

**BRUSHY CREEK REGIONAL UTILITY AUTHORITY, INC.  
BOARD MEETING  
TUESDAY, OCTOBER 16, 2007 at 7:00 P.M.  
ROUND ROCK CITY HALL - COUNCIL CHAMBERS  
221 EAST MAIN STREET**

**DIRECTORS**

Scott Rhode, President  
Cobby Caputo, Vice President  
John D. Cowman, Secretary/Treasurer

**AGENDA**

1. **CALL BOARD MEETING TO ORDER – 7:00 p.m.**
2. **ROLL CALL**
3. **APPROVAL OF MINUTES:**
  - 3A. Consider approval of the Brushy Creek Regional Utility Authority, Inc. Organizational meeting minutes for August 22, 2007.
4. **RESOLUTIONS:**
  - 4A. Consider adoption of the Brushy Creek Regional Utility Authority, Inc. Board Meeting Procedures.
5. **PRESENTATIONS:**
  - 5A1. Consider a presentation concerning the Regional Water Treatment Plant Site.
  - 5A2. Consider an update for the Financial Application from First Southwest Company.
6. **PUBLIC HEARING:**
  - 6A. Public testimony regarding Brushy Creek Regional Utility Authority, Inc. proposed Regional Water System Project.

The Board of Directors of the Brushy Creek Regional Utility Authority, Inc., reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney); 551.072 (Deliberations about Real Property); 551.073 (Deliberations about Gifts and Donations); 551.074 (Personnel Matters); 551.076 (Deliberations about Security Devices); and 551.087 (Economic Development).

**CERTIFICATE**

I certify that the above notice of the a Brushy Creek Regional Utility Authority, Inc. meeting was posted on the City Hall official bulletin board of the City of Round Rock, Texas at 5:00 on October 12, 2007.



Sara L. White on behalf of the Brushy  
Creek Regional Utility Authority

**The Round Rock City Council Chamber is wheelchair accessible. Requests for any special accommodations must be made 48 hours prior to the meeting. Please contact 218-5401. Requests for information may be faxed to 218-7097.**

**BRUSHY CREEK REGIONAL UTILITY AUTHORITY, INC.  
ORGANIZATIONAL MEETING  
WEDNESDAY, AUGUST 22, 2007, 5:00 P.M.  
ROUND ROCK CITY HALL, ROUND ROCK CITY COUNCIL CHAMBERS  
221 EAST MAIN STREET  
ROUND ROCK, TEXAS**

**DIRECTORS**

Cobby Caputo, City of Cedar Park  
John D. Cowman, City of Leander  
Scott Rhode, City of Round Rock

**MEETING MINUTES**

**1. Call Organizational Meeting to Order – 5:00 p.m.**

Director Cowman called the meeting to order at 5:10 p.m.

**2. Roll Call.**

Board Directors in attendance:

Cobby Caputo  
John D. Cowman  
Scott Rhode

**3. Consider the introduction to the Directors of the various staff members of the cities of Cedar Park, Leander, and Round Rock who will be assisting the Board.**

City Staffs, consultants and advisors provided introductions to the Board of Directors.

City Staff in attendance included:

Chris Lippe, General Manager, BCRUA  
Jim Nuse, City Manager, Round Rock  
Biff Johnson, City Manager, Leander  
Steve Sheets, City Attorney, Round Rock  
Cindy Demers, Finance Director, Round Rock  
Michael Thane, Utility Director, Round Rock  
Sam Roberts, Assistant City Manager, Cedar Park  
Kenneth Wheeler, Utility Engineer, Cedar Park  
Leonard Smith, Attorney, Cedar Park  
Wayne Watts, Public Works Director, Leander  
Diana Granger, City Attorney, Leander

**4. Consider review and discussion of the Articles of Incorporation.**

Steve Sheets reviewed Articles of Incorporation with the Board. Director Cowman noted that Articles of Incorporation have been approved by all three cities – Cedar Park, Leander and Round Rock.

**5. Review and discuss status of By-Laws.**

Steve Sheets indicated that no by-laws have been prepared and that the Corporation will continue to operate under the Articles of Incorporation until recommended by-laws can be developed.

