

MINUTES OF A REGULAR MEETING
OF
TRINITY BAY CONSERVATION DISTRICT
Wednesday, April 12, 2023
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, April 12, 2023, with the following Directors present:

Gregg Turner	Vice-President
Les Hankamer	Secretary
Richard Nicely	Director
Victor Caraway	Director

Also present were Jerry Shadden, David Hoyt, Mike Will, Crystal Threadgill, Amos Roy and Adam Davis, District Employees; Kate Leverett of Germer, District Counsel, Gloria Roemer of the Seabreeze Beacon, Wade Thibodeaux of the Hometown Press, Susan LeBlanc, Annette Roegher and Brad Moon, Chambers County Constable.

Agenda Item 1:

Vice President Turner called the Meeting to order at 9:00 a.m.

Agenda Item 2:

The meeting was opened with a prayer by General Manager Shadden, who then led the Pledge of Allegiance to the American and Texas flags.

General Manager Shadden – I would like to recognize one of our employees. This is Adam Davis. Adam has received his C Wastewater License. Adam started out from the bottom and has worked his way up to a Class C Wastewater Operator and you also have a Class C Water license, don't you?

Adam Davis – yes sir.

General Manager Shadden – So he has both. He is a homegrown guy and doing a great job.

Agenda Item 3:

PUBLIC COMMENT:

Gloria Roemer – Thank you Gregg and the Board members for allowing me just a couple of minutes to speak to you. You know, I do a lot of research and, because that is part of my job. Because if somebody says I am fake news, I can prove to them that I am not fake news. But there is one thing internally that is wrong with this organization, and that is your legal counsel. Germer has been your legal counsel for years, 29 – 30 years, it has been a long time. And I know Gregg, you have been on the Board the longest, the other three of y'all not so much, you may have a couple of years of experience each. Bu what brought this to the head was the fact that, I was called a liar when I said that "Trinity Bay is under Federal investigation". The General Manager very directly asked Legal counsel "is Trinity Bay under Federal investigation" and she very clearly on camera, on your YouTube said "no, Trinity Bay is not under Federal Investigation". I do not know what is worse, is that counsel didn't know, that she was ignorant in the entity that she is representing, she doesn't know if it is or isn't under Federal investigation. Don't you think that is kind of important? A Resolution was supposed to be presented to the Commissioner of Chambers County Commissioners Court and I think Liberty County Commissioners Court, about the separation of Trinity Bay. Couple of the Commissioners, Chambers County Commissioners said, "isn't Trinity Bay under Federal investigation? They said "no". They call Cheryl Leake, Cheryl Leake, as she told me, "Yes, Trinity Bay is under Federal investigation". So, they declined to present the Resolutions, because they didn't want to get caught up in a Federal Investigation by supporting something for or against what Trinity Bay was presenting. So, your legal counsel is not doing its due diligence. It is not doing it's homework. It is making y'all look really really bad. She is supposed to represent you and this entity, us as the taxpayers, but it is a joke, when the District Attorney tells you, "you can quote me, you can quote me, she doesn't know what she is talking about, because she hasn't even contacted me, I haven't even talked to her". So how can she say with authority, that you would believe that. When she doesn't know, like I said, I don't know what is worst, the fact that she didn't know or she knew and she lied. Whatever the case, that is a very very serious breach of trust. Have all of y'all, all of y'all are responsible for that. She is Trinity Bay's counsel. And then this letter that the General Manager wrote to Senator Creighton and Judge Silvia and the Judge in Jefferson County and Jimmy Gore, talked about Bonds. Our Bonds are Revenue Bonds and they are guaranteed solely by revenue for Water and Sewer. And I have a copy here from your own website, about the debts.

Vice President Turner – Gloria , you are just about to run out of your 3 minutes.

Gloria Roemer – I am what?

Vice President Turner – You are about out of our 3 minutes.

Gloria Roemer – Okay. On the website it says here that there is no drainage money dedicated for the revenue bonds. In the letter that she wrote to the General Manager it said that it was it is called Net District Revenue. In my opinion, a lot of your problems would be solved if you got rid of Germer.

Agenda Item 4:

MINUTES:

Secretary Hankamer, made a Motion to approve the Minutes of Regular Meeting held March 15, 2023. 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 March 31, 2023. The motion was seconded by Director Caraway and it passed by unanimous vote.

