then asked various questions about the Report, including the status of inspections of grease trap and service orders. Mrs. Pierre explained that service orders are typically completed at the end of the month. Mrs. Pierre stated that such service orders are completed by the District's Operator, Municipal Operations & Consulting, Inc.

Director Connor next asked various questions about the Report and requested a clarification about the use of the term "reinstate" as it relates to service to customers. In response, Mrs. Pierre explained that reinstate could mean the resumption of service for customers that had been on vacation. In response to a question about the status disconnects within the District, Mrs. Pierre explained that those are included in a separate report. Mrs. Pierre stated that she would begin including updates on disconnects in her Report going forward.

Director Williams then asked about the process for granting payment extensions to customers. Mrs. Pierre explained that the Board recently authorized her to grant such extensions so that each request did not have to come before the Board.

Director Connor asked about the process for re-reading of meters. Mrs. Pierre explained that there is a Re-Read Report that documents the number of re-reads performed each month and the reason for such re-reads. Mrs. Pierre also explained the process for checking for water leaks. In response, Director Whitaker stated that the number of re-reads and leak checks should be nearly the same since most customer requests for re-reads are the result of a water leak and that the District needs to be diligent about letting the customers know whether or not they have a leak on their side of the water line.

Upon a **motion** by Director Whitaker, seconded by Director Williams, after full discussion and the question being put to the Board, the Board voted to approve the General Manager's Report.

Regarding the Quarterly Investment Report, Director Green explained such report and reviewed the investments with the Board included in same. Upon a **motion** by Director Connor, seconded by Director Williams, after full discussion and the question being put to the Board, the Board voted to approve the Quarterly Investment Report.

Regarding compliance with certain requirements of the American Water Infrastructure Act ("AWIA") that the District must comply with, Mrs. Pierre recommend the Board schedule a special meeting to discuss AWIA requirements with the District's Operator. A brief discussion ensued regarding items to discuss in such meeting and it was the consensus of the Board to also include an item in such meeting to discuss the District's requirements for individually metering connections to the District's water system.

#### AUTHORIZE PAYMENT TO THE COUNTY FOR JOINT ELECTION COSTS

Mr. Barner then requested that the Board authorize final payment to the County for joint election costs pursuant to the agreement between the County and the District relating to the joint election held on November 3, 2020. Upon a **motion** by Director Connor, seconded by Director Williams, after full discussion and the question being put to the Board, the Board voted unanimously to authorize payment of the remaining balance to the County for joint election costs upon receipt of same.

QUALIFICATIONS OF DIRECTORS, ADMINISTER AND ACCEPT OATHS OF OFFICE AND STATEMENTS OF ELECTED DIRECTORS

Mr. Barner then explained that the Board needed to address a previous agenda item and formally accept the executed Oaths of Office and Statements of Elected Director for Directors Whitaker, Connor and Williams.

Upon a **motion** by Director Williams, seconded by Director Connor, after full discussion and the question being put to the Board, the Board voted unanimously to accept the executed Oaths of Office and Statements of Elected Director for Directors Whitaker, Connor and Williams. Mr. Barner noted that copies of the Oaths of Office will be filed with the Secretary of State's office, pursuant to Article XVI, Section 1 of the Texas Constitution.

ADJOURNMENT

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 21<sup>st</sup> day of December, 2020.

  
Secretary, Board of Directors

(DISTRICT SEAL)

