



Facilities/Program Committee

W E D N E S D A Y , S E P T E M B E R 4 , 2 0 2 4





Call Open Meeting To Order

Items For Presentation and Discussion

1. Presentation and Discussion on Brownsville Public Utilities Board Cyber Liability Insurance Renewal - Estrella Solorzano
2. Presentation and Discussion on Brownsville Public Utilities Board Umbrella (Excess) Liability Insurance - Estrella Solorzano
3. Presentation and Discussion on Brownsville Public Utilities Board's Directors and Officers & Employment Practices Liability Insurance - Estrella Solorzano
4. Presentation and Discussion on Brownsville Public Utilities Board's General Liability, Automobile, Cyber, Mobile Equipment, Crime and Excess Workers' Compensation Insurance Renewals - Estrella Solorzano
5. Presentation on Pole Attachment and Public Safety - Mark Dombroski
6. Presentation and Discussion Regarding "The Resacas, In the Vicinity of the City of Brownsville, Texas, Ecosystem Restoration Project" - Rene Mariscal/Paul Gonzalez
7. Overview of Procurement Process-Miguel A. Perez



CYBER LIABILITY

SEPTEMBER 4, 2024

BACKGROUND

- Cyber Liability Insurance
 - Board Approved September 12, 2022.
 - Approved for three years with the Board's option to renew at the end of each year.
 - 2024 Renewal is the third of the three-year period.
 - AJG is recommending renewal with broker McGriff for a total renewal premium of \$158,436.35.
 - Policy Term: October 1, 2023-September 30, 2024.

Questions





EXCESS LIABILITY

SEPTEMBER 4, 2024

BACKGROUND

- Excess (Umbrella) Liability Insurance
 - RFP Process – Advertised June 22 and June 29, 2024.
 - One Insurance Proposal was submitted by Insurance Broker HUB International.
 - Insurance Consultant Arthur J Gallagher Risk Management Services, LLC (AJG) conducted an analysis of the proposal.
 - AJG is recommending the proposal submitted by HUB with insurance carrier AEGIS. The premium increased by \$30,505.32 or 5% for a total renewal premium of \$626,169.32.
 - Excess (Umbrella) Liability Insurance will renew on an annual basis with HUB for three years at BPUB Board option to renew at the end of each policy year.
 - BPUB's current Excess (Umbrella) Liability coverage expires October 1, 2024.



Questions





Directors & Officers and Employment Practices Liability (EPL)

SEPTEMBER 4, 2024

BACKGROUND

- Directors and Officers and Employment Practices Liability Insurance
 - RFP Process – Advertised June 22 and June 29, 2024.
 - Two insurance proposals were submitted; HUB International (HUB) and Marsh.
 - Insurance Consultant Arthur J Gallagher Risk Management Services, LLC (AJG) conducted an analysis of the proposals.
 - AJG is recommending the proposal submitted by HUB with insurance carrier AEGIS. The premium decreased by \$7,241.64 or 7% for a total renewal premium of \$96,794.36.
 - Directors and Officers and Employment Practices Liability Insurance will renew on an annual basis with HUB for three years at BPUB Board option to renew at the end of each policy year.
 - BPUB's current Directors and Officers and Employment Practices Liability coverage expires October 1, 2024.



Questions





B R O W N S V I L L E
PUBLIC UTILITIES BOARD

General Liability, Automobile, Cyber, Mobile Equipment, Crime, and Excess Workers' Compensation Insurance

SEPTEMBER 4, 2024

BACKGROUND

- Policy Year: October to September
 - Texas Municipal League Risk Pool
 - Exempted from the Texas Competitive Bidding Statutes
 - Coverage expires October 1, 2024.
- TML Liability Insurances:
 - General Liability
 - Automobile
 - Cyber
 - Mobile Equipment
 - Crime
 - Excess Workers' Compensation



RENEWAL TERMS - Summary

Brownsville Public Utilities Board



TML Intergovernmental Risk Pool			
Contribution Summary			
Policy Years 2023 v. 2024			
Description	Renewal Policy Year 2023-2024	Renewal Policy Year 2024-2025	Increase (Decrease)
General Liability	\$ 63,958.36	\$ 73,521.00	\$ 9,562.64
Automobile	\$ 117,823.00	\$ 148,458.00	\$ 30,635.00
Member Refund	\$ -	\$ -	\$ -
Net Liability	\$ 181,781.36	\$ 221,979.00	\$ 40,197.64
Workers Compensation	\$ 83,410.00	\$ 24,136.00	\$ (59,274.00)
Member Refund	\$ -	\$ -	\$ -
Net Workers' Compensation	\$ 83,410.00	\$ 24,136.00	\$ (59,274.00)
Mobile Equipment	\$ 82,361.00	\$ 102,161.00	\$ 19,800.00
Member Refund	\$ -	\$ -	\$ -
Net Mobile Equipment	\$ 82,361.00	\$ 102,161.00	\$ 19,800.00
Crime	\$ 5,770.00	\$ 5,770.00	\$ -
Cyber	\$ 1,000.00	\$ 1,250.00	\$ 250.00
Total TML Contribution	\$ 354,322.36	\$ 355,296.00	\$ 973.64



