

**BEXAR COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. TEN**

8601 MIDCROWN  
SAN ANTONIO, TEXAS 78239-2445

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**REGULAR BOARD MEETING MINUTES  
NOVEMBER 17, 2022**

CALL REGULAR BOARD MEETING TO ORDER AND TAKE ATTENDANCE AND PLEDGE OF ALLEGIANCE: The Regular Board Meeting of November 17, 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 Mr. Cockerham. Also, in attendance was David Wallace, General Manager and Ruben Barrera, Attorney.

- 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 20, 2022.

Mr. Richards mentioned correction to VIB #3 "replacing". Ms. Snead made a motion to approve the minutes with correction. This was seconded by Mr. Richards. Motion carried.

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 visitors spoke.

**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. THE BOARD WILL CONSIDER THE RESULTS OF THE NOVEMBER 8, 2022 ELECTION OF DISTRICT BOARD MEMBERS, AND MAY TAKE ACTION TO CANVASS AND CERTIFY THE RESULTS OF THE NOVEMBER 8, 2022 ELECTION.

Canvassed Results of Board Election:

Rick Cockerham	876
Adam Astleford	731
Sue Alexander	1,336
Eugenia Snead	864

Mr. Wallace, Elections Officer, recommended that Mr. Cockerham, Ms. Snead and Ms. Alexander be declared the winners of the November 8, 2022 Election.

Ms. Snead made a motion to accept the Elections Officer's recommendation. This was seconded by Mr. Cockerham.

4 YES 0 ABSTAIN 0 NO 0 ABSENT

V. OATH OF OFFICE: SWEAR IN ELECTED BOARD MEMBERS FROM THE NOVEMBER 8, 2022 ELECTION.

VI. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION TO FILL THE VACANT BOARD OF DIRECTOR POSITION.

Applicants: Monica J. Baietti, Ann Marie Arnicar and Belinda Hill-Herbst.

Ms. Snead made a motion to nominate all applicants. Mr. Richards seconded this motion.

4 YES 0 ABSTAIN 0 NO 0 ABSENT

The applicants had the opportunity to speak before the Board. The Board President stated that the Board would then vote on the candidate of their choice. There must be a vote of three (3) for the candidate to fill the vacant position.

<b>VOTE 1</b>	<b>BCWCID 10 Director</b>	<b>Candidate</b>
	Mr. Richards	Ms. Baietti
	Ms. Snead	Ms. Arnicar
	Ms. Alexander	Ms. Hill-Herbst
	Mr. Cockerham	Ms. Hill-Herbst

<b>VOTE 2</b>	<b>BCWCID 10 Director</b>	<b>Candidate</b>
	Mr. Richards	Ms. Baietti
	Ms. Snead	Ms. Arnicar
	Ms. Alexander	Ms. Hill-Herbst
	Mr. Cockerham	Ms. Hill-Herbst

The Board Attorney indicated that the Board of Directors would need to continue voting until a candidate was chosen. The attorney stated that the Board could ask additional questions of the candidates, if needed.

<b>VOTE 3</b>	<b>BCWCID 10 Director</b>	<b>Candidate</b>
	Mr. Cockerham	Ms. Hill-Herbst
	Ms. Alexander	Ms. Hill-Herbst
	Ms. Snead	Ms. Arnicar
	Mr. Richards	Ms. Baietti

Mr. Cockerham asked if the Board could discuss the matter in private. The District Attorney advised that the Board could only discuss specific legal issues related to the selection of a Board member in executive session. All other debate and discussion must be in front of the public.

Ms. Baietti asked for the vote tally. At this time, Ms. Baietti withdrew her application for the Board position.

<b>VOTE 4</b>	<b>BCWCID 10 Director</b>	<b>Candidate</b>
	Mr. Richards	Ms. Arnicar
	Ms. Snead	Ms. Arnicar
	Ms. Alexander	Ms. Hill-Herbst
	Mr. Cockerham	Ms. Hill-Herbst

Ms. Alexander asked the Board to take a few minutes to review the candidates before holding another vote. Mr. Cockerham asked if the Board could come back to the issue later in the meeting. The District Attorney confirmed that this would be okay.

