

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

REGULAR BOARD MEETING MINUTES
JULY 20, 2023

CALL REGULAR BOARD MEETING TO ORDER AND TAKE ATTENDANCE AND PLEDGE OF ALLEGIANCE: The Regular Board Meeting of July 20, 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 Vice President determined that a quorum was present. Board members present were Ms. Alexander, Ms. Snead, Mr. Richards, Mr. Cockerham and Ms. Arnicar. Also, in attendance was David Wallace, General Manager, Ruben Barrera, Attorney and Leonard Young, Engineer.

- 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 JUNE 15, 2023.

Mr. Cockerham made a motion to approve the minutes as written. Ms. Snead 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 DELIBERATE AND MAY TAKE ACTION ON A RESOLUTION APPROVING THE RATIFICATION OF THE DISTRICT GENERAL MANAGER'S PAYMENT TO AJ'S PAVING, LLC IN THE AMOUNT OF \$16,800.00 FOR THE INSTALLATION OF WATER T AND VALVES DUE TO A WATER LEAK ON WILLMON WAY AND REPAIR OF THE SEWER MAIN ON MIDCROWN DRIVE AT CITY HALL THAT WILL BECOME PART OF THE DISTRICT'S WATER AND SEWER UTILITY SYSTEM AND WHICH IS INCLUDED IN THE DISTRICT'S 2023 CAPITAL IMPROVEMENTS PLAN. (BCWCID10 CIP)

B. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION ON THE RATIFICATION OF THE DISTRICT GENERAL MANAGER'S DECISION TO GO INTO STAGE III WATER RESTRICTIONS BEGINNING JULY 12, 2023.

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

5 YES 0 ABSTAIN 0 NO 0 ABSENT

V. ITEMS FOR INDIVIDUAL CONSIDERATION:

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

B. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION ON A RESOLUTION AUTHORIZING AND DIRECTING THE GENERAL MANAGER TO MAKE A PAYMENT IN AN AMOUNT NOT TO EXCEED \$29,811.52 TO THE EDWARDS AQUIFER AUTHORITY FOR EXCEEDING THE DISTRICT'S 2022 AUTHORIZED GROUNDWATER WITHDRAWALS BY 117.739 ACRE-FEET.

Ms. Snead made a motion to Table this item. Mr. Richards seconded this motion. Motion carried.

5 YES 0 ABSTAIN 0 NO 0 ABSENT

C. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION AUTHORIZING AND DIRECTING THE GENERAL MANAGER TO REQUEST FROM THE CITY OF WINDCREST THE REMAINING 7.9 ACRE-FEET OF WATER RIGHTS THAT THE CITY HAD LEFT FROM 2022 TO REDUCE THE DISTRICT'S ACRE-FOOT AMOUNT THAT EXCEEDED THE 2022 AUTHORIZED GROUNDWATER WITHDRAWALS BY 117.739 ACRE-FEET.

Mr. Richards made a motion to approve this item. Ms. Snead seconded this motion. Motion carried.

5 YES 0 ABSTAIN 0 NO 0 ABSENT

D. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION AUTHORIZING AND DIRECTING THE GENERAL MANAGER TO CONTACT THE EDWARDS AQUIFER AUTHORITY (EAA) AND REQUEST (1) A REDUCTION OF THE EAA FEES ASSESSED AGAINST THE DISTRICT ARISING FROM THE DISTRICT'S OVER PUMPING DURING 2022; (2) A RELEASE OF THE DISTRICT FROM THE 2022 EAA GROUNDWATER TRUST TRANSFER CONTRACT; (3) A RELEASE OF THE DISTRICT FROM THE 2023 EAA GROUNDWATER TRUST TRANSFER CONTRACT AND THAT THE 375.325 ACRE-FEET OF WATER RIGHTS THAT THE DISTRICT TRANSFERRED TO THE EAA GROUNDWATER TRUST PURSUANT TO THE 2023 EAA GROUNDWATER TRUST TRANSFER CONTRACT BE RETURNED BY THE EAA TO THE DISTRICT FOR THE DISTRICT'S USE IN 2023.

Ms. Arnicar made a motion to approve this item with stipulation of 1) Counteroffer of \$84.00 per AF for 117.739 AF overage, 2) Request that the EAA release of the District from the 2022 EAA Groundwater Trust Contract, 3) Request that the EAA return the District's Groundwater Trust Transfer of 375.325 AF of water rights for 2023. Mr. Cockerham seconded this motion. Motion carried.

