

# NORTH TEXAS MUNICIPAL WATER DISTRICT

## LEGISLATIVE COMMITTEE MEETING MINUTES JANUARY 10, 2017

### I. CALL TO ORDER

Chairman John Murphy called the meeting of the NTMWD Legislative Committee to order at approximately 2:38 p.m. on Tuesday, January 10, 2017, in the NTMWD Administrative Offices in Wylie, Texas.

Members present included Chairman John Murphy, Directors Phil Dyer, Joe Farmer, Marvin Fuller, Joe Joplin, and Jim Mellody. Director Larry Parks was absent. A quorum of the Legislative Committee was present.

President Terry Sam Anderson, Vice President Bob Thurmond, Secretary John Sweeden and Directors Rod Hogan, James Kerr, Bill Lofland, Charles McKissick, and Richard Sheehan were also present for the meeting.

NTMWD staff present included Mike Rickman, Judd Sanderson, Joe Stankiewicz, Brian Brooks, Melisa Fuller, Shawna Helmberger, Jeff Mayfield, Janet Rummel, and Leann Bumpus.

Martin Rochelle and Lauren Kalisek with Lloyd Gosselink Rochelle & Townsend, P.C., were also present. Snapper Carr with Focused Advocacy and Ron Lewis with Ron Lewis and Associates participated via telephone.

### II. ACTION ITEMS

#### A. Consider Approval of Legislative Committee Meeting Minutes – November 7, 2016

Upon a motion by Director Joe Farmer and a second by Director Phil Dyer, the Legislative Committee voted unanimously to approve the minutes of the Legislative Committee meeting held on November 7, 2016.

#### B. Review and Possible Action on Amendment Process and Draft Amendment Language to NTMWD's Enabling Act to Allow for Removal of a Director During His or Her Unexpired Term

The regular session recessed at 2:40 p.m.

Chairman John Murphy declared the need for an Executive Session of the Legislative Committee to consult with attorneys on agenda item "II. B." pursuant to Section 551.071 of the Texas Government Code. The Executive Session was called to order by Chairman John Murphy at 2:40 p.m.

The Executive Session adjourned at 4:12 p.m.

The Legislative Committee reconvened into regular session at 4:12 p.m. No action was taken in executive session.

Martin Rochelle noted that two versions of the legislation were being presented for the Committee's consideration: one that allowed for removal "with or without cause" and one that limited removal to "for cause." Chairman John Murphy asked how the Committee would like to move forward. Dr. Farmer revisited the history of this item. The comment was made that if action is not taken today, then what was decided previously stands.

In a response to a question by a Committee member, Martin Rochelle explained that the Committee has the discretion to recommend either option to the Board for its consideration.

Director Phil Dyer made a motion, seconded by Director Jim Mellody, that the Legislative Committee recommend the draft "at will - with or without cause" language to NTMWD's Enabling Act to allow for removal of a Director during his or her unexpired term. Director Mellody noted he seconded the motion to allow for discussion. A discussion followed. Directors Joe Farmer, Marvin Fuller, Joe Joplin, Jim Mellody and John Murphy voted against the motion, and the motion failed.

The Committee members discussed adding language to the draft that would allow for notice to the directors of an upcoming action by a governing body, clarifying when the removal is effective, and requiring that such replacement be made by a specific deadline.

Upon a motion by Director Joe Joplin and a second by Director Joe Farmer, the Legislative Committee approved by a majority vote recommending to the Board of Directors the draft "at will for cause" language to NTMWD's Enabling Act to allow for removal of a Director during his or her unexpired term as amended below. Directors Joe Joplin and Joe Farmer accepted a friendly amendment suggested by Director Marvin Fuller to require filling the vacancy due to the removal of a Director within 30 days. Director Jim Mellody abstained from voting. Director Phil Dyer voted against the motion.

The draft "at will for cause" language approved by the Legislative Committee to be recommended to the Board of Directors is as follows:

*(a-1) Notwithstanding any provision of this Act to the contrary, the governing body of a city that appoints a director may remove the director from office at any time, for lawful cause, upon at least 72-hour prior written notice delivered to the director and the district of the proposed action by the governing body. If a governing body acts to remove a director, the removal is effective when the governing body notifies the district in writing of the cause for the removal. Within 30 days of its action to remove a director, the governing body shall appoint a new director to serve the remainder of the unexpired term of the removed director.*

The Committee discussed the correct procedure to bring the item before the Board at the January meeting given that a previous version of the draft legislation was tabled by the Board at its meeting in December.

Upon motion by Director Joe Joplin and a second by Director Joe Farmer, the Committee will recommend to the Board not approving the version of the legislation included in the Board materials at the December 2016 meeting if needed

procedurally in order to take up the Committee's current recommendation based on its action today.

Martin Rochelle stated he would try get the revised language recommended by the Legislative Committee to Legislative Council before the January Board meeting if possible.

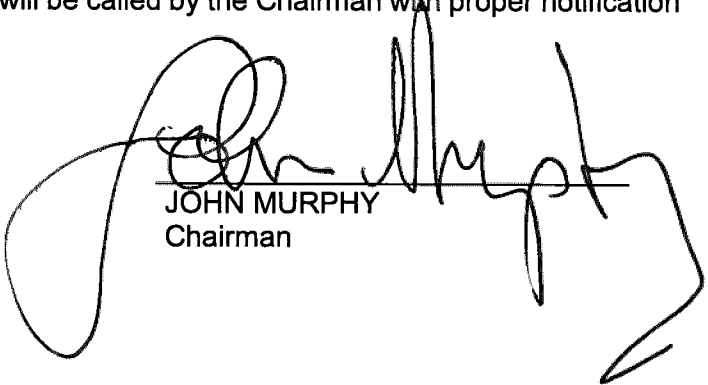
III. DISCUSSION ITEMS

- A. Opportunity for Committee Members to Request Potential Future Agenda Items  
***(No substantive discussion of items will take place at this time)***

No comments.

IV. ADJOURNMENT

There being no further business, the meeting adjourned at approximately 5:13 p.m. The next Legislative Committee meeting will be called by the Chairman with proper notification to all members.



JOHN MURPHY  
Chairman