

**BROOKSHIRE MUNICIPAL WATER DISTRICT**  
**MINUTES OF BOARD OF DIRECTORS REGULAR MEETING**

**September 11, 2023**

The Board of Directors (the "Board" or "Directors") of Brookshire Municipal Water District (the "District") met in regular session on the 11<sup>th</sup> day of September, 2023, at 6:00 p.m., in the meeting room of the District, 4004 6<sup>th</sup> 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 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"), via telephone; James Weishuhn of Weishuhn Engineering, Inc. ("Weishuhn"); Elliot M. Barner, attorney, of Radcliffe Adams Barner PLLC ("Attorney" or "RAB"), via telephone; and Pam West of Brookshire Drying Co. Inc. ("Brookshire Drying").

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 6:10 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 Meetings.**

The Board then considered approval of the minutes from the special meetings of August 2, 2023, and August 9, 2023, and the minutes from the regular meeting of August 7, 2023. Upon a **motion** by Director Connor, seconded by Director Jackson, after full discussion and with all Directors present voting aye, the Board approved the minutes from the special meetings of August 2, 2023, and August 9, 2023, and the minutes from the regular meeting of August 7, 2023, as presented.

**3. 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 August 31, 2024, and the year to-date expenses incurred by the District.

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

**4. Texas Water Development Board 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 and east of FM 362 (Project Information Form No. 62829) (the "Water Line Project"), Mr. Weishuhn reported that the Water Line Project is approximately 99% complete.

Mr. Weishuhn reported that within the past month, several old water lines were isolated and disconnected from the District's water distribution system. Mr. Weishuhn further reported that Texas Pride Utilities, LLC ("Texas Pride") made several connections of the new water lines to the District's water distribution system along FM 1489. Mr. Weishuhn explained that all customers located south of Interstate 10 are receiving service through the new water lines except a certain warehouse that was not connected to the abandoned water line. Mr. Weishuhn reported that Weishuhn obtained a proposal from Texas Pride to install a tapping sleeve and valve ("TS&V") on the line serving such warehouse in order to access and branch off from the District's main water line. Mr. Weishuhn then stated that Mrs. Pierre is also obtaining a proposal from MOC to install such TS&V. Mr. Weishuhn further stated that such work is not included in the scope or budget for the Water Line Project.

Mr. Weishuhn next reminded the Board that the substantial completion date for the Water Line Project is September 30, 2023. Mr. Weishuhn explained that the remaining work to be completed on such project involves connecting certain segments of recently constructed water lines to the District's existing water system and connecting certain service lines to such water lines.

Mr. Weishuhn then reported that Weishuhn is updating the District's as-built drawings to reflect the locations of the new water line connections and the previously hidden valves.

**5. 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 are being delayed until certain electrical equipment is delivered to the contractor.

Dr. Clay next reminded the Board that a new single-family residence was recently constructed at 4431 Garvie Lane. Dr. Clay further reminded the Board that an additional small

structure is located on such property, which already receives water service from the District and utilizes a private septic system. Dr. Clay went on to remind the Board that the District received an application from the property owner requesting water and sanitary sewer service to the new residence and seeking to extend the sanitary sewer line to the smaller structure. Dr. Clay explained that the District has a sanitary sewer force main located on Garvie Lane; however, any new customer who intends to utilize such line will need to install a sanitary sewer pump station because a gravity sewer line is not possible in such location. Dr. Clay stated his recommendation that such applicant be required to install a grinder pump station. Dr. Clay then explained that installation of the pump station is the responsibility of the applicant and added that such pump station will be owned and maintained by the applicant.

Dr. Clay then presented a Capacity Report for water and wastewater service to a rice milling and processing plant and warehouse to be developed by Brookshire Drying at 1019 Bains Street. Dr. Clay explained that a rice drying plant currently exists on such property and will remain in operation. Dr. Clay stated that a separate water meter will be required for each structure on the property. Dr. Clay reported that the developer's plans indicate that wastewater will not be discharged during the milling and processing operations. Dr. Clay further reported that the impact fee owed by the developer is \$8,427.53. Dr. Clay then stated that the developer will be required to install a reduced pressure zone backflow prevention device on all water service lines and irrigation lines. Upon a **motion** by Director Connor, seconded by Director Jackson, after full discussion and with all Directors present voting aye, the Board approved the Capacity Report for 1019 Bains Street.

