

BROOKSHIRE MUNICIPAL WATER DISTRICT

MINUTES OF BOARD OF DIRECTORS REGULAR MEETING

December 2, 2019

The Board of Directors (the "Board" or "Directors") of Brookshire Municipal Water District (the "District") met in regular session on the 2nd day of December, 2019, 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:

Edith Penrice-Kelley	President
Albert Wilkins	Vice President
Stephanie Green	Investment Officer
Havanaugh Glover	Secretary
Victor Aiardin	Assistant Secretary

All members of the Board were present, except for Director Wilkins. Also attending were: Tonya Pierre ("General Manager"); Dr. Herman Clay, PhD ("Engineer"); Steve Haskins of Protocol Bookkeeping, Inc. ("Bookkeeper"); John Taylor of Municipal Operations and Consulting, Inc. ("Operator" or "MOC"); Mr. James Weishuhn of Weishuhn Engineering, Inc. ("Weishuhn"); Monica A. Garza, attorney, of Radcliffe Bobbitt Adams Polley PLLC ("Attorney" or "RBAP"); and all persons on the attached Attendance Roster.

The President, after finding that the 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 President first opened the meeting to public comment. Mr. Elton Foster of Curry Chapel Baptist Church (the "Church") introduced himself and inquired about the status of backflow prevention assembly devices ("BFPA"). Mr. Foster reported that a second inspection was performed at the Church and that the inspector informed him that it failed such inspection due to an improperly installed irrigation system. Mr. Foster stated that the Church does not have an irrigation system on the property, but that according to such inspector, a portion of the piping is installed at the Church is considered such a system. Mr. Foster further stated that water used in a baptistry is classified as contaminated by the Texas Commission on Environmental Quality (the "TCEQ"). Mr. Foster then requested clarification regarding the concerns arising from the backflow evaluation performed on the Church and the BFPA requirements. Director Green stated that a BFPA checklist could be requested from the District's office. In response to a question by Mr. Foster regarding what is considered to be an irrigation system, Mr. Taylor explained that guidelines set by the TCEQ require the height of the hose bib to raise above eighteen (18) inches. Mr. Taylor stated that he will speak to the backflow inspector and will look at the report resulting from the inspection performed on the Church. Mrs. Pierre reminded the Board that they previously adopted the TCEQ's guidelines regarding BFPAs but did not adopt a checklist

for the customers' responsibilities following such inspections, and as such, she is not sure what information to provide to Mr. Foster with as far as written guidelines. Director Kelley stated that the Board hired an independent inspector to make the determination as to what is required by customers following the inspections and since the Board has not yet received such reports, the Board cannot opine on such matter at this time.

There being no further 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 regular meeting of November 12, 2019. Upon a **motion** by Director Green, seconded by Director Glover, after full discussion and with three Directors present voting aye, and Director Kelley abstaining, the Board approved the minutes from the regular meeting of November 12, 2019, subject to certain changes.

3. **Authorize Submittal of Continuing Disclosure Report.**

Mrs. Garza explained that authorization of such report be postponed until the Audit Report for Fiscal Year Ended ("FYE") August 31, 2019 is approved and made final..

4. **Bookkeeper's Report.**

Mr. Haskins then presented the Bookkeeper's Report, a copy of which is available upon request. Mr. Haskins reported that the District's bank has not yet received the final memo from the TCEQ authorizing the release of bond funds.

Next, Mr. Haskins reviewed the budget performance for FYE August 31, 2020.

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

5. **Texas Water Development Board ("TWDB") Projects.**

Mr. Weishuhn reminded the Board that a Certificate of Order of Completion has been received from the TWDB for Project No. 73797. Mr. Weishuhn reported that all remaining funds have been used on various projects within the District. Mr. Weishuhn requested the Board's approval to closeout such TWDB project.

