

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

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REGULAR BOARD MEETING MINUTES  
FEBRUARY 16, 2023

CALL REGULAR BOARD MEETING TO ORDER AND TAKE ATTENDANCE AND PLEDGE OF ALLEGIANCE: The Regular Board Meeting of February 16, 2023, 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, Mr. Cockerham and Ms. Arnicar. Also, in attendance was David Wallace, General Manager, Ruben Barrera, Attorney, Leonard Young, Engineer and Mr. Matt Welch.

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 JANUARY 19, 2023.

Mr. Cockerham motioned to approve the minutes as written. Mr. Richards seconded this motion. Motion carried.

5 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. CONSENT ITEM:

A. THE BOARD WILL DISCUSS AND MAY TAKE ACTION ON A RESOLUTION APPROVING THE RENEWAL OF A CERTIFICATE OF DEPOSIT IN THE AMOUNT OF \$124,174.95 (AS OF JANUARY 31, 2023) FOR ONE (1) YEAR WITH FIRST MARK CREDIT UNION; AUTHORIZING AND DIRECTING THE GENERAL MANAGER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY FOR THE RENEWAL OF A CERTIFICATE OF DEPOSIT IN THE AMOUNT OF \$124,174.95 (AS OF JANUARY 31, 2023) FOR ONE (1) YEAR WITH FIRST MARK CREDIT UNION.

Ms. Arnicar made a motion to approve the Consent Agenda Item. Ms. Snead seconded this motion. Motion carried.

5 YES 0 ABSTAIN 0 NO 0 ABSENT

V. ITEMS FOR INDIVIDUAL CONSIDERATION:

A. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION ON A REQUEST FROM MATT WELCH OF 8714 TEAL WAY FOR A WATER LEAK BILL ADJUSTMENT.

Mr. Richards made a motion to approve a second reduction of 20% in the amount of \$704.77. With the agreement that the resident pays their regular bill plus an extra \$58.00 monthly until the leak portion of their bill is, paid in full. Ms. Snead seconded this motion. Motion carried.

5 YES 0 ABSTAIN 0 NO 0 ABSENT

B. A PRESENTATION BY THE GENERAL MANAGER AND THE DISTRICT'S ENGINEER REGARDING THE DISTRICT'S 2023 AND 2024 CAPITAL IMPROVEMENTS PLAN; AND BOARD DELIBERATION REGARDING THE DISTRICT'S 2023 AND 2024 CAPITAL IMPROVEMENTS PLAN.

C. THE BOARD WILL DISCUSS AND MAY TAKE ACTION ON THE USE OF THE CEMENT PAD NEXT TO THE DISTRICT'S WELL #3 (470 FAIRCREST / CITY HALL) FOR PARKING THE DISTRICT'S GENERATOR FOR EMERGENCY SITUATIONS.

The Board directed the General Manager to contact the Windcrest City Manager regarding the use of the concrete pad next to well #3 for the purpose of parking the District's generator in the case of an emergency.

D. THE BOARD WILL DISCUSS AND MAY TAKE ACTION ON THE APPOINTMENT OF A COMMITTEE TO SEARCH FOR, INTERVIEW AND RECOMMEND A NEW AUDIT FIRM FOR THE DISTRICT'S 2023 AUDIT.

The Board President appointed Directors Ms. Snead and Ms. Arnicar to serve on this committee. Also, appointed were Mr. Wallace, General Manager and Ms. Cruz, Office Manager.

Ms. Alexander made a motion to appoint Ms. Snead, Ms. Arnicar, Mr. Wallace, and Ms. Cruz to this committee. The committee is to search for and, interview Audit Firms for the District's annual 2023 audit and present their recommendation to the Board no later than the July 2023 board meeting. Ms. Arnicar seconded this motion.

5 YES 0 ABSTAIN 0 NO 0 ABSENT

## 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>JANUARY 2023</u>
	a. Operating Revenue:	\$ 249,423.45
	b. Operating Expenses:	\$ 186,329.61
	c. Operating Income	\$ 63,093.84
	d. Non-Operating Income	\$ 1,564.66
	e. Total Income	\$ 64,658.50
2.	INVESTMENT REPORT:	
	a. Operating Account Balance	\$1,311,267.95
	b. Investments:	\$ 837,948.26
	c. Grand Total	\$2,451,881.31

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>JANUARY 2023</u>
	SAWS Sewer Service /January	\$ 74,219.02
	EAA Management / Program Fee	\$ 0.00

2. Water Usage Update: Our current pumpage for January 2023 was 26,028,000 gals, Total pumpage for the year is 79.87 acre/ft. The District's total Edwards permit is 1625.00 acre/ft. The Edwards Aquifer is currently around 638.00 ft. We are in STAGE I Restrictions. We are currently pumping 600,000 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. Next Project is painting the storage tank by the swimming pool.

VII. THE REGULAR SESSION OF THE JANUARY 19, 2023, 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 did not go into Executive Session.

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 JANUARY 19, 2023, IS HEREBY RECONVENED. The Board did not go into Executive Session.

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 mentioned that sewer averaging will conclude February 23<sup>rd</sup>. The painting of the storage tank will be completed by March 1<sup>st</sup> and will be available for refill, if there are no issues, by April 1<sup>st</sup>.

XI. ADJOURNMENT. The Bexar County Water Control and Improvement District No. 10 Board of Directors Meeting of February 16, 2023, is hereby adjourned at 7:05 p.m.

  
Ann Marie Arnicar, Secretary

  
Bertie S. Alexander, President

Date: 16 March 20 23