

BROOKSHIRE MUNICIPAL WATER DISTRICT

MINUTES OF BOARD OF DIRECTORS REGULAR MEETING

September 3, 2024

The Board of Directors (the "Board" or "Directors") of Brookshire Municipal Water District (the "District") met in regular session on the 3rd day of September, 2024, 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
NaKeshia Barley	Assistant Secretary

All members of the Board were present, except thus constituting a quorum. Attending were Tonya Pierre, General Manager of the District; Willis Holmes, District Field Staff Supervisor; John Taylor of Municipal Operations and Consulting, Inc. ("Operator" or "MOC"); Steve Haskins of Protocol Bookkeeping, Inc. ("Bookkeeper"); James Weishuhn of Weishuhn Engineering, Inc. ("Engineer" or "Weishuhn"); Elliot M. Barner, attorney, of Radcliffe Adams Barner PLLC ("Attorney" or "RAB"); Mr. Dennis Kyhos of the Texas Water Development Board ("TWDB") via telephone.

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 6:00 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 August 5, 2024 and special meetings of July 30, 2024 and August 6, 2024. 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 August 5, 2024 and special meetings of July 30, 2024 and August 6, 2024, as presented.

3. Public Hearing on 2024 Tax Rate

The President next declared the public hearing open at 6:09 p.m. to discuss the District's proposed tax rate for 2024. As there were no members of the public present, the public hearing on the 2024 Tax Rate was declared closed at 6:11 p.m.

4. Order Setting Rate and Levying Tax for 2024 (the "Order")

Mr. Barner reminded the Board that the 2024 tax rate was \$0.01400 per \$100 of assessed valuation and that, per the Financial Advisor's recommendation, the Board authorized publication of the proposed 2024 tax rate at \$0.01400 per \$100 of assessed valuation. A discussion then ensued regarding the proposed 2024 tax rate.

Mr. Barner next presented the Order to the Board for adoption, a copy of which is available upon request. Mr. Barner stated that the Order provides for the levy of a 2024 tax rate totaling \$0.01400 per \$100 of assessed valuation for debt service purposes only.

Mr. Barner went on to explain that the Board needs to set a new hearing date for the Defined Area No. 1 ("DA") tax rate for 2024 so that the District may provide the owner of land within the DA with proper notice of a hearing on such rate. Mr. Barner recommended that the Board set such date as the next meeting date, September 16, 2024.

Upon a **motion** by Director Connor, seconded by Director Williams, after full discussion and with all Directors present voting aye, the Board: 1) adopted the Order, authorizing an ad valorem tax rate of \$0.01400 per \$100 of assessed value for the year 2024; and 2) set the public hearing date for the DA as September 16, 2024.

5. 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 FYE August 31, 2024, and the year-to-date expenses incurred by the District.

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

6. Order Appointing Tax Assessor/Collector

Mr. Barner next presented to the Board for adoption an Order Appointing Tax Assessor/Collector, a copy of which is available upon request. Upon a **motion** by Director Connor, seconded by Director Williams, after full discussion and with all Directors present voting aye, the Board adopted the Order Appointing Tax Assessor/Collector.

7. **Resolution Concerning Tax Collection Procedures (the "Resolution")**

Mr. Barner then presented to and reviewed with the Board the Resolution, a copy of which is available upon request, which rejects certain tax collection procedures that permit the District to refrain from sending a tax bill to property owners for less than \$15.00, allows for a split payment option as set forth in Texas Tax Code 31.31, and allows discounts for early payment. Upon a **motion** by Director Connor, seconded by Director Barley, after full discussion and with all Directors present voting aye, the Board adopted the Resolution, as presented.

8. **Engineer's Report**

Mr. Weishuhn reminded the Board that the Water Line Replacement Project that will replace asbestos clay water lines along Farm-to-Market ("FM") 1489 and in a residential area north of U.S. Highway 90 and east of FM 362 (Project Information Form No. 62829) (the "Water Line Project") has \$1,259.00 remaining from the project fund.

Mr. Weishuhn presented to the Board a Resolution to the TWDB for the Water Line Project. Upon a **motion** by Director Connor, seconded by Director Williams, after full discussion and with all Directors present voting aye, the Board approved the Resolution to the TWDB for closing out the Water Line Project.

Next, Mr. Weishuhn explained to the Board that a property owner within the District will need a permit from the Texas Department of Transportation ("TxDOT") in order to construct a water line underneath the road adjacent to such property. A brief discussion ensued and it was confirmed that the District actually applies for the permit from TxDOT and not the property owner.

The Engineer updated the Board on its eligibility for Clean Water State Revolving Fund ("SRF") funding for the calendar year 2025. A discussion ensued on the application process. Upon a **motion** by Director Connor, seconded by Director Williams, after full discussion and with all Directors present voting aye, the Board authorized the District's Financial Advisor, Engineer and Attorney to begin work on an application for funding through the TWDB, subject to the District's compliance applicable procurement requirements.

Mr. Weishuhn then presented a Capacity Report for Yuki Jae Sim, Daily Skin Therapy ("Yuki Jae Sim"). Mr. Weishuhn explained that Yuki Jae Sim will consist of an office and one (1) shower will be in the facility. Mr. Weishuhn further explained that Yuki Jae Sim will occupy 800 square feet and there is a building presently there containing three (3) units, Yuki Jae Sim will occupy the east unit. The applicant proposes utilizing the existing water meter and sanitary sewer lines. Mr. Weishuhn reported that Yuki Jae Sim will owe an Impact Fee of \$3,625.52.

