

BROOKSHIRE MUNICIPAL WATER DISTRICT

MINUTES OF BOARD OF DIRECTORS REGULAR MEETING

October 21, 2019

The Board of Directors (the "Board" or "Directors") of Brookshire Municipal Water District (the "District") met in regular session on the 21st day of October, 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 Alardin	Assistant Secretary

All members of the Board were present, except for Director Penrice-Kelley. Also attending were Tonya Pierre ("General Manager"); Elliot M. Barner, attorney, of Radcliffe Bobbitt Adams Polley PLLC ("Attorney" or "RBAP"); and all persons on the attached Attendance Roster.

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. **Approval of Minutes.** The Board then considered approval of the minutes from the special meeting of July 22, 2019. Upon a **motion** by Director Alardin, seconded by Director Glover, after full discussion and with three (3) Directors present voting aye and Director Green voting no, the Board approved the minutes from the special meeting of July 22, 2019.

The Board next considered approval of the minutes from the regular meeting of August 19, 2019. Upon a **motion** by Director Alardin, seconded by Director Glover, after full discussion and with three (3) Directors present voting aye and Director Green voting no, the Board approved the minutes from the regular meeting of August 19, 2019.

The Board then considered approval of the minutes from the regular meeting of September 16, 2019. Upon a **motion** by Director Alardin, seconded by Director Glover, after full discussion and with all Directors present voting aye, the Board approved the minutes from the regular meeting of September 16, 2019.

3. **Backflow Prevention.** Mrs. Pierre updated the Board on Mr. Bruce Albright's progress with scheduling the evaluations to determine what, if any, backflow prevention assembly devices ("BFPA") are needed by customers (the "Evaluations"). Mrs. Pierre further reported that she has prepared an Evaluation Form and a brief discussion ensued regarding such form. Mrs. Pierre stated that she will provide such form to the Operator for review

and approval at the next meeting. Director Glover requested that such form be provided to the Board for review before being distributed to the Operator and Mr. Albright.

A discussion then ensued regarding scheduling a special meeting for a presentation through the Texas Rural Water Association ("TRWA") / Texas Commission on Environmental Quality's ("TCEQ") Technical Assistance Services.

Mrs. Pierre reminded the Board that it previously authorized her to solicit estimates for the Evaluations, coordinate same with customers in attendance at the July 3, 2019 and July 22, 2019 Board meetings, and provide notice regarding same. Mrs. Pierre further reminded the Board that the District has engaged Mr. Albright to perform such Evaluations at a cost of \$65.00 per customer. Director Glover stated that now that Mr. Albright has been engaged, Mrs. Pierre will be coordinating with those customers who had recently received letters from the District and who had been in attendance at the July 3, 2019 and July 22, 2019 Board meetings. Mr. Barner stated that when the situation regarding the BFPA requirements originally arose, the issue was not who would perform the Evaluations, but whether such Evaluations were required to be done at all. Director Green clarified that the Evaluations will determine whether or not a BFPA is required, and particularly whether or not a reduced pressure zone assembly device ("RPZA") is required. An extensive discussion ensued regarding the Evaluations. Mrs. Pierre then stated that while Mr. Albright may determine that a BFPA is required, Mr. Albright may also determine that a RPZA is not needed; so therefore, only those who need a RPZA will be required to perform annual inspections and provide certificates of such inspections to the District in the future. Mrs. Pierre reminded those in attendance that the Board, at its July 22, 2019 Board meeting, amended the District's BFPA policies to reflect the TCEQ minimum requirements.

4. **General Manager's Report.** Mrs. Pierre then presented the General Manager's Report, a copy of which is available upon request.

Mrs. Pierre reported that she is going to coordinate with the Operator to establish a process for detecting and repairing waterline leaks. Director Alardin expressed his frustration regarding Municipal Operations and Consulting, Inc. ("MOC") employees who do not attempt to repair waterline breaks themselves, but then call MOC to do such repairs. Director Alardin stated that MOC's fees for repairing waterline leaks are exorbitant. Director Alardin then stated that MOC employees will investigate such leaks, but if they determine that they cannot make the repair, then they call Waterworks. Director Glover asked if MOC's service orders indicate what is being repaired. Director Wilkins then reported that his water meter is dirty, and he is unable to read it.

Upon a **motion** by Director Glover, seconded by Director Green, after full discussion and with all Directors present voting aye, the Board authorized one (1) Director to hold a meeting with the General Manager and MOC to clarify the process for repairing water line breaks within the District.

Regarding Director Wilkins' concern over his dirty water meter, Mrs. Pierre requested that Director Wilkins provide her with the information about such meter and stated that she would coordinate with MOC regarding cleaning of such meter.

In response to a question from Director Green regarding waterline leak detection equipment, Mrs. Pierre discussed radio-read meters and the location of such meters within the District.

Regarding the blow-off valve located adjacent to at 605 Purdy Street, Director Glover recommended such valve be relocated and requested that such item be included on the agenda for the next regular monthly meeting.

