

BEXAR COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. TEN
8601 MIDCROWN
SAN ANTONIO, TEXAS 78239-2445

**REGULAR BOARD MEETING MINUTES
NOVEMBER 18, 2021**

CALL REGULAR BOARD MEETING TO ORDER AND TAKE ATTENDANCE AND PLEDGE OF ALLEGIANCE: The Regular Board Meeting of November 18, 2021, was called to order at 6:00 p.m. by the President of the Board, Ms. Alexander, at the City of Windcrest's Council Chambers, 8601 Midcrown Drive, Windcrest, Texas, for the purpose of considering the following agenda. The Board's President determined that a quorum was present. Board members present were Ms. Alexander, Mr. Richards, Ms. Snead, and Ms. Tuttle. Also, in attendance were David Wallace, General Manager and Erica Valladares, Attorney. Mr. Guerrero was absent.

I. **ANNOUNCEMENTS:** THE BOARD OF DIRECTORS OF THE BEXAR COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 10 WILL, DURING THE MEETING, CLOSE THE MEETING AND HOLD AN EXECUTIVE SESSION PURSUANT TO AND IN ACCORDANCE WITH CHAPTER 551 OF THE TEXAS OPEN MEETINGS ACT. THE BOARD OF DIRECTORS MAY, AT ANY TIME DURING THE MEETING, CLOSE THE MEETING AND HOLD AN EXECUTIVE SESSION FOR CONSULTATION WITH ITS ATTORNEYS CONCERNING ANY OF THE MATTERS TO BE CONSIDERED DURING THE MEETING PURSUANT TO CHAPTER 441 OF THE TEXAS OPEN MEETINGS ACT.

II. READ, CORRECT/AMEND, AND APPROVE THE REGULAR BOARD MEETING MINUTES OF OCTOBER 21, 2021. Ms. Tuttle made a motion to approve the minutes as written. This was seconded by Mr. Richards. Motion Passes.

4 YES 0 ABSTAIN 0 NO 1 ABSENT

III. ACCEPT VISITOR COMMENTS (STRICT 5 MINUTE TIME LIMIT PER VISITOR). VISITORS THAT WISH TO SPEAK MUST SIGN IN ON THE SIGN-UP SHEET LOCATED AT THE DOORWAY. VISITORS MUST SIGN IN BEFORE THE MEETING BEGINS. VISITOR COMMENTS WILL NOT BE ALLOWED / ACCEPTED AFTER THIS TIME. No Visitor Comments.

PUBLIC COMMENT STANDARD STATEMENT

The Board will now open the floor to members of the public for public comment. Individuals will be called in the order they registered on the sign-in sheet prior to the beginning of the meeting. While the Board welcomes comments and participation from the public, please be advised of the following guidelines:

- 1. Comments may relate to general matters involving the District or a specific item(s) on the Board's agenda.*
- 2. Comments shall be limited to five (5) minutes per individual.*
- 3. Comments relating to general matters involving the District shall be presented during the Public Comment Session at the beginning of the meeting.*
- 4. Comments relating to a specific item(s) on the Board's agenda may be presented either (a) during the Public Comment Session at the beginning of the meeting; or (b) during consideration of the specific agenda item(s).*
- 5. An individual shall register (by including name and address) on the sign-in sheet prior to the beginning of the meeting his/her choice to either comment (a) during the Public Comment Session at the beginning of the meeting or (b) during consideration of each specific agenda item(s).*

