

GUADALUPE-BLANCO RIVER AUTHORITY
Minutes of the Board of Directors
September 20, 2023

The Board of Directors of the Guadalupe-Blanco River Authority met in a regular meeting on September 20, 2023, at the GBRA Annex Building Board Room, 905 Nolan, Seguin, Guadalupe County, Texas. Directors present were Dennis Patillo, Sheila Old, Stephen B. Ehrig, Don B. Meador, William Carbonara, Emanuel Valdez, James P. Cohoon, John Cyrier, and Robert Blaschke. 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; Adeline Fox, Executive Manager of Communications and Outreach; and Joseph Cole, 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 Valdez led the Pledges of Allegiance to the United States flag and the Texas flag.

The Chairman called for Chairmen Item 1 - **Consideration of and possible action to add a Board Member to the ad-hoc committee and to continue review of GBRA's conservation grants process in support of nonprofit organizations.** Chairman Patillo, pursuant to guidance provided in Sunset Committee Reports recommending a five-year review of all GBRA nonprofit

activities, is requesting that Director Blaschke continue serving on the ad-hoc committee. Director Cyrier is also being requested to serve on the committee, which now includes four directors, for the same purpose. Director Old was not present for Chairman Item No. 1. Without objection, Chairman Patillo appointed Director Cyrier to the ad-hoc committee to aid in continuing the review of GBRA's conservation grants process in support of nonprofit organizations.

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 August 10, 2023 Board workshop; Consent Item 4 - Consideration of and possible action approving the minutes of the August 16, 2023 Board Meeting; Consent Item 5 - Consideration of and possible action approving the monthly financial report for August 2023; Consent Item 6 - Consideration of and possible action approving the monthly operations report for August 2023; and Consent Item 7 - Consideration of and possible action approving Directors' expense vouchers for August 2023**. Upon Motion by Director Ehrig, seconded by Director Meador, the Board unanimously approved Consent Items 3, 4, 5, 6, and 7.

The Chairman then called for **General Manager/CEO Item 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. Charles Hickman, Executive Manager of Engineering, introduced and welcomed Sidney Melton, GBRA’s new Project Engineer. Next, Nathan Pence, Executive Manager of Environmental Science, introduced and welcomed Daniel Large, GBRA’s new Habitat Conservation Plan (“HCP”) Director. Mr. Pence briefed the Board on HCP progress updates including the upcoming third public stakeholder meeting in late September, the additional award of a second \$1,000,000 Section 6 Grant from the Department of the Interior, and the four-member Technical Advisory Group update meeting. The Board was also briefed on the recent tour of the U.S. Fish and Wildlife Service (“USFWS”) San Marcos Aquatic Resource Center. To further GBRA’s applied environmental research, GBRA aquatic biologist, Lee Gudgell, has been working with the USFWS on establishing toxicity levels for freshwater mussels, which are included in GBRA’s HCP. The research will also lead to efficiencies and cost savings to the HCP. This research allows GBRA to gain valuable information on local mussel specimens instead of having to rely on information on mussel species from the New England area. The recent Calhoun County canal freshwater mussel surveys were conducted, and it was determined that the canals do not contain the proposed endangered freshwater mussel species, which means GBRA’s activities in the area will not have any impact on the species. Mr. Pence further discussed that Chad Norris and Jana Gray have been chosen to present at the upcoming National HCP Coalition Annual Meeting this year. The Board was also updated on

research relating to the Clean Rivers Program. The highlights mentioned were Coletto Creek aquatic vegetation planting, alligator weed control in the lower basin canal system, summer 2023 water quality sampling, the Seguin Area Youth Leadership Lab tour, and recent lab instrument replacement. Next, Amanda Buchanan, Safety and Risk Manager, gave a safety and risk department update, stating that in the past month, there was no lost time incident of injuries or illnesses, and one incident was reported. In total, there were 31 recorded incidents, one near miss, and three loss time events during fiscal year 23. During the previous month, workplace violence, active shooter, and compressed gas safety training were conducted. Additional activities included new employee orientation, site visits, completion of the occupational health testing, and progress on the Hazard Mitigation Plan, including project management meetings, kickoff, and public meetings. Next, Darrell Nichols, General Manager/CEO, introduced and welcomed Adeline Fox, GBRA's new Executive Manager of Communications and Outreach.

Next, the Chairman called for **Action Item 9 - Consideration of and possible action authorizing the General Manager/CEO to execute a grant contract with the Texas State Soil and Water Conservation Board (TSSWCB) for Clean Water Act Section 319(h) Grant: Surface Water Quality Monitoring to Support the Implementation of the Geronimo and Alligator Creeks Watershed Protection Plan.** Kristyn Armitage, Water Quality Technician, is seeking authorization to execute a grant contract with the TSSWCB for the Clean Water Act Section 319(h) grant to support the implementation of the Geronimo and Alligator Creeks Watershed Protection Plan. This is a three-year contract ending September 30, 2026, to include water quality monitoring, dry and wet weather targeted sampling, aquatic life monitoring, and supplies to support sampling. The changes from the previous grant include the removal of a real-

time water quality monitoring station with TCEQ and funding for the website renovation. Upon Motion by Director Carbonara, seconded by Director Cohoon, the Board unanimously approved Action Item 9 authorizing the General Manager/CEO to execute a grant contract with the Texas State Soil and Water Conservation Board for Clean Water Act Section 319(h) Grant: Surface Water Quality Monitoring to Support the Implementation of the Geronimo and Alligator Creeks Watershed Protection Plan.