Agenda Item 6:

TAX REPORTS:

Secretary Hankamer made a Motion to approve the Tax Reports for March 3, 2023. The motion was seconded by Director Nicely and it passed by unanimous vote.

Agenda Item 7:

ACCOUNTS PAYABLE:

Director Caraway – This is probably back on the financials, but one thing that I wanted to point out is that we have the transfer in there from Drainage to Water of \$98,000 I think, and that is for the annual rent.

General Manager Shadden – Yes.

Vice President Turner – Appreciate it.

General Manager Shadden – And there was also a \$140,000 in there that we paid to fix the dragline.

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

Agenda Item 8:

RESOLUTION 23-07 HAZARD MITIGATION PLAN:

General Manager Shadden – Yes Sir. We have been working on this now for about 6 or 8 months it's gone through all the process and everything, it has gone to TDEM and to FEMA and everybody has approved, all we have to do is adopt it here and it will go back to FEMA and be on record that we have our own Hazard Mitigation License again to where we can get our own Grants.

Secretary Hankamer – We renew this every 5 years?

General Manager Shadden – Every 5 years, yes sir.

Director Caraway – How long does it take to get it done from the start process to getting it, is it about 6 months?

General Manager Shadden – Yes, but you have to understand also that we had one before. So, a lot of the boiler plate was there already. So, you are talking about maybe a 250-page document that a lot of it was there and we just went through and updated everything in it. And that was still 6 months.

Director Caraway- Okay, so.

General Manager Shadden – Had public hearings and all that other kind of stuff.

Director Caraway – I guess what I am trying to get to, is that when we go to renew it we should start about 6 months early.

General Manager Shadden – Yes. I would say we should start about 6 to 8 months ahead of time. And I believe that the County is about to have to renew theirs too. If I am not mistaken.

Director Caraway – That's good.

Secretary Hankamer – What do we have to keep track of deadlines like that? I didn't know why we missed it.

General Manager Shadden – I don't want to throw anyone under the bus or anything. But while I was gone, this came up and they sent a letter here stating that it was time to renew it and they decided not to spend the money to renew it.

Secretary Hankamer – Okay, I appreciate it.

Secretary Hankamer made a Motion to Adopt Resolution 23-07 Trinity Bay Conservation District Hazard Mitigation Plan. The motion was seconded by Director Caraway and it passed by unanimous vote.

Agenda Item 9:

CLCND CANAL RIGHT-OF-WAY PERMIT ON BELTON LANE FOR A 12" WATER LINE FROM JULY 17,2001:

General Manager Shadden – CLCND has a new Manager, Claudia, over there and they are going through and trying to straighten up all of their easements and documentation and this was, the paperwork was done but it was never executed. So, they are trying to go back and clean all their stuff up in their files and there could be some others. There were a few crossings that we had, that we were required to pay them once a year to have the crossing underneath their canal, couple hundred dollars a year or something like that. So anyway, they have been going back and trying to address these things to get everything cleaned up. I think Claudia is doing a pretty good job.

Secretary Hankamer – And this is a permit where we will be able to gain access?

General Manager Shadden – Well the water line has been in there since 1, but this is where it goes underneath their canal and this one we do not have to pay for but it was never execute, so they are just trying to clean up the paperwork and make sure for the next people that everything is right.

Vice President Turner – It is right there east of the Anahuac National Bank where the canal. The City of Anahuac is getting their water from there now.

Secretary Hankamer – Right.

Vice President Turner – We have a water line that goes underneath there.

Director Caraway, made a Motion to approve CLCND's Canal right-of-way permit on Belton Lane for a 12" water line from July 17, 2001. The motion was seconded by Secretary Hankamer and it passed by unanimous vote.

General Manager Shadden – Since we are talking about CLCND, we also did a request to go from 25,000,000 a month up to 30,000,000 a month, because the reservoir wasn't keeping up. We are providing that much water on the other side and I went to their Board meeting not long ago and asked them to raise it and so we are at 30,000,000 a month of raw water that we are taking on that side. We are still taking 20 on this side but we are taking 30 on the other side.

Vice President Turner - And they did approve it?

General Manager Shadden – Yes sir.

