

By: Parker, et al.

S.B. No. 2408

A BILL TO BE ENTITLED

AN ACT

relating to the Trinity River Authority of Texas, 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. Section 1A(a), Chapter 518, Acts of the 54th Legislature, Regular Session, 1955, is amended to read as follows:

(a) The Authority is subject to review under Chapter 325, Government Code (Texas Sunset Act), but may not be abolished under that chapter. The review shall be conducted under Section 325.025, Government Code, as if the Authority were a state agency scheduled to be abolished September 1, 2037 [~~2025~~], and every 12th year after that year.

SECTION 2. Section 3(b), Chapter 518, Acts of the 54th Legislature, Regular Session, 1955, is amended to read as follows:

(b) The Board shall consist of twenty-five (25) [~~twenty-four (24)~~] directors to be appointed by the Governor with the advice and consent of the Senate, and, when the Legislature is in session, no such appointment shall become effective until it shall have been approved by the Senate. For the purposes of the appointment of directors the Authority is divided into eighteen (18) areas, numbered 1 to 18, both inclusive, respectively containing the county as follows:

Area 1. Tarrant

1 Area 2. Dallas
2 Area 3. Kaufman
3 Area 4. Henderson
4 Area 5. Ellis
5 Area 6. Navarro
6 Area 7. Anderson
7 Area 8. Freestone
8 Area 9. Leon
9 Area 10. Houston
10 Area 11. Trinity
11 Area 12. Madison
12 Area 13. Walker
13 Area 14. San Jacinto
14 Area 15. Polk
15 Area 16. Liberty
16 Area 17. Chambers
17 Area 18. All of the territory contained within the above
18 named seventeen (17) areas and seventeen (17) counties which shall
19 be known as "The Area-at-Large." Three (3) directors shall be
20 appointed from Tarrant County; four (4) directors shall be
21 appointed from Dallas County; and three (3) [~~two (2)~~] directors
22 shall be appointed from "The Area-at-Large." One (1) director
23 shall be appointed from each of the other named Areas. The term of
24 each director shall be for six (6) years and until his successor
25 shall have been appointed and until he shall have qualified, except
26 that of the directors first appointed, eight (8) shall serve for two
27 (2) years, eight (8) for four (4) years, and eight (8) for six (6)

1 years. The terms of the directors shall expire on the 15th day of
 2 March of the year in which their respective terms would terminate
 3 under the provisions of this Act. In making the original
 4 appointments the Governor will designate the initial term of each
 5 such directors. The Board has power to appoint an executive
 6 committee which will perform the functions of the Board between
 7 meetings, except as its powers may be restricted in the action
 8 setting up the committee.

9 SECTION 3. Section 4, Chapter 518, Acts of the 54th
 10 Legislature, Regular Session, 1955, is amended to read as follows:

11 Sec. 4. The Governor shall designate a member of the Board
 12 as the president of the Authority to serve in that capacity at the
 13 pleasure of the Governor. The Board shall elect from its number a
 14 ~~[president and a]~~ vice-president of the Authority and such other
 15 officers as in the judgment of the Board are necessary. The
 16 president shall preside at meetings of the Board and shall be the
 17 chief officer of the Authority and shall have the same right to vote
 18 as any other director. The vice-president shall perform all duties
 19 and exercise all powers conferred by this Act upon the president
 20 when the president is absent or fails or is unable or declines to
 21 act. The Board shall appoint a secretary and a treasurer who shall
 22 not be members of the Board. Within the discretion of the Board the
 23 officers of secretary and treasurer may be held by one (1) person
 24 whose title shall be Secretary-Treasurer. The Treasurer shall give
 25 bond in such amount as shall be prescribed by the Board. The Board
 26 shall ~~[may]~~ appoint a general manager and may appoint ~~[7]~~ all
 27 necessary engineers, attorneys and other employees.

