



NORTH TEXAS MUNICIPAL WATER DISTRICT

**501 E. Brown Street • Wylie, Texas 75098
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EXECUTIVE COMMITTEE MEETING MINUTES JULY 7, 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 Phil Dyer called the meeting to order at approximately 1:31 p.m. on Wednesday, July 7, 2021. The meeting was conducted by teleconference.

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

Executive Committee Members		
1	Dyer, Phil, (President)	Present
2	May, Jack, (Vice-President)	Present
3	Peasley, Richard (Secretary)	Absent
4	Parks, Larry (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:

- o Lauren Kalisek, Sara Thornton and Mike Gershon – Lloyd Gosselink Rochelle & Townsend, P.C.

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 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. 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 Dyer advised that on June 30, 2021, the Governor's office approved a request by the Attorney General to lift suspensions of certain provisions of the Texas Open Meeting Act. The suspensions will lift at 12:01 a.m. on September 1, 2021. As of that date all provisions of the Open Meetings Act will be effective and all Texas governmental bodies subject to the Open Meetings Act must conduct their meetings in full compliance with the Open Meetings Act as written in state law. Attorney Lauren Kalisek will provide an update during the discussion portion of this meeting on Board public meeting procedures once the suspension is lifted.

President Dyer reminded attendees that members of the public will be hearing the audio only of this meeting. He provided general instructions to those attending the teleconference meeting and advised that audio for this meeting will be recorded and made available on the NTMWD website in accordance with the current modified requirements.

President Dyer advised that he will oversee the voting process in Secretary Peasley's absence.

Executive Director Jenna Covington reviewed today's agenda items. She also advised that staff has discussed how to implement a mentoring program for new Directors. Executive Director Covington advised that she continued integration meetings with city managers and staff. She advised that the updated organizational structure was provided to the executive staff recently and by the end of the week it will be provided to the remaining employees.

IV. ACTION ITEMS

- A. Consider approval of minutes of Executive Committee meeting – June 9, 2021

On a motion by Director Jack May and a second by Director Larry Parks, the Executive Committee approved the minutes of June 9, 2021, by unanimous vote.

V. DISCUSSION ITEMS

At 1:38 p.m. President Dyer declared the need for an Executive Session of the Executive Committee to discuss Agenda Item No. V. A. on the agenda pursuant to Texas Government Code, Section 551.071, Consultation with Attorney and Section 551.072, Real Property, and to discuss Item No. V. B. on the agenda pursuant to Texas Government Code, Section 551.074, Personnel.

- A. Long Range Water Supply Plan Update
- B. Discuss compensation for Deputy Directors

Open Session reconvened at 2:41 p.m. No action was taken in Executive Session.

V. DISCUSSION ITEMS (continued)

- C. Update on the previous action by the Office of the Governor, suspending certain provisions of the Texas Open Meetings Act and provisions once the Governor's action expires related to Board public meeting procedures

Attorney Lauren Kalisek presented this item following the meeting schedule announcements below.

Attorney Kalisek advised that in preparation of the September 1st lifting of the Texas Open Meetings Act (TOMA) suspension she is requesting feedback from the Executive Committee on how to conduct meetings. She reviewed that due to COVID-19 the Governor suspended the rules and allowed governmental entities to meet by teleconference. Since March 2020, the District has been conducting Board and Committee meetings by teleconference and videoconference.

Attorney Kalisek advised that staff has been reviewing options under the current TOMA provisions that may allow Board members to have options for remote participation. She noted that the time burden for Board members is being taken under consideration as well as consideration for those with potential health or mobility limitations.

Attorney Kalisek reviewed that the current TOMA regulations for teleconference meetings are limited to emergency circumstances and are not applicable to regular meetings. Videoconferencing is allowed under the following regulations:

- Presiding officer must be physically present at the meeting location open to the public
- Video and audio of remote participant must be broadcast live and visible to the public on a 27-inch screen.
- Two-way video and audio communication must be maintained between meeting location and remote participants. Cameras must remain on so that

the public can observe the demeanor and hear the voice of remote participants at all times.

- Technology must meet additional minimum technical requirements set by the Texas Department of Information Resources. The audio recording must be made available to the public.

Attorney Kalisek added that local governmental entities are not yet using videoconferencing routinely for meetings.

