

BROOKSHIRE MUNICIPAL WATER DISTRICT

MINUTES OF BOARD OF DIRECTORS REGULAR MEETING

September 16, 2019

The Board of Directors (the "Board" or "Directors") of Brookshire Municipal Water District (the "District") met in regular session on the 16th day of September, 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"); Monica A. Garza, 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. Mr. Elton Foster of Curry Chapel Baptist Church and Dr. Lee Jones of St. Paul Baptist Church requested an update on the status of evaluation of backflow prevention assembly devices ("BFPA") and determining what customers needed reduced pressure zone assembly devices ("RZPA"). Director Wilkins responded that the District is in the process of scheduling evaluations to determine what, if any BFPA, that the customers that recently received letters, need for their property (the "Evaluation"), and that the Board will update customers and property owners accordingly.
- 2. Backflow Prevention.** Mrs. Pierre then reminded the Board that it previously authorized her to solicit estimates for the Evaluations, coordinate same with customers previously in attendance at the July 3, 2019 and July 22, 2019 Board meetings, and provide notice regarding same. Mrs. Pierre then stated that the District has engaged Mr. Bruce Albright to perform such evaluations at a cost of \$65.00 for each customer. Director Glover stated that now that Mr. Albright has been engaged, Mrs. Pierre will be coordinating with those customers that had recently received letters from the District and that had been in attendance at the July 3, 2019 and July 22, 2019 Board meetings. Mr. Foster stated to the Board that when the situation regarding the BFPA requirements originally arose, the issue was not who would perform the Evaluations, but whether such evaluation was required to be done at all. Director Green clarified that the Evaluation will determine whether or not a BFPA is required, particularly whether or not a RZPA 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 RZPA is not needed; so therefore, only those that need a RZPA will be required to perform annual inspections and provide certificates of such inspections to the District in

the future. Mr. Pierre reminded those in attendance that the Board, at its July 22, 2019 Board meeting, amended the District's BFPA policies to reflect the Texas Commission on Environmental Quality's ("TCEQ") minimum requirements.

Mr. Foster and Dr. Jones exited the meeting at this time.

There being no further public comments, the Vice President directed the Board to proceed with the agenda.

In response to a question, Mrs. Pierre next informed the Board that the list of Evaluations was compiled based on the individuals who previously attended meetings to discuss the backflow prevention devices.

Director Glover exited the meeting at this time.

Director Wilkins stated that he wants notices of the Evaluations to be placed on customer's doors regarding the date and time of such evaluation.

Upon a **motion** by Director Green, seconded by Director Alardin, after full discussion and with three (3) Directors present voting aye and Director Glover abstaining, the Board voted to: 1) notify customers on the list provided by Mrs. Pierre regarding follow-up inspections; 2) mail letters to such customers if their system passes the inspection; and 3) mail certified letters to such customers if their system fails the inspection.

Director Glover entered the meeting at this time

3. **Approval of Minutes.** Approval of the minutes from the July 22, 2019 and August 19, 2019 meetings were tabled until the October
4. **Meeting to Set Rate and Levy Tax for 2019.** Ms. Garza reminded the Board that since the notice of public hearing on tax rate was not able to be published timely, the public hearing on setting the tax rate and levying taxes for 2019 will be held at the October 7, 2019 Board meeting. Ms. Garza informed the Board that the notice of public hearing will be published in the *Waller Times*.
5. **General Manager's Report.** Mrs. Pierre then presented the General Manager's Report, a copy of which is available upon request.

Regarding service to Limited Spirits, Mrs. Pierre stated that Mr. Ansari has arranged and signed a payment plan.

Regarding the Applications for Water and Wastewater Service (the "Application"), Mrs. Pierre reported that she is requesting approval from the Board for changes to the Application, including a change requested by Director Alardin regarding information required by an applicant about the prior use of properties to be served by the District. Mrs. Pierre then presented the amended Application to the Board. A discussion ensued.

Upon a **motion** by Director Glover, seconded by Director Alardin, after full discussion and with three (3) Directors present voting aye and Director Green abstaining, the Board voted to approve the changes to the Application.

Regarding requests for water bill adjustments, Mrs. Pierre reported that there are none at this time.

Regarding the procedures for late fee adjustments for customers, Director Alardin suggested that the Board may want to consider adopting a District policy regarding how many times the Board approves bill adjustments and late fee waivers for customers. An extensive discussion ensued regarding establishing such a policy. Director Glover stated that it should be left to the discretion of Mrs. Pierre to decide whether or not to bring a customer's request for a bill adjustment or late fee waiver to the Board. Director Alardin asked why the Board cannot have a District policy that allows for just one (1) payment plan per year and stated that such policy would provide guidance to Mrs. Pierre. Mrs. Pierre reported that she would like guidance regarding how many times to offer customers a payment extension.