Agenda Item 10:

LEASE AGREEMENT WITH SOURCEWELL COOPERATIVE PURCHASING 2 CATERPILLAR 304 MINI EXCAVATORS

General Manager Shadden – Yes sir. In the budget we replaced the 2 Water Mini Excavators, they were both bought in like 2011, they have multiple hours on them, and they are pretty much worn out. They are used just about every day. So, you approved this in the budget in October but this a Lease agreement to purchase them for 60 months at like 5.25% interest. The machines are already here, we are just doing the paperwork.

Secretary Hankamer – And there is 2 of them?

General Manager Shadden – Yes sir. There is 2 of them, once for each side.

Secretary Hankamer – Got it.

Director Caraway, made a Motion to approve entering into a lease agreement with Sourcewell Cooperative Purchasing for two Caterpillar 304 mini excavators. The motion was seconded by Director Nicely and it passed by unanimous vote.

Agenda Item 11:

SURPLUS PROPERTY TO BE SOLD AT AUCTION:

General Manager Shadden – Yes sir, we have replaced quite a few new pickup trucks, as you can see some of these were 2007, some have 200,000 to 300,000 miles on them. So here is a list of all of the equipment that we plan to sell as surplus property. So, you have one, two, three, four, five pickup trucks, the 329 Caterpillar that we bought in 2011 with a slashbuster, it is our oldest machine with problems so we are selling it. We just purchased a new dozer, so this 2013 Caterpillar Dozer is going. And then the mini excavators. There is a list here with all of the serial numbers and everything so

everything is tracked. We plan on bringing them to Horn, right David? We have been having pretty good luck selling over there.

Director Nicely – Is that the place over on 90?

General Manager Shadden – Yes.

Vice President Turner – That will be the first weekend of the month. That is when it falls on the first Saturday.

General Manager Shadden – Yes sir. We used to sell to Rene Bates online and which it was a higher percentage to pay and he died. Anyway so, like I said David has been having good luck selling through Horn.

Vice President Turner – We can haul it up there ourselves.

General Manager Shadden – Yes.

Secretary Hankamer, made a Motion to declare equipment as surplus property to be sold at auction. The motion was seconded by Director Caraway and it passed by unanimous vote.

Agenda Item 12:

RESOLUTION 23-06 OPPOSING 88-HB 2900 CREATING A SPECIAL UTILITY DISTRICT

District Counsel, Leverett – Yes you all had a Special Meeting and you all passed Resolution 23-06 Opposing HB-2900 which was filed by Representative Leo-Wilson. Mr. Shadden met with Representative Leo-Wilson on April 1 and they had a really productive conversation. He went over all of the challenges with the Legislation and she agreed to file what is called a Committee Substitute and Amend the Legislation in agreeing not to create a Special Utility District but rather Amend the Legislation to state that you can only use Avalorum Tax Revenue for Water and Wastewater projects. You currently have a Resolution in place that basically requires you to have a Public Hearing before you use those funds anyway, so you haven't used those funds for water or wastewater for some time now. But she has agreed to amend the Legislation. We contacted her and she (*inaudible*) Saul and Legislative counsel are working on the amendment right now, but we haven't received it at this time and so we are going to table this until we receive the draft amended legislation and have it to review and then we will rescind our Resolution. And, we have also contacted Chambers County and Jefferson County because they both agreed to have a Resolution in opposition of HB 2900 on their Commissioner Court agenda, it was actually going to be for yesterday they both agreed to, but we contacted Judge Branick and Judge Sylvia and told them to just hold off on it and that we were working with the Representative to get this house bill amended.

General Manager Shadden – Susan LeBlanc with Mrs. Leo-Wilson's office is here; do you have anything to add?

Susan LeBlanc – I spoke with Saul this morning and they are waiting for a hearing in order to have that, the process of getting the substitution requires having a hearing and it's just waiting for the calendar to, so it is all just as we agreed to, it is just the wheels as they turn.

General Manager Shadden – Thank you for coming.

Director Nicely – Do we need a Motion for that.

District Counsel, Leverett – We are just going to table it right now until we get the amendment. So, 12 and 13 can both be tabled at this time and once we get the Committee Substitute, we will adopt a Resolution in support of Legislation as amended. So, you can just table 12 and 13.

