

By: Lucio

S.B. No. 716

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the San Jacinto River Authority, following  
3 recommendations of the Sunset Advisory Commission; specifying  
4 grounds for the removal of a member of the board of directors.

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

6 SECTION 1. Section 6, Chapter 426, Acts of the 45th  
7 Legislature, Regular Session, 1937, is amended to read as follows:

8 Sec. 6. The management and control of all the affairs of  
9 said District shall be vested in, and the powers, rights,  
10 privileges, and functions of the District shall be exercised by a  
11 Board of Directors consisting of six (6) members, all of whom shall  
12 be freehold property taxpayers and legal voters of the State of  
13 Texas and four (4) of whom shall be residents of a county wholly  
14 encompassed by the District. Members of such Board of Directors  
15 shall be appointed by the Governor for terms of six (6) years.

16 ~~[Provided, the present Board of six (6) directors of said District,~~  
17 ~~appointed by the State Board of Water Engineers under authority of~~  
18 ~~House Bill No. 1094, Chapter 613, Acts of the Regular Session of the~~  
19 ~~Forty-seventh Legislature, amending Section 6 of Chapter 426, Acts~~  
20 ~~of the Regular Session of the Forty-fifth Legislature, as amended~~  
21 ~~by House Bill No. 828, Chapter 480, Acts of the Regular Session of~~  
22 ~~the Forty-seventh Legislature, for terms of two (2), four (4), and~~  
23 ~~six (6) years, shall continue to serve as such until the expiration~~  
24 ~~of the respective terms for which they were appointed. Upon the~~

1 ~~expiration of the terms for which the present members of the Board~~  
2 ~~of Directors were appointed, the successors of each and all of them~~  
3 ~~shall be appointed by the Governor for a term of six (6) years.]~~

4         The Directors shall hold office after their appointment and  
5 qualification until their successors shall be appointed and  
6 qualified. Should any vacancy occur in the Board of Directors, the  
7 same shall be filled in like manner by the Governor for the  
8 unexpired term. The Directors appointed shall, within thirty (30)  
9 days after their appointment, qualify by taking the official oath  
10 required of County Commissioners, and shall execute bond in the sum  
11 of Five Thousand Dollars (\$5,000) payable to the District, the  
12 sufficiency of which bond shall be determined by the Governor,  
13 which bonds after being recorded in the official bond records of the  
14 county in which the District maintains its office shall be  
15 deposited with the depository selected and approved for the deposit  
16 of the funds of the District.

17         The Governor shall designate a Director as the President of  
18 the Board to serve in that capacity at the pleasure of the Governor.

19 The Board of Directors shall organize by electing one of its members  
20 [~~President, one~~] Vice-President, one Secretary, and one Treasurer.  
21 Four (4) members, including the President [~~presiding officer~~],  
22 shall constitute a quorum to transact business. The President  
23 shall preside at all meetings of the Board and shall be the chief  
24 executive officer of the District. The Vice-President shall act as  
25 President in case of the absence or disability of the President.  
26 The Secretary shall act as Secretary of the Board and shall be  
27 charged with the duty of keeping a record of all proceedings and all

1 orders of the Board. The Treasurer shall receive and receipt for  
2 all moneys received by the District and shall keep books and records  
3 of all moneys received and expended. In case of the absence or  
4 inability of the Secretary to act, a Secretary pro tem shall be  
5 selected by the Directors.

6 The domicile of the District shall be in the City of Conroe,  
7 in the County of Montgomery, Texas, where the District shall  
8 maintain its principal office. The Board of Directors shall have  
9 authority to fix the time, place and number of meetings of such  
10 Board by proper resolutions, regulations and bylaws passed by said  
11 Board. Said Board shall cause to be kept complete and accurate  
12 accounts conforming to approved methods of bookkeeping. Said  
13 accounts and all contracts, documents, and records of the District  
14 shall be kept at said principal office, and same shall be open to  
15 public inspection at all reasonable times.

16 SECTION 2. Chapter 426, Acts of the 45th Legislature,  
17 Regular Session, 1937, is amended by adding Sections 6A, 6B, 6C, 6D,  
18 6E, and 6F to read as follows:

19 Sec. 6A. (a) It is a ground for removal from the Board that  
20 a Director:

21 (1) does not have at the time of taking office the  
22 qualifications required by Section 6 of this Act;

23 (2) does not maintain during service on the Board the  
24 qualifications required by Section 6 of this Act;

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

27 (4) cannot, because of illness or disability,

1 discharge the Director's duties for a substantial part of the  
2 Director's term; or

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

7 (b) The validity of an action of the Board is not affected by  
8 the fact that it is taken when a ground for removal of a Director  
9 exists.

