

BROOKSHIRE MUNICIPAL WATER DISTRICT

MINUTES OF BOARD OF DIRECTORS REGULAR MEETING

December 21, 2020

The Board of Directors (the "Board" or "Directors") of Brookshire Municipal Water District (the "District") met in regular session on the 21st day of December, 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 Directors Glover and Green attending via telephone conference call, thus constituting a quorum. Also attending were Tonya Pierre ("General Manager"); Linda Guevara, employee of the District; Elliot Barner, attorney, of Radcliffe Bobbitt Adams Polley PLLC ("Attorney" or "RBAP"); Jeff Hartgrove of Four Seasons Development ("Four Seasons"); 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"); Mark Weldon of Four Seasons; and Kyle Todd of Toy Shedz.

1. **Public Comment.**

The President then 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 of the regular and canvassing meeting of November 16, 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 to approve minutes of the regular and canvassing meeting of November 16, 2020.

3. **Discuss Sanitary Connection for 3701 10th Street / Four Seasons Development.**

Mrs. Pierre entered the meeting at this time.

Regarding the Board's previous decision to require separate wastewater service lines for each building at the property located at 3701 10th Street (the "Property"), Mr. Hartgrove introduced himself to the Board and explained that in order to alleviate any concerns that Four Seasons would sell one of the buildings or subdivide such Property, he would provide a sworn statement indicating that if Four Seasons was allowed to connect into the existing wastewater service line located on the Property, such property would not be subdivided or sold to separate entities without approval by the Board. Mr. Hartgrove went on to explain that requiring Four Seasons to install of a second (2nd) wastewater service line to serve a proposed additional office building is logistically complicated, requiring the crossing an existing utilities, and necessitating a three (3) to five (5) day closure of 10th Street. In response to Mr. Hartgrove's comments, Dr. Clay then explained that Four Seasons is constructing an office building on a property where an existing manufacturing building is located, and added that he recommends installation of a new wastewater service line to connect such building to the District's wastewater service line. A discussion ensued regarding the complications with connecting both buildings on the Property to the same wastewater service line. In response to a question from Director Williams, Mr. Hartgrove explained that in his opinion, using the existing service line for both buildings would not adversely affect flow into the District's main line. Mr. Hartgrove next explained that the District's requirement that Four Seasons install a new service line for the new office building is cost prohibitive and causes safety concerns relating to the installation of such line.

In response to a question from Director Green, Dr. Clay went on to explain his reasons for recommending that the District require separate service lines for buildings located on the same property. Dr. Clay noted that in the event Four Season's buildings, which are currently on the same service line, are sold separately, then those new owners will be in conflict with one another. Dr. Clay went on to explain that if the Board allows Four Seasons to connect both buildings to the same service line, additional cleanouts of such service line could be performed in order to avoid backflow issues. Regarding the process of boring underneath the road, Dr. Clay explained that Four Seasons would bore beneath the road at a depth of five feet (5') to six feet (6'), and then once they reach the sewer line, they would dig to a depth of 16 feet (16').

Mr. Barner then stated that RBAP could prepare an agreement between the District and Four Seasons requiring that Four Seasons notify the District in the event that it sells one (1) or both buildings. Director Glover then explained that it is his position that the Board should strive for consistency in application of its development policies and procedures and not allow customers to deviate from such procedures and the District's Rate Order. Mr. Barner explained that such deviations are permitted in the Rate Order provided that they are approved by the Board; however, the reasons for each deviation must be documented in order to avoid appearances of inconsistency and setting precedent. Discussion then ensued regarding whether to allow Four Seasons to deviate from the policy established in the District's Rate Order.

Upon a **motion** by Director Whitaker, seconded by Director Glover, after full discussion and the question being put to the Board, the Board voted to abide by Dr. Clay's recommendation regarding requiring installation of a new service line to Four Season's new office building.

Messrs. Hartgrove and Weldon exited the meeting at this time.

4. Review and Discuss Toy Shedz Development on FM 359.

Mrs. Pierre presented information related to Toy Shedz's application for service to a proposed development of a boat and recreational vehicle ("RV") storage unit. Mrs. Pierre explained that Toy Shedz submitted three (3) applications requesting different services, including one (1) request for bulk water. In response to Mr. Todd's email regarding paying taxes to the City of Brookshire (the "City"), Mr. Barner clarified that the District and the City are separate and unrelated entities.

Mr. Todd then explained that development is already complete on a seven (7) acre tract for which the District granted Toy Shedz use of a temporary water meter in 2016. Mr. Todd further explained that following the completion of such project, bulk water service is no longer necessary or being requested. Mr. Todd went on to explain the status of the current expansion of such development and stated that only one (1) meter is being requested strictly for irrigation purposes. Mr. Todd explained that Toy Shedz owns property located inside and outside of the boundaries of the District, but stated that none of the properties currently receive water service. A discussion then ensued regarding the location of a meter near the in-district property owned by Toy Shedz. Mr. Barner requested that the District's staff will need to investigate further to determine the exact location of such meter. It was the consensus of the Board to table discussion regarding Toy Shedz's request for water service and to further investigate the matter to clarify whether a meter is currently installed on Toy Shedz's property.

