

The Board of Directors of Brown County Water Improvement District No. 1 convened in a regular meeting at 4:00 pm, June 14, 2022, in the office of the District at 501 E. Baker, Brownwood, Texas. This meeting was called to order by Mr. Bert Massey; pledge led by Mr. Brad Simpson; and invocation by Mr. Jimmy Jones. District's Legal Counsel, Bart Johnson, Jr., was present; as well as Mr. James McMillian and Mr. Johnny Hays. District staff members present: Mr. John Allen, Mr. Dale Weaver, Mr. Mark Davis, Ms. Kay Silva and Ms. Alveza Marin.

MINUTES

Board considered minutes from the regular meeting held on May 10, 2022. After a brief review, Mr. Hays moved to approve the minutes as presented, seconded by Mr. McMillian. There being no further discussion, motion carried unanimously.

CLAIMS & ACCOUNTS

Claims, accounts & checks issued June 9, 2022, in a total amount of \$187,393.26 consisting of checks 29910-29981 were reviewed and approved as presented by motion by Mr. McMillian, seconded by Mr. Hays. There being no further discussion, motion carried unanimously.

INVESTMENT REPORT

Investment Report for May 2022 & Revenue and Expenditure Report for April 2022 were considered. After a brief discussion, Mr. McMillian moved to approve these reports as presented, seconded by Mr. Jones. There being no further discussion, motion carried unanimously.

CITIZEN PRESENTATIONS:

There were none.

OATH ADMINISTERED TO KELLY N. BARCLAY

District's Legal Counsel then administered the Oath of Office to Kelly N. Barclay. Mr. Barclay has returned to the District as a Lake Patrolman once again. Corresponding documents were executed and filed.

REQUEST FROM VULCAN MATERIALS FOR A COMMERCIAL WATER SUPPLY CONTRACT APPROVED

District's Legal Counsel, Mr. Bart Johnson Jr., informed the Board he has spoken to reps with Vulcan Materials here in Brownwood. They're only request was for negotiation on the 75% take or pay clause in the proposed contract. After a brief discussion, Mr. Hays moved to approve reducing the take or pay clause from 75% to 50%, seconded by Mr. Simpson. There being no further discussion, this motion carried unanimously. After a brief subsequent discussion, Mr. Hays moved to approve the Commercial Water Supply Contract containing the amendment just approved reflecting a 50% take or pay clause, five (5) year term, use of up to ½ million gallons of water per day on average per month at \$1.02 per thousand gallons of water, penalties for exceeding contracted amount of water, installation of a back flow prevention device, installation of a meter and shut off valve, installation of an air gap by Vulcan to prevent any possible contamination back into the District's reservoir, and is subject to annual rate reviews as the District reviews all other rates; motion seconded Mr. McMillian. There being no further discussion, motion carried unanimously.

FIREWORKS PERMIT GRANTED TO WILD DUCK MARINA SATURDAY JULY 2, 2022 ON LITTLE CRAPPIE ISLAND

General Manager then addressed the Board regarding a request from Wild Duck Marina for permission to hold the annual fireworks display from Little Crappie Island at Lake Brownwood on Saturday July 2, 2022. He informed the Board that a prescribed burn of Little Crappie Island is already scheduled for this coming weekend as a preventive measure; additional policemen have been hired for the holiday weekend to be at Flat Rock Park; additional policemen have been hired, one (1) for each boat; and two (2) paid firemen will also be on the District's fireboat. There being no further questions or comments, Mr. Massey moved to grant permission for a fireworks display as requested, seconded by unanimous consent. Motion carried.

