



NOTICE OF OPEN MEETING
APRIL BOARD OF TRUSTEES
GoToMeeting - <https://global.gotomeeting.com/join/529546853>
April 29, 2021 at 1:00 PM
www.nbutexas.com

AMENDED

AGENDA

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 April 29, 2021, 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/529546853>. Members of the public may also participate in the video conference by telephone at (866) 899-4679. The access code for the video conference link and dial-in telephone number is 529-546-853. 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.

PLEDGE OF ALLEGIANCE AND INVOCATION

Board President John Harrell

PUBLIC COMMENT

ITEMS FROM THE CHAIR

1. Report from Investment Committee

ITEMS FROM STAFF

1. CEO's Update
 - a. Proposed NBU Headquarters and Access Related Thereto
2. Financial Update and Report

CONSENT ITEMS FOR ACTION

1. Approve Minutes of the NBU Regular Board Meeting of March 25, 2021
 2. Approve Minutes of the NBU Special Board Meeting of March 31, 2021
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3. Approve the Change Order Log from February 15, 2021, through March 15, 2021
4. Approve the Reports for Water and Electric Engineering Contracts from August 1, 2020, through March 15, 2021
5. Authorize CEO or His Designee to Negotiate and Execute a Construction Contract with D Guerra Construction LLC for the Construction of the Castell Avenue Rehabilitation Project
6. Authorize CEO or His Designee to Negotiate and Execute a Professional Services Agreement with Freese and Nichols, Inc. for the Design of the McKenzie Interceptor Upgrade Project
7. Authorize the CEO or His Designee to Execute and/or File (i) a Water CCN Transfer Agreement among NBU, Green Valley Special Utility District, and SA Given to Fly, LP for the Morningside Hills Development and (ii) any Documents Related to Such Transfer with the Texas Public Utility Commission
8. Authorize CEO or His Designee to Negotiate and Execute a Contract with Altec Industries Inc. for the Purchase of a 60' Reach Bucket Truck and a 55' Articulating Telescopic Aerial Device Truck
9. Authorize CEO or His Designee to Negotiate and Execute an Equipment Rental Agreement with Herc Rentals Inc. and Rocky Hill Equipment Rental

ITEMS FOR FUTURE ACTION

1. Review and Discuss Proposed Revisions to the NBU Board Governance Policies

ACTION ITEMS

1. Discuss and Consider Authorizing Proposed Changes to the New Braunfels Utilities Financial Policy

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 Pending or Contemplated Litigation, Settlement Offer, or Other Matters Protected by Attorney Client Privilege; Power Supply Resources – Competitive Matters
(Section 551.071 – Texas Government Code; Section 551.086 – Texas Government Code)
 - a. Consider Matters Associated with Pricing Information, Risk Management, Claims Notices, Contracts Relating to, and Actions Taken by ERCOT in Response to the February 2021 Winter Storm

3. Consultation with Attorney Regarding Pending or Contemplated Litigation, Settlement Offer, or Other Matters Protected by Attorney Client Privilege
(Section 551.071 – Texas Government Code)
 - a. Discuss the Utility Construction Cost Sharing Agreement for the Copper Ridge Subdivision and Related Amendments and Modifications, all among NBU, Southerland Communities NB Land Properties, Ltd., and Southerland Copper Ridge, LLC

4. Consultation with Attorney Regarding Pending or Contemplated Litigation, Settlement Offer, or Other Matters Protected by Attorney Client Privilege
(Section 551.071 – Texas Government Code)
 - a. *City of New Braunfels acting by and through the Board of Trustees of New Braunfels Utilities v. Myrtle Marie Properties, L.L.C.*, No. 2020CVA0161 (Co. Ct. at Law No. 1, Comal County, Tex. Apr. 3, 2020)
 - b. *City of New Braunfels acting by and through the Board of Trustees of New Braunfels Utilities v. Joshua Wesley Owens*, No. 2020CVB0160 (Co. Ct. at Law No. 2, Comal County, Tex. Apr. 3, 2020)

5. Consultation with Attorney Regarding Pending or Contemplated Litigation, Settlement Offer, or Other Matters Protected by Attorney Client Privilege; Personnel Matters
(Section 551.071 – Texas Government Code; Section 551.074 – Texas Government Code)
 - a. Deliberate Plan and Strategy for Implementation of Executive Agreement for Chief Executive Officer

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

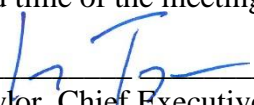
RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY ACTION RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE

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 **23rd day of April, 2021**, and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.



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