The Chairman called for **Action Item 10 - Consideration of and possible action authorizing the General Manager/CEO to execute a grant contract with the Texas State Soil and Water Conservation Board (TSSWCB) for Clean Water Act Section 319(h) Grant: Surface Water Quality Monitoring to Support the Implementation of the Plum Creek Watershed Protection Plan.** Kristyn Armitage, Water Quality Technician, is seeking authorization to execute a grant contract with the TSSWCB for the Clean Water Act Section 319(h) grant to support the implementation of the Plum Creek Watershed Protection Plan. This is a three-year contract ending September 30, 2026, to include water quality monitoring, dry and wet weather targeted sampling, aquatic life monitoring, and supplies to support sampling. The changes from the previous grant include the removal of a real-time water quality monitoring station with TCEQ. Upon Motion by Director Blaschke, seconded by Director Cohoon, the Board unanimously approved Action Item 10 authorizing the General Manager/CEO to execute a grant contract with the Texas State Soil and Water Conservation Board for Clean Water Act Section 319(h) Grant: Surface Water Quality Monitoring to Support the Implementation of the Plum Creek Watershed Protection Plan.

The Chairman called for **Action Item 11 - Consideration of and possible action authorizing the General Manager/CEO to negotiate and execute a contract with the lowest responsible bidder for Biosolids Disposal Services for operations in Hays, Caldwell, and Comal County.** David Harris, Executive Manager of Operations, is seeking authorization to execute a contract with the lowest responsible bidder for the removal of biosolids from GBRA's operations in Hays, Caldwell, and Comal counties that require the disposal of wastewater and water treatment biosolids. Upon Motion by Director Carbonara, seconded by Director Ehrig, the Board unanimously approved Action Item 11 authorizing the General Manager/CEO to negotiate and execute a contract with the lowest responsible bidder for Biosolids Disposal Services for operations in Hays, Caldwell, and Comal County.

The Chairman called for **Action Item 12 - Consideration of and possible action authorizing the General Manager/CEO to execute a Memorandum of Understanding with Maxwell Special Utility District (SUD) acknowledging a mutual interest to collaborate on development of new water supplies.** Brian Perkins, Deputy Executive Manager of Engineering, is seeking authorization to formalize an agreement with Maxwell Special Utility District ("Maxwell SUD") relating to the TX 130 project. The MOU will expire in 2028. Director Meador stated that he had a personal interest in the proposed item and would not participate. Upon Motion by Director Carbonara, seconded by Director Valdez, the remaining members of the Board unanimously approved Action Item 12 authorizing the General Manager/CEO to execute a Memorandum of Understanding with Maxwell Special Utility District acknowledging a mutual interest to collaborate on the development of new water supplies.

The Chairman called for **Action Item 13 - Consideration of and possible action approving a Resolution by the Guadalupe-Blanco River Authority, declaring a public necessity for the acquisition of court orders to obtain entry onto certain properties for the purpose of making boundary, topographic, environmental, archeological, and geotechnical surveys, and appraisals in connection with the construction of the treated water pipeline system for Hays, Caldwell, and Guadalupe counties onto said properties to be identified to wit:**

Guadalupe County Appraisal District ID No. 70778 Randolph R. Lehmann, Diane J. Haliburton a/k/a Diane J. Halliburton, Gary S. Lehmann, and Gregory C. Lehmann, and identified on map attached as Exhibit “A”; and

Caldwell County Appraisal District ID No. 15005 Doris H. Steubing, and identified on map attached as Exhibit “B”.

Courtney Kerr-Moore, Deputy General Counsel, is seeking authorization of a Resolution to declare a public necessity for the acquisition of court orders to obtain entry onto certain properties in connection with the construction of the Carrizo Groundwater Supply Expansion Project – TX 130 for Hays, Caldwell, and Guadalupe counties. Upon Motion by Director Valdez, seconded by Director Old, the Board unanimously approved Action Item 13 approving a Resolution by the Guadalupe-Blanco River Authority, declaring a public necessity for the acquisition of court orders to obtain entry onto certain properties for the purpose of making boundary, topographic, environmental, archeological, and geotechnical surveys, and appraisals in connection with the construction of the treated water pipeline system for Hays, Caldwell, and Guadalupe counties onto said properties to be identified to wit: Guadalupe County Appraisal District ID No. 70778 Randolph R. Lehmann, Diane J. Haliburton a/k/a Diane J. Halliburton, Gary S. Lehmann, and Gregory C. Lehmann, and identified on map attached as Exhibit “A”; and

Caldwell County Appraisal District ID No. 15005 Doris H. Steubing, and identified on map attached as Exhibit “B”. A copy of the Resolution is attached and made part of these minutes.

