

BROOKSHIRE MUNICIPAL WATER DISTRICT
MINUTES OF BOARD OF DIRECTORS REGULAR MEETING

April 3, 2023

The Board of Directors (the "Board" or "Directors") of Brookshire Municipal Water District (the "District") met in regular session on the 3rd day of April, 2023, at 6:00 p.m., in the meeting room of the District, 4004 6th 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
Erin Jackson	Secretary
Shirley Williams	Investment Officer
<i>Vacant</i>	Director

All members of the Board were present, thus constituting a quorum. Attending in person were Tonya Pierre ("General Manager"); John Taylor of Municipal Operations and Consulting, Inc. ("Operator" or "MOC"); Steve Haskins of Protocol Bookkeeping, Inc. ("Bookkeeper"); Dr. Herman Clay, PhD of Clay & Leyendecker, Inc. ("Engineer"); James Weishuhn of Weishuhn Engineering, Inc. ("Weishuhn"); Elliot M. Barner, attorney, of Radcliffe Adams Barner PLLC ("Attorney" or "RAB"); Michael Foley of Riverway Properties ("Riverway"); and all persons on the attached attendance roster, including Anil Sharma and Virat Sharma.

The President, after finding that 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 6:05 p.m. and declared it open for such business as may regularly come before it.

1. Public Comment.

The President first 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 Meeting.

The Board then considered approval of the minutes from the regular meeting of March 6, 2023. Upon a **motion** by Director Jackson, seconded by Director Connor, after full discussion and with all Directors present voting aye, the Board approved the minutes from the regular meeting of March 6, 2023, as presented.

3. Texas Water Development Board ("TWDB") Projects.

Regarding the water line replacement project that will replace asbestos clay water lines along Texas Farm-to-Market ("FM") 1489 and in a residential area north of U.S. Highway 90 ("Highway 90") and east of FM 362 (Project Information Form No. 62829) (the "Water Line Project"), Mr. Weishuhn reported that the Water Line Project is approximately 93% complete.

Mr. Weishuhn reported that Texas Pride Utilities, LLC ("Texas Pride") continues to be unable to make connections of the new water lines to certain areas of the District's water distribution system because they have been unable to isolate the old lines. Mr. Weishuhn reported that Weishuhn coordinated with MOC to attempt to locate hidden valves through an excavation process called potholing. Mr. Weishuhn further reported that two (2) hidden valves were located along Stalknecht Road at Third Street and Fourth Street, which allowed Texas Pride to isolate the old water line on such road. Mr. Weishuhn stated that following the isolation of such line, there is no longer water in the ditches along Fourth Street. Mr. Weishuhn then stated that additional potholing needs to be performed east of Stalknecht Road and on Depot Street and Cooper Street; however, most of the \$2,000.00 previously approved by the Board for such work was expended on the potholing performed last month. Mr. Weishuhn recommended that the Board authorize Weishuhn to perform such additional potholing at a cost of \$6,000.00, which will take approximately three (3) days to complete.

Mr. Weishuhn then reminded the Board that the substantial completion date for the Water Line Project was January 15th. Mr. Weishuhn explained that the remaining work to be completed on such project involves connecting certain segments of recently constructed water line to the District's existing water system and connecting certain service lines to such water lines. Mr. Weishuhn further explained that completion of such project is being delayed because isolation valves were unable to be located in various areas of the District, which is preventing Texas Pride from being able to complete work in such areas without disconnecting water service to the entire District. Mr. Weishuhn reported that Weishuhn is preparing Change Order No. 4, which includes the addition of calendar days in the contract for the Water Line Project.

Next, Mr. Weishuhn reminded the Board that last month, on behalf of the District, Weishuhn submitted a Project Information Form to the TWDB for funds for the improvement of the District's wastewater collection system and expansion of the wastewater treatment plant ("WWTP").

Upon a motion by Director Connor, seconded by Director Jackson, after full discussion and with all Directors present voting aye, the Board authorized Weishuhn to perform additional potholing work at a cost not to exceed \$2,000.00.

4. Engineer's Report.

Dr. Clay then presented the Engineer's Report.

Dr. Clay first updated the Board regarding the status of the lift station improvements for the Brookwood Community Project. Dr. Clay reminded the Board that construction of such improvements is being delayed until certain electrical equipment is delivered to the contractor. Dr. Clay added that such equipment delay will not cause a delay in the overall development of the Brookwood Community. Dr. Clay then reported that the contractor is ready to mobilize onsite and complete the project upon receipt of the necessary equipment.

Dr. Clay then reminded the Board that DMZ Property, LLC ("DMZ") is requesting approval from the District for the proposed replat of a 12.609-acre tract of land known as The

Reserves at Brookshire. Dr. Clay explained that the purpose of such replat is to separate the single tract into one (1) multi-family lot and one (1) commercial lot. Dr. Clay further reminded the Board that last month, DMZ was instructed to revise the plat previously submitted by DMZ to include certain requirements for the developer of such land regarding dedication of all necessary easements. Dr. Clay then presented to the Board a revised plat provided by DMZ. Dr. Clay reported that following approval of such plat, he will perform a review of the developer's land plan to ensure it does not conflict with the requirements contained in the plat.

