



Board of Directors Meeting

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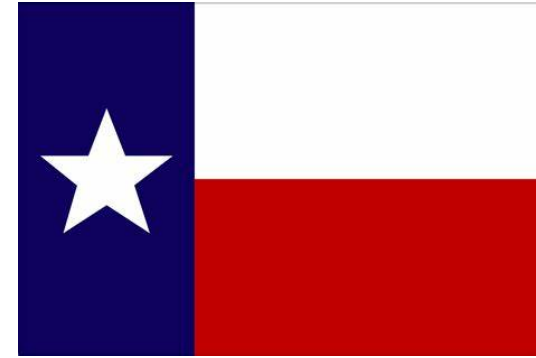
Confirmation of a Quorum

Pledge of Allegiance to the United States



I pledge allegiance to the flag of the
United States of America and to the
Republic for which it stands, one Nation
under God, indivisible, with liberty and
justice for all.

Texas Pledge



Honor the Texas flag, I pledge allegiance
to thee, Texas, one state under God,
one and indivisible.



BROWNSVILLE
PUBLIC UTILITIES BOARD



Moment of Silence



Workshop or Public Hearing(s)

Consent Agenda Items

1. Consideration and Approval of Minutes:
 - a. August 14, 2023 Regular Meeting
 - b. September 11, 2023 Regular Meeting
2. Consideration and Possible Action to Amend Brownsville Public Utilities Board's Bank Reconciliation Policy—Monica Cavazos
3. Consideration and Possible Action to Amend Brownsville Public Utilities Board's General Ledger and Financial Statement Policy—Monica Cavazos
4. Consideration and Possible Action to Amend Brownsville Public Utilities Board Personnel Policies and Procedures Policy No. 26 – Family and Medical Leave Act (FMLA)—Dr. Emilia Guerra
5. Consideration and Possible Action to Amend Brownsville Public Utilities Board Personnel Policies and Procedures Policy No. 30 – Computers, Electronic Mail and Internet Use—Dr. Emilia Guerra
6. Consideration and Possible Action to Amend Brownsville Public Utilities Board Personnel Policies and Procedures Policy No. 32 – Dress Code and Workplace Etiquette—Dr. Emilia Guerra



Consent Agenda Items

7. Consideration and Possible Action to Update the SHARE Program Guidelines to Remove the Emergency Rider for COVID-19 Outbreak and to Re-appropriate COVID-19 Program Funds to the Updated SHARE Program—Jose Amaya
8. Consideration and Possible Action to Extend Contract with InfoSend for Brownsville Public Utilities Board Printing and Mailing Services for Bills and Reminder Notices—Jose Amaya
9. Consideration and Possible Action for Bid Award for the Supply of Polemount and Padmount Transformers—Diane Solitaire
10. Consideration and Approval of Texas Commission on Environmental Quality Annual Consolidated Water Quality Assessment Payment for the South and Robindale Wastewater Treatment Plants—Albert Gomez, Jr.
11. Consideration and Possible Action for Bid Award for the Annual Contract for Concrete Work—Armando Garcia





Individual Consideration Items

Item #1

1. General Manager's Report
 - a. Board Calendar—Marilyn D. Gilbert
 - b. Industry and BPUB Updates

Board Calendar

November 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

December 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

Monthly Scheduled Meetings

Nov 6 SRWA Board Meeting
 Nov 13 BPUB Board Meeting
 Nov 15 PUBCAP Meeting

Dec 4 SRWA Board Meeting
 Dec 11 BPUB Board Meeting
 None PUBCAP Meeting

Jan (TBD) SRWA Board Meeting
 Jan 8 BPUB Board Meeting
 Jan 20 PUBCAP Meeting

Other Events

Nov 7 Southmost Elevated Storage Tank Ribbon Cutting
 Nov 7 & 14 City Commission Meetings—Resaca Fee Ordinance
 Nov 9 BPUB Veterans Breakfast
 Nov 14-16 Rio Grande Binational River Symposium , McAllen
 Nov 16 BPUB Safety Luncheon
 Dec 9 BPUB 2023 Leadership Event
 Dec 11 Strategic Plan Workshop

January 2024

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

BPUB Holidays (BPUB Offices Closed)

Nov 10 Veterans Day (Observed)
 Nov 23-24 Thanksgiving Holiday
 Dec 25 Christmas Day
 Dec 26 BPUB Floating Holiday
 Jan 1 New Year's Day
 Jan 15 Martin Luther King Day





Public Comments



Consideration and Action on Items Pulled Out of Consent

Item #4

Staff Reports and Presentations to the Board

- a. Staff Presentation on Fiber Middle Mile Network Project—Mark Dombroski
- b. Financial Report—Monica Cavazos
- c. Engineering and Legal Fees Monthly Expenses—Monica Cavazos
- d. City of Brownsville Capital Work Orders Report—Monica Cavazos
- e. Drought Update—Lupe Garcia
- f. Brownsville Public Utilities Board Community Partnership—Jose Amaya
- g. Discussion on the Quarterly Investment Activity Report for the Period Ended September 30, 2023, Pursuant to Chapter 2256.023 of the Public Funds Investment Act—Jorge Santillan





Line Strikes During Fiber Middle Mile Network Project Construction

COORDINATION, MITIGATION, AND INVOICING

What is Causing the Damage?

BTX Fiber, LLC contractors are boring underground in the right-of-way, and their equipment is striking existing underground facilities

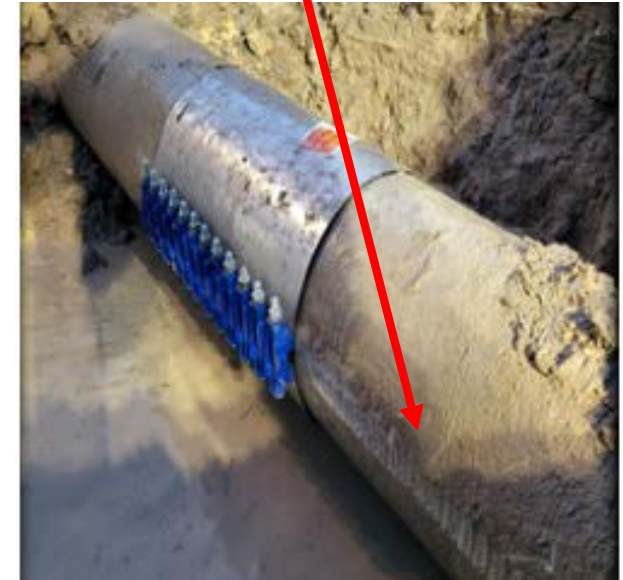
- Water pipes
- Sewer pipes
- Electrical lines
- Natural gas lines
- Fiber cables
- Telephone cables