BROWNSVILLE
PUBLIC UTILITIES BOARD

Questions





Utility Pole Attachments and Loading Analysis

ENSURING EFFICIENCY AND PUBLIC SAFETY

Ensuring Efficiency and Public Safety

Proper joint use of utility poles allows multiple service providers to share the same infrastructure, reducing redundancy and minimizing the need for additional poles, which enhances operational efficiency and optimizes resource use. This coordination also ensures that attachments are installed and maintained in a way that adheres to safety standards, preventing hazards such as pole overloading or improper spacing that could endanger the public.

utility pole attachment

A utility pole attachment refers to the equipment or infrastructure mounted on utility poles, such as cables, wires, or devices used by service providers (e.g., telecommunications, electricity, or cable companies) to deliver services to customers. These attachments are essential for the distribution of utilities and are typically regulated to ensure safety, reliability, and equitable access to pole space.

9/4/2024



BROWNSVILLE
PUBLIC UTILITIES BOARD

Pole Attachment License Agreement

POLE ATTACHMENT LICENSE AGREEMENT

This Pole Attachment License Agreement (the "Agreement") dated this _____ day of _____, (the "Effective Date"), is made by and between the Public Utilities Board of the City of Brownsville, Texas, a municipally owned utility (hereinafter referred to as "Utility"), a municipality of the State of Texas, and _____ (hereinafter referred to as "Licensee") (Utility and Licensee collectively referred to as the "Parties").

RECITALS

Whereas, Licensee agrees to install and maintain Attachments and associated Communications Facilities on Utility's Poles to provide Communications Services to the public or for the purposes of a permitted Private Network; and

Whereas, all of Licensee's Attachments shall be installed and maintained pursuant to the terms and procedures herein and pursuant to the procedures and regulations set out in the Utility Pole Attachment Standards, as amended from time to time; and

Whereas, Utility supports the rapid deployment of competitive broadband networks within its service area pursuant to prudent pole attachment terms and conditions that will not (i) compromise the safety and reliability of Utility's electric distribution system; (ii) detrimentally affect Utility's ability to deliver exceptional customer service; or (iii) unreasonably interfere with the functionality of third-party communications networks that share Utility's Poles. This Agreement shall be interpreted consistent with these principles; and

Whereas, Utility is willing, when it lawfully may do so, to issue one or more Permits authorizing the placement or installation of Licensee's Attachments on Utility's Poles, provided that Utility may refuse, on a non-discriminatory basis, to issue a Permit where there is insufficient Capacity or for reasons relating to safety, reliability, generally applicable engineering purposes, and/or any other Applicable Engineering Standards in accordance with the terms and conditions of the Utility Pole Attachment Standards and consistent with the duties outlined in this Agreement, except to the extent applicable federal, state, or local law imposes additional or different requirements; and

This Agreement has an initial term of ten (10) years and will automatically renew for successive five-year terms unless and until it is terminated by either Party pursuant to the terms hereof. Upon the expiration or termination of this Agreement, Licensee shall have a duty to remove its Attachments. Any Attachments, whether previously authorized or not, that are not timely removed shall be subject to the terms and conditions of the Utility Pole Attachment Standards, including removal by Utility at Licensee's expense.

THEREFORE, in consideration of the foregoing recitals and the mutual covenants, terms and conditions and remunerations herein provided, and the rights and obligations created hereunder, the Parties hereto agree as follows:

BPUB requires entities wanting to attach infrastructure to our utility poles to enter into a Pole Attachment License Agreement.

- Rights and responsibilities
- Fees and bonding requirements
- Non-exclusive and non-preferential
- Engineering and design requirements
 - Pole Loading Analysis



BROWNSVILLE
PUBLIC UTILITIES BOARD

Pole Loading Analysis

Safety Considerations

- Identifies potential hazards
- Reduces risk of pole failure
- Enhance emergency preparedness
- Reduce liability

Importance

- Public safety
- Reliable service/reduce outages
- Cost savings
- Supports system hardening
- Business continuity
- Community appearance

Regulatory Compliance and Guidelines

- National Electrical Safety Code (NESC)
- Occupational Safety and Health Administration (OSHA)
- Federal Communication Commission (FCC)
- Public Utility Commission of Texas (PUCT)
- American Society of Civil Engineers (ASCE)
- Institute of Electrical and Electronics Engineers (IEEE)
- BPUB Electric Service Policies: General Rules and Regulations
- Pole Attachment License Agreement
- Industry standards and best practices