DOCK ON SPACE 31 ON MCCARTNEY ISLAND ASSIGNED BACK TO DISTRICT, BOARD APPROVES SALE OF DOCK AND NEW LEASE FOR SPACE

General Manager moved on to discuss the current status of a dock on Space 31 at McCartney Island previously discussed in the District's regularly scheduled meeting on May 10, 2022. The lessee was not responding to any of the District's correspondence, dock account was severely delinquent, and lease was in default due to nonpayment of the annual fees resulting in the termination of the One Year Dock Mooring Lease Agreement for the space. Board instructed General Manager to consult with District's Legal Counsel to move forward with legal action to impound the dock moored to Space 31. The Board was then informed that Mr. Mark Davis, District's Lake Patrol, has already travelled to Littlefield, Texas, where the dock owner resides. Mr. Davis met with dock owner to gain his signature on an Assignment of Dock, through which the dock and all rights to the dock would be assigned and transferred to the District in lieu of payment of any fees due to the District. The owner of said dock was cooperative and executed the Assignment of Dock. General Manager informed that the dock needs some work; has encapsulated flotation, and has outstanding property taxes that must be paid. He recommended that District's Maintenance Department repair the dock for it to be sold. Buyer can then lease the space. After discussion, Mr. Massey moved to offer said dock for sale at a minimum price of \$40,000, seconded by Mr. McMillian. There being no further discussion, motion carried.

BOARD APPROVES CONVEYING 0.148 AC TRACT OF LAND TO ESTATE OF SHARON BOSTICK / DEED WITHOUT WARRANTY

Mr. Darrell Haynes, attorney, of 309 N. Fisk, Brownwood, was present to address the Board representing the Estate of Sharon Bostick and a 0.148 acre tract of waterfront land owned by the District adjacent to property the Bostick family owns and is selling located off of CR 559 at Lake Brownwood. Mr. Haynes explained that the Bostick family has used and maintained this parcel of land in conjunction with their land for many years. Two (2) docks are moored off of this tract. He also indicated that after researching deed history, this tract was conveyed within a deed dated 1946 which stated that the Bostick property extended along the water's edge; the water's edge being this 0.148 acre tract of land. In a 1963 deed, the same description was found. In deeds dated 1986, 1991, and 1993, "water's edge" was no longer specified; they included a description of prior deeds. Mr. Haynes requested the Board's consideration and that it approve a description of prior without warranty of title, to the Estate of Sharon Bostick with the knowledge that this tract has been used and included with the Bostick property as one at least since 1946. General Manager informed that this 0.148 acre tract has been surveyed and appraised. After discussion, Mr. Hays moved to grant to the Estate of Sharon Bostick a Deed Without Warranty for said .0148 acre tract of land as described, seconded by Mr. Simpson. There being no further discussion, motion carried unanimously.

REQUEST FROM JACK BOLTON
TO BAN ALCOHOL AT FLAT
ROCK PARK DISCUSSED

Mr. Jack Bolton of 1001 Highway 279, Brownwood, was present to address the Board requesting that alcohol be banned at Flat Rock Park at Lake Brownwood. Mr. Bolton expressed his concerns regarding safety due to various verbal altercations with inebriated visitors and the possibility of minors drinking both on a regular day of business. Also, he had concerns knowing the 4th of July festivities at Lake Brownwood were around the corner. Mark Davis with the District's Lake Patrol suggested setting a capacity limit, enforcing that limit, and designate and mark parking spaces to control vehicle count due to the size of the park. General Manager indicated he would find licensed officers to patrol Flat Rock Park. After some discussion, the Board offered no objection to instructing the General Manager to work with District's Lake Patrol and put up No Parking signs on the road the District controls, and have at least three (3) licensed officers to assist with possible excessive alcohol consumption during the upcoming 4th of July festivities. There was no further discussion.

UPDATE ON BORE AT LAKE
BROWNWOOD BY ONCOR /
ONLY DEPTH INFORMATION
HAS BEEN RECEIVED

General Manager updated the Board on a transmission line that was placed by Oncor between Kelli Lane and Hawk Lane at Lake Brownwood that the District was not informed about. He indicated that information on depths and where the line is located has been submitted to him. However, easement documentation has not. For now, the District will continue to wait for that information and inform the Board when it does.

DISTRICT'S 457b FORFEITURE
FUNDS APPROVED TO PAY
FUND MAINTENANCE FEE &
DISTRIBUTION TO EMPLOYEES

The Board then reviewed a Resolution which would allow for an amendment to the District's 457b retirement plan forfeiture account and distribution of those funds. After a brief discussion, Mr. McMillian moved that the District resolve that, regarding its 457b forfeiture account, the District pay one (1) year maintenance and operation fee; and that it distribute the remaining funds to District employees for whom the funds were contributed, seconded by Mr. Hays. There being no further discussion, motion carried unanimously.