Strikes damage infrastructure, cause outages for our customers, and can decrease the useful life of the infrastructure

BTX Fiber equipment



Strike marks on BPUB pipe



Governing Documents

- Fiber Network Coordination Agreement by and among City of Brownsville, Texas, and Brownsville Public Utilities Board, and LIT Texas, LLC, and its affiliate BTX Fiber, LLC, dated as of July 20, 2022
 - Under Section 3 of the Agreement, BPUB agrees to cooperate with the City in providing access and use of certain BPUB-owned real estate and utility easements for constructing the new Fiber Network Work
 - Does not contain terms as to construction damages nor remedies but does reference the *Engineer, Procurement, and Construction Contract*
- Engineer, Procurement, and Construction Contract for Fiber Middle Mile Network between the City of Brownsville, Texas, as owner, and LIT Texas, LLC, effectively dated July 20, 2022
 - Under Section 4.04 A.2.d of the General Conditions (Exhibit D), LIT is responsible for the safety and protection of all such Underground Facilities and repairing any damage thereto resulting from the Work
 - Under Section 6.21 B of the General Conditions (Exhibit D), LIT indemnifies the City against all loss, damage, or destruction of property of the City

Underground Facility Damage Prevention and Safety Act

TEXAS UTILITIES CODE TITLE 5. PROVISIONS AFFECTING THE OPERATION OF UTILITY FACILITIES

CHAPTER 251. UNDERGROUND FACILITY DAMAGE PREVENTION AND SAFETY

- Created the Texas One-Call Law “Texas 811”
- Provides the requirements relating to:
 - Class A underground facility operator
 - Excavator
 - Texas Underground Facility Notification Corporation





Process Flow for Underground Facilities Location



➤ BPUB provides to 811 updated electronic maps of underground facilities at least every three months

➤ BPUB contracts with USIC to provide location services when contractors contact 811 prior to excavating

➤ BTX Fiber contacts 811 with location of excavations at least 48 hours before excavating

➤ 811 provides maps to USIC

➤ 811 contacts USIC to mark underground facilities

➤ USIC visits the excavation site and marks with paint and flags the underground facilities using maps, GPS, and detectors



Additional Mitigation Efforts

- BPUB provides 811 updated maps of underground facilities every two weeks
- BPUB contacted USIC to ensure they had the most recent BPUB underground facilities maps
- BPUB, COB, USIC, and BTX Fiber hold weekly discussions regarding project issues
- BTX Fiber provides BPUB with a 14-day outlook, and BPUB provides updated maps to BTX for the locations to augment USIC markings
- BPUB responds to BTX Fiber requests to help locate underground facilities
- BPUB responds immediately when underground facilities are struck to minimize damage and disruption of service to customers
- BTX Fiber has terminated contracting partners for failing to follow proper procedures while performing work

Summary of Underground Facilities Strikes as of September 27, 2023

Type of Underground Facilities	Number of Strikes
Water Mains (2 to 30 inch AC, PVC and CSC)	17
Sewer Force Mains (6 to 24 inch PVC)	9
⁽¹⁾ Sewer Gravity Mains (4 inch and 12 inch PVC)	2
⁽²⁾ Fire Lines (6 inch PVC)	2
⁽³⁾ Water Service Lines (3/4 to 2 inch PVC and Copper)	15
	44
Cost of Repairs ⁽²⁾	

⁽¹⁾ Damage to gravity mains may not be detected immediately after a strike due to a lack of pressure on the main

⁽²⁾ USIC may not have marked fire and water service lines. The presence of hydrants and buildings indicates service lines.

⁽³⁾ Costs of repairs include labor, materials, equipment, asphalt paving, concrete paving, and water losses. BPUB is currently updating all costs.

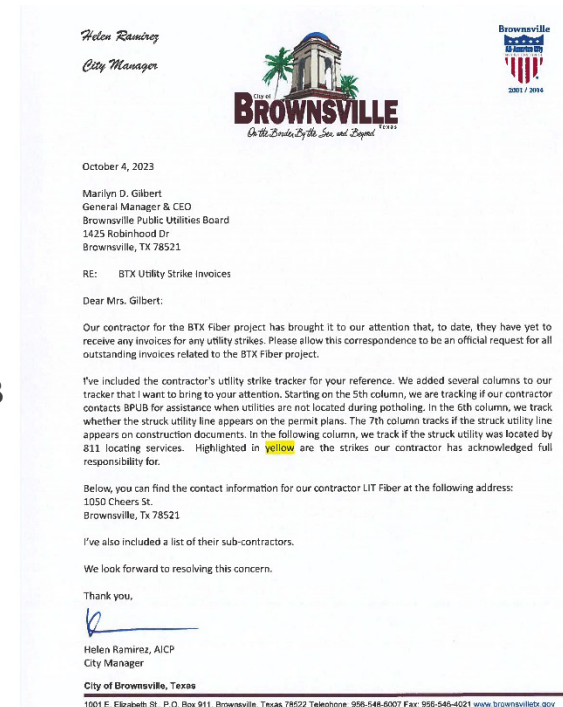
Reconciliation of Utility Strikes as of September 27, 2023

BPUB documented strikes	44
BTX reported strikes	(22)
BPUB made 7 repairs on Indiana Ave.	(6)
Number of strikes not reported by BTX	<hr/> 16

Invoice from BPUB to LIT Texas, LLC, dated October 9, 2023, contains documentation of 44 strikes on BPUB underground facilities

Invoice Chronology

- July 22, 2022: Agreement for Fiber Middle Mile Network Project (FMMNP)
- March 28, 2023: BTX Fiber makes the first strike on BPUB underground facilities
- July 21, 2023: Meeting held with BPUB, BTX, and COB, and BPUB presented information to BTX Fiber on 17 strikes on underground facilities with an estimated cost of \$257,317
- October 4, 2023: Brownsville City Manager officially requests BPUB send all outstanding invoices related to the FMMNP
- October 9, 2023: BPUB submits invoice for \$892,323 to LIT Texas, LLC with notices as required per Agreement
- October 10, 2023: Mr. Brian Snider, CEO of LIT Communities Broadband, Inc., acknowledged receipt of invoice
- October 17, 2023: BPUB and COB held a meeting to discuss the invoice and coordination measures for the FMMNP
- November 8, 2023: BPUB informed LIT Texas, LLC that the October 9th invoice was voided and would be revised and resubmitted



