



LOWER NECHES VALLEY AUTHORITY

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OPINION COMMITTEE

FILE # ML-45537-08
ID.# 45537

January 29, 2008

Honorable Greg Abbott
Attorney General Greg Abbott
Office of the Attorney General
State of Texas
Attorney General Opinions
P. O. Box 12548
Austin, Texas 78712-2548

RQ-0673-GA

Re:

Lower Neches Valley Authority

Dear General Abbott:

Pursuant to Section 402.042(b)(9) of the Texas Government Code, I make this request as Chairman of the governing Board of the Lower Neches Valley Authority. The Lower Neches Valley Authority is a river authority created pursuant to Article 8280-103 of the Annotated Texas Statutes as amended. As a river authority and water district, created by and pursuant to Article 16, Section 59, we are subject to Chapter 49 of the Water Code.

Members of our Board of Directors are interested in pursuing the question of whether, first, they are entitled to participate in the Authority's health care program and secondly, if they are so entitled, does the amount of the premium go to the \$7,200.00 a year maximum for fees of office presently prescribed in section 49.060 [a-1] of the Texas Water Code?

We ask for your opinion on these two questions.

Your office has previously written an opinion for the Navigation District here in Jefferson County on that subject, that being Attorney General Opinion GA0284, a copy of which is attached.

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We feel that opinion confirms the fact that directors of an Article 16, Section 59 District are indeed officers of the entity and as such are entitled by Section 49.069(c) of the Water Code to take part in the medical health program.

Section 49.060 of the Water Code limits fees of office which may be received by a director of districts to \$7,200.00 per year, @ \$150.00 maximum per day served. We do not feel that the limited \$150.00 fee of office and \$7,200.00 annually of 49.060 includes benefits allowed under Section 49.069(c).

As you indicated in your prior opinion, support can also be found in Section 172.004 of the Local Government Code.

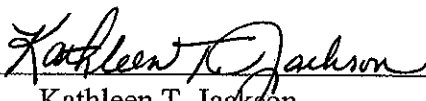
We ask your confirmation that the appointed Directors of the Lower Neches Valley Authority are entitled to be included in the Lower Neches Valley Authority Health plan and that the inclusion of this benefit is not a fee of office, limited by Section 49.060.

Thanking you for your courtesies and attention.

With best regards, I remain,

Very truly yours,

LOWER NECHES VALLEY AUTHORITY

By: 
Kathleen T. Jackson
Chairman of the Board

HO/bjb