**6. Consider the election of a President, a Vice-President, and a Secretary/Treasurer.**

Director Cowman provided background information on all three Board of Directors

The Directors elected board positions as follows:

Scott Rhode, President  
Cobby Caputo, Vice President  
John Cowman, Secretary/Treasurer

**7. Consider adoption of the corporate seal.**

Presentation:

Steve Sheets presented corporate seal to Board.

Action:

Motion by Director Cowman, Second by Director Caputo  
Seal Approved by unanimous vote

**8. Consider adoption of a fiscal year.**

Presentation:

Steve Sheets recommended fiscal year ending September 30 for BCRUA to coincide with fiscal year end for all three cities.

Action:

Motion by Director Caputo, Second by Director Cowman  
September 30, fiscal year end approved by unanimous vote

**9. Consider authorizing the application(s) for all required federal and state tax identification numbers.**

Action:

Motion by Director Caputo, Second by Director Cowman  
Authorization to direct staff to file for federal and state tax identification numbers approved by unanimous vote

**10. Consider a resolution authorizing the President to execute a Financial Advisory Agreement with First Southwest Company to perform financial advisory services.**

Presentation:

Garry Kimball with First Southwest Company provided overview of financial advisory services and contractual terms.

Action:

Motion by Director Cowman, Second by Director Caputo  
Agreement with First Southwest approved by unanimous vote

**11. Consider a resolution authorizing the President to execute an engagement letter with McCall Parkhurst & Horton, L.L.P. to perform bond counsel services.**

Presentation:

Carol Polumbo with McCall, Parkhurst & Horton, L.L.P. provided overview of advisory and bond counsel services and contractual terms.

Action:

Motion by Director Cowman, Second by Director Caputo  
Engagement letter with McCall, Parkhurst & Horton, L.L.P. approved by unanimous vote

**12. Consider a resolution expressing official intent to reimburse certain expenditures for the Brushy Creek Regional Water Project.**

Presentation:

Cindy Demers provided the following background regarding rationale for the resolution:

In order to allow the Authority to be reimbursed from bond proceeds for project expenditures incurred prior to debt issuance, the Authority must express its official intent to do so in accordance with Internal Revenue Service regulations. The resolution does not bind the Authority for any future action; it ensures all financing options remain available.

Action:

Motion by Director Cowman, Second by Director Caputo  
Official intent resolution approved by unanimous vote

**13. Consider and discuss a presentation regarding the status of the regional water project.**

Presentation:

Chris Lippe provided detail presentation regarding the background and current status of the regional water project.

**14. Consider and discuss a presentation regarding the proposed application for funding and/or financial participation from the Texas Water Development Board. The Board will also consider a resolution approving said application.**

Presentation:

Garry Kimball, First Southwest Company, provided overview of financing options the Authority may consider for the project including applying for several financing programs offered by the Texas Water Development Board (TWDB). Kimball noted that he, Chris Lippe and several city staff members have visited with TWDB regarding applying for financial assistance and that an application is in the process of being prepared and is due to TWDB by September 1. Kimball provided the Board with copies of the application. As part of the application, the Authority must express its intent to apply for financial assistance through official action by the Authority.

Motion by Director Caputo, Second by Director Cowman  
Board authorized application for financial assistance from the Texas Water Development Board by unanimous vote

**15. Consider and discuss proposed policies and procedures for conducting future Board meetings.**

Directors confirmed that agendas are posted in all three cities as well as on each cities website as required by normal public meeting posting requirements. Directors also confirmed that the agenda will be posted on the BCRUA website – bcrua.org.

Directors discussed possible citizen communication procedures and directed staff to prepare a meeting format recommendation under the following guidelines:

- Provide speaking time limits – both for the entire citizen communication process as well as for individual speakers.
- Provide the President discretion in allowing speakers additional time if needed
- Create sign up process such as speaker cards and/or list of speakers
- Process should be structured but flexible when needed

**16. Consider Directors' requests for items to be placed on future meeting agendas.**

Directors agreed that Director requests for items on future meeting agendas be routed through the President of the Board.

Director Caputo requested an agenda item for the next meeting regarding the regional plant site, specifically proposed location and details of the proposed plant site.

