

BROOKSHIRE MUNICIPAL WATER DISTRICT
MINUTES OF BOARD OF DIRECTORS REGULAR MEETING

April 19, 2021

The Board of Directors (the "Board" or "Directors") of Brookshire Municipal Water District (the "District") met in regular session on the 19th day of April, 2021, at 6:00 p.m., in the meeting room of the District, 4004 6th Street, Brookshire, Texas and via telephone conference call pursuant to Texas Government Code, Section 551.125, as amended, and as modified by the temporary suspension of various provisions thereof effective March 16, 2020, by the Governor of Texas (the "Governor") in accordance with the Texas Disaster Act of 1975, all as related to the Governor's proclamation on March 13, 2020, certifying that the COVID-19 pandemic ("COVID-19") poses an imminent threat of disaster and declaring a state of disaster for all counties in Texas; whereupon the roll was called of the members of the Board, to-wit:

Stephanie Green	President/Investment Officer
LaKethia Connor	Vice President
Shirley Williams	Secretary
Havanaugh Glover	Assistant Secretary
Michael Whitaker, Jr.	Director

All members of the Board were present, with Directors Connor and Glover attending via telephone conference call, thus constituting a quorum. Also attending were Tonya Pierre ("General Manager"); and Monica A. Garza, attorney, of Radcliffe Bobbitt Adams Polley PLLC ("Attorney" or "RBAP"). Also attending via telephone conference call were Dr. Herman Clay, PhD ("Engineer"); James Weishuhn of Weishuhn Engineering, Inc. ("Weishuhn"); Cortland Fellers of Fellers & Clark ("Fellers"), on behalf of LGI Homes, Inc. ("LGI"); and Mary Hernandez, resident of the District.

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 6:05 p.m. and declared it open for such business as may regularly come before it.

1. Public Comment.

The President then 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 meeting of March 8, 2021 and the minutes of the regular meeting of March 15, 2021. Upon a **motion** by Director Williams, seconded by Director Conner, after full discussion and with all Directors present voting aye, the Board approved the minutes from the special meeting of March 8, 2021 and the minutes of the regular meeting of March 15, 2021.

3. **Update on Matters Related to Compliance with the Sanitary Sewer Overflow ("SSO") Initiative Program.**

Mrs. Pierre reminded the Board that it previously authorized Magna Flow Environmental ("Magna Flow") to complete smoke testing on 138,500 linear feet of the District's sanitary sewer lines as required by the Texas Commission on Environmental Quality as part of the District participating in the SSO Program, subject to identifying a funding source for such project. Mrs. Pierre requested that Dr. Clay provide her with the contract documents related to Magna Flow's work on such project.

Mrs. Pierre then updated the Board regarding the status of the District's application to Government Capital Corporation ("Gov. Cap.") for a loan to fund repairs to various District facilities in order to comply with the SSO Program. Mrs. Pierre reported that Gov. Cap. requested the District's contract with Magna Flow for the smoke testing project and information relating to the scope of all projects that such loan will be used to fund.

4. **Approve Resolution Authorizing a Loan and Promissory Note with Gov. Cap.**

Ms. Garza then reminded the Board that it previously authorized Mrs. Pierre to submit an application to Gov. Cap. on behalf of the District for a loan in an amount not to exceed \$510,000.00 in order to fund various SSO Program projects. Upon a **motion** by Director Whitaker, seconded by Director Williams, after full discussion and with four (4) Directors present voting aye, and Director Glover abstaining, the Board approved a Resolution Authorizing a Loan and Promissory Note with Gov. Cap., subject to review of same and the loan agreement by the Attorney.

5. **Authorize Engineer to Prepare Report Regarding Conversion to a Municipal Utility District ("MUD").**

Ms. Garza then presented a memorandum regarding conversion of the District from a water control and improvement district to a MUD. Ms. Garza explained that such conversion would enable the District to enter into agreements with developers to designate such tracts as defined areas, and that such designation allows for the separate taxation of the defined area that is necessary to provide for reimbursement. It was the consensus of the Board to table further discussion regarding such matter until the special Board meeting to be held at the end of the month.

6. **Update on Capital Improvement Plan ("CIP").**

Mrs. Pierre next explained that Director Green met with the Operator and Dr. Clay to revise the District's long term CIP and added that a draft of such CIP is included in the Board's meeting packet. Director Green requested that further discussion regarding such matter be tabled until the Board's special meeting to be held at the end of the month. Director Green then asked that the Board review such CIP prior to such meeting.