5 YES 0 ABSTAIN 0 NO 0 ABSENT

E. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION ON A RESOLUTION APPROVING AN INCREASE OF THE DISTRICT'S EDWARDS AQUIFER AUTHORITY (EAA) FEE FROM .3600 PER CCF TO .4500 PER CCF FOR THE MONTHLY USAGE FOR ALL RESIDENTIAL AND COMMERCIAL CUSTOMERS TO BECOME EFFECTIVE AUGUST 23, 2023

Ms. Snead made a motion to approve this item. Mr. Richards seconded this motion. Motion carried.

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>JUNE 2023</u>
	a. Operating Revenue:	\$ 234,332.78
	b. Operating Expenses:	\$ 156,993.54
	c. Operating Income	\$ 77,339.24
	d. Non-Operating Income	\$ 785.08
	e. Total Income	\$ 78,124.32
2.	INVESTMENT REPORT:	
	a. Operating Account Balance	\$ 934,136.42
	b. Investments:	\$1,118,519.88
	c. Grand Total	\$2,202,151.77

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>JUNE 2023</u>
	SAWS Sewer Service /June	\$ 70,902.54
	EAA Management / Program Fee	\$ 9,102.27

2. Water Usage Update: Our current pumpage for June 2023 was 28,620,000 gals, Total pumpage for the year is 446.03 acre/ft. The District's total Edwards permit is 1625.00 acre/ft. The Edwards Aquifer is currently around 628.75 ft. We are in STAGE I Restrictions. We are currently pumping 1,200,000 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 2023-2024 Capital Improvement Projects.

VII. THE REGULAR SESSION OF JULY 20, 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 went into Executive Session at 6:30 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.

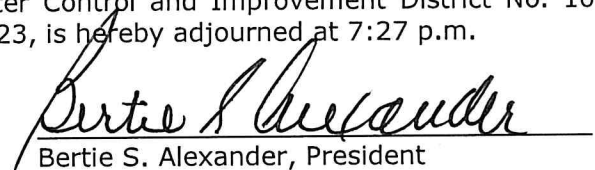
B. TO CONSULT WITH THE DISTRICT'S LEGAL COUNSEL REGARDING LEGAL ISSUES INVOLVING (1) PAYMENT OF THE EDWARDS AQUIFER AUTHORITY (EAA) FEES FOR EXCEEDING THE DISTRICT'S 2022 AUTHORIZED GROUNDWATER WITHDRAWALS BY 117.739 ACRE-FEET; (2) A REQUEST TO THE CITY OF WINDCREST FOR THE REMAINING 7.9 ACRE-FEET OF WATER RIGHTS THAT THE CITY HAD LEFT FROM 2022 TO REDUCE THE DISTRICT'S ACRE-FOOT AMOUNT THAT EXCEEDED THE DISTRICT'S 2022 AUTHORIZED GROUNDWATER WITHDRAWALS BY 117.739 ACRE-FEET; AND (3) THE REQUEST TO THE EAA FOR (A) A REDUCTION OF THE EAA FEES ASSESSED AGAINST THE DISTRICT ARISING FROM THE DISTRICT'S OVER PUMPING DURING 2022; (B) A RELEASE OF THE DISTRICT FROM THE 2022 EAA GROUNDWATER TRUST TRANSFER CONTRACT; (C) A RELEASE OF THE DISTRICT FROM THE 2023 EAA GROUNDWATER TRUST TRANSFER CONTRACT AND THAT THE 375.325 ACRE-FEET OF WATER RIGHTS THAT THE DISTRICT TRANSFERRED TO THE EAA GROUNDWATER TRUST PURSUANT TO THE 2023 EAA GROUNDWATER TRUST TRANSFER CONTRACT BE RETURNED BY THE EAA TO THE DISTRICT FOR THE DISTRICT'S USE IN 2023 AS AUTHORIZED BY TEXAS GOVERNMENT CODE § 551.071(2).

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 JULY 20, 2023, IS HEREBY RECONVENED. The Board reconvened into Regular Session at 7:05 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. Ms. Alexander instructed the Office Manager to post a notice on Friday, August 4, 2023 before 3:00 p.m., Notifying that a possible quorum may be present of the District at the Edwards Aquifer Authority Board Meeting scheduled for Tuesday, August 8, 2023 at 4:00 p.m.
- XI. ADJOURNMENT. The Bexar County Water Control and Improvement District No. 10 Board of Directors Meeting of July 20, 2023, is hereby adjourned at 7:27 p.m.


Ann Marie Arnicar, Secretary


Bertie S. Alexander, President

Date: 17 Aug 2023