

By: Hall

S.B. No. 715

A BILL TO BE ENTITLED

AN ACT

relating to the Brazos River Authority, following recommendations of the Sunset Advisory Commission; specifying grounds for the removal of a member of the board of directors.

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

SECTION 1. Chapter 8502, Special District Local Laws Code, is amended by adding Sections 8502.0091, 8502.0092, 8502.0093, 8502.0094, and 8502.0095 to read as follows:

Sec. 8502.0091. GROUNDS FOR REMOVAL OF DIRECTORS. (a) It is a ground for removal from the board that a director:

(1) does not have at the time of taking office the qualifications required by Section 8502.009;

(2) does not maintain during service on the board the qualifications required by Section 8502.009;

(3) is ineligible for directorship under Chapter 171, Local Government Code;

(4) cannot, because of illness or disability, discharge the director's duties for a substantial part of the director's term; or

(5) is absent from more than half of the regularly scheduled board meetings that the director is eligible to attend during a calendar year without an excuse approved by a majority vote of the board.

(b) The validity of an action of the board is not affected by

1 the fact that it is taken when a ground for removal of a director
2 exists.

3 (c) If the general manager has knowledge that a potential
4 ground for removal exists, the general manager shall notify the
5 presiding officer of the board of the potential ground. The
6 presiding officer shall then notify the governor and the attorney
7 general that a potential ground for removal exists. If the
8 potential ground for removal involves the presiding officer, the
9 general manager shall notify the next highest ranking director, who
10 shall then notify the governor and the attorney general that a
11 potential ground for removal exists.

12 Sec. 8502.0092. DIRECTOR TRAINING. (a) A person who is
13 appointed to and qualifies for office as a director may not vote,
14 deliberate, or be counted as a director in attendance at a board
15 meeting until the person completes a training program that complies
16 with this section.

17 (b) The training program must provide the person with
18 information regarding:

19 (1) the law governing authority operations;

20 (2) the programs, functions, rules, and budget of the
21 authority;

22 (3) the scope of and limitations on the rulemaking
23 authority of the authority;

24 (4) the results of the most recent formal audit of the
25 authority;

26 (5) the requirements of:

27 (A) laws relating to open meetings, public

1 information, administrative procedure, and disclosure of conflicts
2 of interest; and

3 (B) other laws applicable to members of the
4 governing body of a river authority in performing their duties; and

5 (6) any applicable ethics policies adopted by the
6 authority or the Texas Ethics Commission.

7 (c) A person appointed to the board is entitled to
8 reimbursement for the travel expenses incurred in attending the
9 training program regardless of whether the attendance at the
10 program occurs before or after the person qualifies for office.

11 (d) The general manager of the authority shall create a
12 training manual that includes the information required by
13 Subsection (b). The general manager shall distribute a copy of the
14 training manual annually to each director. Each director shall
15 sign and submit to the general manager a statement acknowledging
16 that the director received and has reviewed the training manual.

17 Sec. 8502.0093. POLICIES TO SEPARATE POLICY-MAKING AND
18 STAFF FUNCTIONS. The board shall develop and implement policies
19 that clearly separate the policy-making responsibilities of the
20 board and the management responsibilities of the general manager
21 and the staff of the authority.

22 Sec. 8502.0094. COMPLAINTS. (a) The authority shall
23 maintain a system to promptly and efficiently act on complaints
24 filed with the authority. The authority shall maintain information
25 about parties to the complaint, the subject matter of the
26 complaint, a summary of the results of the review or investigation
27 of the complaint, and its disposition.

1 (b) The authority shall make information describing its
2 procedures for complaint investigation and resolution available to
3 the public.

4 (c) The authority shall periodically notify the complaint
5 parties of the status of the complaint until final disposition
6 unless the notice would jeopardize an investigation.

7 Sec. 8502.0095. PUBLIC TESTIMONY. The board shall develop
8 and implement policies that provide the public with a reasonable
9 opportunity to appear before the board and to speak on any issue
10 under the jurisdiction of the authority.

11 SECTION 2. Notwithstanding Section 8502.0092, Special
12 District Local Laws Code, as added by this Act, a person serving on
13 the board of directors of the Brazos River Authority may vote,
14 deliberate, and be counted as a director in attendance at a meeting
15 of the board until December 1, 2021.

16 SECTION 3. (a) The legal notice of the intention to
17 introduce this Act, setting forth the general substance of this
18 Act, has been published as provided by law, and the notice and a
19 copy of this Act have been furnished to all persons, agencies,
20 officials, or entities to which they are required to be furnished
21 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
22 Government Code.

23 (b) The governor, one of the required recipients, has
24 submitted the notice and Act to the Texas Commission on
25 Environmental Quality.

26 (c) The Texas Commission on Environmental Quality has filed
27 its recommendations relating to this Act with the governor, the

1 lieutenant governor, and the speaker of the house of
2 representatives within the required time.

3 (d) All requirements of the constitution and laws of this
4 state and the rules and procedures of the legislature with respect
5 to the notice, introduction, and passage of this Act are fulfilled
6 and accomplished.

7 SECTION 4. This Act takes effect September 1, 2021.