10 (c) If the general manager has knowledge that a potential  
11 ground for removal exists, the general manager shall notify the  
12 President of the Board of the potential ground. The President shall  
13 then notify the Governor and the Attorney General that a potential  
14 ground for removal exists. If the potential ground for removal  
15 involves the President, the general manager shall notify the next  
16 highest ranking Director, who shall then notify the Governor and  
17 the Attorney General that a potential ground for removal exists.

18 Sec. 6B. (a) A person who is appointed to and qualifies for  
19 office as a Director may not vote, deliberate, or be counted as a  
20 Director in attendance at a meeting of the Board until the person  
21 completes a training program that complies with this section.

22 (b) The training program must provide the person with  
23 information regarding:

24 (1) the law governing Authority operations;

25 (2) the programs, functions, rules, and budget of the  
26 Authority;

27 (3) the scope of and limitations on the rulemaking

1 authority of the Authority;

2 (4) the results of the most recent formal audit of the  
3 Authority;

4 (5) the requirements of:

5 (A) laws relating to open meetings, public  
6 information, administrative procedure, and disclosing conflicts of  
7 interest; and

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

10 (6) any applicable ethics policies adopted by the  
11 Authority or the Texas Ethics Commission.

12 (c) A person appointed to the Board is entitled to  
13 reimbursement for the travel expenses incurred in attending the  
14 training program regardless of whether the attendance at the  
15 program occurs before or after the person qualifies for office.

16 (d) The general manager of the Authority shall create a  
17 training manual that includes the information required by  
18 Subsection (b) of this section. The general manager shall  
19 distribute a copy of the training manual annually to each Director.  
20 Each Director shall sign and submit to the general manager a  
21 statement acknowledging that the Director received and has reviewed  
22 the training manual.

23 Sec. 6C. The Board shall develop and implement policies  
24 that clearly separate the policy-making responsibilities of the  
25 Board and the management responsibilities of the general manager  
26 and the staff of the Authority.

27 Sec. 6D. (a) The Authority shall maintain a system to

1 promptly and efficiently act on complaints filed with the  
2 Authority. The Authority shall maintain information about parties  
3 to the complaint, the subject matter of the complaint, a summary of  
4 the results of the review or investigation of the complaint, and its  
5 disposition.

6 (b) The Authority shall make information available  
7 describing its procedures for complaint investigation and  
8 resolution.

9 (c) The Authority shall periodically notify the complaint  
10 parties of the status of the complaint until final disposition,  
11 unless the notice would jeopardize an investigation.

12 Sec. 6E. The Board shall develop and implement policies  
13 that provide the public with a reasonable opportunity to appear  
14 before the Board and to speak on any issue under the jurisdiction of  
15 the Authority.

16 Sec. 6F. The Board shall develop and implement a  
17 comprehensive policy that provides a structure for public  
18 engagement in advance of major actions and projects. The policy  
19 must include a clear and detailed description of how the Authority  
20 will seek to actively engage stakeholders, including the possible  
21 use of:

- 22 (1) advisory committees;
- 23 (2) community panels;
- 24 (3) town hall meetings;
- 25 (4) surveys; and
- 26 (5) other strategies on a recurring basis.

27 SECTION 3. Notwithstanding Section 6B, Chapter 426, Acts of

1 the 45th Legislature, Regular Session, 1937, as added by this Act, a  
2 person serving on the board of directors of the San Jacinto River  
3 Authority may vote, deliberate, and be counted as a director in  
4 attendance at a meeting of the board until December 1, 2021.

5 SECTION 4. (a) The legal notice of the intention to  
6 introduce this Act, setting forth the general substance of this  
7 Act, has been published as provided by law, and the notice and a  
8 copy of this Act have been furnished to all persons, agencies,  
9 officials, or entities to which they are required to be furnished  
10 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
11 Government Code.

12 (b) The governor, one of the required recipients, has  
13 submitted the notice and Act to the Texas Commission on  
14 Environmental Quality.

15 (c) The Texas Commission on Environmental Quality has filed  
16 its recommendations relating to this Act with the governor, the  
17 lieutenant governor, and the speaker of the house of  
18 representatives within the required time.

19 (d) All requirements of the constitution and laws of this  
20 state and the rules and procedures of the legislature with respect  
21 to the notice, introduction, and passage of this Act are fulfilled  
22 and accomplished.

23 SECTION 5. This Act takes effect September 1, 2021.