



## NORTH TEXAS MUNICIPAL WATER DISTRICT

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### EXECUTIVE COMMITTEE MEETING MINUTES MAY 12, 2021

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 9:01 a.m. on Wednesday, May 12, 2021. The meeting was conducted by teleconference.

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

<b>Executive Committee Members</b>		
1	Parks, Larry (President)	Present
2	Dyer, Phil (Secretary)	Present
3	Gordon, Don (Past President)	Present

Other Directors were in attendance along with Executive Director Jenna Covington and other members of the NTMWD management team.

The following consultants participated by telephone:

- Mark Walsh and Katie Thiele – Saunders, Walsh & Beard
- Lauren Kalisek – Lloyd Gosselink Rochelle & Townsend

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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 Comment.

III. OPENING REMARKS

- 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 recognized Jenna Covington as the NTMWD's new Executive Director, and Director Phil Dyer as the in-coming President.

President Parks advised the following:

- Just a reminder that members of the public will be hearing the audio only of this meeting.
- Remember to unmute when you acknowledge your presence, provide comments, make a motion/second, and vote. Please then return to mute to minimize any background noise.
- Please announce your name when speaking and when making motions/seconds.
- Please speak clearly and try to be in a quiet location with no background noise.
- Please enunciate and project when speaking to ensure all listening can understand.
- If for some reason you drop off the call, simply follow the instructions to redial into the teleconference.
- Audio for this meeting will be recorded and made available on our website in accordance with the current modified requirements.
- Secretary Phil Dyer will oversee the voting process and confirm the votes of each Director.
- The public line will be muted except during public comment to avoid noise disruptions so that we can do our best to make sure all participants can clearly hear the proceedings.

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President Parks added that the Governor extended the Disaster Declaration on May 5<sup>th</sup> for an additional 30 days.

IV. ACTION ITEMS

- A. Consider approval of minutes of Executive Committee meeting – April 7, 2021

On a motion by Director Phil Dyer and a second by Director Don Gordon, the Executive Committee approved the minutes of April 7, 2021, by unanimous vote.

V. DISCUSSION ITEMS

At 9:05 a.m. President Parks declared the need for an Executive Session of the Executive Committee to discuss Agenda Item Nos. V. A. (1-3) on the agenda pursuant to Texas Government Code, Section 551.071, Consultation with Attorney.

- A. Update on litigation involving North Texas Municipal Water District/advice from legal counsel, including:
1. Provide update regarding possible easement encroachment by a contractor performing residuals removal, hauling, and disposal
  2. Justin A. Jinright, et al., v. NTMWD, Cause No. 429-02373-2016, Collin County, Texas
  3. Provide update regarding "Permanent Impoundment" deadline issues related to Bois D'Arc Lake Dam Construction Manager At-Risk Agreement with Archer Western Construction, LLC

Open Session reconvened at 9:47 a.m. No action was taken in Executive Session.

- B. Agendas for May 2021 Board meeting and Committee meetings

Executive Director Jenna Covington reviewed the following:

1. Finance Committee meeting – the Finance Committee is meeting today at 1:00 p.m. and the agenda includes the following:
  - Review and possible action on Regional Water System Resolution for Extendable Commercial Paper
  - Review and possible action on resolution for Regional Water System Extendable Commercial Paper Refunding Bonds
  - Review and possible action on Regional Wastewater System Resolution for Extendable Commercial Paper
  - Review and possible action on resolution for Regional Wastewater System Extendable Commercial Paper Refunding Bonds
  - Review and possible action on Upper East Fork Interceptor System Resolution for Extendable Commercial Paper
  - Review and possible action on resolution for Upper East Fork Interceptor System Extendable Commercial Paper Refunding Bonds
  - Review and possible action on Amendment to NTMWD's Administration and Finance Policies Manual, Debt Policy

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- Review and possible action on funding the February power bills
- 2. Real Estate Committee meeting – the Real Estate Committee will meet on May 26th at 10:00 a.m. and the agenda is being developed.
- 3. Wastewater Committee meeting – the Wastewater Committee will meet on May 26th at 1:00 p.m. and the agenda is being developed.
- 4. Water Committee meeting – the Water Committee will meet on May 26th at 2:45 p.m. and the agenda is being developed. One item on the agenda is that Mesquite will seek Board approval in June or July to serve Crandall (customer) with water on a temporary basis (for several years until Crandall has infrastructure to get ample water from the District). The District and the City have the capacity so no issue from that perspective. The City Manager Cliff Keheley would like to attend and add to the discussion. The Committee Chairman has the authority to allow anyone to speak so it is not like a public comment period. This is a requirement by member city contract to seek approval to serve outside their ETJ.
- 5. Regular Board meeting – the Regular Board meeting is scheduled on May 27th at 2:30 p.m. The agenda is being developed and will include election of Board officers for 2021-22.

C. Operations and Maintenance update

1. Water System update

Ms. Covington advised that recent rains have brought the level of Bois d'Arc Lake up approximately 17 feet.