**THE BOARD MOVED TO AGENDA ITEM IX. CONSENT ITEMS.**

The Board President called for another vote to be taken:

<b>VOTE 5</b>	<b>BCWCID 10 Director</b>	<b>Candidate</b>
	Mr. Cockerham	Ms. Hill-Herbst
	Ms. Snead	Ms. Arnicar
	Mr. Richards	Ms. Arnicar
	Ms. Alexander	Ms. Arnicar

Ms. Snead made a motion to appoint Ms. Arnicar to fill the vacant board position. This was seconded by Mr. Cockerham. Motion carried.

4 YES 0 ABSTAIN 0 NO 0 ABSENT

VII. OATH OF OFFICE: SWEAR IN APPOINTED BOARD MEMBER TO FILL THE VACANT BOARD POSITION. Ms. Arnicar was sworn in as a board director.

VIII. BOARD MEMBERS WILL CONDUCT AN ELECTION OF DISTRICT OFFICERS. DIRECTORS WILL NOMINATE AND VOTE FOR:

A. PRESIDENT – Ms. Alexander

Ms. Snead nominated Ms. Alexander to fill the position of President of the Board. This was seconded by Mr. Richards. Motion carried.

5 YES 0 ABSTAIN 0 NO 0 ABSENT

B. VICE PRESIDENT – Ms. Snead

Ms. Alexander nominated Ms. Snead to fill the position of Vice President of the Board. This was seconded by Mr. Cockerham. Motion carried.

5 YES 0 ABSTAIN 0 NO 0 ABSENT

C. SECRETARY – Ms. Arnicar

Mr. Cockerham nominated Ms. Arnicar to fill the position of Secretary of the Board. This was seconded by Ms. Snead. Motion carried.

5 YES 0 ABSTAIN 0 NO 0 ABSENT

D. TREASURER – Mr. Richards

Ms. Alexander nominated Mr. Richards to fill the position of Treasurer of the Board. This was seconded by Ms. Snead. Motion carried.

5 YES 0 ABSTAIN 0 NO 0 ABSENT

IX. CONSENT ITEMS:

A. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION ON A RESOLUTION APPROVING THE RATIFICATION OF THE DISTRICT GENERAL MANAGER'S PAYMENT TO FERGUSON WATERWORKS IN THE AMOUNT OF \$6,660.00 FOR THE PURCHASE OF METERS THAT WILL BECOME PART OF THE DISTRICT'S WATER UTILITY SYSTEM WHICH IS INCLUDED IN THE DISTRICT'S 2022 - 2023 CAPITAL IMPROVEMENTS PLAN. (BCWCID10 CIP)

B. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION ON A RESOLUTION APPROVING THE RATIFICATION OF THE DISTRICT GENERAL MANAGER'S PAYMENT TO REPUBLIC SERVICES IN THE AMOUNT OF \$2,281.07 FOR EQUIPMENT RENTAL FOR THE REMOVAL OF SOIL FROM THE WATER LINES IN CONNECTION WITH THE INSTALLATION OF NEW WATER LINES WITHIN THE DISTRICT THAT WILL BECOME PART OF THE DISTRICT'S WATER UTILITY SYSTEM WHICH IS INCLUDED IN THE DISTRICT'S 2022 -2023 CAPITAL IMPROVEMENTS PLAN. (BCWCID10 CIP)

C. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION TO APPROVE THE 2023 DISTRICT HOLIDAY SCHEDULE.

D. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION ON A RESOLUTION APPROVING THE DISTRICT'S COMMITMENT TO ONLY WITHDRAW 1,300 ACRE-FEET OF GROUNDWATER FROM THE EDWARDS AQUIFER DURING THE YEAR 2023 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. P100-053 (BE00028); AND AUTHORIZING AND DIRECTING THE GENERAL MANAGER TO NOTIFY THE EAA OF THE DISTRICT'S COMMITMENT TO ONLY WITHDRAW 1,300 ACRE-FEET OF GROUNDWATER FROM THE EDWARDS AQUIFER DURING THE YEAR 2023.