6. *At the Board's discretion, if five (5) or more individuals desire to comment on a specific item, such comments shall be limited to two (2) minutes per individual.*
 7. *No individual shall transfer his/her allotted time to comment to another individual.*
 8. *If (a) an individual needs a translator to translate his/her public comments, and (b) the Board is not providing translation equipment that allows the Board to hear translated public comments simultaneously, the comments of an individual using a translator shall be limited to ten (10) minutes per individual.*
 9. *Comments should be directed to the entire Board and not to one individual member of the Board.*
 10. *The Board strives to maintain open, courteous, and respectful communications with the public. Please extend the same courtesy to the Board when addressing your comments.*
 11. *While individuals are free to express their opinions, whether positive or critical of any act, omission, policy, procedure, program, or service of the District and/or the Board, the Board does expect that all individuals shall exercise decorum during the conduct of the meeting. Any individual engaging in disruptive behavior, including shouting, the use of vulgar language or gestures, or derogatory comments and statements intended to incite a breach of the peace, and/or preventing, interfering, or otherwise obstructing a lawfully called meeting, may be asked to leave the meeting.*
- Pursuant to Section 551.042 of the Texas Open Meetings Act, the Board may not deliberate or decide on any inquiry or concern raised by a member of the public or member of the Board that has not been posted on the agenda. The Board may, however, consider a proposal to place the subject on the agenda for a future meeting, or respond to a question presented to the Board if the response is limited to either a statement of specific factual, information or a recitation of existing policy.*

IV. CONSENT ITEMS:

A. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION ON A RESOLUTION RATIFYING THE GENERAL MANAGER'S PAYMENT TO FERGUSON WATERWORKS IN THE AMOUNT OF \$28,538.78 FOR THE PURCHASE OF WATER MAINS AND SUPPLIES FOR THE REPLACEMENT BY THE DISTRICT OF DISTRICT WATER MAINS CROSSING OVER WINDROCK DRIVE FOR THE DISTRICT'S WATER UTILITY SYSTEM AND WHICH IS INCLUDED IN THE DISTRICT'S 2020-2021 CAPITAL IMPROVEMENTS PLAN. (BCWCID10 CIP)

B. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION TO APPROVE THE 2021 DISTRICT HOLIDAY SCHEDULE.

C. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION ON A RESOLUTION APPROVING THE DISTRICT'S COMMITMENT TO ONLY WITHDRAW 1,250 ACRE-FEET OF GROUNDWATER FROM THE EDWARDS AQUIFER DURING THE YEAR 2022 OUT OF 1,625.325 ACRE-FEET OF GROUNDWATER THE DISTRICT IS PERMITTED TO ANNUALLY WITHDRAW FROM THE EDWARDS AQUIFER UNDER EDWARDS AQUIFER AUTHORITY (EAA) PERMIT NO. 100-053 (BE00028); AND AUTHORIZING AND DIRECTING THE GENERAL MANAGER TO NOTIFY THE EAA OF THE DISTRICT'S COMMITMENT TO ONLY WITHDRAW 1,250 ACRE-FEET OF GROUNDWATER FROM THE EDWARDS AQUIFER DURING THE YEAR 2022.

D. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION ON A RESOLUTION APPROVING A GROUNDWATER TRUST TRANSFER CONTRACT BETWEEN THE DISTRICT AND THE EDWARDS AQUIFER AUTHORITY (EAA) PROVIDING THAT THE DISTRICT WILL TRANSFER 375.325 ACRE-FEET OF GROUNDWATER OUT OF 1,625.325 ACRE-FEET OF

GROUNDWATER THE DISTRICT IS PERMITTED TO ANNUALLY WITHDRAW FROM THE EDWARDS AQUIFER UNDER EAA PERMIT NO. 100-053 (BE00028) TO THE EAA FOR ITS GROUNDWATER TRUST FOR THE YEAR 2022; AND AUTHORIZING AND DIRECTING THE GENERAL MANAGER TO EXECUTE THE GROUNDWATER TRUST TRANSFER CONTRACT BETWEEN THE DISTRICT AND THE EAA.

Mr. Richards made a motion to approve the Consent Items. This was seconded by Ms. Snead. Motion Passes.

4 YES 0 ABSTAIN 0 NO 1 ABSENT

V. ITEMS FOR INDIVIDUAL CONSIDERATION:

A. THE BOARD THE BOARD WILL DELIBERATE AND MAY TAKE ACTION TO ACCEPT THE RESIGNATION OF EDDIE GUERRERO AS BOARD DIRECTOR. Ms. Tuttle made a motion to accept the resignation of Mr. Guerrero. This was seconded by Ms. Snead. Motion Passes.

