

BROOKSHIRE MUNICIPAL WATER DISTRICT

AMENDED MINUTES OF BOARD OF DIRECTORS SPECIAL MEETING

February 13, 2020

The Board of Directors (the "Board" or "Directors") of Brookshire Municipal Water District (the "District") meet in special session on the 13th day of February, 2020, 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. Also attending were Tonya Pierre ("General Manager"); John Taylor of Municipal Operations and Consulting, Inc. ("Operator" or "MOC"); Mr. Bruce Albright; Monica A. Garza of Radcliffe Bobbitt Adams Polley PLLC ("Attorney" or "RBAP"); Linda Guerra, employee of the District; 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 6:06 p.m. and declared it open for such business as may regularly come before it.

1. **Review of Rate Order, Amend as Necessary.** Mrs. Pierre reviewed a memorandum that she prepared regarding proposed changes to the District's Rate Order. Mrs. Pierre noted that a frequent problem that the District's Administrative Office faces is that customers do not provide proper identification to establish proof of residency within the District pursuant to the District's Rate Order. Director Penrice-Kelley recommended that the Rate Order be amended to allow all State-issued identification to be acceptable to establish such customers' residency within the District.

Mrs. Pierre next requested that certain language be removed from Article II, Section 1.B of the Rate Order.

Mrs. Pierre then presented a proposed letter from the District regarding backflow prevention assembly devices ("BFPA") and suggested attaching such letter as an exhibit to the Rate Order. Mr. Taylor presented another option for the District to use and stated that such letter only applies to customers who previously had a backflow prevention inspection performed on their property and have submitted the report for such inspection to the District. Director Penrice-Kelley stated that the District also needs to have standard letters addressing the District's BFPA requirements which apply to newly constructed buildings as well as to customers inquiring about such devices for the first time. Director Penrice-Kelley requested that Mrs. Pierre incorporate such letters into the District's packets for new service provided to both commercial and residential properties.

Mrs. Pierre next presented a list of active accounts within the District and explained that such list includes the dates on which Mr. Bruce Albright performed backflow prevention inspections on particular properties. Mrs. Pierre stated that a customer is in compliance with the District's BFPA requirements if it is indicated on such list that such customer had a backflow prevention inspection performed. Mrs. Pierre stated that some of the accounts on such list do not receive service from the District and requested clarification as to whether such accounts are required to meet the District's BFPA requirements. Mr. Taylor stated that properties that do not receive service from the District are not required to meet the District's BFPA requirements; however, such properties will need to be in compliance with such requirements before service can be connected. Mr. Taylor recommended that all commercial properties receiving service from the District should be required to undergo a BFPA inspection and submit the report for such inspection to the District.

In response to a question by Mrs. Pierre regarding financial responsibility for an initial BFPA inspection for new customers requesting service from the District, Mr. Taylor confirmed that it is the customer's responsibility to fund such inspection. Mr. Taylor stated that he will provide a list of local inspectors who are qualified to perform BFPA inspections. Director Penrice-Kelley requested that language be added to the District's Rate Order clarifying who is authorized to perform a BFPA inspection.

In response to a question by Mrs. Pierre regarding customers who failed the initial BFPA inspections, Mr. Taylor stated that all BFPAs must be tested annually. Mr. Taylor further stated that some property owners who failed their initial inspection have not coordinated with the District regarding how to become compliant with the District's BFPA requirements. Mrs. Pierre suggested that a letter be provided to such individuals notifying them that the District will disconnect service to customers who failed the initial inspection if such customer has not demonstrated compliance with the District's BFPA requirements within thirty (30) days of such inspection. Director Penrice-Kelley suggested that such customers be provided with forty-five (45) days to comply with such requirements before their service is disconnected. Mr. Taylor recommended that District's letter addressing the District's BFPA requirements include the amount of the disconnection and reconnection fees to be assessed if the customer does not timely demonstrate compliance with such requirements. Director Penrice-Kelley requested that RBAP prepare such letter for the Board's review. It was the consensus of the Board that such letter include language indicating customers have forty-five (45) days to comply with the District's BFPA requirements and that such customers be provided notice of disconnection for failure to comply with such requirements, via a door tag, five (5) days prior to disconnection. Mr. Taylor recommended that if a customer believes that the District has falsely accused them of non-compliance, then such customer is entitled to request a customer service inspection ("CSI") at their own expense.

Director Green requested that the Board reconsider language in the Rate Order stating that, prior to connection to the District water system, a customer shall pay a tap fee in an amount three (3) times the District's actual cost of installing the tap, meter, and necessary service lines. Mr. Taylor stated that such fee is standard among utility districts.

Discussion then ensued regarding proposed changes to Article II, Section 3 of the District's Rate Order regarding inspections and fees. Ms. Garza recommended that a schedule of fees be added to such Rate Order. Mr. Taylor stated that he will compare the proposed schedule of

fees to the rates charged by MOC. Mr. Taylor further stated that the Rate Order should include language regarding discharge from pools.

Director Green expressed disagreement with the District's fee for connections performed by the Operator outside of normal business hours. Director Green stated that MOC should inform customers that they will incur such fee prior to performing the work. Mr. Taylor confirmed that MOC does provide such information to customers.

Ms. Garza next discussed the issue of maintenance and ownership of fire lines installed by customers of the District.

In response to a question by Mrs. Pierre regarding the MOC's \$10.00 fee for "final and connects," Mr. Taylor stated that such fee is charged by MOC to close-out a customer account. Ms. Garza suggested that the District may want to increase the amount of the fee charged to customers for closing their account for the administrative expense incurred by the District.

2. **Adjournment.** There being no further business to come before the Board, the meeting was adjourned at 8:32 p.m.

PASSED AND APPROVED this 4 day of May, 2020.



Secretary, Board of Directors