

**MEETING MINUTES OF MEETING OF THE BOARD OF DIRECTORS OF
BRUSHY CREEK MUNICIPAL UTILITY DISTRICT
June 26, 2008**

A regular meeting of the Board of Directors of Brushy Creek Municipal Utility District was held on the 26th day of June 2008 at 7:00 p.m., in the District's office, 16318 Great Oaks Drive, Brushy Creek Subdivision, Round Rock, Texas. Notices of the time, place and the subject of the meeting, and the actions to be taken at the meeting, were posted at the places and for the time required by the laws of the State of Texas.

Agenda Item 1: Establish quorum

President Paul Tisch called the meeting to order at 7:04 p.m. and established a quorum consisting of himself, Vice President Cristine Yackle, Secretary Russ Shermer, Treasurer Rebecca Tullos and Assistant Secretary/Treasurer Bob Grahl. Also present were General Manager Tom Clark, Deputy Secretary Margie Anthes and Legal Counsel Tony Corbett. Upon establishment of a quorum, the Board conducted the Pledge of Allegiance.

Agenda Item 2: Announcements and Recognition

General Manager Clark introduced new employees to the Board of Directors.

Agenda Item 3: Discussion regarding order of consideration of agenda items

President Tisch announced that some items would be taken out of the order set forth on the agenda to accommodate visitors with business. The Board also identified items of priority for consideration prior to other items in light of the length of the agenda.

General Manager Clark announced that he would like to table Item 8(d), which relates to employment matters in the Public Works Department.

Agenda Item 6- Discussion and Action Regarding Records and Scanning Project

(a) Report on Task One Records Audit and Scanning Project- Norma Chakrabarty summarized the findings from the records audit that she undertook on behalf of the District. After discussion, Director Tullos moved to accept the report for Task 1 Scanning and Records Audit. Director Yackle seconded the motion. The motion was approved unanimously.

(b) Amendment to Independent Contractor Agreement. Director Tisch moved to approve the amendment to the independent contractor agreement to increase compensation for Task 1 services as set forth in the Board Packet. Director Tullos seconded the motion, which was approved unanimously.

(c) Subsequent Phases of Records Audit and Scanning Project. Director Tullos moved that the Board approve the consultant proceeding within Tasks 2, 3 and 4 with priority to Task 4, and to approve compensation in a total amount not to exceed \$14,400.00 for all such services. Director Tisch seconded the motion. The motion passed unanimously.

Recess

The Board recessed for five minutes.

Agenda Item 4: Citizens' Comment:

Two citizens requested the opportunity to provide comments at the time of consideration of specific agenda items. The President agreed.

Agenda Item 5- Citizen Advisory Committee Matters

The Board received a report from a representative of the Parks and Recreation Committee.

Agenda Item 7- Consent Agenda

All items were pulled from the Consent Agenda for discussion.

(a) and (b)- Minutes: Director Yackle moved to approve items (a) and (b), the minutes for the May 22, 2008 and June 2, 2008 meetings. The motion was seconded by Director Tisch and approved unanimously.

(c)- Preauthorization for Travel Expenses: Director Yackle moved approval after noting that the expenses included registration costs for her participation in a PFIA class. Director Tisch seconded the motion and it was approved unanimously.

(d)- Marquee and Kiosk Usage Policy: Director Tisch moved that this item be tabled until the next meeting. Director Shermer seconded the motion, which was approved unanimously.

(e)- Director Payment Request Form: Director Tisch moved that this item be tabled. He then withdrew the motion. Director Tullos then moved for approval, provided the term "Draft" was removed from the final version. The motion was seconded by Director Yackle. The Board then unanimously decided to table the matter by acclamation.

(f)- Trail Usage Rules: After giving direction to staff to post a condensed version at the trails, Director Shermer moved approval of the Trail Rules with removal of the redline marks and "draft" stamp. Director Tullos seconded the motion, which was approved unanimously.

- (g)- Rental Fee Schedule: The Board agreed to table the matter and refer the fee and rental schedule to the Recreation Manager. Director Yackle moved that the Board adopt the pavilion rental fee schedule. Director Tullos seconded the motion. After discussion, Director Yackle and Director Tullos withdrew the motion. Director Tullos then moved that the Board adopt the pavilion fee rental schedule. Director Tisch seconded the motion, and the motion carried 4-1, with Director Yackle voted against the motion.
- (h)- Pool Hours: After discussion, Director Tullos moved approval of the summer pool hours, with direction to staff to correct the pool hours for the Sendero Pool facility. The motion failed for lack of a second. The Board directed staff to determine actual operating hours on the pool and to post such hours on the website.
- (i)- Financial Reporting Policy: Director Grahl moved to approve the Financial Reporting Policy, subject to deletion of the redline changes. Director Tisch seconded the motion. The motion carried unanimously.
- (j)- Approve Policy Modifications: Director Grahl moved to approve the policies in the form included in the Board packets. Director Yackle seconded the motion. After discussion, the motion carried 4-1, with Director Yackle voting against the motion.
- (k)- Privacy Policy: Director Tullos moved approval of the policy in the form presented in the packet. The motion was seconded by Director Tisch and carried unanimously.
- (l)- 457 Plan: Director Grahl moved to approve the 457 agreement in the form presented in the Board packet. The motion was seconded by Director Tullos and was approved unanimously.
- (m)- Banking Services Agreement: Director Tullos moved to approve the banking services agreement. The motion was seconded by Director Grahl, and was approved unanimously.
- (n)- May Financial Reports: Director Tullos moved to approve the financial reports. The motion was seconded by Director Shermer and approved unanimously.
- (o)- Sale of Raw Water: A citizen spoke regarding this matter. The Board directed that a contract for sale of the water be prepared by legal counsel.
- (p)- Project Concept Worksheet Form: Director Tullos moved approval of the form. Director Tisch seconded the motion, which was approved unanimously.
- (q)- Technology Committee Bylaws: The agenda item was tabled.