7. Update on Matters Related to Service for 540 Solomon Lane.

Mrs. Pierre next reminded the Board that a fire hydrant existed in the right-of-way in front of the property being developed by LGI at 540 Solomon Lane. Mrs. Pierre further reminded the Board that LGI proceeded with relocating such hydrant prior to obtaining approval from Dr. Clay and reconnected it to the District's waterline approximately 20 feet (20') away from the original location, resulting in an unauthorized connection to the District's water distribution system. Mrs. Pierre then reported that LGI submitted payment to the District for all applicable fines and penalties. Dr. Clay reported that he has reviewed and approved the revised plans submitted by LGI for the relocation of such hydrant. Mrs. Pierre further reported that the Operator will perform a final inspection of the new fire hydrant connection.

Upon a **motion** by Director Whitaker, seconded by Director Williams, after full discussion and with all Directors present voting aye, the Board approved the connection of the relocated fire hydrant to the District's water distribution system.

8. Discuss Juan Chavez's Unauthorized Connection/Violations/Fees.

Mrs. Pierre reviewed correspondence relating to an unauthorized connection at 3611 and 3613 2nd Street. Mrs. Pierre explained that three (3) separate homes were constructed on a single lot located at 3611 2nd Street and that all such homes are connected to a single water meter in an account under the name of Juan Chavez. Mrs. Pierre further explained that such unauthorized connection constitutes a violation of the District's Rate Order, which requires a separate meter for each residence. Ms. Hernandez next introduced herself to the Board as the owner of the homes on such lot. Ms. Hernandez then clarified that the homes at 3611 2nd Street and 3613 2nd Street are located on the same lot; however, the home at 3609 2nd Street is located on a separate lot and does not receive water from the District. Ms. Hernandez requested that the Board allow her additional time to rectify the unauthorized connection. Discussion then ensued regarding such connection and Ms. Hernandez's options for addressing the same. Ms. Garza explained that in order to comply with the District's Rate Order, Ms. Hernandez can either: 1) cap the connection to the second (2nd) home located on the single lot and provide proof of same to the District; or 2) install a separate water meter for such second (2nd) home in accordance with the District's the Rate Order. Mrs. Pierre explained that the cost to install a new water meter for such second (2nd) home is approximately \$4,877.00. Ms. Hernandez stated that she will follow up with the Board regarding the unauthorized connection at the Board's regular meeting on May 3, 2021.

9. General Manager's Report.

Mrs. Pierre next presented the General Manager's Report, a copy of which is available upon request, including a list of active development projects within the District.

Mrs. Pierre reported that there were no calls received from District customers within the past month regarding high water usage.

10. Update on Matters Affected by Winter Storm Uri (the "Storm").

Mrs. Pierre next reported that that there were no requests received from District customers within the past month for leak adjustments related to the Storm.

Mrs. Pierre then reported that discussion regarding the District's Emergency Preparedness Plan and Drought Contingency Plan are agenda items that are brought before the Board on an annual basis; however, there are no changes recommended to such plans at this time.

Upon a **motion** by Director Conner, seconded by Director Whitaker, after full discussion and with all Directors present voting aye, the Board approved the General Manager's Report.

Mrs. Pierre then requested that the Board review the Backflow Report contained in the General Manager's Report. Mrs. Pierre explained that the customers identified in such report were sent certified letters informing them of the District's backflow prevention policies and the requirement that they provide proof to the District that they are compliant with such policies within 45 days of the receipt of such letter. Mrs. Pierre further explained that such customers have not provided a certification of compliance to the District.

11. Discuss Scheduling a Workshop Regarding Conversion to a MUD.

Discussion then ensued regarding scheduling a special meeting to discuss conversion to a MUD and the updated CIP. It was the consensus of the Board to hold such special meeting on April 29, 2021, at 6:00 p.m.

12. Review Administration/Personnel Matters.

Mrs. Pierre next reported that the District received two (2) applications for the available field technician position, and added that she interviewed one (1) such applicant. Mrs. Pierre further reported that such applicant will complete the required drug screening tomorrow.

Director Green then requested that the Attorney provide Mrs. Pierre with the necessary forms so that annual evaluations of the District's employees can be completed.

13. Approve Training, Conferences, or Committee Meetings.

Mrs. Pierre next discussed the Association of Water Board Directors' cybersecurity training seminar, which is now available on demand to members. Mrs. Pierre then discussed the Texas Water Conservation Association's 2021 Summer Conference to be held in Horseshoe Bay, Texas on June 9-11, 2021.

Director Williams then reported that she plans to attend the Royal Independent School District ("ISD") Community Advisory Committee meetings scheduled for April 21 and 28, 2021.

Upon a **motion** by Director Whitaker, seconded by Director Williams, after full discussion and with all Directors present voting aye, the Board authorized attendance at such conferences and trainings.


14. Directors' Reports.

Director Williams next discussed the Royal ISD Community Advisory Committee meeting that she attended on April 14, 2021.

15. **Adjournment.**

There being no further business to come before the Board, the Board meeting was adjourned at 7:12 p.m.

PASSED, APPROVED and ADOPTED this the 17 day of MAY, 2021.


Secretary, Board of Directors

(DISTRICT SEAL)