Technical Aspects: Pole Loading Analysis

Pole Data: Material, conductors, equipment, fixtures, telecom equipment

Pole Configuration: Height, class, anchors, conductor spans, pole

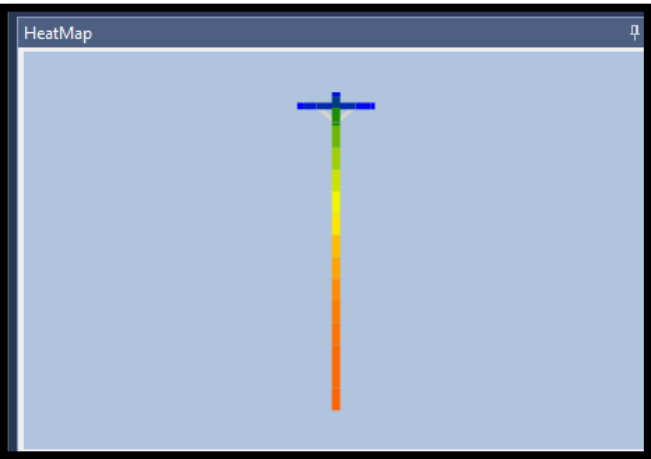
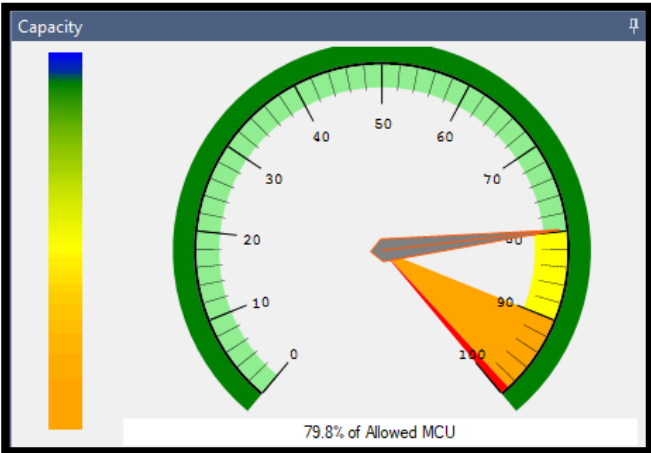
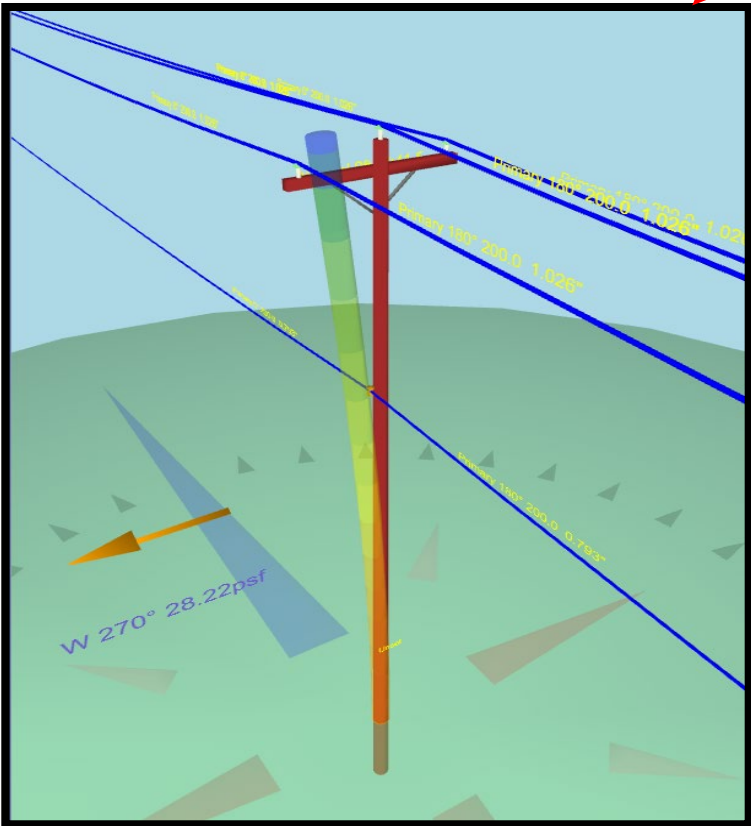
Industry Standards: IEEE, NESC, including wind loading, ice, snow, temperature, and seismic activity

Software: Osmose O-calc[®] Pro

Qualified Personnel: Analysis is performed by trained personnel and reviewed and approved by a professional engineer

