

BROOKSHIRE MUNICIPAL WATER DISTRICT
MINUTES OF BOARD OF DIRECTORS REGULAR MEETING

December 19, 2022

The Board of Directors (the "Board" or "Directors") of Brookshire Municipal Water District (the "District") met in regular session on the 19th day of December, 2022, 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. Also attending were Tonya Pierre, General Manager of the District; Linda Guevara, employee of the District; Elliot M. Barner, attorney, of Radcliffe Bobbitt Adams Polley PLLC ("Attorney" or "RBAP"); and all persons on the attached attendance roster.

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 November 21, 2022. 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 regular meeting of November 21, 2022, as presented.

3. Update on Land Use Assumptions, Capital Improvements Plan and Impact Fees, Including Appoint Capital Improvements Advisory Committee (the "Committee").

Mrs. Pierre updated the Board on the status of searching for eligible candidates to serve on the Committee. A discussion ensued regarding such Committee. Mrs. Pierre stated that she reached out to a potential candidate; however, such individual declined to serve on the Committee. In response to a question, Mr. Barner reminded the Board that no less than 40% of the members of the Committee must be comprised of members of the real estate, development and building industries and that the Committee may be comprised of no more than three (3) Directors. A

discussion then ensued regarding the requirements to serve on the Committee, and it was the consensus of the Board that Mrs. Pierre and Mr. Barner discuss such matter further to determine if any of the previously discussed individuals may be considered qualified candidates pursuant to Texas Local Government Code, Section 395.058.

4. **General Manager's Report.**

Mrs. Pierre stated that she had nothing to report to the Board relating to this agenda item.

5. **Authorize Distribution of Public Utility Commission ("PUC") Notice Regarding Extreme Weather Events.**

Mr. Barner then explained to the Board that the PUC is requiring that on or before January 31, 2023, all investor-owned utilities, water supply and sewer service organizations, districts and affected counties must provide a one-time, written notice to customers in English and Spanish to inform such customers of new requirements pertaining to customers affected by extreme weather events as defined by Texas Administrative Code § 24.173(d) (the "Notice"). Mr. Barner stated that such notice must include specific information as outlined in such code. Mr. Barner explained that in order to comply with such requirements, the District must insert such notice in customers' next billing statements notifying such customers of the PUC's new requirements regarding extreme weather events. Upon a **motion** by Director Jackson, seconded by Director Connor, after full discussion and with all Directors present voting aye, the Board authorized distribution of the PUC Notice to customers via an insert in customers' water/sewer bills.

6. **Review New Director Application to Fill Vacancy.**

Mrs. Pierre next presented to the Board an Application for Appointment to the Board submitted by Mr. P. Anthony McAnelly.

Mrs. Pierre then reminded the Board that last month, when notice was posted on the District's website regarding the vacancy on the Board, such notice was also distributed to customers via email. Mrs. Pierre explained that after discussing such matter with Rural Water Impact, the District's website provider, it was determined that Rural Water Impact mistakenly distributed such notice to customers in an email containing recent District news.

Upon a **motion** by Director Williams, seconded by Director Connor, after full discussion and with all Directors present voting aye, the Board approved extending the deadline by which to submit an Application for Appointment to the Board until January 11th.

7. **Annexation of Off Lease Only, LLC ("OLO, LLC") Development (21.379-Acres).**

Mr. Barner then updated the Board regarding the annexation of 21.379 acres of land being developed by OLO, LLC. Mr. Barner explained that annexation documents will be sent to OLO, LLC tomorrow for their review, and added that once such documents are executed by OLO, LLC, such documents will be presented to the Board for approval.

8. Review 2023 Annual Agenda.

Mr. Barner next presented the 2023 Annual Agenda and requested that the Board and consultants review such document and provide him with their comments to same.

9. Attorney's Report, including Authorize Eminent Domain Reporting Compliance Pursuant to Texas Government Code, Section 2206.151-157, as Amended.

Mr. Barner then reported that RBAP will file the required annual eminent domain report on behalf of the District pursuant to Texas Government Code, Section 2206.151-157, as amended. Mr. Barner explained that the report includes information related to the District's authority to exercise its power of eminent domain and must be filed by no later than February 1st of each year. Upon a **motion** by Director Connor, seconded by Director Williams, after full discussion and with all Directors present voting aye, the Board voted unanimously to authorize RBAP to file the required annual eminent domain report pursuant to Texas Government Code, Section 2206.151-157, as amended. Mrs. Pierre then requested that once RBAP files such report, they provide her with written confirmation of filing of the same for the District's records.

10. General Manager's Report (continued).

Next, Mrs. Pierre presented an email from the District's Operator, Mr. John Taylor, regarding the failure of District's lift station located near the KOA campground. Mrs. Pierre reminded the Board that Mr. Taylor located a refurbished lift station for sale and inquired to the seller about the arrangement of a deposit and payment plan for the purchase of such lift station. Mrs. Pierre then explained that pursuant to Mr. Taylor's email, the seller of the refurbished lift station agreed to a four (4)-month payment plan for the financing of such lift station. Additionally, the contractor excavating the site of the failed lift station and installing the new lift station agreed to a four (4)-month payment plan for such work. Mr. Barner reminded the Board that it previously approved the purchase of the refurbished lift station, subject to arrangement of a payment plan; however, the Board had not approved the terms of the payment plans for the purchase, excavation, or installation of such lift station. Upon a **motion** by Director Connor, seconded by Director Jackson, after full discussion and with all Directors present voting aye, the Board approved the excavation of the existing lift station and purchase and installation of the refurbished lift station pursuant to the terms of the four (4)-month payment plans for the same.

In response to a question regarding whether the District is prepared for the impending freezing temperatures, Mrs. Pierre stated that the District is taking the appropriate measures to be prepared. Then, the Board instructed Mrs. Pierre to coordinate with the District's Operator and/or insurance provider to obtain list of recommended ways in which to prepare the District's facilities for such freezing temperatures.

11. Adjournment.

There being no further business to come before the Board, the Board meeting was adjourned at 6:30 p.m.

PASSED, APPROVED and ADOPTED this the 17th day of January, 2023.



(DISTRICT SEAL)


Secretary, Board of Directors