

MINUTES OF A SPECIAL MEETING
OF
TRINITY BAY CONSERVATION DISTRICT
Wednesday, October 12, 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 Wednesday, October 12, 2022, with the following Directors present:

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

Also present were Jerry Shadden, Crystal Threadgill, David Hoyt, Mike Will and Danny Pringle, District Employees; Kate Leverett of Germer, District Counsel, Gloria Roemer and Sharisa Nelson of the Seabreeze Beacon, Wade Thibodeaux of the Hometown Press and Brad Moon.

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.

President Kahla led the Pledge of Allegiance to the American and Texas flags.

General Manager Shadden presented Joshua George with Certificate of Achievement for obtaining his Class D Water License.

Agenda Item 3:

Public Comment:

Gloria Roemer – Thank you Mr. President for allowing me to address you and the rest of the Directors. I want to thank the four of you that are here and are stepping up to serve. This is a very difficult Board to serve on and as we know there are a lot of issues from the past that are still pending and still going on, so again, thank you for trying to step up and take care of things to benefit the citizens of our District. The only issue I have with having four new board members since 2020 is that you are not familiar with the past and a lot of the history that has been going on. How would you? I know that Mr. Nicely attended several meetings but the other three did not, and a lot of the issues with Trinity Bay go back years. I wanted to bring this up because in August, I don't know if it was you Rick, I think it was you Rick, and it is all on tape everything is on video, all you have to do is go to the Seabreeze Beacon and every board meeting is on video. I believe you asked the General Manager about the water study that we commissioned a few years ago, the results of the water study and I believe the General Manager told you it ended prematurely, and it was inconclusive. Well, I have it right here (holding up a bound booklet). I have told you all over the last couple of years, there are 58,000 emails going around. This (referring to the bound booklet) is part of those 58,000 emails, it is the water study and every email between JBS, Jim Smith, and the General Manager. You can come by and look at it in my office, I am not charging, just make an appointment, you can see it. There are just two things, because I do not have time to go through it, but I will tell you I am going to be putting this in the paper and I am going to be doing videos on it. One thing here is we have had a lot of people through the years come up and get these outrageous water bills, they are \$600, \$700, \$800 and they have no idea why. There is no recourse. They are just being told, either pay it or get your water disconnected. Here are 3 of them that Jim Smith just took out of the pile and this is what he said on one of them, he said on the size of the meter "it is impossible to get that much water through 2 of the 3 meters in one month's time". He says that. But these people told them to click their toilet thing, there is an issue either pay or get your water disconnected.

The other couple of things that I wanted to bring to your attention here, like I said, there are so many things, has to do with the meter consumption review. Meter oversizing is a problem. 88% of the 1" meters may be oversized or inaccurate due to lower than expected usage, and it goes on and on and on. Where a lot of the issues has been said that the meters are primarily oversized. Has anything been done to correct this? Have you seen this Mike? Has anything been done to correct it? It says meters are difficult to read. I put a picture in the paper of a gentleman who came into my office with his phone and he said "look at this, this is my meter. How can they read this"? They charged him \$600 for that month. He said "how can they read that"? I know all of you saw it, it's on the front page, it's Thomas Harmon. "I have lived in this house for 28 years my average bill is anywhere from \$60 to \$70 dollars give or take a few bucks. And all of a sudden it is \$360", and he said, "here is my meter, how can they read it"? Did anybody take care of that? And it says meter accuracy is paramount. But here is the most concerning thing, and like I said, since I am considered a purveyor of fake news, here is an email from Jim Smith to Jerry Shadden on March 13, 2020, he is turning in a progress report. He says I have attached a pdf version of the progress report, and this is what is disturbing, if you want anything changed, let me know asap. If you want anything changed in the progress report, let me know asap. It's right here (holding up bound booklet).

Anyway, we have got problems guys. We've got problems. And like I said, there is 56,000 emails out there talking about a lot of problems and no one seems to address it. Y'all are new. I feel like you are being taken advantage of because you are new, and you don't know what happened 3 years ago, 4 years ago, 5 years ago. You know when you have the General Manager telling you that the water study is incomplete and was shut down prematurely and all this kind of stuff, that just rare. And I have all the emails between the General Manager and Jim Smith. Again, call my office, make an appointment and you can see it. I will be doing stories on this in the paper and live video, because this is huge.

Thank you.

