



# NORTH TEXAS MUNICIPAL WATER DISTRICT

501 E. Brown Street • Wylie, Texas 75098  
(972) 442-5405 – Phone • (972) 295-6440 – Fax

## EXECUTIVE COMMITTEE MEETING MINUTES JULY 8, 2020

In accordance with the COVID-19 public health threat and the related March 16, 2020, action by the Office of the Governor, temporarily suspending certain provisions of the Texas Open Meetings Act, NTMWD will hold its meeting by telephonic conference call.

In lieu of physical attendance of the meeting, the public may teleconference in to the meeting by calling toll free (1) (844) 621-3956 and entering the following access code: 928 587 040. Members of the public wishing to make public comment during the meeting should follow the instructions for on-line registration listed under Item II. below no later than the start time of the meeting. The meeting will be recorded and the audio recording will be available on the NTMWD website after the meeting.

### I. CALL TO ORDER

President Larry Parks called the meeting to order at approximately 11:31 a.m. on Wednesday, July 8, 2020. The meeting was conducted by teleconference.

The following Executive Committee members were present; therefore, a quorum was present.

Executive Committee Members		
1	Parks, Larry (President)	Present
2	Grooms, Darrell (Vice President)	Present
3	Dyer, Phil (Secretary)	Present
4	Gordon, John (Past President)	Present

Other Directors were in attendance along with Interim Executive Director Rodney Rhoades and other members of the NTMWD management team.

The following consultants participated by telephone:

- Lewis Isaacks and Mark Walsh – Saunders, Walsh & Beard
- Lauren Kalisek and James Aldredge – Lloyd Gosselink Rochelle & Townsend
- Kate Norman – Coffin Renner
- Alan Raynor and Molly Carson – McCall Parkhurst & Horton

**II. PUBLIC COMMENTS (FOR TELECONFERENCE COMMITTEE MEETINGS ONLY)**

**INSTRUCTIONS FOR PUBLIC COMMENT ON-LINE REGISTRATION:** Prior to the start of the Board meeting, members of the public wishing to provide public comment must submit via email to [PublicRelations.Info@ntmwd.com](mailto:PublicRelations.Info@ntmwd.com) their first and last name, organization, comment topic, mailing address and email address. During the public comment portion of the meeting, speakers will be recognized by name and asked to provide their comments. The time limit is five (5) minutes per speaker, not to exceed a total of thirty (30) minutes for all speakers. The Board may not discuss these items, but may respond with factual or policy information. Public comment is provided for committee meetings held by teleconference during the COVID-19 health threat to confirm the opportunity for two-way communication with the public during the meeting.

There were no requests for public comments.

**III. ACTION ITEMS**

A. Consider approval of minutes of Executive Committee meeting – June 10, 2020

On a motion by Director Phil Dyer and a second by Director Darrell Grooms, the Executive Committee approved the minutes of June 10, 2020, by unanimous vote.

B. Discuss and possible action on Board Members requested potential future agenda items

There were no requested potential future agenda items in June.

At 11:34 a.m. President Parks declared the need for an Executive Session of the Executive Committee to discuss Agenda Item Nos. IV. M and N on the agenda pursuant to Texas Government Code, Section 551.071, Consultation with Attorney.

**IV. DISCUSSION ITEMS**

M. Discuss status of Member City contract matters including:

1. Petitions of the Cities of Garland, Mesquite, Plano and Richardson Appealing Wholesale Water Rates Implemented by North Texas Municipal Water District, Docket Nos. 46662, 47863, 49043, and 50382 before the Public Utility Commission of Texas
2. Facilitation with Member Cities regarding alternate cost methodologies to the Amendatory Water Supply Contract

This item was discussed in Executive Session as noted above.

N. Update on litigation involving North Texas Municipal Water District/advice from legal counsel, including:

1. Justin A. Jinright, et al., v. NTMWD, Cause No. 429-02373-2016 pending in Collin County, Texas
2. Loyd D. Johnson Family Ltd. Partnership No. 1, LLC, et al, v. NTMWD

This item was discussed in Executive Session as noted above.

