

April 11, 2023

The Board of Directors of Brown County Water Improvement District No. 1 convened in a regular meeting at 4:00 pm, April 11, 2023, in the office of the District at 501 E. Baker, Brownwood, Texas. This meeting was called to order by Mr. James McMillian; pledge led by Mr. Johnny Hays; and invocation by Mr. Brad Simpson. Mr. Jimmy Jones was also present. Mr. Bert Massey (Director) and Bart Johnson, Jr. (General Counsel) were not present. Other District staff members present: Mr. John Allen, Mr. Dale Weaver, Mr. Mark Davis, Mr. Cody Shannon, Ms. Kay Silva, and Ms. Alveza Marin.

MINUTES

Board considered minutes from the regular meeting held on March 14, 2023. After review, Mr. Hayes moved to approve the minutes as presented, seconded by Mr. Jones. There being no further discussion, motion carried.

CLAIMS & ACCOUNTS

Claims, accounts & checks issued April 7, 2023, in a total amount of \$105,222.62 consisting of checks 30691-30759 were reviewed and approved as presented by motion by Mr. Jones, seconded by Mr. Simpson. There being no further discussion, motion carried.

INVESTMENT REPORT

Investment Report for March 2023 & Revenue and Expenditure Report for February 2023 were considered. After a brief discussion, Mr. Simpson moved to approve these reports as presented, seconded by Mr. Jones. There being no further discussion, motion carried.

CITIZEN PRESENTATIONS:

There were none.

KIRKLANDS COMMERCIAL LEASE FOR ADDITION OF 20 EXTRA RV SPOTS REVISITED, REVISED AND APPROVED

Brad Tyson was present to discuss with the board his request to lease 3.75 acres of District property located behind Kirklands and is bordered by Kirkland Drive, Creek Drive and Fishhook Drive Lake Brownwood for the addition of up to 20 temporary RV spots.

Contract provisions were previously discussed at the Districts' regular meeting of its Board of Directors in November 2022. Lease provisions discussed, accepted and general counsel instructed to begin a draft copy of an agreement at that time were the following:

1. Lease of 3.75 acres being bordered by Kirkland Drive, Fishhook Drive, and Creel Drive at Lake Brownwood in Brown County.
2. Term of lease shall be for twenty (20) years commencing retroactively on November 1, 2022, through October 31, 2042.
3. Lessee shall provide District with a drawing of the proposed layout of the property.
4. Annual rental rate shall start at \$1,050.00.
5. A new appraisal shall be performed every five (5) years.
6. Rate shall be two percent (2%) of the appraised value.
7. General public liability insurance shall be provided by Lessee.
8. District shall be held harmless and indemnified from and against all loss.
9. No alteration or additions in or on the premises allowed without written consent from Lessor.
10. No installation of sewer hookups is allowed.
11. No black or grey water dumping is allowed.
12. All cleanup of property, including any waste dumping by RV's, shall be Lessee's responsibility.
13. These temporary RV spots shall be for temporary camper sites only and not for open storage for boats, trailers, or construction trailers.
14. Trailers with boats being brought to the site by campers must be parked in an orderly fashion behind each corresponding camper or RV.
15. No more than twenty (20) temporary RV spots are allowed.
16. Each RV spot has a 30-day stay limit; and
17. Lessor or Lessee may terminate Lease without cause upon a one (1) year notification to the other party.

The Kirklands Commercial Lease DRAFT copy was available for review. Durin discussion, Mr. Tyson requested striking items "t and u" from Lessee's Covenants section indicating he can keep the area neat, mowed and in an orderly fashion as requested by Mr. Jones. Items "t" and "u" read as follows: "t" The Lessee agrees that the temporary RV spots are for temporary sites only and are not for open storage for boats, trailers nor construction trailers; and "u" Lessee agrees that any customer bringing RV's or campers onto the Property, that are also hauling boats, must park such boats and boat trailers in an orderly fashion behind each corresponding camper or RV. After added discussion, Mr. Simpson moved to strike items "t and u" from the Lessee's Covenants section as requested by Mr. Tyson, seconded by Mr. Hays. There being no further discussion, motion carried. Mr. Tyson also requested an item regarding Kirklands septic system be added to the next scheduled board meeting agenda for May 2023. Lastly, a quick note was added that this year's annual fireworks display is scheduled for July 1, 2023, at Lake Brownwood.

APPOINTMENT OF AUDITOR
FOR 2022/2023 FISCAL YEAR
AUDIT APPROVED

After a brief discussion, Mr. Jones moved to approve the appointment of Merritt, McLane & Hamby, P.C., of Abilene, Texas, for the third year in a row as the District's auditor for the fiscal year ending August 31, 2023, at a gross fee not to exceed \$15,000, plus travel expenses, seconded by Mr. Hays. There being no further discussion, motion carried unanimously.

DOCK PLACEMENT
DEADLINES ONE YEAR IN
ADVANCE ON ANNUAL
STATEMENTS APPROVED

General Manager then addressed the Board regarding how the District can notify island space lessees that do not have a dock moored to their space about their dock placement deadline. They have a three (3) year time frame to either have a dock moored to their space, a transfer based on lease stipulations, or the space is forfeited and returns to their District. After discussions with staff, General Manager proposed to the Board that a "NOTIFICATION MEMO" be added to the annual statements. Annual statements are generated at the end of every November which consist of annual dock and island space fees, then mailed out via USPS to all dock owners and space lessees. A "NOTIFICATION MEMO" can be included stating the dock placement deadline in the annual statement for space lessees that are under the three (3) year dock placement stipulation. After a brief discussion, all Directors were in agreement. No action was necessary.

