

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

REGULAR BOARD MEETING MINUTES
APRIL 21, 2022

CALL REGULAR BOARD MEETING TO ORDER AND TAKE ATTENDANCE AND PLEDGE OF ALLEGIANCE: The Regular Board Meeting of April 21, 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. Tuttle and Mr. Cockerham. Also, in attendance was David Wallace, General Manager, Ruben Barrera, Attorney and Leonard Young, Engineer. Ms. Snead was absent. Ms. Tuttle made a motion to approve Ms. Snead's absence. This was seconded by Mr. Richards. Motion Passes.

4 YES 0 ABSTAIN 0 NO 1 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 MARCH 17, 2022. 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. READ, CORRECT/AMEND, AND APPROVE THE SPECIAL BOARD MEETING MINUTES OF APRIL 7, 2022. Mr. Cockerham 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

IV. 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.*

BOARD PRESIDENT DEVIATED FROM THE AGENDA AND THE BOARD WENT INTO EXECUTIVE SESSION AT THIS POINT. ITEMS VII, VIII AND IX.

V. CONSENT ITEMS:

A. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION ON A RESOLUTION RATIFYING THE DISTRICT GENERAL MANAGER'S PAYMENT TO SUNBELT RENTALS IN THE AMOUNT OF \$2,355.89 FOR THE RENTAL OF EXCAVATOR BUCKET COMPACTOR EQUIPMENT TO BE USED FOR EXCAVATION OF THE WATER LINE CROSSINGS ON WINDROCK DRIVE FOR THE INSTALLATION OF NEW WATER LINES ON WINDROCK DRIVE THAT WILL BECOME PART OF 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 UNITED RENTALS IN THE AMOUNT OF \$683.38 FOR RENTAL OF EQUIPMENT TO BE USED FOR THE EXCAVATION OF THE WATER LINE CROSSINGS ON WINDROCK DRIVE FOR THE INSTALLATION OF NEW WATER LINES ON WINDROCK DRIVE THAT WILL BECOME PART OF 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 FERGUSON WATERWORKS IN THE AMOUNT OF \$2,675.92 FOR THE PURCHASE OF PARTS AND SUPPLIES TO BE USED IN THE WATER LINE CROSSINGS ON WINDROCK DRIVE IN CONNECTION WITH THE INSTALLATION OF NEW WATER LINES ON WINDROCK DRIVE THAT WILL BECOME 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 DELIBERATE AND MAY TAKE ACTION ON A RESOLUTION RATIFYING THE DISTRICT GENERAL MANAGER'S PAYMENT TO ACT PIPE & SUPPLY IN THE AMOUNT OF \$1,045.90 FOR THE PURCHASE OF PARTS AND SUPPLIES TO BE USED IN THE WATER LINE CROSSINGS ON WINDROCK DRIVE IN CONNECTION WITH THE INSTALLATION OF NEW WATER LINES ON WINDROCK DRIVE THAT WILL BECOME PART OF THE DISTRICT'S WATER UTILITY SYSTEM AND WHICH IS INCLUDED IN THE DISTRICT'S 2021-2022 CAPITAL IMPROVEMENTS PLAN. (BCWCID10 CIP)

E. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION ON A RESOLUTION RATIFYING THE DISTRICT GENERAL MANAGER'S PAYMENT TO ACT PIPE & SUPPLY IN THE AMOUNT OF \$684.20 FOR THE PURCHASE OF PARTS AND SUPPLIES TO BE USED IN THE WATER LINE CROSSINGS ON WINDROCK DRIVE IN CONNECTION WITH THE INSTALLATION OF NEW WATER LINES ON WINDROCK DRIVE THAT WILL BECOME PART OF THE DISTRICT'S WATER UTILITY SYSTEM AND WHICH IS INCLUDED IN THE DISTRICT'S 2021-2022 CAPITAL IMPROVEMENTS PLAN. (BCWCID10 CIP)

F. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION ON A RESOLUTION RATIFYING THE DISTRICT GENERAL MANAGER'S PAYMENT TO BLUE 42, LLC IN THE AMOUNT OF \$30,160.00 FOR COMPLETED CONTRACT LABOR IN CONNECTION WITH THE EXCAVATION OF THE WATER LINE CROSSINGS ON WINDROCK DRIVE AND THE INSTALLATION OF NEW WATER LINES ON WINDROCK DRIVE THAT WILL BECOME PART OF THE DISTRICT'S WATER UTILITY SYSTEM AND WHICH IS INCLUDED IN THE DISTRICT'S 2021-2022 CAPITAL IMPROVEMENTS PLAN. (BCWCID10 CIP)

Mr. Richards made a motion to approve the consent agenda items. This was seconded by Mr. Cockerham. Motion was approved.