Mr. Weishuhn next presented a Capacity Report for G-Tech. Mr. Weishuhn explained that G-Tech will consist of 10,066 square feet warehouse extension to the existing building, 8,750 square feet of new office space (top floor) and 8,750 square feet of new warehouse (bottom floor). Mr. Weishuhn further explained that G-Tech proposes to utilize the existing water meter and wastewater line.

Mr. Weishuhn next presented a Capacity Report for All Out HD Rentals ("All Out"). Mr. Weishuhn explained that no buildings are present but seven (7) lots of land will be used as a lot for equipment storage. Mr. Weishuhn reported that All Out will owe an Impact Fee of \$6,136.01.

Mr. Weishuhn then presented a Capacity Report for Brookshire Autoplex ("Autoplex"). Mr. Weishuhn explained that Autoplex will consist of 2,000 square feet of warehouse space, 850 square feet of retail; and 150 square feet of office space. Mr. Weishuhn further explained that Autoplex proposes to utilize the existing water meter and wastewater line. Mr. Weishuhn reported that Autoplex will owe an Impact Fee of \$1,791.77.

Mr. Weishuhn then presented a Capacity Report for Julio Vielmo. Mr. Weishuhn explained that Mr. Vielmo will use 1,477 square feet of warehouse space and 273 square feet of office space and a restroom. Mr. Weishuhn further explained that Mr. Vielmo proposes to utilize the existing water meter and wastewater line. Mr. Weishuhn reported that Mr. Vielmo will owe an Impact Fee of \$966.34.

Mr. Weishuhn presented a status update for Nita's Place. Mr. Weishuhn stated that he recommends investigating the location of where the new water line should be connected so that boring under the road is not necessary if there is another way to connect to such line.

Mr. Weishuhn then presented a status update for Summers Cottage Assisted Living. An extension discussion ensued regarding the decrease in occupancy planned for the Assisted Living Facility compared to the first application.

Mr. Weishuhn updated the Board on the Asset Management Plan.

Upon a **motion** by Director Jackson, seconded by Director Williams, after full discussion and with all Directors present voting aye, the Board: 1) approved the Engineer's Report, as presented, including the Capacity Reports for: 1) Yuki Jae Sim; 2) G-Tech; 3) All Out; 4) Autoplex; and 5) Mr. Julio Vielmo.

9. **Operator's Report**

Mr. Taylor presented the Operator's Report, a copy of which is available upon request. Mr. Taylor reported that a total of 19,729,000 gallons of water was pumped from the District's wells from June 16, 2024 through July 15, 2024.

Mr. Taylor then reported that the District's WWTP operated at 52% capacity during the month of July. Mr. Taylor further reported that 15,238,400 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 507,947 gallons per day ("gpd") and the peak daily flow was 1,801,200 gpd.

Mr. Taylor then reminded the Board that pursuant to the U.S. Environmental Protection Agency's updated Lead and Copper Rule, the District must prepare an inventory of all water lines

within the District, both public and privately owned, by October 2024. Mr. Taylor stated that MOC is coordinating with Mrs. Pierre and the District's field staff to perform such inventory.

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

10. Sanitary Sewer Overflow ("SSO") Initiative Program

Mr. Taylor then reminded the Board that as part of the District's participation in the Texas Commission on Environmental Quality's ("TCEQ") SSO Program, the District is required to address certain deficiencies in its wastewater collection systems. Mr. Taylor confirmed that the SSO Report will be submitted to the TCEQ by September 1, 2024, and that the District is required to televise and repair certain portions of the District's wastewater lines.

11. Presentation from Texas Water Development Board ("TWDB") regarding the CFO to Go Program

Mr. Dennis Kyhos presented to the Board the CFO to Go Program, and responded to questions from the Board.

A discussion ensued regarding such program. It was the consensus of the Board to include this item on the October 7, 2024 agenda for further discussion and to review the contract.

12. Proposal from Steven Walden Consulting for Economic Survey

Mrs. Pierre explained that Mr. Walden could not be present and that she would coordinate with him to present his proposal at a future Board meeting.

13. Industrial Waste Order ("IWO")

Mr. Barner reminded the Board that at the August 5th meeting, the Board authorized amending the IWO to apply the maximum charge under the IWO if MOC is unable to sample a customer's wastewater, and requested that Mr. Weishuhn review the IWO and provide further amendments prior to the amended IWO being adopted. A discussion ensued regarding the District's IWO. Mr. Weishuhn indicated he still needs to review the IWO.

14. Authorize attendance for 2024 Texas Municipal League ("TML") Annual Conference; October 9– 11, 2024

Ms. Pierre requested authorization from the Board to attend the TML Annual Conference in Houston, Texas at the George R. Brown Convention Center, October 9-11, 2024.

Upon a **motion** by Director Connor, seconded by Director Barley, after full discussion and with all Directors present voting aye, the Board authorized attendance at the TML Annual Conference.

15. 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 8:21 p.m. Present for the executive session were all members of the Board present, Mrs. Pierre, and Mr. Barner.

The President then reconvened the meeting in open session at 9:15 p.m.

16. Adjournment

There being no further business to come before the Board, the Board meeting was adjourned at 9:15 p.m.

PASSED, APPROVED and ADOPTED this the 7th day of October, 2024.



(DISTRICT SEAL)


Secretary, Board of Directors