



BEAR CREEK SUD

Telephone 1-972-843-2101 • P.O. Box 188
Lavon, Texas 75166

Date: June 11, 2019

Time: 7:02PM

MINUTES OF REGULAR BOARD MEETING

Call to order by: President Herman Stork

Directors Present: Herman Stork, Bryan Block, Leticia Harrison, Robert Haynes, Chris Elder, Deborah Fato, David Hawkins

Directors Absent: None

Public Comment: None

Consent Items:

Approval of Minutes of Regular Meeting on May 7, 2019.

Approval of May 2019 Financials.

Approval of May 2019 General Manager Report

Director Fato stated that she had a question about the General Manager's report. Director Fato questioned of the twenty five meters that were read for a final bill, how many were deposits returned. C. Reagan stated that all of the meters that were read for final bills that a termination form had been submitted by the customer, the customer's deposit was returned.

Motion made by Director R. Haynes, seconded by Director B. Block to approve Consent Items. Motion carried unanimously.

Staff Report:

None

Regular Agenda Items:

A. Discuss and act upon Lakepointe Development (Steve Lenart): *Michael Nader, Lavon Lakepointe Development, attended the meeting to discuss the Non-Standard Service Contract for Lavon Lakepointe Development. Mr. Nader stated that the markup of the contract was*

made by Lavon Lakepointe Development's attorney, Glen Bellinger. Bear Creek SUD Attorney, Kristen Fancher, stated that the Contract was written following the Bear Creek SUD Rate Order. Mr. Nader stated that they had questions about the easements and if Lavon Lakepointe Development would have access to the Bear Creek SUD easements to install the new northern water line. Mr. Nader also stated that Lavon Lakepointe Development wanted a pro rata agreement for the 12" line extension for any new developers that are allowed to tap into the new line after it is installed. Attorney Kristen Fancher stated that there would be no reimbursement or agreement if the 12" line was something required for the Lavon Lakepointe Development. President Stork stated that if the Lavon Lakepointe Development was being developed as one acre lots, then Bear Creek SUD could have provided service without the line being upsized. The 12" line is required for the Lavon Lakepointe Development in order to provide fire protection for the proposed density. Attorney Kristen Fancher stated that there would be no substantive changes made to the existing Non-Standard Service Contract before acting on the contract. General Manager C. Reagan can sign the Non-Standard Service Contract once the document is back to the original document.

- B. Discuss and act upon Water Utility Disconnection Agreement (City of Lavon): *Kim Dobbs, City of Lavon City Administrator along with Mayor Vicki Sanson discussed an agreement submitted by the City of Lavon to Bear Creek SUD that would allow for the disconnection of water service for non-payment of sewer service provided by the City of Lavon. Ms. Dobbs stated that this agreement is authorized by the Interlocal Cooperation Act, Chapter 791, of the Texas Government Code. The City of Lavon desires to have Bear Creek SUD to disconnect water service to joint customers who have not paid undisputed delinquent sewer and/or solid waste charges. President Stork stated that the agreement provides for an annual payment of \$.25 per residential customer to Bear Creek SUD for the administration of this service. Ms. Dobbs stated that was correct. Also, that Bear Creek SUD would be remitted the reconnect fee paid by the customer. Vice-President Block asked if the sewer could be plugged at the clean out for these customers. Ms. Dobbs stated that the sewer could not be plugged. Ms. Dobbs stated that the City of Lavon would change their schedule to adhere to the Bear Creek SUD schedule for disconnects. Ms. Dobbs stated that the only way to collect the monies owed is to turn off the water. Director Fato wanted to know how delinquent the City of Lavon customers have to be to be disconnected. Ms. Dobbs stated that door hangers were delivered and text messages were sent out to all delinquent customers. Ms. Dobbs stated that the City of Lavon did not charge a deposit and therefore could not rely on a deposit to cover the delinquent bills. Vice-President Block stated that he would like to discuss the agreement further to know what the benefits would be for Bear Creek SUD. Ms. Dobbs stated that the City would like for Bear Creek SUD to actually make money for providing the service and that she thought the agreement would provide a monetary provision. Director Fato asked where the sewer lines were. Ms. Dobbs stated that sewer lines run throughout the Grand Heritage Development. Attorney Kristen Fancher stated that the City should provide an agreement that had a monetary provision for Bear Creek SUD, then she would review it.*