**17. Consider setting the date, time, and place for future meeting(s).**

Directors stated preference to rotate meeting locations for future meetings to each of the three cities. Cedar Park will host the next meeting. Recommended meeting time is 7:00 p.m.

Proposed future dates are:

September 18, 2007  
October 16, 2007  
November 13, 2007  
December 11, 2007

**18. Adjournment.**

President Rhode adjourned the meeting at 6:25 p.m.

RESOLUTION NO. \_\_\_\_\_

WHEREAS, the Board of Directors of the Brushy Creek Regional Utility Authority desire to approve Rules of Procedure For Meetings of the Board of Directors of the Brushy Creek Regional Utility Authority, Now Therefore

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE BRUSHY CREEK REGIONAL UTILITY AUTHORITY, INC.,

That the President is hereby authorized and directed to execute on behalf of the Authority said rules of procedure, attached hereto as Exhibit "A" and incorporated herein, is hereby approved and adopted.

The Board of Directors hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 16th day of October, 2007.

By: \_\_\_\_\_  
Scott Rhode  
President  
BCRUA Board of Directors

**RULES OF PROCEDURE FOR MEETINGS OF THE BOARD OF DIRECTORS  
OF THE BRUSHY CREEK REGIONAL UTILITY AUTHORITY**

1. Agenda

(a) Preparation. The general manager shall prepare or cause to be prepared an agenda for each meeting, work session, or retreat of the board of directors (the "board").

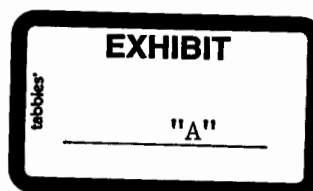
(b) Placement of Agenda Items by Board Members. The general manager shall include on such agenda any item requested by a board member provided that the board member submits his or her request is submitted in writing reasonably before the agenda is posted.

(c) Public Availability of Agenda. In addition to the requirements of the Texas Open Meetings Act, Section 551.001 et seq. of the Government Code, the agenda and supporting materials for any board meeting, excluding materials exempted from disclosure under the Public Information Act, Section 552.001 et seq. of the Government Code, or other applicable law, shall be made available to any member of the public who requests same in writing. However, any member of the public requesting the agenda and/or supporting materials, excluding materials exempted from disclosure under the Public Information Act, Section 552.001 et seq. of the Government Code, or other applicable law shall pay all costs associated with the reproduction of the agenda and/or supporting materials, excluding exempt materials, in accordance with the standards established by the General Services Commission. The agenda shall also be made available to the public on the Brushy Creek Regional Utility Authority's internet website.

(d) Consent Agenda

i. Definition. Any items to be brought before board which are considered by the general manager to be routine, non-controversial, and needing no discussion may be placed on the consent agenda. For purposes of example only, the following are routine items which may be considered for placement on the consent agenda: approval of minutes, approval of license applications and bonds, approval of payment of contracts, approval of the unanimous recommendations of committees, setting dates for hearings, accepting deeds or easements, resolutions, approval of publishing notices, and agreements previously approved in principle. All of the foregoing examples are demonstrative only and are not meant or intended to be exclusive.

ii. Placement on Consent Agenda. The consent agenda shall be treated as one agenda item. However, each item included on the consent agenda shall be numbered separately and be reasonably explained. The consent agenda portion of the board agenda shall be preceded by an explanatory note to the public, in substantially the same wording as follows: "All matters listed hereunder as the consent agenda are considered to be routine by the board and may be considered and approved in a single motion. There will be no separate discussion of these items. If a board member desires to discuss an item on the



consent agenda, that item will be removed from the consent agenda and will be considered separately.”

iii. Consideration of Items on Consent Agenda. Questions and explanation of consent agenda items will be permitted, but the board shall not engage in general discussion or debate. The board shall vote on the consent agenda as one item, and passage of the consent agenda shall constitute passage of each item included thereon. Failure to approve the consent agenda shall not defeat each item included thereon; in such event, the board shall consider each item individually. Prior to the consent agenda being voted upon, a board member may remove any item included thereon. A board member may remove any item from the consent agenda either in writing directed to the general manager or orally before the call of the consent agenda. The board shall consider any item removed from the consent agenda as a separate action item at the meeting on which such item appears on the consent agenda.