Mr. Weishuhn then discussed the water line replacement project that will replace asbestos clay water lines along Texas FM 1489 and in a residential area north of U.S. Highway 90 and east of Texas FM 362 (Project Information Form No. 12613) (the "Water Line Project"). Mr. Weishuhn reported that Weishuhn continues to prepare maps for such project and is currently working with the Texas Department of Transportation regarding water line replacement in the FM 1489 area. Ms. Garza reported that she provided Mrs.

Pierre with a proposed letter requesting easements from seven (7) property owners along FM 1489 for the Water Line Project.

Upon a **motion** by Director Alardin, seconded by Director Glover, after full discussion and with all Directors present voting aye, the Board authorized to closeout TWDB Project No. 73797.

6. Engineer's Report.

Then, Dr. Clay presented the Engineer's Report was then presented.

Dr. Clay reminded the Board that the ground storage tank ("GST") project is funded by the Community Development Block Grant ("CDBG") received through the City of Brookshire (the "City") from the Texas Department of Agriculture. Dr. Clay further reported that such project has been completed.

Regarding the Brookwood Community Project, Dr. Clay reported that one of the easement agreements necessary for the construction of the sanitary sewer force main along 11th Street (the "11th Street Force Main") has been executed by the property owner and recorded in the Waller County Real Property Records. Dr. Clay further reported that a second easement agreement has been provided to the appropriate landowner but has not yet to be executed.

Regarding the Access Health Project ("Access"), Dr. Clay reminded the Board that the building is required to have a manhole at the location where the sanitary sewer line connects to the District's main sewerline. Dr. Clay reported that because of the depth of such connection, the District previously agreed to relocate the manhole. Dr. Clay further reported that the existing manhole will be used as a sampling well for sampling the wastewater discharged from Access. Mr. Shannon McVey with Access introduced himself to the Board and stated that Access requests that the District allow for a clean-out of the sewer lines rather than require Access to install a sampling well. Dr. Clay stated that he stands by his original recommendation of the installation of a sampling well but has suggested the option of pre-cast manholes to Access as a less expensive alternative. Mr. McVey inquired as to whether sampling wells were required for other medical offices within the District. Dr. Clay explained that existing buildings are not required to install sampling wells, but that the District requires them for all new construction. Mr. McVey stated that all discharge from Access into the District's sanitary sewer collection system will come from toilets and sinks, and that no medical waste or non-domestic waste will be discharged into such system.

Regarding the request for annexation by LTL Group ("LTL") for the Texas Greentech Business Park ("Texas Greentech"), Dr. Clay reminded the Board that they previously approved such annexation. Dr. Clay reported that he recalled a portion of the land to be annexed was previously annexed 1973, but stated that he will confirm that information.

Dr. Clay then discussed the G-Tech Fire Line Project located at 35002 Cooper Road and reminded the Board that he reviewed the plans regarding the ownership of the fire line.

Ms. Garza stated that she will discuss further with Dr. Clay the issue of whether such fire line should be public or privately owned.

Director Green inquired as to whether or not the Board needs to take action regarding Access' request that the District waive the requirement for the installation of a sampling well. Director Kelley stated that the Board affirms its previous decision consistent with Dr. Clay's recommendation to require Access to install a sampling well on site.

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

7. **Update on Response to Notices of Violation from TCEQ.**

Mr. Taylor reminded the Board that MOC sent a letter to the TCEQ addressing the violations identified in the TCEQ's notice of violation letter dated August 30, 2019, and requesting that the TCEQ grant the District an exception to certain requirements that the District provide certain data related to the construction of its water wells, which were constructed before such data was required to be provided to the TCEQ. Mr. Taylor reported that MOC has not yet received a response from the TCEQ.

8. **Operator's Report.**

The Operator's Report was then presented by Mr. Taylor, a copy of which is available upon request.

Mr. Taylor reported that a water line main break occurred on November 25, 2019 at around 9:00 p.m. underneath the power pole located on the property of the Holiday Inn Express. Mrs. Pierre reported that some businesses in the area were affected by the main break and experienced low water pressure. Mrs. Pierre stated that she sent notices to the affected businesses at 4:00 p.m. on November 27, 2019.