October 9, 2023

LIT Texas, LLC
3500 Blue Lake Drive, Suite 225
Birmingham, Alabama 355243
Email: brian@litcommunities.net

LIT Fiber
1050 Cheers Street
Brownsville, Texas 78521

RE: Summary of Damages and Request for Payment
Fiber Network Installation Summary of Damages and Request for Payment pursuant to the Fiber Network Coordination Agreement by and among City of Brownsville, Texas, and Brownsville Public Utilities Board, and LIT Texas, LLC, and its affiliate BTX Fiber, LLC dated as of July 26, 2022 (the "Agreement")

Dear LIT Texas, LLC and LIT Fiber:

As requested in the City of Brownsville letter dated October 4, 2023, the purpose of this letter is to provide a summary of Brownsville Public Utilities Board's ("BPUB") property and utility damages caused by LIT Texas, LLC and its affiliates (each and collectively, "LIT") during the performance of the construction and installation of the new Fiber Middle Mile Fiber Network infrastructure to provide cable, broadband and fiber facilities and interconnects to the City of Brownsville residents and community (the "Fiber Network Work") under the terms and conditions of the Agreement.

During construction activities for the Fiber Network Work within the BPUB easements, LIT caused substantial damages, water losses, and other utility outages to existing BPUB property and utilities serving the community. The damages occurred between March 28, 2023 and September 27, 2023. When LIT caused damages to BPUB's utilities and infrastructure, LIT contacted BPUB to repair the damages.

BPUB has notified the City of Brownsville ("City") Engineering & Public Works Director Doroteo Garcia of each of these occurrences and the damages and expenses incurred as a result.

At this time, BPUB requests reimbursement and payment to BPUB in the amount of \$892,323 for such damages and repairs to be paid within the 30 days of the date of this letter.

Under Section 3 of the Agreement, BPUB agreed to cooperate with the City in providing access and use of certain BPUB owned real estate and utility easements for the construction of the New Fiber Network Work. As consideration to BPUB for cooperating with the Fiber Network Work,

Coordination Meeting on October 17, 2023

ATTENDEES

BPUB

- Chief Operating Officer
- Chief Administrative Officer
- Chief Financial Officer
- Director of Customer & Support Services
- Outside Counsel

COB

- City Manager
- Deputy City Manager
- Assistant City Manager
- City Attorney
- Chief of Staff
- Engineering & Public Works Director / Interim Airport Director
- Enterprise Project Management Office Director

OUTCOMES

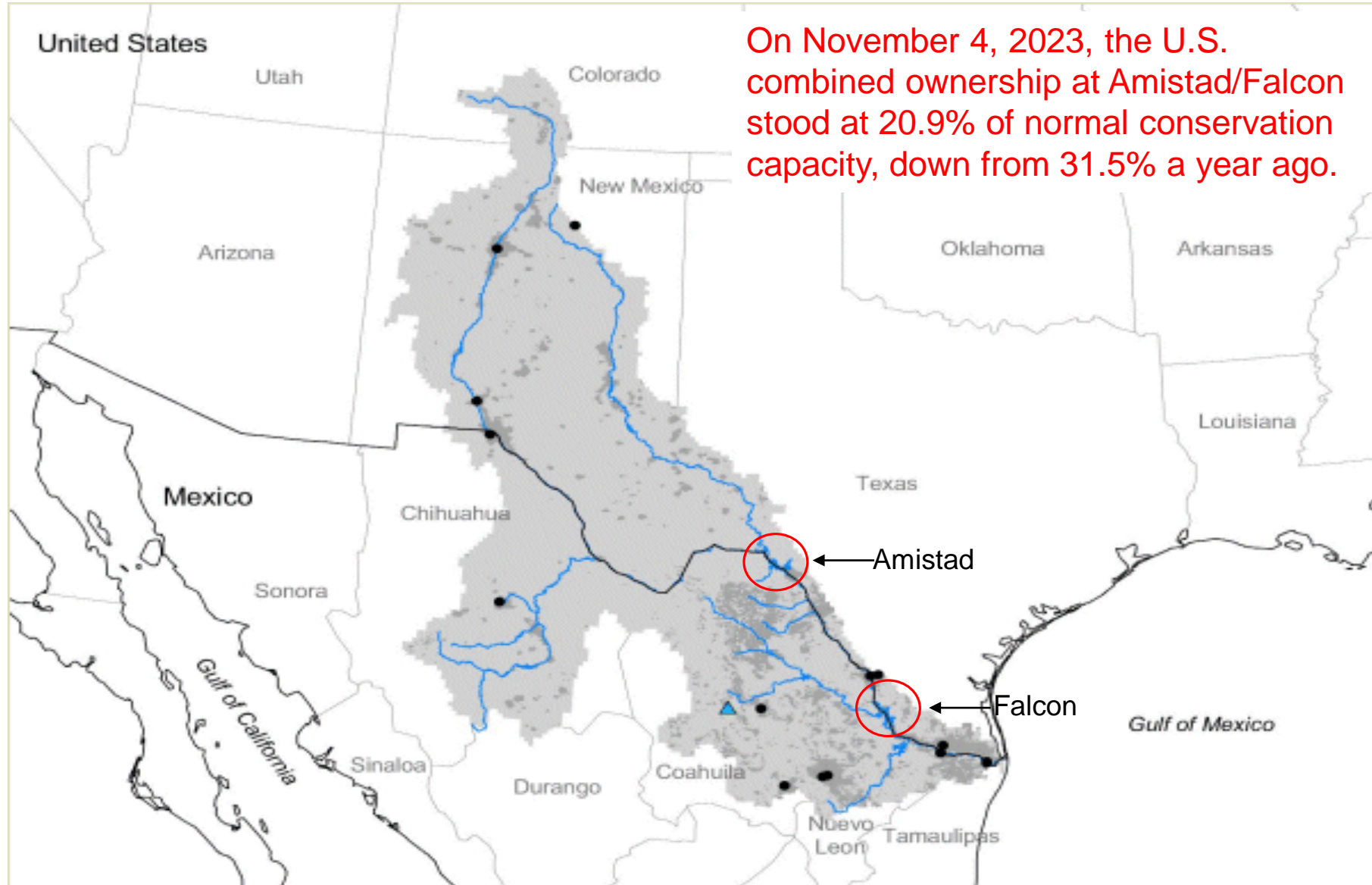
- BPUB clarified differences in FMMNP agreement and standard procedures for damages to underground facilities
- Agreement to develop coordination and invoicing procedures
 - BPUB submitted drafts to City on October 27, 2023
- Agreement to resubmit Oct 9th BPUB invoice
 - Provide greater detail to enable reconciliation of charges
 - Remove charges for a strike caused by COB
 - Add charges for a strike caused by BTX but omitted from the original invoice
 - BPUB expects to resubmit the week of November 13, 2023
- BPUB provided an update on the Pole Attachment License Agreement and permitting process
 - BPUB and BTX Fiber, LLC signed on Sep 7, 2023