REQUEST FROM BRAD TYSON
TO ADD 16 TEMPORARY RV
SPOTS NEXT TO KIRKLANDS
APPROVED

General Manager then addressed the Board regarding a request from Brad Tyson, Kirklands lessee, to add sixteen (16) temporary RV spots with water and electricity hookups on District property adjacent to Kirklands Lease described as 3.75 acres bordered by Kirkland Dr., Fishhook Dr., and Creel Dr., Lake Brownwood. General Manager indicated Mr. Tyson is not including sewer hook ups in his project. He wants to amend his current lease, which currently has sixteen (16) years remaining on the twenty (20) year term, and to extend it by approximately four (4) years to a twenty (20) year term again. The current lease also calls for an appraisal and assessment every five (5) years; with the next assessment being due in 2023. Mr. Tyson already uses and maintains this acreage. After discussion, Mr. Massey moved that, for District's liability protection and to allow additional time for the District to prepare a more permanent agreement, the District grant a separate temporary 90 day agreement; that it not allow for any black or grey water dumping; that it be added to lessee's liability insurance; that the addition of no more than twenty (20) temporary RV spots be allowed; that water, electricity and cleanup of area be lessee's responsibility; and that the General Manager determine the cost of said temporary agreement, seconded by Mr. Hays. There being no further discussion, motion carried.

UPDATE: ZEBRA MUSSELS
MITIGATION SITE PROJECT

General Manager indicated that zebra mussels continue to be reported, but not in large clusters, same as last month. Reports are expected to increase as temperatures rise. General Manager continues to work with Freese & Nichols on the zebra mussel mitigation project. Freese & Nichols is preparing to enter bid phase of project next month.

ACTIVITIES REPORTS FROM
DISTRICT'S SUPERVISORS

Department supervisors then came forward and informed the Board of their recent and ongoing projects.

GENERAL MANAGER REPORT

General Manager proceeded to inform the Board of the following:

1. Current lake level:
1421.27 or 3' and 9 tenths below Spillway level.
Lake level one month ago 4.12.22 1421.7 or 3' and 3 tenths below Spillway level
*USGS evaporation station gauge is in working order, but reading 1 tenth off from District's.

Lake capacity percentages:

Lake Brownwood is currently at 81.3% capacity.

One (1) year ago 100%

Six (6) months ago 93.3%

Precipitation ****

Evaporation ****

Average 6.8 mgd

Minimum 4.5 mgd

Maximum 8.2 mgd

**Warm and dry weather continues.

Month of May 2022

YTD totals not available:

Treatment plant May 2022

2. Receiving information about having an autopsy performed on a couple of modules at the District's treatment plant to open, inspect and clean them and help determine when to begin looking for replacements. Cost can run between \$5000-\$10,000 per module to replace and perform autopsy. Projected life of a module is ten (10) years. Most of the Districts were put in place in 2008; making them fourteen (14) years old. District treatment plant staff does monthly testing as membrane cleanings are done. Results have been good.
3. Mr. Johnny Hays did an interview with KTAB Monday May 2, 2022, regarding zebra mussels.
4. Previously planned training by the Texas Guard at Lake Brownwood has been cancelled.
5. Hideout continues to look into a new marina at Lake Brownwood. No concrete plans as of yet.

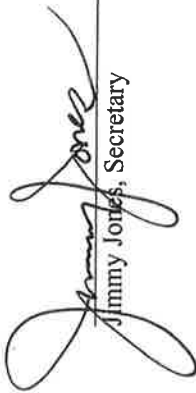
6. Current chemical budget numbers update: \$285,000 was budgeted for chemicals in this fiscal year; currently have reached approximately \$375,000 through May 2022. June, July and August remain in this current budget year. Also, cost of chemicals used for zebra mussel control will be added to this coming budget, 2022/2023. Cost for shipping of chemicals has increased considerably to approximately \$20,000 per load. Also, fuel budgets will be doubled for upcoming budget year to prepare for expected increases.
7. Recognition of special guests—none.

ADJOURNMENT

At approximately 6:01 p.m., Mr. Hays moved to adjourn, seconded by Mr. McMillian. There being no further discussion, motion carried unanimously.

Adjourned:


Bert Massey, President


Jimmy Jones, Secretary