



## **NORTH TEXAS MUNICIPAL WATER DISTRICT**

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### **LEGISLATIVE COMMITTEE MEETING MINUTES FEBRUARY 10, 2021**

#### **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, February 10, 2021, 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, Robert Appolito, George Crump, Joe Farmer, John Murphy, Richard Peasley, Lynn Shuyler, and Keith Stephens.

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. Consultants in attendance via teleconference included Clayton Taylor and Clay Taylor with The Taylor Group, 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

Chairman Fuller welcomed Director Robert Appolito to the Committee. He represents the City of McKinney.

Government Relations Advisor David Kelly reviewed that previously there have been discussions with Congressman Van Taylor about renaming Lake Lavon in honor of former Congressman Sam Johnson who was instrumental in the Bois d'Arc Lake project. Mr. Kelly advised that Congressman Taylor had discussions with the Lavon City Council and local residents and heard dissent from them on the idea. Due to that, Congressman Taylor will not move forward with the legislation and will look for another way to honor Congressman Johnson.

### IV. ACTION ITEMS

- A. Consider approval of Legislative Committee meeting minutes – January 13, 2021

Upon a motion by Director George Crump and a second by Director Lynn Shuyler, the Legislative Committee voted unanimously to approve the minutes of the Legislative Committee held on January 13, 2021.

*At this point Chairman Fuller moved Discussion Item A. up in the agenda.*

### V. DISCUSSION ITEMS

- A. Update on Red River Boundary Compact Commission and Oklahoma Legislative Action

David Kelly presented this item. He reviewed that in 2000, Oklahoma and Texas agreed upon a boundary along the Red River and Texoma area. The boundary was erroneously plotted such that our Texoma Pump Station is partially in Oklahoma. This caused the pump station to be shut down from 2009 to 2014 due to the invasive Zebra Mussel and the Federal Lacey Act. While this issue has been resolved, a risk to the water supply remains in regard to endangered species.

Mr. Kelly advised that in 2019 the Board of Directors adopted a resolution authorizing the then Executive Director to negotiate an agreement for a project that would incentivize Oklahoma to meet with the Texas Boundary Commission and readjust the boundary so that the District's pump station is entirely back in Texas. Mr. Kelly advised that a project has been identified in Lake Texoma State Park. The District would be partnering with the Oklahoma Department of Wildlife Conservation and the Oklahoma Department of Recreation and Tourism. The Resolution authorizes up to \$500,000 to be paid after the boundary adjustment process is complete and the pump station is entirely back in Texas.

Mr. Kelly advised that due to a new Oklahoma legislative session beginning and the District having a new Interim Executive Director, staff would like to reauthorize that financial commitment and pursuit of the incentive project with the Legislative Committee and the Board of Directors.

Mr. Kelly advised that the project is a tournament fishing venue in Texoma State Park and that the Oklahoma Department of Wildlife Conservation would administer the program for the Fish and Wildlife Service. They would be able to match three-to-one the money provided by the District. Mr. Kelly advised he is staying in touch with all parties and the program remains on track.

Mr. Kelly reviewed that last year before COVID caused the Oklahoma Legislature to shut down, the bills NTMWD was seeking passage of were close to being complete. He introduced consultants Clayton Taylor and Clay Taylor who advised that two bills have been introduced in the Oklahoma Legislature to reform the Oklahoma Red River Boundary Compact Commission. The first is House Bill 2296 and the second is Senate Bill 627. They advised this year will be a normal legislative session and the first one of these bills that makes it through will go to the Oklahoma Governor in 45 to 60 days. The Governor is supportive of this matter.

Interim Executive Director Rodney Rhoades advised that the Committee and the Board of Directors will be apprised of the progress on this matter. David Kelly reviewed that the funds committed for this project (\$500,000) will be set aside separately in the Regional Water System Capital Improvement Fund and will remain there until used, regardless of fiscal year. He added that when the time comes, the funds will likely go to the Oklahoma Wildlife Conservation Foundation. The money will be held there while the project is completed.

*Action Items resumed.*

#### IV. ACTION ITEMS

- B. Consider recommendation authorizing the Interim Executive Director to execute agreement at a not-to-exceed amount set by the Board of Directors with relevant agencies of the State of Texas and Oklahoma for the purpose of re-establishing the Oklahoma Red River Boundary Compact Commission

Chairman Fuller reviewed that this item was explained in the previous discussion.

Upon a motion by Director Joe Farmer and a second by Director Richard Peasley, the Legislative Committee voted unanimously to recommend approval to the Board of Directors.

V. DISCUSSION ITEMS

- A. Update on Red River Boundary Compact Commission and Oklahoma Legislative Action

This item was previously discussed.

- B. Update on the 87<sup>th</sup> Texas Legislature and Introduced Legislation

David Kelly presented this item. He advised that the Legislature is continuing to organize in this COVID environment and is currently recessed until February 16<sup>th</sup>. He said that last week committee assignments were announced. Tracy King is the new Chair of the House Natural Resources Committee. He is a Democrat from Uvalde County. Others on the Committee include Lyle Larson, Rhett Bowers, and Ana-Maria Ramos.

Ron Lewis spoke positively regarding the Committee Chair Tracy King and others on the Committee.

Snapper Carr advised that the House also adjourned today until the 16<sup>th</sup>. He advised the emergency items stipulated by the Governor are the only ones that can be worked on at this time. Due to COVID restrictions, there may only be 30-40 bills allowed out of each Senate Committee this year. Comparatively, it would not be uncommon to see a Senate Committee report out 30-40 bills in a single hearing in previous legislatures. It was noted there will be a special session later this year to consider redistricting at a minimum. No opposition to the District's Red River Boundary Commission bill is expected. Additional House Natural Resource Committee members were reviewed.

Mr. Carr also updated the Committee regarding the District's efforts at possible permanent revisions to the Texas Open Meetings Act to support virtual meetings. He advised that multiple bills are being worked on and a similar bill supported by Bexar County has been filed.

Mr. Kelly advised that he and Mr. Carr met with Terry Franks, Chief of Staff for Senator Drew Springer and asked if Senator Springer would be the Senate sponsor for the Texas Red River Boundary Commission bill. They are considering the request.

Mr. Kelly said they are continuing to move forward on the coalition regarding the Public Utility Commission that was discussed at the Committee's last meeting. The leaders of five water agencies, including the District will be meeting to discuss the draft bill later this week and will move towards having it filed.

Mr. Kelly advised that after last month's Committee meeting, meetings were held with members of the NTMWD legislative delegation and Directors. Those

meetings included Representatives Justin Holland, Candy Noble, Jeff Leach, Matt Shaheen and Senator Angela Paxton. Additional meetings are being scheduled with Representatives Rhetta Bowers and Ana Maria Ramos and additional meetings will be scheduled.

- C. Opportunity for Committee members to provide feedback on meeting

Remarks were made that this was a good meeting.

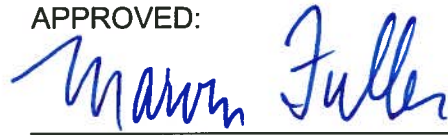
- D. Opportunity for Committee members to request potential future agenda items  
***(No substantive discussion of items will take place at this time)***

There were no potential future agenda items requested.

VI. ADJOURNMENT

There being no further business, the meeting adjourned at approximately 12:34 p.m. The next Legislative Committee meeting will be called by the Chairman with proper notification to all members.

APPROVED:



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MARVIN FULLER  
Chairman