Pole Loading Analysis: Actual Scenario

Existing



Pole Length / Class: 50 / 3
Species: SOUTHERN PINE
Setting Depth (ft): 7.0

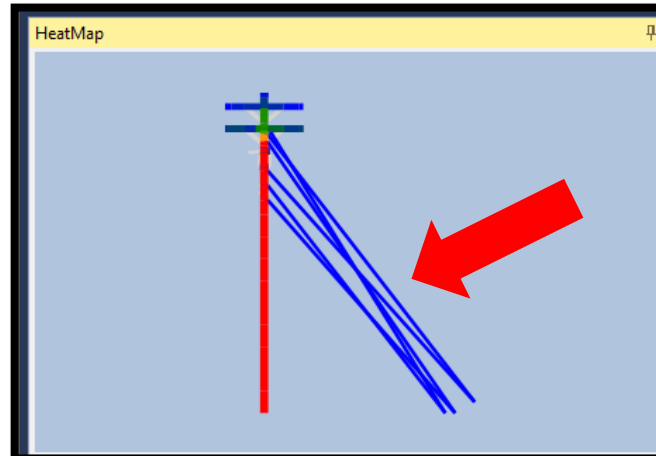
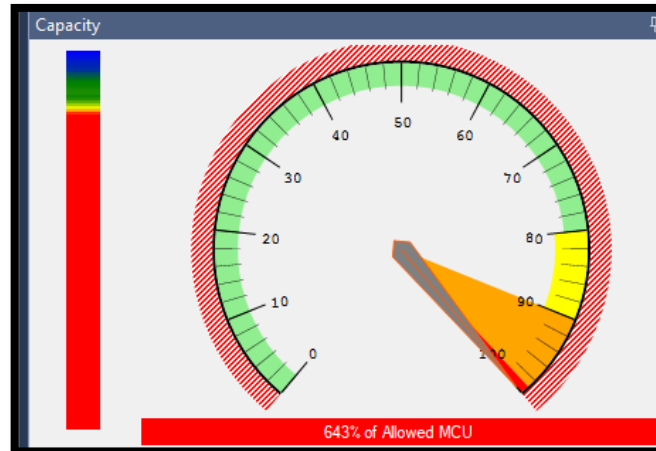
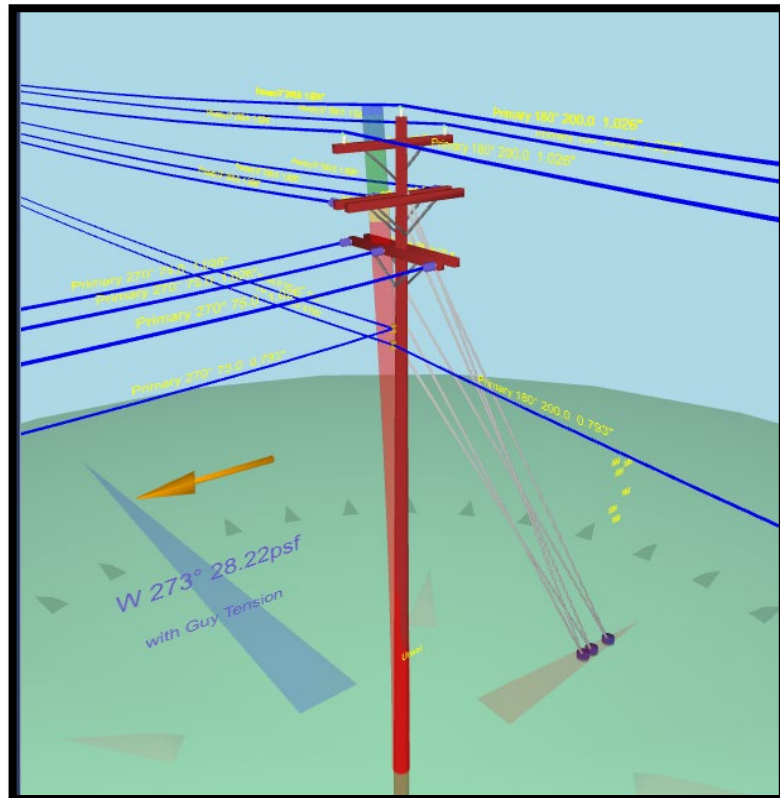
Code: NESC
NESC Rule: Rule 250C
Construction Grade: C
Loading District: Light
Ice Thickness (in): 0.00
Wind Speed (mph): 105.00
Wind Pressure (psf): 28.22

Pole Capacity Utilization (%)

