

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

REGULAR BOARD MEETING MINUTES  
AUGUST 17, 2023

CALL REGULAR BOARD MEETING TO ORDER AND TAKE ATTENDANCE AND PLEDGE OF ALLEGIANCE: The Regular Board Meeting of August 17, 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, 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 JULY 20, 2023.

Mr. Richards 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 DISCUSS AND MAY TAKE ACTION ON A RESOLUTION APPROVING THE RENEWAL OF A CERTIFICATE OF DEPOSIT IN THE AMOUNT OF \$127,583.11 (AS OF JULY 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 \$127,583.11 (AS OF JULY 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. 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 THE AMOUNT OF \$9,890.07 TO THE EDWARDS AQUIFER AUTHORITY FOR EXCEEDING THE DISTRICT'S 2022 AUTHORIZED GROUNDWATER WITHDRAWALS BY 117.739 ACRE- FEET.

Mr. Cockerham made a motion to approve 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 TO RESCIND ITS ACTION ON JULY 20, 2023 THAT AUTHORIZED AND DIRECTED 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 DISTRICT'S 2022 AUTHORIZED GROUNDWATER WITHDRAWALS BY 117.739 ACRE-FEET.

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

5 YES 0 ABSTAIN 0 NO 0 ABSENT

D. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION ON THE FINAL INVOICE FROM BAKER TILLY US, LLC AUDITING FIRM.

Ms. Alexander asked that the General Manager speak with the Supervising Auditor, Sarah Slaughter, Supervisor and obtain more information regarding the \$15, 000 charges that were removed and negotiate the bill. The General Manager will bring this information back to the Board at their next regular meeting.

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>JULY 2023</u>
	a. Operating Revenue:	\$ 301,863.97
	b. Operating Expenses:	\$ 169,960.97
	c. Operating Income	\$ 131,903.00
	d. Non-Operating Income	\$ 3,269.01
	e. Total Income	\$ 135,172.01
2.	INVESTMENT REPORT:	
	a. Operating Account Balance	\$ 892,349.23
	b. Investments:	\$1,119,722.80
	c. Grand Total	\$2,198,118.43

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>JULY 2023</u>
	SAWS Sewer Service /July	\$ 77,720.17
	EAA Management / Program Fee	\$ 9,102.27

2. Water Usage Update: Our current pumpage for July 2023 was 38,522,000

gals, Total pumpage for the year is 564.03 acre/ft. The District's total Edwards permit is 1625.00 acre/ft. The Edwards Aquifer is currently around 626.75 ft. We are in STAGE III 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 AUGUST 17, 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 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. 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 AUGUST 17, 2023, IS HEREBY RECONVENED. The Board did not go into 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 General Manager mentioned that we needed to add another agenda item that gives the General Manager authorization to work with the District's Engineer to determine more areas within the District that need to be updated for our 2024-2025 CIP. Ms. Alexander reminded everyone that we are in STAGE III which limits watering to one day a week (on your watering day) and only during the hours from 3 a.m. to 7 a.m. OR 7 p.m. to 11:00 p.m. This information is on our website. All backflow testing results need to be turned into the District by September 1, 2023.
- XI. ADJOURNMENT. The Bexar County Water Control and Improvement District No. 10 Board of Directors Meeting of August 17, 2023, is hereby adjourned at 6:49 p.m.

  
Ann Marie Arnicar, Secretary

  
Bertie S. Alexander, President

Date: 21 Sept 2023