Open Session reconvened at 12:08 p.m. No action was taken in Executive Session.

IV. DISCUSSION ITEMS

- A. Chairman/Executive Director's Status Report concerning legislation and regulatory matters, budgets, current projects and ongoing programs of the District including the Regional Water System, Regional Wastewater System, Regional Solid Waste System, Watershed Protection, and Water Conservation

President Parks announced that he is appointing a Search Team that will be tasked with the process to engage a national search firm to conduct an Executive Director search and to review the job description for possible revisions. President Parks appointed Directors Anderson, Dyer, Crump, Farmer, Joplin, Stephens and Sweeden to serve on the Search Team. He advised the group will meet every couple of weeks with a goal of bringing a proposed search firm to the Board of Directors within 60 days.

President Parks advised that the District is currently in the most active four-month cycle of the year. He suggested that a discussion on what protects our water supply can possibly be included on the upcoming workshop agenda.

President Parks provided general instructions for the teleconference meeting. He added that the audio for this meeting will be recorded and made available on the website in accordance with the current modified requirements. The public line will be muted except during public comment.

Interim Executive Director Rodney Rhoades provided an update on COVID-19. He advised that two staff members were confirmed to have COVID-19 and several others have or will be tested. Extra measures to protect the staff and accomplish the District's mission have been put in place. Many people are still working from home. Signs have been placed in the District's buildings limiting the number of guests allowed. The teleconference meetings will continue for now.

Assistant Deputy Jeff Mayfield provided an update on a request related to land donated by the District in 2006 to the City of Melissa, located adjacent to the 121 Regional Disposal Facility. He provided a visual depiction of the location and provided detail information. The District gave the City of Melissa approximately 89 acres of land with deed restrictions in place for the land to be used for municipal purposes only. Mr. Mayfield explained that the City of Melissa is requesting a modification to allow an additional use. Attorney Lewis Isaacks advised that he does not think there would be any liability for the District if the change is allowed. He recommended that a committee review the proposal. Attorney Lauren Kalisek recommended the Real Estate Committee discuss the matter at the August meeting.

Assistant Deputy Jim Shirley provided an update on the Lab Award. He introduced Environmental Services Manager Ms. Brooke Noack who reviewed the four divisions in that department. Laboratory Manager Ray Cotton advised the Committee that the Lab gained national accreditation in 2008, and in order to

maintain that accreditation the employees must participate in proficiency testing twice per year. The Lab received a Letter of Excellence for 100% compliance.

B. Agendas for July 2020 Board meeting and Committee meetings

1. Joint Meeting of Finance and Personnel Committees

Mr. Rhoades advised there will be a Joint Meeting of the Finance and Personnel Committees this date at 1:30 p.m. The agenda will include:

- Review and possible action on a Rate Stabilization Fund
- Review and possible action on a Workforce Optimization Initiative
- **Tabled item:** Review and possible action on FY21 new personnel requests
- Discuss Operations and Maintenance Budget

2. Special Purpose – PUC Issues Committee meeting

Mr. Rhoades advised this meeting is scheduled for Wednesday, July 15<sup>th</sup> at 10:30 a.m. to discuss PUC issues. This meeting is tentative and may be rescheduled.

3. Real Estate Committee meeting

Assistant Deputy R.J. Muraski advised this meeting has been scheduled for August. Tentative agenda items may include:

- New and existing right-of-way (ROW) inventory and requests
- New and existing lease agreements including District owned and District leased
- Litigation items
- Transaction with other agencies/municipalities

4. Wastewater Committee meeting

Deputy Director Mike Rickman advised this meeting is scheduled for Tuesday, July 21<sup>st</sup> at 1:00 p.m. and reviewed some of the tentative agenda including:

- Sister Grove Regional Water Resource Recovery Facility (RWRRF) Phase I – Additional Construction Manager At-Risk (CMAR) pre-construction and procurement services
- Buffalo Creek Interceptor Tunnel – engineering services agreement (ESA)
- Sister Grove Outfall Pipeline - ROW Acquisition
- Sister Grove RWRRF Phase II - Final ESA
- Pretreatment program overview and proposed program changes