Upon a **motion** by Director Green, seconded by Director Glover, after full discussion and with three (3) Directors present voting aye, and Director Alardin opposed, the Board voted to adopt the following standard operating procedure: 1) water bill payment plans shall be made at the discretion of Mrs. Pierre, and 2) Mrs. Pierre is allowed to offer a payment extension to each customer account up to five (5) times before she is required to bring such extension to the Board.

Upon a **motion** by Director Alardin, seconded by Director Glover, after full discussion and with all Directors present voting aye, the Board authorized Mrs. Pierre to waive late fees up to one (1) time per account, per year.

Regarding the update on the status of repairs to the District's vehicles, Mrs. Pierre reported that she is waiting on the District's field assistant, Fredrick Rogers, to provide a status report on all vehicles.

Next, Director Glover requested that the Board hold a workshop regarding the budget and asked that the item remain on the agenda so that a special budget workshop can be scheduled.

Next, Mrs. Pierre presented a notice of violation letter from the TCEQ dated August 30, 2019, regarding an inspection conducted on May 31, 2019, in which several violations were noted. Mrs. Pierre stated that the District's Operator, Mr. John Taylor, and the District's Engineer, Dr. Herman Clay, are addressing the issues and will provide documentation requested in the TCEQ's letter.

Next, Mrs. Pierre reminded the Board that the tour of the Hurricane Harvey projects completed by Weishuhn Engineering, Inc. ("Weishuhn") has been scheduled for September 25, 2019, at 9:00 a.m. Additionally, Mrs. Pierre reminded the Board that a special meeting has been scheduled for September 23, 2019, at 5:30 p.m. to consider a presentation on the TCEQ's Financial, Managerial and Technical Assistance Program.

6. **Conference Attendance.** Mrs. Pierre requested authorization from the Board to attend the TCEQ Autumn Environmental Conference and Expo from October 8-10, 2019. Director Alardin then requested authorization to attend the conference, as well, in order to better understand the TCEQ's sanitary sewer overflow initiative ("SSO") program and the District's participation in such program. Director Wilkins asked if perhaps one (1) member of the Board should be available during Mrs. Pierre's absence, should the Board approve her attendance at same. A discussion ensued regarding Mrs. Pierre's attendance at the October and November conferences.

7. **Policies Relating to Ethical Conduct, Fiscal Matters and Consulting Services.** Regarding possible amendments to the District's Ethics Policy, Director Alardin stated that the addition proposed Section 1.07 is needed to ensure that the Directors have boundaries regarding how the District makes decisions pertaining to daily operations. Director Green stated that if such policy is adopted, it would apply to all Directors and employees of the District equally. Upon a **motion** by Director Alardin, seconded by Director Glover, after full discussion and with two (2) Directors voting aye and two (2) Directors voting no, the motion failed due to a lack of a majority.

Extensive discussion then ensued regarding the proposed Section 1.07 of the Ethics Policy and previous complaints from District employees. Director Alardin then requested to keep this item on the agenda.

8. **Administrative and Personnel Matters.** Mrs. Pierre next discussed with the Board the District's Personnel Manual, Section 2, Page 16, which states "Employees having accumulated Sick Leave under the District's previous policy shall be required to use all previously accumulated Sick Leave within a period of one (1) calendar year." Mrs. Pierre stated that she does not recall the Board approving the time period limit of one (1) calendar year and requested that it be removed. Director Green asked Mrs. Pierre if a particular issue has recently occurred that made this matter come up. It was the consensus of the Board for RBAP to review the District's records to determine what changes were previously made to the District's Personnel Policy.

9. **Director's Reports.** Director Green updated the Board on her attendance at the Chamber of Commerce meeting regarding legislative updates.

10. **Authorize attendance at Water Quality Technology Conference, November 3-7, 2019 in Dallas, Texas.** The Board discussed the Director's attendance at the American Water Works Association ("AWWA") Water Quality Technology Conference in Dallas, Texas from November 3-7, 2019.

Upon a **motion** by Director Glover, seconded by Director Green, after full discussion and with all Directors present voting aye, the Board approved the Director's attendance at the AWWA Conference.

11. **Attorney's Report.** A brief discussion ensued regarding the District's conversion to a municipal utility district ("MUD"). It was the consensus of the Board that an item be placed on the October 7, 2019 Board meeting agenda to allow the Board to authorize the Engineer and Attorney to proceed with the conversion to a MUD.
12. **Adjournment.** There being no further business to come before the Board, upon a **motion** by Director Green, seconded by Director Glover, the meeting was adjourned.

ATTEST:



Secretary, Board of Directors



President, Board of Directors