DROUGHT CONTINUES
AND DROUGHT RESTRICTIONS
AVAILABILITY TO
CUSTOMERS REPORT

General Manager indicated the drought continues in Brown County with Lake Brownwood at approximately 8' low. He reported that the District has received multiple phone calls from Brownwood and Early residents asking for clarification on the current drought restrictions, which led to the General Manager reviewing the District's treated water customers to ensure each had current drought restrictions available to their customers on their websites.

UPDATE ON ZEBRA
MUSSELS AT LAKE
BROWNWOOD

General Manager informed once again that zebra mussels reports have slowed down due to the winter weather and low lake level. Zebra Mussel Abatement Project: Work continues with the contractor. Forms and document submittals continue. Construction is expected to begin sometime in late February or March 2023.

ACTIVITIES REPORTS
FROM DISTRICT'S
SUPERVISORS

GENERAL MANAGER REPORT

1. General Manager proceeded to inform the Board of the following:
 - Current lake level: 1416.3 feet msl or 8 feet 8 tenths feet below Spillway level.
 - Stage 2 Drought Restrictions remain in place.
 - Next drought stage will be reached at 11 feet low.
 - Lake level one month ago 3.14.23 was 1416.5' msl or 8 feet 6 tenths below Spillway level
2. Lake Capacity: Current 59.3%. One (1) year ago, 87%. Last month 60.2%.
3. Current Drought Restrictions Recap:
 - *July 15, 2022 Lake Brownwood reached Stage 1 of the drought restrictions as it fell to 1419.10, below 1420msl due to no rainfall. In this first stage of drought restrictions in which the public is asked to voluntarily conserve water.
 - *November 8, 2022 Lake Brownwood reached Stage 2 of the drought restrictions when it reached eight (8) feet low or 1417msl. Restrictions include mandatory time of day and day of week watering schedules.
 - *Media and customers continue to be updated weekly regarding lake levels.
 - *Average lake capacity percentage statewide: 75.3%
 - *Year to date totals: Precipitation information still not available.
4. Treatment Plant Totals- March 2023- Avg 4.405mgd / Min 3.835mgd / Max 4.956mgd. Warm weather continues. Rural customer water use has not slowed down in the last month.
5. Early oil spill- The District has received the final bill from DSC Environmental, the cleanup crew from Ranger, Texas, on the oil spill in Early, Texas, August of last year, in the amount of \$12,485.22. Have talked to Mr. Wyman Keley regarding this and has assured payment will be submitted to the District.
6. Republican Women's Luncheon- General Manager asked to speak at this event scheduled on April 14, 2023, about the District and current events.
7. Cast Fishing Tournament- Scheduled for April 15, 2023, at Lake Brownwood. Event headquartered at Wild Duck Marina. District's Lake Patrol will assist.

8. Surface Water Treatment Licensing- District's latest employee to pass the TCEQ licensing program and earn the Water Operator Class A exam is Cody Shannon, District's Treatment Plant Superintendent.
9. Requests to move docks out- District has received requests about moving docks further out due to low lake levels. These will be assessed on a case-by-case basis to be in compliance with current rules and regulations.
10. New platform near Dam parking lot- Maintenance Department is building a platform at the back of the lower parking lot at the Dam for fishing tournament weigh-ins.
11. Brush burn clean up- North Lake Brownwood Fire Department has asked about burning more brush in the Pecan Bayou and if the District would be able to clean the channel.
12. Cross Timbers Aquifer- General Manager will attend a meeting in Springtown on April 25, 2023, concerning the Cross Timbers Aquifer. It is a minor aquifer that passes through Brown County down to San Saba County. The Texas Water Development Board Groundwater Management Area 6 (TWDB GMA 6) is doing studies for future water availability.
13. Elm Oak Subdivision property issues- Elm Oak Subdivision at Lake Brownwood has had property issues with a resident. It was determined by Don King that this is a private property matter as it does not involve the lakebed.
14. Flat Rock Park Alcohol Ban- It has been seen on social media that Flat Rock Park manager, Jack Bolton, has announced a ban on alcohol in the park. Enforcement will be his responsibility. The District has not been contacted regarding this. The District did place extra law enforcement in the park in 2022 upon their request. There were no issues then. This year, extra law enforcement will be needed out on Lake Brownwood instead.
15. Flat Rock Park 5 year review-It is time for a review of the Flat Rock Park Commercial Lease, requiring an appraisal.
16. General Counsel, Bart Johnson Jr- Reminder that the May 2023 scheduled board meeting will be Bart Johnson's last meeting with the District.
17. Leadership Brownwood- Will be touring the District's treatment plant on April 13, 2023.
18. Budget Fiscal Year 2023-2024- Work will begin on the upcoming fiscal year budget in May 2023.
19. Legislative Lunch Webinar- General Manager scheduled to attend another Legislative lunch webinar on April 26, 2023, at noon, to keep up with water related matters in legislature.
20. Forever chemicals in drinking water- The Environmental Protection Agency, EPA, has passed new rules to regulate PFAS chemicals (forever chemicals in drinking water). Texas Commission on Environmental Quality, TCEQ, has not yet set its standards. The EPA estimates a cost of 1.2 billion to implement these new rules nationwide. Will watch this matter closely.
21. Camp Bowie Reservoir Annexation- General Manager met with Emily Harris, City of Brownwood City Manager, regarding the possible annexation of the Camp Bowie Reservoir.
22. Swiftwater Rescue Training- District's Lake Patrol Department will be training alongside the Brownwood Fire Department in swift water rescue.

ADJOURNMENT

Therefore, at approximately 5:21 p.m., Mr. Simpson moved to adjourn, seconded by Mr. Jones. There being no further discussion, motion carried ~~unanimously~~.

Adjourned:


James McMillian, Vice President


Jimmy Jones, Secretary