

NOTICE OF MEETING GUADALUPE-BLANCO RIVER AUTHORITY BOARD OF DIRECTORS

In accordance with the provisions of the Texas Open Meetings Act, Chapter 551, Texas Government Code, the Guadalupe-Blanco River Authority (GBRA), whose principal office is in the City of Seguin, Guadalupe County, Texas, hereby gives notice of a meeting of its **BOARD OF DIRECTORS** to be held at the **Guadalupe-Blanco River Authority, Annex Building, 905 Nolan, Seguin, Guadalupe County, Texas, at 10:00 a.m., on Wednesday, January 19, 2022.**

CALL TO ORDER

- Chair's consideration of posted notices
- Pledge of Allegiance
- Welcome guests

PUBLIC COMMENTS

1. Comments from the public. **NOTE:** This portion of the meeting is intended for comments from the public on non-agenda item related topics. Please limit comments to **3 MINUTES**. To address the Board please sign and completely fill out the Attendance Sheet maintained at the entrance to the building where meeting is being held. **NO RESPONSE OR ACTION MAY BE TAKEN BY THE BOARD DURING PUBLIC COMMENTS.** To address the Board related to an item posted on the agenda for action or discussion, please indicate the Item number you wish to comment on using the Attendance Sheet. The Board will call individuals to make comments at the appropriate time.

CONSENT ITEMS

2. Consideration of and possible action approving the minutes of the November 17, 2021 Habitat Conservation Plan Update and the December 17, 2021 Board meeting.
3. Consideration of and possible action approving the monthly financial report for December 2021.
4. Consideration of and possible action approving the monthly operations report for December 2021.
5. Consideration of and possible action approving Directors' expense vouchers for December 2021.

GENERAL MANAGER/CEO ITEMS

6. The General Manager/CEO and staff may report on, and the Board may discuss, executive reports and/or issues relating to GBRA activities including without limitation, the following: GBRA water and sewer utility operations, hydroelectric operations, GBRA facilities management including plants and dams, safety, water resources planning and operation, construction management, economic and community development, project development, accounting and finance, records management, grants and financial assistance, human resources, information technology, communications, social media, education programs, resource protection, weather and climate, river flows and other scientific issues, public and private entities partnering with GBRA, water quality services, community affairs, environmental programs, stewardship, and update on GBRA Safety Work Plan.

ACTION ITEMS

7. Consideration of and possible action approving a Resolution of the Board of Directors of Guadalupe-Blanco River Authority adopting Board Policy – 403 Investment Policy and the investment strategy contained therein.

8. Consideration of and possible action approving a Resolution authorizing the Issuance of \$30,935,000 in Aggregate Principal Amount of Guadalupe-Blanco River Authority Contract Revenue Bonds, Series 2022A (Lake Placid Dam Facilities Project); authorizing the sale thereof to the Texas Water Development Board (TWDB) through its Clean Water State Revolving Fund Program; approving and authorizing the execution of a Paying Agent/Registrar Agreement and an Escrow Agreement; approving and authorizing all other instruments and procedures related thereto; and providing for an immediate effective date.

9. Consideration of and possible action authorizing the General Manager/CEO to negotiate and execute a Contract with the highest ranked bidder, based on a Competitive Sealed Proposal process which provides the best value for the Guadalupe-Blanco River Authority, for the Regional Raw Water Delivery System (RRWDS) SH-123 Pipeline Crossing Replacement and Pressure Relief Valve Addition Project.

10. Consideration of and possible action authorizing the General Manager/CEO to negotiate and execute a Contract with the Qualified Engineering Firm(s) to provide engineering technical services related to flood related studies.

11. Consideration of and possible action authorizing the General Manager/CEO to negotiate and execute a Contract with the Qualified Engineering Firm(s) to conduct a feasibility study related to the Mid-Basin Water Supply Project – Phase II.

12. Consideration of and possible action authorizing the General Manager/CEO to negotiate and execute a Contract Standard Utility Agreement with the Texas Transportation Commission for reimbursement of costs related to Western Canyon Pipeline SH46 Treated Water Transmission Pipeline Project – Phase I.