E. 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 325.325 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. P100-053 (BE00028) TO THE EAA FOR ITS GROUNDWATER TRUST FOR THE YEAR 2023; AND AUTHORIZING AND DIRECTING THE GENERAL MANAGER TO EXECUTE THE GROUNDWATER TRUST TRANSFER CONTRACT BETWEEN THE DISTRICT AND THE EAA.

Mr. Cockerham made a motion to approve the Consent Agenda Items. This was seconded by Mr. Richards. Motion carried.

4 YES 0 ABSTAIN 0 NO 0 ABSENT

X. ITEMS FOR INDIVIDUAL CONSIDERATION:

A. A PRESENTATION BY THE GENERAL MANAGER AND THE DISTRICT'S ENGINEER REGARDING THE DISTRICT'S 2021 AND 2022 CAPITAL IMPROVEMENTS PLAN; AND BOARD DELIBERATION REGARDING THE DISTRICT'S 2022 AND 2023 CAPITAL IMPROVEMENTS PLAN.

B. THE BOARD WILL DISCUSS AND MAY TAKE ACTION ON A RESOLUTION APPROVING AND ADOPTING THE RATE WITH THE TEXAS COUNTY DISTRICT RETIREMENT SYSTEM FOR THE DISTRICT'S EMPLOYEE RETIREMENT PLAN FOR 2023.

Mr. Richards made a motion to approve this resolution. This was seconded by Ms. Snead. Motion carried.

4 YES 0 ABSTAIN 0 NO 0 ABSENT

C. THE BOARD WILL DISCUSS AND MAY TAKE ACTION ON A RESOLUTION APPROVING AND ADOPTING THE DISTRICT'S 2023 BUDGET.

Mr. Cockerham made a motion to approve this resolution. This was seconded by Ms. Snead. Motion carried.

4 YES 0 ABSTAIN 0 NO 0 ABSENT

**THE BOARD PRESIDENT WENT INTO EXECUTIVE SESSION. AGENDA ITEMS VII, VIII & IX.**

D. THE BOARD WILL DISCUSS AND MAY TAKE ACTION ON A RESOLUTION APPROVING THE 2022 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. This was seconded by Mr. Richards. Motion carried.

4 YES 0 ABSTAIN 0 NO 0 ABSENT

XI. 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 2022</u>
	a. Operating Revenue:	\$ 274,274.20
	b. Operating Expenses:	\$ 176,210.32
	c. Operating Income	\$ 98,063.88
	d. Non-Operating Income	\$ 517.82
	e. Total Income	\$ 98,581.70
2.	INVESTMENT REPORT:	
	a. Operating Account Balance	\$1,285,150.76
	b. Investments:	\$ 836,933.64
	c. Grand Total	\$2,313,741.30

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.

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|----|---|---------------------|
| 1. | SIGNIFICANT EXPENDITURES: (OVER \$5,000)            | <u>OCTOBER 2022</u> |
|    | SAWS                      Sewer Service /October    | \$79,319.10         |
|    | EAA                        Management / Program Fee | \$ 9,275.00         |
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2. Water Usage Update: Our current pumpage for October 2022 was 29,788,000 gals, Total pumpage for the year is 896.74 acre/ft. The District's total Edwards permit is 1625.00 acre/ft. The Edwards Aquifer is currently around 634.00 ft. We are in STAGE I Restrictions. We are currently pumping 850,000 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 replacing bad curb-stops on meter change outs.
  4. Working with the Engineers, on 2022-2023 Capital Improvement Projects. We are working on replacing service connections on Spindrift off Windrock.

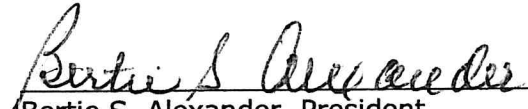
**THE BOARD PRESIDENT WENT BACK TO AGENDA ITEM VI.**

- VII. THE REGULAR SESSION OF THE NOVEMBER 17, 2022, 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. Board went into executive session at 6:26 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. 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 17, 2022, IS HEREBY RECONVENED. The Board came back into Regular session at 6:54 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.

XI. ADJOURNMENT. The Bexar County Water Control and Improvement District No. 10 Board of Directors Meeting of November 17 2022, is hereby adjourned at 7:15 p.m.

  
Ann Marie Arnicar, Secretary

  
Bertie S. Alexander, President

Date: 12/8/2022