

GUADALUPE-BLANCO RIVER AUTHORITY
Minutes of the Board of Directors
July 19, 2023

The Board of Directors of the Guadalupe-Blanco River Authority met in a regular meeting on July 19, 2023, at the GBRA Annex Building Board Room, 905 Nolan, Seguin, Guadalupe County, Texas. Directors present were Dennis Patillo, Steve Ehrig, Don B. Meador, William Carbonara, Emanuel Valdez, Patrick Cohoon, John Cyrier, and Robert Blaschke. Director Old was not present. Present in the Annex Building in Seguin, Texas were Darrell Nichols, General Manager/CEO; Jonathan Stinson, Deputy General Manager; Vanessa Guerrero, Executive Manager of Administration; Randy Staats, Executive Manager of Finance/CFO; Nathan Pence, Executive Manager of Environmental Science; Charles Hickman, Executive Manager of Engineering; David Harris, Executive Manager of Operations; Brian Perkins, Deputy Executive Manager of Engineering; Joseph Cole, General Counsel; Courtney Kerr-Moore, Associate General Counsel; and Justin Adkins, Assistant General Counsel.

Chairman Patillo called the meeting to order at 10:00 a.m. and took note of the certifications presented that notice of the meeting had been properly posted in the office of the Secretary of State, in the Guadalupe County Courthouse, at the GBRA office in Seguin, Texas, and at the GBRA Annex Building in Seguin, Texas, pursuant to Title 5, Chapter 551 of the Texas Government Code. A quorum being present, the following proceedings were had:

Director Carbonara led the Pledges of Allegiance to the United States flag and the Texas flag.

The Chairman called for **Chairman Item 1 - Consideration of and possible action creating an ad-hoc committee to review and make recommendations related to conservation grant requests.** Chairmen Patillo proposed the following Directors for consideration to serve on an ad-hoc committee to review and make recommendations concerning special issues related to conservation grant requests: (1) Director Blaschke as Chairman; (2) Director Valdez; and (3) Director Carbonara. Upon Motion by Director Meador, seconded by Director Ehrig, the Board unanimously approved Chairman Item 1 appointing Director Blaschke, Director Valdez and Director Carbonara to service on the ad-hoc committee to review and make recommendations related to conservation grant requests.

The Chairman then called for **Public Comments from the public.** There were no comments from the public.

The Chairman called for **Consent Item 3 - Consideration of and possible action approving the minutes of the June 21, 2023 Board meeting; Consent Item 4 - Consideration of and possible action approving the monthly financial report for June 2023; Consent Item 5 - Consideration of and possible action approving the monthly operations report for June 2023; and Consent Item 6 - Consideration of and possible action approving Directors' expense vouchers for June 2023.** Upon Motion by Director Meador, seconded by Director Ehrig the Board unanimously approved Consent Items 3, 4, 5 and 6.

The Chairman then called for **General Manager/CEO Item 7 - 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. David Harris, Executive Manager of Operations, provided the Board with a quarterly report on GBRA Operations. This briefing included discussion of new GBRA operator licenses and training, compliance inspections, and new solids dewatering equipment installed at Sunfield WWTP. GBRA received the NACWA Platinum Peak Performance award for its operations at the Singing Hills WWTP for five years of 100% compliance with applicable standards. All of GBRA's thirteen (13) wastewater plants received a national-level award this year for Gold or Silver Peak Performance. Mr. Harris also briefed the Board on the status of the San Marcos/Alliance connections, source water protection, and GBRA representation in the community. A FERC inspection was conducted at the Canyon Hydroelectric Plant, and TCEQ inspections at the Luling WTP and San Marcos WTP were both completed with no violations reported. Next, Amanda Buchanan, Safety and Risk Manager, gave a safety update stating in the past month there were no lost time incidents of injuries or illnesses, and four incidents were reported. Highlights from the previous month included injury and health prevention programs, laboratory training for compressed gas safety, and eye and face protection for operations staff. Occupational health exams will begin this month. Darrell Nichols, General Manager/CEO, briefed the Board on the Lake Dunlap Dam and armoring progress to include removal of the trestle

bridge, installation of all gates, contractor's plan to initiate operational and performance testing, and the refilling of the lake upon successful completion of performance testing.

Next, the Chairman called for **Action Item 8 - Consideration of and possible action authorizing the General Manager/CEO to negotiate and execute a contract with the Texas General Land Office for grant funding to assist in the updating of the GBRA Hazard Mitigation Plan.** Amanda Buchanan, Safety and Risk Manager, briefed the Board on the All-Hazard Mitigation Action Plan. The Federal Emergency Management Agency ("FEMA") requires that the plan be updated every five (5) years. The date of the last FEMA-approved plan was August 2018. The updated plan is due to FEMA in October 2023 and the grant funds will be used to prepare said update. Upon Motion by Director Blaschke, seconded by Director Meador, the Board unanimously approved Action Item 8 authorizing the General Manager/CEO to negotiate and execute a contract with the Texas General Land Office for grant funding to assist in the updating of the GBRA Hazard Mitigation Plan.

The Chairman called for **Action Item 9 - Consideration of and possible action authorizing the General Manager/CEO to negotiate and execute an Interlocal Agreement with the City of New Braunfels and New Braunfels Utilities for the One Water Program.** Lauren Willis, Director of Government and Community Affairs, briefed the Board on the One Water Program and introduced David Hubbard, Chief Administrative Officer of New Braunfels Utilities. In August 2019, a One Water Working Group was created including staff from New Braunfels Utilities, the City of New Braunfels, and GBRA to maintain and preserve local and regional water resources for the benefit of current and future generations. The Interlocal Agreement will formalize the interagency partnership and establish the government and

management structures. New Braunfels Utilities will administer the program funds and maintain all documents and records. The One Water Advisory Council will consist of one member from each entity to provide strategic guidance and appropriate use of funds. The One Water Coordinator will be a staff member of NBU. The Interlocal Agreement is for a three (3) year term with annual funding contributions from each entity. Upon Motion by Director Ehrig, seconded by Director Carbonara, the Board unanimously approved Action Item 9 authorizing the General Manager/CEO to negotiate and execute an Interlocal Agreement with the City of New Braunfels and New Braunfels Utilities for the One Water Program.