SECTION 4. Chapter 518, Acts of the 54th Legislature, Regular Session, 1955, is amended by adding Sections 4A, 4B, 4C, 4D, and 4E to read as follows:

Sec. 4A. (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 3(c) of this Act;

(2) does not maintain during service on the Board the qualifications required by Section 3(c) of this Act;

(3) violates 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 the fact that it is taken when a ground for removal of a director exists.

(c) If the general manager of the Authority has knowledge that a potential ground for removal exists, the general manager shall notify the president of the Authority of the potential ground. The president shall then notify the Governor and the Attorney General that a potential ground for removal exists. If the potential ground for removal involves the president, the general manager shall notify the next highest ranking director, who shall

1 then notify the Governor and the Attorney General that a potential
2 ground for removal exists.

3 Sec. 4B. (a) A person who is appointed to and qualifies for
4 office as a director may not vote, deliberate, or be counted as a
5 director in attendance at a meeting of the Board until the person
6 completes a training program that complies with this section.

7 (b) The training program must provide the person with
8 information regarding:

9 (1) the law governing Authority operations;

10 (2) the programs, functions, rules, and budget of the
11 Authority;

12 (3) the scope of and limitations on the rulemaking
13 authority of the Board;

14 (4) the results of the most recent formal audit of the
15 Authority;

16 (5) the requirements of:

17 (A) laws relating to open meetings, public
18 information, administrative procedure, and disclosing conflicts of
19 interest; and

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

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

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

1 (d) The general manager of the Authority shall create a
2 training manual that includes the information required by
3 Subsection (b) of this section. The general manager shall
4 distribute a copy of the training manual annually to each director.
5 Each director shall sign and submit to the general manager a
6 statement acknowledging that the director received and has reviewed
7 the training manual.

8 Sec. 4C. (a) The Authority shall maintain a system to
9 promptly and efficiently act on complaints filed with the
10 Authority. The Authority shall maintain information about parties
11 to the complaint, the subject matter of the complaint, a summary of
12 the results of the review or investigation of the complaint, and its
13 disposition.

14 (b) The Authority shall make information available
15 describing its procedures for complaint investigation and
16 resolution.

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

20 Sec. 4D. The Board shall develop and implement policies
21 that provide the public with a reasonable opportunity to appear
22 before the Board and to speak on any issue under the jurisdiction of
23 the Authority.

24 Sec. 4E. The Board shall develop and implement policies
25 that clearly separate the policy-making responsibilities of the
26 Board and the management responsibilities of the general manager
27 and the employees of the Authority.

1 SECTION 5. (a) Except as provided by Subsection (b) of this
2 section, Section 4B, Chapter 518, Acts of the 54th Legislature,
3 Regular Session, 1955, as added by this Act, applies to a member of
4 the board of directors of the Trinity River Authority of Texas
5 appointed before, on, or after the effective date of this Act.

6 (b) Notwithstanding Section 4B, Chapter 518, Acts of the
7 54th Legislature, Regular Session, 1955, as added by this Act, a
8 member of the board of directors of the Trinity River Authority of
9 Texas may vote, deliberate, and be counted as a director in
10 attendance at a meeting of the board until December 1, 2025. A
11 member of the board may not vote, deliberate, or be counted as a
12 member in attendance at a meeting of the board held on or after
13 December 1, 2025, until the member completes the training required
14 by that section.

15 SECTION 6. (a) The legal notice of the intention to
16 introduce this Act, setting forth the general substance of this
17 Act, has been published as provided by law, and the notice and a
18 copy of this Act have been furnished to all persons, agencies,
19 officials, or entities to which they are required to be furnished
20 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
21 Government Code.

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

25 (c) The Texas Commission on Environmental Quality has filed
26 its recommendations relating to this Act with the governor, the
27 lieutenant governor, and the speaker of the house of

1 representatives within the required time.

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

6 SECTION 7. This Act takes effect September 1, 2025.