

SUBJECT: Appointing county commissioners as regional mobility authority directors

COMMITTEE: Transportation — favorable, without amendment

VOTE: 7 ayes — Pickett, Martinez, Y. Davis, Fletcher, Murr, Paddie, Simmons

0 nays

5 absent — Burkett, Harless, Israel, McClendon, Phillips

WITNESSES: For — (*Registered, but did not testify*: Seth Mitchell, Bexar County Commissioners Court; Jim Allison, County Judges and Commissioners Association of Texas; Susan Redford, Ector County)

Against — None

On — Terri Hall, Texas TURF, Texans for Toll-free Highways;
(*Registered, but did not testify*: John Barton, James Bass, and Bill Hale, Texas Department of Transportation)

BACKGROUND: Regional mobility authorities (RMAs) are responsible for the funding and financing of mobility projects that serve multiple local jurisdictions. Transportation Code, ch. 370 gives RMAs bonding authority. The RMA, rather than its constituent counties, is responsible for these debt obligations.

Transportation Code, ch. 370, subch. F provides that members of an RMA's board of directors are appointed by the commissioners courts of the constituent counties. The governor appoints one director who serves as the presiding officer. Subchapter F outlines a number of requirements for membership in a board of directors, including Texas residency and residence within the area of the mobility authority. Particular categories of people are excluded from serving on boards, including persons with real estate interests related to potential projects, government employees, and elected officials.

DIGEST: HB 2702 would create an alternative governance model under which regional mobility authority (RMA) boards could be composed exclusively of county commissioners and appointed by each of the commissioners courts. County commissioners are elected officials, and under the alternative governance model, the provision in current statute barring elected officials from serving as directors on RMA boards would not apply.

A resolution authorizing the alternative board composition would have to be approved by at least two-thirds of each of the participating courts of county commissioners. The board of directors would elect its presiding officer from among its membership.

The following sections of subchapter F would not apply to the alternative board:

- a provision allowing a turnpike authority or county-owned toll project to propose a structure and method of appointment to the board (sec. 370.2515);
- provisions outlining prohibited conduct for directors and employees (sec. 370.252);
- a requirement for the director to file a financial statement with the Texas Ethics Commission (sec. 370.2521);
- provisions outlining the applicability to directors of laws on conflict of interest (sec. 370.2522) and nepotism (sec. 370.2523);
- a requirement for directors to execute surety bonds (sec. 370.253); and
- provisions governing the compensation (sec. 370.255) and removal (sec. 370.254) of directors.

The bill would take effect September 1, 2015.

SUPPORTERS SAY: HB 2702 would improve the accountability and simplify the governance of regional mobility authority (RMA) boards by allowing elected officials to serve on the boards instead of appointees. Members of the public dissatisfied with the performance or decisions of RMA boards might find

county commissioners to be more responsive and accountable to the public than unelected appointees. The bill also would improve local control of RMAs by having the board of directors, rather than the governor, choose its own presiding official.

The purpose of RMAs varies between regions. This bill would allow for greater flexibility in governance to suit the needs of a specific area. Regions would not be required to use the alternative governance model, so those satisfied with the current system would be able to keep using it.

HB 2702 would not affect the financing of any mobility projects or the implementation of any proposed projects. Reporting and ethics requirements still would apply to county commissioners serving as directors because county commissioners are elected officials.

**OPPONENTS
SAY:**

HB 2702's creation of an alternative governance model for RMA boards would not be sufficient to ensure that those making transportation decisions were accountable to the public. In the past, elected officials have avoided accountability by having RMAs make decisions about toll roads and other mobility issues. Instead of allowing RMA boards to be composed of elected officials such as county commissioners, the bill should require it.