

**MINUTES
NEW BRAUNFELS UTILITIES BOARD OF DIRECTORS
REGULAR BOARD MEETING**

**1:00 P.M.
THURSDAY, February 23, 2023
NBU BOARD ROOM
263 MAIN PLAZA, NEW BRAUNFELS, TEXAS 78130**

Board President Judith Dykes-Hoffmann opened the meeting at 1:00 pm. A quorum of the NBU Board was present.

PRESENT

Board President Judith Dykes-Hoffmann, Board Vice President Wayne Peters, Board Trustee John Harrell, Board Trustee Yvette Villanueva Barrera, and Mayor Rusty Brockman

ABSENT

None

NBU PERSONNEL

Ian Taylor, Ryan Kelso, Dawn Schriewer, Connie Lock, Melissa Krause, David Hubbard, Greg Brown, and Laura Rivers

NBU CONSULTANTS

None

PLEDGE AND INVOCATION

Mayor Rusty Brockman led the pledge of allegiance and offered the invocation.

PUBLIC COMMENT

Ron Schmidt raised an issue regarding an emergency access easement near the intersection of Kuehler Road and Cocoa Road.

NBU EMPLOYEE RECOGNITIONS

1. Presentation of Service Pins

CEO Ian Taylor recognized Doug Vader for 20 years of dedicated service to NBU and Hector Montanez for 25 years of dedicated service to NBU.

2. Retirement Recognitions

CEO Ian Taylor stated that retiree Mary Annette Winchester opted not to be recognized during the Board Meeting.

ITEMS FROM THE CHAIR

ITEMS FROM STAFF

1. Legislative Update

The Board received an update from Shelly Botkin of the Texas Public Power Association, an update from Lauren Fairbanks of Moontower Public Affairs, Inc., and an update from NBU Chief of Staff Laura Rivers.

2. CEO'S Update

CEO Ian Taylor shared that NBU is a recipient of the Texas Water Development Board funding for its Trinity Expansion Project. A public meeting was held in January of 2023 discussing the project's scope, timeline, and environmental impacts. Two more public meetings will be held in the coming months to fulfill the Texas Water Development Board's funding requirements. Mr. Taylor shared that for the 32nd consecutive year, NBU was awarded the Certificate of Achievement for Excellence in Financial Reporting for its annual comprehensive financial report. Lastly, Mr. Taylor shared that NBU kicked off the annual NBU University Program on January 23, 2023.

3. Winter Storm Mara Recap

Ryan Kelso provided a recap on Winter Storm Mara.

4. Financial Update and Report

Accounting Manager Kimberly Huffman provided an update on the financial status of NBU.

5. Monthly Update on Customer Accounts

Customer Service Assistant Manager Jenna Mathis and Customer Service Supervisor Erica Pillado provided an update on the status of NBU customer accounts.

6. Monthly Power Supply Update

Energy Risk Manager Missy Quent provided an update on NBU's power supply program.

7. Quarterly Investment Report

Finance Manager John Warren updated the board on the quarterly Investment Report.

8. Quarterly Strategic Plan Update

Senior Management provided an update on NBU's strategic plan.

9. Quarterly Communications Update

Chief Strategic Communications and Security Officer Melissa Krause provided an update on NBU's communications strategy.

10. Quarterly Headwaters at the Comal Update

Assistant Manager of the Headwaters at the Comal Lauren Strack provided an update on the Headwaters at the Comal

CONSENT ITEMS FOR ACTION

Consent Item #13, "Authorize CEO or His Designee to Negotiate and Execute a Guaranteed Maximum Price Amendment to the Construction Manager at Risk Contract with Thos. S. Byrne, Inc. for the Headwaters at the Comal Master Plan, Phase Two Site Work and Building Envelope" was pulled from the consent agenda for further discussion. Board Vice President Wayne Peters made a motion and Board Trustee Yvette Villanueva Barrera seconded the motion to authorize CEO or his designee to negotiate and execute a Guaranteed Maximum Price Amendment to the Construction Manager at Risk Contract with Thos. S. Byrne, Inc. for the Headwaters at the Comal Master Plan, Phase Two Site Work and Building Envelope as amended.