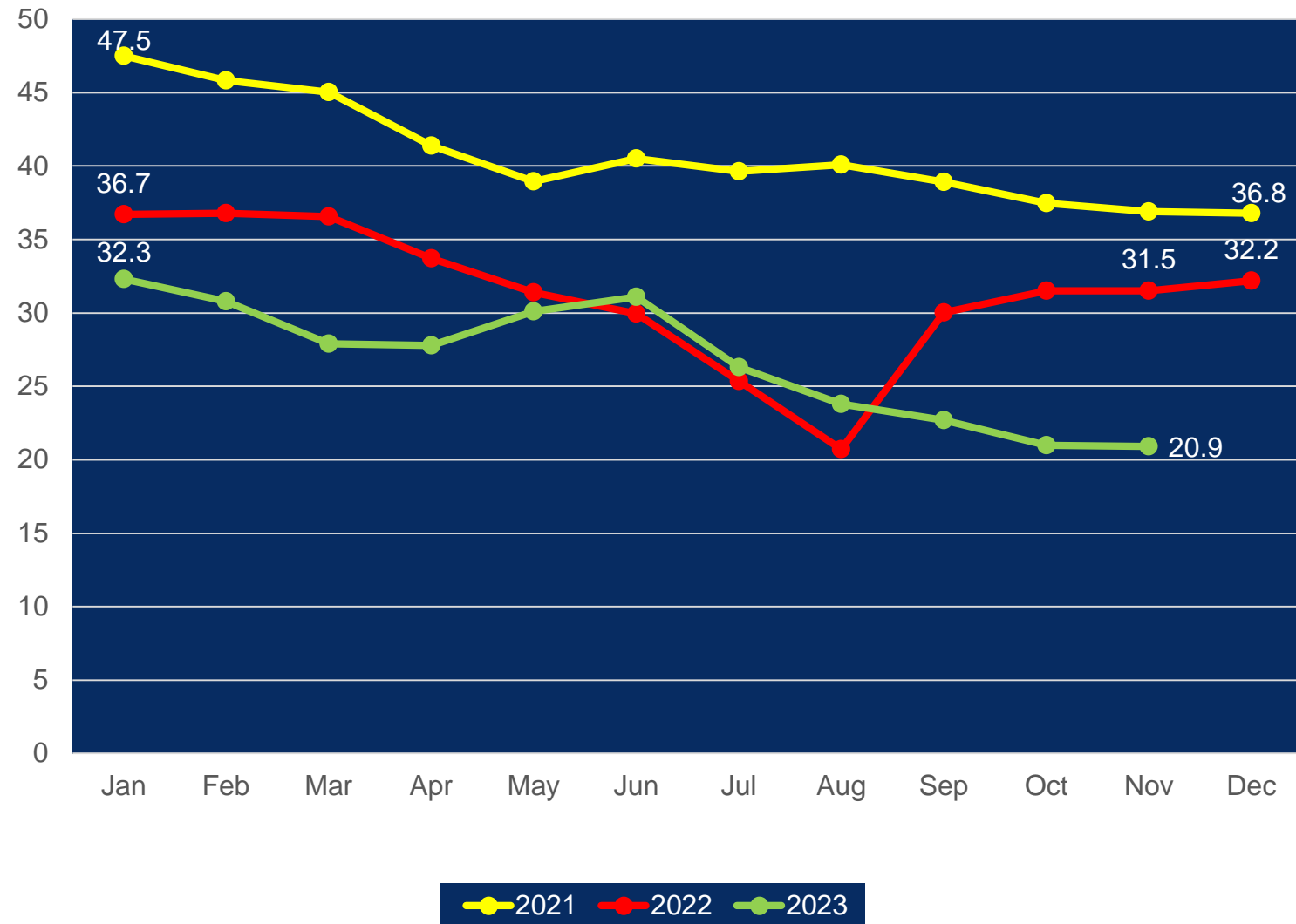
Drought Update

BOARD MEETING
NOVEMBER 13, 2023

Rio Grande Watershed



U.S. Combined Ownership at Amistad/Falcon



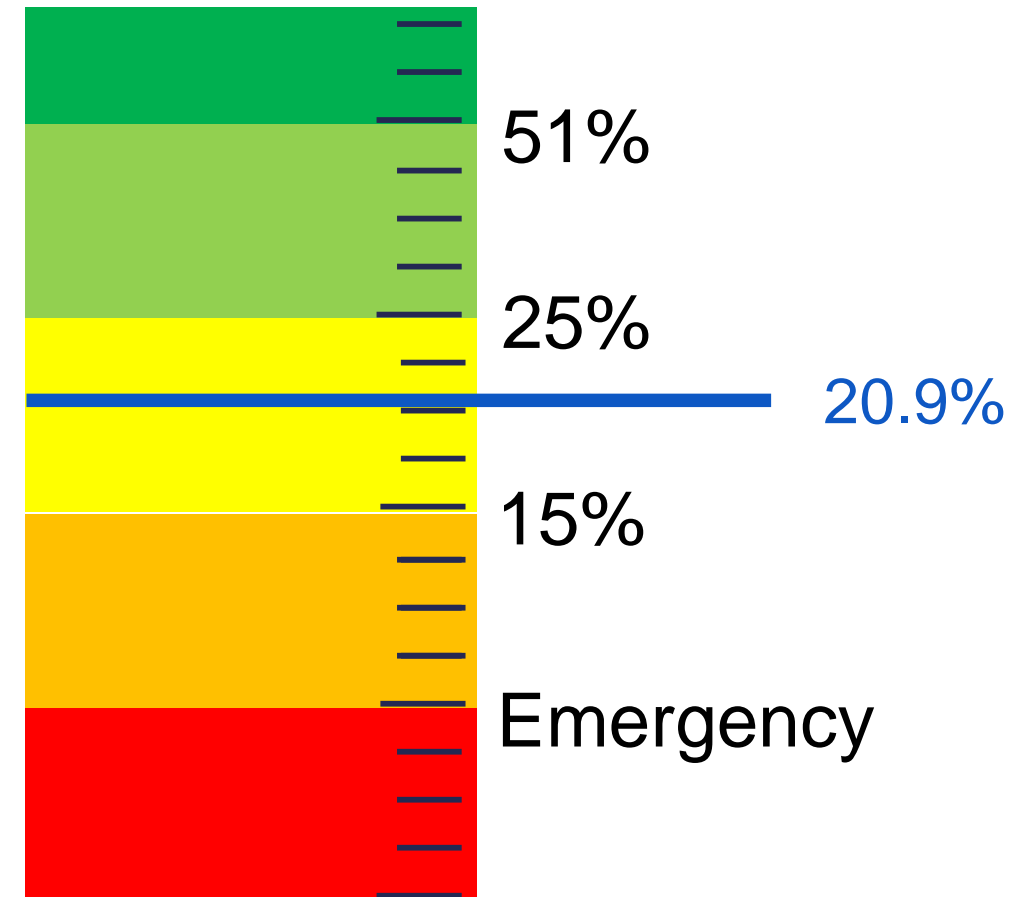
Drought Response Stages

Stage 1 – Voluntary

Stage 2 – Restrictions

Stage 3 – Surcharges

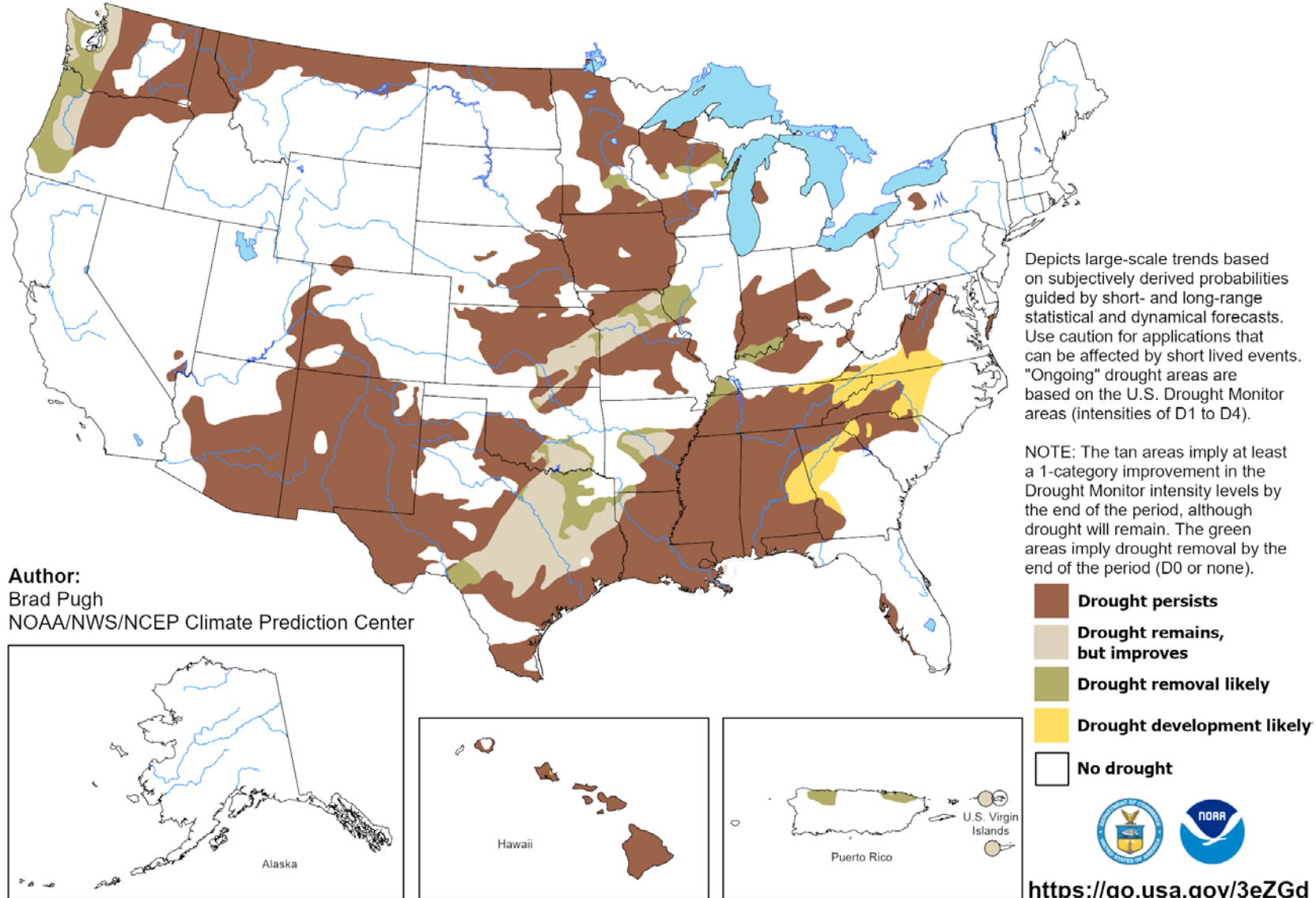
Stage 4 – Rationing



U.S. Monthly Drought Outlook

Drought Tendency During the Valid Period

Valid for November 2023
Released October 31, 2023

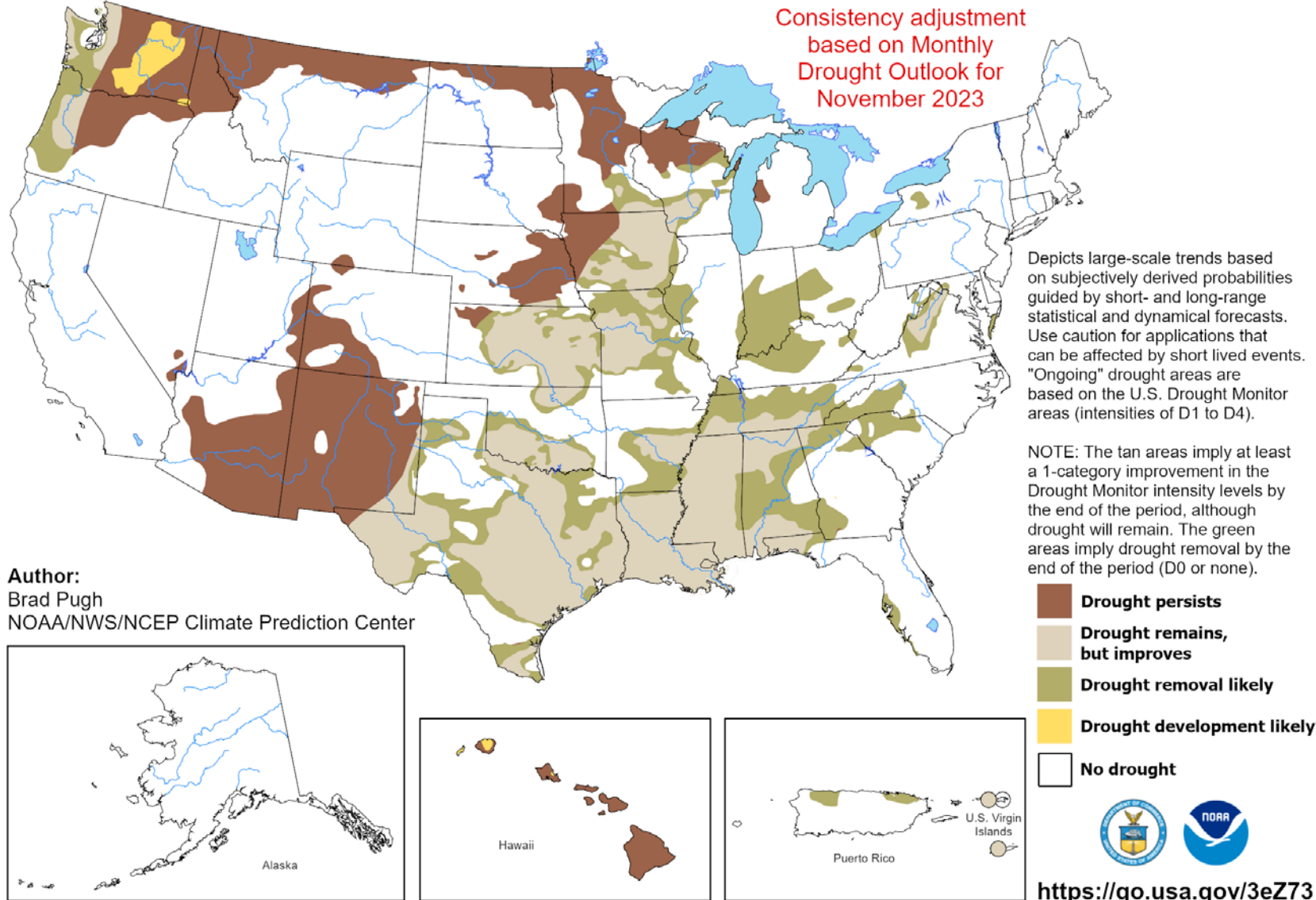


U.S. Seasonal Drought Outlook

Drought Tendency During the Valid Period

Valid for November 1, 2023 - January 31, 2024
Released October 31, 2023

Consistency adjustment
based on Monthly
Drought Outlook for
November 2023



Bottom Lines