Regarding the blow-off valve located adjacent to 605 Purdy Street, Mr. Taylor reported the relocation of such valve will be scheduled as soon as possible.

Mrs. Pierre then requested clarification from Mr. Taylor regarding the District's process for detecting and repairing water line leaks. Mrs. Pierre requested that it be reflected in the minutes of the meeting that it is the standard practice of MOC to replace a leaking water line if they determine that more than one (1) repair is needed to any one (1) section of line after digging twenty-four (24) inches. Director Kelley requested that Mrs. Pierre, Dr. Clay, and Mr. Taylor coordinate to determine the standard practice for replacement of leaking water lines and then make a recommendation to the Board regarding the same. Director Kelley inquired as to how the District is charged when MOC sends a crew to repair a water line leak and finds other leaks in the line during such repair. Director Kelley then stated that she would like information regarding how many times the same sections of line are being repaired and whether or not sections of line are under warranty or whether the District must pay for repeated repairs. Mrs. Pierre stated that she would

provide the Board with a map identifying the location of water line repairs and a list of such repairs that the District has been billed for.

Mr. Taylor then requested that the Board add an item to the January 6, 2020 agenda regarding amending the District's contact with MOC. Mr. Taylor stated that he would send a copy of the proposed amendment to the Board in advance of the January 6, 2020 meeting.

In response to a question from Director Kelley regarding the status of backflow inspections and reports, Mr. Taylor explained that the inspector is making recommendations as to whether or not a BFPA is required based upon the inspections performed at each property. Directory Kelley stated that if customers are receiving reports from the inspector, a copy of such reports should be provided to the Board so that they can opine on the inspector's recommendations. Mrs. Pierre stated that she will ask if the inspector can provide his reports to the Board prior to the December 16, 2019 meeting. Director Alardin reminded the Board that the previously agreed upon approach for requiring customers to have BFPAs is to implement the rules set forth by the TCEQ. In response to Director Kelley's request to see what information is included in the inspection reports, Mr. Taylor explained that the Customer Service Inspection ("CSI") rules are outlined in the Texas Administrative Code Section 290 ("Section 290"). Mr. Taylor stated that he would coordinate with Mrs. Pierre to create a document to provide to customers based off Section 290 identifying the requirements for the BFPAs.

Discussion then ensued regarding CSIs performed on churches within the District. It was the consensus of the Board to place an item on the January 6, 2020 agenda regarding the same.

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

9. **Schedule Date for Special Meeting for Presentation Related to Texas Rural Water Association/TCEQ Technical Assistance Services Program.**

Regarding scheduling a special meeting for a presentation to the Board regarding the Texas Rural Water Association/TCEQ Technical Assistance Services Program, such discussion was tabled.

10. **Texas Water Development Board ("TWDB") Projects, continued.**

Mrs. Pierre then presented the Board with a proposed letter prepared by RBAP requesting easements from seven (7) property owners along FM 1489 for the installation of a water line. Mr. Weishuhn recommended adding language to such letter further explaining why the District is requesting the easement and attaching a draft of the proposed easement agreement. In response to a comment from Mr. Weishuhn, Ms. Garza clarified that RBAP has not drafted the proposed easement agreements because it was her understanding that all seven (7) property owners must agree to grant easements to the District or such line will have to be construction by other means. Director Green stated

that the proposed easement agreements should not be attached to the letter as it may place undue pressure upon the property owners. Upon a **motion** by Director Alardin, seconded by Director Glover, after full discussion and with all Directors present voting aye, the Board approved the proposed letter, as amended by RBAP, and authorized Mrs. Pierre to send such letter to the property owners.

11. Adjournment.

There being no further business to come before the Board, the meeting was adjourned.

PASSED AND APPROVED on this 1 day of January, 2020.



Secretary, Board of Directors