

## **GUADALUPE-BLANCO RIVER AUTHORITY**

### **Minutes of the Board of Directors**

The Board of Directors of the Guadalupe-Blanco River Authority met in a regular monthly meeting on April 24, 2013, at the GBRA River Annex Board Room, 905 Nolan, Seguin, Guadalupe County, Texas. Directors present were Oscar H. Fogle, Grace G. Kunde, Tommy Mathews, James L. Powers, Dennis L. Patillo, Frank J. Pagel, and Kenneth Motl. Directors Myrna P. McLeroy and Robert "Rusty" Brockman were absent. Also present were W. E. West, Jr., General Manager; James Murphy, Executive Manager of Water Resources and Utility Operations; Alvin Schuerg, Executive Manager of Finance and Administration; Todd Votteler, Executive Manager of Science, Intergovernmental Relations and Policy; David Welsch, Executive Manager of Business Development and Resource Management; Gary Asbury, Manager of Project Engineering; Barbara Gunn, Human Resources Manager; Tommy Hill, Chief Engineer; Debbie Magin, Director of Water Quality Services; Bryan Serold, Operations Manager-Lower Basin; John Smith, Operations Manager-Upper Basin; LaMarriol Smith, Chief Strategic Communications and Public Affairs Officer; Teresa Van Booven, Project and Community Representative; Cricket Dietert, Executive Assistant to the General Manager; Connie Rothe, Board Relations and Publication Specialist; Leigh Crettenden, IT Manager; Amanda Johnson, Web Master; Tommy Schulte, Regional Representative; Patti Coggins, Grant Writer/Administrator; Cinde Thomas-Jimenez, Environmental Education Administrator; Steve Jester, Executive Director of the Guadalupe-Blanco River Trust; Dan Alonso, Executive Director of the San Antonio Bay Foundation; Roger

Nevola, legal counsel; Jim Dublin representing Dublin and Associates; Allen Spelce and Bob Spain representing the Texas Water Safari; Rick Menchaca representing BOSC, Inc.; H. Rene Moulinet; David Parkhill representing URS Engineering; Bill Swansen representing MWH; Steve Bereyso representing San Antonio Water System; and Greg Bowen representing the New Braunfels Herald-Zeitung.

Chair Fogle called for a moment of silence and gave a prayer to remember Bruce Wasinger, GBRA's General Counsel, co-worker, and friend. A Resolution honoring Bruce Wasinger will be on the May Board agenda.

Chair Fogle called the meeting to order at 9:06 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, and at the GBRA main office and river annex in Seguin, Texas, pursuant to Title 5, Chapter 551 of the Texas Government Code. A quorum being present, the following proceedings were had:

Director Mathews led the Pledge of Allegiance to the United States flag and Texas flag.

The Chair recessed the open meeting at 9:08 a.m. The Chair then closed the open meeting and convened the meeting in executive session at 9:08 p.m. pursuant to Chapter 551, Texas Government Code. The Chair reconvened the meeting in open session at 9:40 p.m.

The Chair called for comments from the public. There were no public comments at this time.

The Chair called for **Chair Item 1 - Consideration of and possible action accepting Board of Directors' Committee assignments.** Upon motion by Director Mathews, seconded by Director Kunde, the Board unanimously accepted the Committee assignments. A copy of the Committee assignments is attached and made a part of these minutes.

Next, the Chair called for **Consent Item 2 - Consideration of and possible action approving the minutes of the March 20, 2013, Board meeting; Consent Item 3 - Consideration of and possible action approving the monthly financial report for March 2013; Consent Item 4 - Consideration of and possible action approving the monthly operations report for March 2013; and Consent Item 5 - Consideration of and possible action approving Directors' expense vouchers.** Upon motion by Director Patillo, seconded by Director Kunde, the Board unanimously approved Consent Items 2, 3, 4, and 5.