TABLED

Agenda Item 13:

RESOLUTION 23-08 IN SUPPORT OF 88-HB 2900 RESTRICTING THE USE OF DRAINAGE MAINTENANCE AND OPERATION STAXES TO FUNE WATER AND SEWER OPERATIONS

TABLED

II. DRAINAGE REPORT:

Amos Roy presented the drainage report on various areas of the District:

SPINDLETOP BAYOU:

Dragline – Finally got it on Spindletop and it is running so. She moves about 100 yards of dirt an hour, when it is running. Making our way up towards the Winnie ditch, we have the new dozer out there with it and we use one of the Cat bucket machines out there to help assist

relaying some dirt for a little bit. Finally got it out there, we are doing something with Spindletop. I know that has been the topic of conversation for a while. We are there.

Komatsu Dozer – This machine is assisting the dragline on Spindletop Bayou knocking down and spreading the dirt that the dragline moves.

Cat 329 Bucket/Hammer – This machine is being used to relay some of the dirt that is being moved by the dragline.

Long Reach 60' – This machine is still on the east side of Oyster Bayou. When cutting the remaining vegetation that the short reach could not reach it will cover approximately 600 feet per day. This machine has made it to Fairview recently.

NOTE: This makes Oyster Bayou Cleaned on both sides from I10 to Fairview covering 8 linear miles of ditch. Ultimately covering 16 miles of ditch bank.

EAST FORK OF DOUBLE BAYOU:

Long Reach 50' – Originally as this mon Double Bayou to finish the last 2 miles that needs to be cleaned. However, we had an issue at Jenkin's Weir that needed some attention, so we moved the machine there to get vegetation off the structure.

OGDEN DITCH:

Komatsu Grinder – This machine started on the south side of the ditch headed upstream from Spindletop Bayou. The vegetation is light and I making roughly 1000 feet a day.

BERRY FARM @ 1406:

Newest Fecon – This machine started on the East side headed North from I10 cutting the heavy vegetation. This machine averages about 400' a day at this location.

D-3 DOZER – This machine is spreading materials.

Cat 308 – Used this machine to dip the ditch that the fecon is on.

New Skid Steer- Using this machine for testing and to clear right of way.

ELM BAYOU:

Komatsu Mower – This machine is mowing and dipping this section of the ditch starting West of Canal Road and heading in a Northern direction. This machine averages about 450' per day depending on vegetation.

DOORNBOS BRIDGE:

We took delivery of the Doornbos bridge on 3-27-23. We have placed all iron materials needed at the location. We will begin construction asap.

BILL WHITE CROSSING:

Using a Cat 329 and the new Komatsu Dozer. The operators and crew were able to complete the crossing on 3-28-23.

SPRAY CREWS:

The crews help with day to day tasks (installing pipe, etc.). They also scout our ditches for plugs and such.

The tractors will continue to mow whenever the weather permits.

They have the spray buggy rigged and ready to go when the weather is right.

III. UTILITIES REPORT:

Mike Will reported on Water and Wastewater.

1. Updated on the new Hankamer WWTP.

- Chlorine pumps, filters and piping have been installed.
- The catwalk and stairs have been installed on the chlorine chamber.
- The blowers header piping has been installed

- The clarifier's bridge, stilling well, scum collector, skimmer arms, weir wall, launder troughs and baffle walls have been installed.
- The clarifier 10" influent piping has been installed.
- The digester blower head piping has been installed.
- The effluent manhole has been installed.
- was corrected on November 19th.

Completed Water and Sewer installations:

- 7 residential grinder stations
- 1 duplex grinder station
- 800' of sewer discharge line
- 2 residential gravity sewer taps
- 3 residential water meters due to damage by customers.
- 16 meters in the Cypress Point subdivision
- 308 Meters changed as part of the meter change out program.

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.

VI. Comments by the Members of the Board.

VII. ADJOURN.

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

Meeting Adjourned at 10:11 a.m.

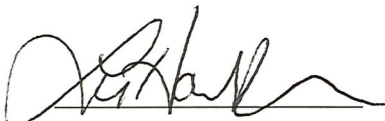
READ AND APPROVED:



 Scott Kahla, President

Attest

Date: 6-02-23



 Les Hankamer, Secretary