- C. Discuss Highway 205 Water Line Relocation: *Engineer, Joe Helmsberger stated that 90% of the plans were complete and everything was on hold until TxDOT finalizes the crossings and storm sewers. TxDOT will give plans that have the profile. Everything is on hold pending the receipt of the TxDOT 60% complete plans. TxDOT has gone to condemnation on several properties. Attorney Kristen Fancher stated that what she needed to discuss was attorney client privilege and will discuss in Executive Session.*
- D. Discuss and act upon PS1 Tank Repairs: *There are two ground storage tanks that are in need of emergency repair at pump station 1. The tanks are settling and leaning and the foundations need to be corrected. It would be very difficult to take the tanks out of service for the repairs due to the capacity issues. Field Service Supervisor Chad Martin has looked at purchasing a new larger tank to take the place of both of the failing tanks. Chad Martin will get costs on repairs for the two tanks and compare with the costs of installing a new tank and present at the July board meeting.*
- E. Discuss and act upon date and time of Bear Creek SUD Monthly Board Meetings: *General Manager, C. Reagan, stated that due to the timing of completing month end reports and having the meeting on the second Tuesday of the month, it was difficult to meet that deadline. C. Reagan stated that it would be easier to meet all deadlines if the monthly meetings were held on the third Tuesday of the month. Also, changing the time of the meeting to 6:00PM instead of 7:00PM would be easier to cover all issues in a timely manner.*

Motion made by Director R. Haynes, seconded by Director B. Block to change the date and time of the monthly director's meeting to the third Tuesday of the month and beginning at 6:00PM starting with the July 2019 meeting. Motion carried unanimously.

- F. Conduct Board member training on Open Meetings Act, Public Information Act, Regulatory compliance and Board governance matters. *Attorney Kristen Fancher gave this presentation at the TRWA convention in Austin and also to several other boards in the last few months. Ms. Fancher stated that Bear Creek SUD is more organized compared to other entities that she has dealt with in the past. Ms. Fancher stated that under the Texas Open Meetings Act there had been no provision for Public Comment until the governor of Texas signed a law on June 10, 2019. Ms. Fancher stated the Public Comment section is where the general public addresses the governmental body about its concerns and the governmental body does not comment or deliberate except as authorized by section 551.042 of the Government Code. HB2840 signed by the Governor on June 10, 2019 requires governmental entity to hear public comment before or during consideration of agenda items. Bear Creek SUD is in compliance already with HB2840. Under the Public Information Act (PIA) any communication that in any way relates to public duty, regardless of whether on a personal email or cell phone account is subject to disclosure as part of company business. Director C. Elder and Director D. Hawkins stated that they would rather have their board packets provided by hard copy instead of email. Ms. Fancher also stated that any communication between Board members was part of PIA. Ms. Fancher stated that the General Manager is similar to a CEO role. The Board is to conduct business at monthly Board meetings while staff performs the day-to-day operations. Ms. Fancher stated that a media policy should be*

considered by the Board. The Texas Association of School Boards has a great guidance document for a media policy. Sharing of a document from Executive Session or an issue that is talked about in Executive Session is against the law. Ms. Fancher will provide a Media Policy for the Board to review at the July meeting.

Adjournment to Executive Session at 8:23PM:

Executive Session:

Executive Session Call to Order at 8:35PM.

Executive Session Agenda Items:

- (A) The Board may recess into closed or executive session to discuss the following:
 - (1) Government Code §551.071. Ratepayers Public Utility Commission Petition

- (B) Reconvene into Regular Session and take any action necessary as a result of the Executive Session.

Adjourn Executive Session at 9:53PM.

In accordance with Texas Government Code, Section 551.001, President Herman Stork reconvened the meeting at 9:53PM and stated that no action was taken in executive session.

Adjournment at 9:54PM:

Herman Stork, President

Bryan Block, Vice President

Camille Reagan, Recorder