The Chair called for **Consent Item 6 - Consideration of and possible action approving Resolutions endorsing GBRA's support of and participation in National Drinking Water Week and Water Utilities Awareness Week, May 5-11, 2013.** John Smith briefed the Board on National Drinking Water Week and Water Utilities Awareness Week including activities being held at various GBRA locations. Upon motion by Director Kunde, seconded by Director Powers the Board unanimously approved the Resolutions. A copy of the Resolutions are attached and made a part of these minutes.

The Chair then called for **General Manager Item 7 - Discussion of the Executive Report addressing various matters, including matters relating to: safety, utility operations, water resource operations, engineering, coordination with the U.S. Army Corps of Engineers regarding Canyon Reservoir operations, Nueces Recharge Study, the seasonal deviation study for Canyon Reservoir and Cibolo Watershed Study, Region L Water Planning, Construction Management including River Bend pump station replacement matters with construction eighty percent complete, Mid-Basin Water Supply Project, Feasibility Study for the South Central Texas Power and Desalination Project, Regional Laboratory activities, Clean Rivers Program activities, Plum Creek Projects, Texas Water Utilities Association Laboratory Analyst Section, Operations, Geronimo Creek Watershed Protection Plan, Environmental Flows Project including review of possible Memorandum of Understanding with Texas Parks and Wildlife Department, Water Quality (general), Economic and Community Development activities, events and projects, development including water and wastewater services activities, Bulverde area wastewater including Singing Hills, Berry Oaks and Johnson Ranch, Rural Utilities - Dunlap wastewater service area activities, Mid-Basin Water Supply Project activities, Resource Protection activities including lake management and water safety, implementation of water conservation measures, water strategies, Canyon Lake/Sattler Office, Gorge Preservation Society, information technology, human resources, budget activities, accounting and finance.** No discussion was had on General Manager Item 7 at this time.

The Chair called for **Action Item 8 - Consideration of and possible action approving a Resolution to amend the Guadalupe-Blanco River Authority Defined Contribution Retirement Plan and Trust and also approving the Third Amendment to the Defined Contribution Retirement Plan and Trust to change the language of the definition of “Leased Employee”**. GBRA has three retirement plans. A Defined Benefit Pension Plan for employees hired before January 1, 2011, the new Defined Contribution Plan for employees hired on or after January 1, 2011, and a Section 457(b) Employee Savings Retirement Plan established January 1, 1991. The new Defined Contribution Plan was submitted to the Internal Revenue Service with a request for a favorable determination letter. The determination letter was issued on March 1, 2013, but was made contingent upon the timely adoption of a brief Plan amendment. The IRS is requiring a correction to the Defined Contribution Retirement Plan’s definition of “Leased Employee”. The Plan excludes leased employees, and therefore must define the term. The definition of “Leased Employee” should be amended to change the wording from “whose services are performed under primary direction and control by the recipient” to “whose services are performed under primary direction **OR** control by the recipient”. Upon motion by Director Motl, seconded by Director Mathews, the Board unanimously approved a Resolution to amend the Guadalupe-Blanco River Authority Defined Contribution Retirement Plan and Trust and also approved the Third Amendment to the Defined Contribution Retirement Plan and Trust to change the language of the definition of “Leased Employee”. A copy of the Resolution and Third Amendment is attached and made a part of these minutes.

Next, the Chair called for **Discussion Item 9 - Presentation by the Texas Water Safari**. Tommy Schulte introduced Allen Spelce and Bob Spain. Mr. Spelce thanked General Manager West and GBRA staff for their support and contributions to make the annual Texas Water Safari race a success. The Board was briefed on the history of the Texas Water Safari race which began in 1960 starting in San Marcos and ending at Seadrift. Mr. Spain thanked the Board and presented t-shirts and an aerial photograph of the start of the Texas Water Safari race at Spring Lake.

The Chair then called for **Discussion Item 10 - Discussion regarding the activities and transactions of the Edwards Aquifer Authority, South Central Texas Water Advisory Committee, and the Guadalupe Basin Coalition**. Todd Votteler briefed the Board on activities of the Edwards Aquifer Authority, the Edwards Aquifer Recovery Implementation Program Habitat Conservation Plan, and the Guadalupe Basin Coalition.