(r)- BCWA 4th of July Event Agreement: The Board directed that this item be considered at the June 30 meeting.

(s)- County Right of Way Agreement: Director Tullos moved approval of the agreement subject to correction of a typographical error in Section 1.3. The motion was seconded by Director Yackle, and passed unanimously.

(t)- Disc Parking Lot: Director Yackle moved that the Board authorize the project engineer to prepare specifications and to advertise for bids. Director Tisch seconded the motion. The motion was approved unanimously, with direction to staff to present a schedule for bidding and construction at the next meeting.

(u)- 2009 BBQ Cook Off: Director Tullos moved to approve the 2009 event date of May 2, 2009 (the first full weekend of May in each year). The motion was seconded by Director Grahl and passed 4-1, with Director Yackle voting against. Direction was given to place the matter on the next meeting agenda for consideration of a project work plan.

(v)- Woods Lift Station: Director Yackle moved to approve payment of \$27,789.93 for lift station improvements. Director Tisch seconded the motion, which was approved unanimously.

Recess

At 10:10 p.m., Director Tisch recessed the meeting. He reconvened the meeting at 10:15 p.m.

Agenda Item 8 (Public Works Department)

(a) Water Treatment Facility Intake Transformer: After a brief report and discussion, the Board tabled the matter for further discussion.

(b) MOU with Chisholm Trail SUD: Director Yackle moved to approve the MOU, subject to review and approval of independent legal counsel. The motion was seconded by Director Tisch, and passed unanimously.

(c) Retain Special Legal Counsel: Director Tullos moved to approve retaining Lauren Kalisek as special legal counsel in connection with the MOU and related contract negotiations. The motion was seconded by Director Shermer and carried unanimously.

(d) Employment matters: This matter was tabled.

Agenda Item 9 (Sheriff Patrol Agreement):

Director Tullos moved to approve the agreement in the form presented in the packet. The motion was seconded by Director Tisch, and was approved unanimously.

Agenda Item 10 (Sign Marquee Project):

A citizen spoke regarding the marquees. The item was tabled with direction to staff to correct the punch list for the project.

Agenda Item 11 (Project Worksheet for Directional Signs):

The Board referred this matter to the Parks Committee for consideration and recommendation. The Board also directed that staff present a recommendation to the committee.

Agenda Item 12 (Drug and Alcohol Free Workplace Policy):

Director Tisch moved approval of the policy in the form contained in the Board packets. Director Yackle seconded the motion, which was approved unanimously.

Agenda Item 13 (Phase II Sign Project):

After staff recommended that this project be tabled and considered in connection with the 2009 fiscal year budget, the Board agreed by acclamation.

Agenda Item 14 (Walsh Ranch Interlocal Agreement):

The General Manager summarized his discussions with other local governmental entities regarding the proposed construction of trail improvements. The Board directed that a letter be prepared by staff and sent to Round Rock Independent School District to identify safety concerns regarding access of District children to Walsh Ranch Middle School, to request the identification of cross-walk areas, and to request the school district's participation in the cost of trail improvements to mitigate the safety concerns. The Board also directed that the staff notify Walsh Ranch MUD that the trail improvements would not be completed this fiscal year.

Agenda Item 15 (Board Committee and Staff Reports):

A citizen requested that the Board attach approved documents to the meeting minutes.

(a) BCWA Joint Events Committee- The Board directed that it be furnished a draft 2008 Hairy Man contract prior to it being released to BCWA.

(b) Finance Committee- Director Tullos gave a brief report regarding discussions by the Finance Committee.

(c) Staff Reports: The General Manager referred to the written report in the packets, and referenced an upcoming staff meeting. The Board also requested that the implications and operational issues associated with the acceptance of the proposed Highland Horizon pool improvements be considered by staff and

recommendations presented to the Board. The Board also gave direction that this subject be added to the General Manager's Report. The Board also asked about the status of a new open records request form.

The Board also received the controller's report and asked some questions relating thereto.

The Board also asked the Recreation Manager about the status about construction of improvements to the community center and other community center matters.

The Board then received the Public Works Director's Report. He reported on the status of membrane performance. He also discussed customer complaints regarding sand and pressures in distribution lines, and staff's proposed actions in response thereto. He also reported about some odor complaints received from certain customers.

No action was taken by the Board regarding the staff reports.

Agenda Item 16: Adjournment.

Director Shermer moved to adjourn the meeting. Director Tisch seconded the motion, which was approved unanimously. The meeting was adjourned at 12:12 a.m.


Russ Shermer, Board Secretary