Maximum	79.8
Groundline	79.8
Vertical	11.7

Pole Loading Analysis: Actual Scenario

Proposed



Pole Length / Class:	50 / 3
Species:	SOUTHERN PINE
Setting Depth (ft):	7.0

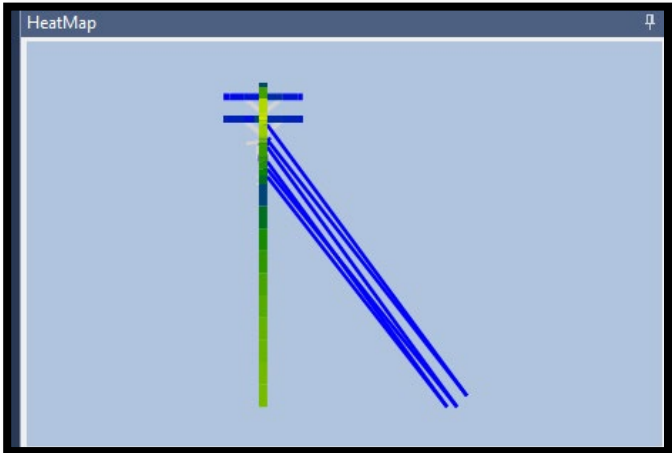
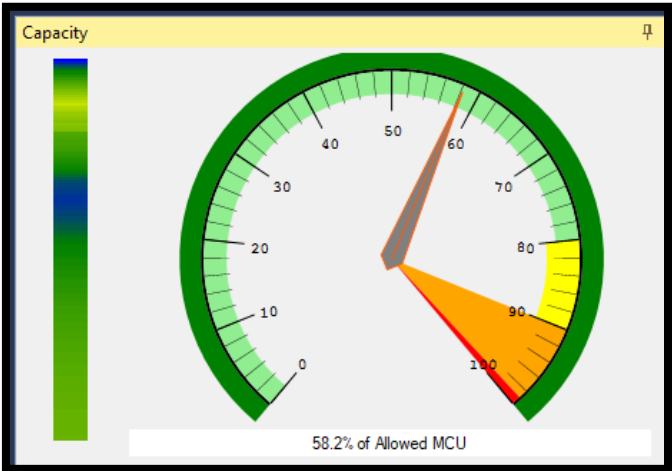
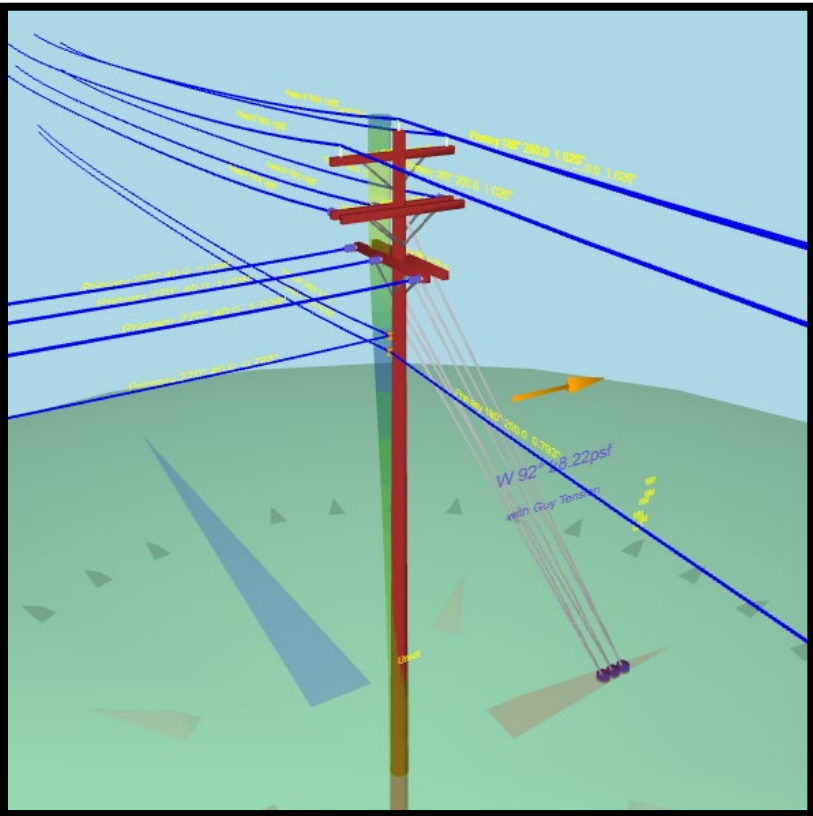
Code:	NESC
NESC Rule:	Rule 250C
Construction Grade:	C
Loading District:	Light
Ice Thickness (in):	0.00
Wind Speed (mph):	105.00
Wind Pressure (psf):	28.22

Pole Capacity Utilization (%)

Maximum	643.0
Groundline	643.0
Vertical	13.2

Pole Loading Analysis: Actual Scenario

Solution



Pole Length / Class:	50 / 1
Species:	SOUTHERN PINE
Setting Depth (ft):	7.0

Code:	NESC
NESC Rule:	Rule 250C
Construction Grade:	C
Loading District:	Special
Ice Thickness (in):	0.00
Wind Speed (mph):	105.00
Wind Pressure (psf):	28.22