The Chair recessed the meeting at 10:09 a.m. and reconvened the meeting at 10:21 a.m.

The Chair called for **Discussion Item 11 - Discussion regarding the activities and transactions of the Guadalupe-Blanco River Trust, the San Antonio Bay Foundation, the Gorge Preservation Society, and the Guadalupe River Foundation**. Steve Jester briefed the Board on activities of the Guadalupe-Blanco River Trust including an article regarding conserving land and water in Texas. Mr. Jester also informed the Board he has been offered a position with Partners for Conservation as their first Executive Director. Partners for Conservation is a National

land trust organization. Dan Alonso briefed the Board on activities of the San Antonio Bay Foundation. LaMarriol Smith briefed the Board on activities of the Guadalupe River Foundation.

Next, the Chair called for **Discussion Item 12 - Quarterly report on grant activities and applications.** Patti Coggins briefed the Board on grant activities including accessing the needs of GBRA.

The Chair then called for **Discussion Item 13 - Discussion regarding Base Flow Report, Water Quality Index, and condition of the Guadalupe Basin.** The reports were discussed with the Board. Tommy Hill briefed the Board on the Comal Springs level, elevation of Canyon Reservoir, rainfall events, and the U. S. Drought Monitor Seasonal Outlook.

The Chair called for **Discussion Item 14 - Discussion regarding local and State water planning and water resource issues.** The Board was briefed on the 83<sup>rd</sup> Legislative Session activities and various bills of interest. Discussion was also had regarding water conservation including Texas A&M's University's *40 Gallon Challenge*.

Next, the Chair called for **Discussion Item 15 - Discussion regarding national water planning and water resource issues.** The Board was briefed on an editorial in the San Antonio Express-News relating to a desalination study on the coast, the recent National Water Resources Association conference, the Supreme Court dispute between Texas and Oklahoma, and the Principles and Requirements for Federal Water Resources released by the Federal Government. Chair Fogle briefed the Board on

appointments GBRA Board members and staff had with Congressional Delegation representatives in Washington, D.C.

The Chair then called for **General Manager Item 7 - Discussion of the Executive Report addressing various matters, including matters relating to: safety, utility operations, water resource operations, engineering, coordination with the U.S. Army Corps of Engineers regarding Canyon Reservoir operations, Nueces Recharge Study, the seasonal deviation study for Canyon Reservoir and Cibolo Watershed Study, Region L Water Planning, Construction Management including River Bend pump station replacement matters with construction eighty percent complete, Mid-Basin Water Supply Project, Feasibility Study for the South Central Texas Power and Desalination Project, Regional Laboratory activities, Clean Rivers Program activities, Plum Creek Projects, Texas Water Utilities Association Laboratory Analyst Section, Operations, Geronimo Creek Watershed Protection Plan, Environmental Flows Project including review of possible Memorandum of Understanding with Texas Parks and Wildlife Department, Water Quality (general), Economic and Community Development activities, events and projects, development including water and wastewater services activities, Bulverde area wastewater including Singing Hills, Berry Oaks and Johnson Ranch, Rural Utilities - Dunlap wastewater service area activities, Mid-Basin Water Supply Project activities, Resource Protection activities including lake management and water safety, implementation of water conservation measures, water strategies, Canyon Lake/Sattler Office, Gorge Preservation Society,**



**information technology, human resources, budget activities, accounting and finance.** Alvin Schuerg briefed the Board on finance, human resource, and information technology activities. Mr. Schuerg also briefed the Board on the financial statements executive summary for the period ending March 31, 2013. David Welsch briefed the Board on water quality, regional laboratory, economic and community development, and business development activities. Debbie Magin briefed the Board on the Geronimo and Alligator Creek clean-up. David Welsch continued discussions and briefed the Board on GBRA's Drought Contingency Plan dated May 18, 2011 including critical period stages for hydroelectric lakes. James Murphy briefed the Board on GBRA operation and engineering activities.

There being no further business to be brought before the Board, the meeting was adjourned at 11:31 a.m. subject to call by the Chair.

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Chair

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Secretary