Regarding requests for water bill adjustments, Director Alardin explained that he understood that customers are supposed to be called when payment of their water bill is late. Director Alardin reported that he received a call recently from the District's office informing him that he was two (2) months late with his water bill payments and his service would be disconnected. Director Alardin stated that he never received a recorded telephone message or a written notice from the District regarding late payment. A discussion ensued regarding the date that cut off notices are sent to customers.

Mrs. Pierre next discussed Director Alardin's request that the Board waive the late fee charged to his account. Mrs. Pierre stated that although she is aware that she has the authority to waive late fees in certain situations, she does not feel comfortable using such authority to waive such fee in this situation without discussing it with the Board first since Director Alardin is a Director on the Board. Mrs. Pierre also stated that she placed the item on the agenda in order to receive direction from the Board on such request. Extensive discussion ensued regarding such request. It was the consensus of the Board that it did not need to take any action on this item.

Policies Relating to Ethical Conduct, Fiscal Matters and Consulting (the "Ethics Policy"). Concerning possible amendments to the District's Ethics Policy, Director Alardin stated that the proposed addition of Section 1.07 is needed to ensure that the Directors have boundaries regarding how the District makes decisions pertaining to daily operations. An extensive discussion ensued including regarding the purpose and wording of such section and enforcement of such section. Upon a **motion** by Director Green to reject the proposed addition of Section 1.07 to the District's Ethics Policy, seconded by Director Wilkins, after full discussion and with two (2) Directors in favor and two (2) Directors against, the motion failed for lack of a majority.

In response to a question, Mr. Barner clarified that the failure of the above-made motion does not amend the existing Ethics Policy and that Section 1.07 was merely proposed to be included in such policy. Mr. Barner further clarified that unless a motion to amend the Ethics Policy to include such section passes, it is not a part of such policy.

5. **Administrative and Personnel Matters**. Director Green requested that Mrs. Pierre update the Board regarding staff members recently hired by the District. Director Green stated that she noticed two (2) new employees at the District's office last week and is concerned about turnover of District employees. Director Green further stated that the amount billed

to the District in recent invoices received from Links Staffing Service has been high in her opinion. Director Green reported that she has not been introduced to any of the District's new employees. Mrs. Pierre explained that Ms. Linda Guevara is a direct hire and that the rest of the new staff had been hired for temporary employment.

A discussion ensued regarding the benefits of the District using a staffing agency to hire temporary employees. Directors Wilkins and Alardin both stated that they have no problem with hiring temporary District employees or with the current office staff.

6. **Approval of Training, Conferences, or Committee Meetings.** Mrs. Pierre presented information related to the Government Treasurers' Organization of Texas and the Center for Public Management's Cash Handling Seminar to be held in Galveston, Texas on November 15, 2019. A discussion ensued regarding attendance at such seminar.

Upon a **motion** by Director Green, seconded by Director Alardin, after full discussion and with two (2) Directors in favor and two (2) Directors against, the motion failed for lack of a majority.

7. **Director's Reports.** Director Wilkins updated the Board regarding his attendance at the Risk Management conference in San Antonio and explained the information he received related to management of disasters.

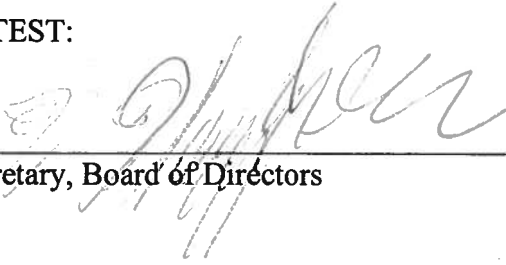
Director Green then updated the Board regarding her attendance at the Texas American Water Works Association Customer Service Workshop. Director Green stated that such workshop provided useful information regarding how Districts are perceived by the public and the importance of positive perception. Director Green then encouraged District staff to attend such workshop in the future.

Director Glover discussed the Sanitary Sewer Overflow Initiative Program that he attended.

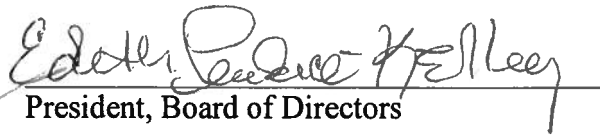
8. **Attorney's Report.** Mr. Barner reported on Senate Bill 944 and informed the Board that text messages sent to each other or to District consultants on privately-owned smart phone devices regarding District matters is public information under the Texas Public Information Act. Mr. Barner advised the Board to not send such messages to each other or District consultants. Mr. Barner then recommended that the Board establish District email addresses for District matters. A discussion ensued regarding RBAP preparing a Resolution Regarding Public Information on Private Devices to address changes to the Public Information Act set forth by Senate Bill 944.

9. **Adjournment.** There being no further business to come before the Board, upon a **motion** by Director Glover, seconded by Director Alardin, after full discussion and with all Directors present voting aye, the meeting was adjourned.

ATTEST:



Secretary, Board of Directors



Edith Rose Kelly
President, Board of Directors