The Chairman called for **Action Item 14 - Consideration of and possible action to amend the By-Laws of the Guadalupe-Blanco River Authority**. Joseph Cole, General Counsel, is proposing amendments to the By-Laws of the Guadalupe-Blanco River Authority (“GBRA”) to reflect changes to laws applicable to GBRA and GBRA’s enabling legislation, and to codify recommendations and best practices. Such changes relate to increased authority to approve change orders under the Texas Water Code, new requirements under the Texas Open Meetings Act and the Texas Public Information Act, as well as amendments to GBRA’s enabling legislation affecting the presiding officer of the Board. Also reflected in the proposed amendments are necessary updates relating to the opening of the New Braunfels office. Upon Motion by Director Ehrig, seconded by Director Meador, the Board unanimously approved Action Item 13 amending the By-Laws of the Guadalupe-Blanco River Authority. A copy of the proposed Amended By-Laws is attached and made part of these minutes.

The Chairman then called for **Action Item 15 - Consideration of and possible action to amend GBRA Board Policy 102.204, Delegations to the General Manager/CEO, to grant authority to the General Manager/CEO to approve change orders to construction and repair, equipment, materials and machinery contracts that involve the increase or decrease of \$150,000.00 or less**. Joseph Cole, General Counsel, is seeking approval to amend GBRA Board Policy 102.204 to grant authority to the General Manager/CEO to approve changes orders under \$150,000.00 based on the amended Texas Water Code Section 49.273(i), which became effective on September 1, 2023. Section 49.273(i) allows for the Board to grant the General Manager/CEO

authority to approve a change order that calls for an increase or decrease in the contract price for a construction, equipment, materials, and machinery contract if such change order is \$150,000.00 or less. GBRA's current Board policy delegates the authority to approve such change order if it is \$50,000.00 or less. Upon Motion by Director Blaschke, seconded by Director Valdez, the Board unanimously approved Action Item 15 amending GBRA Board Policy 102.204, Delegations to the General Manager/CEO, to grant authority to the General Manager/CEO to approve change orders to construction and repair, equipment, materials and machinery contracts that involve the increase or decrease of \$150,000.00 or less.

The Chairman then called for **Action Item 16 - Consideration of and possible action to authorize the General Manager/CEO to negotiate and execute a Memorandum of Understanding with the Meadow Lake Water Control and Improvement District No. 1 (WCID) to set forth the mutual intentions of GBRA and WCID regarding the evaluation of possible rehabilitation and/or replacement solutions for Nolte Dam to be completed by the WCID, and ownership of Nolte Dam and some or all of the associated Nolte Dam hydroelectric assets.** Jonathan Stinson, Deputy General Manager, is seeking authorization to negotiate and execute a Memorandum of Understanding ("MOU") with Meadow Lake Water Control and Improvement District No. 1 ("WCID") to set forth the mutual intentions of GBRA and the WCID regarding evaluation of potential replacement solutions for the Nolte Dam and consideration of sale or transfer of Nolte Dam and some or all of the associated hydroelectric assets. Although the MOU is not legally binding on either party, it will memorialize the current intentions and expectations of both parties and provide a timeline to move forward. Upon Motion by Director Old, seconded by Director Ehrig, the Board unanimously approved Action Item 16

authorizing the General Manager/CEO to negotiate and execute a Memorandum of Understanding with the Meadow Lake Water Control and Improvement District No. 1 (WCID) to set forth the mutual intentions of GBRA and WCID regarding the evaluation of possible rehabilitation and/or replacement solutions for Nolte Dam to be completed by the WCID, and ownership of Nolte Dam and some or all of the associated Nolte Dam hydroelectric assets.

The Chairman then called for **Discussion Item 17 - Discussion and update on GBRA's Strategic Plan FY 2023-2028**. Lauren Willis, Director of Government & Community Affairs, reviewed the current FY 2023-2028 Strategic Plan. An implementation team was created consisting of eight members from each executive department. A review was given of the five-year strategic plan, including the promises and commitments of the total plan. A sample smart sheet and dashboard were provided to the Board illustrating how GBRA is tracking the progress of strategic objectives and the complete plan.

The Chairman then called for **Discussion Item 18 - 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 891.33 feet. Currently, Comal Springs is flowing around 79 cfs.

There being no further business to be brought before the Board, the open meeting was recessed at 11:31 a.m. subject to call by the Chairman and convened the meeting in executive session at 11:45 a.m. pursuant to Chapter 551, Texas Government Code.

The open meeting reconvened at 12:16 p.m.

There being no further business to be brought before the Board, the meeting was adjourned at 12:16 p.m. subject to call by the Chairman.

Chairman

Secretary