

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

**June 3, 2024**

The Board of Directors (the "Board" or "Directors") of Brookshire Municipal Water District (the "District") met in regular session on the 3<sup>rd</sup> day of June, 2024, 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
NaKeshia Barley	Director

All members of the Board were present, except Director Green, 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"); Dr. Herman Clay, PhD of Clay & Leyendecker, Inc. ("Engineer"), via telephone; James Weishuhn of Weishuhn Engineering, Inc. ("Weishuhn"); Cameron Brown of Assessments of the Southwest, Inc. ("ASW" or "Tax Assessor-Collector"); Elliot M. Barner, attorney, of Radcliffe Adams Barner PLLC ("Attorney" or "RAB"); Michael Foley of Riverway Properties ("Riverway"); and Becky Ullman and Cameron Newton of Friendswood Development Company ("Friendswood").

The Vice 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 6:02 p.m. and declared it open for such business as may regularly come before it.

**1. Public Comment**

The Vice President first opened the meeting to public comment. There being no public comments, the Vice President directed the Board to proceed with the agenda.

**2. Defined Area No. 1 (the "Defined Area"), Including Presentation by Friendswood**

Mr. Barner reminded the Board that the Defined Area was recently created through an election held within the boundaries of the proposed Defined Area. Mr. Barner then explained that Terra Prima, the land owner of the land comprising the Defined Area, has entered into an agreement with Friendswood, to construct a single-family residential home subdivision within the Defined Area and that Friendswood's representatives are present to introduce themselves and discuss their plan for such subdivision. Ms. Ullman then introduced herself and the other representatives of Friendswood to the Board. Ms. Ullman went on to explain Friendswood's plan for developing within the Defined Area. A brief discussion ensued.

**3. Approve Minutes of Prior Meeting**

The Board then considered approval of the minutes from the regular meeting of May 6, 2024. Upon a **motion** by Director Williams, seconded by Director Jackson, after full discussion and with all Directors present voting aye, the Board approved the minutes from the regular meeting of May 6, 2024, as presented.

**4. 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, 2024, and the year to-date expenses incurred by the District.

Mr. Haskins then discussed the Texas Unclaimed Property Report and explained that such report is required to be filed with the State Comptroller's office ("Comptroller") annually regarding customer funds that remain unclaimed. Mr. Haskins reported that he will file such report with the Comptroller and added that his office will prepare a check for such unclaimed property for the Board's approval upon confirmation of the amount to be escheated to the State. Mr. Haskins stated that following such confirmation and the Board's approval of the check, such check will be sent to the Comptroller.

Upon a **motion** by Director Jackson, seconded by Director Williams, after full discussion and with all Directors present voting aye, the Board approved: 1) the Bookkeeper's Report, as presented; and 2) authorized filing of the Texas Unclaimed Property Report.

**5. Approve Dates for Budget Workshops**

Due to the absence of Director Green, it was the consensus of the Board to postpone scheduling a workshop to review the draft budget for the fiscal year ending August 31, 2025. Mr. Barner recommended that Mrs. Pierre coordinate with the Board and Bookkeeper to determine when regarding potential dates on which to schedule such workshop.

**6. Tax Assessment and Collection Matters**

Mr. Brown then reviewed the Tax Assessor-Collector's Report for the month of May 2024. The Board explained to Mr. Brown that the District's consultants' reports are due to Mrs. Pierre no later than the Wednesday prior to the regular Board meeting at which such reports are to be presented. Mr. Brown stated that he will inform the staff at ASW regarding such requirement.

Upon a **motion** by Director Jackson, seconded by Director Williams, after full discussion and with all Directors present voting aye, the Board accepted the Tax Assessor-Collector's Report, as presented.

7. **Texas Water Development Board ("TWDB") Project**

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 99.5% complete.

Mr. Weishuhn reported that Texas Pride Utilities, LLC ("Texas Pride") removed two (2) connections from the old water lines at Second Street and Franklin Street and connected the new water lines to the District's water distribution system. Mr. Weishuhn further reported that Texas Pride abandoned the cross connection at several locations along Second Street. Mr. Weishuhn then reported that Weishuhn located an additional valve below approximately 12-inches (12") of roadway, which was feeding water to the Second Street water line from the Cooper Street water line.

Mr. Weishuhn then reported that Texas Pride removed the temporary connection at The Brookwood Community and reinstall the air relief valve in such location.

Mr. Weishuhn next reported that Weishuhn requested that the District's office provide a punch list of items to be addressed before the Water Line Project is complete, particularly damaged or missing fire hydrants. Mr. Weishuhn then reported that four (4) of the District's fire hydrants have antiquated fittings and cannot be connected to the new water lines. Mr. Weishuhn stated that the cost to purchase new fire hydrants is approximately \$8,000.00 per hydrant.

Mr. Weishuhn next presented to the Board Texas Pride's Pay Application No. 16 in the amount of \$7,885.00. Mr. Weishuhn then stated \$1,259.00 remains in the budget for the Water Line Project. Mr. Weishuhn reminded the Board that the District is holding \$95,996.05 in retainage, which will not be released until the project is complete. Mr. Weishuhn stated that such project should be completed by June 30, 2024.

