

December 10, 2019

The Board of Directors of Brown County Water Improvement District No. 1 convened in a regular meeting at 4:04 pm, December 10, 2019, in the office of the District at 501 E. Baker, Brownwood, Texas. This meeting was called to order by Mr. Ted Simpson, pledge led by Mr. Jimmy Jones; and invocation by Mr. Bert Massey. Mr. James McMillian was present. Mr. Graham had not yet arrived when this meeting was called to order. District's Legal Counsel, Mr. Bart Johnson Jr., was present. District staff members present: Mr. John Allen, Ms. Kay Silva, Ms. Alveza Marin, Mr. Dale Weaver, Mr. Cody Shannon and Mr. Troy Henderson.

MINUTES

Board considered minutes from the regular meeting held on November 12, 2019. Motion to approve was made by Mr. Massey, seconded by Mr. Jones. Motion carried unanimously.

CLAIMS & ACCOUNTS

Claims, accounts & checks issued December 9, 2019, in a total amount of \$117,892.87 consisting of checks 27858-27931 were reviewed and approved by motion by Mr. Massey, seconded by Mr. Jones. Motion carried unanimously.

INVESTMENT REPORT

Financial & investment reports for November, 2019 were considered. Motion was made by Mr. Massey, seconded by Mr. McMillian, to approve as presented. Motion carried unanimously.

CITIZEN PRESENTATIONS:

There were none.

SNEED REQUEST TO PURCHASE 6.13AC OF DISTRICT PROPERTY AT LAKE BWD TABLED FOR APPRAISAL

Mr. Don King, Brown County Surveyor of 117 Vick Dr. in Brownwood, and Mr. Billy Sneed, District customer of 2003 Seaboard in Midland, Texas, were present to address the Board regarding 6.13 acres of District property at Lake Brownwood adjacent to his personal property. Mr. Sneed previously purchased his property from a Ms. Violet Frazier with the understanding that this 6.13 acres of District's lake front property was included in his purchase as a survey was not performed. Mr. King has been researching the matter as well. Mr. Massey offered to search through the files of the Brown County Abstract Company for any related information that may be within their files. After discussion at length, it was determined that an appraisal needed to be performed and divide the appraisal fee in equal parts between the District and Mr. Sneed. The appraisal will be performed by Mark Campbell. This item was then tabled to allow for time for the appraisal, and will revisit at the next scheduled board meeting of the Brown County Water Improvement District in January 2020.

REPORT ON REQUEST FROM TOMMY DAVIS FOR FOOD TRUCK NOT CONSIDERED

Mr. Tommy Davis was not present to address the board to request a lease on District property on Peninsula Subdivision across from the dam for the purpose of parking a food truck for the sale of food during occasions of higher traffic at Lake Brownwood. General Manager previously spoke with Mr. Paul Coghlan with the Brownwood Health Department asking for information to help determine if Mr. Davis' request could be granted. Mr. Coghlin extended a compilation of information titled Brownwood-Brown County Mobile Food Establishment Requirements, which included the requirement of conveniently located and accessible restrooms for employees during all hours of operation. A top concern is that restrooms are not available at the location Mr. Davis wants to lease, portable restrooms are not acceptable. The Board was unable to consider the request for this location due to this.

GM AUTHORIZED TO ENTER INTO AGREEMENT WITH VOLTUS IN ENERGY SAVING PROGRAM

General Manager and Legal Counsel both addressed the board regarding the District's participation in an energy-saving and money-saving program with Voltus, Inc. Legal Counsel did indicate that the District will not be at fault in any way if it is unable to participate as the District cannot shut down its pumps at the treatment plant. However, it can look into slowing down the usage of the larger pumps. After discussion, Mr. Simpson moved to authorize the General Manager to execute an Agreement with Voltus for the District's participation in the electric usage reduction program, seconded by Mr. Jones. Motion carried unanimously.

BUDGET AMENDMENT TO COVER RAW WATER PUMP APPROVED \$33,253.35

General Manager then informed that a new raw water pump has been ordered to replace the pump which had recently failed at the treatment plant facility. Board instructed this purchase at the previous scheduled board meeting in November. He also indicated that a second pump will need to be budgeted in the next fiscal year as two (2) more identical pumps are in use at the treatment plant and that they will eventually fail as well. Mr. Massey moved to amend the District's 2019/2020 fiscal year budget in the amount of \$33,253.35 to cover the purchase of this pump, seconded by Mr. Simpson. Motion carried unanimously.