- Sufficient inflows from Mexican Reservoirs serving the Lower Rio Grande Watershed are unlikely during the “cool” season.
- Combined share of water in Amistad and Falcon Reservoirs predicted to continue at or near Stage 2 triggers through winter.
- National Weather Service (NWS)
 - ✓ Drought/Dryness should remain but improve. (Soil moisture only)
 - ✓ Cold Fronts and Cold Snaps, likely to favor occasional, rather than frequent.
 - ❑ Sharp Temperature changes 30 to 60 degrees (will cause more light rain/drizzle in our area)



Guadalupe Garcia III
Water Resources Administrator

www.brownsville-pub.com

www.brownsville-pub.com/drought



BPUB Community Partnership

11/13/2023

● ● ● B O A R D O F D I R E C T O R S M E E T I N G

About BPUB Community Partnership

- The BPUB Community Partnership will be a way to engage the community by providing information that is relevant and also beneficial to customers.
- BPUB will hold ongoing, weekly 30-minute meetings on-site as well as virtually.
- Topics for these meetings will include: assistance programs, rebate programs, updates on current issues such as the drought, and anything else deemed important and beneficial.
- BPUB customers will be able to see the topics in the BPUB website where they can also sign up to attend.
- All those planning to attend must sign up in order to ensure seating is available and to streamline the process.



Investment Portfolio Summary

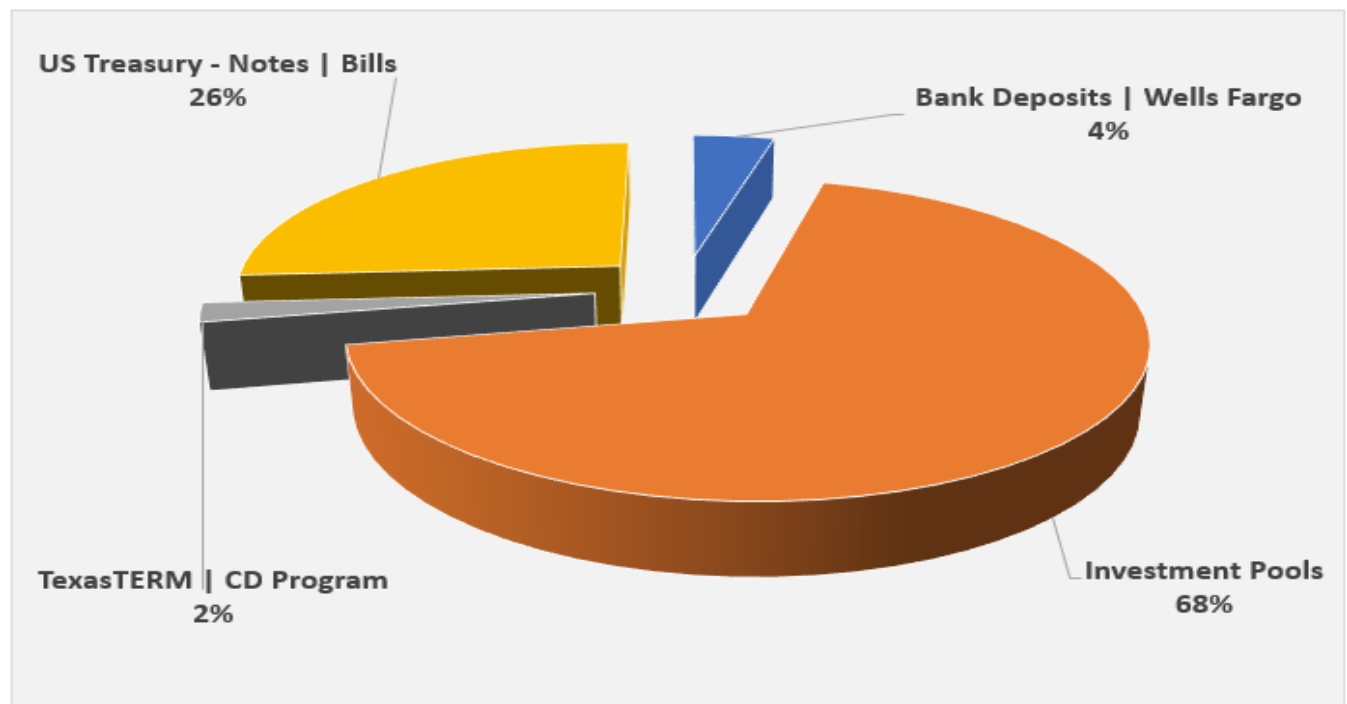
FOR THE QUARTER ENDED SEPTEMBER 30, 2023

