



NORTH TEXAS MUNICIPAL WATER DISTRICT

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

**BOARD OF DIRECTORS
REGULAR MEETING (IN PERSON AND BY TELECONFERENCE)
THURSDAY, JUNE 24, 2021
2:30 P.M.**

Notice is hereby given pursuant to V.T.C.A., Government Code, Chapter 551, that the Board of Directors of North Texas Municipal Water District (NTMWD) will hold a regular meeting in person and by teleconference, accessible to the public, on Thursday, June 24, 2021, at 2:30 p.m.

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 Board meeting by calling [1 \(844\) 621-3956](tel:18446213956) and entering the following access code: [928 587 040](tel:928587040). Members of the public joining by teleconference and wishing to make public comment during the meeting should follow the instructions for on-line registration listed under Item VIII. 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. In addition, the public may attend the meeting in person at 501 E. Brown Street Wylie, Texas 75098. Members of the public wishing to make public comment in person at the meeting should follow the registration instructions provided at the meeting location.

Please note, if the Office of the Governor's March 16, 2020, action expires prior to the meeting, NTMWD will resume fully in-person meetings at its offices at 501 East Brown Street Wylie, Texas 75098 and there will not be an option to use the above listed teleconference line to attend the meeting so that NTMWD remains in compliance with the Texas Open Meetings Act.

The Board of Directors is authorized by the Texas Open Meetings Act to convene in closed or executive session for certain purposes. These purposes include receiving legal advice from its attorney (Section 551.071); discussing real property matters (Section 551.072); discussing gifts and donations (Section 551.073); discussing personnel matters (Section 551.074); or discussing security personnel or devices (Section 551.076). If the Board of Directors determines to go into executive session on any item on this agenda, the Presiding Officer will announce that an executive session will be held and will identify the item to be discussed and provision of the Open Meetings Act that authorizes the closed or executive session.

AMENDED AGENDA¹

¹Persons with disabilities who plan to attend the NTMWD Board of Directors meeting and who may need auxiliary aids or services are requested to contact Shannon Sauceman in the NTMWD Administrative Offices at (972) 442-5405 as soon as possible. All reasonable efforts will be taken to make the appropriate arrangements.

I. **CALL TO ORDER**

II. **INVOCATION**

III. **PLEDGE OF ALLEGIANCE**

IV. **PLEDGE OF ALLEGIANCE TO THE TEXAS FLAG**

V. **ROLL CALL/ANNOUNCEMENT OF QUORUM**

VI. **INSTRUCTIONS FROM MODERATOR**

A member of NTMWD staff will serve as moderator for the teleconference and provide instructions to Board members, staff and the public for conducting the meeting by teleconference.

VII. **OPENING REMARKS**

A. President's Remarks concerning current events, conduct of meeting, posted agenda items, committee assignments, and related matters

B. 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

VIII. **PUBLIC COMMENTS**

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 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.

IX. **EXECUTIVE SESSION (to begin at approximately 2:45 p.m. and end between 3:15 p.m. – 4:00 p.m.)**

The Presiding Officer will announce that the meeting will move into closed executive session and identify the agenda items to be discussed in executive session. The executive session will conclude so that the public meeting will resume between 3:15 p.m. - 4:00 p.m.

X. **DISCUSSION ITEMS**

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
 4. *Oncor Electric Delivery Company LLC, vs. Excel Aircraft, LLC, d/b/a Excel Mulching, North Texas Municipal Water District and John Doe*; Cause No. 007-01996-2021; Collin County Court at Law No. 7
 5. *Brian Ferguson v. NTMWD*, Cause No. 366-02745-2021, Collin County, Texas
 6. *Benny L. Mondy v. NTMWD*, Civ. Act. No.: 4:21-cv-431, filed in the US District Eastern District Court – Sherman Division
- B. Discuss senior executive team and possible restructuring to maximize efficiency and performance
- C. Announcement of 2021-2022 Board of Directors Standing Committee assignments
- D. Award of Board of Directors service pins
- E. Legislative Update
- F. Discuss possible modifications to Energy Program
- G. Engineering update
1. Update on Bois d'Arc Lake project

XI. CONSENT AGENDA ITEMS

The Consent Agenda allows the Board of Directors to approve all routine, noncontroversial items with a single motion, without the need for discussion by the entire Board. Any item may be removed from consent and considered individually upon request of a Board member or NTMWD staff member.

- A. **Approval of Regular Board Meeting Minutes – Consent Agenda Item No. 21-06-01**
- Consider approval of May 27, 2021, Board of Directors Regular meeting minutes
- B. **Approval of Special Board Meeting Minutes – Consent Agenda Item No. 21-06-02**
- Consider approval of May 3, 2021, Board of Directors Special meeting minutes
- C. **Approval of Monthly Construction Report – Consent Agenda Item No. 21-06-03**
- Consider approval of June 2021 Monthly Construction Report
- D. **Authorize legal services to review Construction Manager At-Risk Agreements – Consent Agenda Item No. 21-06-04**
- Consider authorize legal services in the amount of \$45,000 with Saunders, Walsh & Beard relating to Construction Manager At-Risk Agreements on Project Nos. 101-0390-15, Wylie Water Treatment Plant (WTP) Biologically

Active Filtration; 101-0496-18, Wylie WTP Ammonia System Improvements; and 101-0517-18, Wylie WTP II Structural and Mechanical Improvements