REPORT ON MCCARTNEY ISLAND ENCAPSULATION REQUIREMENT: NOTICE TO TX ATTORNEY GENERAL ON ALLEGED VIOLATIONS

General Manager once again addressed the Board on the status on McCartney Island leases and the encapsulation rule which went into effect September 8, 2009. Five (5) space lessees remain with no known course of action on record. The District has not been contacted by these last five (5) lessees. Legal Counsel restated details from the previous meeting which authorized the General Manager to execute a Resolution on behalf of the District authorizing enforcement power pursuant to Chapter 7 of the Texas Water Code, placing dock encapsulation requirements under Chapter 7. Legal Counsel has been informed that the Texas Water Code also requires the District to send notice, along with facts, to the Texas Attorney General concerning the alleged violations proving they are environmental hazards. The District must follow all steps to enter into possible civil suits. Mr. Massey instructed Legal Counsel, contingent upon all Directors being in agreement, to draft an agreement for the District's Lake Patrol Department to hand deliver to each of the final five (5) leaseholders for their signature permitting entry onto their property for the removal of their noncompliant dock. All Directors were in agreement. No action was taken.

REPORT ON MCCARTNEY ISLAND 3 YR DOCK MOORING REQUIREMENT LEGAL COUNSEL DRAFTS FINAL LETTER TO THOSE IN

In regards to the one (1) space per individual requirement for McCartney Island spaces, General Manager informed that the last letter was sent out certified via USPS was dated October 4, 2019. Annual dock and space fee statements were not generated for those lessees in violation of this requirement. The deadline for those currently in violation is December 31, 2019, as this requirement went into effect January 1, 2017. The requirement states that within three (3) year from

VIOLATION UPON DEADLINE

the date the space was acquired, a dock must be moored to one space or must be transferred to another individual. The District has been contacted by some lessees to ask about the steps to transfer their space. Others have recently been transferred. For any lessees that remain in violation, Legal Counsel is drafting a letter to send on January 2, 2020, the working day the deadline. This letter will notify each lessee that the District has taken possession of the space due to default of lease. No action.

BUDGET AMENDMENT

TO COVER SLUDGE REMOVAL to cover the cost of sludge removal from the District's treatment plant property as required by the AT TP AS REQUIRED BY TCEQ Texas Commission on Environmental Quality. Approximately 699 tons of sludge was transported to the Brownwood Landfill. Mr. Massey moved to amend the budget as presented in the amount of \$20,989.50, seconded by Mr. Simpson. Motion carried unanimously.

GENERAL MANAGER REPORT

General Manager proceeded to inform the Board of the following:

1. Lake Brownwood at full capacity 1425 msl. Current lake level 1421.61 or 3 feet 5 tenths below spillway. Lake level at last month's board meeting November 12, 2019 was 1421.84 msl or 3 feet 2 tenths below spillway level. Month of November 2019 precipitation .99 inches; evaporation 2.85 inches. Year to date precipitation on December 1, 2019, 17.55 inches; year to date evaporation 63.06 inches. Treatment plant November 2019 averages approximately 4.654 mgd; minimum 4.142 mgd; maximum 5.650 mgd.
2. Oncor is currently working on installing new electric poles on McCartney Island.
3. Region F meeting on November 21, 2019, in Big Spring. District continues to have a surplus of surface water for now and the future. The District does have a well project listed in the Region F Plan as an alternative for if the District ever needs funding in the future.
4. Working with Legal Counsel on measures to terminate McCartney Island leases which are noncompliant.
5. On November 14, 2019, District's treatment plant facility was visited by Matt Henning with FM Global to inspect the District's fire protection system. He is requesting that the District inspect its treatment plant fire protection system twice per year instead of one time per year.
6. Will be out of the office December 20th and 23rd.
7. District's annual employee and staff Christmas lunch is scheduled for Friday December 13, 2019, at 11:30 am at the District's maintenance building and catered by Zephyr's Diamond R Store & Cafe.
8. Saturday December 7, 2019, the District's lake patrol, along with the fire department, burned an area at the dam for cleanup purposes.

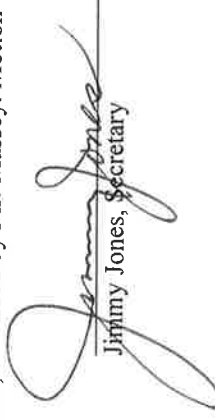
ADJOURNMENT

At approximately 5:00 p.m., Mr. Simpson moved to adjourn, seconded by Mr. Massey. Motion carried unanimously.

APPROVED:



Dennis Graham, President



Jimmy Jones, Secretary