Dr. Clay next presented a Capacity Report for water and wastewater service to a single-story storage facility located at 1102 Franklin Street. Dr. Clay reported that RLS Holdings, Inc. ("RLS") recently purchased the property from Gary Woods Electrical Service, Inc. and added that RLS is not proposing to construct any additional structures on such property. Dr. Clay further reported that the impact fee owed by RLS is \$1,139.90. Upon a **motion** by Director Connor, seconded by Director Jackson, after full discussion and with all Directors present voting aye, the Board approved the Capacity Report for 1102 Franklin Street.

Dr. Clay then presented a Capacity Report for water and wastewater service to the Milk and Brew Coffee Shop to be constructed on a vacant lot located at 540 FM 359 South. Dr. Clay complimented the applicant for the completeness of their application and the level of detail provided therein. Dr. Clay reported that the impact fee owed by the developer is \$3,344.80. Dr. Clay further reported that the developer will be required to install a reduced pressure zone backflow prevention device. Upon a **motion** by Director Connor, seconded by Director Jackson, after full discussion and with all Directors present voting aye, the Board approved the Capacity Report for 540 FM 359 South.

In response to a question, Dr. Clay confirmed that he received no development inquiries during the past month.

#### **6. Amend Rate Order.**

Discussion then ensued regarding the District's need to raise additional revenue in order to maintain and improve the District's aging facilities and increase its operating reserve. Mr. Barner

reminded the Board that water and wastewater revenue is the only revenue source that the District currently has to fund its operation and maintenance expenses because the District does not have authority to levy an operations and maintenance tax. Discussion next ensued regarding the amount by which the District intends to increase water and wastewater rates in order to sufficiently increase the District's operating and reserve funds.

Director Green explained that Mrs. Pierre coordinated with MOC regarding increased costs of operations and maintenance of the District's facilities. Mr. Taylor then reviewed with the Board a summary of MOC's recommendations regarding potential increases in the District's water and wastewater rates.

Upon a **motion** by Director Connor, seconded by Director Jackson, after full discussion and all Directors present voting aye, the Board: 1) authorized amending the District's Rate Order to increase the base water rate and base wastewater rate by \$3.00 each for all classes of customers, and to increase each water and wastewater usage tier by \$1.00 for all classes of customers; and 2) approved October 1, 2023, as the effective date of such Amended Rate Order.

**7. Update on Riverwood Farms Residential Development Project ("Riverwood Farms").**

Mr. Barner then updated the Board regarding the status of development of the proposed 173-acre 500-lot single-family residential development of Riverwood Farms. Mr. Barner discussed with the Board the District potentially calling a special election in May 2023 for the creation of a defined area. In response to a comment from Director Green, Mr. Barner explained the processes for annexation of land and creation of a defined area and clarified that no party has unreasonably delayed such processes.

**8. 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 24,378,000 gallons of water was pumped from the District's wells from June 16, 2023 through July 15, 2023.

Mr. Taylor next reported that the District's wastewater treatment plant ("WWTP") operated at 35% capacity during the month of July. Mr. Taylor further reported that 10,227,800 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 340,927 gallons per day ("gpd") and the peak daily flow was 585,400 gpd.

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

Mr. Taylor next 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 Connor, seconded by Director Jackson, after full discussion and with all Directors present voting aye, the Board accepted the Operator's Report, as presented.

9. **Compliance with Sanitary Sewer Overflow ("SSO") Initiative Program.**

Mr. Taylor next reminded the Board that as part of the District's participation in the Texas Commission on Environmental Quality's ("TCEQ") SSO Initiative Program, the TCEQ requires that the District address certain deficiencies in its wastewater collection systems by certain annual deadlines. Mrs. Pierre then reminded the Board that the District previously conducted smoke testing on its wastewater lines in order to address certain deficiencies in its wastewater collection systems, and it was determined that damaged cleanout caps are the primary source of infiltration into such system. Mrs. Pierre further reported that she is coordinating with RAB and the smoke testing contractor, Magna Flow Environmental ("Magna Flow"), regarding the incorrect addresses of customers with damaged cleanout caps as were provided by Magna Flow. Mrs. Pierre reported that once the correct addresses are identified, letters will be sent notifying such customers that if their cleanout caps are not replaced within 30 days, such customers' service will be subsequently terminated.


10. **Adjournment.**

There being no further business to come before the Board, the Board meeting was adjourned at 7:25 p.m.

PASSED, APPROVED and ADOPTED this the 2<sup>nd</sup> day of October, 2023.



(DISTRICT SEAL)

  
Secretary, Board of Directors