4 YES 0 ABSTAIN 0 NO 1 ABSENT

VI. ITEMS FOR INDIVIDUAL CONSIDERATION:

A. PRESENTATION BY THE DISTRICT'S GENERAL MANAGER AND THE DISTRICT'S ENGINEER REGARDING THE DISTRICT'S 2021 AND 2022 CAPITAL IMPROVEMENTS PLAN; AND BOARD DELIBERATION REGARDING THE DISTRICT'S 2021 AND 2022 CAPITAL IMPROVEMENTS PLAN.

B. THE BOARD WILL DISCUSS AND MAY TAKE ACTION ON A RESOLUTION APPROVING AND ADOPTING THE DISTRICT'S PERSONNEL POLICY. Mr. Cockerham made a motion to approve this Resolution. This was seconded by Mr. Richards. Motion passes.

4 YES 0 ABSTAIN 0 NO 1 ABSENT

C. THE BOARD WILL DISCUSS AND RECEIVE AN UPDATE ON THE ACTION THAT THE DISTRICT GENERAL MANAGER HAS DONE REGARDING THE LOSS OF POWER AT CITY HALL DURING THE FEBRUARY 3, 2022, FREEZE CAUSING THE DISTRICT'S SCADA SYSTEM TO BECOME DISABLED AT A CRITICAL TIME, AND MAY TAKE ACTION ON AVAILABLE OPTIONS TO PREVENT FUTURE LOSSES OF POWER AT CITY HALL AND THE DISABLING OF THE DISTRICT'S SCADA SYSTEM. The Board President instructed the District's General Manager to meet with the District's Attorney to discuss recourse options to be taken to address the power situation at City Hall.

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>MARCH 2022</u>
	a. Operating Revenue:	\$ 206,578.16
	b. Operating Expenses:	\$ 198,029.28
	c. Operating Income	\$ 8,548.88
	d. Non-Operating Income	\$ 405.97
	e. Total Income	\$ 8,954.85
2.	INVESTMENT REPORT:	
	a. Operating Account Balance	\$1,134,852.78
	b. Investments:	\$ 835,657.32
	c. Grand Total	\$1,989,598.60

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>MARCH 2022</u>
	SAWS Sewer Service /February	\$74,833.04
	EAA Management / Program Fee	\$ 9,725.00
2.	Water Usage Update: Our current pumpage for March 2022 was 25,600,000 gals, Total pumpage for the year is 205.00 acre/ft. The District's total Edwards permit is 1625.00 acre/ft. The Edwards Aquifer is currently around 647.5 ft. We are in STAGE I Restrictions. We are currently pumping 1,000,000 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, on 2022 Capital Improvement Projects.

VII. THE REGULAR SESSION OF THE APRIL 21 202, 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 went into Executive Session at 6:01 p.m.

VIII. EXECUTIVE SESSION

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

B. TO CONSULT WITH AND SEEK ADVICE FROM THE DISTRICT'S ATTORNEYS REGARDING PENDING LITIGATION NUMBERED AND STYLED AS CAUSE NO. 2022CI06877; CITY OF WINDCREST, TEXAS, PLAINTIFF, VS. BEXAR COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 10; SUE ALEXANDER, IN HER OFFICIAL CAPACITY AS BOARD PRESIDENT; FERNANDO RICHARDS, JR., IN HIS OFFICIAL CAPACITY AS BOARD VICE-PRESIDENT; EUGENIA SNEAD, IN HER OFFICIAL CAPACITY AS BOARD TREASURER; DIANA TUTTLE, IN HER OFFICIAL CAPACITY AS BOARD SECRETARY; AND RICK COCKERHAM, IN HIS OFFICIAL CAPACITY AS BOARD DIRECTOR, DEFENDANTS; IN THE DISTRICT COURT, 225TH JUDICIAL DISTRICT, BEXAR COUNTY, TEXAS; AS AUTHORIZED BY TEXAS GOVERNMENT CODE § 551.071(1)(A)

C. 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 APRIL 21, 2022, IS HEREBY RECONVENED. The Board reconvened into Regular session at 6:56 p.m.

THE BOARD PRESIDENT RETURNED TO AGENDA ITEM V.

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.

XI. ADJOURNMENT. The Bexar County Water Control and Improvement District No. 10 Board of Directors Meeting of April 21, 2022, is hereby adjourned at 7.25[p.m.


DIANA TUTTLE, Secretary


BERTIE S ALEXANDER, President

Date: _____