5. Water Committee meeting

Mr. Rickman advised this meeting is scheduled for Tuesday, July 21<sup>st</sup> at 2:45 p.m. and reviewed some of the tentative agenda items including:

- Bois d'Arc Lake Leonard Water Treatment Plant - ESA
- Bois d'Arc Lake CMAR 3 - GMP 7 Startup and Commissioning

## EXECUTIVE COMMITTEE MINUTES

JULY 8, 2020

PAGE 5

- Bois d'Arc Lake Archeological Services
- Crandall Potable Water Customer Supply Contract
- Environmental Services Building Paving Improvements - bid tab and award (BTA)
- Wylie Water Treatment Plant (WTP) II Sedimentation Basin Troughs Improvements - ESA
- Wylie WTP's HMI and Data Server Upgrades BTA and Inspection Services
- Bois d'Arc Lake Upper Mitigation - ROW Acquisition
- Discuss Water Exchange Discussion

### 6. Legislative Committee meeting

Government Relations Advisor David Kelley advised this meeting is scheduled for Thursday, July 23<sup>rd</sup> and the tentative agenda includes the following:

- Discussion of Legislative Policy Position Statement
- Update on request to rename Bois d'Arc Lake \*
- Update on Red River Boundary Compact Commission and Oklahoma legislative action
- General orientation on the legislative landscape and issues for new committee members

\* Mr. Rickman advised that Congressman Van Taylor had proposed the idea of renaming Bois d'Arc Lake to Lake Sam Johnson. Since that time Congressman Van Taylor has decided to find another way to honor Sam Johnson and withdrew his proposal for Bois d'Arc Lake.

### 7. Shoreline Management Plan Work Session

Mr. Rickman advised this work session is scheduled for Thursday, July 23<sup>rd</sup> at 2:00 p.m. to review the Shoreline Management Plan. A copy of the Plan will be provided to the Board this week.

### 8. Regular Board meeting

Mr. Rhoades advised that the regular Board meeting is scheduled for Thursday, July 23<sup>rd</sup> at 4:00 p.m.

### C. Discuss format and frequency of Executive Committee meetings

Mr. Rhoades advised that staff is seeking guidance from the Executive Committee members regarding the format and frequency of these meetings. President Parks advised to have the meetings monthly at least through September.

### D. Discuss procedure for referral of agenda items to Board of Directors Committees

Mr. Rhoades advised that staff is seeking input from the Executive Committee members related to referral of items to various Committees. Mr. Rickman explained on occasion the same item has been presented to several different committees. He advised that staff may present a modification to the Board Policy

EXECUTIVE COMMITTEE MINUTES

JULY 8, 2020

PAGE 6

Manual Section 7.5 that might help to streamline the process. He also suggested that if multiple committees should hear an item, then perhaps it can be discussed in a Board workshop instead. Director Grooms advised that he would like to see each item be heard by only one committee, and he advised that staff could begin making more decisions rather than bringing everything to the committees. Director Don Gordon spoke regarding the attendance of many directors at the committee meetings who are not on the committees. President Parks said that efficiency is paramount, and to keep the Mission Statement in mind.

E. Discuss possible creation of Bois d'Arc Lake Committee

Mr. Rhoades advised that due to the number of items that the Water Committee normally has on their agendas it is has been suggested that consideration be given to creation of a Bois d'Arc Lake Committee. It is anticipated that once Bois d'Arc Lake moves from the construction stage to operations stage, there will be other item types that will need consideration. Mr. Rhoades suggested a special purpose committee might be helpful, particularly for the first year or so. He noted that Lavon Lake is a Corps of Engineers lake and the District does not have management responsibility. Bois d'Arc Lake is owned and managed by the District so there will be more involvement. Director Gordon stated that his goal has always been to keep the number of committees down. Mr. Rhoades responded that the Water Committee has done a good job but in recent months their agendas have been full. The proposed Bois d'Arc Lake Committee would meet only when needed. President Parks asked Mr. Rhoades to meet with Water Chairman Jack May and make a list of pros and cons to present at the next Executive Committee. It was noted that the Water Committee would still need to be involved regarding water matters of the lake.