● ● ● B O A R D O F D I R E C T O R S M E E T I N G



Portfolio Summary & Asset Allocation

Asset Class	YTM @ Cost	Days To Maturity	% of Portfolio	Market Value
Bank Deposits Wells Fargo	2.722	1	4	6,469,242
Investment Pools	5.459	24.5	68	121,724,581
TexasTERM CD Program	5.381	4	2	4,301,000
US Treasury - Notes Bills	5.383	59	26	45,592,244
TOTAL / AVERAGE	5.34	87.5	100	178,087,067

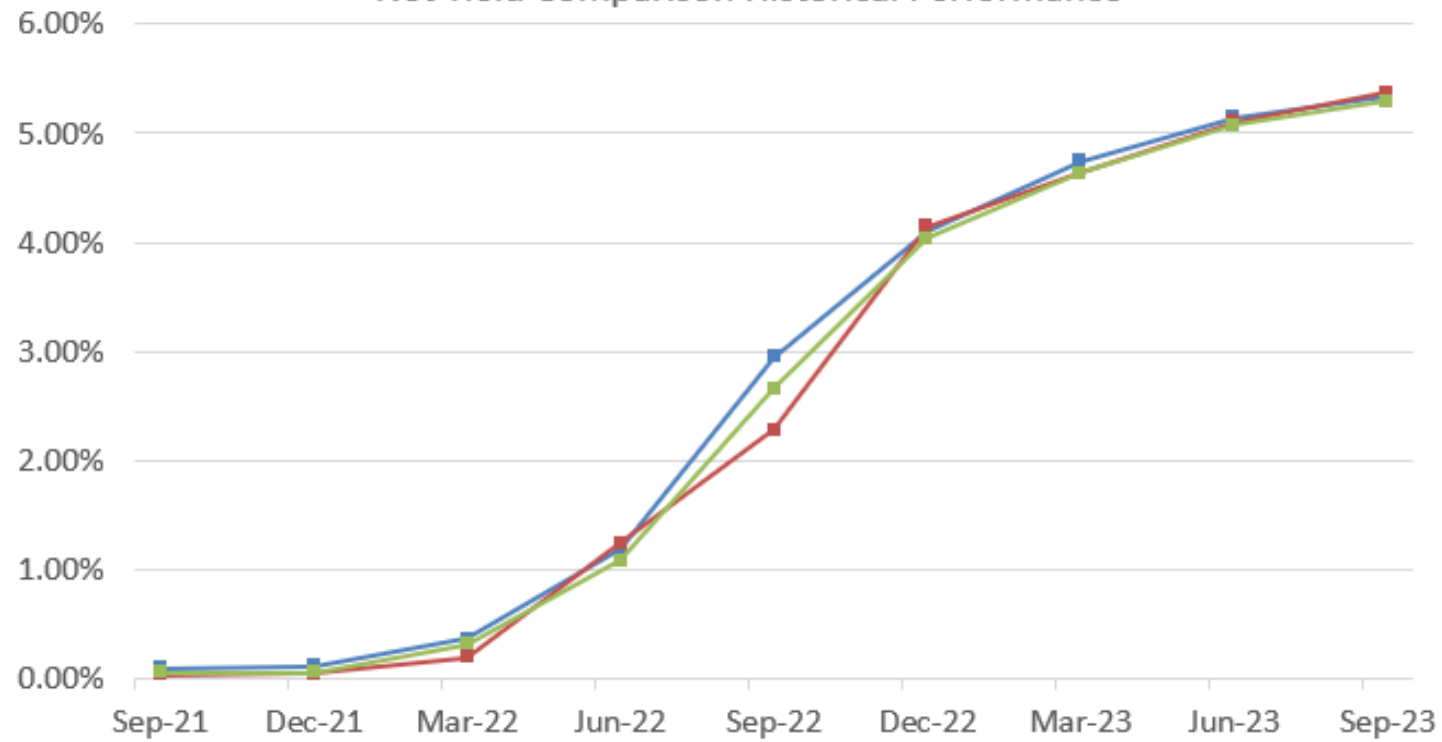


YIELD SUMMARY
As of September 30, 2023

Security Description	Security CUSIP	Settlement Date	Maturity Date	Par Value	Market Value	Percent of Assets	Days to Maturity	Weighted Average Maturity	Yield to Maturity
United States Treasury Notes/Bills									
1. U.S. TREASURY NOTE	912797GX9	09-20-23	03-14-24	10,000,000	9,758,214	6	166	9.1	5.51
2. U.S. TREASURY BILL	912797LL9	09-27-23	03-21-24	10,000,000	9,747,585	6	173	9.5	5.53
3. U.S. TREASURY NOTE	91282CCG4	06-14-23	06-15-24	10,000,000	9,640,234	5	259	14.0	5.17
4. U.S. TREASURY NOTE	91282CCG4	06-23-23	06-15-24	7,000,000	6,748,164	4	259	9.8	5.31
5. U.S. TREASURY NOTE	912828Y87	08-04-23	07-31-24	10,000,000	9,698,047	5	305	16.6	5.37
SUBTOTAL - U.S. TREASURY NOTES / BILLS				47,000,000	45,592,244	26 %		59.0	
Bank Deposits									
6. WF BANK-COLLATERALIZED	wellsfargo				4,515,965	3	1	-	1.65
7. WF BANK-INSURED	wellsfargo				1,953,277	1	1	-	5.20
SUBTOTAL - BANK DEPOSITS					6,469,242	4 %		-	
Investment Pools									
8. TEXPOOL	texpool				20,567,409	12	1	0.1	5.35
9. TEXSTAR	texstar				5,429,593	3	1	-	5.33
10. TEXASTERM	texasterm			36,000,000	36,000,000	20	130	24.0	5.22
11. TEXASDAILY	texasdaily				28,570,961	16	1	0.2	5.34
12. TEXAS CLASS	texas class				31,156,618	17	1	0.2	5.54
SUBTOTAL - INVESTMENT POOLS				36,000,000	121,724,581	68 %		24.5	
Certificate of Deposit									
13. TEXASTERM CD PURCHASE	texasterm	03-23-23	12-18-23	960,000	960,000	0.5	79	0.4	5.40
14. TEXASTERM CD PURCHASE	texasterm	06-20-23	03-18-24	960,000	960,000	0.5	170	0.9	5.41
15. TEXASTERM CD PURCHASE	texasterm	06-27-23	03-25-24	959,000	959,000	0.5	177	1.0	5.45
16. TEXASTERM CD PURCHASE	texasterm	04-06-23	04-05-24	474,000	474,000	0.3	188	0.5	5.35
17. TEXASTERM CD PURCHASE	texasterm	05-16-23	05-15-24	948,000	948,000	0.5	228	1.2	5.28
				4,301,000	4,301,000	2 %		4.0	
TOTAL PORTFOLIO				\$ 87,301,000	\$ 178,087,067	100 %		87.5	5.34

Par values reflect the face value of fixed income investments only. It does not include cash investments (bank deposits and investment pools).

Net Yield Comparison Historical Performance



	Sep-21	Dec-21	Mar-22	Jun-22	Sep-22	Dec-22	Mar-23	Jun-23	Sep-23
BPUB	0.09%	0.11%	0.36%	1.18%	2.95%	4.10%	4.74%	5.14%	5.34%
S&P Pool Index	0.03%	0.04%	0.19%	1.24%	2.28%	4.15%	4.63%	5.10%	5.37%
91 Day T-Bill	0.05%	0.05%	0.31%	1.08%	2.66%	4.04%	4.63%	5.07%	5.29%

Sources:

91-Day T-Bill- Federal Reserve

S&P Rated Government Investment Pool Indices- S&P Global.

Last yield available for reporting quarter showing.

Questions?

Item #5

Consideration and Possible Action to Ratify Amendment No. 2 of the USIC Locating Services, LLC Service Contract and Purchase Order—Cesar Cortinas

Item #6

Consideration and Possible Action to Approve Amendment No. 3 of the USIC Locating Services, LLC Service Contract and Purchase Order—Cesar Cortinas



Utility Locator Services – USIC

BROWNSVILLE PUBLIC UTILITIES BOARD

