

Minutes of the Regular Meeting of the
BASTROP COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT #2

A regular meeting of the Board of Directors of Bastrop County Water Control and Improvement District #2 was held on Thursday, May 24, 2018, beginning at 6:30 p.m. at the Conference Center, 106 Conference Drive, Bastrop, TX. 78602.

Present BCWCID #2 Board Members:

John Creamer, President
Victor Gonzalez, Vice President
Mary Beth O' Hanlon, Secretary
Sam Kier, Treasurer
Karen Pinard, Director

BCWCID #2 Staff/Other Professionals:

Jim Ouellet, General Manager
Patrick Hudson, Attorney
Tyler Walsh, Operations Manager
Alma Rodriguez, District Administrator

- 1.) Call to Order and Establish a Quorum
President Creamer called the meeting to order at 6:30 p.m. A quorum of Board members was present.
- 2.) Pledge of Allegiance
President Creamer led the Pledge of Allegiance.
- 3.) Texas State Flag
President Creamer led the Pledge of Allegiance to the Texas Flag.
- 4.) Public Comments/Announcements (The Board respectfully requests that persons limit comments to three (3) minutes. Under the Open Meeting Act, the Board may not deliberate or take action in response to any matter raised during public comment that is not a separate agenda item.)
JoAnne Egitto stated is always in search or transparency and truth. Tonight the Board has a very important decision to make, electing a President. She hopes this is a chance to move forward and to do so in a much better fashion.

As the Vice Chair of the Road Committee her first request is to find out why Sam Kier was removed from the Road Committee list. She has confirmed with the office that Jim was the person that updated the list.

I would also like to talk about Ulupau Circle, the very expensive \$800,000 road that was constructed that only took \$33,000 in materials according to the Interlocal Agreement.

Mrs. Egitto also requested information on a meeting about a drainage study for Units 1, 2 and 4.

President Creamer informed Mrs. Egitto that her 3 minutes were up.

People in the audience stated she could have their 3 minutes.

Mrs. Egitto continued with why the Board would turn down a free forensic audit and would also like information regarding a whistle blower lawsuit.

Mrs. Egitto stated the road committee is an advisory committee to this board then we need to meet on a different date besides 2 days before the meeting. The committee needs to prepare road minutes.

Mrs. Egitto also wanted to know why Dart Frog has will get road maintenance on a road with no house before someone that has had an outstanding work order from 2012.

Mrs. Egitto urged the Board to be very careful and give a lot of consideration when they appoint a new President.

- 5.) **CONSENT AGENDA:** *(Consent Agenda items are generally routine. Unless removed by a member of the Board or General Manager, items listed on the consent agenda may be acted on together and without prior discussion.)*
- a. Approval of minutes from the March 24, 2018 Annual Public meeting and Special meeting of the Board of Directors;
 - b. Approval of minutes from April 19, 2018 Regular meeting of the Board of Directors;
 - c. Approval of minutes from May 14, 2018 Special meeting of the Board of Directors; and
 - d. Approval of monthly financials report for April 2018.

Motion: Sam Kier moved to approve the consent agenda items. Seconded: Victor Gonzalez. Vote: Four (4) in favor, motion carries.

- 6.) Discussion and possible action regarding qualification of office by elected directors and open government training requirements:
- a. Administer the oaths of office for directors;
 - b. Approve Statement of Elected Officers for directors;
 - c. Approve Director Bonds for directors; and
 - d. Discussion regarding Open Meetings Act and Public Information Act Training Requirements.

Alma Rodriguez administered the Oath of Office and approved the Statement of Elected Officers for Place 1, 2 and 3.

Ms. Rodriguez stated she has started the process for the Directors bonds and will send the links for the Open Meeting Act and Public Information Act Training. Vice President took over the meeting and asked for any motion for election of officers.

- 7.) Discussion and possible action regarding election of officers and committee assignments- Gonzalez:
- a. Election of officers to Board of Directors;
 - b. Appointment of Road Committee Chairman; and
 - c. Action regarding additional committee appointments.

