

**NOTICE:** Governor Abbott has temporarily suspended certain requirements of the Open Meetings Act in response to the COVID-19 public health disaster. Specifically, governmental entities are permitted to meet by telephone or video conference provided the meetings are audible to members of the public and allow for two-way communication. The suspension of certain requirements of the Open Meetings Act is intended to reduce in-person meetings and the spread of COVID-19, while maintaining government transparency.

The NBU Board of Trustees' meeting scheduled for May 28, 2020, at 1:00 p.m. will be held by video conference. Members of the public may join the meeting from a computer, tablet, or smartphone at <https://global.gotomeeting.com/join/326908077>. Members of the public may also participate in the video conference by telephone at [+1 \(866\) 899-4679](tel:+18668994679). The Access Code for the video conference link and dial-in telephone number is 326-908-077. Both the link and telephone number are free of charge. Members of the public will be allowed to participate during the Public Comment period and discuss any item on the Agenda. Public comment will not be allowed during any other part of the meeting unless approved by the Board President.

A recording of the video conference will be made available to the public on NBU's website at <http://www.nbutexas.com/About-Us/Schedule-of-Meetings-and-Agendas> after the meeting.

### **AGENDA**

**A. Pledge of Allegiance and Invocation** – Board President John Harrell

**B. Public Comment**

**C. Awards and Recognitions**

1. 2020 TCEQ Texas Environmental Excellence Award
2. NBU Employee Recognitions

**D. Items from the Chair**

**E. Items from Staff**

1. CEO's Update
  - a. COVID Survey Results
2. Financial Update and Report with Quarterly Capital and Investment Reports

**F. Consent Items for Action**

1. Approve Minutes of the NBU Regular Board Meeting of April 30, 2020
2. Approve 2019 Fourth Quarter Charge-Off Accounts
3. Approve the Change Order Log from March 15, 2020, through April 15, 2020
4. Approve the Reports for Water and Electric Engineering Contracts from August 1, 2019, through April 15, 2020

5. Authorize CEO to Negotiate and Execute Amendment #3 to the Professional Services Agreement with Moeller Ingalls, LLC, DBA Moeller & Associates for the North Kuehler 42” Interceptor Upgrade Project
6. Authorize CEO to Negotiate and Execute Professional Services Agreements with Terracon Consultants, Inc. and AmaTerra Environmental, Inc. for Cultural Services
7. Authorize CEO to Negotiate and Execute Professional Services Agreements with Cox McLain Environmental Consulting, Inc. and Freese and Nichols, Inc. for Environmental Services
8. Authorize CEO to Negotiate and Execute a Materials Agreement with Polydyne, Inc. for the Purchase of Water and Wastewater Treatment Chemicals
9. Authorize CEO to Negotiate and Execute a Materials Agreement with Brenntag Southwest, Inc. for the Purchase of Water and Wastewater Treatment Chemicals
10. Authorize CEO to Negotiate and Execute a Materials Agreement with Geo Specialty Chemicals, Inc. for the Purchase of Water and Wastewater Treatment Chemicals

#### **G. Action Items**

1. Authorize CEO to Negotiate and Execute AIA Standard Form of Agreement with Marmon Mok Architecture for the Design of the Proposed New Braunfels Utilities Headquarters Facility

#### **H. Executive Session**

The Board of Trustees may recess into Executive Session for any purpose permitted by the Texas Open Meetings Act, including but not limited to:

1. Power Supply Resources – Competitive Matters  
(Section 551.086 – Texas Government Code)
2. Consultation with Attorney Regarding Matters Protected by Attorney Client Privilege; Real Property  
(Section 551.071 and 551.072 – Texas Government Code)
  - a. Discussion Regarding the Lease, Value, Purchase, or Disposition of Real Property for Utility Purposes
3. Consultation with Attorney Regarding Pending or Contemplated Litigation and Other Matters Protected by Attorney Client Privilege  
(Section 551.071 – Texas Government Code)
  - a. Discussion Regarding a Utility Construction Cost Sharing Agreement for the Copper Ridge Subdivision among NBU, Southerland Communities NB Land Properties, Ltd., and Southerland Copper Ridge, LLC
  - b. In the Supreme Court of the United States, *League of United Latin American Citizens (LULAC), et al, Petitioners v. Edwards Aquifer Authority, et al, Respondents* on Petition for Writ of Certiorari United States Court of Appeals for the Fifth Circuit

The Board of Trustees upon reconvening in Open Session will discuss and consider any action if necessary regarding closed session items.

#### **I. Reconvene into Open Session and Take Any Necessary Action Relating to the Executive Session as Described Above**

## J. Adjourn

If you require assistance in participating at a public meeting due to a disability as defined under the Americans with Disabilities Act, reasonable assistance, adaptations or accommodations will be provided upon request. Please contact the Board's Executive Assistant at least three (3) days prior to the scheduled meeting date, at (830) 629-8400, or NBU Main Office at 263 Main Plaza, New Braunfels, Texas, for additional information.

### CERTIFICATE OF POSTING

I, Ian Taylor, Secretary to the Board of Trustees, do hereby certify that this Notice of Meeting was posted at the City of New Braunfels City Hall, 550 Landa Street, New Braunfels, Texas, and New Braunfels Utilities Main Office, 263 Main Plaza, New Braunfels, Texas, on the 21<sup>st</sup> day of May, 2020, and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

  
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Ian Taylor, Chief Executive Officer  
Secretary to the Board of Trustees