

MINUTES OF A SPECIAL MEETING
OF
TRINITY BAY CONSERVATION DISTRICT
Tuesday, June 14, 2022
9:00 O'clock A.M.

THE STATE OF TEXAS
COUNTY OF CHAMBERS

The Board of Directors of Trinity Bay Conservation District met at the offices of the District in Stowell, Texas on Tuesday, June 14, 2022, with the following Directors present:

Scott Kahla	President
Lester Hankamer, Jr.	Secretary
Gregg Turner	Director
Richard Nicely	Director
Victor Caraway	Director

Also present were Jerry Shadden, Mike Will, Crystal Threadgill, Danny Pringle, and David Hoyt, District Employees; Kate Leverett of Germer, District Counsel; Also present were Hazel Meaux of The Seabreeze Beacon, Wade Thibodeaux of the Hometown Press, Donnie Self, Steve Fitzgerald, Savannah Bond and Officer John Mulryan.

Agenda Item 1:

President Kahla called the Meeting to order at 9:00 A.M.

Agenda Item 2:

The meeting was opened with a prayer by Jerry Shadden.

Director Turner led the Pledge of Allegiance to the American and Texas flags.

Agenda Item 3:

President Kahala called for public comment;

Wade Thibodeaux addressed the Board and stated, yes sir, I have said it before and I will say it again, I do not know that it makes any difference. I do not know why you guys are changing these dates of the regular meeting, but it really throws everybody into a kilter, nobody is here. Especially if you are going to change it, change it after the date and not before the date, because if a bunch of people show up here tomorrow and they say "where is the regular meeting, it's supposed to be today", you can always say, "oh no, it's tomorrow or it's Friday". But by having it the day before, if they show up here tomorrow and it was yesterday, they cannot be here. So, I do not understand why, I've said it before and I'll say it again, you can function with three of you. I do not know if it is a scheduling problem, I do not know what the deal is, but we need to have regular meetings on regular days and not all this changing stuff. This is twice that you all have scheduled meetings on top of other entities meetings. The last time it was the Hospital District and today it is Commissioner's Court, and both are pretty important meetings and both of those entities have a lot of business going on right now. So, I would ask you once again, please maintain and regular normal meeting schedule and adhere to it. Thank you.

Agenda Item 4:

A Motion to Approve the Minutes of the Special Meeting held May 25, 2022 was made by Director Turner. Director Hankamer seconded the motion and it passed unanimously.

Agenda Item 5:

General Manager Shadden went over the numbers for the Financial Reports.

A Motion to approve Financial Reports for General Fund for May 31, 2022 was made by Director Hankamer, Director Turner seconded the motion and it passed unanimously.

Moving on to Item 6 and-

General Manager Shadden interrupted and stated, I also have one more in there, I apologize, the Financial Report for Water and Sewer. General Manager Shadden explains the numbers.

President Kahla, I have a question? General Manager, yes? Resident Kahla, what kind of increase are we seeing with the cost of fuel going up?

General Manager, I hope to do a presentation for the Board at our next meeting. At this time, they just put a super fund tax on us for any chemicals that you buy, you are going to have to pay into a super fund that the Federal Government has put together to help do some super fund cleanup, so they have added it on all of the chemicals. Just about everybody has added a fuel service charge or they have done some kind of increase. Just about every bill we get in, now we get an email saying that it has increased, and we are going to have to look at doing something. I want to say that this month versus last month our fuel bill was like \$15,000.00 more than it was last month. Chemicals, if you would like, I'll get the line sheet and we can go down each one

of them. We have already spent all the money we had for raw water and just about all the money we had for chemicals because everything is just about double the price everywhere. As you can see here, the water and sewer fund we were a positive \$90,000.00 last month and your positive is about \$30,000.00 this month.

President Kahla – It is on the agenda; I was just curious.

General Manager Shadden – Yes, sir. Mike Will and I have been working on that, and we are going to put together something for the Board for next meeting to show exactly how much we are having to pay for everything. Everybody is passing their cost along.

A Motion to approve Financial Reports for Water and Sewer Department for May 31, 2022 was made by Director Turner, Director Hankamer seconded the motion and it passed unanimously.