Board Trustee John Harrell made a motion and Mayor Rusty Brockman seconded the motion to approve the Consent Items for Action as follows: #1, #2, #3, #4, #5, #6, #7, #8, #9, #10, #11, and #12.

1. Approve Minutes of the NBU Regular Board Meeting of January 26, 2023
2. Approve Minutes of the NBU Special Board Meeting of February 2, 2023
3. Approve a Public Calamity Declaration Relating to Supply Chain Disruptions Resulting from the Covid-19 Pandemic for Purchases over \$250,000
4. Approve the Public Calamity Exemption Log from December 15, 2022, through January 15, 2023
5. Approve the Reports for Water and Electric Engineering Contracts from August 1, 2022, through January 15, 2023
6. Approve the Change Order Log from December 15, 2022, through January 15, 2023
7. Approve the Electric Line of Business Alternative Procurements from December 15, 2022, through January 15, 2023
8. Authorize CEO or His Designee to Negotiate and Execute a Cooperative Agreement with Dell Marketing, LP for the Purchase of New Computers
9. Authorize CEO or His Designee to Negotiate and Execute a License and Maintenance Agreement with Smartworks for MeterSense Meter Data Management Software
10. Authorize CEO or His Designee to Negotiate and Execute a First Amendment with Urban Engineering, LLC (formerly, Urban Civil, LLC), for Water and Wastewater Capital Project Surveying Services
11. Ratify the Price Changes for the Purchase of One (1) 12 Yard Sewer Combo Unit Purchased from Santex Truck Centers, Ltd.
12. Authorize CEO or His Designee to Execute a Reimbursement Agreement between New Braunfels Utilities and Headwaters at the Comal for Phase Two of the Headwaters at the Comal Master Plan
13. Authorize CEO or His Designee to Negotiate and Execute a Guaranteed Maximum Price Amendment to the Construction Manager at Risk Contract with Thos. S. Byrne, Inc. for the Headwaters at the Comal Master Plan, Phase Two Site Work and Building Envelope

EXECUTIVE SESSION

Board President Judith Dykes-Hoffmann recessed the Open Session at 2:43 pm and announced that the Board would go into an Executive Session meeting. The Executive Session included Power Supply Resources – Competitive Matters; Consultation with Attorney Regarding Pending or Contemplated Litigation, Settlement Offer, or Other Matters Protected by Attorney Client Privilege; Consultation with Attorney Regarding Matters Protected by Attorney Client Privilege – Discussion Regarding First Amended and Restated Bylaws for the Headwaters at the Comal; Personnel Matters – Deliberate the Reassignment and Duties of the Managing Director of the Headwaters at the Comal Under the Proposed First Amended and Restated Bylaws; and Personnel

Matters – Quarterly CEO Evaluation. The Executive Session was opened at 2:50 pm and closed at 4:33 pm.

RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY ACTION RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE

The Regular Session resumed at 5:09 pm. Board Trustee Yvette Villanueva Barrera made a motion and Board Vice President seconded the motion to accept the proposed settlement officer regarding New Braunfels Utilities v. Southerland Communities NB Land Properties, Ltd.; Copper Ridge, LLC d/b/a Southerland Copper Ridge, LLC; International Fidelity Insurance Company; and HARCO National Insurance Company, No. C2021-1500C (274thDist. Ct., Comal County, Tex. Sep. 14 2021). The vote was unanimous.

ACTION ITEMS

1. Discuss and Consider Adopting the First Amended and Restated Bylaws for Headwaters at the Comal and Appointing NBU Employees and the Board President to the Headwaters at the Comal Board of Directors as Recommended by the CEO

Board Vice President Wayne Peters made a motion and Board Trustee John Harrell seconded a motion to adopt the First Amended and Restated Bylaws for Headwaters at the Comal and appointing NBU employees and the Board President to the Headwaters at the Comal Board of Directors as recommended by the CEO.

ADJOURN

There was no further business and Board President Judith Dykes-Hoffmann adjourned the meeting at 4:35 pm.

Attest:

Judith Dykes-Hoffmann, President
Approved

Ian Taylor, Secretary of the Board
Chief Executive Officer

Date Approved: March 30, 2023