**Motion: Sam Kier moved to nominate Mary Beth O'Hanlon as President.
Seconded: Karen Pinard.**

Nominations ceased.

Mary Beth O'Hanlon has accepted the nominations.

Vote: Four (4) in favor, motion carries.

President O'Hanlon opened the floor for nominations.

**Motion: Karen Pinard moved to nominate Victor Gonzalez as Vice President.
Seconded: Sam Kier.**

Nominations ceased.

Victor Gonzalez has accepted the nominations.

Vote: Four (4) in favor, motion carries.

**Motion: Karen Pinard moved to nominate Sam Kier as Treasurer. Seconded:
Butch Carmack.**

Nominations ceased.

Sam Kier has accepted the nominations.

Vote: Four (4) in favor, motion carries.

Motion: Karen Pinard moved to nominate Butch Carmack. Seconded: Sam Kier.

Nominations ceased.

Butch Carmack has accepted the nominations.

Vote: Four (4) in favor, motion carries.

President O'Hanlon asked for a nomination for the Road Committee Chair.

Motion: Karen Pinard moved to nominate Victor Gonzalez as Road Committee Chair. Seconded: Sam Kier.

Nominations ceased.

Victor Gonzalez has accepted the nominations.

Vote: Four (4) in favor, motion carries.

President O'Hanlon asked for a nomination for the additional member for Road Committee.

Motion: Sam Kier moved to nominate Butch Carmack as the additional Road Committee person. Seconded: Karen Pinard.

Nominations ceased.

Butch Carmack has accepted the nominations.

Vote: Four (4) in favor, motion carries.

President O'Hanlon stated are there other open positions that need to be filled on the Road Committee Member.

JoAnne Egitto asked if you could appoint an at large position since Nicole Haston submitted an application that was apparently lost.

Director Gonzalez stated the Board can add an at large position.

President O'Hanlon open the floor for nominations for open positions on the road committee.

Motion: Victor Gonzalez moved to appoint Gwendolyn Winter to serve as Unit 1 road committee member. Seconded: Sam Kier. Vote: Four (4) in favor, motion carries.

Motion: Victor Gonzalez moved to appoint Michele Plummer to serve as Unit 4 road committee member. Seconded: Sam Kier. Vote: Four (4) in favor, motion carries.

Motion: Victor Gonzalez moved to appoint Nicole Haston to serve as the at large member for the road committee. Seconded: Sam Kier. Vote: Four (4) in favor, motion carries.

President O'Hanlon thanked all the new committee members for their willingness to serve the community.

- 8.) Discussion and possible action regarding scheduling of future meeting dates:
- a. Regular Board of Director's Meeting for Thursday, June 21, 2018 at 6:30 P.M.

President O'Hanlon stated the next Board meeting will be held on June 21, 2018 at 6:30 P.M.

- 9.) Discussion and possible action regarding hiring a General Manager and Interim GM –
- a. Discussion and Possible Action to Create a GM Hiring Committee from Board Members (and possible addition of Interim to committee)

President O'Hanlon asked former President John Creamer to give a report to the Board because he had been working on this.

Mr. Creamer present the Board some information on 2 individuals on being Gene Kruppa, who retired last year and was the District's engineer for many years and the other person I Dan Dodson and his information came from an employment agency. Mr. Dodson has experience in water but Mr. Creamer has not been able to contact Mr. Dodson.

Mr. Creamer's recommendation to the Board is Gene Kruppa. Mr. Kruppa would be a very valuable asset to the District.

President O'Hanlon asked the Board how they wanted to move forward on hiring a general manager.

Director Kier stated when the Board hired Jim Ouellet there was a committee that went thought the application and conducted the initial interviews and the committee narrowed the search down to 2 candidites. Then the 2 candidate came before the board for an interview process.

Director Kier stated there are current employment posting on the industry websites and on the District's website.