13. Consideration of and possible action authorizing the General Manager/CEO to negotiate and execute a Wastewater Service Agreement between Guadalupe-Blanco River Authority and M/I Homes of San Antonio, LLC for the Park Place Unit A development.

14. Consideration of and possible action authorizing the General Manager/CEO to negotiate and execute a Wastewater Service Agreement between Guadalupe-Blanco River Authority and Highlander Real Estate Partners, LLC for the Guadalupe Bend development.

15. Consideration of and possible action approving a Resolution by the Guadalupe-Blanco River Authority declaring a public necessity for the acquisition of certain a fee estate for the GVHS – McQueeney Spillgate Replacement and Dam Armoring Capital Improvement Project in connection therewith, over, across, upon and under certain privately owned real properties; authorizing all appropriate action by the General Manager/CEO, staff, retained attorneys and engineering and technical consultants in the institution and prosecution of condemnation proceedings to acquire any such needed fee estates that cannot be acquired through negotiation; declaring further negotiations futile; ratifying and affirming all acts and proceedings heretofore done or initiated by employees, agents, and attorneys of GBRA to acquire such property interests including necessary acts for any applicable lienholders for such properties; authorizing all other lawful action necessary and incidental to such acquisitions or eminent domain proceedings to survey, specify, define, and secure the necessary interests in real property; declaring the sections of the Resolution to be severable one from the other in the event any section of the Resolution is determined to be invalid; said property to be identified to wit:

Parcel 3B – Robert Eugene Kurtz and Lynn Ann Floum, Co-Trustee of the Robert Eugene Kurtz GST Nonexempt Trust and Robert Eugene Kurtz and Lynn Ann Floum, Co-Trustees of the Lynn Ann Floum GST Nonexempt Trust, being 8.08 acres situated in the A.M. Esnaurizar Eleven League Grant, Abstract No. 20, being all of Lots 1-7 of Lot 21, Lots 8-14 of Lot 22, Resubdivision of Lots 21 and 22, Volume 380, Page 528, Deed Records, Guadalupe County, Texas, Lots 23-26, and a portion of Lots 27 and 28, Laechlin-Riverside Addition, Volume 1, Page 129, Map and Plat Records, Guadalupe County, Texas attached as Exhibit “A”.

16. Consideration of and possible action approving a Resolution by the Guadalupe-Blanco River Authority declaring a public necessity for the acquisition of certain a fee estate for the GVHS – McQueeney Spillgate Replacement and Dam Armoring Capital Improvement Project in connection therewith, over, across, upon and under certain privately owned real properties; authorizing all appropriate action by the General Manager/CEO, staff, retained attorneys and engineering and technical consultants in the institution and prosecution of condemnation proceedings to acquire any such needed fee estates that cannot be acquired through negotiation; declaring further negotiations futile; ratifying and affirming all acts and proceedings heretofore done or initiated by employees, agents, and attorneys of GBRA to acquire such property interests including necessary acts for any applicable lienholders for such properties; authorizing all other lawful action necessary and incidental to such acquisitions or eminent domain proceedings to survey, specify, define, and secure the necessary interests in real property; declaring the sections

of the Resolution to be severable one from the other in the event any section of the Resolution is determined to be invalid; said property to be identified to wit:
Parcel 5 – Robert Eugene Kurtz and Lynn Ann Floum, Co-Trustee of the Robert Eugene Kurtz GST Nonexempt Trust and Robert Eugene Kurtz and Lynn Ann Floum, Co-Trustees of the Lynn Ann Floum GST Nonexempt Trust, being 0.96 acres situated in the A.M. Esnaurizar Eleven League Grant, Abstract No. 20, being the same tract described in deed recorded in Volume 993, Page 800, Official Records, Guadalupe County, Texas attached as Exhibit “A”.