Three options for future meetings and issues for each were presented as follows:

- 1) In Person for all Board and Committee meetings (pre-March 2020 procedures)
 - Not subject to technology issues.
 - Does not address time burden for Board members.
 - Does not address Board member mobility or health limitations.
- 2) Full Videoconference for all Board and Committee meetings.
 - Addresses Board member mobility or health limitations.
 - Relieves some of the time burden for Board members.
 - Law is still evolving and subject to additional interpretation.
 - Public perception of Board members logging in remotely.
 - Technology still must be managed closely.
 - Quorum must be maintained as with in person meetings.
- 3) Mixed Approach
 - Board meetings would be in person except for those with mobility or health limitations.
 - Relieves some of the time burden.
 - Final action on agenda items would be in person and not reliant on technology.
 - Public would be physically present.
 - Committee meetings and Board workshops would be held by videoconference. The Chair or Board President would be present at the NTMWD offices. Committee members and other Board members would videoconference into the meetings. In person attendance would be limited in order to make technology work and make the best use of meeting room space. The public could be physically present to observe and comment.

Attorney Kalisek advised that staff is recommending the mixed approach. The Board meetings would be in person with limited videoconference. She added that the remote videoconference option is not for those who may be on vacation, etc. Those who do attend remotely due to health or mobility issues will provide their vote orally and staff will record their votes in the District's new electronic voting system.

President Dyer advised he is in favor of the mixed approach. Directors May and Parks also spoke in favor of the mixed approach.

D. Agendas for July 2021 Board meeting and Committee meetings

President Dyer briefly reviewed the upcoming meeting schedule as follows:

1. Personnel Committee meeting

The Personnel Committee meets today at 3:00 p.m.

2. Real Estate Committee meeting

The Real Estate Committee meeting is on Wednesday, July 21st at 1:00 p.m. and the agenda is being developed.

3. Water Committee meeting

The Water Committee meeting is on Wednesday, July 21st at 2:45 p.m. and the agenda is being developed.

4. Regular Board meeting

The Regular Board meeting will be on Thursday, July 22nd starting at 3:00 p.m.

There is a Work Session scheduled to begin at 1:00 p.m. on July 22nd.

E. Operations and Maintenance update

1. Water System update – No update provided.

2. Wastewater System update

Executive Director Covington advised there will be no Wastewater Committee meeting this month as there is only one item on the Board agenda related to Wastewater. A brief update will be provided at the Board meeting on this item, which is the Indian Creek Force Main No. 2 bid tabulation and proposed award of contract.

3. Solid Waste System update – No update provided.

4. Maintenance update – No update provided.

F. Administrative Services update

1. Finance/Budget update

Executive Director Covington advised that a Budget Work Session is scheduled for Tuesday, July 20th at 2:30 p.m. and will be held remotely. The Work Session will include an update on increased chemical costs.

2. Personnel update – No update provided.

3. Technology and support update

Executive Director Covington advised that a training session will occur at the beginning of the July Board meeting as video recording of Board meetings will begin on that date. The electronic voting system will also be reviewed.

4. District Policy update

Executive Director Covington advised the next Policy Committee meeting is tentatively set for August 2021.

G. Engineering and Capital Improvement Plan (CIP) update
1. Engineering update

Executive Director Covington advised the July Board meeting will include Bois d'Arc Lake and Sister Grove Regional Water Resource Recovery Facility updates.

2. CIP/Planning update – No update provided.

H. Legislative update – No update provided.

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

There were no comments provided by Committee members.

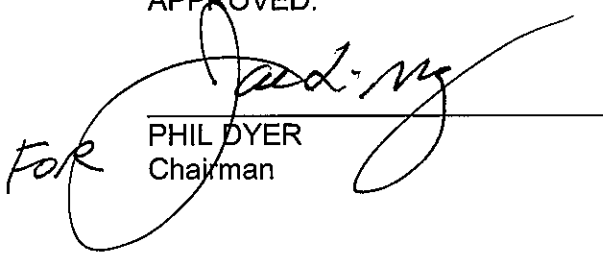
J. Opportunity for Committee members to request potential future agenda items
(No substantive discussion of items will take place at this time)

There were no potential future agenda items requested.

VI. ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 3:00 p.m.

APPROVED:

For 

PHIL DYER
Chairman