F. Discuss Board of Directors Planning Workshop

Mr. Rhoades advised that it has been suggested the Executive Committee consider scheduling the Planning Workshop in October 2020. The suggested dates are Friday, October 30 (all day) and Saturday, October 31 (morning session.) He reviewed two suggested locations: City Line area or the Harbor in Rockwall. Meetings would be Friday with dinner on Friday evening and a speaker for Friday evening at dinner. The event would be for Directors and senior level staff only. Mr. Rhoades advised that a list of topics is being formulated. President Parks asked that the Saturday morning sessions conclude by 10:30 a.m. He also recommended that a choice of location include the safest alternatives due to the COVID-19 pandemic.

G. Operations and Maintenance update

1. Water System update
2. Wastewater System update
3. Solid Waste System update
4. Maintenance update

Staff did not provide an Operations and Maintenance update.

- H. Administrative Services update
  - 1. Finance/Budget update
  - 2. Personnel update
  - 3. Technology and support update
  - 4. District Policy update

Mr. Rhoades advised that there has been a delay in implementation of Board meeting video recordings and advised that plans are moving forward to do so once in-person meetings are resumed.

- I. Board of Directors Enrichment Program

Process Improvement Advisor Brian Brooks advised that he and Steve Rummel, Training and Development Manager will prepare an update on the Enrichment Program and send it out to the Board of Directors by email.

- J. Engineering and Capital Improvement Plan (CIP) update
  - 1. Engineering update
    - a. Update on Bois d'Arc Lake project
      - 1. Construction update
      - 2. Bois d'Arc Lake land acquisition program

R.J. Muraski advised that he is expecting to receive some contractor requests for additional time due to the COVID-19 pandemic. He also advised that next Friday a joint inspection is scheduled with TxDOT on the F.M. 897 bridge. Mr. Muraski stated that a request for additional funding for archeology as well as a full Bois d'Arc Lake financial update will be included for the next Board meeting.

- 2. CIP/Planning update

Mr. Muraski advised the Committee members that staff is working hard to minimize impacts on capital projects by delaying some, while still moving forward where possible on engineering and design. Mr. Rhoades acknowledged the efforts of staff to keep CIP projects moving forward.

- K. Legislative update

There were no other Legislative updates provided.

- L. Discussion of proposed federal legislation to rename Bois d'Arc Lake

Mr. Rickman spoke on this matter earlier in the meeting.

Items M. and N. below were discussed in Executive Session earlier in the meeting.

- ~~M. Discuss status of Member City contract matters including:
  - 1. ~~Petitions of the Cities of Garland, Mesquite, Plano and Richardson Appealing Wholesale Water Rates Implemented by North Texas Municipal Water District, Docket Nos. 46662, 47863, 49043, and 50382 before the Public Utility Commission of Texas~~~~

~~2. Facilitation with Member Cities regarding alternate cost methodologies to the Amendatory Water Supply Contract~~

~~N. Update on litigation involving North Texas Municipal Water District/advice from legal counsel, including:~~

- ~~1. Justin A. Jinright, et al., v. NTMWD, Cause No. 429-02373-2016 pending in Collin County, Texas~~
- ~~2. Loyd D. Johnson Family Ltd. Partnership No. 1, LLC, et al, v. NTMWD~~

O. Opportunity for Committee members to provide feedback on Executive Committee meeting

Director Grooms stated that directors should be cognizant of emailing groups of Board or Committee members due to possible Open Meetings violations. He also said that if directors email staff or committee members they should copy the Interim Executive Director.

P. Opportunity for Committee members to request potential future agenda items  
**(No substantive discussion of items will take place at this time)**

Director Grooms stated he appreciates the workforce of the District and would like a discussion on a possible workforce reduction.

V. ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 1:24 p.m. The next meeting of the Executive Committee will be called by the Chairman with proper notification to all members.

APPROVED:

  
\_\_\_\_\_  
LARRY PARKS  
President

