

BROOKSHIRE MUNICIPAL WATER DISTRICT
MINUTES OF BOARD OF DIRECTORS SPECIAL MEETING

November 30, 2020

The Board of Directors (the "Board" or "Directors") of Brookshire Municipal Water District (the "District") met in special session on the 30th day of November, 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:

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

All members of the Board were present, with Director 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 persons on the attached Attendance Roster. Also attending via telephone conference call were John Taylor of Municipal Operations and Consulting, Inc. ("Operator" or "MOC"); Dr. Herman Clay, PhD ("Engineer"); 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 6:01 p.m. and declared it open for such business as may regularly come before it.

1. Discussion Regarding Meters per Structure and Rate Order

The General Manager explained that she believed that certain provisions of the District's Rate Order (the "Rate Order") related to metering of commercial development needs clarification. In response to Director Green's comment regarding the Board's prior amendment to the Rate Order requiring individual meters for individual businesses in a multi-unit commercial development, Mrs. Pierre explained that it was unclear whether such requirement applied to all such development or only future development.

An extensive discussion then ensued regarding the effectiveness of requiring all new businesses opening within existing multi-unit commercial developments to be individually metered. Mr. Barner explained that Dr. Clay had recently provided certain information related to

the logistics of requiring individual meters for businesses located in existing multi-unit commercial developments. Dr. Clay then went on to explain such logistics and how such requirements would necessitate unnecessary additional water line construction and new tap installation. Mr. Barner then explained that the Board had made a motion in the November 2, 2020 Board meeting that allowed for an exception to the Rate Order requirement related to individual metering of multi-unit commercial developments.

Mr. Barner then asked what other scenarios needed clarification as they relate to the individual metering requirement in the Rate Order. In response, Dr. Clay presented an example where a multi-family commercial development project in the District is required to be individually metered. Director Glover then explained that he believes a multi-family commercial development could continue to have a master meter because such multi-family owner would still be responsible for all of the lines and any leaks on such lines on his side of the meter. Continued discussion ensued regarding various types of multi-unit development and the uses of such developments in order to determine the best approach to provide service to such developments and minimize the amount of water loss to the District. The Board requested a list of existing multi-unit developments in order to review and assess which of those such developments shall continue to be served through one meter. Upon a **motion** by Director Glover, seconded by Director Connor, after full discussion and with all Directors present voting aye, the Board voted to amend the Section 1.B. of the Rate Order to include the language "unless otherwise approved by the Board."

Director Glover and Dr. Clay exited the meeting at this time.

2. American Water Infrastructure Act ("AWIA")

Mr. Taylor explained the AWIA requirements that water systems serving populations of 3,301 to 49,999 must certify a comprehensive assessment of vulnerabilities by June 30, 2021. Mr. Taylor noted that the population of the District is calculated according to certain Texas Commission on Environmental Quality and the Environmental Protection Agency criteria where you multiply the number of existing connections in the District by three (3). Mr. Taylor explained that the District currently has 1,832 connections, or an amount totaling approximately 5,496 persons. Mr. Barner also stated that the U.S. Census Bureau's estimate for the District's population as of 2020 is 5,816. Mr. Barner advised the Board that due to these population estimates, the District is required to comply with the AWIA assessment criteria, or could otherwise be fined up to \$25,000 daily past the certification deadline. A discussion ensued. Mr. Taylor stated the assessment would take approximately two (2) to three (3) months, and that it would explore facilities, software, fencing, and all other security items as required by AWIA, and that an Emergency Response Plan ("ERP") would be developed based on the assessment. The assessment and plan development will cost approximately \$13,000. Upon a **motion** by Director Williams, seconded by Director Connor, after full discussion and with all Directors present voting aye, the Board authorized MOC to conduct the assessment and develop the ERP as required by AWIA.

3. Personnel Manual

The Board and Mrs. Pierre next discussed the District's Personnel Policy. Director Connor first inquired why there were currently only one full time field staff person and one office staff person, and why there have been so many changes in staffing. Mrs. Pierre explained that the District has had a number of temporary staff persons, but such persons have worked a full-time

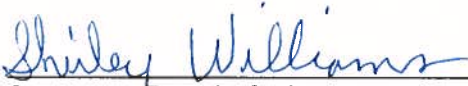
schedule. Mrs. Pierre stated she can provide the Board with more information as to how long each temporary staff person has remained in their position. Mrs. Pierre added that she typically waits the length of such temporary staff person's probationary period before informing the staffing agency whether or not she intends to hire such staff person permanently. In response to a question from the Board, Mrs. Pierre stated that she has not directly hired employees since the Board authorized her to use a staffing agency. An extensive discussion ensued regarding the lack of consistency and high turn-over when using temporary staff persons in the District's Office. Mrs. Pierre emphasized that COVID-19 has caused a shortage of labor. The Board encouraged Mrs. Pierre to place a high priority on hiring permanent employees in the future.

A discussion next arose regarding the qualifications of the General Manager, and whether a separate Field Manager was necessary. It was the consensus of the Board that the District resume a search for a qualified Field Manager for the District. The Board requested that Mrs. Pierre post the Field Manager position at the District office and on the District website. The Board briefly discussed the requirements for the Field Manager position, and noted such requirements should be included in the job posting.

4. Adjournment.

Upon a **motion** by Director Whitaker, seconded by Director Williams, after full discussion and with all Directors present voting aye, the meeting was adjourned at 7:59 p.m.

PASSED AND APPROVED on this 04 day of January, 2020.


Secretary, Board of Directors