Next Mr. Weishuhn reported that the remaining work to be completed on the Water Line Project includes verifying water flow from south to north Kenney Street at U.S. Highway 90 as well as Cooper Street and U.S. Highway 90. Mr. Weishuhn further reported that Texas Pride also needs to exercise the recently located valve at Waller Avenue and Second Street.

Extensive discussion ensued regarding the length of time that customers' water service was disrupted while Texas Pride was isolating certain water lines on May 20, 2024. The Board expressed its displeasure that such service disruption lasted several hours longer than what was expected and relayed to customers. Mr. Weishuhn then explained that the asbestos clay water lines at Cooper Street and Waller Avenue were replaced several years ago, which resulted in the presence of isolation valves that Weishuhn was not aware existed.

Upon a **motion** by Director Jackson, seconded by Director Williams, after full discussion and with all Directors present voting aye, the Board: 1) accepted the TWDB Project Report, as presented; 2) approved Texas Pride's Pay Application No. 16 in the amount of \$7,885.00; and 3) authorized Mr. Holmes to exercise certain water lines.

**8. Engineer's Report**

Dr. Clay then presented the Engineer's Report.

Dr. Clay next presented to the Board the Capacity Report for 737 FM 1489, which will be developed into a 1,700 square-foot single-story commercial space. Dr. Clay reported that the developer will owe the District an Impact Fee of \$6,350.00.

Dr. Clay next reported that no development inquiries were received within the past month.

Upon a **motion** by Director Williams, seconded by Director Jackson, after full discussion and with all Directors present voting aye, the Board approved the Engineer's Report, as presented, including the Capacity Report for 737 FM 1489.

**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 19,919,000 gallons of water was pumped from the District's wells from March 15, 2024 through April 15, 2024.

Mr. Taylor next reported that the District's wastewater treatment plant ("WWTP") operated at 41% capacity during the month of April. Mr. Taylor further reported that 11,982,200 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 399,407 gallons per day ("gpd") and the peak daily flow was 1,423,500 gpd.

Mr. Taylor then reported that the generator at the WWTP turned on and continued running because the transfer switch for such generator malfunctioned. Mr. Taylor noted that such transfer switch was installed only eight (8) months ago. Mr. Taylor further reported that a new transfer switch was ordered, and a claim was submitted to the District's insurance provider for the damaged transfer switch.

Mr. Taylor next reminded the Board that a sanitary sewer line is damaged at the South Street Lift Station and needs to be repaired.

Next, Mr. Taylor reported that the motors on the District's lift station on Stella Road were flooded during the most recent heavy rain event.

Mr. Taylor then reminded the Board that the small clarifier at the WWTP is not functioning properly. Mr. Taylor further reminded the Board that he previously received a proposal from AUC Group in the amount of \$130,000.00 to rehabilitate such clarifier. Mr. Taylor stated that Dr. Clay will need to provide the design specifications for a new clarifier.

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

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.

Next, Mr. Taylor discussed with the Board the Texas Commission on Environmental Quality's ("TCEQ") recent inspection to the District's WWTP. Mr. Taylor reported that the TCEQ did not note any items of concern during such inspection.

Upon a **motion** by Director Jackson, seconded by Director Williams, 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 TCEQ's SSO Program, the District is required to address certain deficiencies in its wastewater collection systems. Mr. Taylor further reminded the Board that by September 1, 2024, the District is required to televise and repair certain portions of the District's wastewater lines.

**11. Rate Order, Including Annual Review of Industrial Waste Order ("IWO")**

Mr. Barner then reminded the Board that the District has an IWO that sets forth standards and criteria for effluent discharges and allows the District to impose certain restrictions and penalties on customers who are in violation of such order. Mr. Taylor next reminded the Board that he is coordinating with the District's office staff to expand the number of commercial properties for whom wastewater discharge sampling is conducted to ensure compliance with the District's IWO.

Mrs. Pierre stated that Dr. Clay will review the IWO and recommend any necessary revisions. Mr. Barner noted that MOC also reviews such IWO.

**12. Ethics Policy**

Mr. Barner then stated that review of the District's Ethics Policy is an annual agenda item. Mr. Barner went on to state that he recommends no changes to such policy at this time and requested that should the Board have any questions regarding such policy, to let him know.

A brief discussion ensued regarding the issuance of advances for payment of expenses incurred at the upcoming Association of Water Board Director's Conference. In response to a question, Mr. Barner confirmed that receipts must be kept and presented by any director that wishes to be reimbursed for an expense incurred as a result of performing the duties of director.

**13. Directors' Reports**

Director Williams noted that numerous phone calls were received by the District and herself personally from customers that were affected by the disruption in water service on May 20, 2024 that was the result of the District's work on water lines.

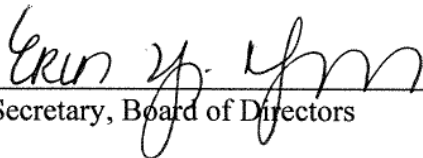
14. **Adjournment**

There being no further business to come before the Board, the Board meeting was adjourned at 7:49p.m.

PASSED, APPROVED and ADOPTED this the 15<sup>th</sup> day of July, 2024.



(DISTRICT SEAL)

  
Secretary, Board of Directors