

By: Jetton

H.B. No. 3253

A BILL TO BE ENTITLED

AN ACT

relating to operations of Districts created under the Texas Water Code, Title 4, Chapter 49, Subchapter A.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 49.151, Water Code, is amended to read as follows:

Sec. 49.151. EXPENDITURES. (a) Except as hereinafter provided, a district's money may be disbursed only by check, draft, order, or other instrument that shall be signed by at least a majority of the directors.

(b) The board may by resolution allow the general manager, treasurer, bookkeeper, or other employee of the district to sign disbursements.

(c) The board may by resolution allow disbursements of district money to be transferred by federal reserve wire system or by Automated Clearing House (ACH) or other electronic means. The board by resolution may allow the wire or electronic transfers to accounts in the name of the district or vendors or other authorized accounts not in the name of the district.

SECTION 2. Section 49.064, Water Code, is amended to read as follows and adding subsections (b), (c), and (d) to read as follows:

Sec. 49.064. MEETINGS. (a) The board shall hold such regular and special meetings as may be necessary for the proper conduct of the district's business. All meetings shall be

1 conducted in accordance with the open meetings law, Chapter 551,  
2 Government Code. A meeting of a committee of the board, or a  
3 committee composed of representatives of more than one board, where  
4 less than a quorum of any one board is present is not subject to the  
5 provisions of the open meetings law, Chapter 551, Government Code.

6 (b) Notwithstanding Chapter 551, Government Code, or any  
7 other law, the board may hold an open or closed meeting by telephone  
8 conference call, videoconference, or other similar  
9 telecommunication method. The board may use a telephone conference  
10 call, videoconference, or other similar telecommunication method  
11 for purposes of establishing a quorum, for voting, or for any other  
12 meeting purpose. This subsection applies without regard to the  
13 subject matter discussed or considered by the board at the meeting.

14 (c) A meeting held by telephone conference call,  
15 videoconference, or other similar telecommunication method:

16 (1) is subject to the notice requirements applicable  
17 to other board meetings;

18 (2) may not be held unless notice of the meeting  
19 specifies the location of the meeting at which at least one director  
20 will be physically present; and

21 (3) during the open portions of the meeting, must be  
22 open and audible to the public at the location specified in the  
23 notice under Subdivision (2).

24 (d)(i) In this section, "catastrophe" means a condition or  
25 occurrence that interferes physically with the ability of a board  
26 to conduct a meeting or requires a quorum of the board to be present  
27 to protect the property of the district or provide for public

1 safety, including:

2 (1) fire, flood, earthquake, hurricane, tornado, or  
3 wind, rain, or snow storm;

4 (2) power failure, transportation failure, or  
5 interruption of communication facilities;

6 (3) epidemic; or

7 (4) riot, civil disturbance, enemy attack, or other  
8 actual or threatened act of lawlessness or violence.

9 (ii) In the event of a catastrophe, the  
10 board may meet at the site of the catastrophe or other location and  
11 is not subject to the notice or posting provisions of the open  
12 meetings law, Chapter 551, Government Code.

13 (iii) If a meeting is held under the  
14 exception granted in this section, the board shall post a notice of  
15 the meeting and actions taken at the meeting as required for regular  
16 board meetings within seven business days of the meeting or with the  
17 posting for the next scheduled meeting of the board, whichever is  
18 the earlier date.

19 SECTION 4. This Act takes effect immediately if it receives  
20 a vote of two-thirds of all the members elected to each house, as  
21 provided by Section 39, Article III, Texas Constitution. If this  
22 Act does not receive the vote necessary for immediate effect, this  
23 Act takes effect September 1, 2021.