17. Consideration of and possible action approving a Resolution by the Guadalupe-Blanco River Authority declaring a public necessity for the acquisition of certain a fee estate for the GVHS – McQueeney Spillgate Replacement and Dam Armoring Capital Improvement Project in connection therewith, over, across, upon and under certain privately owned real properties; authorizing all appropriate action by the General Manager/CEO, staff, retained attorneys and engineering and technical consultants in the institution and prosecution of condemnation proceedings to acquire any such needed fee estates that cannot be acquired through negotiation; declaring further negotiations futile; ratifying and affirming all acts and proceedings heretofore done or initiated by employees, agents, and attorneys of GBRA to acquire such property interests including necessary acts for any applicable lienholders for such properties; authorizing all other lawful action necessary and incidental to such acquisitions or eminent domain proceedings to survey, specify, define, and secure the necessary interests in real property; declaring the sections of the Resolution to be severable one from the other in the event any section of the Resolution is determined to be invalid; said property to be identified to wit:
Parcel 7 – Robert Eugene Kurtz and Lynn Ann Floum, Co-Trustees of the Robert Eugene Kurtz GST Nonexempt Trust and Robert Eugene Kurtz and Lynn Ann Floum, Co-Trustees of the Lynn Ann Floum GST Nonexempt Trust, being 1.53 acres situated in the A.M. Esnaurizar Eleven League Grant, Abstract No. 20, being all of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, Laechlin-Riverside Addition, Volume 1, Page 128, Plat Records, Guadalupe County, Texas, and being a tract described in deed recorded in Clerk’s File No. 201999008737, Official Public Records, Guadalupe County, Texas, attached as Exhibit “A”.

DISCUSSION ITEMS

18. Discussion regarding Base Flow Report, Water Quality Index, long-term weather Pattern and condition of the Guadalupe Basin.

ITEMS FOR EXECUTIVE SESSION

19. The Board may meet in Executive Session as authorized by Chapter 551, Texas Government Code, to discuss the following matters: a. Any items listed on this agenda; b. Advice from legal counsel about pending or threatened litigation including litigation options, representation, settlements, settlement-related agreements and memoranda of understanding and, if applicable, the impact of pending or contemplated litigation on GBRA projects and proposed projects; c. The following matters: (i) *Williams v. GBRA* (The Supreme Court of Texas); (ii) GBRA's Mid-Basin Water User Permit Application in Gonzales County (98th District Court of Travis County); (iii) *Thome v. GBRA* (25th District Court of Guadalupe County); (iv) San Antonio Water System's application to TCEQ for a bed and banks permit on the San Antonio River (TCEQ); (v) Cibolo Creek Municipal Authority's application to TCEQ for a bed and banks permit on the San Antonio River (TCEQ) (vi) *GBRA v. Henke* (24th District Court of Calhoun County); (vii) *GBRA v. Barber* (County Court at Law, Guadalupe County), (viii) other pending applications for TCEQ water use or water quality permits on which GBRA is the permittee or co-permittee; (ix) pending applications for TCEQ water use or water quality permits in the Guadalupe or adjacent river basins; (x) pending or threatened litigation to which GBRA is a party or potential party;
- d. Advice from legal counsel about pending litigation or threatened litigation relating to right of way acquisition; deliberation on matters relating to the purchase, exchange, lease, or value of real property interests and advice from legal counsel on those matters, including without limitation issues relating to (i) right-of-way acquisitions for GBRA-related projects within or adjacent to the boundaries of GBRA; (ii) exchange, sale, or transfer of real property interests within or adjacent to the boundaries of GBRA; and (iii) sale, acquisition, and/or transfer of GBRA water treatment and distribution assets in Calhoun County; e. Briefing and advice from legal counsel relating to matters covered by legal counsel's duty of confidentiality, including without limitation, (i) issues relating to agreements under negotiation; (ii) issues relating to potential litigation and representation in that litigation, including without limitation issues or disputes arising from existing contracts to which GBRA is a party and bid protests, (iii) legal and regulatory issues relating to GBRA's groundwater and/or surface water rights and permits throughout the Guadalupe River Basin; (iv) issues relating to GBRA easement rights, enforcement of same and other property rights; and (v) issues relating to agricultural water sales; f. Deliberate the appointments, employment, evaluation, reassignment, duties, discipline, or dismissal of public officers or employees; and to receive and obtain legal advice regarding same from legal counsel. No action will be taken in executive session; action, if any, will be taken in open session.

The Board may take final action on any of the above mentioned matters while convened in open session pursuant to Chapter 551 of the Texas Government Code.

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