Agenda Item 6:

General Manager Jerry Shadden presented the Tax Reports from Chambers and Jefferson County to the Board for review and consideration.:

Chambers County we received \$109,102.95, so with the new houses and other things coming in, we are 103.62%, so we have actually brought in more tax money than they estimated at this point. The collection last year at this time was \$55,594.34.

Jefferson County we have received no money this month, last year we received \$62.45, so we would receive 94.39% and we do not have very much in Jefferson County other than going out to Spindletop Weir.

A Motion to approve Tax Reports was made by Director Turner, Director Nicely and Carraway seconded the motion and it passed unanimously.

Agenda Item 7:

General Manager Shadden presented the Accounts Payable to the Board for review and consideration:

Accounts Receivable for May was \$8,365.95, this is line extensions, people paying for different services and things. Accounts Payable is \$275,345.57 and the unpaid accounts is \$220,622.51.

Director Hankamer – The first number does not include Water and Sewer bills, right?

General Manager Shadden – No. That is just extra work that is paid in for different things. It could be as simple as cutting one of our lines and we billed the contractor for it. So that is just miscellaneous income we pick up from other places.

President Kahla – The unpaid, is that delinquent?

General Manager Shadden – No, they are not delinquent, they come in at the very end of the month and they are not able to be put into that. We started with ones that will be delinquent, that on the 15th, we try to bring them in early so we can get them paid so that everything is on time.

A Motion to approve Accounts Payable was made by Director Hankamer, Director Nicely seconded the motion and it passed unanimously.

Agenda Item 8:

Consideration and possible action to reorganize Board to elect Board Officers;

General Manager Shadden – Kate? Normally whenever everybody is here, they choose the President/Vice-President.

District Counsel, Kate Leverett – Right, since we have the 2 new Board members, we just put it on here to see if you all would want to reorganize the current Board positions. It happens like Jerry said, either after the elections or since we have 2 new members. So, someone can make a Motion, as who they would like as Board President, Vice-President and Secretary. Someone can make a Motion to keep things as they are. It's really the Board's pleasure.

General Manager Shadden – But we do need a Vice-President.

District Counsel, Kate Leverett – Yes.

Director Hankamer – On my position and Scotts position...

Director Turner – Stay the same.

Director Hankamer – No, what I am saying is, honestly, I would not adjust until after those elections are done. We can..

District Counsel, Kate Leverett – Or you can just appoint a Vice-President and keep, because aren't you the Secretary?

Director Hankamer – Yes. And that is fine. I don't see making that change yet.

District Counsel, Kate Leverett – Right. Well then Mr. Nicely and Mr. Turner, they are the 2 that are not up for re-election. If someone would want to make a Motion to nominate one of them as Vice-President.

A Motion to appoint Greg Turner as Vice-President was made by Director Hankamer. Director Nicely seconded the motion and it passed unanimously.

President Kahla – Do we have to do anything for the other positions.

District Counsel, Kate Leverett – I would just say for the record that Mr. Kahala is still President and Mr. Hankamer is still the Secretary/Treasurer.

President Kahala – So basically just regular places, but more official.

District Counsel, Kate Leverett – Yes.

President Kahla – Maybe we can revisit this after the Election, and we have had time to see who is elected.

District Counsel Kate Leverett – Right.

Agenda Item 9:

Consider and Approve Resolution 22-07, A RESOLUTION OF THE BOARD OF DIRECTORS OF TRINITY BAY CONSERVATION DISTRICT SELECTING AN ENGINEER IN CONJUNCTION WITH THE SUBMITTAL OF AN APPLICATION FOR FUNDING THROUGH THE TEXAS DIVISION OF EMERGENCY MANAGEMENT (TDEM) HAZARD MITIGATION GRANT PROGRAM (HMGP) FOR DR-4485 COVID-19 PANDEMIC

General Manager Shadden – This is again applying for Grants. We procured a Grant Administrator and an Engineering firm, and this is just the Resolution saying that they were chosen.

Director Hankamer – We didn't do that last time?

General Manager Shadden – They needed a Resolution. We did not do a Resolution last time.

District Counsel, Kate Leverett – Right. So, it is still picking after receiving all of the submittals, it will be LJA and it is the same grant program that we discussed.

Director Hankamer – Okay, I didn't understand the process

District Counsel, Kate Leverett – It's getting grants from the Federal Government takes a while. And you have to make sure you have all the documents, so that is all that this is doing.

Director Hankamer – So we just need to approve the resolution?

