

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, October 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 MAY BE MADE OR ACTION 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 September 21, 2022 Board meeting.
3. Consideration of and possible action approving the monthly financial report for September 2022.
4. Consideration of and possible action approving the monthly operations report for September 2022.
5. Consideration of and possible action approving Directors' expense vouchers for September 2022.
6. Consideration of and possible action approving the sale of equipment in accordance with GBRA Board Policy 411-Capital Assets.
7. Consideration of and possible action approving a change order with M5 Utilities, LLC in the amount of \$93,516.29 for additional work for the Carrizo Groundwater Supply Program Delivery Points Pipeline Project.

GENERAL MANAGER/CEO ITEMS

8. 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

9. Consideration of and possible action authorizing the Acting General Manager/CEO to seek competitive quotes, negotiate and execute a contract to rehabilitate and repave portions of Coleta Creek Park Roads.

10. Consideration of and possible action approving the January 1, 2022 Actuarial Valuation for the Retirement Plan for Employees of the Guadalupe-Blanco River Authority, the recommended contribution of \$708,115 included therein, and a supplemental contribution of \$91,885.

11. Consideration of and possible action approving a Resolution authorizing the Issuance of \$39,670,000 in Aggregate Principal Amount of Guadalupe-Blanco River Authority Contract Revenue Bonds, Series 2022 (Low-Interest Financing) (Carrizo Groundwater Supply Expansion Project); authorizing the sale thereof to the Texas Water Development Board (TWDB) through its State Water Implementation Fund for Texas (SWIFT) Program; approving and authorizing the execution of a Paying Agent/Registrar Agreement and an Escrow Agreement related to such bonds; approving and authorizing the execution of separate Continuing Disclosure Agreements with County Line Special Utility District, Goforth Special Utility District, and Maxwell Special Utility District; approving and authorizing all other instruments and procedures related thereto; and providing for an immediate effective date.

12. Consideration of and possible action approving a Resolution authorizing the issuance of up to \$5,000,000 in principal amount of Guadalupe-Blanco River Authority General Improvement Revenue Bonds, for the primary purpose of financing improvements to the Diversion Dam & Saltwater Barrier; authorizing the sale thereof pursuant to a competitive sale; delegating authority to the Acting General Manager/CEO and the Executive Manager of Finance/CFO to approve all final terms of the Bonds; approving and authorizing the execution of all instruments and procedures related thereto including a Paying Agent/Registrar Agreement; authorizing the preparation and distribution of an Official Statement; and containing other provisions related thereto.

13. Consideration of and possible action authorizing Guadalupe-Blanco River Authority staff to open bank and investment accounts for management of bond proceeds and debt service obligations for improvements to the Diversion Dam & Saltwater Barrier.

14. Consideration of and possible action authorizing the Acting General Manager/CEO to negotiate and execute an asset purchase agreement with Undine Wholesale Supply, LLC for the sale and transfer of the GBRA Port Lavaca Water Treatment Plant property and assets in Calhoun County, Texas

15. Consideration of and possible action authorizing the Acting General Manager/CEO to negotiate and execute an asset purchase agreement with Undine Texas, LLC, and Undine Texas Environmental, LLC for the sale and transfer of the GBRA Calhoun County Rural Water System and Crestview Wastewater System properties and assets in Calhoun County, Texas.

16. Consideration of and possible action authorizing the Acting General Manager/CEO to negotiate and execute an Operations and Maintenance Agreement with Undine Texas, LLC and Undine Wholesale Supply, LLC to operate the Calhoun County Rural Water System.

17. Consideration of and possible action authorizing the Acting General Manager/CEO to negotiate and execute an Operations and Maintenance Agreement with Undine Texas Environmental, LLC to operate the Crestview Wastewater System

18. Consideration of and possible action approving a Resolution by the Guadalupe-Blanco River Authority declaring a public necessity for the acquisition of certain water pipeline easements for the San Marcos Raw Water Pipeline – FM 621/CR 266 Safety 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, other governmental entities conducting eminent domain proceedings on GBRA's behalf, and engineering and technical consultants in the institution and prosecution of condemnation proceedings to acquire any such needed easements and related rights of ingress and egress 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, and other governmental entities conducting eminent domain proceedings on GBRA's behalf 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 – HK Riley's Pointe, LLC, a Texas limited liability company, being approximately 0.040 acre or 1,744 square feet, and 0.004 acre or 161 square feet out of the Jesse W. Wilson Survey, Abstract No. 481, in Hays County, Texas, being a portion of that called 267.339 acre tract conveyed to HK Riley's Pointe, LLC by Special Warranty Deed, as recorded in Document No. 20011114 of the Official Public Records of Hays County, Texas, attached as Exhibit "A", and;

Parcel 6 – HK Baugh Ranch, LLC, a Texas limited liability company, being approximately 0.021 acre tract of land (approximately 906 sq. ft.), out of the John McGuire Survey, Abstract No. 320, in Hays County, Texas, being a portion of that 119.988 acre tract conveyed to HK Baugh Ranch, LLC by Special Warranty Deed with Vendor's Lien dated October 30, 2019, as recorded in Document No. 19040023 of the Official Public Records of Hays County, Texas, attached as Exhibit "B".

DISCUSSION ITEMS

19. Discussion regarding Base Flow Report, Water Quality Index, long term weather pattern, and condition of the Guadalupe Basin.

ITEMS FOR EXECUTIVE SESSION

20. 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 (25th Judicial District Court); (ii) GBRA's Mid-Basin Water User Permit Application in Gonzales County (98th District Court of Travis County); (iii) San Antonio Water System's application to TCEQ for a bed and banks permit on the San Antonio River (TCEQ); (iv) Cibolo Creek Municipal Authority's application to TCEQ for a bed and banks permit on the San Antonio River (TCEQ); (v) GBRA v. Henke (24th District Court of Calhoun County); (vi) other pending applications for TCEQ water use or water quality permits on which GBRA is the permittee or co-permittee; (vii) pending applications for TCEQ water use or water quality permits in the Guadalupe or adjacent river basins; and (viii) 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 appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of public officers or employees; and to receive and obtain legal advice regarding same from legal counsel.

- General Manager/CEO, public officers, or employees

No action will be taken in executive 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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