The Chairman called for **Action Item 10 - Consideration of and possible action approving the use of financial reserves to cover construction activities for facilities in the Lake Dunlap Canal and to provide temporary debt service assistance.** Director Patillo called for Action Item 10 to be discussed following executive session.

The Chairman then called for **Action Item 11 - Consideration of and possible action authorizing the General Manager/CEO to negotiate and execute a change order with Sundt Construction in an amount in excess of \$50,000.00 for the Lake McQueeney Spillgate Replacement and Dam Armoring Project (Change Order #1).** Charles Hickman, Executive Manager of Engineering, is seeking authorization for the General Manager/CEO to negotiate and execute a change order with Sundt in an amount exceeding \$50,000.00 for demolition and replacement of a portion of the Lake McQueeney wingwall. The deteriorated wingwall was discovered after the recent drawdown of Lake McQueeney. Upon Motion by Director Ehrig, seconded by Director Meador, the Board unanimously approved Action Item 11 authorizing the General Manager/CEO to negotiate and execute a change order with Sundt Construction in an

amount in excess of \$50,000.00 for the Lake McQueeney Spillgate Replacement and Dam Armoring Project (Change Order #1).

The Chairman called for **Action Item 12 - Consideration of and possible action approving a Resolution by the Guadalupe-Blanco River Authority declaring a public necessity for the acquisition of certain treated pipeline easements and temporary construction easements for the Western Canyon Hwy. 46 Treated Water Pipeline Relocation 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 easements and temporary construction 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 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 1 - 281 Partners, Ltd., a Texas limited partnership, being approximately 0.1385 acres (6,035 square feet) tract of land situated in the Theodore Miller Survey, Abstract No. 384 in Comal County, City of Bulverde, Texas, said 0.1385 acre tract being a portion of a 14.51 acre tract of land (by deed) deeded to 281 Partners, Ltd. by deed recorded in Document No. 201806040311 of the Official Public Records of Comal County, Texas (O.P.R.C.C.T.), attached as Exhibit "A"; and

Parcel 6 – Gwen Mary Reed, being a 0.1754 acre (7,641 square feet) tract of land situated in the Theodor Koester Survey, Abstract No. 340 in Comal County, Texas, said 0.1754 acre tract being a portion of the remainder of Lot 60 of Stony Creek Unit 3, a subdivision recorded in Volume 5, Page 353 of the Map and Plat Records of Comal County, Texas (M.P.R.C.C.T.), said Lot 60 conveyed to Gwen Mary Reed by Probate of Last Will and Testament Recorded in Document No. 201206011578 of the Official Public Records of Comal County, Texas (O.P.R.C.C.T.), and attached as Exhibit “B”.

Courtney Kerr-Moore, Associate General Counsel, is seeking authorization by Resolution for the acquisition of property through proceedings in eminent domain. These proceedings are a public necessity to acquire certain properties for the Western Canyon Hwy. 46 Treated Water Pipeline Relocation Project due to the Texas Department of Transportation (TXDOT) expansion of Hwy. 46 in Comal County, Texas. Upon Motion by Director Meador, seconded by Director Ehrig, the Board unanimously approved, by a record vote, Action Item 12 approving a Resolution by the Guadalupe-Blanco River Authority declaring a public necessity for the acquisition of certain treated pipeline easements and temporary construction easements for the Western Canyon Hwy. 46 Treated Water Pipeline Relocation 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 easements and temporary construction 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 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. A copy of the Resolution is attached and made a part of these minutes.

The Chairman then called for **Discussion Item 13 - Discussion regarding Base Flow Report, Water Quality Index, long-term weather pattern, and condition of the Guadalupe Basin.** Charles Hickman, Executive Manager of Engineering, briefed the Board on the Guadalupe River Basin hydrologic conditions, the Base Flow Report, condition of the Guadalupe Basin including rainfall percentages, events and totals, the U.S. Drought Monitor Seasonal Outlook, Edwards Aquifer levels, Comal Springs level, Guadalupe River stream flows, El Niño modeled forecast, and elevation of Canyon Reservoir. Canyon Lake is showing about 895.11 feet. Currently, Comal Springs is flowing around 101 cfs.

The open meeting was recessed at 11:11 a.m. subject to call by the Chairman and convened the meeting in executive session at 11:11 a.m. pursuant to Chapter 551, Texas Government Code.

The open meeting reconvened at 11:31 a.m.

The Chairman re-called **Action Item 10 - Consideration of and possible action approving the use of financial reserves to cover construction activities for facilities in the Lake Dunlap Canal and to provide temporary debt service assistance.** Darrell Nichols, General Manager/CEO, is seeking approval for the use of financial reserves to reimburse construction-related activities in the Lake Dunlap Canal and provide temporary debt service assistance for the Lake Dunlap Water Control and Improvement District (WCID). Upon Motion by Director Ehrig, seconded by Director Meador, the Board unanimously approved Action Item

10 approving the use of financial reserves to cover construction activities for facilities in the Lake Dunlap Canal and to provide temporary debt service assistance.

There being no further business to be brought before the Board, the meeting was adjourned at 11:33 a.m. subject to call by the Chairman.

Chairman

Secretary