District Counsel, Kate Leverett – Yee.

A Motion to approve Resolution 22-07 was made by Director Hankamer. Director Carraway seconded the motion and it passed unanimously.

Agenda Item 10:

Consider and Approve Resolution 22-08, A RESOLUTION OF THE BOARD OF DIRECTORS OF TRINITY BAY CONSERVATION DISTRICT SELECTING A GRANT WRITER/ADMINISTRATOR TO ASSIST THE DISTRICT IN ITS APPLICATION AND ADMINISTRATION OF A CONTRACT, IF AWARDED, FROM THE TEXAS DIVISION OF EMERGENCY MANAGEMENT (TDEM) HAZARD MITIGATION GRANT PROGRAM (HMGP) FOR DR-4485 COVID-19 PANDEMIC

District Counsel, Kate Leverett – And this is the same thing.

President Kahla – Pretty much the same thing?

District Counsel, Kate Leverett – Yes. This is Traylor and Associates is the Grant Administrator. So, you just need to approve the Resolution.

A Motion to approve Resolution 22-08 was made by Director Turner. Director Hankamer seconded the motion and it passed unanimously.

President Kahla – Just to reiterate, we are not out any money?

General Manager Shadden – No, even if we get any of these Grants, we are competing with everybody in the State for these Grants. So, we put a package together and submit it. And if we do, the Grant pays for the engineering services and for the Grand Administrator.

Agenda Item 11:

Consider and possible action applying for drainage grant HMGP DR-4485 MAYHAW LATERAL CULVERT IMPROVEMENTS \$2,418,995.00

General Manager Shadden – These are the new boxes that were put under the freeway on I10. Again, all we are doing at this time is applying, so there is no guarantee that we are going to get this or not. If we do get it, it is a 90/10 match. So, it is a \$2.4 million job and our share would be \$241,000.00.

A Motion to approve applying for drainage grant HMGP DR-4485 Mayhaw Lateral Culvert Improvements \$2,418,995.000 was made by Director Nicely. Director Caraway seconded the motion and it passed unanimously.

Agenda Item 12:

Consider and possible action applying for drainage grant HMGP DR-4485 MAYHAW BAYOU DRAINAGE IMPROVEMENTS \$1,751,325.00

General Manager Shadden – Our match would be \$175,000.00. This is a 90/10 split. The plan is to extend the ditch up across Buccaneer and come up behind the Winnie Park and tie in. That will give Mayhaw Bayou two outlets. We have already approved Phase I for Buccaneer all the way down to Crawford Reservoir and upgraded the boxes as part of the phase. The next phase would be to do the upper end of it so it has two ways to go out. The other one is down Buccaneer and behind the sewer plant and back to Crawford's Gully. This one would go from there through the new ditch to where Entergy is and that ditch goes back out. So it has two outlets. And then on the lower end we take it at Crawford Gully with the two outlets there and we expand the ditch along Crawford Gully back up all the way down to the diversion ditch at the bottom that we partnered with DD6 to dig several years ago. So we would widen that ditch so it is large enough to take both branches of that. So that should take care of getting all the water out of there. This is all pretty much dirt work except for Buccaneer so we could do the work ourselves for the County to help pay for the match.

It would be like the FEMA jobs or GLO jobs. The labor is a wash, they pay exactly what your employees make but we rent them our equipment to do the job. On this one I think a short skid trackhoe and a dozer and we can spread it on site.

A Motion to approve applying for drainage grant HMGP DR-4485 MAYHAW BAYOU DRAINAGE IMPROVEMENTS \$1,751,325.00 was made by Director Caraway. Director Nicely seconded the motion and it passed unanimously.

Agenda Item 13:

Consider and possible action applying for drainage grant HMGP DR-4485 Spindletop Bayou Drainage Improvements \$2,544,000.00

General Manager Shadden -Our match on this one is \$254,400.00. This is from I10 all the way down 124. You have Ogden, Rush and Spindletop and an unknown tributary at I10 there coming down. By the time you get to where all of them tie together, just below the airport there and you see the reservoir, we did a Spindletop study and the recommendation there was to increase the size of the boxes under I10 to 1,004 ft and Ogden, Rush and Spindletop at 360 square feet into one a little (*unadible*) going off to the right of the blue line, So that gives you around 4,000 square feet. So, the ditch would be improved to be able to reshape Spindletop to I10 to where they all come together and the ditch would be improved, pretty much back to its original plain to where it would take 4,000 square feet of water capacity.