4 YES 0 ABSTAIN 0 NO 0 ABSENT

B. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION TO FILL THE VACANT BOARD OF DIRECTOR POSITION. The Board directed Mr. Wallace to put the Application For Vacant Director Position on the District's Website. The Application Deadline will be Friday, January 7, 2022, by 12:00 noon. The Directors will have Monday, January 10, 2022, through Wednesday, January 19, 2022, to look over the applicants. The applicant will be appointed to fill the term of Mr. Guerrero, at the Thursday, January 20, 2022, Regular Board Meeting.

C. A PRESENTATION BY THE GENERAL MANAGER AND THE DISTRICT'S ENGINEER REGARDING THE DISTRICT'S 2020 AND 2021 CAPITAL IMPROVEMENTS PLAN; AND BOARD DELIBERATION REGARDING THE DISTRICT'S 2020 AND 2021 CAPITAL IMPROVEMENTS PLAN.

D. THE BOARD WILL DISCUSS AND MAY TAKE ACTION ON A RESOLUTION APPROVING THE RATE WITH THE TEXAS COUNTY DISTRICT RETIREMENT SYSTEM FOR THE DISTRICT'S EMPLOYEE RETIREMENT PLAN FOR 2022. Mr. Richards made a motion to approve the TCDRS Retirement Plan for 2022. This was seconded by Ms. Snead. Motion Passes.

4 YES 0 ABSTAIN 0 NO 0 ABSENT

E. THE BOARD WILL DISCUSS AND MAY TAKE ACTION ON A RESOLUTION APPROVING AND ADOPTING THE DISTRICT'S 2022 BUDGET. Ms. Snead made a motion to approve the District's 2022 Budget. This was seconded by Mr. Richards. Motion Passes.

4 YES 0 ABSTAIN 0 NO 0 ABSENT

THE BOARD PRESIDENT DEVIATED FROM THE AGENDA AND WENT INTO EXECUTIVE SESSION. VIII, IV AND V EXECUTIVE SESSION

F. THE BOARD WILL DISCUSS AND MAY TAKE ACTION ON A RESOLUTION APPROVING THE 2021 SUSTAINED SUPERIOR PERFORMANCE (SSP) AWARDS FOR THE DISTRICT'S EMPLOYEES INCLUDING THE DISTRICT'S GENERAL MANAGER AS DETERMINED BY THE DISTRICT'S GENERAL MANAGER AND THE BOARD; AUTHORIZING AND DIRECTING THE GENERAL MANAGER TO PAY SUCH SUSTAINED SUPERIOR PERFORMANCE (SSP) AWARDS TO THE DISTRICT'S EMPLOYEES INCLUDING THE DISTRICT'S GENERAL MANAGER. Ms. Snead made a motion to approve the SSP Awards for the District Employees as requested by the General Manager and to deduct applicable taxes and deductions. The Directors gave the General Manager a \$3,000.00 SSP Award and deducted applicable taxes and deductions. Motion Passes.

4 YES 0 ABSTAIN 0 NO 0 ABSENT

G. THE BOARD WILL DISCUSS UPDATING THE DISTRICT'S CROSS-CONNECTION CONTROL AND BACKFLOW PREVENTION PROGRAM. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (T.C.E.Q.) HAS IMPLEMENTED RESIDENTIAL REQUIREMENTS ALONG WITH COMMERCIAL REQUIREMENTS.

VI. BRIEFING SESSION

A. STATEMENT OF OPERATIONS AND INVESTMENT REPORT. SUMMARY OF INCOME AND EXPENSES FOR PREVIOUS MONTH. IN-DEPTH REPORT ON AREAS THAT EXPERIENCED SIGNIFICANTLY HIGHER OR LOWER AMOUNTS THAN EXPECTED. UPDATE ON INVESTMENTS, INCLUDING BALANCES, RATES OF RETURN, MATURITY DATES, AND MARKET CONDITIONS.

