

MINUTES
BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 26

February 2, 2018

The Board of Directors (the "Board") of Brazoria County Municipal Utility District No. 26 (the "District") met in special session, open to the public, on the 2nd day of February, 2018, at the offices of Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, Houston, Texas, outside the boundaries of the District, and the roll was called of the members of the Board:

Vacant	President
Herbert Fain	Vice President
Melissa Slade	Secretary
Caralynn Prade	Assistant Vice President
Fred E. Weary, Jr.	Assistant Secretary

and all of the above were present, thus constituting a quorum.

Also present at the meeting were Rosa Saade, Lakshima Simium, Jenny Rankin, Ron Wright, Marilyn Snider, James S. Snider, Julie Ward, Leslie Billings, Sean Kennedy, Rick Garrett, and Jason Goodwin, members of the public; Ed Mears, Kristen Anton, Maria Ferguson, David Selsky, Arnold Prevot, John Costas, Parisa Ellisar, Cliff Eslinger, Perri Cross, Jeanne Vandervort, and Jason Harrison, District residents; Michael "Mike" Rozell, Geoffrey Pope, Heather Zayas, Terry Ruiz, and Kari Axtell, members of the Brazoria-Fort Bend County Municipal Utility District No. 1 ("BFB 1") Board of Directors; and Lynne Humphries, Hannah Brook and Tracie Brownlee of Allen Boone Humphries Robinson LLP ("ABHR").

DISCUSSION REGARDING BLUE RIDGE LANDFILL (THE "LANDFILL") ODOR MATTERS AND EFFORTS TO ENSURE COMPLIANCE OF THE LANDFILL'S TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ("TCEQ") PERMIT

BFB 1 Director Rozell and Director Fain introduced themselves and thanked the visitors for attending to provide comments regarding the Landfill. They acknowledged the Landfill is a very serious matter to the residents and Board of the District. Ms. Humphries and Ms. Brook summarized action taken by the Districts regarding attempts to ensure enforcement of the Landfill's permit to date.

Discussion ensued regarding the TCEQ's review of the Plan of Corrective Action (the "Plan") submitted by the Landfill as required by the TCEQ's Agreed Order. It was noted the TCEQ apparently has rejected two prior Plans. Director Slade indicated Representative Ron Reynolds, upon her request, agreed to provide a summary of his and Representative Ed Thompson's questioning of the TCEQ regarding the TCEQ's

Plan review and that any summary provided could be posted on the District's website. Ms. Humphries provided the Districts' website address to the audience.

In response to public comment, it was discussed that (1) TCEQ proceedings may last several years and the Landfill case might not be resolved before the District is dissolved; (2) the TCEQ determines the number of Plans the Landfill can submit and its review timeline; (3) Representative Ed Thompson has stated the Legislature is holding hearings to determine if more effective legislation could be enacted that would be applied to all Texas landfills to ensure safe operations; (4) the Texas Water Code prescribes what municipal utility districts ("MUD") can do, whereas the City is a "home rule" city, which has more latitude in their powers than the Districts to pursue opposition to the Landfill's violation; (5) the Districts' Presidents attended the TCEQ Landfill Hearing and requested, but were denied, the opportunity to review the Plan; (6) the City is required to test its water supply and such tests have indicated the water supply is safe to drink to date; (7) the Districts are responsible for financing the water, wastewater, and storm water non-plant infrastructure and the City is responsible for operating and maintaining it; (8) any odorous water or concerns for the safety of the water should be reported to the City; and (9) any health concerns believed to be the result of the Landfill might be pursued by a class action law suit against the Landfill with a private law firm.

In response to public comments, the Boards noted: (1) currently only one Shadow Creek Ranch ("SCR") resident serves on City Council; (2) attendance by SCR residents at City Council meetings is encouraged to request allocation of additional funds and more advocacy regarding the Landfill and other matters of interest or concern to SCR; and (3) February 16, 2018, is the deadline to apply for City Council and MUD candidacy.

CONVENE IN EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO CONDUCT A PRIVATE CONSULTATION WITH ATTORNEY TO DISCUSS MATTERS RELATED TO BLUE RIDGE LANDFILL

At 1:04 p.m., Director Fain announced that the Board would meet in executive session to conduct a private consultation with attorney and the BFB 1 Board to discuss pending or contemplated litigation related to Blue Ridge Landfill (the "Landfill"), including Texas commission on Environmental Quality ("TCEQ") monitoring regarding permit violations.

RECONVENE IN OPEN SESSION AND AUTHORIZE APPROPRIATE ACTION REGARDING THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE

At 1:53 p.m., Director Fain announced that the Board would re-convene in open session.

Director Slade left the meeting.

Ms. Ferguson entered the meeting.

Upon reconvening in open session, and based on a motion made by Director Fain and seconded by Director Prade, the Board unanimously authorized ABHR to prepare (1) a letter for presentation to City Council to request the City's aggressive pursuit of Landfill and allocation of appropriate funds; (2) a letter to the TCEQ requesting (i) enforcement of Agreed Order issued to the Landfill; (ii) review timeline for the Corrective Action Plan submitted by the Landfill; and (iii) the maximum number of Corrective Action Plans the Landfill is allowed to submit to the TCEQ; (3) letter to Representative Ed Thompson declaring the District's and BFB 1's readiness to help with the State Legislative Environmental Committee hearing; and (4) letter to City Councilman Trent Perez, as a member of the TCEQ Municipal Solid Waste Management and Resource and Recovery Council, requesting reports from his bi-weekly meetings regarding the Landfill.

There being no further business to come before the Board, the meeting was adjourned.

(SEAL)




Secretary, Board of Directors

ACTION LIST

1. ABHR will take all action as directed in the special session.