Pole Capacity Utilization (%)	
Maximum	58.2
Groundline	44.9
Vertical	1.2

Improperly Loaded Poles Can Fail



Utility Pole Attachments and Loading Analysis



ENSURING EFFICIENCY AND PUBLIC SAFETY

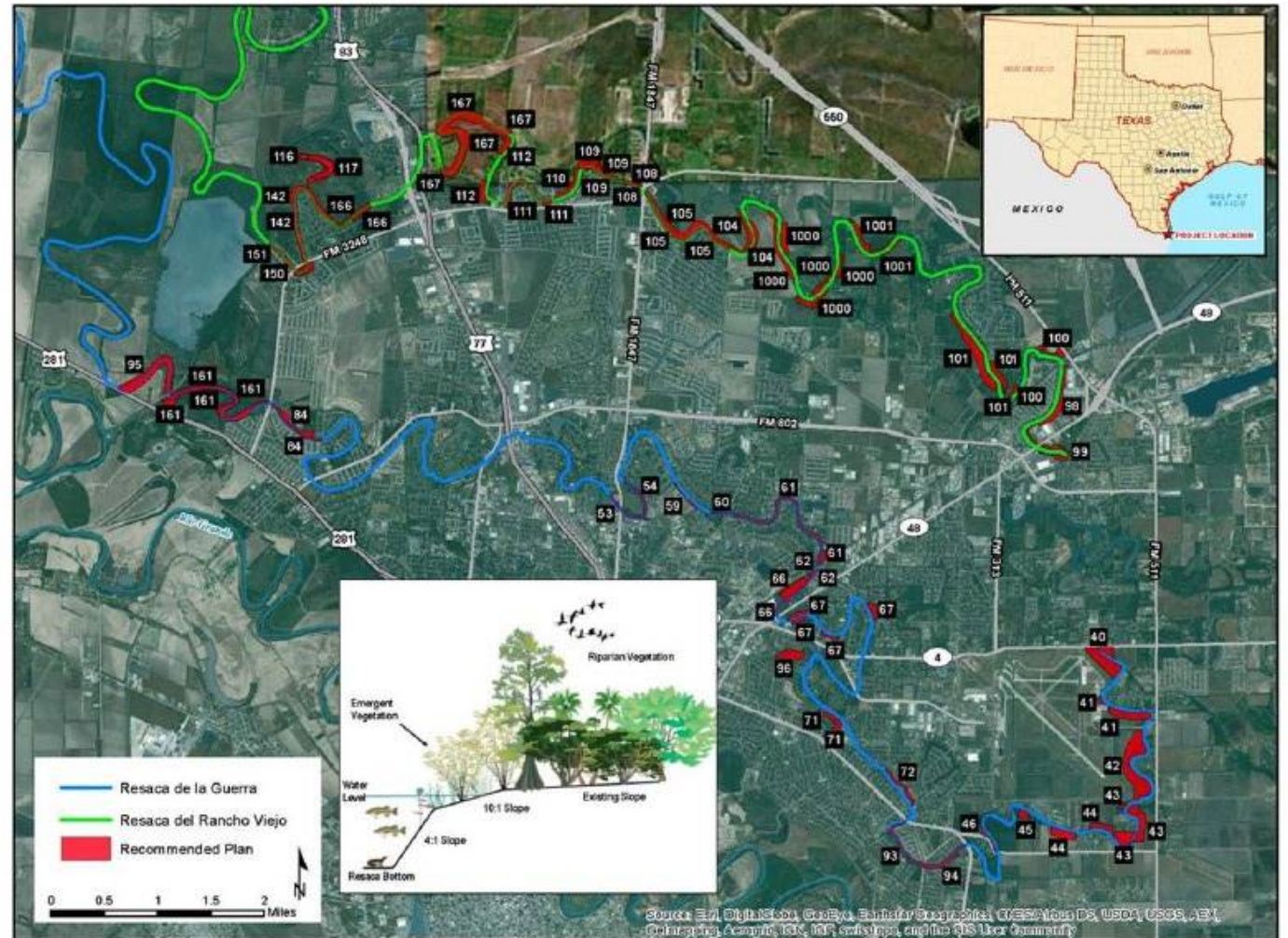


The Resacas, In the Vicinity of the City of Brownsville, Texas, Ecosystem Restoration Project

FACILITIES/PROGRAM COMMITTEE MEETING
SEPTEMBER 4, 2024

National Ecosystem Restoration (NER) Plan

- Feasibility Study (February 2018)
- Recommended improvements to Resaca De La Guerra and Resaca Del Rancho Viejo
 - Restoration of approximately 845 acres of aquatic and riparian habitat
 - 16 contracts/phases



Brownsville Resacas Feasibility NER Plan Project Cost Estimates

Item	NER Plan Cost Estimate	Cost Share
USACE	\$202,275,010	65%
Non-Federal (COB/BPUB)	*\$108,917,313	35%
TOTAL COSTS	**\$311,192,323	

* Local match is required to leverage federal funding

** Updated cost estimate provided by USACE in December 2022. USACE recertifies cost every 5 years. Total cost to be spread over 16 contracts (each contract > 2years). A 75 year commitment to maintain improvements is required to receive federal funding



USACE Contract 1



Legend

Resaca Construction Limit – September 2022



0 0.1 0.2 Miles
Spatial Reference
Name: NAD 1983 2011 StatePlane Texas
South Central FIPS 4204 FtUS



BROWNSVILLE
PUBLIC UTILITIES BOARD

Contract 1 - Design

Background

- March 5, 2021 - Project Management Plan (PMP) for design executed
- March 26, 2021 - Design Agreement (DA) executed
- April 2021 – Pre-construction, Engineering and Design (PED) underway
 - Contract 1 Design Total cost: *\$2,080,000 (65% Fed/35% Non-Fed share)
 - Contract 1 Design Non-Federal share: **\$728,000 (35% share)