Mr. Todd exited the meeting at this time.

Dr. Clay exited the meeting at this time.

5. General Manager's Report.

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

Director Williams expressed her concerns regarding customers illegally tapping into water lines and connecting secondary buildings and structures to primary structures originally intended to only serve one (1) connection. Mr. Barner explained the Rate Order provisions regarding termination of illegal connection. Extensive discussion then ensued regarding consistent enforcement of penalties against illegal connections. Director Connor explained that the General Manager has been investigating reports of illegal connections and will follow up with the Board regarding the outcome of such investigations. Further extensive discussion next ensued regarding the process of sending letters to customers making illegal connections to the District's lines and pursuing termination of such connections. 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 General Manager's Report.

Regarding a recent report of unusually high water usage by a certain customer of the District, Mrs. Pierre reported that such customer was not present tonight but explained that the water meter at such customer's home had been replaced by the District the prior month, but it was subsequently determined that the customer's irrigation meter is where the high water usage occurred. Director Whitaker then explained that he investigated the matter with the field

technician who reread the meter, and he confirmed that the meter readings were correct for the customer's irrigation meter. Director Whitaker went on to explain the District's billing cycle and noted that customers with two (2) meters may not always have their meters read at the same time. Director Connor then requested that Mrs. Pierre contact the customer to explain the District's billing cycle. Director Connor noted that the actions taken by the District to address the customer's complaint were documented in the service order reports.

6. Review Administration/Personnel Matters.

Director Whitaker then explained that he and Mrs. Pierre are coordinating to prepare a proposed budget to be used in hiring a Field Manager. Director Whitaker explained that Mrs. Pierre is searching for ways to reduce the amount spent by the District on repairs to its infrastructure.

Discussion then ensued regarding holding a budget workshop particularly for the benefit of the newly elected Directors.

Next, a discussion ensued regarding maintenance required on the District's vehicles and the availability of District funds for such maintenance and for the purchase of new vehicles.

Director Glover exited the meeting at this time.

A discussion then ensued regarding Director fees of office for work performed on behalf of the District.

An extensive discussion then ensued regarding last year's evaluations and the process of conducting annual employee evaluations. Director Connor noted that several current employees of the District received low scores on their evaluations. Mr. Barner recommended that the Board discuss personnel matters related to specific employees in closed session and stated that personnel discussions related to personnel policy should be discussed in open session.

Director Connor requested that an item be included on the agenda of the January 18, 2021 regular meeting regarding scheduling annual employee evaluations. Director Whitaker then requested that an item be included on such agenda regarding scheduling a budget workshop.

Next, Mrs. Pierre requested that the Board consider establishing a policy relating to District employees that contract the COVID-19 virus. Mrs. Pierre noted that one (1) of the District's office staff tested positive for such virus. Mrs. Pierre requested direction from the Board regarding when such employee may return to work and the process by which to notify other employees of the situation. Extensive discussion then ensued regarding the District's safety protocols as they relate to COVID-19. Director Connor reminded everyone of the need for the office staff to wear masks and gloves when working in the District office.

7. Approve Training, Conferences, or Committee Meetings.

Mrs. Pierre presented information indicating that that the Texas Water Conservation Association's Water Law Seminar will be held virtually on January 21-22, 2021, the Association

of Water Board Directors' Mid-Winter Conference will be held virtually on January 29-30, 2021, and the Government Treasurers' Organization of Texas will be held virtually on January 29-30, 2021. Director Green stated that the Board previously approved Director attendance at the Texas 811 Damage Prevention Summit to be held in Denton, Texas from February 8-10, 2021. Director Green requested that any Directors planning to attend such conferences notify Mrs. Pierre of the same.

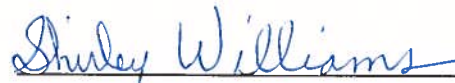
8. Directors Reports.

Director Whitaker reported that a leak was recently repaired near Otto Street and 2nd Street and added that the property owner is satisfied with such repair. Director Whitaker further reported that he is looking into an issue recently reported at Bostick Park. Director Whitaker next stated that an odor of sewage was reported on 10th Street at Mr. Anil Sharma's property. Mrs. Pierre stated that she will provide the Board with an update regarding the Operator's investigation of such odor.

9. Adjournment.

There being no further business to come before the Board, the Board meeting was adjourned at 8:29 p.m.

PASSED, APPROVED and ADOPTED this the 19 day of January, 2021.


Secretary, Board of Directors

(DISTRICT SEAL)