President Kahla – Thank you, Gloria. I will just say that since I have been here there have been 5 people complaining on social media and complaining to me directly about outrageous water bills. I know we have had some billing issues over the last month, we had one employee, I think terminated because of whatever, a meter reader. All 5 instances that I was involved with personally, every single one of them involved had a toilet running or some other kind of leak that they swore they did not have. There was never any resolution, they never came out after the fact that and so oh my bad, I did have a leak. 5 times. You are never going to hear that part; you are going to hear the other part about how I am being overbilled. 5 out of 5 they had a problem and they never came back and admitted that it was their fault and it wasn't Trinity Bay's fault. Anyway, that is all I have to say about that. But thank you, Gloria.

Agenda Item 4:

Minutes:

Secretary Hankamer, made a Motion to Approve the Minutes of Regular Meeting held September 14, 2022 and a Special Meeting held September 28, 2022. The motion was seconded by Director Nicely and it passed by unanimous vote.

Agenda Item 5:

Financial Reports:

Director Nicely, made a Motion to Approve the Financial Reports for September 30, 2022. The motion was seconded by Director Caraway and it passed by unanimous vote.

Agenda Item 6:

Tax Reports:

Secretary Hankamer, made a Motion to Tax Reports for September 30, 2022. The motion was seconded by Director Nicely and it passed by unanimous vote.

Agenda Item 7:

Accounts Payable:

Director Caraway, made a Motion to Accounts Payable. The motion was seconded by Director Nicely and it passed by unanimous vote.

Agenda Item 8:

Repair of low water Crossing on Hebert Road:

General Manger Shadden – We cleaned pretty much Sand Gully from one end to the other and this weir was in there. Looking at the easement that is on the weir itself, and looking at the Resolution, it has been modified so they do not match. I sent it to Kate and the wording does not jive. So, we need to go back and amend the Resolution. I am giving you a copy of it. Some easements are written where Trinity Bay has to do it 100% and some are 50/50. Each one is different. They way this Resolution is written it in stone that you have to do this and do that. I had Victor look at it and also Kate, and we thought it would be best to table this and revise the Resolution to where it fits our needs and we have some flexibility to be able to do the type of stuff we need to do.

Tabled.

Agenda Item 9:

Removal of a Dilapidated bridge and install of two tank cars:

General Manager Shadden - This is off of North Hamshire Road at the very end. There is a bridge in there and you can see (power point picture) the bridge is in very bad shape. There is no way to get across the ditch, it's a large ditch, 30ft. across at the top it's a big deep ditch. I tried to talk them into putting a bridge back in there and Bill feels like his cows do not want to walk across the bridge. So, he would like to put a couple of tank cars in there. I know that the last one we did, we purchased one and Wilcox purchased the other one. We put it in for him somewhere down Onion Bayou. So that is up to the Board. Again, the Resolution does not address all of this, so we want to table it.

Tabled.

Agenda Item 10:

Removal of minimum fee monthly fee for Fairview Cemetery:

General Manager Shadden- Buck Thornton called me, he is on the Board of the Cemetery, and he is saying that they are paying \$50 a month minimum fee. I put a list of their usage together and it is either 0 or 100 gallons a month is about what they are using out there. So, it is the pleasure of the Board if you want to cut deceased people some slack or not. It was a request from the cemetery, or I think they are going to cancel their account is what they are going to do.

President Kahla – Sounds like they don't need it really.

Secretary Hankamer – Is the cemetery like a tax exempt or something? I don't know how that works.

President Kahla – I think it is privately held. I would think. I don't know how that works. I know those plots aren't free.

Kate Leverett General Counsel- It probably just depends on if the church owns the land, then it's tax exempt. But if it is a private business it wouldn't be, but I am not sure who owns that.

President Kahla – Can we research this a little bit more?

General Manager Shadden - Yes, I can. I can go in and see if they are a non-profit or whatever. Like I said, they just want to see if we would cut them some slack or I think they are going to close the account because they just don't use enough water.

President Kahla – I think we can talk about it. But if we did decide to just cut them, we still need to monitor it so we make sure they don't start filling swimming pools up.

General Manager Shadden – I will get with Buck and see if he has more information.

President Kahla – I can call him too.

Tabled.

Agenda Item 11:

40' x 20' Galvanized Bridge:

General Manager Shadden – This was going to be 50/50 like we have done in the past. They pay for all the bridge and all the material, it is \$120,443.00 and we build the bridge.

Tabled.

Agenda Item 12:

Palmisano's Property Complaint:

Recessed at 9:37 a.m. to Executive Session.

