

# BEXAR COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. TEN

8601 MIDCROWN  
SAN ANTONIO, TEXAS 78239-2445

## REGULAR BOARD MEETING MINUTES JANUARY 20, 2022

CALL REGULAR BOARD MEETING TO ORDER AND TAKE ATTENDANCE AND PLEDGE OF ALLEGIANCE: The Regular Board Meeting of January 20, 2022, 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 was David Wallace, General Manager and Ruben Barrera, Attorney. We also had three (3) special guests. Mr. Rick Cockerham, Mr. Willy Nolan and Mr. Douglas Ray. These were the applicants for the vacant Board position.

- 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 DECEMBER 9, 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      0 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 DISTRICT GENERAL MANAGER'S PAYMENT TO FERGUSON WATERWORKS IN THE AMOUNT OF \$8,226.64 FOR THE PURCHASE OF WATER METERS FOR THE DISTRICT'S WATER UTILITY SYSTEM AND WHICH IS INCLUDED IN THE DISTRICT'S 2021-2022 CAPITAL IMPROVEMENTS PLAN. (BCWCID10 CIP)

B. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION ON A RESOLUTION RATIFYING THE DISTRICT GENERAL MANAGER'S PAYMENT TO FERGUSON WATERWORKS IN THE AMOUNT OF \$1,105.46 FOR THE PURCHASE OF A MANHOLE RISER AND LID FOR THE DISTRICT'S WATER UTILITY SYSTEM AND WHICH IS INCLUDED IN THE DISTRICT'S 2021-2022 CAPITAL IMPROVEMENTS PLAN. (BCWCID10 CIP)

C. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION ON A RESOLUTION RATIFYING THE DISTRICT GENERAL MANAGER'S PAYMENT TO CORE & MAIN IN THE AMOUNT OF \$1,635.34 FOR THE PURCHASE OF A WATER METER TO REPLACE THE METER AT THE WATERSHED CARWASH AS PART OF THE DISTRICT'S WATER UTILITY SYSTEM AND WHICH IS INCLUDED IN THE DISTRICT'S 2021-2022 CAPITAL IMPROVEMENTS PLAN. (BCWCID10 CIP)



D. THE BOARD WILL DISCUSS AND MAY TAKE ACTION ON A RESOLUTION APPROVING THE RENEWAL OF A CERTIFICATE OF DEPOSIT WITH SECURITY SERVICE FEDERAL CREDIT UNION WITH A CURRENT VALUE OF \$100,000.00 (AS OF DECEMBER 31, 2021) FOR ONE (1) YEAR; AND AUTHORIZING AND DIRECTING THE DISTRICT'S GENERAL MANAGER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY FOR THE RENEWAL OF THE CERTIFICATE OF DEPOSIT WITH SECURITY SERVICE FEDERAL CREDIT UNION WITH A CURRENT VALUE OF \$100,000.00 (AS OF DECEMBER 31, 2021) FOR ONE (1) YEAR.

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

4 YES 0 ABSTAIN 0 NO 0 ABSENT

V. ITEMS FOR INDIVIDUAL CONSIDERATION:

A. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION TO FILL THE VACANT BOARD OF DIRECTOR POSITION. The Board President gave each candidate the opportunity to speak for 5 minutes before the board.

***THE BOARD WENT INTO EXECUTIVE SESSION AT THIS TIME, VII, VIII, IX***

B. OATH OF OFFICE – SWEAR IN THE APPOINTED CANDIDATE TO FILL THE VACANT BOARD OF DIRECTOR POSITION. Mr. Richards made a motion to appoint a candidate to fill the vacant position. This was seconded by Ms. Snead.

The Board President asked that each Board Member give the name of the candidate that they chose to fill the vacant position.

Ms. Tuttle Rick Cockerham

Ms. Snead Willy Nolan

Mr. Richards Rick Cockerham

Ms. Alexander Rick Cockerham

Ms. Alexander stated that Rick Cockerham will fill the vacant Director position. The motion was approved.

4 YES 0 ABSTAIN 0 NO 0 ABSENT

Mr. Cockerham completed the Statement of Officer and was given the Oath of Office.

C. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION ON A RESOLUTION (A) EXERCISING THE DISTRICT'S OPTION TO EXTEND THE TERM OF THE LEASE AGREEMENT FOR AN ADDITIONAL FIVE (5) YEARS FROM AUGUST 1, 2022 TO JULY 31, 2027 ON THE SAME TERMS AND CONDITIONS OF THE LEASE AGREEMENT IN EXISTENCE AS OF JULY 31, 2022, SUBJECT TO THE TERMINATION GRACE PERIOD IN THE LEASE AGREEMENT; (B) APPROVING THE EXTENSION OF THE TERM OF THE LEASE AGREEMENT FOR AN ADDITIONAL FIVE (5) YEARS FROM AUGUST 1, 2022 TO JULY 31, 2027 ON THE SAME TERMS AND CONDITIONS OF THE LEASE AGREEMENT IN EXISTENCE AS OF JULY 31, 2022, SUBJECT TO THE TERMINATION GRACE PERIOD IN THE LEASE AGREEMENT; AND (C) AUTHORIZING AND DIRECTING THE DISTRICT'S



GENERAL MANAGER TO (I) NOTIFY THE CITY IN WRITING OF THE BOARD'S DECISION TO EXERCISE ITS OPTION TO EXTEND THE TERM OF THE LEASE AGREEMENT FOR AN ADDITIONAL FIVE (5) YEARS FROM AUGUST 1, 2022 TO JULY 31, 2027 ON THE SAME TERMS AND CONDITIONS OF THE LEASE AGREEMENT IN EXISTENCE AS OF JULY 31, 2022, SUBJECT TO THE TERMINATION GRACE PERIOD IN THE LEASE AGREEMENT; AND (II) EXECUTE ALL OTHER NECESSARY DOCUMENTS TO EXTEND THE TERM OF THE LEASE AGREEMENT FOR AN ADDITIONAL FIVE (5) YEARS FROM AUGUST 1, 2022 TO JULY 31, 2027 ON THE SAME TERMS AND CONDITIONS OF THE LEASE AGREEMENT IN EXISTENCE AS OF JULY 31, 2022, SUBJECT TO THE TERMINATION GRACE PERIOD IN THE LEASE AGREEMENT. Ms. Snead made a motion to approve this resolution. This was seconded by Mr. Richards. Motion passes.

5 YES 0 ABSTAIN 0 NO 0 ABSENT

D. A PRESENTATION BY THE DISTRICT'S 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.

E. A PRESENTATION BY THE DISTRICT'S GENERAL MANAGER REGARDING THE DISTRICT'S CROSS-CONNECTION & BACKFLOW PREVENTION PROGRAM AND BACKFLOW PREVENTION ASSEMBLY INSTALLATION STANDARDS; AND BOARD DELIBERATION REGARDING UPDATING AND/OR REVISING THE DISTRICT'S CROSS-CONNECTION & BACKFLOW PREVENTION PROGRAM AND BACKFLOW PREVENTION ASSEMBLY INSTALLATION STANDARDS.

## 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>DECEMBER 2021</u>
	a. Operating Revenue:	\$ 211,749.29
	b. Operating Expenses:	\$ 212,342.91
	c. Operating Income	\$ (593.62)
	d. Non-Operating Income	\$ 496.39
	e. Total Income	\$ (97.23)
2.	INVESTMENT REPORT:	
	a. Operating Account Balance	\$1,114,942.28
	b. Investments:	\$ 835,068.03
	c. Grand Total	\$2,168,826.54

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>DECEMBER 2021</u>
	SAWS Sewer Service /December	\$74,499.00



EAA Management / Program Fee \$11,337.28

2. Water Usage Update: Our current pumpage for December 2021 was 221,296,000 gals, Total pumpage for the year is 970.04 acre/ft. The District's total Edwards permit is 1625.00 acre/ft. The Edwards Aquifer is currently around 664 ft. We are in NORMAL STAGE. We are currently pumping 750,000 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 JANUARY 20 202, 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 recessed into Executive Session at 6:13 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 JANUARY 20, 2022, IS HEREBY RECONVENED. The Board reconvened into regular session at 6:28 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 reminded residents that sewer averaging ends on February 23, 2022. The Board President asked that the Office Manager check to see if we could have a Special Board Meeting in February to work on the finalization of the District's Personnel Policy.

XI. ADJOURNMENT. The Bexar County Water Control and Improvement District No. 10 Board of Directors Meeting of January 20, 2022, is hereby adjourned at 7:21 p.m.

Diana Tuttle  
DIANA TUTTLE, Secretary

Bertie S Alexander  
BERTIE S ALEXANDER, President

Date: 2/17/22