A Motion to approve applying for drainage grant HMGP DR-4485 Spindletop Bayou Drainage Improvements \$2,544,000.00 was made by Director Nicely. Director Hankamer seconded the motion and it passed unanimously.

Agenda Item 14:

Consider and possible action applying for a sewer grant HMGP DR-4485 Hankamer Wastewater Treatment Plant Phase II \$8,897,375.00

General Manager Shadden – Our match on this is \$889,737.50. Several years ago when we started upgrading building the plant in Hankamer, the recommendation was to build a point 6 but the money wasn't there at the time so we ended up building point 3 which is under

construction right now. This would be Phase II to build another point 3 to bring us to point 6 million per day and that should get us roughly 20 years into the future unless the growth just explodes. Which it is moving pretty quick. There is not a day that goes by that someone isn't calling wanting to put a subdivision in.

A Motion to approve applying for a sewer grant HMGP DR-4485 Hankamer Wastewater Treatment Plant Phase II \$8,897,375.00 was made by Director Hankamer. Director Turner seconded the motion it passed unanimously.

Agenda Item 15:

Consider and possible action applying for a sewer grant HMGP DR-4485 Hankamer Hwy 61 Force main improvements \$1,659,650

General Manager Shadden – Our match on this one is \$165,965.00. This is on Highway 61 as you can see there is new development on the left and you can barely see where Phase IV is starting to start now. On the right hand side they are putting another subdivision in and they have started clearing. Further down 61 past the crawfish place we had an inquiry to build another one. We put a 4" from this point all the way down to 4 Corners with a Grant through the County and now there should be around 1500 to 2000 homes in this area. This is a project where there is a 4" force main that goes from the pump station that is there now up to I10 and then it turns back into a 10" and goes back to the sewer system. So, this line needs to be upgraded to a 10" up to I10 and a 12" to the sewer plant to be able to accommodate all the houses.

A Motion to approve applying for a sewer grant HMGP DR-4485 Hankamer Hwy 61 Force main improvements \$1,659,650 was made by Director Hankamer. Director Turner seconded the motion and it passed unanimously.

Agenda Item 16:

Consider and possible action applying for a sewer grant HMGP DR-4485 Winnie Lift Station Improvements \$1,097,750.00

General Manager Shadden – Our match would be \$109,775.00. What this is, is anything that flooded is eligible to be upgraded. Mike Will has 3 pages of lift stations and all the ones highlighted in blue, flooded. So, we are going to raise them, get new controls panels and fences and everything else. This this grant would pay to upgrade all of these sewer pump stations to stop them from flooding in the future.

A Motion to approve applying for a sewer grant HMGP DR-4485 Winnie Lift Station Improvements \$1,097,750.00 was made by Director Caraway. Director Turner seconded the motion and it passed unanimously.

Agenda Item 17:

Consider and possible action applying for a sewer grant HMGP DR-4485 Oak Island Sanitary Sewer Rehabilitation \$3,303,762.00

General Manager Shadden – Our match on this would be \$330,376.20. In Oak Island after Ike they came in and did quite a bit of water work. Built a new water tower and a lot of work on the water system. But the sewer system is old it is clay tile and concrete and takes on a tremendous amount of ground water and it needs to be rehabilitated.

A Motion to approve applying for a sewer grant HMGP DR-4485 Oak Island Sanitary Sewer Rehabilitation \$3,303,762.00 was made by Director Turner. Director Hankamer seconded the motion and it passed unanimously.

Agenda Item 18:

Consider and possible action applying for a sewer grant HMGP DR-4485 Oak Island Wastewater Treatment Plant \$6,360,500.00

General Manager Shadden – The match on this one is \$636,050.00. This is the Oak Island sewer plant and when Ike came in it actually came over the top of it. There was 25 foot of water in there. It floated the chlorine tanks out and messed up everything. The plant is 60 years old and it is to the point that the concrete is starting to deteriorate in it. We have patched it and done all we can. The plant is out of capacity and outdated and it really needs to be replaced. We own the property behind it, so the plan would be to go there and build a new plant and raise it up and get it out of the flood zone as much as we possibly can and bring the plant a point 2.