*Cost estimates generated by the USACE

**Note – Design expenses were utility funded (2021) prior to Resaca fee implementation

Contract 1 - Construction Cost Estimates*

- Contract 1 Construction: \$3,102,470**
Breakdown:
 - 65% Federal Share: \$2,016,605
 - 35% Non-Federal Share: \$1,085,864
- Approximately 14-month construction completion schedule from Project Partnership Agreement (PPA) execution
- Implementation by USACE's contractor
- Property acquisition by local sponsor

* Estimate update provided by USACE on May 8, 2023

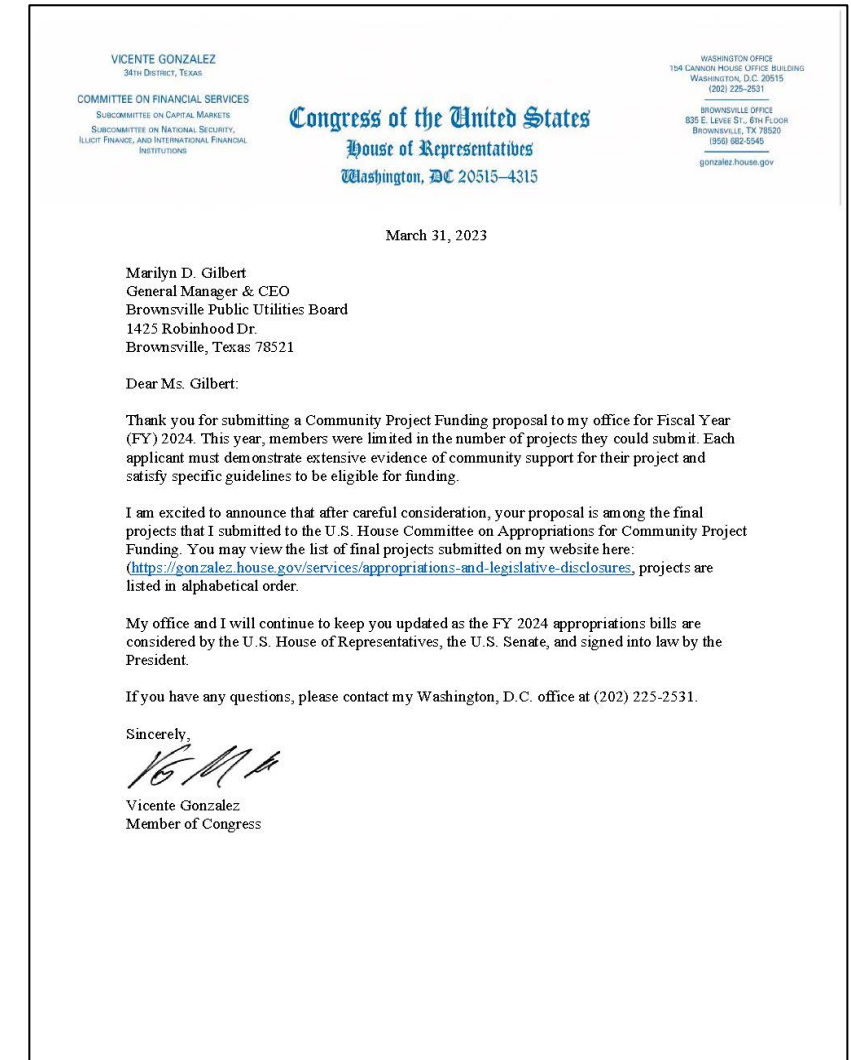
** Includes USACE construction management and oversight expenses



BROWNSVILLE
PUBLIC UTILITIES BOARD

New Start Designation

- FY24 Energy and Water Development Bill approved
 - Includes Community Project Funds (CPF)
 - Brownsville Resacas project funded
 - “New start” designation
 - Contract 1 construction funding



Brownsville Resacas Contract 1

Moving Forward

- USACE provided draft Project Partnership Agreement (PPA) on August 14, 2024
- **Review/Execute Project Partnership Agreement (PPA)**
- Draft/Execute Project Management Plan (PMP)
- USACE Request Non-Federal Sponsor Share
- Real estate acquisition
- Resume Project Development Team (PDT) meetings
- Construction



BROWNSVILLE
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B R O W N S V I L L E
PUBLIC UTILITIES BOARD

EVERY DROP COUNTS!

Learn more about drought at:



brownsville-pub.com/drought-resources



Procurement Process Overview

SEPTEMBER 4, 2024

Purpose

The purpose of the Purchasing procedures handbook

- Is to establish procurement guidelines related to public purchasing
- applies to all BPUB departments and employees.

