

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

REGULAR BOARD MEETING MINUTES
APRIL 24, 2024

CALL REGULAR BOARD MEETING TO ORDER AND TAKE ATTENDANCE AND PLEDGE OF ALLEGIANCE: The Regular Board Meeting of April 24, 2024, 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, Leonard Young, Engineer and Phil Vaughan, Auditor.

- 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 21, 2024.

Ms. Arnicar made a motion 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 ITEMS:

- A. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION ON A RESOLUTION APPROVING THE RATIFICATION OF THE DISTRICT GENERAL MANAGER'S PAYMENT TO TANKEZ COATINGS, INC. IN THE AMOUNT OF \$158,940.00 FOR THE DISTRICT'S MIDCROWN ELEVATED STORAGE TANK PAINTING PROJECT THAT WILL BECOME PART OF THE DISTRICT'S WATER UTILITY SYSTEM AND WHICH IS INCLUDED IN THE DISTRICT'S 2024 - 2025 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 FERGUSON WATERWORKS IN THE AMOUNT OF \$3,936.32 FOR PARTS AND SUPPLIES FOR THE DISTRICT'S MIDCROWN ELEVATED STORAGE TANK PAINTING PROJECT THAT WILL BECOME PART OF THE DISTRICT'S WATER UTILITY SYSTEM AND WHICH IS INCLUDED IN THE DISTRICT'S 2024 - 2025 CAPITAL IMPROVEMENTS PLAN. (BCWCID10 CIP)
- C. THE BOARD WILL DISCUSS AND MAY TAKE ACTION ON A RESOLUTION APPROVING RATIFICATION OF THE DISTRICT GENERAL MANAGER'S RENEWAL OF THE CERTIFICATE OF DEPOSIT IN THE AMOUNT OF \$150,000.00 (AS OF MARCH 31, 2024) WITH BANK OZK FOR TWELVE (12) MONTHS, WHICH IS MOST ADVANTAGEOUS FOR THE DISTRICT AND ITS RATEPAYERS; RATIFICATION OF THE DISTRICT GENERAL MANAGER'S EXECUTION OF ANY AND ALL DOCUMENTS NECESSARY FOR THE RENEWAL OF A CERTIFICATE OF DEPOSIT IN THE AMOUNT OF \$150,000.00 (AS OF MARCH 31, 2024) WITH BANK OZK FOR TWELVE (12) MONTHS, WHICH IS MOST ADVANTAGEOUS FOR THE DISTRICT AND ITS RATEPAYERS.

D. THE BOARD WILL DISCUSS AND MAY TAKE ACTION ON A RESOLUTION AUTHORIZING AND APPROVING THE RENEWAL OF CERTIFICATE OF DEPOSIT IN THE AMOUNT OF \$200,000.00 (AS OF MARCH 31, 2024) WITH BROADWAY BANK FOR THIRTEEN (13) MONTHS OR LESS, WHICHEVER IS MOST ADVANTAGEOUS FOR THE DISTRICT AND ITS RATEPAYERS; 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 \$200,000.00 (AS OF MARCH 31, 2024) WITH BROADWAY BANK FOR THIRTEEN (13) MONTHS OR LESS, WHICHEVER IS MOST ADVANTAGEOUS FOR THE DISTRICT AND ITS RATEPAYERS.

Mr. Cockerham made a motion to approve the Consent Agenda Items. Ms. Snead seconded this motion. Motion carried.

5 YES 0 ABSTAIN 0 NO 0 ABSENT

V. ITEMS FOR INDIVIDUAL CONSIDERATION:

A. A PRESENTATION BY ARMSTRONG, VAUGHAN & ASSOCIATES, P.C. REGARDING THE DISTRICT'S 2023 AUDIT.

B. THE BOARD WILL DISCUSS AND MAY TAKE ACTION ON A RESOLUTION ACCEPTING AND APPROVING THE 2023 AUDIT REPORT PREPARED AND SUBMITTED TO THE DISTRICT BY THE DISTRICT'S AUDITOR ARMSTRONG, VAUGHAN & ASSOCIATES, P.C. FOR THE DISTRICT'S 2023 FISCAL YEAR; AUTHORIZING AND DIRECTING THE DISTRICT'S GENERAL MANAGER TO SUBMIT A COPY OF THE 2023 AUDIT REPORT TO THE EXECUTIVE DIRECTOR OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AS REQUIRED BY LAW.