President O'Hanlon asked if there was a motion to create a subcommittee of the Board to go through the resume, make the initial phones calls.

Motion: Sam Kier moved to setup a subcommittee to review the resumes and make initial phones calls. Seconded: Karen Pinard. Vote: Four (4) in favor, motion carries.

Motion: Karen Pinard moved to appoint Butch Carmack, Victor Gonzalez and Mary Beth O'Hanlon to the subcommittee.

Mary Beth asked legal is there are 3 members isn't that a quorum.

Patrick Hudson stated you would have to have it posted.

Karen Pinard amended the motion.

Motion: Karen Pinard moved to appoint Victor Gonzalez and Mary Beth O'Hanlon to the subcommittee. Seconded: Sam Kier. Vote: Four (4) in favor, motion carries.

10.) Discussion and possible action regarding expenditure authority and disbursement of District funds

- a. Discussion and possible action regarding expenditure and disbursement authority; and
- b. Adopt Resolution designating authorized signatories for District Depository Accounts.

Director Kier stated since Jim Ouellet is not here anymore the Board should take off the responsibility instead of giving signing authority to the Interim General Manager. Then we need to have Jim Ouellet taken off.

Motion: Sam Kier moved to have Jim Ouellet and John Creamer taken off as signors and to add Butch Carmack to the accounts. Seconded: Karen Pinard. Vote: Four (4) in favor, motion carries.

11.) Discussion and possible action regarding the following operational matters- Walsh

Tyler Walsh reported on the following:

- a. Hydrant repair status – 12 hydrants are in need of repairs.
- b. Status of meter change outs – We are about 70% complete with meter change outs. Unit 3 is completed.

Director Pinard stated this was unacceptable. This need to be a priority.

President O'Hanlon asked if we could contract this out.

Mr. Walsh stated there is companies that will install the radio read meters.

Director Pinard stated she would like to have this as an agenda item every month and a month report.

Mr. Walsh will contact some companies on the installation.

- c. Status of new dump truck – Bluebonnet Ford will be calling when truck is done.

- d. Drainage improvements within Unit 3 – Drainage in Unit 3 is completed. There is still a customer on Hawea that had yard flooding. We would like to do some ditch work there to divert the water.
 - e. Drainage improvements within Unit 5 – drainage work has been started, Debris has been removed and we have had one complaint about ROW easement.
- 12.) Discussion and possible action regarding new water storage tank improvement project at Conference Drive:

Tyler reported on the following items:

- a. Status update - Tyler Walsh asked John Creamer to give an update to the Board.

Mr. Creamer stated the Council gave their final approval on Tuesday evening.

- b. Discussion and possible action regarding Water Improvements required for new project, including emergency generator - Mr. Walsh stated that Mr. Ouellet talked about a 12” line between the plant and Mauna Kea but the study complete by Befco Engineering years ago suggested a 16” line. We will be required by TCEQ to have a generator at Plant 1 since we will have a standpipe.

Director Kier stated he talked the Joseph with Befco Engineering and recommended that he and Tyler get with Jim next week about the project.

- c. Discussion and possible action regarding appointment of District representative to provide project information to the Architectural Control Committee for Tahitian Village –

Motion: Karen Pinard move to appoint Sam Kier to represent the District on this project with TVPOA and TVACC. Seconded: Victor Gonzalez. Vote: Four (4) in favor, motion carries.

- 13.) Discuss and possible action regarding personnel matters:
- a. Discussion and possible action regarding creation of management procedures on when and how to use Employee Background Checks and Drug Tests – Kier;
 - b. Discussion and Possible action to retain Judy Collins (Employment Law Counsel) to re-write and review current employee handbook- Kier

Director Kier stated he had a meeting with Judy Osborn on April 24, she is a HR attorney in with a lot of government experience. We discussed back ground checks for Board members and she stated there was no need. Background checks for volunteers are not needed because this again is done in the public. For Background checks for employees in the employee handbook it doesn't give management guidance or direction. Background checks should only be done once employment is offered. Ms. Osborn suggested disregarding arrest records because that is not a conviction but you could certainly discuss it with the applicant. Convictions to be concerned with are within a current period. You can talk to the applicant and

document the discussion. Ms. Osborn also suggested that we do not use the Texas DPS site for back ground checks because that only check Texas we need to use a third party.