## 2. Rules of Procedure and Conduct of Board Meetings

(a) Chair. All board meetings shall be presided over and conducted by the President or, in his or her absence, the Vice President.

(b) Rules of Order. All board meetings shall be conducted generally in accordance with these rules of procedure and Robert’s Rules of Order, in its most current revised edition. In the event of a conflict, these rules of procedure shall prevail over Robert’s Rules of Order.

(c) Parliamentarian. The board’s attorney, or such other attorney as may be assigned to assist the board at its meeting from time to time, shall be designated as parliamentarian and shall make rulings on questions of parliamentary procedure when requested to do so by a board member or when the legality or validity of a board action might be affected.

(d) Presentation by BCRUA Staff. With the exception of the consent agenda, the general manager or such person(s) designated by him or her shall make any staff presentation necessary for an agenda item, a public hearing, or before consideration of a possible action item.

(e) Citizen Communications

i. Opportunity to Address Board Provided. An opportunity for any person to address the board at any regular meeting shall be provided under an agenda item entitled “Citizen Communications.”

ii. Limitation on Board Taking Action. No matter brought before the board during “Citizen Communications” may be acted upon by the board unless the specific matter appears on the posted agenda as provided by law.

iii. Time Limit. Citizens Communications shall be limited to a maximum of thirty (30) minutes per board meeting. However, the board, by unanimous vote, may extend the time limit for Citizens Communications for a board meeting.

iv. Procedure for Citizen Addressing Board When Item Not on Agenda. Any person wishing to address the board under "Citizens Communication" may do so provided that he or she (a) limits such presentation to three (3) minutes, and (b) has previously delivered to the general manager or the board secretary a registration card identifying the topic on which the person desires to address the board. The Chair may expand the time limit set forth up to one additional three (3) minute period if the presenter requests an extension and if no board member objects. If a board member objects to the presenter's request for an extension, then such request shall be deemed denied. If more than ten (10) persons register to address the board during Citizen Communications, the Chair shall limit the time for each person to speak so that the total time spent on Citizens Communications does not exceed thirty (30) minutes unless the board votes to suspend the thirty (30) minute time limit for Citizens Communications. The Chair may direct either the general manager or the board's attorney to serve as timekeeper during Citizens Communications. The Chair may deny any presenter the opportunity to address the board if the presentation made or offered is substantially repetitive or cumulative of a presentation previously made at that meeting.

vi. Procedure for Citizens Addressing the Board During Public Hearings. Any person wishing to address the board during a Public Hearing may do so provided that he or she (a) limits such presentation to three (3) minutes, and (b) has previously delivered to the general manager or the board secretary a registration card identifying the Public Hearing on which the person desires to address the board. However, the Chair may expand the time limit set forth up to one additional three (3) minute period if the presenter requests an extension and if no board member objects. If a board member objects to the presenter's request for an extension, then the request for an extension shall be deemed denied. If ten (10) or more persons register to address the board during a Public Hearing, the Chair may limit the time for each person to less than three (3) minutes unless a board member objects. The Chair may direct either the general manager or the board's attorney to serve as timekeeper for any presentation made to the board during a public hearing. The Chair may deny any presenter the opportunity to address the board if the presentation made or offered is substantially repetitive or cumulative of a presentation previously made at the Public Hearing or is not relevant to the matter for which the Public Hearing is held.

vii. The registration card shall include the following information: (1) full name; (2) business or residential address; (3) business or residential telephone number; (4) representation; (5) the topic of the Public Hearing; (6) brief statement of position, e.g. for or against an agenda item or summary of communication.

(f) Call of Agenda Items. The Chair may call each agenda item by number or short caption only. It shall not be necessary to call an agenda item by its complete caption.

(g) Board Vote. The general manager or board secretary shall maintain, and the minutes shall reflect, all votes made by the board in open meeting. The board shall not vote on any item except in open meeting.

(h) Amendment of Rules of Procedure. These rules of procedure may only be amended by unanimous vote of the board.

CONSIDERED AND APPROVED on the 16<sup>th</sup> day of October, 2007, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et seq., of the Government Code.

APPROVED on the 16<sup>th</sup> day of October, 2007.

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Scott Rohde  
President  
BCRUA Board of Directors