A Motion to approve applying for a sewer grant HMGP DR-4485 Oak Island Wastewater Treatment Plant \$6,360,500.00 was made by Director Turner. Director Hankamer seconded the motion and it passed unanimously.

Agenda Item 19:

Consider and possible action applying for a sewer grant HMGP DR-4485 Winnie Sanitary Sewer Rehabilitation \$2,906,547.00

General Manager Shadden – Trinity Bay’s match on this one \$290,654.70. We had one grant from the County of \$350,000.00 and we did another \$800,000.00 and few other projects like that. So, this is what we identified (looking at TV monitor) of what’s left in the Winnie area. Stowell is all pretty well done except for a few small lines there. We did the 21 up by the school going up to the sewer plant is the last thing that we did. So, we need to come back and pick up the areas especially behind the post office, all that stuff in there was rotten. The stuff on the east side of 124 has all been slip lined with a 4”. So, this brings it back to the design capacity.

A Motion to approve applying for a sewer grant HMGP DR-4485 Winnie Sanitary Sewer Rehabilitation \$2,906,547.00 was made by Director Nicely. Director Caraway seconded the motion and it passed unanimously.

Agenda Item 20:

Consider and possible action declaring the following items Surplus Property to be sold at Horne Auction.

- 1. 2011 Polaris 6X6
- 2. 2012 Polaris 6X6
- 3. 2014 Polaris 6X6
- 4. 2011 F-150 Crew Cab
- 5. Bad Boy Lawn Mower
- 6. Surplus Desk
- 7. Pallet of Old Electronics

General Manager Shadden – We try to get rid of the junk every now and then. The Polaris were bought while we were out and down in the marsh and everything is rusted out underneath them. They are not any good anymore and they are just taking up space here in the back. Last time I was here we sold through Rene Mayes and David was telling me you all sold some stuff at Horne and were happy with the prices and they are local. We put it out for bid and make it fair to the public. Anyone can bid on this stuff, we don’t need it anymore. If we get enough money, we would like to possibly purchase another Polaris for another spray rig.

A Motion to approve selling Surplus Property at Horne Auction was made by Director Turner. Director Hankamer seconded the motion and it passed unanimously.

Agenda Item 21:

To discuss for possible consideration providing outside counsel, if needed, authorization to proceed with audit and investigation of personnel affairs

To be discussed in Executive Session.

II. DRAINAGE

Danny Pringle presented Drainage issues in various areas of the District

III. UTILITY

Mike Will presented Water and sewer issues in various areas of the District and Plant issues at various location of the District

IV. REPORTS

V. EXECUTIVE SESSION

GOVERNMENT CODE 551, SUBCHAPTER D

SECTION 551.071 - CONSULTATION WITH DISTRICT’S ATTORNEY REGARDING POSSIBLE LITIGATION

- 1. Consult with outside counsel regarding personnel affairs investigation

SECTION 551.072 - DELIBERATION ABOUT REAL PROPERTY

SECTION 551.074 - MATTERS OF PERSONNEL

SECTION 551.075 - CONFERENCE WITH EMPLOYEE

SECTION 551.076 - TO DELIBERATE THE DEPLOYMENT OR SPECIFIC OCCASIONS FOR IMPLEMENTATION OF SECURITY PERSONNEL OR DEVICES

If, during the course of the meeting covered by this Notice, the Board should determine that a closed or executive session of the Board should be held or is required in relation to any agenda item included in this Notice, then such closed or executive meeting or session, as authorized by the Texas Open Meetings Act, will be held by the Board at the date, hour, and place given in this Notice concerning any and all subjects for any and all purposes permitted by §551.071-551.084 of the Texas Government Code and the Texas Open Meetings Act, including, but not limited to, §551.071—for the purpose of a private consultation with the Board’s attorney on any or all subjects or matters authorized by law.

Executive Session:

The Board recessed to Executive Session at 10:32 A.M. to discuss Agenda Item #21.

The Board returned to the Regular Session at 10:41 A.M.

VI. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION.

Actions on items discussed in Executive Session:

No action was taken after Executive Session for Agenda Item 21.

Director Hankamer moved to Adjourn, and Director Turner seconded. The motion carried and the meeting was adjourned at 10:42 A.M. by President Kahla.

READ AND APPROVED:



Scott Kahla
President

Attest


Les Hankamer, Secretary

Date: 8/10/22