1.	STATEMENT OF OPERATIONS:	<u>OCTOBER 2021</u>
	a. Operating Revenue:	\$ 237,459.66
	b. Operating Expenses:	\$ 223,026.11
	c. Operating Income	\$ 14,433.55
	d. Non-Operating Income	\$ 493.31
	e. Total Income	\$ 14,929.86
2.	INVESTMENT REPORT:	
	a. Operating Account Balance	\$1,217,719.90
	b. Investments:	\$ 834,811.57
	c. Grand Total	\$2,201,457.70

B. MANAGER'S REPORT. SUMMARY OF SIGNIFICANT ACTIVITY THAT AFFECTED OPERATIONS OR HAS POTENTIAL OF AFFECTING OPERATIONS. INCLUDES PERSONNEL UPDATE, SIGNIFICANT EXPENDITURES, WEATHER CONDITIONS, CAPITAL IMPROVEMENT PROJECT STATUS, OPERATIONAL STATISTICS, AND RESPONSES TO INQUIRIES FROM THE BOARD AND / OR VISITORS.

1.	SIGNIFICANT EXPENDITURES: (OVER \$5,000)	<u>OCTOBER 2021</u>
	SAWS Sewer Service /August	\$75,057.99
	EAA Management / Program Fee	\$11,337.28
2.	Water Usage Update: Our current pumpage for October 2021 was 26,262,000 gals, Total pumpage for the year is 832.45 acre/ft. The District's total Edwards permit is 1625.00 acre/ft. The Edwards Aquifer is currently around 666.0 ft. We are in NORMAL STAGE. We are currently pumping 810,000 gal/per/day.	
3.	We are still replacing old water meters that no longer function. This will be a normal operational procedure. We are starting replacement of broken and old	

gate valves throughout the system. Still replace bad curb-stops on meter change outs.

4. Working with the Engineers, Financial Advisors and Bond Counsel on 2021 - 2022 Capital Improvement Project plans.

VII. THE REGULAR SESSION OF THE NOVEMBER 18, 2021, REGULAR BOARD MEETING IS HEREBY RECESSED TO HOLD AN EXECUTIVE SESSION AND DISCUSS THE MATTERS LISTED BELOW PURSUANT TO SECTIONS 551.071 AND 552.074 OF THE TEXAS OPEN MEETINGS ACT. The Board went into Executive Session at 6:28 p.m.

VIII. EXECUTIVE SESSION

A. TO DELIBERATE THE EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF THE DISTRICT'S EMPLOYEES, AS AUTHORIZED BY TEXAS GOVERNMENT CODE § 551.074.

B. THE BOARD WILL CONSULT WITH THE DISTRICT'S LEGAL COUNSEL IN A CLOSED SESSION, AS AUTHORIZED BY TEXAS GOVERNMENT CODE § 551.071(2), TO DISCUSS AND SEEK ADVICE UPON ONE OR MORE MATTER(S) IN WHICH THE DUTY OF THE ATTORNEY TO THE DISTRICT UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH CHAPTER 551, TEXAS GOVERNMENT CODE.

****AS USED HEREIN, "CLOSED MEETING" SHALL HAVE THE DEFINITION ASCRIBED TO THAT TERM BY TEXAS GOVERNMENT CODE § 551.001. AS REQUIRED BY TEXAS GOVERNMENT CODE § 551.102, THE FINAL ACTION, DECISION, OR VOTE ON A MATTER DELIBERATED IN A CLOSED MEETING WILL BE MADE IN AN OPEN MEETING****

IX. THE REGULAR SESSION OF THE REGULAR BOARD MEETING OF NOVEMBER 18, 2021, IS HEREBY RECONVENED. The Board returned to Regular Session at 7:12 p.m.

X. OTHER BUSINESS BROUGHT BEFORE THE BOARD. (NO DELIBERATIONS AND / OR DECISION WILL OCCUR EXCEPT TO PLACE THE SUBJECT ON THE AGENDA FOR THE NEXT SCHEDULED BOARD MEETING AND GIVE STAFF TIME TO EVALUATE AND MAKE RECOMMENDATIONS. The Board President stated that our December Regular Board Meeting will be on December 9, 2021 (Second Thursday of the month) due to the Windcrest Light-Up. Notice that Sewer Averaging has begun. This is from November 19th through February 23rd.

XI. ADJOURNMENT. The Bexar County Water Control and Improvement District No. 10 Board of Directors Meeting of November 18, 2021, is hereby adjourned at 7:42 p.m.



DIANA TUTTLE, Secretary



BERTIE S ALEXANDER, President

Date: 12/9/2021