Reconvened at 9:58 a.m. to Regular Session.

No action taken.

II. DRAINAGE REPORT:

Danny Pringle presented the drainage report on various areas of the District:

Fecon #0189- Working on Oyster Bayou – Crossed over to the west side at Fairview – Now cleaning back north. (average footage is 400 feet in heavy trees and brush)

D-3 Dozer – Moved to Oyster Bayou at Fairview to assist the Fecon with spoil and drains.

Long Reach 60' – Working on Oyster Bayou – Moved to the south side of Highway 65, behind the Fecon cutting trees. We had a steel hydraulic line break that goes to the cutter. (Average 500 feet cutting trees and lighter brush)

- We pulled this machine to remove floating vegetation at East Bay Bayou gates, Onion Bayou gates and Elm Bayou gates
- Moved back to Oyster Bayou at Highway 65

Fecon 30' – Working on the west fork of Double Bayou West of Highway 562. (This machine is currently waiting for the cutter motor to be repaired by Hendrix)

Long Reach 50' - Working on West fork of Double Bayou behind the Fecon cutting trees and removing wood chips. (averages about 400 feet a day removing wood chips and cutting what the Fecon can't reach)

D-6 Dozer – Working on West fork of Double Bayou assisting the Fecon and leveling the spoil.

- This machine is down for repairs – Tilt Cylinder for the blade is being rebuilt

Cat 329 #0148 – Moved to Doble Bayou to remove stumps and level spoil while the D-6 is down.

Cat 329 #0144- Finishing up on ditch VIII-H 1 B going North and has crossed Bancroft Road to 1663 (Averages about 1000 feet a day cutting lighter vegetation on smaller ditches)

- We replaced a damaged header and put a metal band on a damaged canal pipe
- Repaired a 48” pipe drain on ditch IX-C-Koch Road
- Changed out two stings of 36” pipe – West Main Street – Stowell
- Moves to VIII-G at Devillier Loop Road – Cleaning going east

Komatsu Grinder – Working on Sand Gully, east of Highway 124, South of Hebert Road (Averages 700 feet a day cutting and or dipping lighter vegetation)

Komatsu Mower –

- Finished up on Ditch V-A-! – Oyster Bayou watershed, South of 1985-We put a bucket on it to remove floating vegetation.
- Moved to Elm Bayou at Canal Road going west (Averages about 650 a day dipping vegetation)

Spray Crew :

- Mowing ditches with the tractor
- Spraying with the Ground Rig
- Put together a second Ground Rig
- Aerial Spraying

Rush Ditch from the County Line to Spindletop

Ogden Ditch – From I10 to Spindletop

Winnie Ditch - Dugat Road to Spindletop

East Bay Bayou

Elm Bayou – From Canal Road to 124

Frost Ditch – From Doornbos to 1941

Onion Bayou – From Fairview to 1985 (anything not organic)

East Fork of Oyster Bayou – From Garth Road to 1985

Sprayed Slopes and bottom

550 Acres

65 Miles

Helicopter will come back to touch up theses ditches. It will sprat where rice was growing and has now been cut.

It will Also Spray (Next Week)

East Bay Bayou

The east fork of Oyster Bayou

Oyster Bayou

III. UTILITIES REPORT:

Mike Will reported on Water and Wastewater.

1. Updated on the new Hankamer WWTP.
 - The clarifier equipment and tank panels have arrived
 - The Contractor has begun site work and forming for the clarifier foundation
 - Due to supply change issues, the contractor requested a change in the materials for the 3” Drain pipes on the clarifier. The plans called for ductile iron pipe which is on backorder for 7 months. We have approved them to use 3” DB 11 HDPE piping. And the County is aware of the change.
 - Entergy has tree trimming crews on Speights Road. This is in preparation for the electrical contractor to upgrade the electrical system.
 - Entergy’s electrical contractor has delivered materials onsite.

Water and Sewer Installations:

10 Water Meters
 2 Sewer grinder stations
 335’ Sewer discharge line
 2,457’ Sewer line extensions

IV. EXECUTIVE SESSION

GOVERNMENT CODE 551, SUBCHAPTER D

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

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.

V. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION.

No action taken.

VI. ADJOURN.

Secretary Hankamer made a Motion to Adjourn. The motion was seconded by Director Nicely and it passed by unanimous vote.

Meeting Adjourned at 10:07 a.m.

READ AND APPROVED:



Scott Kahla, President

Attest



Les Hankamer, Secretary

Date: 11/14/22