Overview

Different types of purchases specified in the handbook are:

- Procurement Card (P-Card)
- Purchases Less than \$50,000.00
- Purchases Greater than \$50,000.00
- General Manager & CEO - Purchases for Goods and Services for the utility
- Cooperative (State Contract) Purchasing

Procedures

- Amounts up to and including \$3,000, the procurement card (p card) is utilized
- Amounts over \$3,000 up to and including \$10,000, emailed or verbal quotes from at least three reputable vendors are obtained
- Amounts over \$10,000 up to and including \$50,000, written/emailed quotes from at least three reputable vendors are obtained
- Amounts over \$50,000, the formal bidding process occurs

Formal Bidding Process

- Specifications will be provided to Purchasing staff
- Purchasing staff will review and prepare document for end user's final review
- Information is advertised in local newspaper
- Solicitation is publicly opened
- Responses are provided to the end user for review and evaluation
- Bids are selected based on the low bid meeting all specifications
- RFP/RFQ's are selected based on qualifications and cost can be negotiated

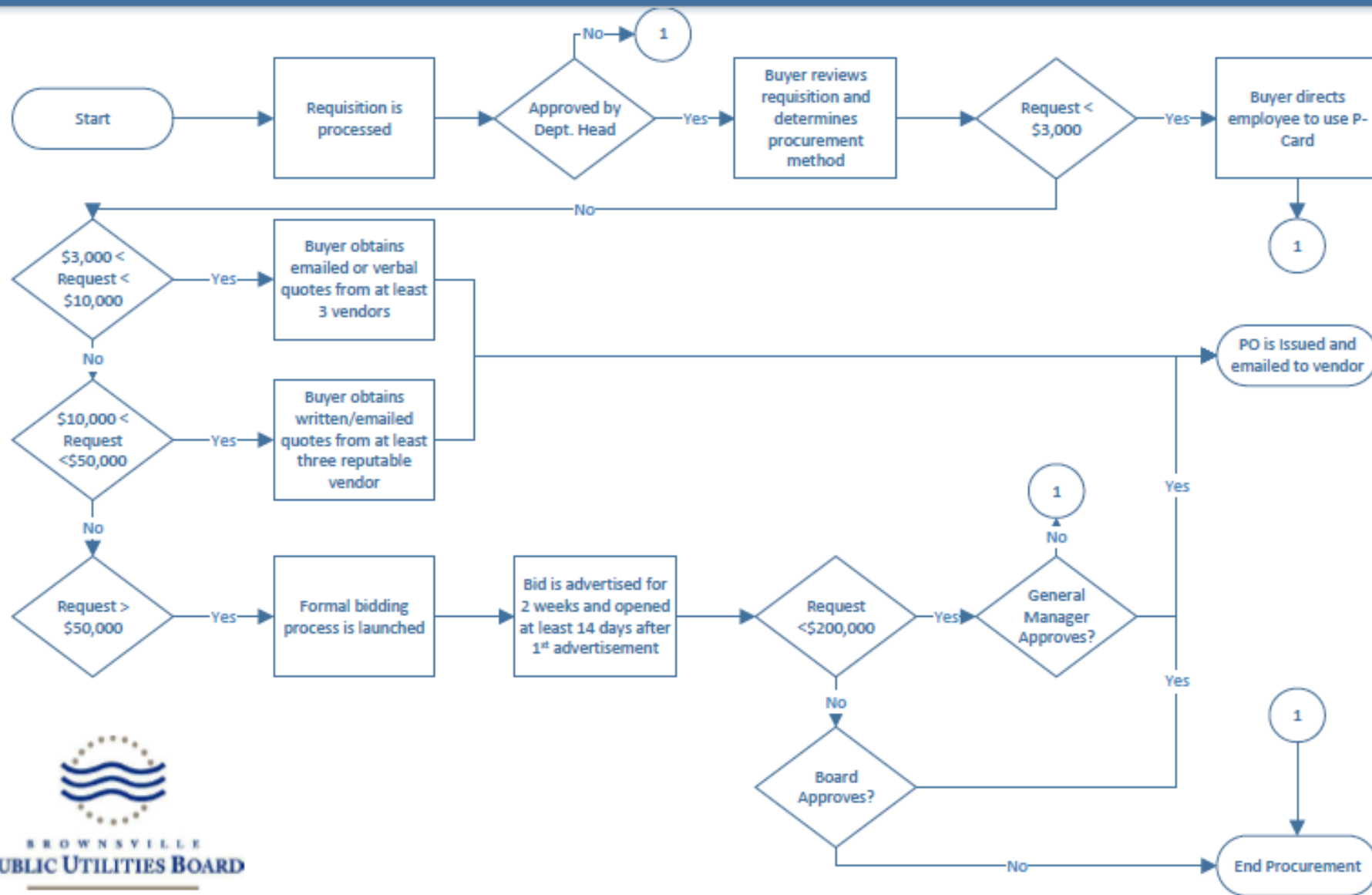
Recent Updates

The most recent updates to the Purchasing Procedures handbook are:

- Approval levels for General Manager & CEO increased to \$200,000 for water and wastewater to align with electric
- P Card limits will increase from \$500 to \$3,000 per transaction
- Monthly p-card credit limit will increase from \$3,000 to \$15,000
- Purchasing requisition approval levels for Supervisors, Managers & Directors increased
 - Directors – up to and including \$100,000
 - Division Managers – up to and including \$25,000
 - Managers – up to and including \$15,000
 - Supervisors – up to and including \$1,000



Brownsville Public Utilities Board (BPUB) Procurement Process Flowchart



Questions?



Closed Meeting



Adjournment
