

BROOKSHIRE MUNICIPAL WATER DISTRICT
MINUTES OF BOARD OF DIRECTORS REGULAR MEETING

November 2, 2020

The Board of Directors (the "Board" or "Directors") of Brookshire Municipal Water District (the "District") met in regular session on the 2nd day of November, 2020, 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:

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, with Directors Penrice-Kelley, Green, and Glover attending via telephone conference call, thus constituting a quorum. Also attending were Tonya Pierre ("General Manager"); Linda Guevara, employee of the District; and all persons on the attached Attendance Roster. Also attending via telephone conference call were: Steve Haskins of Protocol Bookkeeping, Inc. ("Bookkeeper"); John Taylor of Municipal Operations and Consulting, Inc. ("Operator" or "MOC"); Dr. Herman Clay, PhD ("Engineer"); James Weishuhn of Weishuhn Engineering, Inc. ("Weishuhn"); Monica A. Garza, attorney, of Radcliffe Bobbitt Adams Polley PLLC ("Attorney" or "RBAP"); and Bill Cresh of Liquors 2 U.

The meeting was audio recorded by RBAP in compliance with requirements of the Texas Open Meetings Act.

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 6:01 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 Meetings.

The Board then considered approval of the minutes from the regular meeting of October 5, 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 minutes from the regular meeting of October 5, 2020.

3. Bookkeeper's Report.

Mr. Haskins then presented the Bookkeeper's Report, a copy of which is available upon request. Mr. Haskins reviewed with the Board the first month of the District's budget for the fiscal year ending ("FYE") August 31, 2021.

Mr. Haskins then reported that he sent the District's Quarterly Investment Report ("QIR") for the fourth (4th) quarter of FYE August 31, 2020 to Mrs. Pierre, the District's Attorney and Director Green, the District's Investment Officer. The Board reached a consensus to table approval of the QIR until Director Green has reviewed such report.

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

4. Texas Water Development Board ("TWDB") Projects.

Mr. Weishuhn next updated the Board on 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 on October 9, 2020, he submitted the bid approved by the Board at its October 5, 2020 meeting and other required documents to the TWDB for its review. Mr. Weishuhn next explained that the TWDB had requested further documentation from Weishuhn and from Texas Pride, the low bidder to whom the Board had awarded the contract to perform the water line replacement, and such documentation has been provided. Mr. Weishuhn stated that he anticipates the execution date of the contract with Texas Pride will be December 15, 2020.

5. Engineer's Report.

Dr. Clay presented the Engineer's Report, a copy of which is available upon request.

Dr. Clay discussed the status of the proposed single-story office building being constructed by Cessac, LLC at the corner of Otto Street and Fifth (5th) Street. Dr. Clay reminded the Board that when it had previously approved the project, it approved separate taps based on a proposal for two (2) separate buildings for two (2) separate customers. However, Dr. Clay noted that he had spoken with Mrs. Pierre regarding a change in the developer's plan for the site, which now includes only one (1) tap and two (2) meters, which Dr. Clay considered inconsistent with what the Board had previously approved. Dr. Clay further noted that the developer of the site has requested to be connected to a 50-year-old two-inch (2") water line along the alley behind the proposed site, rather than the originally planned six-inch (6") line along the street in front of the proposed site. A brief discussion ensued regarding these requests from the developer, after which the Board reached a consensus that it would deny such requests.

Dr. Clay then updated the Board regarding the status of the proposed development project by CR Pallets. Dr. Clay reported that the project would require payment of \$2,661.93 in Impact

Fees ("Fees"). Dr. Clay explained that the proposed project is for service to two (2) existing buildings that were previously served by a single tap. Dr. Clay stated that it was unclear if the buildings require separate taps under the District's current Rate Order and Development Policy because they were previously owned and occupied by the same company. A brief discussion ensued regarding the requirements of the District's Rate Order, with the Board reaching a consensus that separate buildings require separate meters. Dr. Clay requested an up-to-date copy of the District's Rate Order so he could review the relevant sections and provide details of same to the developer of the site.

