
LCRA BOARD POLICY

207 – LEGAL MATTERS AND ALTERNATIVE DISPUTE RESOLUTION

March 26, 2025

207.10 PURPOSE

This policy establishes requirements for the retention of outside legal counsel and related legal services, including retention of special counsel to the LCRA Board of Directors.

207.20 OUTSIDE LEGAL COUNSEL

207.201 Approval. The general counsel is authorized to engage outside legal counsel when necessary to support the legal representation of LCRA; however, the general counsel will consider the expertise, the cost and the potential for conflicts of interest (as described in the Texas Disciplinary Rules of Professional Conduct) of any outside legal counsel being considered. No employee may request outside legal counsel or related legal services or distribute copies of any outside legal counsel or related legal services work without prior approval from the general counsel or his or her designee.

207.202 Related Legal Services. When services other than outside legal counsel are necessary to support the legal representation of LCRA, the general counsel may engage such services.

207.203 Written Agreements. No outside legal counsel or related legal services may be retained without a written contract.

207.204 Reporting to the Board. The general counsel periodically will provide the Board with the names of outside legal counsel the general counsel has engaged, including a general description of the type of work the outside legal counsel is hired to perform.

207.30 SPECIAL COUNSEL TO THE BOARD

207.301 Special Counsel to the Board. The general counsel is the legal adviser to the Board, although the Board may at any time consult with or retain special counsel to the Board of their choice in the representation of the Board on any matter the Board determines is warranted or advisable. The Board may consult with the general counsel in this regard, but such consultation is not required. Circumstances in which the Board may retain special counsel to the Board include but are in no way limited to circumstances in which the Board determines an independent legal review of any matter is merited or a conflict of interest exists or may exist between the interests of the Board and LCRA staff or one or more Board members and LCRA. Any Board member may consult directly with and request legal advice from special counsel to the Board relating to any matter for which special counsel has been retained.

207.302 Approval. Special counsel to the Board must be approved by a majority vote of the Board at a regular or special Board meeting, or if the Board chair determines that it is not practical to wait for a Board meeting, the chair may retain special counsel to the Board at any time subject to approval by the Board at the next scheduled Board meeting.

207.303 Conflicts. Special counsel to the Board promptly will disclose to the chair any conflicts or potential conflicts of interest between special counsel to the Board and LCRA. Special counsel to the Board also will consult with the general counsel regarding potential conflicts with LCRA. The Board may either waive any existing or potential conflict or terminate the representation.

207.304 Written Agreements. Special counsel to the Board may not be retained without a written agreement. After approval of the Board, or if the chair determines it is not practical to wait for a Board meeting, the chair will execute a written agreement regarding the representation. Except as otherwise provided by this Board policy or by the written agreement, special counsel to the Board must comply with the general terms of the standard written contract used for retention of outside legal counsel under Section 207.20 above.

207.305 Reporting to the Board. Unless the written agreement with special counsel to the Board provides otherwise, special counsel to the Board will be supervised by the chair, or another Board member as authorized by the Board, and invoices and other administrative matters relating to special counsel to the Board will be routed through the general auditor. The general auditor will report the compensation and expenses paid for special counsel to the Board for each calendar quarter in which the special counsel has provided legal service to the Board.

207.40 ALTERNATIVE DISPUTE RESOLUTION

207.401 Policy. It is the policy of LCRA to encourage the use of appropriate alternative dispute resolution (ADR) procedures under Chapter 2009, Texas Government Code, to assist in the resolution of internal and external disputes under LCRA's jurisdiction.

207.402 Procedures. The general manager (GM)/CEO is directed to coordinate the implementation of this policy and shall ensure that appropriate procedural guidelines are developed, maintained and followed for the review of disputes on a case-by-case basis to determine the appropriateness of ADR measures. The GM/CEO periodically shall provide the Board an update on the use of ADR procedures.

207.50 AUTHORITY

LCRA enabling legislation, Texas Special District Local Laws Code, Chapter 8503
LCRA Bylaws, Section 3.04

EFFECTIVE: Feb. 16, 2011. Amended Aug. 15, 2012; June 19, 2013; Sept. 21, 2016; Aug. 21, 2019; and March 26, 2025.