



## **NORTH TEXAS MUNICIPAL WATER DISTRICT**

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### **LEGISLATIVE COMMITTEE MEETING MINUTES DECEMBER 2, 2020**

#### **I. CALL TO ORDER**

Chairman Marvin Fuller called the meeting of the NTMWD Legislative Committee to order at approximately 11:00 a.m. on Wednesday, December 2, 2020, by teleconference. Chairman Fuller advised the following:

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, the public may teleconference into 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.

Chairman Fuller called the roll and confirmed attendance by teleconference for Directors Marvin Fuller, George Crump, Joe Farmer, John Murphy, Richard Peasley, Lynn Shuyler, and Keith Stephens.

Chairman Fuller announced that Director Charles McKissick has resigned from the NTMWD Board of Directors and expressed his appreciation to him for his years of service. He advised Mr. McKissick's resignation leaves an opening on the Board and the Legislative Committee for the City of McKinney.

Members of the Executive Committee were in attendance as well as other Board members. Lauren Kalisek with Lloyd Gosselink Rochelle & Townsend was present via teleconference as well as Ron Lewis with Ron Lewis & Associates and Snapper Carr with Focused Advocacy. Interim Executive Director Rodney Rhoades along with other members of the NTMWD management team were in attendance.

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

**INSTRUCTIONS FOR PUBLIC COMMENT ON-LINE REGISTRATION:** Prior to the start of the Legislative Committee 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 Committee 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 public comment requests.

### III. OPENING REMARKS

- A. Chairman/Interim Executive Director/Committee Champion Status Report concerning legislation and regulatory matters, budgets, current projects and ongoing programs of the District

Government Relations Advisor David Kelly provided an update on the outcome of the recent election. He advised that all 13 members of the Texas Legislature who represent the District were reelected. He also advised there was no change to the federal delegation except that after John Ratcliffe resigned, his position was filled by Texas Senator Pat Fallon. A special election was held to fill Pat Fallon's seat which resulted in the need for a runoff election that will be held on December 19<sup>th</sup>.

### IV. ACTION ITEMS

- A. Consider approval of Legislative Committee meeting minutes – September 9, 2020

Upon a motion by Director Lynn Shuyler and a second by Director George Crump, the Legislative Committee voted unanimously to approve the minutes of the Legislative Committee held on September 9, 2020.

- B. Discussion and possible action on Legislative Position Statement

Chairman Fuller reviewed that in September the Legislative Committee voted to recommend approval of the Legislative Position Statement at the September meeting. It has not been presented yet to the full Board for approval. Today's discussion is to consider adding an additional section to the statement regarding the Texas Open Meetings Act (TOMA). Interim Executive Director Rodney Rhoades said this section is being added because the TOMA suspensions enacted by the Governor have worked well for the NTMWD.

David Kelly reviewed that there are two suspensions that the District would like made permanent after the COVID Disaster Declaration expires. The first is the provision that requires a quorum of the governing body to be present in a single location. The District would like to be able to continue meeting with the option of all members participating by videoconferencing. The second is to allow public

comment by videoconferencing on a permanent basis as well. It was noted that the Texas Municipal League and other organizations across the state support this also. There has not been any negative feedback from the cities or city managers in the cities served by the District.

Ron Lewis with Ron Lewis & Associates reviewed that the Governor cannot make the desired changes to the TOMA provisions because it would require state legislation. The Governor can only make temporary suspensions during the time that the COVID Disaster Declaration is effective. Mr. Lewis also stated that it would be desirable if TWCA could take the lead on this matter and advised that the District does not want to appear to be trying to circumvent public input.

Interim Executive Director Rhoades advised that conversations with the Texas Water Conservation Association (TWCA) have been held on this subject and he will follow up with them. Mr. Rhodes also stated that Attorney Lauren Kalisek has prepared a white paper on this subject.

In response to a Committee member question regarding videoconferencing, Mr. Rhoades responded that the District does have the capability of providing videoconferencing now however the TOMA does not allow it for all members without a quorum present when the Governor's suspensions are not in effect.