Director Kier stated they discussed the drug screening policy. Drug testing needs to be for cause. You cannot perform random drug screening or pre-employment drug testing.

Director Kier suggested the District hire Judy Osborn to review and update the current employee handbook since the previous attorney was not an HR attorney. The fee would be about \$7,000.

Motion: Sam Kier moved to hire Judy Osborn to review and update the current employee handbook. The cost would be about \$7,000. Seconded: Karen Pinard. Vote: Four (4) in favor, motion carries.

- 14.) Discussion and possible action regarding road projects:
- a. Status of Road Projects – 2017 & 2018
 - b. Compliance with road power legislation relating to adoption and updates to Road Master Plan and implementation of road projects –Kier

Tyler Walsh stated everything is going smooth on the road construction projects. The projects should be completed in about a month. The contractor said he would be willing to do the other roads if the Evans is not ready to start on the roads.

Mr. Walsh stated the District will need to replace a pipe on Hanauma Drive which is about 15 feet deep. This will be a water project. Mr. Walsh will contact a contractor.

Director Kier stated he has had discussions with Befco Engineering and the attorney about the District statue regarding the master road plan. Mr. Kier presented recommendations to the Board and asked them to review the recommendations for 2 months then bring this back to the Board in September. The Master Plan was done in 1992, the plan was fresh in everyone mind and if you look at today you there are some items missing. Since 1992 everything done has been amendments to the plan. If we use the road presentation and add some charts to the presentation we would be in compliance with the statue.

Director Kier stated we have already sent the presentation and a cost estimate along with the annual audit to the appropriate authorities for this year. Director Kier has spoken with the auditor Bob West about incorporating the appropriate language in the audit.

Director Kier stated the District is doing what we are required by the master plan regarding drainage. A drainage study was done in Unit 3 and 5 because it was

needed. No drainage study was done in Units 1, 2 and 4 because the drainage path is obvious.

- 15.) Discussion and possible action regarding Board of Director Meeting Matters- Kier:
 - a. Discussion and possible action regarding technology improvements for the Board of Directors meetings
 - b. Discussion and possible actions related to meeting procedures and methods for resident input and discussions with the Board of Directors – O’Hanlon

Alma Rodriguez presented a quote from COEUS Networks for \$2,819.95 for recording, stream and presenting the Board information.

Director Kier suggested larger TV’s.

Motion: Sam Kier moved to accept the proposal from COEUS Networks with larger TV’s. Seconded: Butch Carmack. Vote: Four (4) in favor, motion carries.

President O’Hanlon stated she is looking for more dialogue with our customers. Maybe looking to have a Board forum but we will discussing this with our attorney so we can stay in compliance.

- 16.) Discussion and possible action regarding District Fees and Charges
 - a. Discussion and Possible Action on 2018 Standby fees;
 - b. Discussion and Possible Action regarding late fees for delinquent Standby fees levied prior to 2018; and
 - c. Discussion and possible action regarding road maintenance fees including allowable statutory exemptions.

Director Kier stated that a couple a months ago we made a decision not to charge 2018 standby fess for Pine Forest because they were revising their deed restrictions. Pine Forest POA has now revised their deed restrictions so the District will no longer be charging standby fees in the future.

Motion: Sam Kier moved to continue the process of collecting delinquent fees. Seconded: Victor Gonzalez. Vote: Four (4) in favor, motion carries.

Director Kier stated this is for road fees for nonprofits which we are not in compliance with the statue. The District’s exemptions are for 65 and older and disable persons. John Creamer has sent a letter to the church and Director Kier has spoken with Pines and Prairies Land Trust.