The Bonham Water Treatment Plant team did very well during a March 23rd TCEQ Comprehensive Compliance Inspection. There were no areas of non-compliance noted as result of the inspection.

NTMWD Watershed Manager David Cowan and Galen Roberts gave a presentation to the Fannin County Commissioners Court on May 4th in advance of the Bois d'Arc Lake Watershed Protection Plan development process. The presentation was received well, and Fannin County Judge Randy Moore was appointed to represent the county on the planning committee. Commissioner Jerry Magness was appointed as the county's alternate representative.

2. Wastewater System update

Ms. Covington advised a combined Proposed Agreed Order was received from the TCEQ for regulatory violations related to the 72" North Garland System water main failure in 2018 and multiple wastewater discharges at Wilson Creek WWTP, Rowlett Creek WWTP and Floyd Branch WWTP. The draft Agreed Order is currently under review and staff is planning to provide updates at this month's Water and Wastewater Committee meetings.

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3. Solid Waste System update

No update was provided.

4. Maintenance update

Ms. Covington advised that the Winter Storm Uri corrective actions continue. Three generators the District purchased to provide resiliency in the event of power loss have been received. Pre-wiring the District server room to receive generator power is underway as a near term solution to maintain the SCADA and business network during storm events. HSPS 2-1 repairs are complete and the pipeline leak off HSPS 3-1 is ongoing. It will be complete by the end of the month.

D. Administrative Services update

Ms. Covington provided the following updates:

1. Finance/Budget update

The Independent Review is underway with Amawalk. This is the lookback to prior years, required by the RWS Settlement Agreement.

2. Personnel update

The Organizational study is underway with Baker Tilly. This covers Finance, Accounting, Purchasing, HR, Safety, Records and Training.

Staff is reviewing the Personnel Requests and Reclassifications for FY 22 and will be presenting recommendations with the Finance and Personnel Committees (probably in a joint meeting in June).

3. Technology and support update

Board room technology has been upgraded as discussed prior to COVID. Training for Directors will be provided as staff is considering returning to in person Board meetings.

4. District Policy update

Staff will be bringing the amendments to the Personnel Policy Manual regarding dispute resolution and a possible amendment to the Finance Policy Manual (to the Policy Committee in June.)

E. Engineering and Capital Improvement Plan (CIP) update

1. Engineering update

Assistant Deputy Mark Simon provided an update on the 48" water line at Custer and State Highway 380. He advised that TxDOT accelerated their progress so there is a delay for the District to remove the existing line.

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Mr. Simon advised that there was a meeting on May 7<sup>th</sup> with the Rowlett Creek neighbors. He advised that there is some opposition to the Special Use Permit (SUP) requested from Plano for the facility. After the meeting it is felt the neighbors better understand the project. He noted the odor has improved over time, and the lighting and landscaping are under review. The Plano City Council will consider the SUP at their meeting on May 24<sup>th</sup>.

2. CIP/Planning update

Mr. Simon advised Ms. Covington previously commented on Mesquite serving Crandall on a temporary basis (See Ms. Covington's remarks under Item V. B. 4.)

Mr. Simon advised there is an escalation of basic material costs, specifically concrete and steel. He added that only one project has been bid since this was observed, and that contractor has advised the District that he cannot provide the materials at the price he bid the job. Staff is working with them to help resolve the situation.

President Parks inquired about Mr. Simon's experiences during other materials shortages. Mr. Simon discussed previous situations when he experienced shortages of copper, concrete and stainless steel. Mr. Simon advised some projects were delayed and at other times the increased cost was paid.

F. Legislative update

Ms. Covington advised that Director Brenda Jean Patrick requested a legislative update for this session to the full Board of Directors in June. David Kelley advised that the last day of the session is May 31<sup>st</sup>.

In response to a Director's question, Mr. Kelly advised there is one legislative bill regarding a requirement for any entity providing water services to provide for back-up power generation. The bill has passed the Senate but is being worked on with an amendment in the House. Cost of such a requirement and implementation is a concern. Mr. Simon advised he will brief the Water Committee later this month on this bill. He noted that it is expected the bill will pass in some form.

Mr. Kelly advised that at the end of April Oklahoma's Governor signed legislation reinstating the Red River Boundary Commission.

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

There was no feedback provided.

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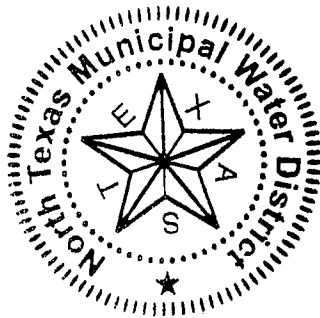
- H. Opportunity for Committee members to request potential future agenda items  
***(No substantive discussion of items will take place at this time)***

There were no future potential future agenda items requested.

VI. ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 10:23 a.m.  
The next meeting of the Executive Committee will be called by the Chairman with proper notification to all members.

APPROVED:



DocuSigned by:

*Larry Parks*  
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LARRY PARKS  
President