Snapper Carr with Focused Advocacy advised that there will be multiple bills filed in the next legislative session from other organizations requesting similar changes to the TOMA. He reminded everyone that if implemented, the changes will not be mandatory for governmental entities.

Upon a motion by Director Lynn Shuyler and a second by Director George Crump, the Legislative Committee voted unanimously to recommend approval of the Legislative Position Statement with the proposed changes regarding the Texas Open Meetings Act to the Board of Directors.

V. DISCUSSION ITEMS

A. Update on preparations and outlook for the 87<sup>th</sup> Texas Legislature

David Kelly noted again that as far as elected officials for the District are concerned the status quo remains. He did add that there will be a new presumptive Speaker. This will be Representative Dade Phelan from the Beaumont area who represents parts of Jefferson and Orange counties.

Ron Lewis provided background and biographical information on Representative Phelan. He added that he has an intense interest in water issues and that he will be an outstanding speaker. Mr. Lewis also reviewed the makeup of the House of Representatives and Senate changes. He noted that he and Snapper Carr have been prepping for this Legislative session however it is unknown how much access they will have to the Capital under the current COVID restrictions.

Snapper Carr advised that Representative Phelan has appointed a committee to address the question of access to the Capital. He advised that most meetings

and discussion will take place via videoconferencing for the foreseeable future. Mr. Carr added that it is likely only elected officials and staff will have access to the Capital from January through March. He noted however that there will be more than enough opportunities to provide pertinent information for discussion and that those who prepared during the interim and have strong contacts will likely be more successful in their desired outcomes.

Ron Lewis advised the Committee that it is unknown whether Chairman Larsen will be reappointed as Chair of the Natural Resources Committee.

B. Update on Red River Boundary Compact Commission and Oklahoma legislative action

David Kelly advised that while Texas will have limited access and agendas during the next legislative session that will most likely not be the case in Oklahoma. Lobbyists should have full access to the Capital and there will be no reduction in bills considered. Mr. Kelly advised that the bill to reestablish the Red River Boundary Commission is in a good position. He said that House members in Oklahoma are given eight priority bills and those are guaranteed a hearing. The House sponsor of the NTMWD's bill has agreed to make it one of his priority bills. Bill filing begins in a couple of weeks.

Mr. Kelly reminded the Committee that Texas has already established the Red River Boundary Commission and new members have been appointed. The Commission expires at the end of this year, however another bill has been filed by Representative Reggie Smith to extend it through 2023 to give time to complete the process.

C. Discussion regarding meetings with State and Federal legislative delegations

David Kelly reviewed that previously Directors met with state and Federal legislators prior to the start of the legislative sessions. This year there was not a trip to Washington D.C as is usually done in March and there is unlikely to be one in 2021. Mr. Kelly suggested that virtual meetings be set up with Jeff Leach, Justin Holland, Candy Noble and Senator Angela Paxton. Mr. Lewis suggested that once the Natural Resources Chair is appointed a meeting should be held at their district office. Mr. Carr noted also that on December 19<sup>th</sup> there will be a runoff election for Senate District 30 and a meeting needs to be arranged with the newly elected senator.

General discussion followed among Committee members and other Directors in attendance to plan on meetings locally with representatives and not plan on trips to Austin, and to meet by videoconferencing when possible.

D. Opportunity for Committee members to provide feedback on meeting

No feedback was provided.

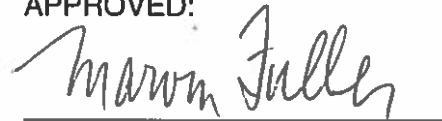
- E. Opportunity for Committee members to request potential future agenda items  
***(No substantive discussion of items will take place at this time)***

There were no potential future agenda items requested.

VI. ADJOURNMENT

There being no further business, the meeting adjourned at approximately 12:00 p.m.  
The next Legislative Committee meeting will be called by the Chairman with proper notification to all members.

APPROVED:

A handwritten signature in cursive script, reading "Marvin Fuller", written over a horizontal line.

MARVIN FULLER  
Chairman