Dr. Clay then reported he had received an inquiry from Mr. Cresh of Liquors 2 U, a proposed liquor store located in a strip center on US Highway 90 near the Brookshire Brothers grocery store. Dr. Clay stated that he estimates the store would require approximately \$349 in Fees to receive water and sewer service, but reported that the strip center has only one (1) meter for the entire building. A discussion ensued regarding the effectiveness of requiring all new businesses to get a new tap and separate meter when moving into an existing strip center that already has a master meter. The Board acknowledged there were other strip centers in the District that would have the same issue. Upon a **motion** by Director Penrice-Kelley, seconded by Director Glover, after full discussion and with three (3) Directors present voting aye and Directors Wilkins and Alardin abstaining, the Board approved making an exception to the standard rule in the District's current Rate Order regarding separate meters for separate businesses for existing multi-unit commercial buildings (i.e. strip centers) that have a master meter.

6. 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 the Stella Lift Station was bottom cleaned earlier that day in order to prevent damage to the Lift Station pumps.

Mr. Taylor next discussed with the Board the Environmental Protection Agency requirements under the American Water Infrastructure Act ("AWIA"). A discussion ensued regarding whether the District was required to perform the assessments and prepare the action plan as described under the AWIA, based on the number of connections in the District. The Board then requested that the District's Attorney and Operator further review the requirements of the AWIA and prepare a recommendation on whether the District is required to comply with the AWIA, to be presented at a future special meeting of the Board.

Mr. Taylor then updated the Board regarding ongoing repairs to fire hydrants within the District.

7. Update on Status of Contract for Internet and Communication Services.

Discussion ensued regarding the District's contract for internet services as proposed by Consolidated Communications ("Consolidated"). Mrs. Pierre reported that she is still waiting for a quote from Comcast, and recommended the District use Consolidated for internet services. Upon a **motion** by Director Green, seconded by Director Wilkins, after full discussion and with four (4) Directors present voting aye and Director Alardin voting nay, the Board approved the contract

with Consolidated for internet services only.

8. Discuss Paying General Manager Overtime for Late After Hours Work

Mrs. Pierre reminded the Board that Director Alardin wanted to review the Personnel Policy regarding overtime for salaried employees. Director Alardin clarified that he did not agree with how the policy was currently stated. Director Green asked how many overtime hours Mrs. Pierre was requesting be paid. Mrs. Pierre stated she originally requested 17 hours but upon further review, she is now requesting 16 overtime hours be paid by the District. Upon a **motion** by Director Green, seconded by Director Wilkins, after full discussion and with four (4) Directors present voting aye and Director Alardin voting nay, the Board approved 16 hours of overtime pay for Mrs. Pierre.

9. Review Matters Involving Administration/Personnel, Including Status of Payment to Employees During COVID-19.

Ms. Garza next reminded the Board that it previously authorized additional compensation of \$1.00 per hour to the District's full-time employees beginning on March 17, 2020, and continuing until July 1, 2020. Mrs. Pierre further reminded the Board that it agreed to review authorization of such additional compensation every 30 days. Director Penrice-Kelley suggested the Board authorize additional compensation through the end of 2020, and review again in January 2021. Upon a **motion** by Director Penrice-Kelley, seconded by Director Wilkins, after full discussion and with all Directors present voting aye, the Board authorized continued payment of additional compensation of \$1.00 per hour to the District's full-time employees through the end of 2020 due to COVID-19, and review an extension of the policy in January 2021.

10. Approval of Training, Conferences, or Committee Meetings.

Discussion then ensued regarding the Directors' attendance at the Government Treasurers' Organization of Texas Winter Seminar on February 22-23, 2021. Upon a **motion** by Director Green, seconded by Director Penrice-Kelley, after full discussion and with four (4) Directors present voting aye and Director Alardin voting nay, the Board authorized Directors' attendance at the seminar.

11. Directors' Reports.

Director Green then thanked Director Penrice-Kelley for her years of dedicated service to the District.

12. Adjournment.

There being no further business to come before the Board, the meeting was adjourned at 7:36 pm.

PASSED AND APPROVED on this 4 day of JANUARY, 2021.

Shuley Williams
Secretary, Board of Directors