

**TO:** Board of Directors, Texas Water Resources Finance Authority

**THROUGH:** Jeff Walker, Executive Administrator  
Les, Trobman, General Counsel

**FROM:** Tim Ross, Legal Clerk, Office of General Counsel

**DATE:** October 20, 2016

**SUBJECT:** Amending the current selection of officers for the Texas Water Resources Finance Authority

### **ACTION REQUESTED**

Meet as the Texas Water Resources Finance Authority (TWRFA) in accordance with the provisions detailed in Chapter 20 of the Texas Water Code (TWC) and fill the vacancy at the Secretary and Treasurer positions, pursuant to TWC § 20.014.

### **BACKGROUND**

TWRFA's mission is to assist the Texas Water Development Board (TWDB) with financing existing mechanisms designed to conserve and develop the state's water resources. The members of TWDB govern TWRFA as its Board of Directors.<sup>1</sup> TWRFA's Board of Directors is required by statute to hold regular meetings at least once per calendar year,<sup>2</sup> and to select a Chairman, Vice-Chairman, Secretary, and Treasurer, "at the first meeting of the board following January 31 of each odd-numbered year."<sup>3</sup>

Though this year is an even-numbered year, the current vacancy at the Secretary and Treasurer positions makes the issue of finding a qualified replacement ripe for the Board's consideration. Additionally, the TWRFA board is not limited in its ability to make further personnel changes at any other time, if it wishes to do so.

By statute, the positions of secretary and treasurer may be held by the same person. In the past, the same person has occupied both posts simultaneously. TWRFA has not yet met for the calendar year of 2016 and the secretary and treasurer positions should be revisited in light of recent personnel changes at the agency. The board may also make any other changes to its composition at this time.

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<sup>1</sup> See, Tex. Water Code Ann. § 20.012 (West 2012).

<sup>2</sup> Tex. Water Code Ann. § 20.015(a) (West 2012); See also, §20.016 ("The [Authority] may adopt rules that are necessary to carry out this chapter and may take official action by adoption of a resolution of order.").

<sup>3</sup> Tex. Water Code Ann. § 20.014(e) (West 2012).

#### **Our Mission** : **Board Members**

To provide leadership, information, education, and support for planning, financial assistance, and outreach for the conservation and responsible development of water for Texas :  
: Bech Bruun, Chairman | Kathleen Jackson, Board Member | Peter Lake, Board Member  
: Jeff Walker, Executive Administrator

**KEY ISSUES**

The Board of Directors of TWRFA is composed of the Board of the TWDB. TWRFA's organizational structure is mandated by statute, requiring four roles: Chairman, Vice-Chairman, Secretary, and Treasurer. The positions of Secretary and Treasurer may be held by the same person, and have been held by the same individual in the past. Further, TWRFA's Secretary and Treasurer positions need not be held by a "director," who is defined in TWC Chapter 20 as a director of the "board," of TWRFA. Therefore, the positions of Secretary and Treasurer may be filled by directors or non-directors of TWRFA.

**RECOMMENDATION**

The Executive Administrator recommends that TWRFA appoint a Secretary and Treasurer for its Board of Directors and take up any other business as may be required.

Attachment(s): None