

**MINUTES OF REGULAR MEETING OF THE BOARD OF DIRECTORS OF
BRUSHY CREEK MUNICIPAL UTILITY DISTRICT**

March 18, 2008

A regular meeting of the Board of Directors of Brushy Creek Municipal Utility District was held on the 18th day of March, 2008 at 7:00 p.m., in the District's office, 16318 Great Oaks Drive, 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.

Roll Call and Establishment of Quorum (Agenda Item 1)

President Paul Tisch called the meeting to order at 7:04 p.m. and established a quorum consisting of himself, Vice-President Cristine Yackle, Treasurer Rebecca Tullos, Assistant Treasurer Bob Grahl and Secretary Russ Shermer. 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.

Announcements and Recognition (Agenda Item 2)

Tom Clark announced that no other candidates had filed for the open Director seats and that staff would place an item for cancellation of the May Director Election on the Board's next meeting agenda.

Adoption of Agenda as presented (Agenda Item 3)

No action was taken on this item.

Citizens Communications (Agenda Item 4)

Carol Suko addressed the Board and suggested that it consider adoption of a payment plan for registrants for summer recreation camps. John McLemore addressed the Board. No action was taken by the Board.

Discussion and possible action concerning the Carter Burgess Parks Master Plan (Agenda Item 5)

The first item of business was discussion concerning the Carter Burgess Parks Master Plan. Kevin O'Connor, on behalf of Carter Burgess, advised the Board on the status of the Master Plan effort, commitment to quality control, and timing for completion of the plan. Staff was directed to postpone the March 28th meeting and to provide payment for Phase 1 services. No other action was taken on this item.

At 8:10 p.m., Director Tisch recessed the Board meeting. He reconvened the meeting at 8:25 p.m. with all Directors being present.

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Citizen Advisory Committee Matters (Agenda Item 6)

The Board then received Citizen Advisory Committee Reports. Rebecca Tullos reported on behalf of the Parks Committee. Bob Grahl reported on behalf of the Community Center Advisory Committee. No other committee reports were given.

At this time, the Board discussed the Parks and Recreation Master Plan Task Force survey drawing under Agenda Item 6(E). After discussion, the Board made a finding that the drawing was within the District's recreational authority. John McLemore was asked to draw the winning ticket and drew the name of Nancy Mullen. Staff was directed to advise the winner that the membership credit was non-transferable, but could be applied toward a family plan with the \$25 activation fee being waived. The Board also conducted a subsequent drawing (won by Gretchen Smith) in case the first winner declined to accept the credit.

The Board discussed updates and changes to the Parks Master Plan Task Force Committee under Agenda Item 6(f). A motion was made by Director Tullos to approve the updates and changes to the Task Force Committee as presented in the Board packet. The motion was seconded by Director Yackle. The motion carried 5-0. Staff was directed to find a replacement for the open committee position.

Consent Agenda (Agenda Item 7)

Item A (approve Board meeting minutes of 12/13/07, 1/10/08, 1/24/08, 1/28/08, 2/4/08, 2/14/08, 2/18/08 and 2/28/08) was pulled from the Agenda. Staff was directed to place only completed minutes ready for Board approval on future agendas.

A motion was made by Director Tullos to approve Item B (Appoint Mel Callender as Parks Committee Primary Member on behalf of the Meadows of Brushy Creek HOA), Item C (Approve Sendero Springs pavilion plaque language) and Item D (Approve additional funds for BBQ cookoff). The motion was seconded by Director Shermer. The motion carried 5-0.

Discussion and possible action concerning pay schedule (Agenda Item 8)

The Board discussed the pay schedule presented by Mike Petter. A motion was made by Director Yackle to approve the amended pay schedule as presented in the Board packet. The Board clarified that it was not approving job titles or positions at this time. The motion was seconded by Director Tullos. The motion carried 5-0.

Discussion and possible action concerning revised member agreement and release of liability (Agenda Item 9)

A motion was made by Director Yackle to approve the Community Center Membership Agreement with a revision date of 3/13/08 as provided in the Board packet supplemental. The motion also provided for the Agreement to become effective immediately. The motion also provided for approval of the Release of Liability in the form presented in the packet, with an effective day of June 1, 2008. The motion was seconded by Director Grahl. The motion carried 5-0. Staff was directed to place revised, approved and effective dates on all policy documents approved by the Board.