Upon a **motion** by Director Connor, seconded by Director Williams, after full discussion and with all Directors present voting aye, the Board accepted the Engineer's Report.

5. Riverwood Farms Residential Development Project ("Riverwood").

Dr. Clay then reviewed with the Board the revised Capacity Report for the proposed 173-acre 500-lot single-family residential development of Riverwood. Dr. Clay reminded the Board that such Capacity Report was revised to reflect that there is sufficient capacity in the District's WWTP to serve Riverwood. Mr. Barner next presented to the Board the Financing Agreement for Riverwood. Upon a **motion** by Director Jackson, seconded Director Connor, after full discussion and with all Directors present voting aye, the Board approved the Capacity Report and the Financing Agreement for Riverwood.

6. Bookkeeper's Report.

Mr. Haskins then presented the Bookkeeper's Report, a copy of which is available upon request. Mr. Haskins reviewed the District's budget for the Fiscal Year Ending ("FYE") August 31, 2023 and the year to-date expenses incurred by the District.

Mr. Haskins next stated that the Quarterly Investment Report for the second (2nd) quarter of the FYE August 31, 2023, will be presented to the Board next month.

Upon a **motion** by Director Connor, seconded by Director Jackson, after full discussion and with all Directors present voting aye, the Board approved the Bookkeeper's Report, as presented.

7. Operator's Report.

Mr. Taylor then presented the Operator's Report, a copy of which is available upon request. Mr. Taylor reported that a total of 25,452,000 gallons of water was pumped from the District's wells from January 15, 2023 through February 16, 2023.

Mr. Taylor next reported that the District's WWTP operated at 39% capacity during the month of February. Mr. Taylor further reported that 10,581,000 gallons of influent was treated at the WWTP during the previous month. Mr. Taylor went on to report that last month, the District's average daily flow was 377,893 gallons per day ("gpd") and the peak daily flow was 835,600 gpd.

Mr. Taylor then updated the Board regarding the failure of District's lift station located near the KOA campground. Mr. Taylor reminded the Board that it previously approved the

excavation of the existing lift station site and purchase and installation of a refurbished lift station pursuant to the terms of four (4)-month payment plans for the same.

Mr. Taylor next reminded the Board that he previously recommended pulling and inspecting the well at Water Plant No. 3 as such well is not operating properly. Mr. Taylor further reminded the Board that Weisinger Incorporated televised the interior of the well and determined that the necessary repairs will cost approximately \$131,198.00. Messrs. Barner and Taylor then recommend that the Board declare an urgent public necessity in order to repair such well as soon as possible.

Mr. Taylor then updated the Board regarding the status of street repairs within the District.

Mr. Taylor next updated the Board regarding the status of repairs to certain District fire hydrants and manholes.

Mr. Taylor then reminded the Board that last month, the Texas Commission on Environmental Quality (the "TCEQ") cited the District for failure to maintain its water distribution lines. Mr. Taylor stated that such lines were repaired and documentation was provided to the TCEQ. Mr. Taylor further reminded the Board that last month, the TCEQ performed a separate compliance inspection and noted excursion of wastewater discharge from a District manhole and that the audiovisual alarm system failed to work at the District's lift station on Bains Road. Mr. Taylor stated that MOC disinfected the area around the manhole and repaired the alarm system at the lift station. Mr. Taylor reported that the TCEQ is satisfied with the measures taken by the District and that no additional action is necessary.

Upon a **motion** by Director Connor, seconded by Director Williams, after full discussion and with all Directors present voting aye, the Board accepted the Operator's Report, as presented, including approval of an Order Declaring Emergency regarding the rehabilitation of the water well at Water Plant No. 3.

8. Annual Review of Rate Order.

Dr. Clay next discussed with the Board the District's policies related to the metering of multi-family residential developments. Dr. Clay explained that the District's Rate Order provides for individual metering of new developments within the District; however, such type of metering is not possible for multi-family residential developments. Dr. Clay further noted inconsistencies in the Rate Order regarding defining different types of developments. Dr. Clay then recommended that the Board consider revising the District's Rate Order regarding the metering of multi-family residential connections.

9. Review Matters Involving Administration/Personnel.

Mrs. Pierre then presented a letter from the Royal Independent School District Education Foundation requesting a donation from the District.

10. Adjournment.

There being no further business to come before the Board, the Board meeting was adjourned at 7:20 p.m.

PASSED, APPROVED and ADOPTED this the 1st day of May, 2023.

(DISTRICT SEAL)



Erin Y. yfm
Secretary, Board of Directors