BOARD MEETING

NOVEMBER 13, 2023

Utility Locator Services – USIC

- The Texas Underground Facility Damage Prevention and Safety Act requires BPUB to mark the approximate location of its underground facilities for excavators.
- BPUB, like most utilities, outsources this requirement.
- USIC has provided services to BPUB since at least 2010
- Formal RFP was issued in 2018, and USIC was the sole proposer
- BPUB used a State BuyBoard to contract with USIC in August 2021
 - Base year: August 2021 to August 2022
 - Option 2nd year: August 2022 to August 2023 (exercised June 2022)
 - Added \$455,222 in contract funding
 - Option 3rd year: August 2023 to August 2024 (not exercised)

Utility Locator Services – USIC

- **Amendment 1:** Approved on September 1, 2023
 - Extended period of performance to November 30, 2023
 - Allowed BPUB to issue an RFP for locator services to ensure the best prices
 - Added \$113,805 in contract funding
 - Increased contract total funding to \$569,027
- **Amendment 2:** Ratification of increased funding for the USIC contract by \$50,000
 - Greater than expected requests for locator services between September and November 2023
 - BPUB executed a contract amendment to avoid a lapse in required services
 - Increases contract total funding to \$619,027
- **Amendment 3:** Request to extend the period of performance and increase funding
 - Extend period of performance to February 29, 2024
 - Add \$150,000 in contract funding
 - Increases contract total funding to \$769,027



RFP for Utility Locator Services

- BPUB issued RFP for locator services in July 2023
 - USIC was the sole respondent
- Executive team recommended, and Board approved rejection of bid in October 2023
- Revised RFP was advertised on October 24, 2023, with bids due November 15, 2023
 - Base year period of performance expanded to two years with two one-year options to encourage more bids
 - BPUB contacted 14 providers of locator services to gain the attention of the RFP

Closed Session Items

1. Meeting with Board's legal counsel for advice about contemplated and pending court and administrative litigation and on matters in which the duty of the attorney under the Texas Disciplinary Rules of Professional Conduct conflicts with Chapter 551 (Sec. 551.071).
2. Discussion and consultation with Board Counsel of any contemplated and pending litigation involving Brownsville Public Utilities Board (Sec. 551.071).
3. Discussion and consultation with Board Counsel regarding legal issues pertaining to BTX Fiber Project Installation Repairs (Sec. 551.071).
4. Discussion and consultation with Board Counsel and possible action regarding *In re: Aqueous Film-Forming Foams Product Liability Litigation, MDL No. 2:18-mn-02873* (PFAS Class Action) (Sec. 551.071).
5. Presentation, discussion, and possible recommendation of information upon pricing of purchased power, generation, and fuel and their impact upon the Fuel, Purchased Energy, and Marketing Charge (Sec. 551.086).
6. Presentation, discussion, and possible action on proposed amendment of fuel agreement relating to the Hidalgo Energy Center (Sec. 551.086).





Recess to Closed Meeting



Consideration and Action on Closed Meeting Items



Consideration and Action on Future Agenda Items



Adjournment