Discussion and possible action concerning Member Policy Handbook (Agenda Item 10)

The Board discussed the Member Policy Handbook. Director Yackle commended staff for an exemplary job in the creation of the handbook. A motion was made by Director Tullos to approve the Member Policy Handbook subject to certain formatting changes. The motion was seconded by Director Grahl. The motion carried 4-1 with Directors Tisch, Tullos, Grahl and Shermer voting for and Director Yackle voting against. Director Yackle stated that she was voting against the motion only because she desired to see the final form of the handbook.

Discussion and possible action concerning Parks kiosk policy and procedures (Agenda Item 11)

After discussion, this matter was tabled. Staff was directed to further consider the policy and procedures, with input from relevant committees, particularly as to receipt of payment for any costs and expenses incurred in connection with posting information on behalf of other groups. No other action was taken on this item.

Discussion and possible action concerning marquee policy and procedures (Agenda Item 12)

This item was discussed with Agenda Item 12 with the same direction set forth above as to Agenda Item 11. No other action was taken on this item.

Discussion and possible action concerning late fee policies (Agenda Item 13)

After a presentation by Mike Petter, the Board discussed late fee policies. A motion was made by Director Tullos to approve the late fee policies in the form set forth in the Board packet, with an effective date of 3/19/08. The motion was seconded by Director Grahl. The motion carried 5-0.

Staff was directed to periodically report to the Board regarding the amount of late fees and charges collected by the District.

Discussion and possible action concerning surplus property procedures (Agenda Item 14)

A motion was made by Director Tullos to approve the surplus property procedures in the form included in the Board packet, to be effective 3/19/08. The motion was seconded by Director Grahl. The motion carried 5-0.

Discussion and possible action concerning contract for records management audit (Agenda Item 15)

The Board discussed approval of a contract for records management audit services. A motion was made by Director Shermer to approve retaining a contractor to perform the services described as Task 1 in the Board packet, and to provide payment for services in an amount not to exceed 150 hours at a rate of \$40 per hour, for a total compensation not to exceed \$6,000. The motion was seconded by Director Yackle. The motion carried 5-0. The Board also directed that the contract be written so as to authorize additional services in the future, and to allow early termination.

At 10:23 p.m., Director Tisch recessed the Board meeting. He reconvened the meeting at 10:34 p.m. with all Directors Tisch, Tullos, Grahl and Yackle being present. Director Shermer left the meeting at this time.

Discussion and possible action concerning co-sponsor agreement between District and Meadows HOA (Agenda Item 16)

Director Tullos moved to approve the agreement between the District and the Meadows HOA subject to the changes discussed and to authorize execution by the General Manager. The motion was seconded by Director Yackle. The motion carried 3-0 with Directors Tisch, Tullos and Yackle voting for and Director Grahl abstaining.

Discussion of January Financial Reports (Agenda Item 17)

The Board received the January Financial Reports. Staff was directed to generally place Financial Reports on the second Board meeting of the month. No other action was taken on this item.

Board Committee and Staff Reports (Agenda Item 18)

Director Tullos reported on behalf of the Brushy Creek Women's Association Joint Events with Brushy Creek MUD. After a brief discussion, the Board requested that legal counsel prepare a memorandum identifying the legal issues associated with the extension of the District's liability insurance coverage to BCWA. Staff was directed to cancel the March 20th meeting with the BCWA and to place this item on the next Agenda.

John McLemore addressed the Board at this time regarding legal restrictions on the payment of director fees.


Director Tullos then reported on behalf of the Finance Committee.

The Board received reports from the General Manager, Recreation Manager, Controller, and Public Works Director. Staff was direction was as follows:

- Include Marlin Swim Team update in next Parks and Recreation report.
- Determine if card scanner at pool will report the number of people using the pool.

Adjournment (Agenda Item 20)

At 12:12 a.m., a motion was made by Director Tullos to adjourn the meeting. The motion was seconded by Director Grahl, and passed unanimously.



Russ Shermer, Secretary