Ms. Snead made a motion to approve the 2023 Audit. Mr. Richards seconded this motion. Motion carried.

5 YES 0 ABSTAIN 0 NO 0 ABSENT

C. PRESENTATION BY THE DISTRICT'S GENERAL MANAGER AND THE DISTRICT'S ENGINEER REGARDING THE DISTRICT'S 2024 AND 2025 CAPITAL IMPROVEMENTS PLAN; AND BOARD DELIBERATION REGARDING THE DISTRICT'S 2024 AND 2025 CAPITAL IMPROVEMENTS PLAN.

D. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION ON A RESOLUTION APPROVING AND ACCEPTING THE ASSIGNMENT, TRANSFER, AND CONVEYANCE OF, AND RIGHT TO USE TEN POINT NINE (10.9) ACRE-FEET OF EDWARDS AQUIFER AUTHORITY ("EAA") GROUNDWATER WITHDRAWAL RIGHTS OWNED BY THE CITY OF WINDCREST, TEXAS ("CITY") TO THE DISTRICT FOR THE CALENDAR YEAR 2024 SO THAT THE DISTRICT MAY PUMP ALL OR A PORTION OF THE TEN POINT NINE (10.9) ACRE-FEET OF EAA GROUNDWATER DURING 2024 FOR THE BENEFIT OF THE CITY WHEN NOTIFIED IN WRITING BY THE CITY THAT THE CITY NEEDS TO USE ALL OR A PORTION OF THE TEN POINT NINE (10.9) ACRE-FEET OF EAA GROUNDWATER FOR MUNICIPAL USES DURING 2024; AND REPEALING ALL PRIOR RESOLUTIONS RELATING TO THE ASSIGNMENT, TRANSFER AND CONVEYANCE OF EAA GROUNDWATER WITHDRAWAL RIGHTS FROM THE CITY TO THE DISTRICT.

The General Manager requested that this be tabled at this time. We have not received documentation from the City regarding this yet. Mr. Richards made a motion to table this item to be put on next month's Regular Board meeting Agenda. This was seconded by Ms. Arnicar. 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>MARCH 2024</u>
	a. Operating Revenue:	\$ 221,701.44
	b. Operating Expenses:	\$ 178,657.63
	c. Operating Income	\$ 43,043.81
	d. Non-Operating Income	\$ 7,106.89
	e. Total Income	\$ 50,150.70
2.	INVESTMENT REPORT:	
	a. Operating Account Balance	\$ 867,708.04
	b. Investments:	\$1,191,779.17
	c. Grand Total	\$2,059,487.21

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 2024</u>
	SAWS Sewer Service /March	\$ 65,122.76
	EAA Management / Program Fee	\$ 11,919.05

2. Water Usage Update: Our current pumpage for March 2024 was 23,732,000 gals, Total pumpage for the year is 209.01 acre/ft. The District's total Edwards permit is 1625.00 acre/ft. The Edwards Aquifer is currently around 637.5 ft. We are in STAGE III Restrictions. We are currently pumping 750,000 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 2024-2025 Capital Improvement Projects.

VII. THE REGULAR SESSION OF APRIL 24, 2024, 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. THE BOARD WILL (1) 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; AND (2) CONSULT WITH THE DISTRICT'S LEGAL COUNSEL REGARDING LEGAL ISSUES INVOLVING 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 § 551.071(2)

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 APRIL 24, 2024, 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 our April Regular Board Meeting will be held the third (3) Wednesday (May 15, 2024, at 6:00 p.m.) rather than the third (3) Thursday due to a scheduling conflict. The General Manager asked that a review of the Interlocal Agreement with the City of Windcrest be put on the May agenda as well as a discussion of the Investment Officer .
- XI. ADJOURNMENT. The Bexar County Water Control and Improvement District No. 10 Board of Directors Meeting of April 24, 2024, is hereby adjourned at 6:45 p.m.


Ann Marie Arnicar, Secretary


Bertie S. Alexander, President

Date: 5/15/2024