- 17.) Discussion and possible action of Board’s wishes to review Mr Parachini’s request for a 20 Acre reserve to be donated to his Non-Profit – Parachini

Motion: Sam Kier moved to deny Mr. Parachini’s request and Pines and Prairies request for this 20 acre reserve and work with TVPOA to form a committee to take

recommendations from the community about what they would like for all the reserves. Seconded: Butch Carmack. Vote: Four (4) in favor, motion carries.

- 18.) Discussion and Possible Action relating to preparation of agreement between Bastrop County Emergency Services District No. 2, Bastrop City Fire Department and District relating to Fire Hydrants and Fire Protection (Current and future) – Kier

Director Kier suggested the District establish an Interlocal Agreement with the 2 fire departments regarding fire protection and fire hydrants.

Director Kier will have discussions with the fire chief.

- 19.) Discussion and possible action regarding Road Committee Matters:
- a. Discussion and Possible action on assignment of open positions on Road Committee; and
 - b. Receipt Monthly Report from Road Committee– Road Committee

JoAnne Egitto stated there has not been a lot of action by the road committee since there have been vacancies on the committee. The density study is also completed in Unit 5 and the other units are ongoing. Courtney Kellogg developed a road maintenance work order spreadsheet that has been very helpful.

Director Gonzalez stated there was discussion on the culvert permit process and cost of the permits but no decision was made.

- 20.) Board suggestions on future agenda items-
- a. Commercial water and sewer rates;
 - b. Remove the \$5 fee charged to keep information confidential
 - c. Establish advisory committee with POA and BCWCID on future uses of reserves
 - d. Establishment of Capital Plan (once new GM in place)
 - e. Other future agenda items.

Director Pinard suggested to have meter change outs to the agenda.

- 21.) Discussion and possible action regarding enhancing our options for receiving utility payments by adding Interactive Voice Response (IVR)
Alma Rodriguez presented a proposal from Tyler Technology regarding an automated phone service to pay utility bills. The cost is \$1.25 per transaction but Ms. Rodriguez is requesting the Board waive the fee for the customer.

Motion: Karen Pinard moved to approve adding the Interactive Voice Response System as a way to accept utility payments and for the District to absorb the \$1.25 transaction fee. Seconded: Sam Kier. Vote: Four (4) in favor, motion carries.

- 22.) Discussion and possible action regarding Release of Liens held by District on Real Property
Alma Rodriguez presented the Release of Liens.

Motion: Karen Pinard moved to approve the Release of Liens. Seconded: Sam Kier. Vote: Four (4) in favor, motion carries.

- 23.) The Board of Directors will meet in a closed/executive session pursuant to Texas Government Code Chapter 551, Section 551.174 Deliberation of personnel matters relating to discussion of contract matters regarding an Interim General Manager

President O'Hanlon announced at 9:02 p.m. that the Board will meet in Executive Session.

- 24.) The Board of Directors will reconvene into open session to discuss, consider, and/or take any actions necessary related to the executive sessions noted herein, or regular agenda items, and/or related items.

The Board Adjourned Executive Session at 9:12 p.m.

No action or decision made in Executive Session.

Motion: Sam Kier moved to extend a position to Gene Kruppa on a part time basis as the Interim General Manager and to authorize Karen Pinard to offer Gene Kruppa the position of Interim General Manager. Seconded: Victor Gonzalez. Vote: Four (4) in favor, motion carries.


Motion: Sam Kier moved to appoint Gene Kruppa to the hiring committee for a General Manager if he accepts the position. Seconded: Victor Gonzalez. Vote: Four (4) in favor, motion carries.

- 25.) Adjourn

Motion: Victor Gonzalez moved to adjourn. Seconded: Sam Kier. Vote: Four (4) in favor, motion carries.

MEETING ADJOURNED AT 9:15 P.M.


Board Director


Date