- E. **Adoption of Resolution No. 21-28 authorizing encroachment and use agreement – Consent Agenda Item No. 21-06-05**
- Consider adoption of Resolution No. 21-28 authorizing an encroachment and use agreement with H-E-B, LP

XII. AGENDA ITEMS FOR INDIVIDUAL CONSIDERATION

GENERAL/ADMINISTRATIVE SERVICES AGENDA ITEMS

- A. **Adoption of Resolution No. 21-30 commending Director Joe Joplin**
- Consider adoption of Resolution No. 21-30 commending Director Joe Joplin for over 18 years of service as a member of the NTMWD Board of Directors
- B. **Adoption of Resolution No. 21-29 commending Director Larry Parks**
- Consider adoption of Resolution No. 21-29 commending Director Larry Parks for his service as President of the Board of Directors in 2020-2021
- C. **Amendment to NTMWD Administration and Finance Policies Manual and Adoption of Resolution No. 21-35 approving NTMWD Investment Policy and Investment Strategy – Administrative Memorandum No. 5730**
- Consider authorizing amendment to the NTMWD Administration and Finance Policies Manual as follows: (a) Section 1, General Investment Policy; (b) Section 11, Fund Balance Policy; and, (c) add Section 12, Debt Policy; and adopt Resolution No. 21-35, as it pertains to the General Investment Policy, “A Resolution approving NTMWD Investment Policy and Investment Strategy” which includes an annual review and approval of the Investment Policy and Strategies that are included in the NTMWD Administration and Finance Policies Manual.
- D. **Adoption of Resolution No. 21-31 authorizing Regional Water System Revenue Refunding and Improvement Bonds, Series 2021 – Administrative Memorandum No. 5731**
- Consider adoption of Resolution No. 21-31 authorizing the issuance, sale, and delivery of North Texas Municipal Water District Regional Water System Revenue Refunding Bonds and Improvement Bonds, Series 2021, in the amount of approximately \$75.45 million; and approving and authorizing instruments and procedures relating thereto

WATER SYSTEM AGENDA ITEMS

- E. **Ratification and approval of cost of goods and services resulting from the 84-inch Chapman Raw Water Pipeline Failure – Administrative Memorandum No. 5732**
- Consider ratification and approval of cost of goods and services in the amount of \$193,000 (adjusted total expenditure amount of \$655,713) in response to the emergency conditions resulting from the 84-inch Chapman Raw Water Pipeline failure on December 3, 2020

- F. **Authorize additional engineering services on Wylie to Rockwall Pipeline Relocation project – Administrative Memorandum No. 5733**
- Consider authorizing additional engineering services with Freese and Nichols, Inc., in the amount of \$308,194, for final engineering design on Project No. 101-0526-18, Wylie to Rockwall Pipeline Relocation
- G. **Authorize additional engineering services on McKinney Delivery Point No. 3 to McKinney Delivery Point No. 4 Pipeline project – Administrative Memorandum No. 5734**
- Consider authorizing additional engineering services with HDR, Inc., in the amount of \$721,315 for final engineering design on Project No. 101-0505-18, McKinney Delivery Point No. 3 to McKinney Delivery Point No. 4 Pipeline

LAND ACQUISITION/RIGHT-OF-WAY AGENDA ITEMS

- H. **Authorize execution of right-of-way acquisition program and adoption of Resolution No. 21-32 authorizing the use of eminent domain to acquire right-of-way for the Plano West Side Pipeline, Plano Delivery Point No. 3 to Richardson Delivery Point No. 2 projects – Administrative Memorandum No. 5736**
- Consider authorizing the Executive Director to execute a right-of-way acquisition program with a budget of \$3,600,000, and adoption of Resolution No. 21-32 authorizing the use of eminent domain to acquire right-of-way for the Plano West Side Pipeline, Plano Delivery Point No. 3 to Richardson Delivery Point No. 2, Project No. 101-0566-20, and delegating authority to initiate condemnation proceedings to the NTMWD Executive Director
- I. **Authorize execution of right-of-way acquisition program and adoption of Resolution No. 21-33 authorizing use of eminent domain to acquire right-of-way for the Plano-McKinney Water Transmission System, Phase I, Pipeline Relocation projects and Upper East Fork Interceptor System Pipeline Relocation project – Administrative Memorandum No. 5737**
- Consider authorizing the Executive Director to execute a right-of-way acquisition program with a budget of \$1,092,000 and adoption of Resolution No. 21-33 authorizing the use of eminent domain to acquire right-of-way for the Plano-McKinney Water Transmission System, Phase I, Relocation of 84-inch and 42-inch Pipelines, and Upper East For Interceptor System, Relocation of 60-Inch Wastewater Pipeline, Project No. 101-0544-19 and delegating authority to initiate condemnation proceedings to the NTMWD Executive Director
- J. **Authorize additional funding of legal services on Treated Water Pipeline from Leonard Water Treatment Plant to McKinney No. 4 project – Administrative Memorandum No. 5738**
- Consider authorizing additional funding of \$1,000,000 with Saunders, Walsh & Beard, Attorneys & Counselors, resulting in the total authorization of \$8,230,500 and adoption of Resolution No. 21-34 authorizing the additional funding of right-of-way for the Treated Water Pipeline from Leonard Water Treatment Plant to McKinney No. 4, Project No. 101-0425-16

XIII. CLOSING ITEMS

- A. Review of items for follow up raised during meeting
- B. Opportunity for Board members to request potential future agenda items
(No substantive discussion of items will take place at this time)

XIV. ADJOURNMENT